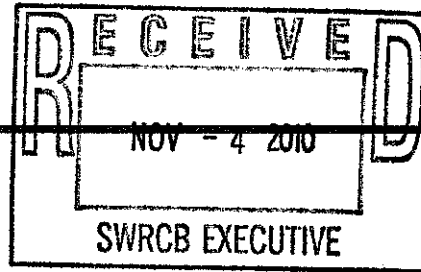


**commentletters - Comment Letter - CGP Reopener**

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**From:** Anthony Garvin <Anthony.Garvin@ucop.edu>  
**To:** <commentletters@waterboards.ca.gov>  
**Date:** Thursday, November 04, 2010 3:30 PM  
**Subject:** Comment Letter - CGP Reopener  
**CC:** Annalisa Kihara <AKihara@waterboards.ca.gov>, Courtney Trask <trask@ucsc...

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Jeanine Tonwsend Clerk to the Board  
State Water Resources Control Board

Dear Board Members:

I am submitting this comment on the proposed changes to the General NPDES Permit for Storm Water Discharges from Construction Activities (Order No. 2009-009-DWQ (NPDES No. CAS000002) on behalf of the University of California. In particular, the University has concerns about how the proposed changes to the definitions of Legally Responsible Person (LRP) and Approved Signatory will work in practice using the SMARTS system. Under the current Permit, the LRP is defined for public universities to be "an authorized university official." This definition has worked well for the University of California as we have designated LRP's at each campus who have been submitting the required permit documents and who have been receiving notices from the SWRCB through the SMARTS system. Usually, the LRP for a campus is someone in a position of authority who has delegated the day to day signatory obligations to a subordinate university official on their staff. I am told that the SMARTS system does not send notices or copies of notices to the Approved Signatory who may have actually sent a permit document to the SWRCB, but instead sends all notices to the LRP.

Under the proposed changes to the permit, the LRP would now appear to be, for the University, the entire Board of Regents of the University because that is the actual legal entity that owns and operates all ten campuses of the University. The Approved Signatory would be changed by the proposed regulation to be "an authorized university official," which is the current definition of the LRP. Several of our campuses are concerned that important notices from the SWRCB may be lost in the system if the SMARTS system automatically sends the notice to the Board of Regents as the LRP since the Board of Regents is not set up to receive and distribute such notices. The official address of the Board of Regents is in the Oakland Office of the President. To my knowledge, the Board of Regents does not have an office or mail or email address at each campus where the actual construction will occur. Nor is the Board of Regents involved in the day to day decision making about construction projects or efforts to prevent storm water discharges on a particular campus.

While the University does not oppose the proposed changes to the definitions of LRP and Approved Signatory, we want to make sure that the changes do not adversely impact the University's ability to comply with the Permit by receiving timely notices. I am sure that the Board does not desire to confuse the current system. However, it may be necessary to update or revise the SMARTS system to assure that notices from the SWRCB are sent to the Approved Signatories instead of the LRP where the LRP is an entity and not a real, live person, at least in the case of public universities.

Thank you for considering our comments.

Respectfully Submitted,

Anthony O. Garvin

Senior Counsel

Office of General Counsel

University of California