



PW-016-07

**Construction General  
Permit - Stormwater  
Deadline: 5/4/07 5pm**

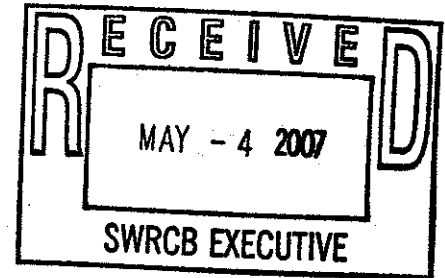
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May 3, 2007

Ms. Song Her  
Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814



**Re: Preliminary Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity**

Dear Ms. Her:

The City of Corona would like to take this opportunity to provide comments on the Preliminary Draft General NPDES Permit for Storm Water Discharges Associated with Construction Activity (Preliminary Draft Permit) as released on March 2, 2007. The City of Corona is a Co-Permittee under the Phase I Municipal Separate Storm Sewer System (MS4) NPDES Permit issued by the Santa Ana Region- Regional Water Quality Control Board, Order No. R8-2002-0011, to the Riverside County Flood Control and Water Conservation District (District), the County of Riverside, and the incorporated cities of Riverside County within the Santa Ana River basin. The City of Corona has been regulated under a Phase I MS4 Permit since July 13, 1990. While we concur with Preliminary Draft Permit comments submitted by the District under separate cover, the City wishes to reverberate some of the pressing issues addressed in their letter as well as identify additional concerns for the City.

The City of Corona is concerned that the State Water Resources Control Board (SWRCB) is proposing to significantly increase General Construction Permit compliance requirements without ensuring adequate resources at the Regional Board level to enforce these requirements, and as a result pass the burden of enforcement onto municipalities. Under the current General Construction Permit, developers are submitting Permit fees to the SWRCB, yet Regional Boards often do not inspect a site unless complaint driven or given referrals from a local agency. There is little incentive for a builder to develop and implement an adequate SWPPP when the enforcing agency is not likely to view them. The City, however, is required in its MS4 Permit to inspect construction sites based on priority as often as every two weeks and bring sites into compliance with our grading ordinances and their approved erosion control plans. Effectively, we become the enforcing agency, yet we do not collect the Permit fees, nor are we mandated to ensure developers are in compliance with their SWPPPs. With the new action plans, additional sampling, and enhanced minimum BMPs as proposed in the Preliminary Draft Permit, we strongly believe that the State should ensure that adequate resources are allocated or transfer the fee collection to local agencies so that we can recoup the costs for inspection and enforcement.

We do not believe the Preliminary Draft Permit has accurately identified the shortcomings to General Construction Permit implementation that exist under the current program. As stated above, many developers and/or builders have little incentive to implement an adequate SWPPP. A SWPPP is intended to be a dynamic tool for the contractors based on the potential for storm water pollutants at various phases of the project construction. It should include identification of potential pollutants, the BMPs to be utilized, and a monitoring and sampling plan where pollutants have potential to be discharged. It seems repetitive and inconsequential to additionally require a separate Construction Site Monitoring Program and a Rain Event Action Plan when a SWPPP, if properly implemented, should address these measures. Increasing the program components and introducing pollutant action levels or numeric effluent limits seems like an attempt to correct water quality problems that have not been identified to exist. Rather, enhancing training programs and certification requirements for key project personnel to better implement the current requirements is one positive attribute the Preliminary Draft Permit proposes. We believe a more effective program would flourish as long as the SWRCB or Regional Boards are willing to take on the training role for cost effectiveness to both developers and local agencies.

As discussed in the District's letter, we oppose incorporation of post-construction BMP requirements in the General Construction Permit. This proposal neglects the fact that many MS4 Permittees are already implementing these concepts within their existing water quality management plan programs. Water quality concepts such as hydromodification must be introduced into new development at the planning stage. Hydromodification is specific to each watershed's hydrologic and geologic characteristics and therefore cannot be adequately addressed through a statewide approach. The City of Corona has ensured that project environmental checklists incorporate water quality considerations as part of the environmental review process. New development and redevelopment projects are required to address hydromodification impacts in the water quality management plans which are reviewed and approved by the local agencies per guidelines already approved by the Regional Boards. Thus, the General Construction Permit should not address hydromodification or at minimum exclude the hydromodification requirements for projects in areas where MS4 Permit water quality management plan programs already exist.

We are also concerned with the Preliminary Draft Permit's consequences on municipal transportation projects. As discussed in the District's letter, the transportation system of roads, bikeways, and pedestrian facilities is also part of municipalities MS4. These facilities accept run-on from outside sources that cannot be feasibly diverted. Under the Preliminary Draft Permit guidelines, both construction and post-construction BMPs would therefore need to be sized to accommodate the runoff generated by a transportation construction project as well as run-on from the outside sources. Acquisition of additional real property may also be necessary for BMP placement. Costs to implement these BMPs treating non-transportation related runoff may exclude projects from State and Federal funding, thus placing unfunded burdens on the City's General Fund.

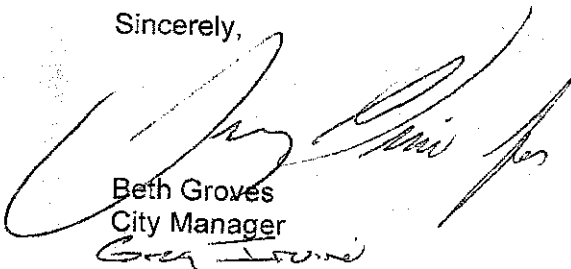
The City of Corona also agrees with the District's remarks regarding receiving water monitoring. The City further believes that receiving water monitoring should not be included in the General Construction Permit. As stated in the Preliminary Draft Permit fact sheet, Water Quality outcomes are Tier 1 level results. In addition, the fact sheet states that currently, the State does not know and cannot know without better monitoring if compliance with technology based standards will be adequate to prevent exceedances of receiving water objectives. It seems like this requirement is merely a data gathering tool to test this hypothesis and therefore costs for

this monitoring should be borne by the State rather than the regulated community. Many communities subject to TMDLs, such as City of Corona, are funding receiving water monitoring through TMDL implementation plans. Where watershed impairments exist, TMDL compliance monitoring should enable data gathering for linkage analysis between receiving water conditions and technologically based BMPs.

Finally, as discussed in the District's letter, the City of Corona strongly believes that the public review period for the NOI and SWPPP approval process is unnecessary. Each project undergoes a public comment period as part of the environmental review process. Posting of SWPPP for public review does not serve any purpose that the SWRCB is trying to accomplish. As stated in the Fact Sheet, it is not necessary to have individual approval of each SWPPP because the Permit is explicit about BMP implementation requirements. A project should be protected from third party claims or potential lawsuits once the environmental review process and discretionary approvals have been completed. As an alternative, a notice posting the project's intent to obtain coverage under the Permit should suffice.

We thank you for the opportunity to provide comments at this time. We hope that the response from various agencies will be recognized by the SWRCB in the next draft Permit release.

Sincerely,



Beth Groves  
City Manager

- C: Brad Robbins- Assistant City Manager/Community Development Director  
Amad Qattan- Public Works Director  
Ati Eskandari-Assistant Public Works Director  
Steve Stump-Chief of Regulatory Division, Riverside County Flood Control and Water Conservation District