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To: <commentletters@waterboards.ca.gov>
Date: Tue, Apr 24, 2007 9:54 AM
Subject: Comment Letter - Draft Construction Permit

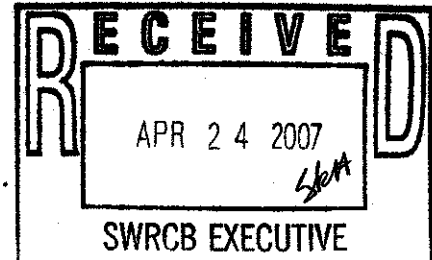
**Construction General
Permit - Stormwater
Deadline: 5/4/07 5pm**

Ms. Song Her, Clerk to the Board

State Water Resources Control Board

1001 I Street, 24th Floor

Sacramento, CA 95814



Dear Ms. Her:

The following are my comments regarding the Preliminary Draft Construction General Permit:

Page 39 (of 40) of the "Fact Sheet" (Section III, B, f.) recently published by the Board on its website regarding the Preliminary Draft states the following: "The Permit 99-08-DWQ does not require that qualified personnel prepare SWPPPs (my emphasis) or conduct inspections."

However, on Page 19, of the Final General Permit 99-08-DWQ for Construction Activity, under Section A. (Storm Water Pollution Prevention Plan), Number 12 (Training), the following is stated: "Individuals responsible for SWPPP preparation, implementation, and permit compliance shall be (my emphasis) appropriately trained, and the SWPPP shall document all training."

To further confuse things, the Fact Sheet to the Final General Permit for Construction Activity (cited immediately above) states on its Page 6 (Description of General Permit Conditions - Storm Water Pollution Prevention Plan) the following: "To ensure that the preparation, implementation, and oversight of the SWPPP is sufficient for effective pollution prevention, individuals responsible for creating, revising, overseeing, and implementing the SWPPP should (my emphasis) participate in applicable training programs and document such training in the SWPPP."

It seems to me that the statements above (where I have emphasized) from the new Fact Sheet, the Final General Permit and its Fact Sheet are contradictory. Moreover, during formal SWPPP training sessions that I

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have attended, it was stated by Regional Water Quality Control Board personnel that it is, in fact, a requirement of the General Permit that those who prepare SWPPPs be appropriately trained, not that they merely should be trained.

Perhaps the statement in the new Fact Sheet to the Preliminary Draft was based on the language quoted above in the existing Fact Sheet to the Final General Permit. Nevertheless, it is cause for concern when documents published by the Board contradict (or at least appear to contradict) one another and is sufficient reason for the Board to clarify these statements and provide the actual, existing requirements regarding this matter.

As a practicing, appropriately-trained professional who prepares SWPPPs, I am further concerned that the language in the new Fact Sheet may have opened the door for non-qualified individuals to walk through during the current period; between the present and when the latest Draft Construction General Permit is finally adopted.

Respectfully submitted,

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