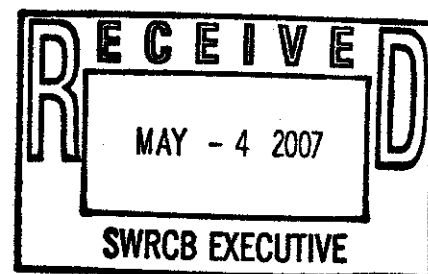
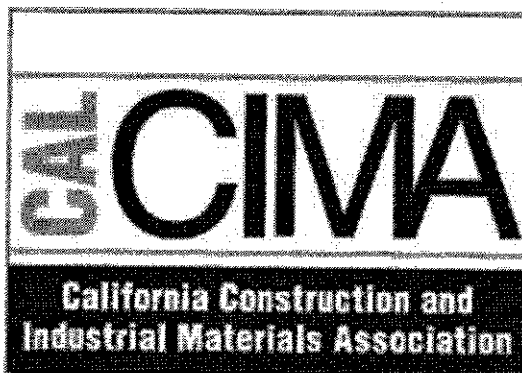


commentletters - Comment Letter - Draft Construction Permit

From: "Adam Harper" <AHarper@calcima.org>
To: <commentletters@waterboards.ca.gov>
Date: 5/4/2007 1:48 PM
Subject: Comment Letter - Draft Construction Permit

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

Hardcopy to follow by mail.



May 4, 2007

Members of the State Water Resources Control Board
Attn: Ms. Song Her
Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comments on the Preliminary Draft General Permit for Discharges of Storm Water Associated With Construction Activities

Dear Board Members:

The California Construction and Industrial Materials Association appreciates the opportunity to provide comments on the Preliminary Draft General Permit for Discharges of Storm Water Associated with Construction Activities dated March 2, 2007 (Draft General Permit).

Our organization supports the state's effort to protect and improve water quality in a meaningful and cost-effective way. However, we have serious concerns about many aspects of the Draft General Permit. We have reviewed the comprehensive legal and technical comments developed by the California Building Industry Association (CBIA) and believe that they accurately portray our concerns with the Draft General Permit.

We are specifically extremely concerned about the use of polymers and the risk of negative environmental consequences as a result of their proscribed use. We strongly recommend against the use of polymers in treatment systems with the aim of creating anthropocentrically-determined suspended sediment concentrations (whether optically determined or not). Primarily, we would like the Board to consider the countless aquatic systems that have evolved to depend on variable sediment loading. For example sediment loading changes resulting from climatic conditions and natural processes including forest fires to mention just a few.

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Leaving natural processes aside for now, we urge strong precaution when prescribing complex chemicals, such as polymers, for direct application into the environment. The Toxicity of polymers can vary greatly --from no effect to very toxic effects-- depending on the concentration, the species tested and mode of toxicity. Very small changes in concentrations of some polymers can result in drastically different toxic effects. The resultant changes in sediment loading upon species are also important to understand.

In addition, complex powerful instruments are required to monitor and adjust injection rates of polymers in response to varying sediment loads in continuous discharges. Discharges that vary with rain fall would add further complication. Well-trained and informed individuals can properly use and select the right polymers to treat excessive sediment loading, but do we want to force this discipline on all construction contractors, local governments and other parties subject to this permit.

Finally, who would bear the liability of a fish kill resulting in the misapplication of a prescribed treatment?

We urge the State Water Resources Control Board to consider all the comments and concerns identified in CBIA's comment package including our shared concerns over the use of polymers. To that end, our organizations believe that we need to work constructively with the Board to develop an approach that places greater emphasis on enhanced and pro-active planning, and the implementation, inspection, and management of best management practices (BMPs) instead of a permit that will result in technically infeasible, unreliable, and unrealistic approaches in regulating construction stormwater runoff.

Sincerely,

Stephen L. Bledsoe
President