

CITY OF SANTEE



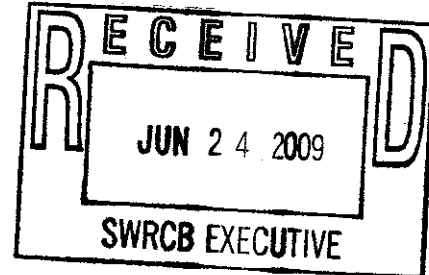
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June 18, 2009

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Dear Ms. Townsend,

Subject: Comment Letter – Draft Construction General Permit

Thank you for allowing the City of Santee the opportunity to provide comments on the draft construction general permit issued April 23, 2009 (Draft Permit) with subsequent errata.

Comment 1: Section XVI Annual Reporting Requirements.

The requirement to produce an annual report is not an efficient use of resources. It diverts attention and money to the generation of paperwork, instead of the use of resources for BMP implementation. Responsible parties for sites that have violations are already preparing reports in response to each violation. Those reports are likely to be the most beneficial in identifying which sites require SWRCB attention.

The benefit of providing such detailed information in an annual report is not apparent, nor is it likely that there would be any comprehensive review or follow up after they have been submitted. Responsible parties for sites that are in compliance should be rewarded with reducing reporting requirements. It is recommended that detailed records be kept at the site for inspector review.

Comment 2: Attachment F Active Treatment Systems (ATS) Requirements.

The NELs for discharges from an ATS unit (20 NTU) are considerably lower than for other discharges (500 NTU). In addition the higher design storm (10 years design storm for sites using ATS versus 5 years design storm for sites that do not) discourages use of ATS. This results in there being a significant difference in the standards to be attained for sites using ATS versus those that do not. This will actively discourage the use of ATS and provide a strong incentive for resourceful responsible parties to find a way to avoid using ATS.

Looking at this from a global perspective, is it better that ATS is used with turbidity readings of less than 50 NTU being attained in runoff? Or is it preferable for a project to attain turbidity readings of approximately 500 NTU in its discharges? If the answer is the former, then there should be an incentive for Responsible Parties to use ATS.

The lower threshold for ATS and the use of the higher design storm (10 year) should be eliminated.

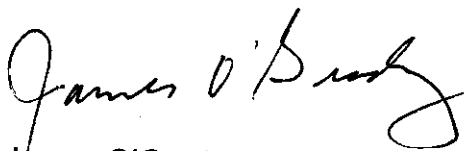
Comment 3: Attachment E, requirement for receiving water sampling and bioassessment.

There is an inference that bioassessment will provide information on the construction site's performance in eliminating negative impacts. This oversimplifies the processes which influence riparian communities by assuming that all other factors are constant. The use of upstream and downstream sampling locations will help reduce the potential for mis-interpretation, but there is no limit on the distance that a risk three site needs to be from the receiving water for bioassessment to be required. The further a site is from the receiving water, the greater the potential for commingling of discharges from other sources. How is a Responsible Party to account for offsite influences when accounting for changes in biota in the receiving water?

Although we understand the desire of the SWRCB to use the construction permit to collect data on the biological condition of our state waters, this is an onerous requirement. In particular, the requirement to sample after one winter season has passed after construction has ceased potentially extends the Responsible Party's responsibility for the project for at least one year after project completion. This is excessive and can potentially cause confusion over who is responsible for the property.

Receiving water sampling and bioassessment sampling should be required only for Risk 3 sites that have exceeded NELs and have been unable to modify BMPs to reduce turbidity below the NEL level. Again, this would provide an incentive for Responsible Parties to take all action to comply with the permit and to prevent polluting discharges which is, after all, the objective of the permit. If they are unwilling or unable to comply, then they will have the penalty of additional receiving water sampling and bioassessment.

Please contact Helen Perry (619) 258-4100 x177 if you have any further questions regarding this letter.



James O'Grady
Interim Director of Development Services/Deputy City Manager