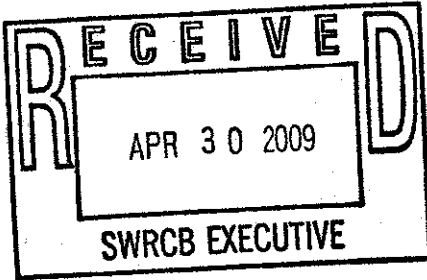


Public Comment
 Dft Construction Gen. Permit
 Deadline: 6/24/09 by 5:00 p.m.



3152 Shad Court
 Simi Valley, CA 93063
 April 30, 2009

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

Re: "Comment Letter - Draft Construction General Permit."

Dear Ms. Townsend:

This letter is a follow-up to my April 29, 2009 letter.

DRAFT ORDER

- #1 - Page 2, number 6, last sentence, it is stated that "Compliance with this General Permit will result in improvements in water quality." I disagree what with grandfathering existing Order No. 99-08-DWQ dischargers, and situations mentioned in the Fact Sheet such as: 1. lack of SWPPP training, 2. uncertainty, 3. exceptions, 4. ineffectiveness, 5. assumptions, and 6. water volume storage runoff devices (detention basins, etceteras) BMPs not being adequate.
- #2 - Page 6, number 37, I am opposed to granting exceptions "from the Risk Determination requirements for existing projects under Water Quality Order No. 99-08-DWQ." Those "certain projects" to which "additional requirements" could make them "not be cost effective" are not identified. And, requiring a Risk Determination "on projects currently covered under Water Quality Order No. 99-08-DWQ" will be undertaken by the Regional Water Boards only "where they deem it necessary."
- #3 - Page 7, Section F.43 (Training), since the State and Regional Water Board's 2008 Accomplishments Report, and their 2007-2008 Annual Enforcement Report mention the joint work with the Office of

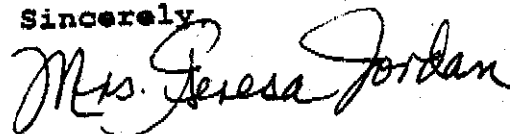
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the State Attorney General, this entity must be included in "The Construction General Permit (CGP) Training Team" (the collaborative organization composed of "key stakeholders, the State and Regional Water Boards") that will be developing the training curriculum in order to "improve compliance with and to maintain consistent enforcement of this General Permit".

- #4 - Page 10, Section J.59 ("...Record Keeping"), it is stated "...a minimum of three years". Change "three years" to "five years".
- #5 - Page 12, Section M.72, it is stated "The SWPPP must include any and all information..." Change "must" to "shall".
- #6 - Page 12, Section N.74, the very flexibility that the Los Angeles Regional Water Quality Control Board has in implementing and enforcing the Ventura Countywide MS4 NPDES Permit has led to the violation of the public participation process and Prop 218 by Board staff's revision of the Draft Tentative Order's Section 4.(a) [Mitigation Funding] by striking the words "management framework" and changing them to read "Mitigation Funding Plan", and by adding Section 4.(5) [new] which reads "When a Permittee determines that a project is infeasible in accordance with 5.(E). III.(1)(c), the project application shall provide sufficient funds to the Permittee for a public project that will retain or mitigate a volume of Stormwater equivalent to the onsite retention volume that was not retained on site", and new sentence which states "The Permittees shall submit the Mitigation Funding Plan to the Executive Officer for approval 445 days after Permit adoption. The Mitigation Funding Plan shall be deemed in effect upon Executive Officer approval." (Revised Tentative Order, Page 66 of 138) Since a "revised" cover letter was not posted on the Los Angeles Regional Water Quality Control Board's Website, the public can't comment before the Regional Water Board's May 7, 2009 hearing. This violates State Government Code Section 11346.8 that states "No state agency may adopt, amend, or repeal a regulation which has

been changed from that which was originally made available to the public...If a sufficiently related change is made, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 days before the agency adopts, amends, or repeals the resulting regulation. Any written comments received regarding the change must be responded to in the final statement of reasons required by Section 11346.9" Please note, the revised Tentative Order notice posted on the Los Angeles Regional Water Board's Tentative Orders site stated February 29, 2009 instead of April 29, 2009. When the Ventura Countywide MS4 NPDES permit's Permittees undertook the 1992 Implementation Agreements no City Council public hearings were agendized. This has also been the case with the 2008 and 2009 amendments to the 1992 Implementation Agreements. Instead of approving Resolutions, the City Councils are settling for "Signature" pages. The existing Ventura County Watershed Protection District (formerly Ventura County Flood Control District) Benefit Assessment Program fees have been levied fraudulently which is the reason that they cannot be increased. Thus, AB 554 (Karnette/Nava) was signed into law by Governor Schwarzenegger --after AB 1003 (Nava) was vetoed by him--in order to give the Watershed Protection District the authority to levy property-related fees. But, AB 554 is incomplete. The taxpayers of Ventura County, and the citizens of the County's ten cities and unincorporated areas must have the opportunity in each jurisdiction to review and comment on the Mitigation Funding Plan to protect the public participation process, and comply with Prop 218 long before a copy of the document is submitted to the Regional Water Board's Executive Officer for approval.

Sincerely,



Mrs. Teresa Jordan