



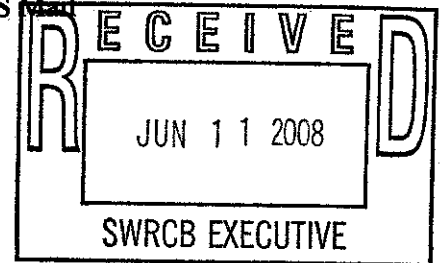
City of Anaheim
DEPARTMENT OF PUBLIC WORKS

Public Comment
Draft Construction Permit
Deadline: 6/11/08 by 12 p.m.

June 11, 2008

Via Email, Fax and US Mail

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



Subject: Comments on the March 18, 2008 Draft Construction General Permit

The City of Anaheim appreciates the opportunity to provide comments on the Draft Construction Permit. While we fully support the goal of the proposed permit we would also like to express our continuing concerns regarding the significant impact to the City and the development community and the unintended consequences of some of the provisions of this order.

In general we share the concerns expressed by the California Stormwater Quality Association (CASQA) and concur with the comments provided in their letter to the Board. More specifically we would like to emphasize our concern regarding the following items:

- **Access to Receiving Water Sampling Locations:** Most of the receiving waters within and downstream of the City of Anaheim are steep trapezoidal channels with access restrictions, such as fencing. The purpose of these barriers is to protect people from the dangers associated with rushing flood waters. Requiring individuals to access these areas during storm events presents a significant danger to their lives (and potentially those who might attempt a rescue) and assumes that the Flood Control Authority is amenable to granting permits for access for these purposes. The Permit should take into account the dangers associated with and difficulties involved in obtaining samples.
- **Sampling Locations:** Discharge from some sites can enter storm drains and flow many miles before reaching receiving waters. These receiving waters (the Santa Ana River, for example) can carry tributary flow from hundreds of square miles. Considering the commingling effect of this type of scenario, the value of any data obtained would be very questionable.
- **Numeric Effluent Limitations:** The "Blue Ribbon Panel" recommended a careful application of effluent limits with regard for the cost of implementing monitoring. The Fact Sheet grossly underestimates the costs

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of sampling. Since it is widely recognized that the costs of this program would be substantially greater than these estimates. Additionally, provisions are not included to take into consideration the difficulty in complying during extreme rain events. Therefore, due to cost benefit concerns as well as concerns over the inability to prevent all violations – particularly during very large storm events – NELs should be revisited.

- Time Frames for Compliance: Existing construction projects as well as new construction projects (started after the adoption of this order) are provided with extremely short times to come into compliance with these new regulations. The complications and process periods involved in contractual relationships of Public Construction Projects would make some of these timeframes entirely unreasonable to comply with. These timeframes should be re-evaluated and extended to provide reasonable periods of time to achieve compliance.

Sincerely,



for

Natalie Meeks,
Director of Public Works

c: Mark Vukojevic, City Engineer
Ed Fernandez, Development Services Manager
Keith Linker, Principal Civil Engineer