

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER QUALITY  
SEPTEMBER 2, 2009**

**ITEM 10**

**SUBJECT**

CONSIDERATION OF THE ADOPTION OF THE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR DISCHARGES OF STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY (CGP)

**DISCUSSION**

The proposed CGP will replace the existing CGP adopted by the State Water Resources Control Board (State Water Board) in 1998 ([State Water Board Order 99-08-DWQ](#)). The proposed CGP utilizes a risk based approach to water quality protection. Dischargers must provide information to determine their project's appropriate risk level, which corresponds with risk-based effluent limitations and monitoring requirements. The proposed CGP provides much more specificity with regards to the effluent limitations and monitoring required at construction sites in comparison to the existing CGP. While the proposed CGP still requires the discharger to prepare and maintain a Storm Water Pollution Prevention Plan (SWPPP), it does not rely on it for determining compliance.

The proposed CGP addresses linear construction of utility projects that were regulated through [Board Order No. 2003-0007-DWQ](#). The scope of linear projects addressed by the proposed CGP has been expanded to include all linear utility projects, not just those disturbing less than five acres of land.

Regardless of risk level, all dischargers covered under the proposed CGP must meet the same set of effluent and receiving water limitations based on strict compliance with the State's water quality standards. In the proposed CGP, dischargers in risk Levels 2 and 3 must compare effluent monitoring results to quantitative measures of SWPPP performance (numeric action levels - NALs - and numeric effluent limits - NELs). Exceedance of an NEL results in violation of the proposed CGP requirements, while exceedance of an NAL triggers an evaluation and corrective action to improve SWPPP performance. The proposed CGP also requires the submittal of an annual report. This is in contrast to the existing CGP that only requires an annual statement of compliance, which is not required to be submitted.

Applicability: The proposed CGP will apply to all construction activities that result in a land disturbance of one acre or more. Construction activities resulting in land disturbances less than one acre that are part of a larger common plan of development or sale are also subject to the proposed CGP.

Enrollment Process: All construction activities subject to regulation under the proposed CGP will be required to enroll for coverage using the Storm Water Multi-Application Reporting and Tracking System (SMARTS) module.

Existing Enrollees: Construction activities that are enrolled under the current Construction General Permit will be required to enroll via SMARTS. Construction sites covered under Water Quality Order No. 99-08-DWQ shall obtain permit coverage at the Risk Level 1.

## **POLICY ISSUE**

Should the State Water Board adopt the proposed CGP?

## **FISCAL IMPACT**

If the State Water Board adopts the proposed CGP, there will be costs associated with the administration of the permit. However, most of these costs are already incurred with the administration of the existing Construction Storm Water Permit.

## **REGIONAL WATER BOARD IMPACT**

Yes. The Regional Water Boards will have responsibility in providing oversight with the CGP upon adoption by the State Water Board.

## **STAFF RECOMMENDATION**

The State Water Board should adopt the proposed CGP.

State Water Board action on this item will assist the Water Boards in reaching Goal 6 of the Strategic Plan Update 2008-2012 to enhance consistency across the Water Boards, on an ongoing basis to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.