

# Construction General Permit (CGP) Proposed NEL Amendments

ORDER NO. 2009-0009-DWQ AS MODIFIED BY  
2010-0014-DWQ [NPDES NO. CAS000002]  
GENERAL PERMIT FOR DISCHARGES OF STORM  
WATER ASSOCIATED WITH CONSTRUCTION AND  
LAND DISTURBANCE ACTIVITIES

Item 9

July 17, 2012 Board Meeting



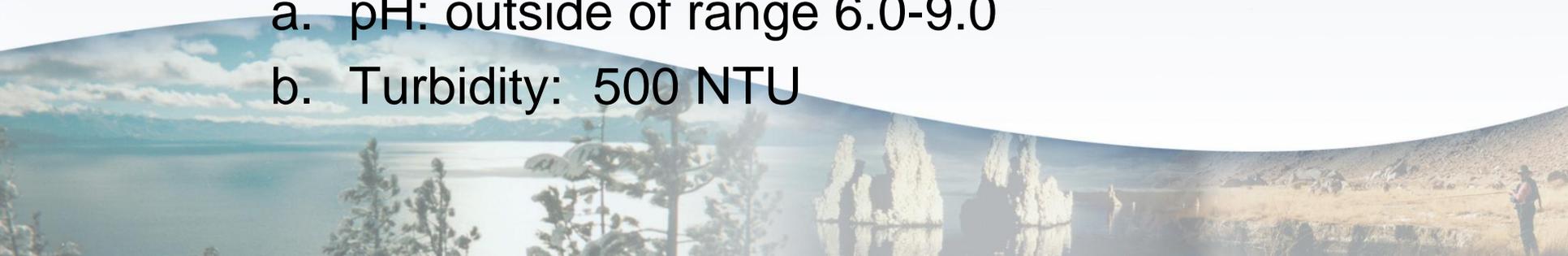
# Building Industry Association (BIA) Lawsuit

- **December 27, 2011:** Superior Court issued a judgment and peremptory writ of mandate in *California Building Industry Ass'n et al. v. State Water Resources Control Bd.*
  - NELs for Risk Level 3/LUP Type 3 sites no longer in effect
  - Receiving Water Monitoring suspended



# March 30, 2012 Proposed Amendments to the CGP

1. Eliminate NELs for Risk Level 3 and Linear Underground/Overhead Type 3 Projects (LUP Type 3)
2. ATS NELs will remain
3. Introduce Receiving Water Monitoring Triggers:
  - a. pH: outside of range 6.0-9.0
  - b. Turbidity: 500 NTU



# Public Comments

- State Water Board should set a timeline of no longer than one year and conduct the NEL analysis to reincorporate into the permit.
- Receiving Water Monitoring should not be re-incorporated into the permit.
- Exemptions for Receiving Water Monitoring Trigger exceedances needed.
- The addition of ATS Receiving Water Monitoring requirements is outside the scope of the re-opener.



# June 25, 2012 Proposed Amendments to the CGP

1. Eliminate NELs for Risk Level 3 and LUP Type 3
2. ATS NELs will remain
3. Remove ATS Receiving Water Language
4. Keep Receiving Water Monitoring Triggers
5. Add Receiving Water Monitoring Trigger exemptions for large storm events, and run-on caused by a forest fire or any other natural disaster.



# Statistics

- Approximately 6,000 construction projects have coverage in SMARTS at any given time.
- April 2012 Query - 110 Risk Level 3 project sites.
- April 2012 Query – 9 Reported receiving water monitoring data.
  - 8% of Risk Level 3 projects
  - 0.15% of All construction projects
- Reason – Receiving Water Monitoring applied to all Risk Level 3 Projects that exceeded their NEL (Proposed Receiving Water Monitoring Trigger) with a **direct discharge** to the Receiving Water Body.

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