CALIFORNIA WATER BOARDS
State Water Resources Control Board
Regional Water Quality Control Boards

Water Board Function: Regulating construction stormwater discharges

Water Board Program(s) Relevant to Function:
NPDES Stormwater - Construction

Problem/Issue Description:
The discharge of pollutants in storm water and dry weather flows from construction activities that result in a land disturbance of one acre or more are largely untreated and can be a significant source of pollutants discharged to surface waters.

Overview of Function:
The Storm Water Program is a subset of the NPDES permitting program. The Storm Water Program consists of three components: municipal, industrial, and construction. The goal of the Storm Water Program is to reduce/eliminate the discharge of pollutants in storm water and dry weather flows from urban, construction, and/or industrial environments.

The State Board has adopted the "General Construction Storm Water Permit," or the Construction General Permit (CGP), which regulates the discharge of storm water associated with construction activities that result in a land disturbance of one acre or more. There are currently about 20,000 active construction permittees under this permit. The State Board also regulates construction activities associated with small linear construction projects (those disturbing less than five acres of land) under the "General Permit for Small Linear Underground/Overhead Projects", or the Small LUP GP. Linear projects include activities such as the installation of fiber optic cables, laying of gas or water line, and burying of electric lines. There are 87 construction activities that are being regulated through this permit.

Role of Water Board Staff:
The majority of the resources in this program are at the Regional Water Boards. Regional Water Board staff conduct compliance evaluation (conduct inspections, review reports, etc.), investigate complaints, and take enforcement actions for non-compliance. State Water Board staff support the program by administering the program (enrollment, change of information, etc.), developing new and improved business processes and database functions, and reissuing the statewide CGP and Small LUP GP every 5-8 years.

Role of Regional Board Members:
Conduct public hearings, and consider and adopt orders and permits, taking into consideration issues involving the capture and use of stormwater. May be involved in compliance assurance and enforcement of statewide permits.

Role of State Board Members:
Administer and conducts public hearing, and consider and adopt orders and permits, taking into consideration of issues involving the capture and use of stormwater. Reviews petitions form Regional Board adoption of permits.

Primary Issues of Concern:
Primary issues include the role of numeric action levels (NALs) and numeric effluent limitations (NELs) in the construction stormwater monitoring and performance strategy, new-development and re-development performance standards for construction projects, public participation and transparency, and the balance between prescriptive permit conditions and discharger flexibility.

Definition of Key Terms:

CGP: Construction General Permit

Small LUP Permit: General Permit for Small Linear Underground/Overhead Projects

BAT/BCT: Best Available Technology/Best Conventional Technology Economically Achievable - a narrative standard used in combination with BMP requirements to serve as a surrogate for numeric effluent limitations.

BMP: Best management practices

NAL: Numeric action levels – when placed in a permit NALs serve as benchmarks, or triggers for some sort of action, like further implementation of BMPs or reporting. Exceedance of an NAL does not result in a direct violation.

NEL: Numeric effluent limitations – when placed in a permit an NEL (either derived as water-quality or technology based) sets a limit on the effluent which, if exceeded, results in a violation of the permit.

Non-filer: An entity who is required by law to file for coverage under the CGP but has yet to do so.