

State Water Resources Control Board

NOTICE OF AVAILABILITY OF DRAFT DOCUMENTS AND NOTICE OF PUBLIC HEARING

DRAFT DOCUMENTS AND NOTICE OF PUBLIC HEARING FOR THE PROPOSED AMENDMENTS TO 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 (CONSTRUCTION GENERAL PERMIT)

NOTICE IS HEREBY GIVEN THAT, pursuant to 40 Code of Federal Regulations (C.F.R.) sections 124.5 and 122.62(a)(15), the State Water Resources Control Board (State Water Board) is reopening the Construction General Permit for the narrow, limited purpose of modifying the permit in response to a judgment and peremptory writ of mandate in *California Building Industry Ass'n et al. v. State Water Resources Control Bd.* issued by the Superior Court for the County of Sacramento. When a permit is modified under 40 C.F.R. section 124.5, only those conditions to be modified are reopened, and all other aspects of the existing permit remain in effect for the duration of the permit. (See 40 C.F.R. § 124.5(c)(2).) The State Water Board will hold a public hearing and consider adoption of proposed amendments to the Construction General Permit, as required by the writ of mandate. A quorum of the State Water Board will be present and action may be taken.

Tuesday, July 17, 2012 – 9:00 a.m.
Joe Serna Jr.-Cal/EPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

BACKGROUND

On September 2, 2009, the State Water Board adopted the Construction General Permit for regulation of storm water discharges associated with construction and land disturbance activities. Under the Construction General Permit, traditional project sites are categorized into Risk Levels (1, 2 & 3) and linear underground/overhead projects (LUPs) are categorized into LUP Types (1, 2, & 3) based on overall risk to water quality. Risk Level 3 and LUP Type 3 projects were subject to Numeric Effluent Limitations (NELs) for turbidity and pH. In addition, Risk Level 3 and LUP Type 3 projects were required to conduct receiving water monitoring if they violated the NELs. On December 27, 2011, the Superior Court for the County of Sacramento issued a [judgment](#) and [peremptory writ of mandate](#) in *California Building Industry Ass'n et al. v. State Water Resources Control Bd.* Consistent with the writ of mandate, this amendment revises the Construction General Permit to remove the NELs for pH and turbidity at

Risk Level 3 and LUP Type 3 construction sites, and replace the NELs with receiving water monitoring triggers.

AVAILABILITY OF DOCUMENTS

The proposed amendments to the Construction General Permit may be obtained via the State Water Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater

SUBMISSION OF COMMENTS

The State Water Board will accept evidence and written comment letters that are limited to the proposed amendments to the Construction General Permit. Each comment should clearly identify the proposed modification by the applicable section number of the Construction General Permit. Written comment letters that address any other aspect, section, or requirement of the Construction General Permit, other than the proposed Construction General Permit NEL amendment, are outside the scope of this Public Notice and will not be reviewed or considered by the State Water Board. (40 C.F.R. § 124.5(c)(2).) Interested persons must submit all evidence and written comments no later than **12:00 noon on May 14, 2012** to:

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

Comment letters may be submitted by email to commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620. For email submittals, please indicate in the subject line: **“Comment Letter – Construction General Permit NEL Amendment.”**

Comments may also be hand delivered. Couriers delivering comment letters must check in with lobby security personnel on the 1st floor of the Cal/EPA Building at the above address. Questions on comment submittal may be directed to Ms. Townsend, at (916) 341-5600.

PROCEDURAL MATTERS

At the Public Hearing on July 17, 2012, participants will be given an opportunity to summarize their written materials with oral presentations that are limited to the proposed Construction General Permit NEL amendment. Participants may make policy statements, but no new evidence (e.g., photographs, data, and testimony) will be admitted. (Cal. Code Regs., tit. 23, § 648.4, subd. (c).) Comments that address any other aspect, section, or requirement of the Construction General Permit will not be allowed or considered. (40 C.F.R. § 124.5(c)(2).) To ensure a productive and efficient Public Hearing in which all participants have an opportunity to participate, oral presentations may be time-limited.

PARKING AND ACCESSIBILITY

There is a parking garage across from the building with entrances on 10th and 11th Streets between “I” and “J” Streets, and metered parking spaces are in the vicinity of the building.

For a map, see our Web site: <http://www.calepa.ca.gov/EPAbldg/location.htm>.

Please note: All visitors to the Joe Serna Jr. (Cal/EPA) Headquarters Building are required to sign in and receive a badge at the Visitor Services Center located inside the main entrance. Valid picture identification may be required due to the security level. Please allow up to 15 minutes for receiving clearance before proceeding to the Coastal Hearing Room on the 2nd floor.


The Joe Serna Jr. (Cal/EPA) Headquarters Building is accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Michele Villados at (916) 341-5881, at least five working days prior to the public meeting date. Persons with hearing or speech impairments can contact us by using the California Relay Service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device. HEARING IMPAIRED RELAY SERVICE: TDD to voice (800) 735-2929; voice to TDD (800) 735-2922.

ADDITIONAL INFORMATION

Please direct questions about this Notice to Annalisa Kihara at (916) 324-6786 or AKihara@waterboards.ca.gov.

March 30, 2012

Date



Jeanine Townsend
Clerk to the Board