

MODIFICATION OF WATER QUALITY ORDER 99-08-DWQ
STATE WATER RESOURCES CONTROL BOARD (SWRCB)
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY (GENERAL PERMIT) TO INCLUDE SMALL
CONSTRUCTION ACTIVITY (ONE TO FIVE ACRES)

Approved by Motion on December 2, 2002

The modifications to the General Permit will do the following:

1. Address the requirements contained in federal regulations, which became final on December 8, 1999, expanding the NPDES program that addresses storm water discharges from construction sites. The threshold acreage of soil disturbance requiring permit coverage has been lowered from five (5) acres to one (1) acre.
2. Reflects current federal regulations that no longer exempt municipalities with populations less than 100,000 people from the need to apply for coverage under a construction storm water discharge permit.

MODIFICATION

MODIFICATIONS TO THE FACT SHEET

The Fact Sheet heading has been updated with the correct address as follows:

STATE WATER RESOURCES CONTROL BOARD (SWRCB)
1001 I STREET, SACRAMENTO, CALIFORNIA 95814

Modification to the section entitled BACKGROUND

- Add to the end of the first paragraph -
“Regulations (Phase II Rule) that became final on December 8, 1999 expand the existing NPDES program to address storm water discharges from construction sites that disturb land equal to or greater than one (1) acre and less than five (5) acres (small construction activity). The regulations require that small construction activity, other than those regulated under an individual or Regional Water Quality Control Board General Permit, must be permitted no later than March 10, 2003.”

Modification to the section entitled CONSTRUCTION ACTIVITY NOT COVERED BY THIS GENERAL PERMIT

- Delete the following language and renumber appropriately:
“(3) construction by municipal entities with a population under 100,000¹” -

Modification to the section entitled DESCRIPTION OF GENERAL PERMIT CONDITIONS, Effluent Limitations

- Change the phone number to 775-674-7010.

- Delete the sentence “Other rainfall information is available at www.cdcc.water.ca.gov.”

MODIFICATIONS TO THE PERMIT

OVERALL MODIFICATION TO THE GENERAL PERMIT

Throughout the General Permit, reference is made to construction activity that results in soil disturbances of five acres or greater, or as part of a larger common plan of development or sale. The permit is modified throughout, to replace the word “five” with the word “one”, so that the permit applies to all construction activity that results in a soil disturbance of one acre or greater. The only exception is where the word “five” is used specifically describing the earlier Phase I regulations.

Finding 1 - insert the following as a new paragraph at the end of the Finding:

“On December 8, 1999 federal regulations promulgated by USEPA (40CFR Parts 9, 122, 123, and 124) expanded the NPDES storm water program to include storm water discharges from municipal separate storm sewer systems (MS4s) and construction sites that were smaller than those previously included in the program. Federal regulation 40 CFR § 122.26(b)(15) defines small construction activity as including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre or less than five acres or is part of a larger common plan of development or sale. Permit applications for small construction activities are due by March 10, 2003.”

New Finding 16:

“Storm water discharges associated with industrial activity that are owned or operated by municipalities serving populations less than 100,000 people are no longer exempt from the need to apply for or obtain a storm water discharge permit. A temporary exemption, which was later extended by USEPA, was provided under section 1068(c) of the Intermodal Surface Transportation and Efficiency Act (ISTEA) of 1991. Federal regulation 40 CFR § 122.26(e)(1)(ii) requires the above municipalities to submit permit application by March 10, 2003.”

New Finding 17

“This permit may be reopened and modified to include different monitoring requirements for small construction activity than for construction activity over five (5) acres.”

Modifications to the section entitled GENERAL INSTRUCTIONS FOR NOTICE OF INTENT TO COMPLY

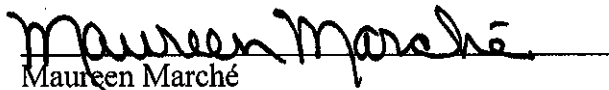
- The item entitled Questions:
Change the phone number to 341-5537

Enclosure 1 entitled AREAS OF THE STATE IN WHICH THE \$250.00 ANNUAL FEE APPLIES

Has been deleted.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of the modification language to Water Quality Order 99-08-DWQ approved at a meeting of the State Water Resources Control Board held on December 2, 2002.


Maureen Marché
Clerk to the Board