

# Public Workshop

## Proposed Statewide Construction Stormwater General Permit Reissuance

**This workshop will start  
at 9:00 AM**



August 9, 2022

# ***Welcome***

Thank you for participating in our staff-level public workshop  
to discuss the  
Proposed Statewide NPDES Construction Stormwater General Permit  
released on July 22, 2022

*Meeting Facilitator:  
Ella Golovey, Environmental Scientist*

# Construction Stormwater Permitting Team

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Division of  
Water Quality





# **State Water Board's Mission**

*To preserve, enhance, and restore California's water resources for the benefit of present and future generations.*

*Our Boards conduct our work through a public process to strengthen the empowerment of all community voices, as we work together to provide clean, safe, and affordable water to all Californians.*

# ***Purpose of Today's Workshop***

- Explain the continuing public process per the July 22, 2022 Public Notice
- Provide a high-level overview of the proposed permit content
- Identify specific proposed permit items that changed in response to public comments received in May 2022
- Answer questions and provide clarification to assist interested parties in understanding the proposed permit

All proposed permit documents and written responses to public comments are available at:

[Construction Stormwater General Permit Reissuance web page](#)

# ***Workshop Logistics***

- This workshop is being webcast and recorded
- The staff presentation provides information on the July 22, 2022 public notice and the proposed permit for interested parties to:
  - Understand the proposed permit and its requirements
  - Prepare written comments for the revised antidegradation findings
  - Provide oral comments at the September 8, 2022 State Water Board Meeting

This presentation will be posted on the [Construction Stormwater General Permit Reissuance web page](#)

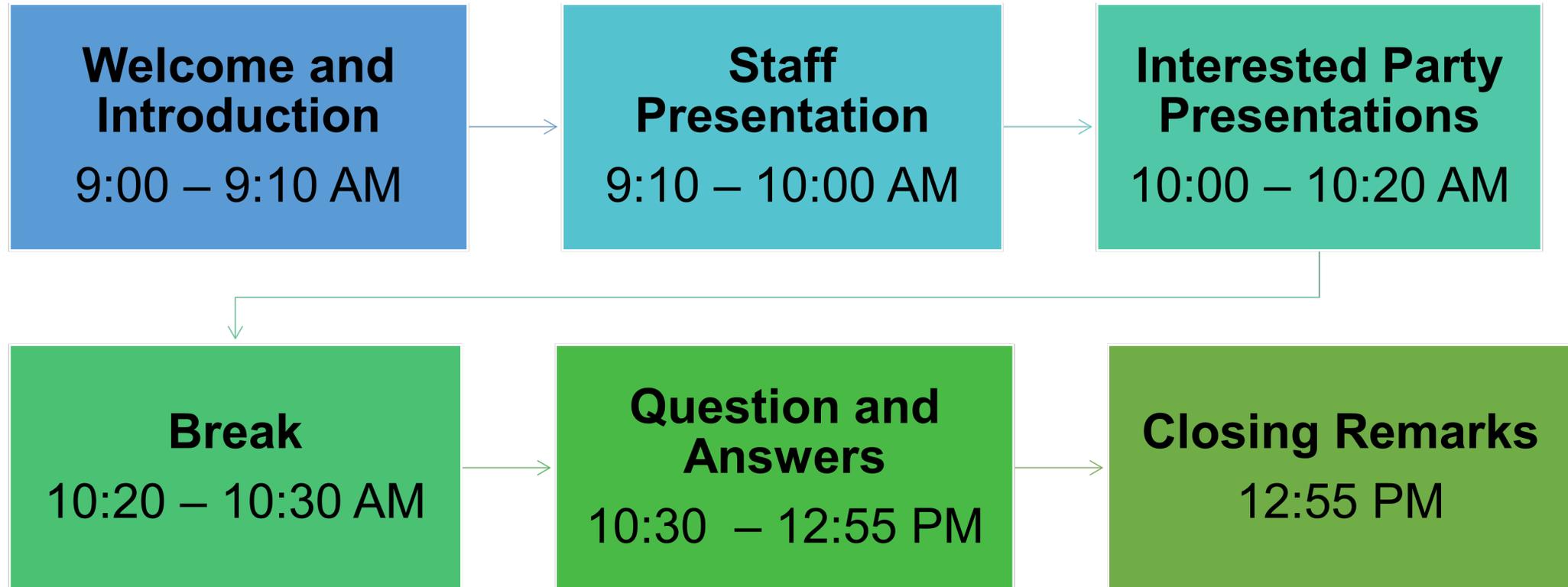
*Please subscribe to the [Stormwater Construction Permitting Issues](#) Lyris list for updates*

# ***Zoom Meeting Participation Instructions***

- 1. Click “Chat” icon in menu**
- 2. Enter question or feedback**
- 3. Indicate if you would like to present question or feedback yourself**



# Workshop Schedule



# Public Workshop

## Proposed Statewide Construction Stormwater General Permit Reissuance

Brandon Roosenboom  
Water Resource Control Engineer  
Division of Water Quality



August 9, 2022

# Staff Presentation Overview

- Permitting Background and Process
- Additional Limited-scope Comment Period for Antidegradation Findings
- Response to May 2022 Limited-scope Comments
- Review of Proposed Permit Requirements



# Permitting Background and Process

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# *Statewide Permit Background*

- The federal Clean Water Act requires certain stormwater discharges to waters of the United States to be regulated by an NPDES permit
- The State Water Board adopted the existing statewide NPDES Construction Stormwater General Permit in 2009
- The 2009 permit expired in 2014 and is administratively extended until the effective date of a reissued permit



# Proposed Permit Reissuance Process to Date

**Preliminary interested party outreach consisting of multiple draft releases and public workshops**

**Response to comments and continued outreach**

**Response to limited-scope comments, proposed permit released, and 2nd limited-scope written comment period**

**2016 - 2020**

**2021**

**Winter 2021**

**April 2022**

**July 2022**

**State Water Board Public Hearing and public comment period**

**State Water Board Workshop and 1<sup>st</sup> limited-scope written comment period**

# *Proposed Permit Reissuance Process to Date*

**Due date for 2nd  
limited-scope  
written comments**

**August 23, 2022**

**State Water Board  
Adoption Meeting and  
opportunity for oral  
comments on entire  
proposed permit**

**September 8,  
2022**

**Proposed permit  
effective date**

**September 1,  
2023**

**Due date for  
participant  
PowerPoint  
presentations for  
adoption meeting**

**September 1,  
2022**

**Statewide  
programmatic  
permitting  
effective date**

**December 17,  
2022**

## *Proposed Permit vs. 2009 Existing Permit*

- Addition and revision of total maximum daily load implementation requirements
- Addition of passive treatment technology requirements
- Addition of Notice of Non-Applicability criteria
- Revised Notice of Termination process
- Updated implementation of statewide and regional water quality control plans
- Addition of requirements for discharges from dewatering activities

## *Proposed Permit vs. 2009 Existing Permit*

- Addition of demolition activity requirements
- Implementation of federal Sufficiently Sensitive Test Methods Rule
- Addition of programmatic permitting for linear projects
- Revised monitoring and reporting requirements
- Removal of bioassessment monitoring requirements
- Removal of rain event action plan requirements

A close-up photograph of a person wearing a black and white striped long-sleeved shirt. The person is sitting at a desk, writing in a notebook with a black pen in their right hand. Their left hand is resting on the keyboard of a silver laptop. The background is slightly blurred, showing a green folder and a blue folder. The overall scene suggests a professional or academic setting.

# Additional Limited-scope Comment Period for Antidegradation Findings

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# *Antidegradation Findings*

- The discharges authorized by the permit must be consistent with
  - Antidegradation provisions of 40 Code of Federal Regulations §131.12
  - State Water Board Resolution No. 68-16
- Revised antidegradation findings per public comments received May 2022
- New Fact Sheet, Section I.H.2 discusses antidegradation rationale for dischargers authorized by this General Permit
- Additional limited-scope public comment period for the proposed antidegradation findings, written comments due August 23, 2022



# Response to May 2022 Limited-scope Comments

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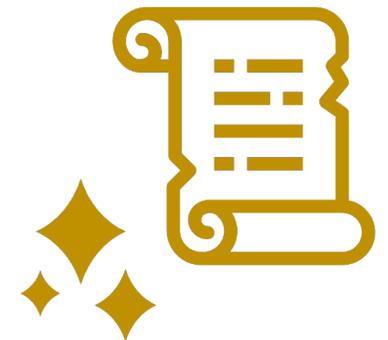


# *Proposed Permit Effective Date – September 1, 2023*

- Permit requirements become effective for new projects
- Different from statewide programmatic permitting effective date
- Existing permit is rescinded except for existing projects (subject to regulatory transition) and for enforcement purposes

# *Proposed Regulatory Transition Period for Existing Projects*

- Existing projects are projects with permit coverage under the 2009 permit prior to the effective date of the reissued permit
- Existing projects may continue coverage under the existing 2009 permit up to 2 years after the effective date
  - The 2009 permit remains in effect for enforcement purposes and annual reporting requirements
- Permit Registration Documents submitted on or after the permit effective date are subject to reissued permit





# Overview of Proposed Permit Requirements

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# *Proposed Notice of Non-Applicability (NONA) Criteria*

- Dischargers may file a NONA to show that the site is not hydrologically connected to waters of the United States and does not require permit coverage
- The NONA option is only available when the location is not hydrologically connected to waters of the United States
- A California licensed professional engineer or geologist with hydrological expertise must prepare a site-specific No Discharge Technical Report
- SMARTS will be upgraded to accept all necessary submissions by the effective date of this General Permit

# *Proposed Programmatic Permitting for Linear Projects*

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- Dischargers may cover multiple, non-contiguous linear projects under a regional programmatic permit
- Dischargers deploying Executive Order N-73-20 may obtain statewide programmatic permit coverage under the 2009 permit, subject to regulatory transition, 100 days after reissued permit adoption

# *Proposed Revision of Coverage – Reducing Acreage*

- Proposed provision for dischargers to terminate residential lots with unfinished landscaping areas per the following criteria:



- Home is sold to individual homeowners



- Lot is less than an acre of disturbance



- Install temporary stabilization BMPs and contract to maintain until stabilized



# *Proposed Requirements for Inactive Projects*

- Dischargers may reduce monitoring when construction is suspended
- Requires revised site map and photos of temporary stabilization
- Requires periodic site inspections



# *Proposed Notice of Termination (NOT) Requirements*



- The NOT process requires that:
  - A Qualified SWPPP Practitioner conduct an NOT final inspection
  - The discharger submit photos demonstrating final stabilization and post-construction best management practices
  - The discharger submit a final site map detailing completed construction features and permanent erosion control and post-construction best management practices
  - The discharger include a long-term maintenance plan for post-construction best management practices
- An NOT will be automatically approved if the Regional Water Board does not deny, return, or accept the NOT for review within 30 days



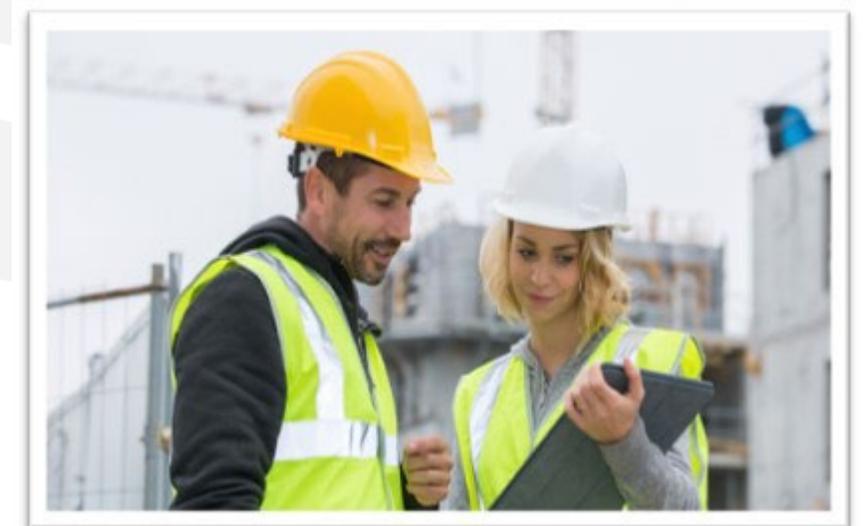
# Proposed Monitoring and Reporting Requirements

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# *Proposed Qualified SWPPP Developer and Practitioner (QSD/QSP) Responsibilities*

- QSDs are required to prepare the site-specific SWPPP and conduct inspections:
  - Start of construction, when replacing a QSD, twice annually, and after an exceedance
- QSPs oversee monitoring and implementation of the SWPPP and conduct inspections:
  - Once per month, pre-qualifying precipitation event, following a numeric action level exceedance, and for the Notice of Termination
- The proposed permit allows the Water Boards to suspend or rescind QSD/QSP certifications as an enforcement action



# *Proposed Training Requirements*

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- QSDs/QSPs certified through the California Stormwater Quality Association are required to have 6 hours of continuing education annually
- Any individual may recommend a training course for consideration as a QSD/QSP prerequisite
- QSPs opting to delegate responsibilities shall provide training based on the guidelines set by the Construction General Permit Training Team

# *Proposed Qualifying Precipitation Event Definition*

## Qualifying Precipitation Event:

- Begins with 0.5” rain forecast in a 24-hour period
- Continues for subsequent 24-hour periods with 0.25” or more rain forecast
- Ends with two consecutive 24-hour periods with less than 0.25” rain forecast

A post-Qualifying Precipitation Event inspection may be conducted on either day when less than 0.25” rain is predicted or after the 48-hour period

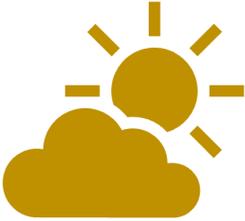
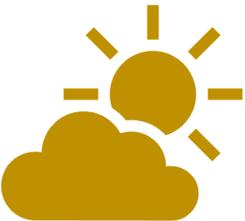
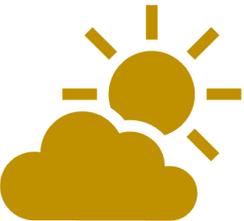
# *Proposed Inspection Requirements*

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- Weekly inspections to ensure best management practices are properly implemented and functioning correctly
- Pre-, during-, and post-qualifying precipitation event inspections
  - Pre-qualifying precipitation event inspections must occur 72 to 120 hours prior to event
  - Post-qualifying precipitation event inspections must occur within 96 hours of the last 24-hour period with 0.25 inches or more precipitation

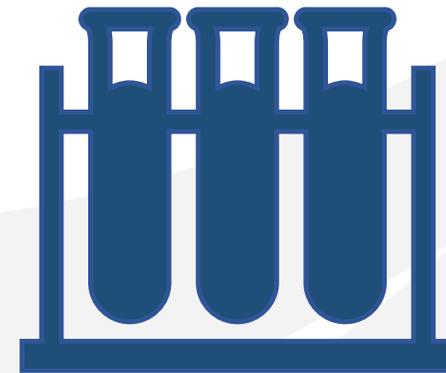
# Qualifying Precipitation Event Inspection Example

72 to 120 Hours Pre-Event	1 <sup>st</sup> Forecast 24-Hour Period	2 <sup>nd</sup> Forecast 24-Hour Period	3 <sup>rd</sup> Forecast 24-Hour Period	4 <sup>th</sup> Forecast 24-Hour Period	5 <sup>th</sup> Forecast 24-Hour Period	48 Hours Post-Event
						
0.00 inches	0.5 inches	0.25 inches	0.25 inches	0.05 inches	0.00 inches	0.00 inches
QSP to conduct pre-qualifying precipitation event inspection	<b>Start of event,</b> conduct during-event inspection	<b>Continued event,</b> conduct during-event inspection	<b>Continued event,</b> conduct during-event inspection	<b>Less than 0.25 inches,</b> may conduct post-event inspection	<b>Event ends,</b> may conduct post-event inspection	May conduct post-event inspection

# Who can perform specific inspections?

Inspection Type	Qualified SWPPP Developer (QSD)	Qualified SWPPP Practitioner (QSP)	Trained Delegate
Weekly	X	X	X
Pre-Precipitation Event	X	X	
During Precipitation Event	X	X	X
Post-Precipitation Event	X	X	X
Inactive Projects (14 days after Change of Information approval)	X		
Inactive Projects (Monthly Inspection)	X	X	X
Active Projects (Monthly Inspection)	X	X	
Twice Annual Site Inspection	X		
Within 30 days of: Construction commencing and Replacing QSD	X		
Within 14 days of NAL exceedance	X	X	
Prior to NOT and COI submission(s)	X	X	

# *Proposed Stormwater Discharge Sampling Requirements*



- Risk Level 1 dischargers are not required to sample stormwater discharges
- Risk Level 2 and 3 dischargers are required to obtain **one** sample from each actively discharging location, per 24-hour period of a Qualifying Precipitation Event
- Risk Level 2 and 3 dischargers shall use a field meter to analyze the sample for pH and turbidity
- Since only one sample is collected, there is **no daily averaging** per discharge location

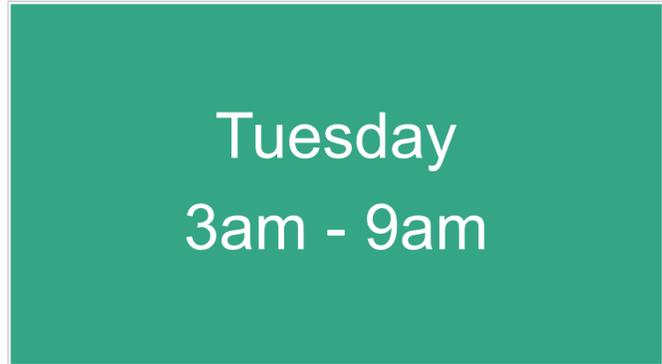
# Qualifying Precipitation Event (QPE) Sampling Example

Sample between 4pm and closing, - or - Next day



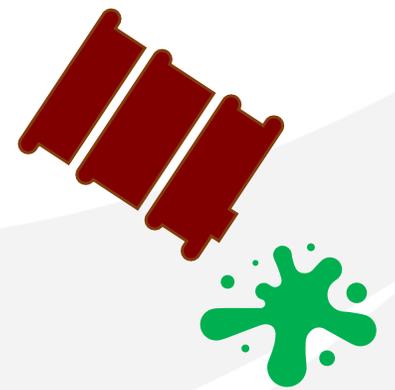
No site visit or sampling during non-operating hours

Sample between site opening and 9am



Sample any time before 4pm for first 24-hr sampling period

# *Proposed Non-Visible Pollutant Monitoring Requirements*



- Non-visible pollutant monitoring is required for all dischargers only when a pollutant may be discharged due to:
  - Failure to implement best management practices;
  - A container spill or leak; or,
  - A best management practice breach, failure, or malfunction
- Dischargers must collect at least one sample each 24-hour period until necessary corrective actions are completed
- Dischargers are not required to sample if the corrective actions are completed before a discharge occurs



# Proposed Implementation of Total Maximum Daily Loads

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# *Total Maximum Daily Loads (TMDLs)*

TMDLs are:

- Incorporated into Regional Water Board water quality control plans and address impaired waterbodies
- A sum of allowable pollutant loading into a water body from all identified sources
- Not self-implementing and must be implemented in NPDES permits

TMDLs assign waste load allocations to contributing point sources

# *Proposed Implementation of TMDLs*

- Proposed TMDL implementation requirements are built on existing permit requirements
- Dischargers will implement TMDLs through four categories of requirements:

**Comply with  
General Permit**

**Erosion and  
Sediment Controls  
paired with  
RUSLE2 modeling**

**Numeric Action  
Levels**

**Numeric Effluent  
Limitations**

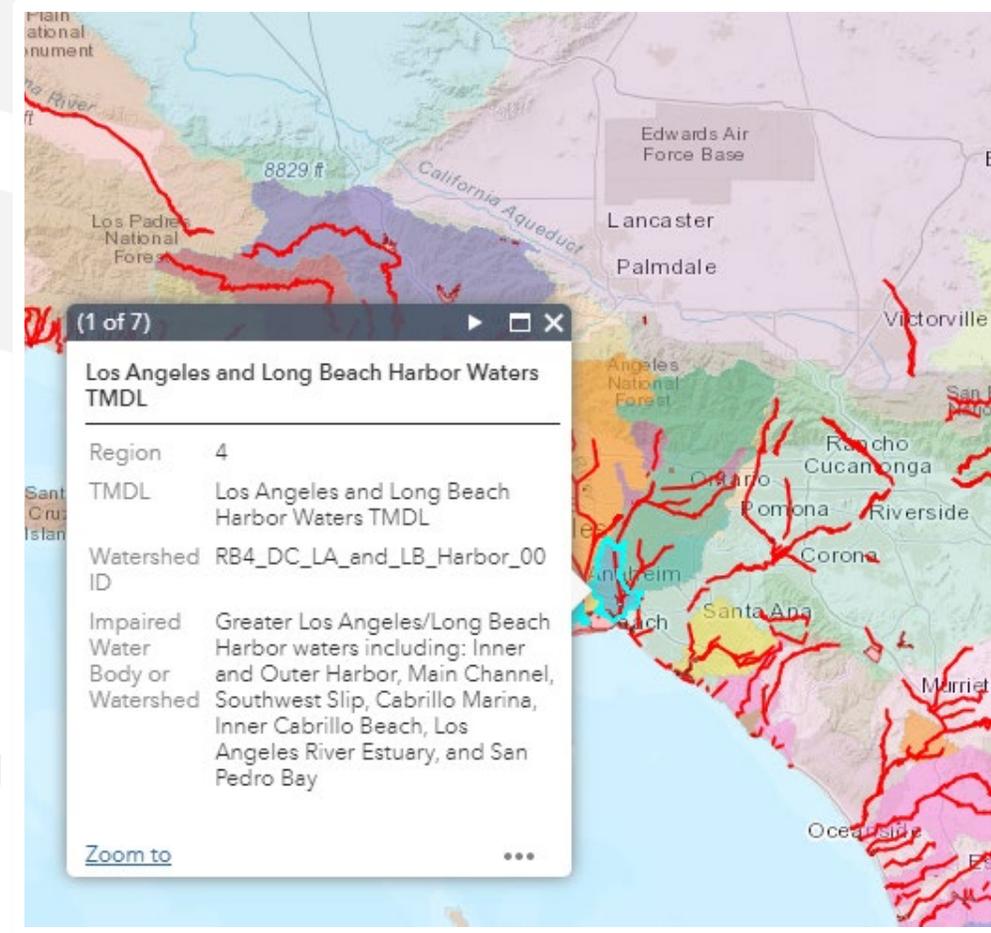
# *Proposed Implementation of TMDLs*

Step 1: Determine Responsible Discharger status

Step 2: Perform site-specific pollutant source assessment

Step 3: Refer to proposed Attachment H for applicable implementation requirements

Shown right: Example of a TMDL map tool (existing Industrial General Permit map tool, 2022)



# Proposed TMDL Sampling Requirements

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Sampling is required when  
conditions 1 – 3 occur

1. Project located in a TMDL watershed, and directly or indirectly discharges to the impaired waterbody
  - Applicable numeric action level or effluent limitation
2. Discharger identifies a TMDL pollutant source in the pollutant source assessment
3. Non-visible sampling requirements are triggered (spill, best management practice failure, etc.)
4. An exceedance is when Steps 1 – 3 occur:
  - Over multiple days of discharge;
  - Within the same drainage area; and,
  - During the same reporting year

# Response to May 2022 Limited-scope TMDL-related Comments



# *Response to Limited-Scope TMDL Implementation Comments*

## Nitrogen-based Nutrient Numeric Effluent Limitation Retranslation

- Numeric action levels, rather than numeric effluent limitations, for nitrogen-based nutrients are consistent with the assumptions and requirements of the TMDLs
- Numeric action levels are expected to protect water quality as an exceedance requires that the discharger takes corrective actions
- Construction stormwater discharges are not expected to exceed numeric action levels based on data collected for industrial stormwater dischargers

# *Response to Limited-Scope TMDL Implementation Comments*

## TMDL-related Soil Screening Investigation and Associated Total Suspended Solids (TSS) Numeric Effluent Limitation for the Los Angeles Area Lakes TMDL and the Los Angeles and Long Beach Harbor Waters TMDL

- The TSS numeric effluent limitation of 100 mg/L serves as surrogate for metals and organochlorine compounds, providing the same level of water quality protection
- Data collected through interim numeric action levels will provide further information on the correlation between metals and sediment discharges
- An exceedance of TSS numeric effluent limitation equates to an exceedance of each applicable TMDL-specific pollutant identified in the soil screening investigation

# Other Proposed Requirements



# Other Proposed Requirements

The proposed permit also includes requirements for:

Surface water buffers

Active treatment systems

Passive treatment technologies

Dewatering activities

Post-construction plans and calculations

The following slides are for reference and may be discussed in the Question-and-Answer portion of the workshop.



# *Proposed Surface Water Buffer Requirements*

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- Buffers are not required where infeasible, consistent with U.S. EPA Construction and Development Effluent Guidelines
- Water body-dependent construction, Clean Water Act section 404 permitted projects, and non-existent natural buffer projects (channelized water courses) are exempt
- Dischargers may use RUSLE2 or other Regional Water Board-approved methods to calculate equivalent sediment load reductions



# *Proposed Active Treatment System (ATS) Requirements*

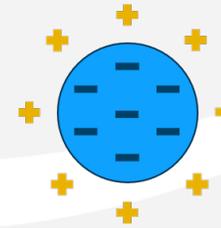
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- The most recent draft re-establishes the 10-year, 24-hour storm as the compliance precipitation event
- The permit allows ATS bypass flow if permit requirements are met prior to ATS
- An ATS Plan may be submitted with the Notice of Intent or at least 14 days prior to operation
- There are no specific training requirements, dischargers are responsible for hiring qualified personnel to implement ATS

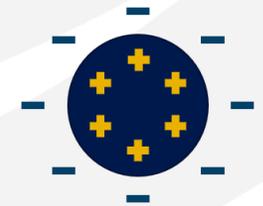
# Proposed Passive Treatment Requirements

- Requirements (in Attachment G) are specifically for the use of passive treatment products applied to water
- Cationic treatment chemical forms can be toxic to aquatic life and are prohibited
- Anionic and non-ionic chemical forms need to be assessed for toxicity and proper dosing
- Dischargers are required to employ a person knowledgeable in the principles of passive treatment application or installation

Cationic  
Product



Anionic  
Product



# *Proposed Dewatering Requirements*

- Dischargers subject to a State or Regional Water Board permit for dewatering are not subject to Attachment J requirements
- The Stormwater Pollution Prevention Plan (SWPPP) shall explain coverage under other dewatering permits, if applicable
- Dischargers are required to submit a Change of Information in SMARTS to revise the SWPPP for dewatering
- Dewatering discharges (not operations) shall cease if dewatering discharges exceed pH or turbidity numeric action levels



# *Proposed Post-Construction Requirements*

- Dischargers subject to applicable Phase I or II NPDES municipal stormwater permit post-construction requirements shall submit approved plans and calculations through SMARTS
- Low impact development features are not mandatory to comply with post-construction requirements
- Dischargers are no longer required to justify use of structural controls instead of non-structural controls

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# Interested Party Presentations





# 10-minute Break

# Questions?

## Zoom Participation Instructions

1. Click “Chat” icon in menu
2. Enter question or feedback
3. Indicate if you would like to present yourself

# Reminders

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- **August 23, 2022:** Public comment due date regarding revised antidegradation findings (Fact Sheet, Section I.H.2)
- **September 8, 2022:** Board Meeting for the State Water Board to consider adoption of proposed permit reissuance



# Thank you!

Additional Questions?  
Contact the Stormwater Help Desk!  
[stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov)

