

State Water Board Resources Control Board Meeting

Agenda Item #8

Proposed Statewide NPDES Construction Stormwater General Permit

Division of Water Quality

Amy Kronson, Senior Environmental Scientist

Brandon Roosenboom, Water Resource Control Engineer



September 8, 2022

Overview

- Statewide NPDES permit background
- Existing permit implementation
- Overview of proposed changes
- Change Sheet

Statewide NPDES Permit

- The Clean Water Act requires an NPDES permit to regulate stormwater discharges from point sources
- The proposed permit, if adopted, will supersede the existing permit
- The existing permit will remain in place until the effective date of a reissued permit



Permit Reissuance Process – To Date

2016

2022



40+ FOCUSED
OUTREACH
MEETINGS



4 RELEASED
DRAFTS

3 PUBLIC
COMMENT
PERIODS



6 PUBLIC STAFF
WORKSHOPS



1 BOARD HEARING
1 BOARD WORKSHOP
TODAY'S BOARD MEETING

Existing vs Proposed Permit Implementation

Obtain Permit Coverage

- Notice of Intent
- Risk Determination
- Stormwater Pollution Prevention Plan
- *Notice of Non-Applicability*
- *Programmatic Permitting*



Implementation

- Best management practices
 - *Total Maximum Daily Loads*
 - *Passive Treatment*
 - *Dewatering*
- *Revised Inspections and Sampling*
 - *Inactive Status*
- Reporting



Terminate Permit Coverage

- Post-construction best management practices
- Final site stabilization
- Notice of Termination
 - *Site map*
 - *Inspection*

Proposed Procedural Permit Elements



Permit effective date of September 1, 2023



A 3-year regulatory transition period for existing projects
- Two years from permit effective date



Notice of Non-Applicability criteria



Improved Notice of Termination Process, and
Provisions to terminate residential lots with
unfinished landscaping



Provision to switch project to inactive status



Proposed Programmatic Permitting for Linear Projects

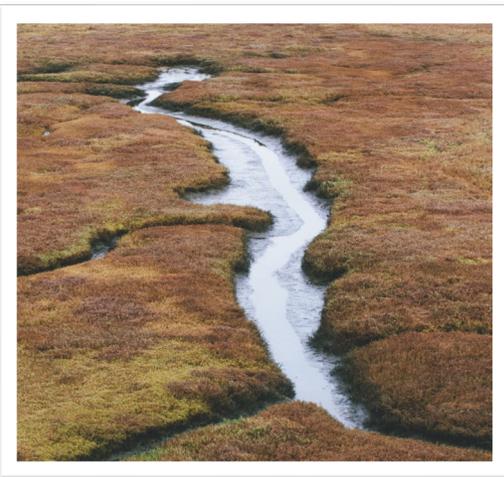
- Dischargers may obtain:
 - Statewide programmatic permit coverage for installation of broadband utilities per Governor's Executive Order N-73-20
 - Effective December 17, 2022
 - Programmatic applications approved prior to September 1, 2023 will qualify for regulatory transition until September 1, 2025
 - Regional programmatic permit coverage
 - Effective September 1, 2023
 - Programmatic coverage will not qualify for regulatory transition option

Proposed Qualified Stormwater Professional Responsibilities

- Qualified stormwater professionals are required to:
 - Conduct periodic inspections to familiarize with site conditions, and
 - Train delegates per their site-specific responsibilities (i.e., implementation, inspecting, monitoring)
- The proposed permit provides that the State Water Board may suspend a professional certification as an enforcement action



Proposed Best Management Practice Requirements



Surface water buffers

Active treatment systems

Passive treatment technologies

Dewatering activities

Post-construction plans



Proposed Monitoring Requirements



- Revised qualifying precipitation events to be based on forecasts rather than accumulation
- Lengthened time-spans for pre- and post-event inspections to provide qualified stormwater professionals with flexibility
- **Removed** site sampling daily averages and now requires a single sample per discharge location, per day of event
- **Removed** bioassessment monitoring and Rain Event Action Plans

Proposed Implementation of Total Maximum Daily Loads (TMDLs)

TMDL implementation requirements build on existing permit requirements:

1. Determine Responsible Discharger status
2. Perform site-specific pollutant source assessment
3. Comply with applicable TMDL-implementation requirements in permit Attachment H

The Four Implementation Categories

**Comply with
General Permit**

**Erosion and
Sediment Controls
paired with Soil
Loss modeling**

**Numeric Action
Levels**

**Numeric Effluent
Limitations**

Proposed Antidegradation Findings

- The antidegradation findings are consistent with 40 Code of Federal Regulations section 131.12 and State Water Board Resolution No. 68-16
- Compliance with the General Permit will generally not result in degradation of high-quality waters
- Findings include an analysis of cost-effective alternatives to the regulatory framework of the General Permit

Change Sheet Overview

- Clarifications to the:
 - Effective date
 - Regulatory transition period
 - Programmatic permitting
 - NOI submittals
 - Post-construction plan submittal process
 - Final stabilization requirements
- Corrections to errors: references, spelling, leftover permit language

Thank You

*Construction Stormwater
Permitting Team*

Division of Water Quality

