Draft Construction Stormwater General Permit Reissuance

Public Workshop #1
June 9, 2021

Public Workshop #2
June 10, 2021
Welcome

Thank you for participating in our Public Workshop to discuss the draft of the Statewide NPDES Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (referred to as the Construction Stormwater General Permit reissuance)

Today’s Facilitator: Amy Kronson
Acknowledgement

We are hosting this meeting virtually from Sacramento.

We welcome and thank you for joining us today.

We appreciate your participation while many people are concurrently dealing with the continued impacts that the pandemic has on our communities.
Our Water Boards 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

Provide information, answer questions, and listen to your feedback regarding the draft Construction Stormwater General Permit issued through the May 28, 2021 Public Notice

Draft permit documents are available at:

Construction Stormwater General Permit Reissuance web page
Meeting Logistics

• This workshop is being recorded and webcast

• This is an informal discussion - no written responses to comments and no formal action will be taken

• Questions will be answered to the best of staff’s ability

• There will be a break during the Question-and-Answer period

• The Power Point presentation will be provided on State Water Board Construction General Permit Reissuance web page.

• Consider signing up on website Lyris email subscription for further updates
Two Meeting Options

• This meeting is being provided in two formats:
  • CalEPA Webcast
  • Interactive Zoom meeting

• The Zoom meeting is limited to 300 participants

• If you are not planning to ask questions or provide feedback, please join CalEPA Webcast at: https://video.calepa.ca.gov/

For Technical Assistance, please contact stormwater@waterboards.ca.gov

Subject line: Technical Assistance with CGP Workshop Meeting
Zoom 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 (1 minute max)
Welcome and Introduction 8:30 – 8:40 AM

Staff Presentation 8:40 – 9:15 AM

Questions and Answers 9:15 – 10:15 AM

Break 10:15 – 10:25 AM

Continued Questions 10:25 – 11:50 AM

Next Steps for Permitting Process 11:50 – 12:00 PM
Draft Construction
Stormwater General Permit Reissuance

Public Workshop
June 2021

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Background

- Federal Clean Water Act prohibits certain discharges of stormwater to waters of the United States, except discharges in compliance with a National Pollutant Discharge Elimination System (NPDES) permit.

- The State Water Resources Control Board (State Water Board) adopted the existing NPDES Construction General Permit in 2009.

- Existing Permit: Order 2009-0009-DWQ, was amended by 2010-0014-DWQ and 2012-0006-DWQ.

- The existing Permit expired in 2014;
  - Administratively extended until the Effective Date of a State Water Board-adopted permit reissuance.
# Discussion of Proposed Changes

- Draft Permit Reorganization
- Passive Treatment Technology Use Requirements
- Total Maximum Daily Load Implementation Requirements
- Statewide Water Quality Control Plan Implementation
- Dewatering Activity Requirements
- Demolition Activity Requirements
Discussion of Proposed Changes

- Notice of Non-Applicability Criteria
- Notice of Termination Process Revisions
- Sufficiently Sensitive Test Methods Rule
- Monitoring and Reporting Revisions
- Removal of Bioassessment Monitoring
- Removal of Rain Event Action Plans
Draft Permit Reorganization

- Staff received feedback that the existing permit is difficult to navigate.
- Draft permit reorganization intends to order requirements logically and consolidate repetitive requirements.
- New Attachments (G, H, I, and J) are added to separate requirements that do not apply to all dischargers.
- Appendix 1 – Risk Calculation Worksheet is now a Word document.
Passive Treatment Technology Use Requirements
Proposed Passive Treatment Technology Use Requirements

• Treatment chemicals are often used to meet turbidity numeric action levels in stormwater

• Existing Permit only addresses treatment chemicals used in an active treatment system

• Passive treatment technologies are used outside of a mechanized enclosed system

• U.S. EPA, North Carolina, Washington and other states regulate the use of treatment chemicals at construction sites
Proposed Passive Treatment Technology Use Requirements

- Requirements (in Attachment G) are specifically for the use of products that are applied to water.
- Cationic treatment chemical forms (positively charged ions) 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 contractor knowledgeable in passive treatment principles.
Implementation of Adopted Total Maximum Daily Loads
Total Maximum Daily Loads (TMDLs)

TMDLs are:

- Existing regulations in Regional Water Board basin plans that address impaired waterbodies
- Adopted by the Regional Water Boards or U.S. Environmental Protection Agency
- A sum of the allowable loads of a pollutant to a waterbody from all identified sources
- Not self-implementing – must be implemented in permits or other Board actions

TMDLs assign waste load allocations to contributing pollutant sources

- The maximum pollutant load from each source to be discharged to a waterbody
Proposed Implementation of Adopted TMDLs

- This graph shows TMDLs proposed for incorporation categorized by pollutant.
- Primarily pollutants associated with sediment sources.
- Dischargers that discharge the identified pollutant to the TMDL receiving water are called Responsible Dischargers.
Proposed Implementation of Adopted TMDLs

• Proposed TMDL implementation requirements built on existing permit requirements framework

• There are four categories of TMDL implementation requirements:

• TMDL-related numeric action levels and effluent limitations exceedances are redefined:

• 2 samples over the value, per pollutant, per discharge location, per year
Proposed Implementation of Adopted TMDLs

- Applicable TMDLs assigned 204 waste load allocations (WLAs) to construction stormwater dischargers
- 19 waste load allocations did not specify additional implementation requirements
- In 2020, staff reevaluated 4 TMDLs and translated the WLAs to numeric action levels instead of numeric effluent limitations
Proposed Implementation of Adopted TMDLs

Step 1: Determine responsible discharger status

Step 2: Perform site-specific pollutant source assessment

Step 3: Refer to proposed Attachment H for applicable TMDL Implementation Requirements

Shown right: Example of TMDL map tool (existing Industrial General Permit map tool, 2019)
Other Proposed Permit Changes
Proposed Statewide Water Quality Control Plan Requirements

- Implementation of the statewide Ocean Plan and Inland Surface Waters, Enclosed Bays, and Estuaries Plan (known as ISWEBE)

- Dischargers directly discharging into ocean waters must comply with monitoring requirements of General Permit which is deemed as compliance with Ocean Plan model monitoring provisions

- Attachment I incorporates additional requirements for construction sites with direct discharges to Areas of Special Biological Significance to comply with the Ocean Plan

- Statewide Trash Provisions – a statewide prohibition of the discharge of debris/trash from construction sites
Proposed Authorized Dewatering Activity Requirements

- Attachment J incorporates requirements for construction site dewatering activities to build upon existing requirements established by the U.S. EPA 2017 NPDES Construction Stormwater General Permit

- Proposed requirements apply to mechanical pumping or syphoning of non-potable water collected in surface impoundments and subsurface areas

- Dischargers are required to comply with specific dewatering prohibitions, Regional Water Board requests, monitoring, and best management practices
Proposed Demolition Activity Requirements

- New requirements for demolition activities to prevent stormwater from exposure to materials such as asbestos, lead paint, or PCBs
- Requirements apply to demolition activities for projects that require CGP coverage
Proposed Notice of Non-Applicability Criteria

• California Water Code (Section 13399.30) allows for a Notice of Non-Applicability in NPDES permits

• Applies to projects that are hydrologically disconnected from waters of the United States

• Dischargers must submit technical justification prepared by a California-licensed professional engineer or geologist and a confirmation of Regional Water Board concurrence with determination
Proposed Notice of Termination Process Revisions

• Dischargers must electronically certify and submit a complete Notice of Termination and obtain approval prior to ending permit coverage

• The proposed permit increases the efficiency of Regional Water Board approval:

  1) Dischargers must submit project specific information (e.g., final site map, visual inspection, photo documentation, post-construction specifications, etc.

  2) Automatic 30-day approval of notice of termination by Water Boards if not otherwise under review by a Regional Water Board
Implementation of New Federal Sufficiently Sensitive Test Method Rule

- NPDES permits must specify the use of standard analytical methods for water quality sampling (40 CFR 122.21(e)(3) and 122.44(i)(1)(iv))

- Minimum level of quantification must be at or below the water quality criteria or permit limitation for the measured pollutant

- Newly required test methods must be sensitive enough to quantify pollutants at the numeric action level or numeric effluent limit

- Applies to all NPDES dischargers
Proposed Monitoring and Reporting Requirement Revisions

- QSD and QSPs are now required to perform on-site visual inspection at periodic intervals to observe potential changes to the construction site.

- Qualifying Precipitation Events are those that produce 0.5 inches of precipitation within a 24-hour period and are extended for each subsequent 24-hour period of 0.25 inches or more.

- pH and turbidity numeric action levels are established as daily averages for dischargers to implement real-time corrective actions.
Proposed Removal of Bioassessment Monitoring Requirements

• Bioassessment monitoring requirements in existing permit intended to align with forthcoming State Water Board biological integrity policy

• Staff plans to work with the Surface Water Ambient Monitoring Program (SWAMP) for a study on biological impacts of construction stormwater discharges on downstream environments

• Future reissuances of this permit may include bioassessment or biological integrity requirements to implement water quality control plans or policies
Proposed Removal of Rain Event Action Plan Requirements

• Existing permit required rain event action plans to include on-site inspections prior to a precipitation event

• Proposed Permit includes an action-based strategy in place of checklist or reporting-based rain event action plan

• Action-based strategy includes:
  • QSD involvement over the life of the project
  • Additional inspections and visual observations
  • Documentation and implementation of corrective actions
Anticipated Next Steps

- State Water Board Hearing and end of the comment period: August 4, 2021
- Staff works on formal response to comments: Fall 2021
- State Water Board consideration of adoption: To be determined
Submitting Comments

• Refer to public notice for details

• Oral comments can be made during the State Water Board Hearing

• Written comments may be mailed or emailed to the Clerk to the Board at commentletters@waterboard.ca.gov

• Any hand-delivered submittals must notify staff and schedule an appointment

• Written comments will be accepted no later than 12:00pm on August 13, 2021
Stay Informed – Future Notices

• Go to the Email List Subscription Form web page (https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html),

• Select the “Water Quality” tab; Check the box for “Stormwater Construction Permitting Issues”, and fill in the required information
Questions-and-Answer Period

1. Click “Chat” icon in menu
2. Enter question or feedback
3. Indicate if you would like to present question or feedback yourself (1 minute max)
Thank you!

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Thank you for your participation