Public Workshop

Proposed Statewide NPDES Construction Stormwater General Permit Reissuance

This meeting will start at 9:00 AM

CALIFORNIA Water Boards

April 12, 2022

Welcome

Thank you for participating in our staff-level public workshop
to discuss the
Proposed Statewide NPDES Construction Stormwater General Permit
issued on March 30, 2022

Meeting Facilitator:
Amy Kronson, Senior Environmental Scientist

Construction Stormwater Permitting Team

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

- To explain the continuing public process per the State Water Board March 30, 2022 Public Notice
- To provide a high-level overview of the proposed permit content
- To identify specific proposed permit items:
  - That changed due to public comments received in August 2021, and
  - Are subject to a subsequent "limited scope" public comment period
- To 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 for stakeholders to understand the proposed permit for:
  - Feedback to the State Water Board at its April 19, 2022 Board Workshop
  - Written comments for the limited scope public comment period
  - Oral comments at the July 19, 2022 State Water Board Meeting for consideration of permit adoption
- Questions will be answered to the best of staff's ability

This presentation will be posted on the Construction Stormwater General Permit Reissuance web page

Please subscribe to the Stormwater Construction Permitting Issues Lyris for updates

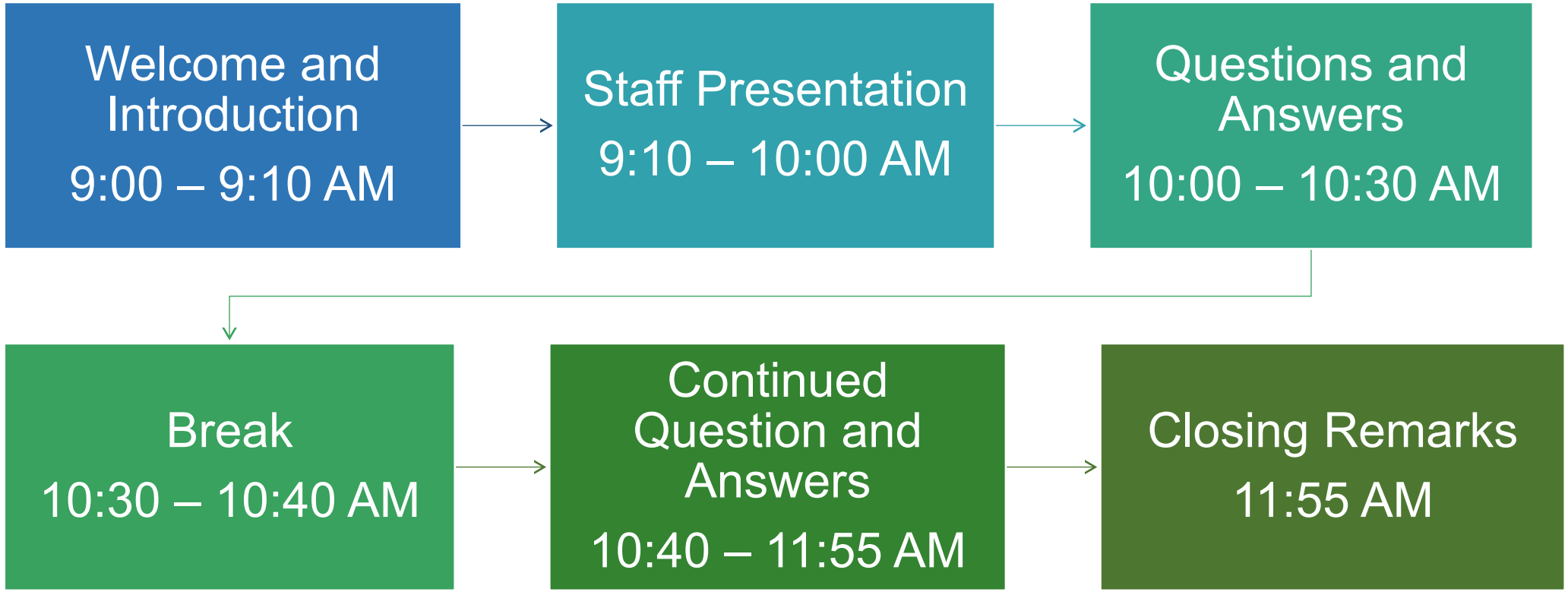
Zoom Meeting Participation Instructions

1. Click “Chat” icon in menu

2. Enter question or feedback

3. Indicate if you would like to present question or feedback yourself (1 minute max)

Workshop Schedule



Public Workshop

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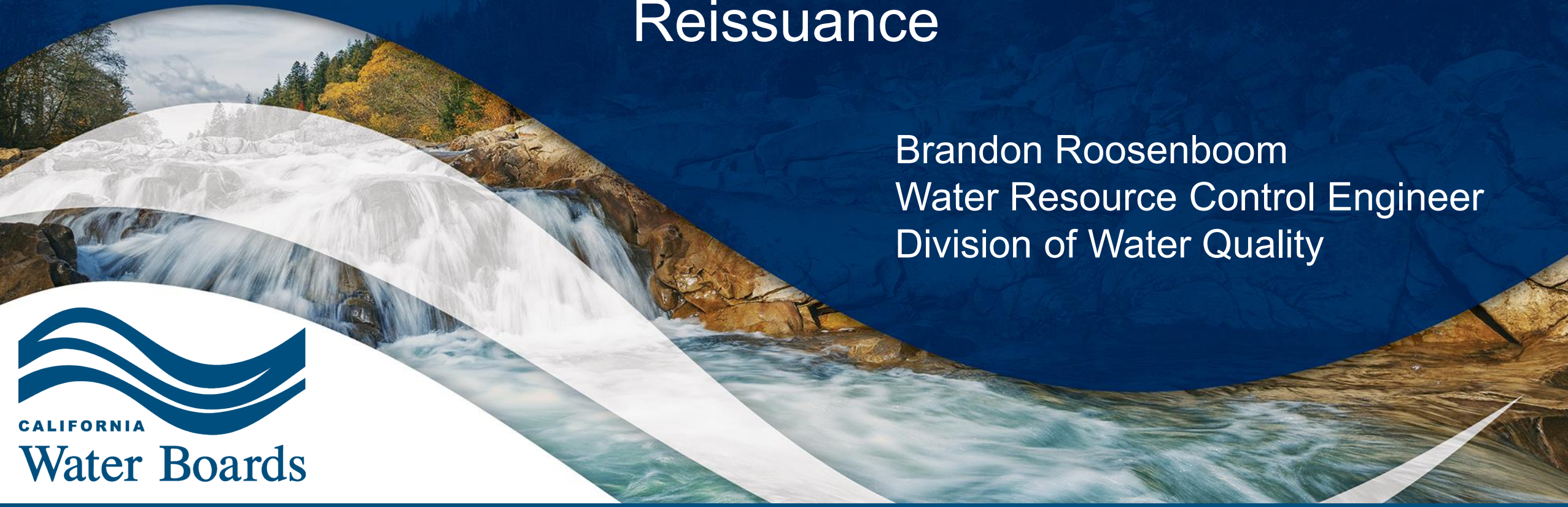


Brandon Roosenboom
Water Resource Control Engineer
Division of Water Quality

CALIFORNIA
Water Boards

April 12, 2022

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

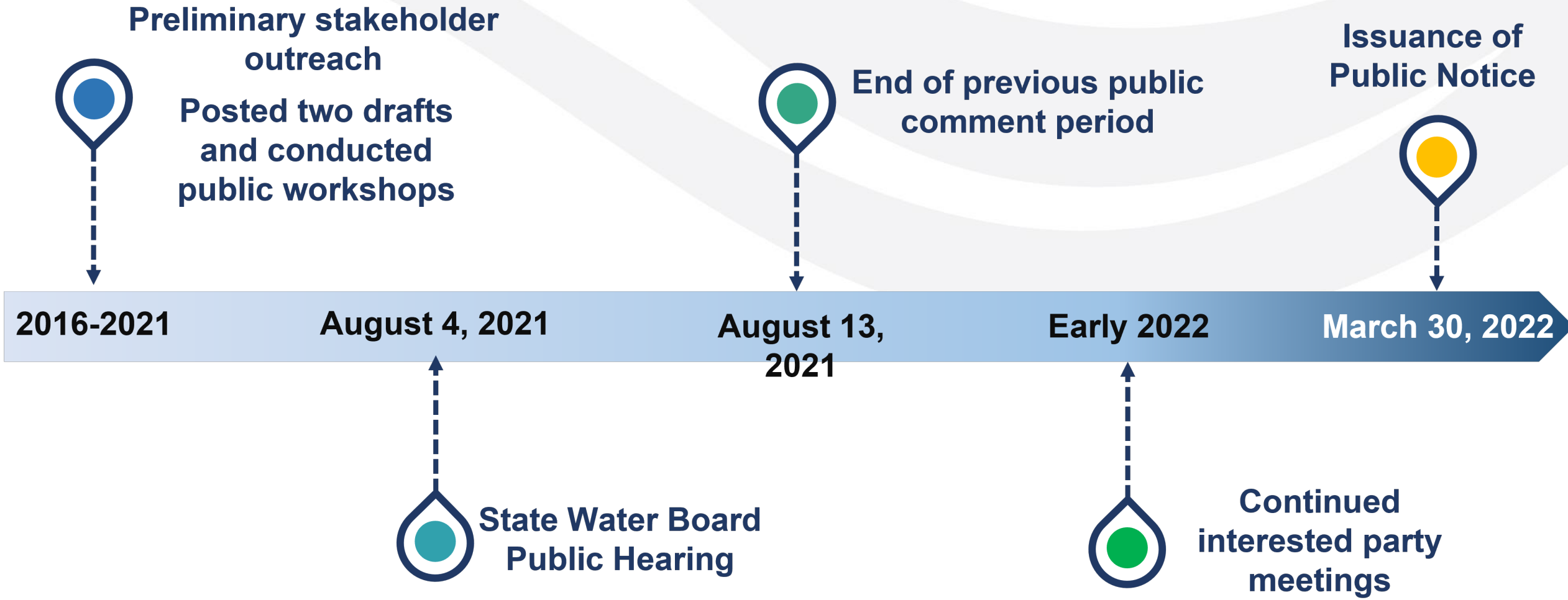
Proposed Permit vs. 2009 Existing Permit

- Addition 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 water quality control plans
- New requirements for discharges from dewatering activities

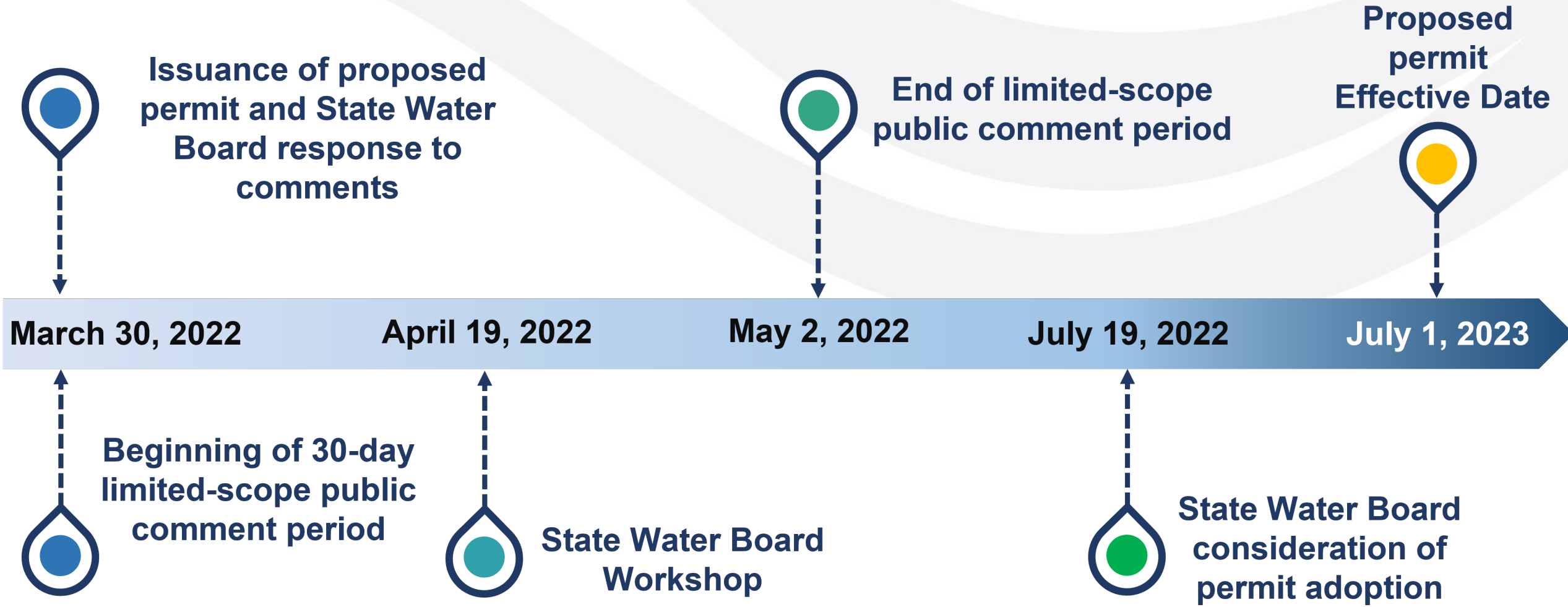
Proposed Permit vs. 2009 Existing Permit (Cont.)

- Addition of demolition activity requirements
- Implementation of new federal Sufficiently Sensitive Test Methods Rule
- Revised monitoring and reporting requirement
- Removal of bioassessment monitoring requirements
- Removal of rain event action plan requirements

Proposed Permit Reissuance Process to Date



Continuing Proposed Permit Reissuance Process



Summary of Proposed Permit Changes in Response to Comments

Response to Comment Categories

- Active treatment system requirements
- Administrative changes
- Cost of compliance
- Dewatering
- Glossary definitions
- Inactive sites
- Linear underground/overhead project requirements
- Monitoring requirement revisions
- Notice of Non-Applicability
- Notice of Termination requirements
- Passive treatment requirements
- Post-construction requirements
- Reporting requirement revisions
- Routine maintenance definition
- Stormwater professionals' responsibilities
- Surface water buffer requirement
- Total maximum daily load implementation requirements
- Training requirements

Active Treatment Systems (ATS)

- Active treatment systems (ATS) use chemical coagulation, chemical flocculation, and/or electrical coagulation to aid in the reduction of turbidity caused by fine suspended sediment
- ATS rely on enclosed, computerized systems comprised of tanks, pumps, filters, and real-time controls

Proposed Active Treatment System (ATS) Requirements

- Minimum design storm criteria removed (previously proposed 10-year, 24-hour).
- New provision allowing ATS bypass flow if permit requirements met prior to ATS
- Revised ATS Plan submission requirements
  - Plan must be attached to Stormwater Pollution Prevention Plan at least 14 days prior to ATS operation
- Removed designer and training requirements

Simplified Proposed Permit Attachments

May 2021 Draft Permit	Proposed Permit	Subject
Appendix 3	Attachment A	Acronyms and Terms
Appendix 2	Attachment B	Glossary
Appendix 4	Attachment C	Contacts
Attachment C, D and E Appendix 1 Attachment B	Attachment D	Risk Level 1, 2 and 3 Requirements Risk Determination Worksheet Permit Registration Document
Attachment A	Attachment E	Linear Underground/Overhead Projects
Attachments F - J	Same	Active Treatment System Requirements Passive Treatment Requirements Total Maximum Daily Load Implementation Ocean Plan Exception Requirements Dewatering Requirements

Proposed Permit Effective Date – **July 1, 2023**

- Permit requirements become effective for new projects
- Existing permit is rescinded except for existing projects and for enforcement purposes

Proposed Regulatory Transition Period for Existing Projects

- New provision allowing existing projects to continue under 2009 existing permit up to 3 years effective date of the reissued permit.
- 2009 existing permit coverage for existing projects allowed to continue until June 30, 2026
- Permit Registration Documents submitted on or after permit effective date are subject to reissued permit

Revising 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 acre of disturbance
  - Temporarily stabilization BMPs and contract to maintain until stabilized

Cost of Compliance

- Many commenters stating that the proposed permit will increase cost of compliance.
- Per State Water Board Resolution 2013-0029
  - Proposed requirements minimized to requirements necessary to protect beneficial uses of receiving waters
- Cost variability across all construction statewide
  - More costly permit requirements apply to a subset of projects only

Anticipated Cost of Compliance Impacts

Increase

- TMDL implementation requirements
- Passive treatment requirements
- Dewatering activity requirements
- Qualified stormwater professional inspections

Decrease

- Notice of Non-Applicability Criteria
- Notice of Termination
- Programmatic permitting
- Reducing acreage for individual residential lots
- Removal of Rain Event Action Plans
- Removal of bioassessment monitoring

What is Dewatering?

- Dewatering is the process of removing excess water by pumping, syphoning, or using other mechanical means
- Proposed, authorized dewatering discharges include non-potable water from:
  - Excavations, trenches, foundations, vaults, and other groundwater removal specifically related to construction activities
  - Water collected in impoundments such as ponds, basins, and other accumulation points on the site
- Groundwater removal not related to construction activities needs coverage under a separate NPDES permit issued by the Regional Water Board

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 SWPPP changes for dewatering through a Change of Information in SMARTS.
- Dewatering discharges (not operations) shall cease if dewatering discharges exceed pH or turbidity numeric action levels.

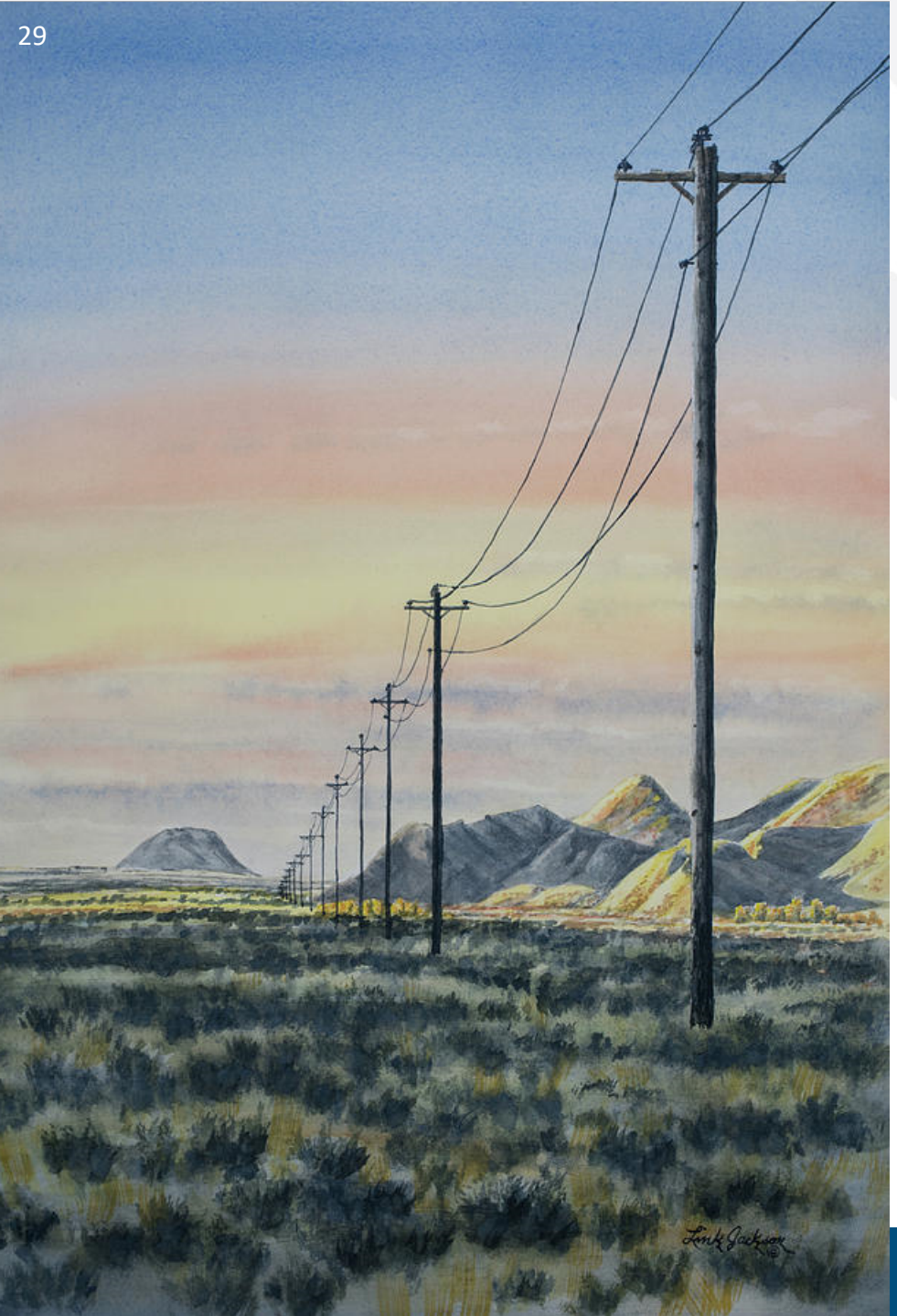
Glossary Definitions

Proposed Attachment B provides definitions for:

- Ancillary Areas
- Groundwater
- Property Boundary
- Project Area
- Site

Inactive Sites

- Revised Order Section III.G.2.c. now includes 'snow accumulation' as an example of conditions in which access to an inactive site is infeasible for inspection.
- Requires photos of temporary stabilization



Linear Underground/ Overhead Projects (LUP)

- Programmatic permitting now applies to all LUP Types.
- LUP segments delineation are clarified to include contractor, phasing, topography, watersheds, or jurisdictional boundaries.
- Post construction requirements do not apply to LUP dischargers.

Changes to Proposed Inspection Requirements

- Proposed permit includes:
  - Weekly inspection requirements for Risk Level 1 dischargers.
  - Revised precipitation *forecast amounts,* not accumulations, that are the basis for all storm-related inspections.
  - Revised pre-Qualifying Precipitation Event inspections to be conducted 3-5 days in advance of rain event.
  - Photo documentation is not required for missed inspections.

Changes to Proposed Inspection Requirements (Cont.)

- A Qualifying Precipitation Event (QPE) is a 0.5” rain forecast in 24-hours.
- QPE continues for subsequent 24-hour periods with 0.25” or more rain forecast.
- QPE ends with two consecutive 24-hour periods with less than 0.25” rain forecast.
- Post-Qualifying Precipitation Event inspection may be conducted on either day when less than 0.25” rain is predicted.

Qualifying Precipitation Event (QPE) Inspections

Precipitation Forecast

National Weather Service predicts 0.5” or more in a 24-hour period. Inspection must occur from 72-120 hours before start of forecasted precipitation.

Precipitation Begins

Inspector checks forecast at least once per day after initial forecast. First inspection may be conducted at any time during site operating hours when forecast precipitation is occurring.

Precipitation Continues

Inspections required during each subsequent 24-hour period when 0.25” or more is forecasted. If less is forecasted, inspections are not required for that period.

Precipitation Ends

Event ends when there are two consecutive 24-hour periods with less than 0.25” forecast. Post-QPE inspections may be done on these days, or within the subsequent 48-hour period.

Who can perform specific inspections?

Inspection Type	Qualified SWPPP Developer (QSD)	Qualified SWPPP Practitioner (QSP)	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
QSD Responsibilities	X		
QSP Responsibilities	X	X	

Changes to Proposed Sampling Requirements

- Proposed permit does not include:
  - Requirements to sample within first two hours of storm event.
  - 15-minute interval between sample.
- Proposed Attachments D, E, and H – Non-visible pollutant sampling requirements clarified for TMDL pollutants.
- 'Daily Average' definition is modified to read: 'daily average of each sampling location'.
- Proposed Attachment D and E – Non-visible pollutant indicator monitoring requirements deleted.

Qualifying Precipitation Event (QPE) Sampling Example

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

Monday
3pm - 9pm
(Event begins @ 4pm)

→

Monday - Tuesday
9pm - 3am

No site visit or sampling during non-operating hours

↓

Sample between site opening and 9am

Tuesday
3am - 9am

→

Tuesday
9am - 3pm
(24-hr period ends @ 4pm)

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

Proposed Notice of Non-Applicability (NONA)

Proposed Order Section III.E. is revised to address the following:

- SMARTS will accept all necessary submissions by the effective date of this General Permit.
- Regional Water Board Executive Officer concurrence is no longer required prior to submitting a NONA.
- The NONA option is only available when the location is not hydrologically connected to waters of the United States.
- Revised ‘written determination’ to ‘No Discharge Technical Report’ and permitted California licensed Professional Engineers and Geologists with relevant hydrologic expertise to sign the technical report.

Proposed Changes to Notice of Termination (NOT)

- Final site map must contain key features (i.e., roadways, waterbodies).
    - Dischargers are not required to include elevation contours on its final site map.
- Revised 'final stabilization' definition to include non-vegetative methods.
- Clarification: 70% of natural conditions of the local *undisturbed* areas is acceptable in areas with naturally low vegetation (e.g., desert).

Proposed Passive Treatment Requirements

- Consistent passive treatment definitions throughout permit.
- Revised list of authorized use of polyacrylamide treatment chemicals.
- Revised qualifications for trained person implementing passive treatment.

Proposed Post-Construction Requirements

- Revised post-construction requirements for dischargers to comply with applicable Phase I or II NPDES municipal stormwater permit post-construction requirements
- Low impact development features are not mandatory to comply with post-construction requirements
- Removal of requirements to demonstrate why non-structural controls are infeasible or economically impractical before using structural controls

Qualified SWPPP Developer/Practitioner (QSD/QSP) Responsibilities

- Clarified responsibilities for the qualified stormwater professionals.
- Existing QSDs/QSPs certified through the CA Stormwater Quality Association must maintain current (non-expired) certification
- Existing self-certified QSDs through the State Water Board shall recertify within one-year of proposed permit effective date

Changes to Proposed Reporting Requirements

- Attachment D Section III.B.3. – deleted ‘photo documentation’ requirement for missed inspections and sampling.

- Attachment D Section III.C.7.c. – revised the term ‘time elapsed since last storm’ to ‘date of the end of the Qualifying Precipitation Event.

- SMARTS to be updated per proposed permit by permit effective date.

Proposed Changes to Risk Determination

- Revised requirements allow dischargers to use soil erodibility (K) and length-slope (LS) factors derived from different methods

- Qualified SWPPP Developers can perform the sieve analyses and LS factor calculations; not limited to Professional Engineers or Professional Geologists as the previous draft required.

Clarified Routine Maintenance Definition

- Projects that remove pavement down to underlying soil or erodible subgrade are not routine maintenance.
- The clarification does not apply to routine maintenance of dirt roads
- Definition now includes “line and grade”

Proposed Surface Water Buffer Requirements

- 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 method to calculate equivalent sediment load reductions

Proposed Total Maximum Daily Load (TMDL) Implementation

Changes to proposed TMDL implementation requirements (Attachment H):

- Clarified TMDL-related exceedances, and sampling and reporting requirements.
- Santa Monica Bay Beaches Bacteria TMDL.
- Nitrogen-based nutrient waste load allocations retranslated from numeric effluent limitations to numeric action levels.
- For Chollas Creek Metals TMDL: Copper, lead, and zinc limitations and action levels changed from “total” to “dissolved” metals.
- Sediment-based numeric effluent limitations to implement certain metal, organochlorine pesticide, and PCB waste load allocations.

TMDL Sampling Requirements

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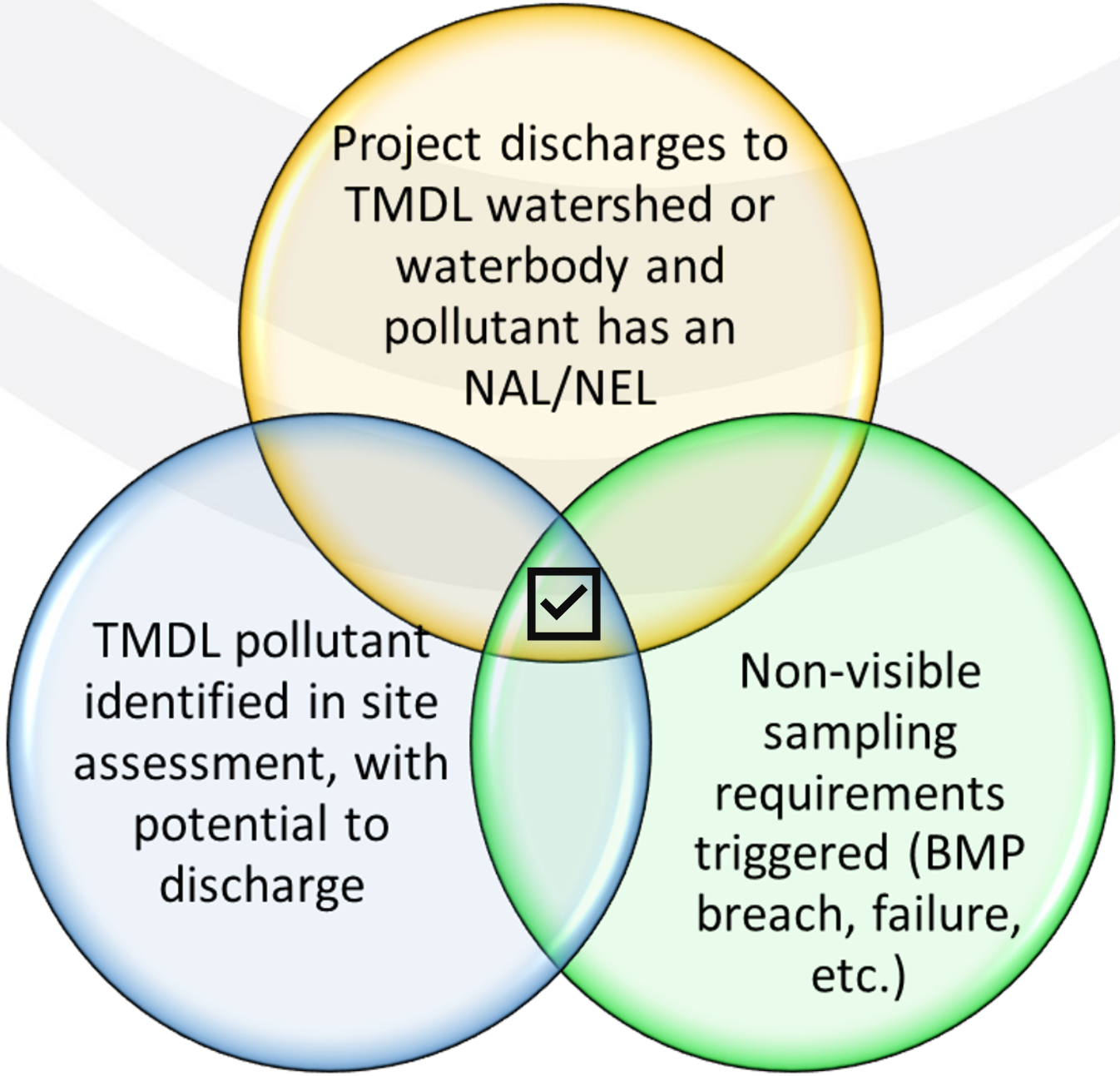
Sampling required when all three conditions occur

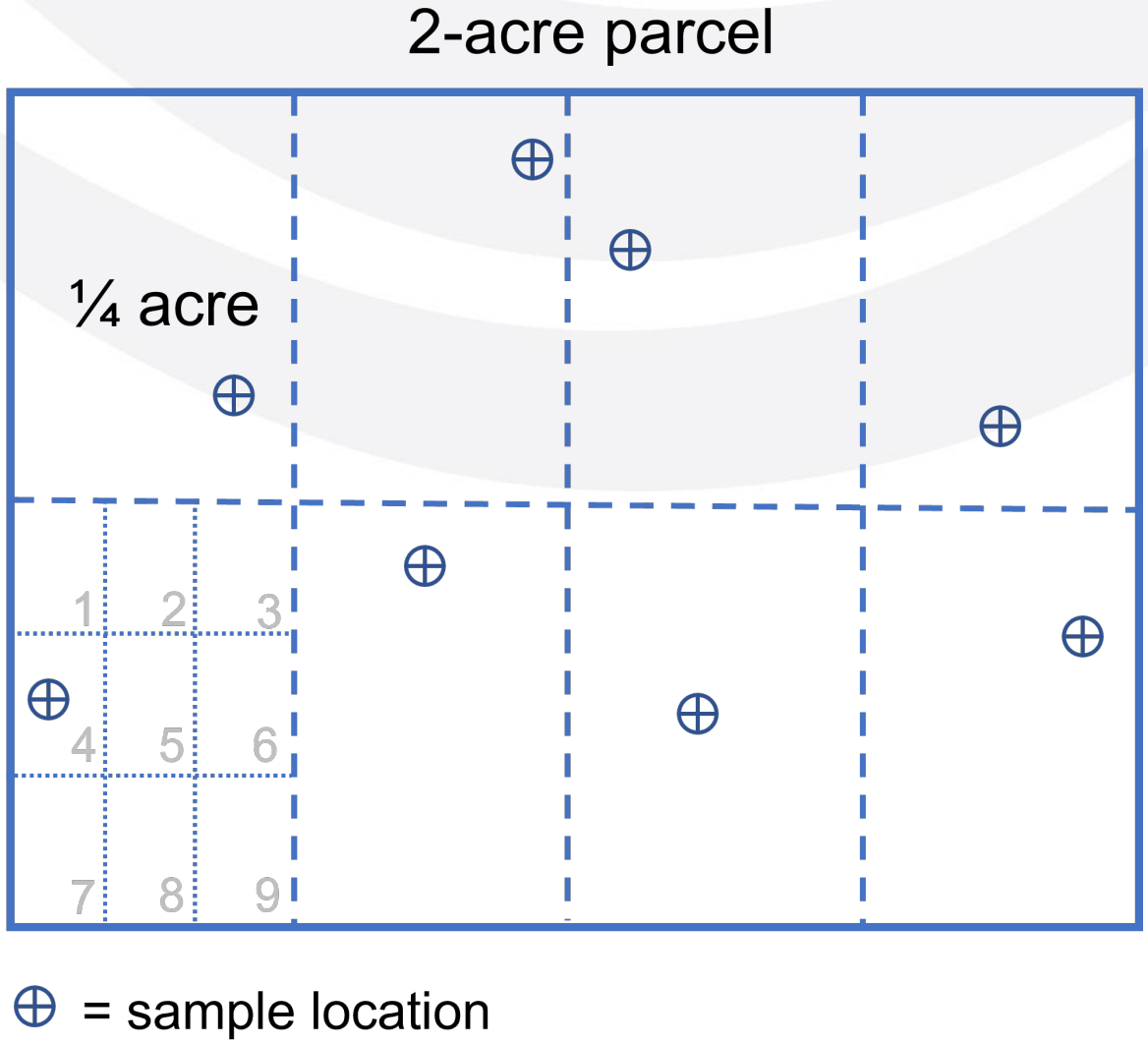


Proposed Total Maximum Daily Load-related Numeric Effluent Limitations

- Revised requirements to implement the Los Angeles Area Lakes TMDL, and the Los Angeles and Long Beach Harbor Waters TMDL:
  - Staff revised numeric effluent limitations for metals, organochlorine pesticides, and PCBs to a sediment-based numeric effluent limitation.
  - Numeric effluent limitation is total suspended solids 100 mg/L.
- Changed numeric effluent limitations to numeric action levels for Los Angeles Area Lakes TMDL, Los Angeles River Nutrients TMDL, Santa Clara River Nitrogen Compounds TMDL, and Ventura River Algae TMDL.

Soil Screening Investigation

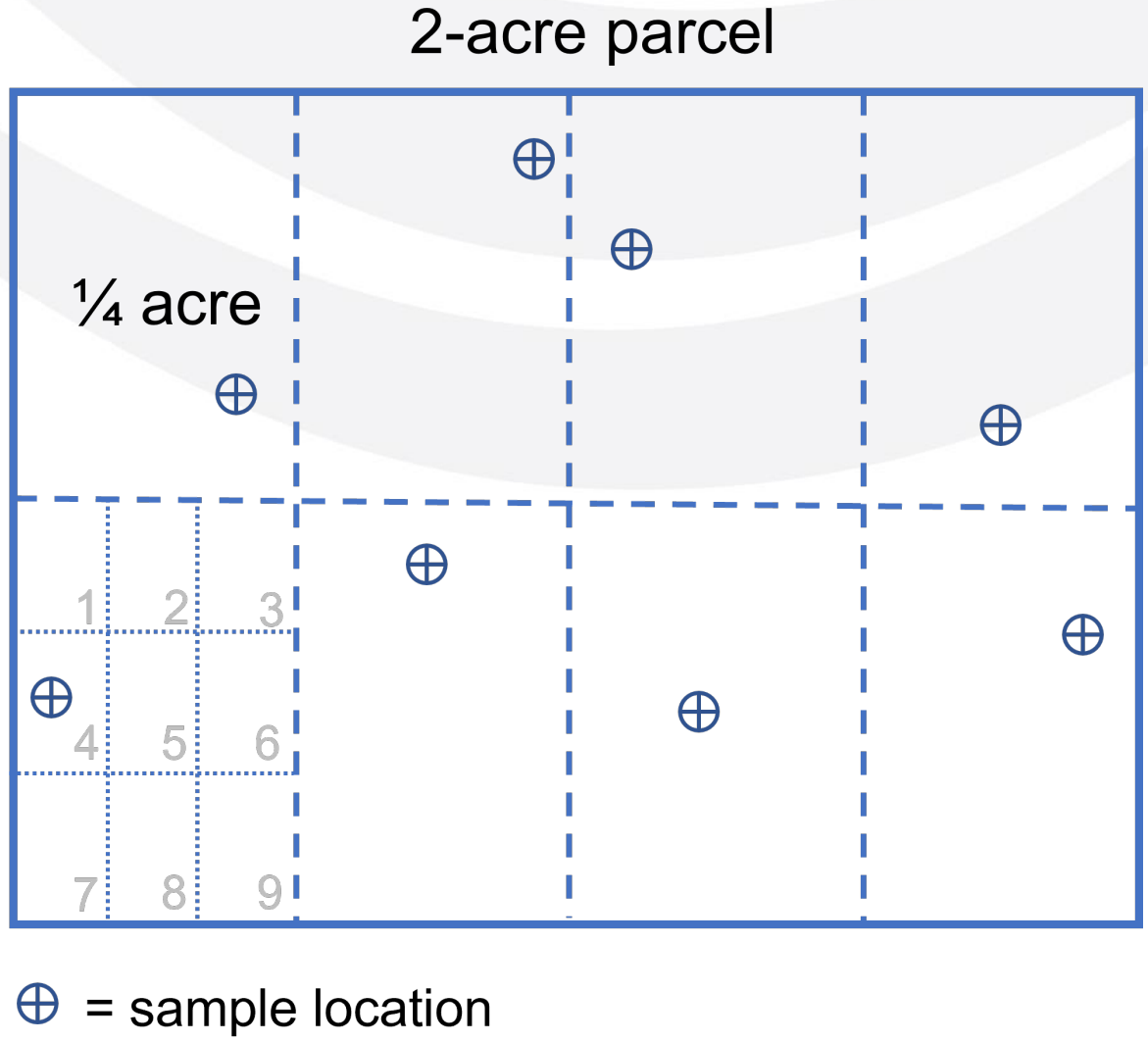
1. Create a grid of quarter-acre areas (for parcels >1 and <5 acres).
2. Obtain one 3-point composite sample from each quarter-acre area at a random location.
3. Ensure random sample locations by subdividing areas into 9 equal parts, number from 1-9 and use a random number generator.



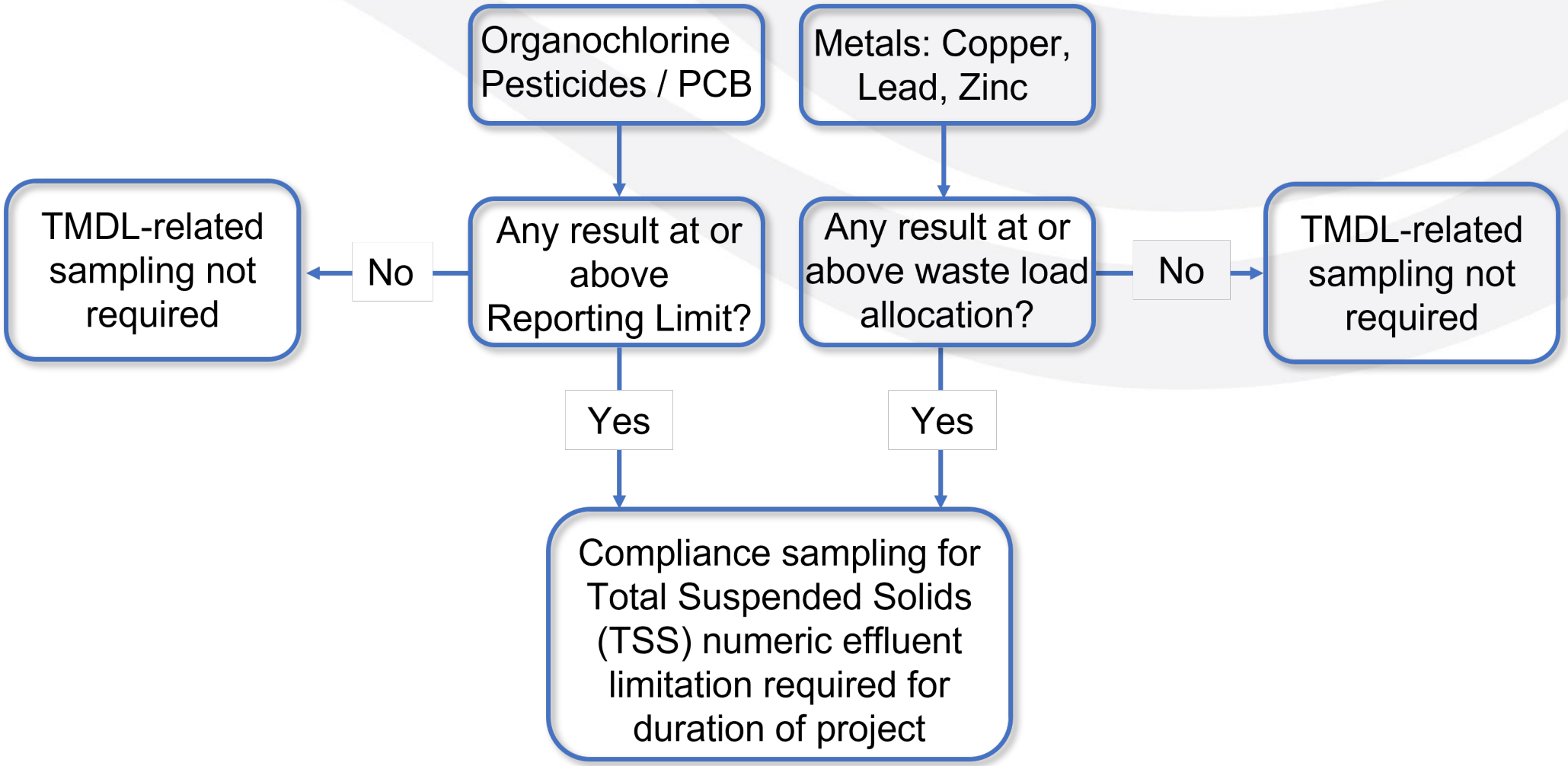
Soil Screening Investigation (Cont.)

4. Hand-sample three portions, at -6”, -12” and -18” below surface and consolidate into one.

5. Analyze all samples for applicable TMDL pollutants.



Soil Screening Investigation Analytical Results



Training Requirements

- QSDs/QSPs certified through the CA Stormwater Quality Association require annual 6 hours of continuing education.
- Revised QSD/QSP prerequisite course qualification process allows any individual to recommend a training course for consideration.
- QSPs opting to delegate responsibilities shall provide training based on the guidelines set by the Construction General Permit Training Team.

Antidegradation Findings

- The reissued permit protects the water quality level necessary to maintain existing instream uses
- It is not expected that this permit will authorize discharges that will degrade high-quality waters
- Changes in water quality due to authorized discharges are expected to provide maximum benefit to the people of the State

Questions?

Zoom Participation Instructions

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

Reminders

- The Board Workshop is April 19, 2022
- State Water Board is accepting comment letters on the following 4 items until noon on May 2, 2022
  - Addition of anti-degradation findings
  - Regulatory transition period provision
  - Nitrogen-based nutrient waste load allocations translated into numeric action levels instead of numeric effluent limitations
  - Sediment-based numeric effluent limitations to implement certain metal, organochlorine pesticide, and PCB waste load allocations
- Board Meeting to consider adoption of the permit reissuance July 19, 2022

Thank you!

Additional Questions?
Contact the Stormwater Help Desk!
stormwater@waterboards.ca.gov