



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)

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)



Agenda



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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Water Resource Control Engineer

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

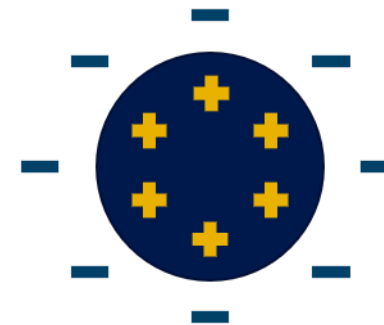
- Treatment chemicals are often used to meet turbidity numeric action levels in stormwater
- Existing Permit only addresses treatment chemicals used in an active treatment system
- Passive treatment technologies are used outside of a mechanized enclosed system
- U.S. EPA, North Carolina, Washington and other states regulate the use of treatment chemicals at construction sites



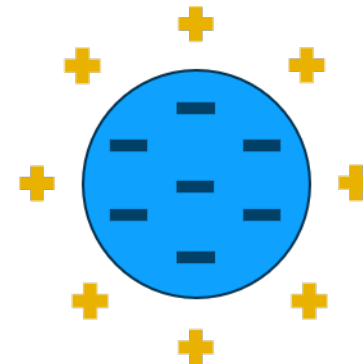
Proposed Passive Treatment Technology Use Requirements

- 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

Anion Exchanger



Cation Exchanger





Implementation
of Adopted
Total Maximum
Daily Loads

Total Maximum Daily Loads (TMDLs)

TMDLs are:

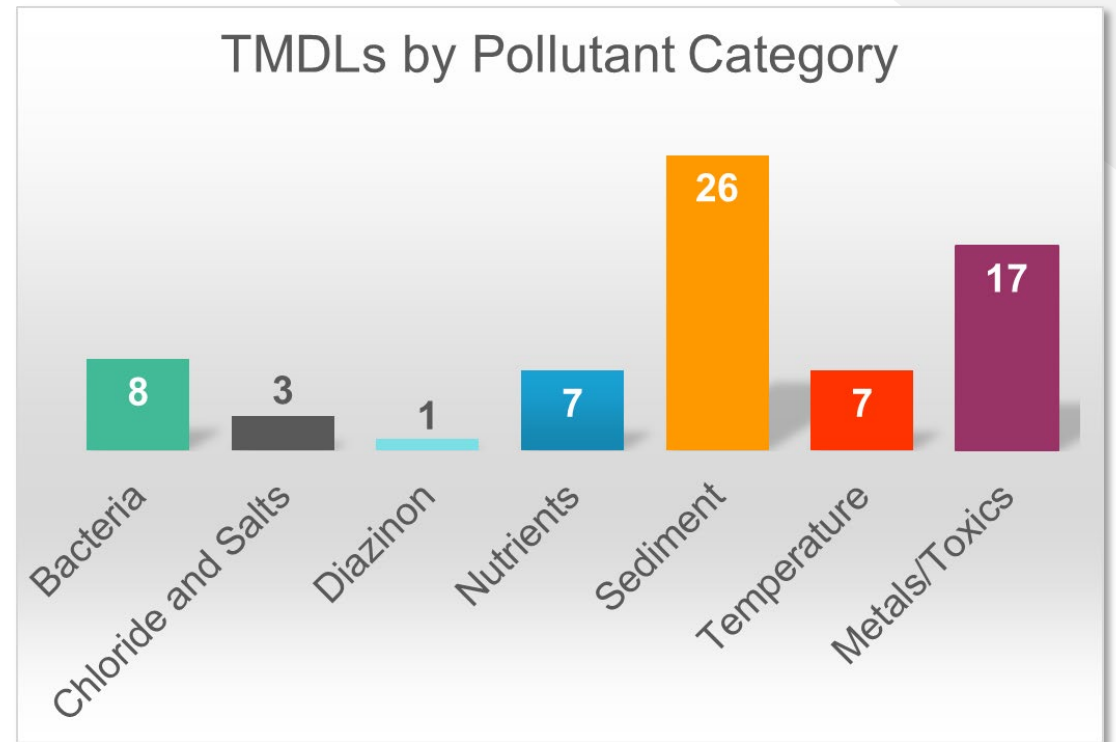
- Existing regulations in Regional Water Board basin plans that address impaired waterbodies
- Adopted by the Regional Water Boards or U.S. Environmental Protection Agency
- A sum of the allowable loads of a pollutant to a waterbody from all identified sources
- Not self-implementing – must be implemented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

Comply with
General Permit

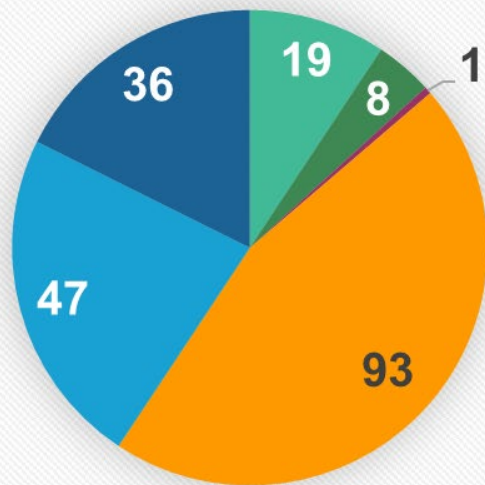
Erosion and
Sediment Controls
paired with RUSLE2
Modeling

Numeric Action
Levels

Numeric Effluent
Limitations

Proposed Implementation of Adopted TMDLs

All WLAs by TMDL Implementation Requirement



■ Comply with Permit*
■ Unique**
■ NALs

■ Minimum BMPs
■ Erosion and Sediment Control, RUSLE2
■ NELs

- 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



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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

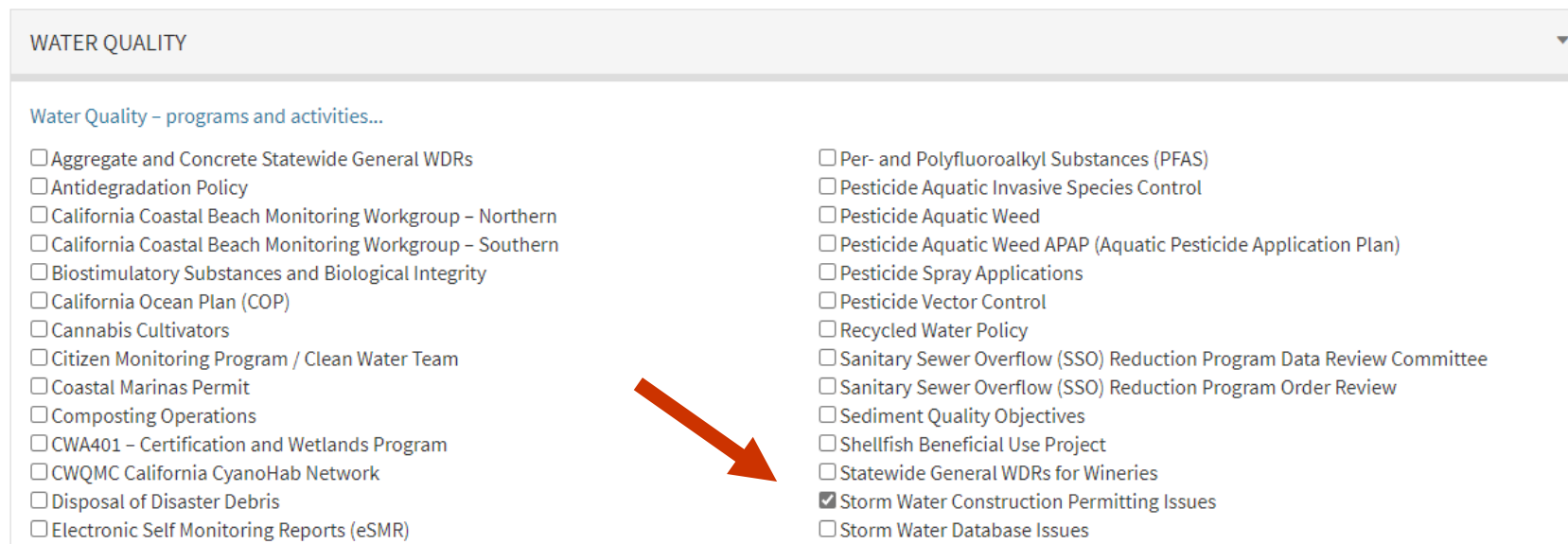
Submitting Comments

- 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) (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



WATER QUALITY

Water Quality – programs and activities...

<input type="checkbox"/> Aggregate and Concrete Statewide General WDRs	<input type="checkbox"/> Per- and Polyfluoroalkyl Substances (PFAS)
<input type="checkbox"/> Antidegradation Policy	<input type="checkbox"/> Pesticide Aquatic Invasive Species Control
<input type="checkbox"/> California Coastal Beach Monitoring Workgroup – Northern	<input type="checkbox"/> Pesticide Aquatic Weed
<input type="checkbox"/> California Coastal Beach Monitoring Workgroup – Southern	<input type="checkbox"/> Pesticide Aquatic Weed APAP (Aquatic Pesticide Application Plan)
<input type="checkbox"/> Biostimulatory Substances and Biological Integrity	<input type="checkbox"/> Pesticide Spray Applications
<input type="checkbox"/> California Ocean Plan (COP)	<input type="checkbox"/> Pesticide Vector Control
<input type="checkbox"/> Cannabis Cultivators	<input type="checkbox"/> Recycled Water Policy
<input type="checkbox"/> Citizen Monitoring Program / Clean Water Team	<input type="checkbox"/> Sanitary Sewer Overflow (SSO) Reduction Program Data Review Committee
<input type="checkbox"/> Coastal Marinas Permit	<input type="checkbox"/> Sanitary Sewer Overflow (SSO) Reduction Program Order Review
<input type="checkbox"/> Composting Operations	<input type="checkbox"/> Sediment Quality Objectives
<input type="checkbox"/> CWA401 – Certification and Wetlands Program	<input type="checkbox"/> Shellfish Beneficial Use Project
<input type="checkbox"/> CWQMC California CyanoHab Network	<input type="checkbox"/> Statewide General WDRs for Wineries
<input type="checkbox"/> Disposal of Disaster Debris	<input checked="" type="checkbox"/> Storm Water Construction Permitting Issues
<input type="checkbox"/> Electronic Self Monitoring Reports (eSMR)	<input type="checkbox"/> Storm Water Database Issues



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!




California State Water Resources Control Board

Construction Stormwater Permitting



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Thank you for your participation