

# Preliminary Staff Draft of Proposed Construction Stormwater General Permit Reissuance

Virtual Workshop #1  
December 9, 2020

Virtual Workshop #2  
December 14, 2020





# *Welcome*

Thank you for participating in our  
Public Workshop

to discuss the preliminary staff draft of the

## **Statewide NPDES Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities**

(referred to as the Construction General Permit reissuance)

Today's Facilitators: Diana Messina and Pushpa Zachariah

# *Acknowledgement*

*We are hosting this meeting virtually from Sacramento.*

*We welcome and thank you for joining us virtually today.*

*We are meeting during a challenging time and appreciate your participation while many folks are concurrently dealing with continued impacts this global 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.*

*We acknowledge the groups who have, and who continue to, experience economic, environmental, and social disadvantages, and whose daily lives are impacted by racism and injustices.*

*The work our Board conducts is to strengthen the empowerment of community voices, including our Indigenous communities, as we work, together, to provide clean, safe, affordable water to all Californians.*

# *Purpose of Today's Workshop*

Provide information, answer questions, and listen to your feedback regarding the informal staff draft Construction General Permit issued through the November 30, 2020 Public Notice

Informal staff draft permit documents available at:  
[Construction General Permit Reissuance web page](#)

# Meeting Logistics

- 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
- Staff 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
- 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](mailto:stormwater@waterboards.ca.gov)**

**Subject line: *Technical Assistance with CGP Workshop Meeting***

# Agenda



Welcome and Introduction	12:30 – 12:45 PM
Staff Presentation	12:45 – 1:15 PM
Questions and Answers	1:15 – 2:15 PM
Break	2:15 – 2:25 PM
Continued Questions	2:25 – 3:50 PM
Next Steps for Permitting Process	3:50 – 4:00 PM



Enter all questions or feedback in the Zoom meeting Chat Box





# Zoom Participation Instructions

1. Click “Chat” icon in menu

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2. Enter question or feedback

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





# Preliminary Staff Draft of Proposed Construction Stormwater General Permit Reissuance

Virtual Workshop  
December 2020

Amy Kronson  
Senior Environmental Scientist

Brandon Roosenboom  
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
- State Water Resources Control Board (State Water Board) adopted the existing NPDES Construction General Permit in 2009
- Existing Permit: Order 2009-0009-DWQ, amended by 2010-0014-DWQ and 2012-0006-DWQ
- Existing Permit expired in 2014;
  - Administratively extended until State Water Board adopts permit reissuance

# Discussion of Proposed Changes

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Total maximum daily load implementation requirements

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Passive treatment technology use requirements

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Notice of Non-Applicability criteria

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Notice of Termination process revisions

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Statewide Water Quality Control Plan requirements

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Authorized dewatering activity requirements

# Discussion of Proposed Changes

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Demolition activity requirements

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Sufficiently Sensitive Test Methods Rule

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Monitoring and reporting requirement revisions

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Removal of bioassessment monitoring  
requirements

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Removal of rain event action plan  
requirements



Implementation  
of Adopted  
Total Maximum  
Daily Loads

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# Total Maximum Daily Loads (TMDLs)

TMDLs are:

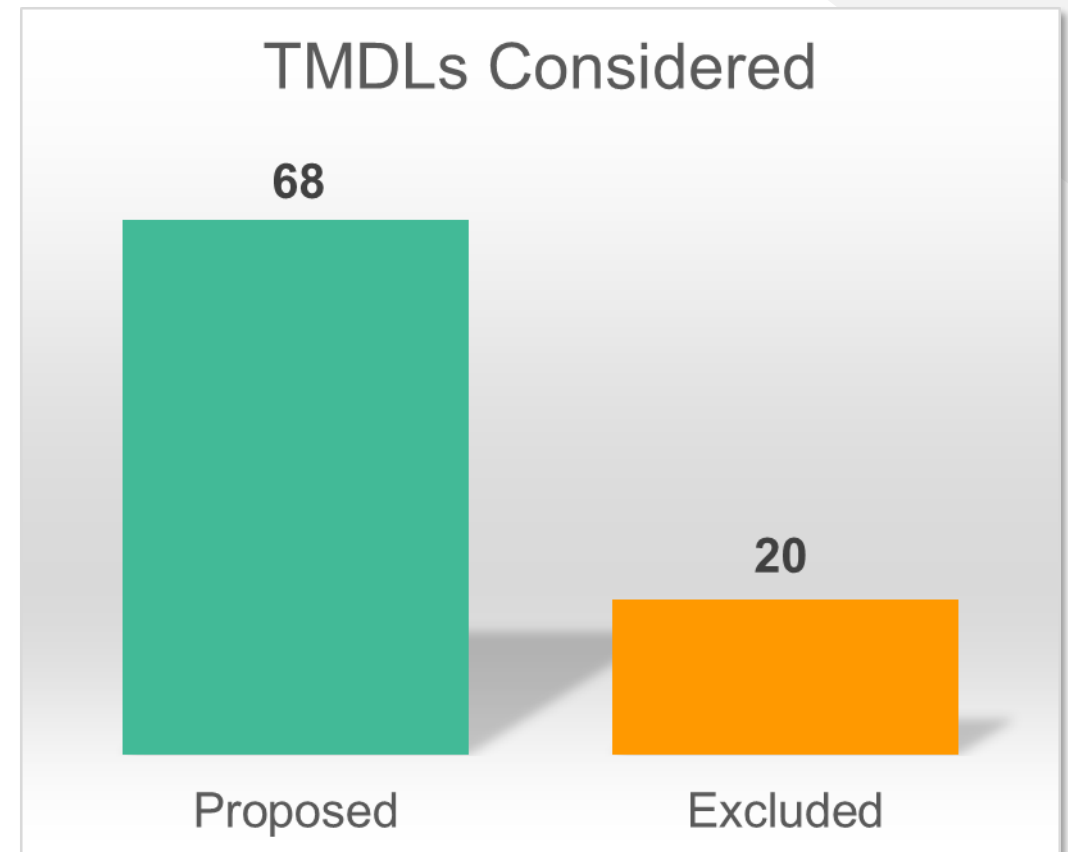
- Existing regulations in Regional Water Board basin plans that address impaired waterbodies
- Adopted by the Regional Water Boards or U.S. Environmental Protection Agency
- A sum of the allowable loads of a pollutant to a waterbody from all identified sources
- Not self-implementing – must be implemented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

TMDLs assign waste load allocations to contributing point sources

- The maximum pollutant load from each source to be discharged to a waterbody

# Proposed Implementation of Adopted TMDLs

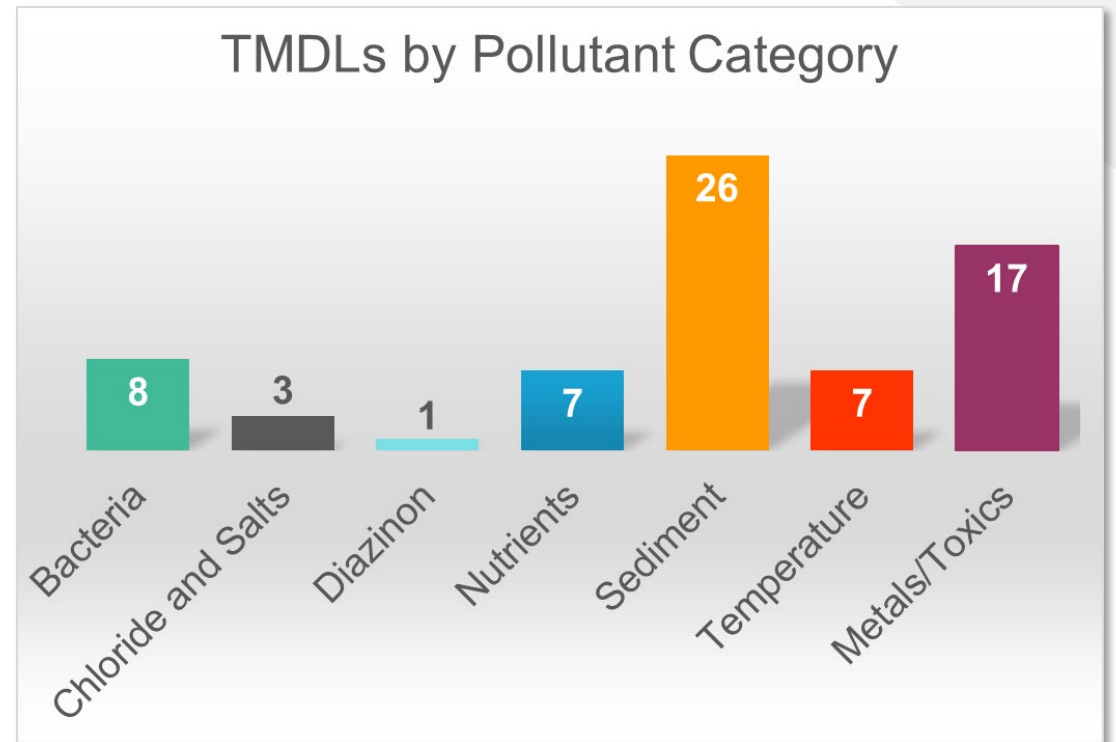
- The Regional Water Boards provided 88 TMDLs for consideration
- All 88 TMDLs were reviewed to determine if applicable to construction stormwater dischargers
- 68 are proposed for incorporation into this proposed draft





# Proposed Implementation of Adopted TMDLs

- This graph shows TMDLs proposed for incorporation categorized by pollutant
- Primarily pollutants associated with sediment sources



# Proposed Implementation of Adopted TMDLs

- Proposed TMDL implementation requirements built on permit requirements
- There are four categories of TMDL implementation requirements:

Comply with  
General Permit

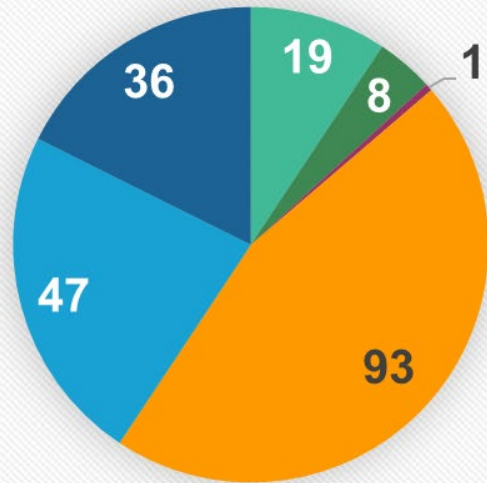
Erosion and  
Sediment Controls  
paired with RUSLE2  
Modeling

Numeric Action  
Levels

Numeric Effluent  
Limitations

# Proposed Implementation of Adopted TMDLs

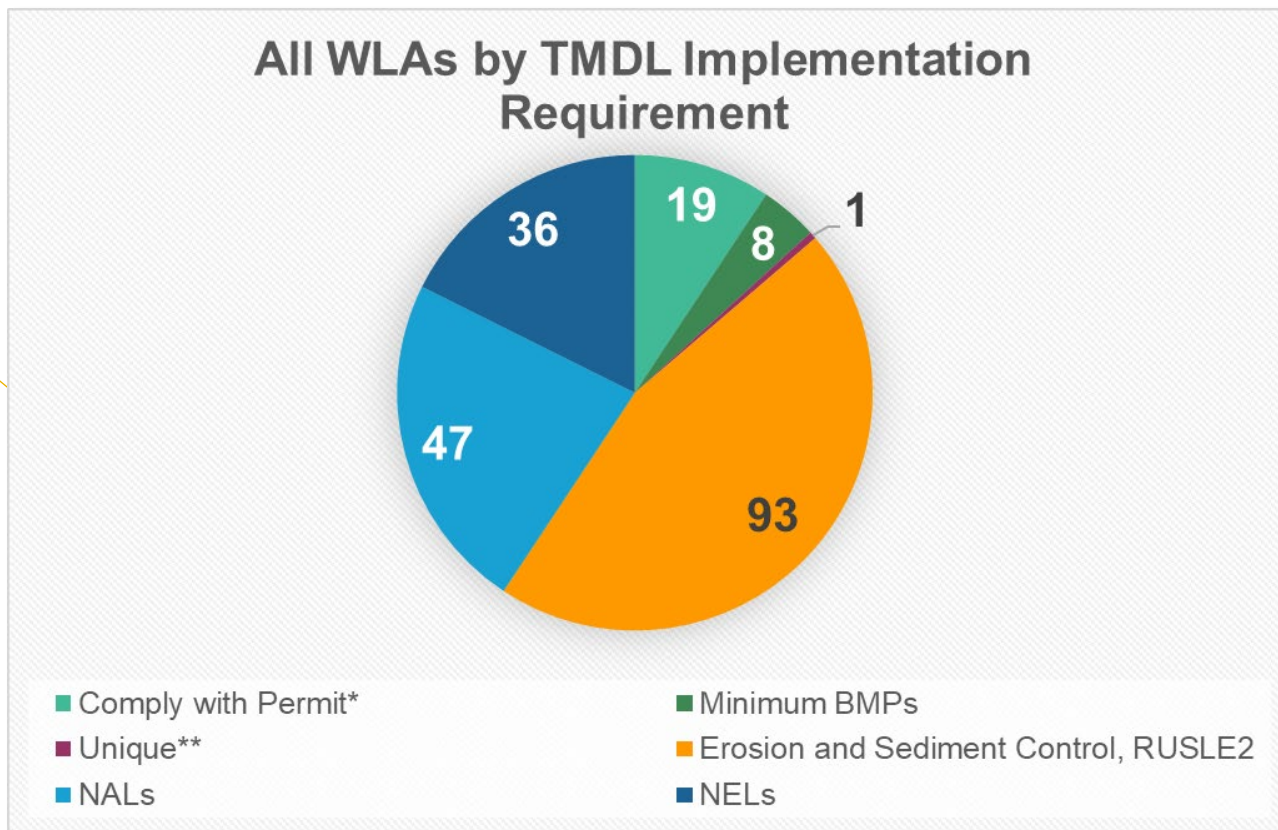
All WLAs by TMDL Implementation Requirement



- Comply with Permit\*
- Unique\*\*
- NALs
- Minimum BMPs
- Erosion and Sediment Control, RUSLE2
- NELs

- Applicable TMDLs assigned 204 waste load allocations to construction stormwater dischargers
- 19 waste load allocations did not specify additional implementation requirements

# Proposed Implementation of Adopted TMDLs



What's changed in the past year of permit development?

- Staff reevaluated 4 TMDLs with 24 waste load allocations previously translated as numeric effluent limitations
- Those 24 waste load allocations are currently proposed to be translated as numeric action levels

# 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

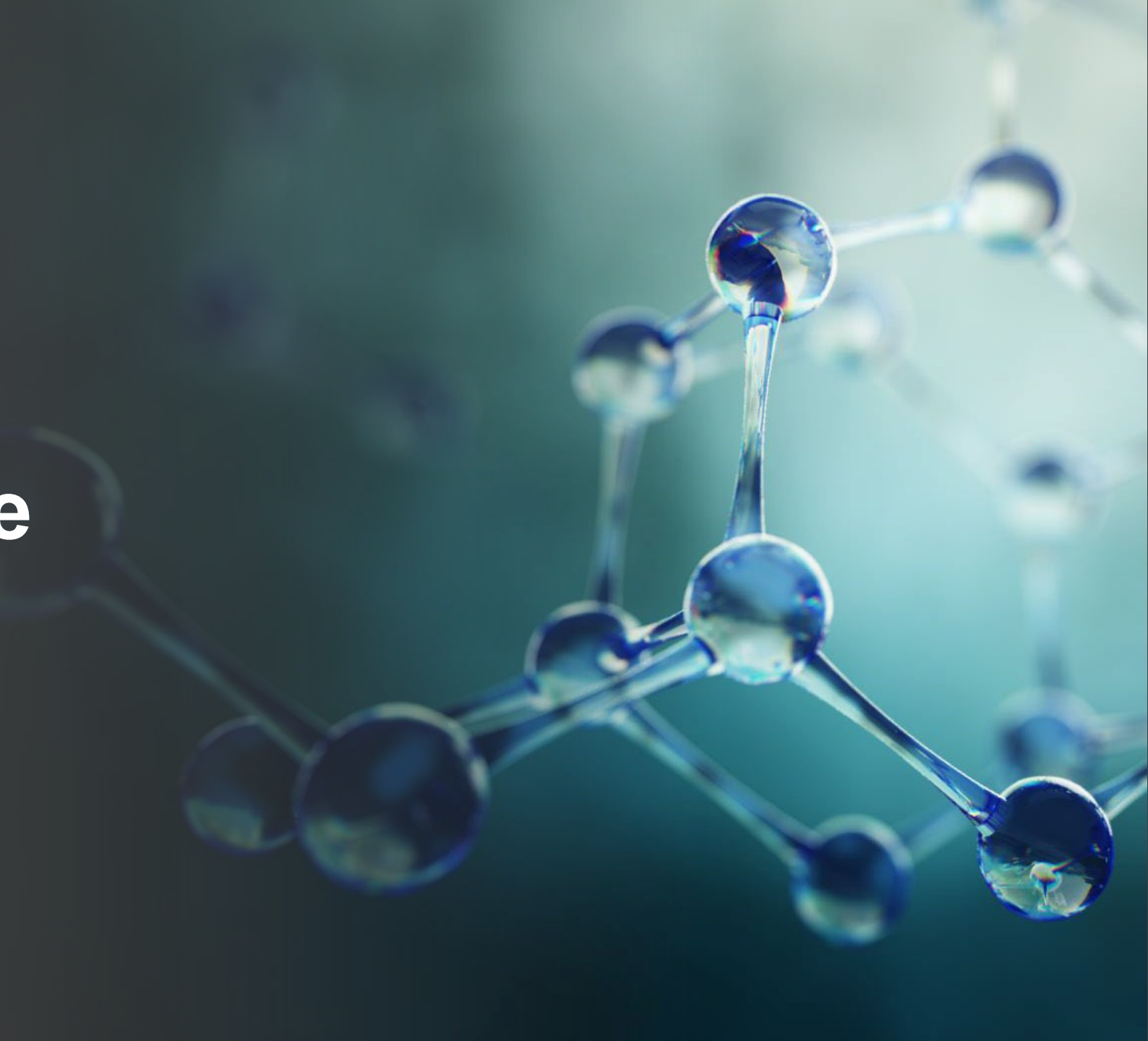
Shown right: Example of TMDL map tool (existing Industrial General Permit map tool, 2019)





# Passive Treatment Technology Use Requirements

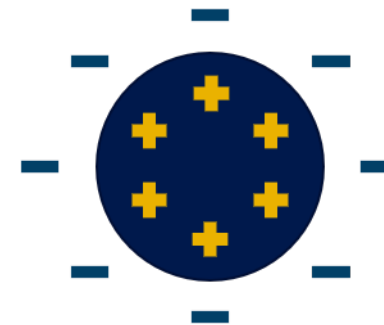
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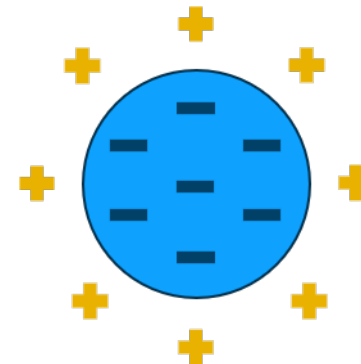
# Proposed Passive Treatment Technology Use Requirements

- Treatment chemicals are often used to meet turbidity numeric action levels in stormwater
- Existing General Permit only addresses treatment chemicals used in an active treatment system
- Passive treatment technologies are used outside of a contained system with pumps and filters
- Cationic treatment chemical forms (positively charged ions) can be toxic to aquatic life

Anion Exchanger



Cation Exchanger



# Proposed Passive Treatment Technology Use Requirements

- Not all treatment chemicals share same characteristics (e.g. toxicity)
- U.S. EPA, North Carolina, Washington and other states regulate the use of treatment chemicals at construction sites
- Stakeholders helped develop language and recommendations for including these technologies in the reissued permit







# Other Proposed Permit Changes

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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 and 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 includes revised requirements to streamline Regional Water Board approval:
  - 1) Dischargers must submit project specific information (e.g., final site map, 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

# 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:
  - Compliance with monitoring requirements of General Permit 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
- ISWEBE Trash Provisions – a statewide prohibition of the discharge of debris/trash from construction sites

# Proposed Authorized Dewatering Activity Requirements

- Defining and incorporating construction site dewatering activities to align with U.S. EPA 2017 NPDES Construction Stormwater General Permit
- Covers mechanical pumping or syphoning of non-potable water collected in surface impoundments and subsurface areas
- Dischargers would be required to comply with specific dewatering prohibitions, Regional Water Board requests, monitoring, and best management practices

# Proposed Demolition Activity Requirements

- Proposed permit incorporates implementation requirements for demolition activities if:
  - Structure being demolished was built or renovated between January 1, 1950 and January 1, 1990, and
  - Structure floor space is at least 10,000 square feet
- Requirements include using best management practices to control exposure of stormwater to PCB-containing materials

# 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

- Increased Qualified SWPPP Developer (QSD) and Qualified SWPPP Practitioner (QSP) responsibilities:
  - Must visit the site,
  - Must conduct visual inspections, and
  - Must assess site conditions.
- QSD and QSPs perform on-site visual inspection at intervals that reflect potential changes to the construction site
- Discharger must collect stormwater samples during precipitation events that result in discharge



# Proposed Removal of Bioassessment Monitoring Requirements

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



Release official draft and initiate public comment period



*Early Spring 2021*



Additional public workshops and State Water Board Hearing



*Spring/Summer 2021*



Public comment period closes, and staff work on response to comments



*Summer 2021*



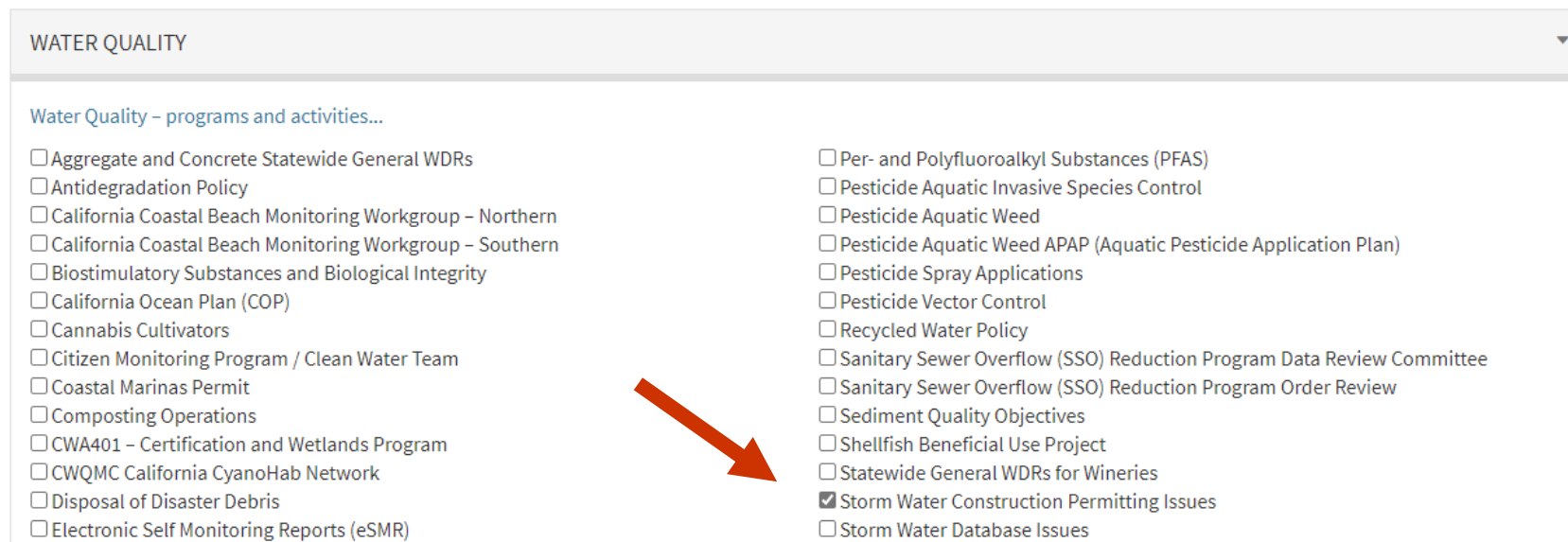
State Water Board Adoption Meeting



*Late Summer 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




Enter all questions or feedback in the Zoom meeting Chat Box

# Thank you!




*California State Water Resources Control Board*

*Construction Stormwater Permitting*



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# Questions and Answer Period

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*Thank you for your participation*