



DEDICATED TO THE ADVANCEMENT OF STORMWATER QUALITY MANAGEMENT, SCIENCE AND REGULATION

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**Construction General Permit** – *Final changes* – As expected, the State Water Board adopted the Construction General Permit on September 2, 2009. The final <u>permit</u> will replace SWRCB Order <u>99-08-DWQ</u>. Several issues were not decided until the meeting. Last minute <u>changes</u>, some of which were at CASOA's specific request, include:

- Effective date. The effective date is now July 1, 2010 (not 100 days from permit adoption). Order 99-08-DWQ remains in effect until then. All dischargers in operation on and after this date not just new ones will need to file electronically for coverage under the new permit.
- Electronic filing. To obtain coverage for an existing project (subject to 99-08-DWQ), the landowner or other entity must file Permit Registration Documents (PRDs) electronically by July 1, 2010. Projects beginning July 1, 2010, or later, must file electronically 14 days prior to beginning operation. (The State Water Board is developing the Stormwater Multi-Application Reporting and Tracking System (SMARTS), which is expected to be available by March 2010.)
- Existing projects risk characterization. As specified in the draft permit, existing projects have a two-year grace period from the date of permit adoption to implement site risk characterization, unless the Regional Water Board requests a new risk determination. During the two-year grace period (until 9/1/11), these projects must comply with Risk Level 1 requirements (essentially current BMPs). The final permit now specifies when the Regional Water Board can require a new risk determination: history of non-compliance or significant risk of exceedance of water quality standards in the absence of implementation of Risk Level 2 or 3 requirements.
- Routine maintenance. Order 99-08-DWQ exempted, from permitting requirements, "routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility..." This exemption is continued in the new permit. Exceptions to the exemption identified in the draft permit have been dropped (e.g., repaving with disturbance of underlying or surrounding soils). Similar exceptions to the routine maintenance exemption have been dropped from the separate requirements for Linear Underground/Overhead Projects (LUP).
- **Emergencies**. Order 99-08-DWQ also exempted "emergency construction activities required to protect public health and safety." Construction for public emergencies now requires submittal of a "brief description" in 5 days and PRDs within 30 days.
- **Post construction**. The post-construction requirements (runoff reduction) in the new permit do not take effect until 3 years after permit adoption, or later at the discretion of the Regional Water Board Executive Officer. As specified in the draft, these requirements are waived in localities with an MS4 permit with its own post-construction standards and an approved SWMP.

Presentations from the CASQA September 10 meeting on site risk requirements, SMARTS, training & qualification, etc., are posted on the <u>CASQA</u> website (members only). The State Water Board will also schedule workshops around the state to introduce the permit.

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