


ENPLAN

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Construction Industry Advisory

SWRCB PERMIT REQUIREMENTS CHANGE New Storm Water Quality Constraints for Construction Sites

The California State Water Resources Control Board (SWRCB) recently adopted more stringent General Permit requirements related to storm water runoff from construction sites. The new requirements, which go into effect July 1, 2010, will influence construction project design, implementation, and reporting. A seminar on the new permit requirements will be presented by ENPLAN and hosted by the Shasta Builders Exchange on December 8, 2009.

The most significant of the changes is the adoption of a quantitative methodology to estimate risk, classify project risk levels, and mandate actions to minimize and monitor impacts of construction activity on the quality of storm water runoff. This is the first time a numeric methodology to monitor runoff quality has been applied by the SWRCB.

It is important that you learn about these new requirements and revise your compliance strategy, as fines of \$25,000 to \$37,500 per day may be levied for non-compliance. Key elements of the new General Permit requirements are summarized below.

Limits established

Numeric Action Levels (NALs) and Numeric Effluent Limitations (NELs) for pH and turbidity, a measurement of sediment concentration, as well as numeric limits for Active Treatment System (ATS) discharges, have been established.

Site risk assessment

An assessment must be conducted to determine sediment transport risk and receiving water risk. Several parameters, including proximity to receiving water, project size, soil type, and rainfall erosion potential, are used to determine these risks.

Project design and management

The risk assessment results are used to assign an overall Risk Level to a project. Risk Levels range from 1 (lowest) to 3 (highest). Compliance monitoring, which varies by Risk Level, is required.

REQUIREMENTS	Risk Level 1	Risk Level 2	Risk Level 3
Best Management Practices (BMPs)	Yes	Yes	Yes
Visual monitoring	Yes	Yes	Yes
Site storm water runoff sampling	Sometimes	Yes	Yes
Receiving waters sampling	No	No	Sometimes

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Reporting

Risk Level 2 dischargers must electronically report storm event sampling results when NALs are exceeded, while Risk Level 3 dischargers must electronically report all storm event sampling results. Exceedance alone does not constitute a violation of the General Permit conditions, but it does obligate the permit holder to undertake immediate corrective action. Additionally, an annual report must be submitted for sites with more than three months of continuous coverage under the General Permit. Annual reports must include site inspection records, results of site sample analyses, corrective actions taken, and documentation of completed training.

Waivers and exceptions

- Permitted construction sites as of July 1, 2010, will be grandfathered in at Risk Level 1 for two years. Once the grandfathering period ends, however, construction sites may be reclassified to a higher risk level (Risk Levels 2 or 3).
- Construction sites from one to five acres in size are exempt from the General Permit requirements if the R value (risk of erosion by rain) is less than or equal to 5 for the site's location and time frame.
- Construction sites smaller than one acre in size that are not a part of a larger development plan are exempt from the General Permit requirements.

Required training and qualifications

Training is mandatory for individuals preparing storm water plans, performing site inspections, and implementing Best Management Practices (BMPs).

Permit documents

Permit Registration Documents (PRDs) must now be filed electronically; however, the accompanying Permit Fee must be mailed. PRDs include:

- Notice of Intent
- Site Risk Assessment
- Site Map
- Storm Water Pollution Prevention Plan (SWPPP)
- Signed Certification Statement

To learn more, attend a seminar hosted by the Shasta Builders' Exchange on December 8, 2009. The seminar will be presented by Clay Guzi, an Environmental Scientist with ENPLAN. Clay will be joined by Andrew Jensen, a guest speaker from the CA Regional Water Quality Control Board.

Clay Guzi is a certified professional in Storm Water Quality, as well as Erosion and Sediment Control, at ENPLAN. Based in Redding, ENPLAN provides comprehensive environmental compliance services to the construction industry. Clay may be contacted directly at 530.221.0440 x 115 (Voice), 530.221.6963 (Fax), or SWMGroup@enplan.com.