



Environmental Permitting Workshop
New Construction General Permit (CGP)
Order No. 2009-0009-DWQ
NPDES No. CAS000002
July 8, 2010

Construction General Permit Overview

Construction General Permit (CGP) Timeline

- ➔ Previous Permit – Order 99-08-DWQ – Expired in 2004
- ➔ Spring 2007 – Preliminary Draft of the CGP
- ➔ Spring 2008 – Tentative Draft of the CGP
- ➔ Spring 2009 – Revised Tentative Draft CGP
- ➔ September 2, 2009 – 2009-0009-DWQ Adopted
- ➔ September 2, 2014 – 2009-0009-DWQ Expires

Significant Permit Differences

99-08-DWQ (Old Permit) vs. 2009-0009-DWQ (New Permit)

- On-line Submittals Only
- Legally Responsible Person (LRP)
- Risk Based Approach (3 Risk Levels)
- Small Project Waiver
- Linear Underground/Overhead Utility Projects
- Required BMP's
- Effluent Standards
- Monitoring
- Certifications and Training Requirements
- Post-Construction Storm Water Performance Standards
- Rain Event Action Plans (REAPS)
- Reporting Requirements

Construction General Permit Overview

CGP Coverage Implementation

- ➔ Existing Dischargers – Projects active on or after the July 1, 2010 effective date have filed electronically for coverage under the new permit
- ➔ New Dischargers – File Permit Registration Documents (PRDs) electronically

Construction General Permit Overview

Grandfathering:

- ➔ Existing Projects will be granted Risk Level 1 Status under the new permit
- ➔ HOWEVER – Any Regional Board may require a Risk Level Assessment at any time
- ➔ All existing projects must complete construction by September 2, 2011 or file the risk assessment.

On-Line (SMARTS System) Submittals

- ➔ The Notice of Intent (NOI) may only be submitted on-line with the State's new "SMARTS" system
 - ⇒ Stormwater Multi Application and Report Tracking System (SMARTS)

- ➔ Permit Registration Documents (PRD's)
 - ⇒ NOI
 - ⇒ Risk Assessment
 - ⇒ Site Map
 - ⇒ SWPPP (Including Updates during Construction)
 - ⇒ Annual Fee
 - ⇒ Certification

On-Line (SMARTS System) Submittals

Legally Responsible Person (LRP)

- ➔ NOI's, PRD's and Notices of Termination (NOT's) to be electronically signed, certified and submitted by the LRP through the SMARTS System
- ➔ Permit defines LRP as the owner, corporate officer, general proprietor, partner, principal executive officer or elected official

On-Line (SMARTS System) Submittals

Authorized Signatory and Data Submitters

- ➔ Permit requires that the LRP must submit and certify NOI's, PRD's and NOT's, but allows the LRP to delegate those tasks to staff.
- ➔ The Approved Signatory(s) are then authorized to submit and certify those documents in SMARTS
- ➔ Data Submitters are authorized only to upload documents supporting the project leading up to and during construction.

Risk Based Permitting Approach

Progressive requirements depending on project's overall risk

⇒ Receiving Water Risk

⇒ Project Sediment Risk

Combined Risk Level Matrix				
		Sediment Risk		
		Low	Medium	High
Receiving Water Risk	Low	Level 1	Level 2	
	High	Level 2		Level 3

Risk Based Permitting Approach

Receiving Water Risk

- ➔ Assigns High Risk to 303(d) list water bodies listed for Sediment
- OR
- ➔ Direct discharge to waters with designated beneficial uses of COLD, SPAWN, and MIGRATORY
 - ➔ **Cosumnes River has all 3 designations**
 - ➔ Any project that “drains” to the Cosumnes River will be classified as Risk Level 3 (Highest)

Risk Based Permitting Approach

Sediment Risk – The relative amount of sediment that can be discharged from the site.

Revised Universal Soil Loss Equation (RUSLE)

- ➔ R = Rainfall erosivity value, EPA online calculator
- ➔ K = soil erodibility factor, GIS map
- ➔ LS = length-slope factor, GIS map

Small Project Waiver

Rainfall Erosivity Waiver

Permit Exemption for Projects:

1. >1 and <5 acres, and
2. Rainfall Erosivity Value (R Value) less than or Equal to 5

The waiver process exempts small construction sites (disturbing under five acres) from NPDES permitting requirements when the construction activity takes place during a relatively short time in arid or semi-arid areas

This certification is done through the PRD process

Not likely that any projects in El Dorado County will Qualify

Linear Underground/Overhead Utility Projects

- ➔ Includes requirements for all Linear Underground/Overhead Projects (LUP) over one acre
- ➔ Risk Based – Project segments designated as LUP Type 1, Type 2 and Type 3.
- ➔ Types are analogous to the risk levels for traditional construction projects.

Best Management Practices (BMPs)

- ➔ Prescriptive minimum BMP's approach
- ➔ Previously required as elements of the SWPPP or suggested as guidance are now required by the Permit
- ➔ Specified list of minimum BMP's required for all risk level Projects.
- ➔ Risk Level 2 and 3 Projects have additional BMP's required commensurate with the higher risk level

Best Management Practices (BMPs)

➔ Minimum BMPs for all Risk Levels:

- ➔ Perimeter controls and stabilized entrances
- ➔ Cover stockpiles not actively used
- ➔ Containment of portable toilets
- ➔ Cover waste storage – end of day or before rain
- ➔ BMPs for landscape materials
- ➔ BMPs for vehicle fueling, maintenance, washing
- ➔ Soil cover/stabilization for in-active areas
- ➔ Run-on controls

Best Management Practices (BMPs)

➔ Additional risk level 2 requirements

- ⇒ Numeric Action Levels (NAL's) specified for pH and turbidity – Monitoring required
- ⇒ Rain Event Action Plan (REAP)
- ⇒ Additional Reporting Requirements

➔ Additional risk level 3 requirements

- ⇒ Numeric Effluent Limitations (NEL's) specified for pH and turbidity and associated additional reporting requirements
- ⇒ Bioassessment

Effluent Monitoring

Risk Level 2 and 3 Sites:

➔pH and Turbidity compliance

Grab samples collected from discharges subsequent to a qualifying rain event (producing precipitation of ½ inch or more at the time of discharge, with a 48 hour or greater period between storm events)

Receiving Water Monitoring

Risk Level 3 Sites:

- ➔ Receiving Water – Numeric Effluent Limitation exceedance and direct discharge to receiving waters
- ➔ Bioassessment – 30 acres or larger and direct discharge to receiving waters

Certification and Training

⇒ Certification Criteria

- ⇒ Qualified SWPPP Developer (QSD)
- ⇒ Qualified SWPP Practitioner (QSP)

⇒ Permit Language States:

- ⇒ “The Discharger shall ensure that SWPPP’s are **written, amended and certified** by a Qualified SWPPP Developer (QSD).”
- ⇒ “The Discharger shall ensure that **all BMP’s required by this General Permit are implemented** by a Qualified SWPPP Practitioner (QSP). The QSP is a **person responsible for non-storm water and storm water visual observations, sampling and analysis**”

Qualified SWPPP Developer (QSD)

Initially, a QSD is defined as:

- ➔ CA registered professional civil engineer
- ➔ CA registered professional geologist or engineering geologist
- ➔ CA registered landscape architect
- ➔ American Institute of Hydrology – professional hydrologist
- ➔ CPESC- Professional in Erosion and Sediment Control
- ➔ CPSWQ- Professional in Storm Water Quality
- ➔ NICET – National Institute for Cert in Engineering Tech

Qualified SWPPP Practitioner (QSP)

- ➔ Any QSD
- ➔ Certified Erosion, Sediment, and Storm Water Inspector (CESSWI)
- ➔ Certified Inspector of Sediment and Erosion Control (CISEC)
- ➔ Certified Professional in Storm Water Quality (CPSWQ)

Certification and Training

⇒ QSD's and QSP's must attend SWRCB sponsored or approved training course by September 2, 2011.

Post-Construction Storm Water Standards

- ➔ Match Pre and Post runoff volumes
Emphasis on Low Impact Development (LID)
- ➔ Not covered by an active Phase I or Phase II
Municipal Separate Storm Sewer System (MS4)
NPDES permit that has an approved Storm Water
Management Plan
- ➔ Effective 3 years after permit adoption
(September 2, 2012)

Rain Event Action Plan (REAP)

Risk Level 2 and 3 Sites:

➔ Designed to protect all exposed portions of the site within 48 hours prior to any likely precipitation event

➔ Templates provided in the California Storm Water Quality Association (CASQA) Construction Best Management Practices Handbook

Rain Event Action Plans

- ➔ No submittal requirement
- ➔ Developed by a QSP
- ➔ Specialized for all phases of construction
 - ➔ Grading and Land Development
 - ➔ Streets and Utilities
 - ➔ Vertical Construction
 - ➔ Final landscaping and site stabilization
- ➔ Maintained at site during working hours and made available upon request

Reporting Requirements

- ➔ Electronically submit an Annual Report no later than September 1 of each year using SMARTS
 - ➔ Summary and Evaluation of all sampling and analysis results
 - ➔ Laboratory results
 - ➔ Summary of all corrective actions taken during the compliance year, and
 - ➔ Identification of any compliance activities
- ➔ Periodic reports when NAL and NEL limits are exceeded

Questions?
