

The New Draft Construction General Permit: An Overview of New Concepts and Challenges

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Presentation Overview

- Status of Construction General Permit (CGP)
- Key Changes from Current Permit
- New Provisions and Concepts
- Schedule for Public Comment / Adoption

Construction General Permit (CGP): Background and Status

- Statewide Permit that applies to construction sites with 1 acre or more disturbed area
- Current Permit (Order 99-08-DWQ) adopted 8/99; amended 4/01 and 12/01; expired 8/04
- Preliminary draft of new CGP released 5/07
- Stakeholder meetings July-Sept. 2007
- Draft CGP released March 19, 2008

Key Changes from Current Permit

- Numeric Action Levels (NALs) - for pH and turbidity
- Numeric Effluent Limitations (NELs) – for pH and turbidity
- Risk-based Permitting Approach – four risk levels with varying requirements (lowest 3 are covered by CGP)
- Minimum BMPs and Requirements Specified

Key Changes, continued

- Project Site Soil Characteristics Monitoring – to assist with risk determination
- Effluent Monitoring – for pH and turbidity
- Receiving Water Monitoring – for some Risk Level 2 and Risk Level 3 dischargers
- New/Redevelopment Performance Standards – runoff reduction requirements for sites not covered by Phase I or Phase II MS4 permit

Key Changes, continued

- Rain Event Action Plan (REAP) – to protect exposed areas w/i 48 hrs of likely rain event
- Site Photographic Self Monitoring – at least quarterly if rain events cause a discharge
- Annual Reporting – due Feb. 1st, if construction project longer than 3 months
- New Certification/Training Requirements for Key Project Personnel -- SWPPP preparers and inspectors

New Provisions and Concepts

- Risk Levels
- Numeric Action Levels (NALs)
- Numeric Effluent Limitations (NELs)
- Rain Event Action Plans (REAPs)
- Active Treatment System (ATS)

Risk Levels

- Approach for considering project's risk of impacting water quality during construction
- Two components combine to determine Risk Level (must calculate for each watershed):
 - Risk of sediment transport
 - Risk of impacts on receiving waters
- Risk levels have different requirements for:
 - Monitoring
 - Required minimum BMPs for erosion/sediment control

Risk Levels, cont.

Combined Risk Level Matrix					
		<u>Sediment Risk</u>			
		Low	Medium	High	Extreme
<u>Receiving Water Risk</u>	Low	Level 1	Level 2	Level 2	Level 3
	Medium	Level 2	Level 2	Level 2	Level 3
	High	Level 2	Level 3	Level 3	Level 4

Numeric Action Levels (NALs)

- Purpose: to determine if onsite BMPs are effective
- Not an effluent limit; not enforceable
- If storm water sample exceeds the NAL, discharger must:
 - Evaluate run-on and runoff to determine source
 - Evaluate adequacy of BMPs
 - Take corrective actions
 - Document evaluation and actions in SWPPP

Numeric Effluent Limitations (NELs)

- Purpose: to evaluate permit compliance
- Represents a technology-based upper limit and is enforceable
- If stormwater sample exceeds the NEL, discharger must:
 - Provide notification of the violation w/i 48 hrs
 - Comply with any RWQCB enforcement action
- Unknown if these limits are practicable

NALs & NELs for pH

- Discharges may be contaminated from alkaline materials (cement, lime, concrete, mortar, etc.)
- NELs only apply during a phase of construction with “high risk of high pH discharge”
- NALs for pH: <6.5 or >8.5
- NELs for pH: < 6.0 or >9.0



NAL and NEL for Turbidity

- NAL is site-specific – must be determined based on:
 - Rainfall amount/intensity
 - Runoff peak flow & volume
 - Soil erodibility
 - Slope steepness & length
 - What ESC BMPs are in place
- NAL must be $<$ NEL
- NEL = 1000 NTUs



Rain Event Action Plan (REAP)

- A form required for Risk Level 2 and 3 sites within 48 hours of a “likely” (>50% chance) precipitation event
- Specific for each rain event
- Goal is to protect all exposed portions of the site
- Begin implementation 24 hours before event
- Maintain copy of each REAP onsite



Active Treatment System (ATS)

- Treatment system using chemical coagulation or flocculation to help reduce turbidity caused by fine suspended sediment
- Use at site is optional but may be needed to meet NAL, NEL
- ATS discharges have different turbidity NELs:
 - 10 NTU daily average
 - 20 NTU single sample
 - Limit on residual chemicals



Schedule

- Public Workshops (questions, not comments):
 - May 7, Los Angeles, 10 a.m.
 - May 21, Cal EPA HQ, Sacramento, 10 a.m.
- Formal Hearing (comments):
 - June 4, Cal EPA HQ, Sacramento, 10 a.m.
- Comments Due: June 11, 12 noon
- Adoption: Early 2009?
(will not be in effect for 2008-2009 wet season)

Questions?

