



California Construction General Permit Overview

On September 2, 2009, the California State Water Resources Control Board (SWRCB) adopted the new state Construction General Permit, Order No. 2009-0009-DWQ the 3rd term statewide NPDES General Permit for Construction Activities (CGP, or permit). The new CGP replaces Order No. 99-08-DWQ, with an effective date of July 1, 2010. The permit incorporates several concepts new to construction stormwater permits, which were designed to provide increased water quality protection. The CGP can be downloaded at http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Permit Applicability and Application

All traditional and linear underground/overhead (LUP) construction projects that disturb one acre or more¹ must apply for CGP coverage. Permit Registration Documents (PRD) must be electronically filed for all new projects using the Stormwater Multiple Applications and Report Tracking System (SMARTS), and must include: Notice of Intent, Risk Assessment, Site Map, and Stormwater Pollution Prevention Plan (SWPPP). PRDs will be publically available through SMARTS.

Risk-Based Permit

The CGP follows a risk-based permitting approach. Each project is evaluated for *sediment discharge risk* and *receiving water risk*. These factors combine to determine the project Risk Level or LUP segment Risk Type (1, 2, or 3), according to the tables at the right. LUPs can be multiple segments with different Risk Types. Permit requirements progressively increase with risk level/type as summarized below. Some Short-duration projects less than 5 acres, constructed during dry months may qualify for the Rainfall Erosivity Waiver.

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

LUP Combined Risk Type Matrix				
		Sediment Risk		
		Low	Medium	High
Receiving Water Risk	Low	Type 1	Type 1	Type 2
	Med	Type 1	Type 2	Type 3
	High	Type 2	Type 3	Type 3

Permit Requirement	Risk Level/Type		
	1	2	3
Minimum BMPs ²	✓	✓+	✓++
Numeric Action Levels (NAL)			
○ NAL for pH: 6.5-8.5 pH units		✓	✓
○ NAL for turbidity: 250 NTU			✓
Numeric Effluent Limitations (NEL)			
○ NEL for pH: 6-9 pH units			✓
○ NEL for turbidity: 500 NTU			✓
Visual Monitoring (weekly; before, during, after rain events; non-stormwater)	✓	✓	✓
Runoff Monitoring		✓	✓
Receiving Water Monitoring ³			✓

Risk Level/Type 2 and 3 sites must test site runoff for turbidity and pH; most testing will be done in the field. Results are compared to the NALs and NELs. An NAL exceedance triggers an evaluation of the BMPs and corrective action. An NEL exceedance is a violation of the CGP, which can result in enforcement action by the Regional Boards, including Mandatory Minimum Penalties (MMP). MMPs carry a fine of \$3,000. Other types of enforcement actions can result in higher penalties.

¹ Under some conditions, smaller projects must apply for CGP coverage. See section B of the CGP.

² Minimum BMPs progressively increase with project Risk Level or Type.

³ Receiving water monitoring may be required for some Risk Level/Type 3 projects. See Attachment E of the CGP.

Risk Re-calculation Timelines

Projects issued a WDID number before the effective date of the new CGP were required to recertify their projects (submit PRDs) as Risk Level/Type 1 without doing a Risk Assessment. By September 2, 2011 they must calculate a risk level/type and update the SWPPP and BMPs as appropriate.

Whenever a project continues beyond the planned end date, the risk level/type must be reviewed and the PRDs revised, including updating the SWPPP and BMPs if the risk level/type has changed.

Qualification and Training Requirements

SWPPP Developers and Practitioners must meet specific training and pre-requisite certification requirements, listed below. Both must also take the SWRCB-sponsored training by *September 2, 2011*, and pass an examination.

Qualified SWPPP Developer (QSD) (Required by 7/1/2010): CA Professional Civil Engineer (PE), CA Professional Geologist (PG), CA Engineering Geologist (EG), CA Registered Landscape Architect (RLA), Professional Hydrologist (PH), Certified Professional in Erosion and Sediment Control (CPESC), Certified Professional in Storm Water Quality (CPSWQ).

Qualified SWPPP Practitioner (QSP) (Required by 9/2/2011): Certified Inspector of Sediment and Erosion Control (CISEC), Certified Erosion, Sediment and Storm Water Inspector (CESSWI), or any certification listed under QSD.

CASQA, working cooperatively with the SWRCB and the CGP Training Team, has created the QSD/QSP curricula and is qualifying trainers, known as Trainers of Record (ToRs). CASQA qualified the first group of ToRs in June and July 2010. These trainers will independently offer courses. ToRs are listed on the CASQA website.

Rain Event Action Plans (REAPs)

During construction, a rain forecast of 50% probability or greater triggers the requirement for the preparation of a REAP for Risk Level 2 and 3 sites. (REAPs are not required for LUPs.) A REAP must be developed 48 hours prior to the forecast rain and be onsite 24 hours prior to the rain event. The REAP must be designed to protect all exposed areas of the site from erosion and prevent the discharge of pollutants from the site.”

Active Treatment Systems (ATS)

Projects choosing to implement and Active Treatment Systems must comply with the ATS requirements identified in Attachment F of the CGP, including qualifications for designers and operators, ATS specific monitoring and reporting requirements, and ATS specific NELs.

Reporting

All construction sites must submit an Annual Report into SMARTS by September 1 of each year; the first report is due in 2011. The annual report covers the compliance year July 1-June 30. Unlike compliance certifications under the previous permit, the Annual Report must include detailed information about the project, including all sampling data, a summary of all exceedances and violations, corrective actions, names of all responsible parties, and training documentation. In addition to annual reports, exceedances of NALs and NELs must be reported per the CGP specified timelines; LUPs must regularly upload site photographs; and Risk Level/Type 3 projects must routinely report all field monitoring data.

CASQA BMP Handbook Portal

CASQA revised its Construction BMP Handbook based on the CGP. The handbook is now offered through an interactive web portal. It includes updated compliance information, new and revised fact sheets, a detailed annotated SWPPP outline that can be used as a template, REAP templates, and a field monitoring guidance document with field logs. The new handbook is available on a subscription basis at the CASQA website, www.casqa.org.

CASQA is comprised of stormwater quality management organizations and individuals, including cities, counties, special districts, industries, and consulting firms throughout California. Our membership provides stormwater quality management services to more than 22 million people in California. CASQA was originally formed in 1989 as the Stormwater Quality Task Force to recommend approaches for stormwater quality management to the California State Water Resources Control Board.