Storm Water Awareness Week Is Almost Here

Due to the busyness of the season, ***The Monthly Dirt*** editorial team wasn't able to write a September edition newsletter. However, instead of the traditional newsletter, John Teravskis, The Monthly Dirt editor, will be hosting a live interview with Brandon Roosenboom the author of the New Construction General Permit during Storm Water Awareness Week.

Interview with Brandon Roosenboom - Writer of the New Construction General Permit

This month the renewal of the State Water Board's Construction General Permit was adopted. But what does that mean for construction projects in California? Plenty! In this renewed permit, there are significant changes regarding the monitoring program, the roles of QSPs and QSDs, dewatering, and required BMPs. WGR's senior editor of The Monthly Dirt, John Teravskis, will be interviewing the Water Board's CGP lead staff person, Brandon Roosenboom.

Join them for this "talk radio" style program and chime in with your comments and questions. **9/26/22 at 11:00 AM PDT.**

Register To Attend

Want to catch up on the new changes coming to the CGP?

Check out our past 5 newsletters that cover all the recent changes coming to the Permit. Be sure to bring your questions about the new Permit to the Storm Water Awareness Week workshop, because at the end of the class, John & Brandon will be doing a Q&A session.

New CGP Newsletter Part 1

New CGP Newsletter Part 2

New CGP Newsletter Part 3

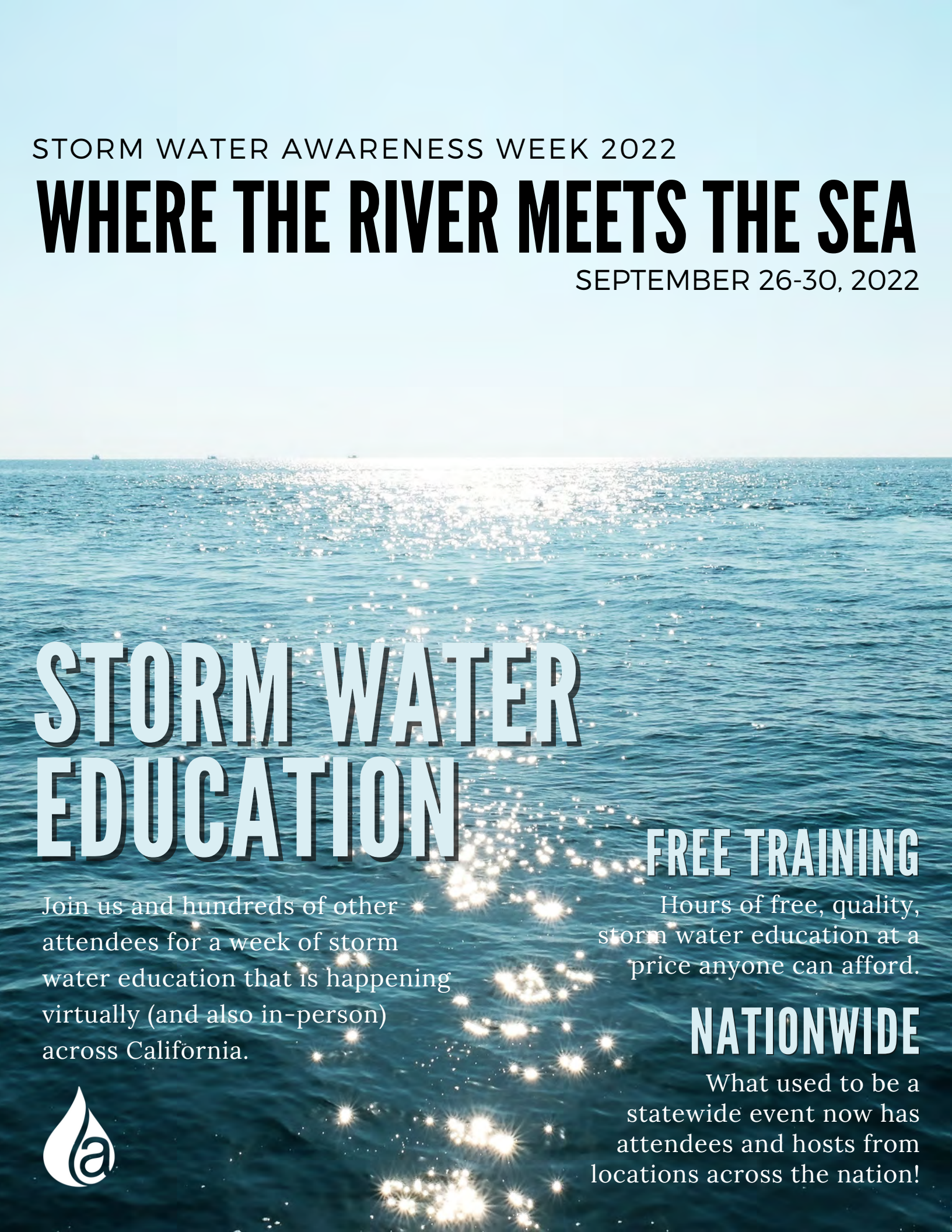
New CGP Newsletter Part 4

New CGP Newsletter Review

STORM WATER AWARENESS WEEK 2022

WHERE THE RIVER MEETS THE SEA

SEPTEMBER 26-30, 2022



STORM WATER EDUCATION

Join us and hundreds of other attendees for a week of storm water education that is happening virtually (and also in-person) across California.

FREE TRAINING

Hours of free, quality, storm water education at a price anyone can afford.

NATIONWIDE

What used to be a statewide event now has attendees and hosts from locations across the nation!

2022 SWAW Workshops

- PFAS Treatment in Stormwater - A Holistic Approach
- A New Model for Understanding Urban Flood Risk
- Interview with Brandon Roosenboom. Writer of the New Construction General Permit
- Municipal Good Housekeeping & Pollution Prevention
- Illicit Discharge Detection and Elimination (IDDE) Training
- IGP Basics Part 1: What is the IGP?
- IGP Basics Part 2: What am I expected to do?
- Mishaps in a Misshaped World
- IGP Basics Part 3: "How to" tips of Sampling
- Navigating IGP TMDL Compliance & Treatment Options
- How Compost-based BMPs Help California Cities Meet Their Organics Diversion Requirements
- Active Treatment Systems: "Ask the Professionals"
- NEW Permeable Surfaces: Providing Stormwater Solutions in an Urban Setting
- Reinventing Stormwater Management for the 21st Century
- Caltrans Water Pollution Control Winterization Planning and WPC Manager Training
- Jobsite Safety for Storm Water Professionals
- Construction Sandbox - Sediment Control
- Construction Sandbox - Erosion Control
- Construction Sandbox - Good Housekeeping / Spill Prevention
- Stormwater Treatment Systems
- NEW The 2021 Urban Green Infrastructure Designer Survey - Results and Lessons Learned
- Construction Sandbox - Sediment Control (Online)
- Construction Sandbox - Erosion Control (Online)
- Construction Sandbox - Good Housekeeping / Spill Prevention (Online)
- Working in Water: The Forgotten BMP
- Initiate Water Reuse & Cease Pool Filtration Cleaning Contamination
- How to Winterize Construction Sites
- Municipal Construction Inspections - Lessons Learned from 2021/22
- Salmon in the Classroom Program Hooks Students to River Stewardship


FORGE
online
QSP/QSD
TRAINING
October 18-20
register at www.wgr-sw.com/training

BMP Outlet, yeah people are lining up for these deals....

bmpoutlet.com

Proposed 2022 Construction Stormwater General Permit – Change Sheet #1

Order, page i – revise the language as follows:

IT IS ALSO HEREBY ORDERED that on or after [100 days after Adoption Date], a discharger deploying Executive Order N-73-20 may obtain regulatory coverage through the statewide programmatic permitting option in Section III.B.4 under Order 2009-0009-DWQ as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ until September 1, 2023 ~~**according to section III.C of this Order or under this Order 2022-XXXX-DWQ on or after September 1, 2023**~~.

Order, Section I.18, pages 3-4 – revise the section as follows:

The discharger is required to comply with this General Permit's conditions for all discharges associated with stormwater from construction activity and authorized non-stormwater discharges by this General Permit or another NPDES permit issued by the State Water Board or a Regional Water Board ~~**(40 Code of Federal Regulations § Part 122§.41)**~~. All other discharges are prohibited by this General Permit.

Order, Section I.20, page 4 – revise the section as follows:

All discharges which contain a hazardous substance in excess of reportable quantities established in 40 Code of Federal Regulations §**§** 117.3 and 302.4, are prohibited unless a separate NPDES permit has been issued to regulate those discharges.

Order, Section III.A.1.a, page 12 – revise the section as follows:

a. Notice of Intent, including Risk Level determination as described in Attachment D.**12** ~~**2**~~;

Order Section, III.B, page 13 – revise the section as follows:

The Legally Responsible Person, as defined in Attachment B of this General Permit, shall fulfill the electronic signature and certification requirements to obtain General Permit coverage (see Section VI.**HI** ~~**I**~~, Electronic Signature and Certification Requirements.)

Order, Section III.B.1, page 13 – revise the section as follows:

III.B.1. A discharger for a linear underground and overhead project shall obtain General Permit coverage under one or more applications submitted through SMARTS, per the requirements in ~~**A.2**~~**Attachment E** of this General Permit.

Order, Section III.B.4.b.i, page 14 – revise the section as follows:

~~**III.B.4.b.i. The programmatic notice of intent for multiple non-contiguous linear underground and overhead broadband projects must describe the need for coverage of multiple non-contiguous linear underground and overhead projects located in two or more Regional Water Board jurisdictions and identify the element of the Executive Order N-73-20 directing the project.**~~

III.B.4.b.i. A discharger deploying Executive Order N-73-20 may apply for a statewide programmatic permit for regulatory coverage under Order 2009-0009-DWQ (as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ, from [100 days after Adoption Date of this General Permit] until September 1, 2023, by submitting the information required by Attachment E.2.

Order, Section III.B.4.c.ii, page 14 – revise the section as follows:

ii. Linear Construction Activity Notification for each site describing site-specific information in accordance with Attachment E.2, Section ~~**D.1.a**~~ **II.A.2.**

Order, Section III.C, page 15 – add section III.C.4 as follows:

III.C.4. Dischargers with coverage under the previous permit that need regulatory coverage after September 1, 2025 under this General Permit, shall submit, in SMARTS, the following items by August 31, 2025:

a. A certification of the discharger's intent to obtain regulatory coverage under this General Permit;

b. A revised Notice of Intent and other Permit Registration Documents, revised to address new or changed requirements per this General Permit, as applicable; and

c. The applicable fee.

Order, Section III.F.2.a.iii, page 18 – revise the section as follows:

iii. Revised site map(s) showing (as applicable) acreage currently under construction; acreage sold/transferred, and/or added; and acreage currently stabilized in accordance with the Conditions for Termination of Coverage in Section III.~~**G**~~**H** below; and~~,~~

Order, Section III.F.4.a.ii, page 18 – revise the section as follows:

ii. A revised site map(s) showing (as applicable) acreage currently under construction; acreage sold, transferred, and/or added; and acreage currently stabilized in accordance with the conditions for terminating coverage in Section III.~~G~~**H** below; and~~,~~

Order, Section III.H.4, page 21 – insert clarifying language as follows:

III.H.4. The Regional Water Board will consider a site, parcel, or individual lot complete only when all portions of the site comply with all the following conditions:

a. The discharger has completed all construction activity;

b. There is no greater potential for construction-related stormwater pollutants to be discharged into site runoff than prior to the construction activity;

c. Construction-related equipment and temporary BMPs have been removed from the site**, except as set forth in Section III.F.2.b above**;

d. Construction materials and wastes have been disposed of properly;

e. Soils disturbed by construction activities have been permanently stabilized (final stabilization)**, except as set forth in Section III.F.2.b above,** using materials that:

i. Have a product life that support the full and continued stabilization of the site;

ii. Achieve stabilization without becoming trash or debris; and~~,~~

iii. Minimize the risk of wildlife entrapment.

Order, Section III.H.4.h.iii, page 22 – revise the section as follows:

iii. **Custom method.** The discharger may request approval from the Regional Water Board to use a method or analytical model other than Section III.H.4.**h**~~**g**~~.i and 4.**h**~~**g**~~.ii above to demonstrate that the site complies with the "final stabilization" requirements. Photos of all site areas are required to verify the custom method used.

Order, Section IV.C.3.c and d, page 25-26 – revise the sections as follows:

IV.C.3.c. For Risk Level 2 and 3 sites, refer to Attachment D, Section III.**G**.~~**D**~~. For Type 2 and 3 linear underground and overhead projects, refer to Attachment E, Section III.~~**D**~~.**G.**

IV.C.3.d. Risk Level 2 and 3 sites, refer to Attachment D, Section III.**G**~~**D**~~. For Type 2 and 3 linear underground and overhead projects, refer to Attachment E, Section III.**G**~~**D**~~.

Order, Section IV.F, page 27 – revise the section as follows:

Risk Level 1 dischargers shall comply with the requirements included in Attachment D**,** **D.1, and D.2** of this General Permit.

Order, Section IV.G, page 27 – revise the section as follows:

Risk Level 2 dischargers shall comply with the requirements included in Attachment D**,** **D.1, and D.2** of this General Permit.

Order, Section IV.H, page 27 – revise the section as follows:

Risk Level 3 dischargers shall comply with the requirements included in Attachment D**,** **D.1, and D.2** of this General Permit.

Order, Section IV.N.2, page 29 – revise the section as follows:

IV.N.2. Dischargers subject to the post-construction requirements of an existing NPDES Phase I or **Phase** II municipal separate storm sewer system permit are not subject to the post-construction requirements in Section IV.N.3 below, and shall submit the following items with their Permit Registration Documents through SMARTS:

a. An attachment ~~**and/**~~or web-source containing the applicable NPDES Phase I **or Phase II** ~~**permittee's**~~ municipal separate storm sewer system **permittee's** post-construction requirements; and~~,~~

b. The post-construction plans and calculations **submitted to, or** approved by**,** the applicable **NPDES Phase I or Phase II** municipal separate storm sewer system **permittee. If the discharger submitted preliminary post-construction plans and calculations as a Permit Registration Document, the discharger shall submit the approved plans and calculations within 14 days of approval by the municipal stormwater permittee, through a Change of Information in SMARTS. The discharger shall submit a Change of Information in SMARTS for any revisions to post-construction plans and calculations prior to submitting the Notice of Termination.**

Order, Section IV.N.3, page 29 – add "Phase" to the section as follows:

IV.N.3. All dischargers, other than linear underground and overhead project dischargers or dischargers subject to the post-construction requirements of an existing NPDES Phase I or **Phase** II municipal separate storm sewer system permit, shall comply with the following post-construction runoff reduction requirements.

Order, Section IV.N.6, page 29 – revise the section as follows:

IV.N.6. The discharger shall certify and submit post-construction plans, calculations, and other supporting documentation as a Permit Registration Document in SMARTS. The discharger shall submit a Change of Information in SMARTS ~~**to**~~

~~revise~~ for any revisions to post-construction plans and calculations **prior to submitting the Notice of Termination**.

Order, Section IV.O.2.f, page 31 – revise the section as follows:

f. Description of efforts and BMP**s~~S~~** used to minimize and control pollutants discharged from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be captured and properly disposed of and/or treated to mitigate impacts to water quality;

Order, Section IV.O.2.l., page 33 – revise the section as follows:

l. Construction and Earthwork Drawing(s) with:
   i. Site layout (grading plans) including roads;
   ii. Site and project boundaries;
   iii. Drainage areas;
   iv. Discharge locations;
   v. Sampling locations;
   vi. Areas of soil disturbance (temporary or permanent);
   vii. Proposed active areas of soil disturbance (cut or fill);
   vii. Proposed locations of erosion control BMPs;
   ix. Proposed locations of sediment control BMPs;
   x. Proposed locations of run-off BMPs;
   xi. Temporary and/or permanent run-on conveyance (if applicable);
   xii. Proposed locations of active treatment systems(s) (if applicable);
   xiii. Locations of storage areas for waste, construction materials, project staging areas, stockpiles, vehicles, equipment and vehicle maintenance, loading/unloading of materials, site access (entrance/exits), fueling, water storage, water transfer for dust control, demolition, and areas of other construction support activities; **and**
   ~~xiv. RUSLE2 calculations when used (all Risk Level 2/Linear Underground and Overhead Project Type 2, Risk Level 3/Linear Underground and Overhead Type 3 sites); and,~~
   xiv.~~xv.~~ Site-specific procedures to implement final stabilization BMPs as soon as reasonably practicable.

Order, Section IV.P.3.f, page 34 – revise section as follows:

IV.P.3.f. The date, place, time of site inspections, sampling, visual inspections, and/or measurements, including **the amount of** precipitation **measured in inches**~~**snow depth/rain gauge**~~;

Order, Section V.F.2, page 38 – revise section as follows:

V.F.2. California licensed professional engineer**s** or geologist**s** may self-certify their ~~**responsibility**~~ **eligibility** to serve as a QSD/QSP **via the** ~~**with**~~ the State Water Board **Construction Stormwater Program website.** ~~**through SMARTS**~~.

Order, Section V.G.1.b, pages 39-40 – revise the section as follows:

V.G.1.b Existing QSD/QSPs who have self-certified with the State Water Board that they are a California licensed professional engineer or California licensed professional geologist shall complete the recertification process through **the State Water Board Construction Stormwater Program website** and complete self-directed training required by the State Water Board ~~**within one year of**~~ **before September 1, 2024**~~**the effective date of the General Permit**~~.

Order, Section VI.H.3, page 44 – revise the section as follows:

VI.H.3. Any person signing documents under Section VI.**H** ~~**I**~~ shall make the following certification:

Fact Sheet, Section I.G.3, page FS-26 – add the specific section as follows:

Condition 4: The discharger conducts non-visible sampling in accordance with Attachment D, Section III.D.3, and Attachment E, **Section III.D.3** and the analytical results report a concentration for the TMDL-specific pollutant above the applicable TMDL-related numeric action level or numeric effluent limitation listed in Attachment H, Table H-2.

Fact Sheet, Section I.G.5.d, page FS-31 – revise the section as follows:

As set forth in Section I.~~**G.2**~~**D.3**, this General Permit translated concentration-based waste load allocations to be met in receiving waters into numeric action levels.

Fact Sheet, Section I.G.5.g, page FS-35 – revise the section as follows:

The threshold values for the **metals,** organochlorine pesticides and the PCBs are the analytical laboratory reporting limit for each substance. This value is the lowest concentration at which an analyte can be measured in a sample and its concentration can be reported with a reasonable degree of accuracy and precision. ~~**For the metals,**~~

~~**the threshold values are listed in Attachment H, Table H-5. The metals measured in the soil below these concentrations will have significantly lower concentrations in stormwater runoff and should be lower than the waste load allocations.**~~

If the threshold values are exceeded in any soil sample obtained for the soil screening investigation, the Responsible Discharger will be required to sample for TSS as a proxy for the TMDL-pollutants if the non-visible sampling requirements are triggered. The numeric effluent limitation for TSS is 100 mg/L, and any exceedances require corrective actions detailed in Attachment D, Section **III**.G **and Attachment E, Section III.G.**

Fact Sheet, Section I.O.4, page FS-87 – revise the section as follows:

Dischargers are required to comply with any applicable TMDL requirements in this General Permit (see Attachment H and Section **I.W**~~**V**~~ of this Fact Sheet for additional TMDL applicability information).

Fact Sheet, Section I.W.6.i, page FS-135 – add “Order” as follows:

Discharges that occur during dry-weather conditions are referred to as non-stormwater discharges (NSWDs) and are only authorized by this General Permit if dischargers meet the conditions of **Order,** Section IV.A to control the discharge of pollutants off-site.

Fact Sheet, Section I.W.6.b.ii, page FS-137 – add “Order” as follows:

Order, Section IV.B prohibits all NSWDs not authorized under Section IV.A; therefore, all unauthorized NSWDs must be eliminated or have regulatory coverage under a separate NPDES permit.

Fact Sheet, Section I.W.6.d.i, page FS-144 – add “Order” as follows:

Non-stormwater discharges are authorized in this General Permit if **Order,** Section IV.A terms and conditions are met to control the discharge of pollutants from the construction site. **Order,** Section IV.B prohibits all non-stormwater dischargers not authorized under **Order,** Section IV.A; therefore, all unauthorized non-stormwater dischargers must be either eliminated or have regulatory coverage under a separate NPDES permit.

Fact Sheet, Section I.W.6.g, paragraph 8, page FS-191 – typographical error, spell “TMDLs” correctly:

Other ~~**TDMLs**~~ **TMDLs** addressed in this Section assign waste load allocations to Responsible Dischargers in one of the following ways:

Fact Sheet, Section I.W.6.g.i, page FS-192 – add “Order” as follows:

The Ballona Creek Metals TMDL assigns a dry-weather waste load allocation of zero (0) for Responsible Dischargers. Non-Stormwater Discharges (NSWDs) are authorized in this General Permit if **Order,** Section IV.A terms and conditions are met to control the discharge of pollutants from the construction site. **Order,** Section IV.B prohibits all NSWDs not authorized under **Order,** Section IV.A; therefore, all unauthorized NSWDs must be either eliminated or have regulatory coverage under a separate NPDES permit.

Fact Sheet, Section I.W.6.g.iii, page FS-196 – add “Order” as follows:

The Calleguas Creek Metals and Selenium TMDL assigns concentration-based waste load allocations for dry-weather. Non-Stormwater Discharges (NSWDs) are authorized in this General Permit if **Order,** Section IV.A terms and conditions are met to control the discharge of pollutants from the construction site. **Order,** Section IV.B prohibits all NSWDs not authorized under **Order,** Section IV.A; therefore, all unauthorized NSWDs must be either eliminated or have regulatory coverage under a separate NPDES permit.

Fact Sheet, Section I.W.6.g.viii, page FS-214 – add “Order” as follows:

The Los Angeles River Metals TMDL assigns concentration-based waste load allocations for dry-weather. Non-Stormwater Discharges (NSWDs) are only authorized in this General Permit if the terms and conditions in **Order,** Section IV.A are met to control the discharge of pollutants from the construction site. **Order,** Section IV.B prohibits all NSWDs not authorized under **Order,** Section IV.A; therefore, all unauthorized NSWDs must be either eliminated or have regulatory coverage under a separate NPDES permit.

Fact Sheet, Section I.W.6.g.ix, page FS-217 – add “Order” as follows:

The Los Cerritos Channel Metals TMDL assigns a concentration-based waste load allocation for dry-weather. Non-Stormwater Discharges (NSWDs) are authorized in this General Permit if **Order,** Section IV.A terms and conditions are met to control the discharge of pollutants from the construction site. **Order,** Section IV.B prohibits all NSWDs not authorized under **Order,** Section IV.A; therefore, all unauthorized NSWDs must be either eliminated or have regulatory coverage under a separate NPDES permit.

Fact Sheet, Section I.W.6.g.xiii, page FS-226 – add "Order" as follows:

The San Gabriel River Metals TMDL assigns concentration-based and mass-based waste load allocations for dry-weather discharges of copper and selenium. Non-Stormwater Discharges (NSWDs) are authorized in this General Permit if **Order,** Section IV.A terms and conditions are met to control the discharge of pollutants from the construction site. **Order,** Section IV.B prohibits all NSWDs not authorized under **Order,** Section IV.A; therefore, all unauthorized NSWDs must be either eliminated or have regulatory coverage under a separate NPDES permit.

Fact Sheet, Section I.W.6.g.xiv, page FS-230 - typographical error, spell "TMDL" correctly

The Santa Monica Bay Toxics ~~**TDML**~~ **TMDL** assigns mass-based waste load allocations of 0.16 g/yr for DDT and 0.82 g/yr for PCBs to be met at the construction site's discharge location(s) for discharges into Santa Monica Bay.

Attachment B, page B-4, list item 2 – correct a spelling error in definition of "Discharger":

2. For linear underground and overhead projects, the utility company, municipality, or other public or private company or agency that owns or operates the **linear** ~~**liner**~~ underground or overhead project.

Attachment B, page B-5 – clarify "Effective Date" glossary definition as follows:

Effective Date
An e~~**E**~~ffective date is **a date** set by the State Water Resources Control Board (State Water Board) during **the** adoption **of an Order, for** ~~**as**~~ the date ~~**when**~~ **that** at least one or more of the ~~**General Permit requirements**~~ **Order provisions** take effect and the previous ~~**permit expires**~~**Order is rescinded**.

Attachment D, Section III.C.7.c, page D-10 – revise the section as follows:

III.C.7.c. Weather information, including the presence or absence of precipitation, an estimate of the beginning of the Qualifying Precipitation Event, duration of the event, date of the Qualifying Precipitation Event, and the ~~**approximate**~~ amount of precipitation in inches ~~**(using an on-site measurement device or gauge)**~~;

Attachment D, Section III.E, page D-13-14 – update the section formatting as follows:

III.E.1. Dischargers shall:

a. Identify applicable parameters that require laboratory analysis for each stormwater discharge location (pH and turbidity are typically analyzed with field meters).

III.E.**2.**~~1.~~The Discharger shall designate and train personnel for the collection, maintenance, and shipment of samples in accordance with the above sample protocols and laboratory-specific practices.

III.E.**3.**~~2.~~Dischargers shall perform all sampling and preservation protocols in accordance with the 40 Code of Federal Regulations Part 136 and the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association).

III.E.**4.**~~3.~~Dischargers may refer to the Surface Water Ambient Monitoring Program's (SWAMP) Quality Assurance Program Plan (QAPrP) for more information on sampling collection and analysis.

Attachment D, Section IV.B.3.e, page D-18 – revise the section as follows:

IV.B.3.e. All dischargers that exceed an applicable TMDL-related numeric effluent limitation shall comply with the water quality-based corrective action requirements in Section VI.~~R~~ **Q** of the Order.

Attachment D.2, Section I.B, page D.2-1 – revise the section as follows:

I.B. ~~Annual~~ Fees **~~and Fee Calculations~~**

I.B.1.**A discharger must submit the appropriate fee with its completed Notice of Intent application package.** Fees are established through regulations adopted by the State Water Board every year.[1] Fees are subject to change by regulation.

I.B.2.**Where the fee is**~~**Annual fees are**~~ calculated based upon the total area of land disturbed **(opposed to** ~~not~~ the total ~~**size of the**~~ acreage **of land** owned**), t**~~**T**~~**otal** acreage includes all **areas**~~**acres**~~ anticipated to be disturbed **throughout**~~**during**~~ the duration of the project~~**. For example, if**~~ **(e.g.,** 10 acres are scheduled to be disturbed the first year and 10 acres in each subsequent year for 5 years; the fees would be based upon 50 acres of total disturbance**)**. ~~**The State Water Board will evaluate adding acreage to an existing General Permit Waste Discharge Identification (WDID) number on a case-by-case basis. Any acreage addition must be contiguous (within one fourth mile) to the permitted land area and the existing SWPPP must be appropriate for the construction activity and topography. The Change of Information process enables the applicant to remove acres from inclusion in the annual fee calculation as acreage is built out, stabilized and/or sold.**~~

[1] California Code of Regulations (CCR), Title 23, Division 3, Chapter 9. Waste Discharge Reports and Requirements, Article 1. Fees.

Attachment D.2, Section I.C, page D.2-2 – revise the section as follows:

In all cases, except public emergencies (e.g., wildfire, flood), Permit Registration Documents must be completed and WDID number issued before construction can commence (refer to Section ~~**II.B.3-5**~~ **III.A.3** of the Order of this General Permit).

Attachment D.2, Section II.D.2, page D.2-4 – revise the section as follows:

II.D.2 All dischargers, other than Linear Underground and Overhead project dischargers, within a Phase I or II municipal separate storm sewer system permitted area, shall upload following items in SMARTS:

a. An attachment ~~**and/**~~or web-source containing the applicable NPDES Phase I **or Phase II municipal separate storm sewer system** permittee's ~~**municipal separate storm sewer system**~~ post-construction requirements; and~~**,**~~

b. The post-construction plans and calculations **submitted to or** approved by the applicable **NPDES Phase I or Phase II** municipal separate storm sewer system **permittee**.

Attachment E, Section III.C.7.c, page E-10 – revise the section as follows:

III.C.7.c. Weather information, including the presence or absence of precipitation, an estimate of the beginning of the Qualifying Precipitation Event, duration of the event, date of the Qualifying Precipitation Event, and the ~~**approximate**~~ amount of precipitation in inches ~~**(using an on-site measurement device or gauge)**~~;

Attachment E, Section III.D.1, page E-11- clarify representative sampling as follows:

III.D.1. Risk Type 2 and 3 Stormwater Discharge Monitoring Requirements

III.D.1.a. Risk Type 2 and 3 dischargers shall collect stormwater samples from sampling locations at one or more **discharge** locations representative of the project's construction activities, during discharge and within site operating hours. The samples shall be representative of the discharge flow and characteristics.

III.D.1.b. Risk Type 2 and 3 dischargers shall obtain ~~**a minimum of three**~~ **one** sample~~**s**~~ from each **representative sample** ~~**discharge**~~ location per 24-hour period of each qualifying precipitation event, during active discharge.

Attachment E, Section III.E.3, page E-15 – revise the section as follows:

III.E.3. Linear project dischargers shall perform all sampling and preservation protocols in accordance with the 40 Code of Federal Regulations **Part**~~**§**~~ 136 and the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association).

Attachment E, Section IV.B.3.e, page E-19 – revise the section as follows:

IV.B.3.e. All Linear project dischargers that exceed an applicable TMDL-related numeric effluent limitation shall comply with the water quality-based corrective action requirements in Section VI.**Q** ~~**R**~~ of the Order.

Attachment E.2, Section I.A.2.a, page E.2-1 – revise the section as follows:

I.A.2.a. A discharger with a linear project with total disturbed land area from construction activities greater than one acre (see Section **II**.G **below**) shall obtain coverage under this General Permit.

Attachment E.2, Section I.C, page E.2-2 – revise the section as follows:

I.C. ~~Application Fee and Annual~~ Fees

I.C.1. A discharger must submit the appropriate ~~**application**~~ fee with its completed Notice of Intent application package. Fees are established through regulations adopted by the State Water Board every year.[2] Fees are subject to change by regulation.

I.C.2. **Where t**~~**The application fee and corresponding annual**~~ fee~~**s are is**~~ calculated based upon the total acreage of land disturbed (opposed to the total acreage of land owned)~~**. T, t**~~otal acreage includes all area**s anticipated** to be disturbed **throughout** the duration of the project (e.g., 10 acres is scheduled to be disturbed the first year and 10 acres for four subsequent; fees are based upon 50 acres of total disturbance). ~~**The Water Boards will evaluate a Change of Information to add acreage to an existing General Permit WDID number on a case-by-case basis. Any disturbed acreage addition must be contiguous to the permitted land area and the existing Stormwater Pollution Prevention Plan (SWPPP) must be appropriate for the construction activity and topography of the acreage. The Change of Information process enables the applicant to remove acres from inclusion in the annual fee calculation as acreage is built out, stabilized, and/or sold. Fees can be paid by checks made payable to: State Water Board; electronic fund transfers; or credit cards.**~~

I.C.3. Dischargers that apply for and satisfy the Small Construction Rainfall Erosivity Wavier requirements shall pay the applicable fee.

~~**I.C.4. Dischargers that apply for programmatic permit coverage shall submit an application fee based on the initial disturbed acreage of the Linear Construction Activity Notification(s) submitted with the Notice of Intent.**~~

[2] California Code of Regulations (CCR), Title 23, Division 3, Chapter 9. Waste Discharge Reports and Requirements, Article 1. Fees.

~~**Dischargers shall submit the appropriate fee with the certification and submission of each additional Linear Construction Activity Notification.**~~

Attachment E.2, Section I.D.3, page E.2-3 – revise the section as follows:

I.D.3. In all cases, except public emergencies (e.g., wildfire, flood), Permit Registration Documents must be completed and WDID number issued before construction can commence (refer to Section ~~**II.B.3-5**~~ **III.A.3** of the Order of this General Permit).

Attachment E.2, Section II.A, page E.2-4 – revise the section as follows:

II.A Notice of Intent

II.A.1. A Notice of Intent is a project-specific application to obtain regulatory coverage for discharges of stormwater and authorized non-stormwater from construction activities to waters of the United States. The application includes the entry of site information, contact information, and Permit Registration Document-specific information requirements.

II.A.2. Per Order, Section III.B.4, a~~**A**~~ Programmatic Notice of Intent covers all sites, of similar scope, within a Regional Water Board boundary **or statewide** under a single common SWPPP. **A regional programmatic Notice of Intent shall include the common SWPPP and contact information. A statewide programmatic Notice of Intent shall include the common SWPPP, contact information, the estimated total disturbed site acreage for the duration of the project, and an identification of the element of the Executive Order N-73-20 directing the project. Disturbed acreage for linear project activities regulated under a separate Notice of Intent is excluded from the statewide programmatic permitting disturbed area.**

For regional and statewide programmatic coverage, e~~**E**~~ach specific site is required to submit a Linear Construction Activity Notification which shall describe site-specific information including:

a. ~~**Project**~~**Site** name and/or reference number;

b. Site location;

c. Site-specific SWPPP map detailing pollutant sources and implemented BMPs;

d. Total ~~**site acreage and total**~~ disturbed **site** acreage;

e. Estimated start and end date;

f. Risk type determination and supporting documentation; and,

g. Site contact information (name, phone number, address).

Attachment E.2, Section II.B, page E.2-5 – revise the section as follows:

The discharger must utilize either the Water Board's standard risk determination (provided in SMARTS), a site-specific risk determination, or a combination of the two as described in Attachment **E** ~~**D**~~.1 of this General Permit.

Attachment E.2, Section II.B.8.c, page E.2-6 – revise the section as follows:

c. A revised Risk Type determination manually calculated in accordance with Attachment **E** ~~**D**~~.1 of this General Permit.

Attachment F, Section B.2.a, page F-2 – revise the section and footnote 3 as follows:

B.2.a. The discharger shall select, for use within the active treatment system, treatment chemical(s) capable of complying with the technology-based numeric effluent limitations by using one of the following methods:

i. The discharger shall conduct, at minimum, six site-specific jar tests (per treatment chemical with one test serving as a control) for each site to determine the proper treatment chemical and dosage levels for their active treatment system. The discharger shall conduct the jar tests using water samples that represent typical site conditions and in accordance with **the current version of** ASTM D2035~~**-08 (2003)**~~.

Footnote 3: ASTM D2035~~**-08 (2003)**~~ is the standard test practice used for coagulation-flocculation jar testing of water, which assists in the evaluation of a treatment to reduce dissolved, suspended, colloidal, and nonsettleable matter in water via chemical coagulation-flocculation.

Attachment H, Section 1, page H-50 – capitalize the section title as follows:

I. ~~**Total Maximum Daily Load**~~ **TOTAL MAXIMUM DAILY LOAD** (TMDL) IMPLEMENTATION REQUIREMENTS

Attachment H, Section I.D.4.e, page H-54 – revise the section as follows:

I.D.4.e. A TMDL-related numeric effluent limitation exceedance occurs on the second, and each subsequent, analytical result for samples taken from any and all discharge location(s) within the same drainage area, during the same reporting year and taken in accordance with Attachment D or E Section III.D.3, that is above the concentration set forth in the applicable numeric effluent limitation. Upon exceedance of the applicable numeric effluent limitation, the Responsible Discharger shall comply with the Water Quality Based Corrective Actions in Section VI.**QR** ~~**R**~~ of this General Permit's Order. A numeric effluent limitation

exceedance is a violation of this General Permit and is subject to mandatory minimum penalties.

Attachment H, Section I.G.4.e, page H-59 – revise the section as follows:

I.G.4.e. A TMDL-related numeric effluent limitation exceedance occurs on the second, and each subsequent, analytical result for samples taken from any and all discharge location(s) within the same drainage area, during the same reporting year and taken in accordance with Attachment D or E Section III.D.3, that is above the concentration set forth in the applicable numeric effluent limitation. Upon exceedance of the applicable numeric effluent limitation, the Responsible Discharger shall comply with the Water Quality Based Corrective Actions in Section VI.~~**R**~~**Q** of this General Permit's Order. A numeric effluent limitation exceedance is a violation of this General Permit and is subject to mandatory minimum penalties.

Attachment H, Section I.G.5.a.vi.2, page H-61-62 – revise the section as follows:

I.G.5.a.vi.2. If one or more of the specified TMDL analytes are measured above the respective monitoring thresholds, the discharger is considered a Responsible Discharger and shall:

a. Implement sediment control BMPs that are effective at removing the applicable TMDL-specific pollutant, such as, but not limited to, media filter socks or fiber rolls, advanced silt fencing, and sedimentation basins. The BMPs shall be visually inspected, maintained, repaired, and updated in the SWPPP in accordance with this General Permit's requirements specified in the Order and applicable requirements in Attachments D or E for the site's Risk Level or Type.

b. Comply with a TSS numeric effluent limitation of 100 mg/L, as follows:

i. Collect samples for TSS following the same procedure as non-visible pollutant monitoring, as required in Attachment D or E Section III.D.3, when the TMDL-specific pollutants may be discharged due to failure to implement BMPs, a container spill or leak, or a BMP breach, failure, or malfunction.

ii. Analyze the collected samples using **the current version of** Standard Method 2540 D~~ **2015.**~~

Attachment H, Section I.G.5.a.vi.3, page H-62-63 – revise the section as follows:

I.G.5.a.vi.3. A TMDL-related numeric effluent limitation exceedance occurs on the second, and each subsequent, analytical result for samples taken from any and all discharge location(s) within the same drainage area, during the same reporting year and taken in accordance with Attachment D or E Section III.D.3, that is above the concentration set forth in the numeric

effluent limitation. For the second and each subsequent analytical result that is above the TSS numeric effluent limitation, the exceedance shall apply to every TMDL-specific pollutant identified in the soil screening investigation process, regardless of any results from the informational monitoring described in I.G.6 below. Upon exceedance of the numeric effluent limitation, the Responsible Discharger shall comply with the Water Quality Based Corrective Actions in Section VI.~~R~~**Q** of this General Permit's Order. A numeric effluent limitation exceedance is a violation of this General Permit and is subject to mandatory minimum penalties.

Attachment H, Revise Section I.G.5.a.vi., page H-61, as follows:

I.G.5.a.vi. ~~**Compliance Samples for**~~ TSS Numeric Effluent Limitation

I.G.5.a.vi.1. If all sample analysis results for each applicable TMDL analyte are below their respective **analytical reporting limit**~~**monitoring thresholds, as shown in Table H-5**~~, the discharger is not considered a Responsible Discharger and does not have to sample for the TMDL-specific pollutant(s) under the non-visible pollutant monitoring requirements in Attachments D or E Section III.D.3, of this General Permit.

~~**Table H-5: TMDL-specific Pollutant Thresholds for TSS Monitoring**~~

~~**TMDL-Specific Pollutant**~~	~~**DDT, Dieldrin, Chlordane, PCBs**~~	~~**Total Copper**~~	~~**Total Lead**~~	~~**Total Zinc**~~
~~Monitoring Threshold~~	~~Analytical Reporting Limit~~	~~0.0097 mg/L~~	~~0.0427 mg/L~~	~~0.0697 mg/L~~

Proposed 2022 Construction Stormwater General Permit – Change Sheet #2

Order, Section VI.O, page 46 – add new section as follows:

VI.O.4. **This General Permit may be reopened before March 23, 2032 to revise the requirements implementing the Los Angeles and Long Beach Harbor Waters TMDL for copper, lead, and zinc, for dischargers that discharge to the Dominguez Channel or the Torrance Lateral Channel. State Water Board staff will work with interested stakeholders to develop a plan to collect additional data related to the forthcoming implementation of the 100 mg/L TSS numeric effluent limitation. The State Water Board will evaluate whether the additional data and other available information warrants revising the 100 mg/L TSS numeric effluent limitation for Los Angeles and Long Beach Harbor Waters TMDL for copper, lead, and zinc at a publicly noticed Board meeting no later than August 31, 2028.**

Attachment B, page B-11 – revise the "Qualifying Precipitation Event" definition as follows:

Qualifying Precipitation Event

Qualifying precipitation event is any weather pattern that is forecast to have a 50 percent or greater Probability of Precipitation (PoP) and a Quantitative Precipitation Forecast (QPF) of 0.5 inches or more within a 24-hour period. The event begins with the 24-hour period when 0.5 inches has been forecast and continues on subsequent 24-hour periods when 0.25 inches of precipitation or more is forecast. ~~**The precipitation event ends when there are two sequential 24-hour periods with less than 0.25 inches of precipitation forecast for each period.**~~

Attachment D, Section III.C.1, page D-8 – revise the section as follows:

III.C.1 Dischargers shall perform visual inspections, based on their Risk Level, in accordance with Table 2 below. The purpose of visual inspections is~~,~~ to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. **Except as specified in Section III.C.3 below, i**~~**I**~~nspectors shall be the Q**ualified** S**WPPP** D**eveloper**, Q**ualified** S**WPPP** P**ractitioner**, or be trained by the Q**ualified** S**WPPP** P**ractitioner**.

Attachment D, Section III.C.2, page D-8 – revised section as follows:

III.C.2. Dischargers shall conduct weekly visual inspections to ensure that BMPs are properly installed and maintained. **A pre-, during, or post-qualifying precipitation event inspection satisfies the weekly visual inspection requirement.**

Attachment D, Section III.C.4, page D-9 – revise the sections as follows:

III.C.4. Dischargers shall conduct visual inspections at least once every 24-hour period during Qualifying Precipitation Events. Qualifying Precipitation Events are extended for each subsequent 24-hour period forecast to have at least 0.25 inches of precipitation. ~~**The Qualifying Precipitation Event ends when there are two consecutive 24-hour periods of less than 0.25 inches of precipitation forecast. The QSP shall check the National Weather Service forecast at least once per day during the entire Qualifying Precipitation Event.**~~

Attachment D, Section III.C.5, page D-9 – revise the sections as follows:

III.C.5. Dischargers shall conduct post-Qualifying Precipitation Event visual inspections within 96 hours after each Qualifying Precipitation Event **if 0.5 inches or more precipitation is measured during the duration of the Qualifying Precipitation Event using the onsite rain gauge**. ~~**The 96-hour time frame may include the two consecutive 24-hour periods with less than 0.25 inches forecast, which mark the end of the precipitation event.**~~

Attachment E, Section III.C.1, page E-9 – revise the section as follows:

III.C.1 Linear project dischargers shall perform visual inspections, based on their Risk Type, in accordance with Table 2 below. The purpose of the visual inspections is to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. **Except as specified in Section III.C.3 below, i**~~I~~nspectors shall be the Qualified SWPPP Developer, Qualified SWPPP Practitioner, or be trained by the Qualified SWPPP Practitioner.

Attachment E, Section III.C.2, page E-9 – add a section as follows:

III.C.2. Dischargers shall conduct weekly visual inspections to ensure that BMPs are properly installed and maintained. **A pre-, during, or post-qualifying precipitation event inspection satisfies the weekly visual inspection requirement.**

Attachment E, Section III.C.4, page E-10 – revise the sections as follows:

III.C.4. Dischargers shall conduct visual inspections at least once every 24-hour period during Qualifying Precipitation Events. Qualifying Precipitation Events are extended for each subsequent 24-hour period forecast to have at least 0.25 inches of precipitation. ~~**The Qualifying Precipitation Event ends when there are two consecutive 24-hour periods of less than 0.25 inches of precipitation forecast. The QSP shall check the National Weather Service**~~

~~**forecast at least once per day during the entire Qualifying Precipitation Event.**~~

Attachment E, Section III.C.5, page E-10 – revise the sections as follows:

III.C.5. Dischargers shall conduct post-Qualifying Precipitation Event visual inspections within 96 hours after each Qualifying Precipitation Event **if 0.5 inches or more precipitation is measured during the duration of the Qualifying Precipitation Event using the onsite rain gauge**.

Attachment H, Section I.G.5.a, page H-59 – revise language as follows:

I.G.5.a. To comply with the Los Angeles Area Lakes TMDL for chlordane, DDT, dieldrin, and PCBs and, beginning March 23, 2032, the Los Angeles and Long Beach Harbor Waters **TMDL** for copper, lead, and zinc, dischargers that discharge to: 1) Peck Road Park Lake, Echo Park Lake, or Puddingstone Reservoir; or 2) Dominguez Channel or Torrance Lateral Channel shall use the following soil screening investigation as part of their pollutant source assessment and comply with the numeric effluent limitation for TSS, if applicable. **As set forth in Order, Section VI.O.4, this General Permit may be reopened prior to March 23, 2032, to revise the 100 mg/L TSS numeric effluent limitation for the Los Angeles and Long Beach Harbor Waters TMDL for copper, lead, and zinc.**

Attachment H, Section I.G.5.a.ii.2, page H-60 – insert the word “soil” as follows:

I.G.5.a.ii.2. The discharger shall collect at least one **soil** sample from a randomly selected location within each sampling plot. To ensure randomness, each plot shall be further divided into nine equal subsections, each assigned a unique number from one to nine. The discharger shall use a random number generator to select which subsection will be sampled; the **soil** sample location may be anywhere within the selected subsection.

Attachment H, Section I.G.5.a.iii, page H-60-61 – insert the word “soil” as follows:

I.G.5.a.iii.1. The discharger may utilize hand sampling methods or devices such as mechanical or hydraulic earth drills to collect soil samples. Hand methods may be economically preferable as the required **soil** sample depths are less than two feet.

I.G.5.a.iii.2. The discharger shall obtain a three-point composite sample of in-situ soil, consisting of roughly equal volumes from 6 inches, 12 inches, and 18 inches below surface at each **soil** sample location. The listed depths are the ‘start depths’ or ‘top depths’ for each composite portion. **Soil** ~~**S**~~**s**amples shall be obtained from below the grass or forb root zone if present. The total quantity

of each **soil** sample shall be approximately 20 cubic inches of volume, or one pound (0.5 kilograms) by weight.

I.G.5.a.iii.3. The discharger shall immediately seal brass or acrylic sampling tubes sealed with Teflon™ squares and plastic caps. Otherwise, **soil** samples shall be placed in 500 milliliter glass jars with tightly sealable caps.

I.G.5.a.iii.4. The discharger shall label each **soil** sample with a unique identifier, the address or location of the site, the name of the person that collected the sample, and the collection date.

I.G.5.a.iii.5. The Responsible Discharger shall maintain **soil** samples at a temperature of 4°Celsius until delivered to an ELAP-accredited analytical laboratory under chain-of-custody for analysis.

Attachment H, Section I.G.5.a.iv.1, page H-61 – revise the section as follows:

I.G.5.a.iv.1. **For total copper, total lead, and total zinc, the discharger shall use EPA method 6010D, 6020B, or a comparable method validated for the analysis of metals in soil samples. For chlordane, DDT, and dieldrin, the discharger shall use EPA method 8081B or a comparable method validated for the analysis of chlordane, DDT, and dieldrin in soil samples. For PCBs, the discharger shall use EPA method 8082A or a comparable method validated for the analysis of PCBs in soil samples. ~~For some analytes, more than one EPA method may be available, and the most suitable method may be selected by the analytical laboratory. Typical methods include:~~**

~~a. Chlordane, DDT, and dieldrin: EPA Method 8081B.~~

~~b. PCBs: EPA Method 8082A.~~

~~c. Total copper, lead, and zinc: EPA Method 6010D.~~

Attachment H, Section I.G.5.a.vi. page H-61 – revise the section as follows:

I.G.5.a.vi.1. If all **soil** sample analysis results for each applicable TMDL analyte are below their respective analytical reporting limit**s**, the discharger is not considered a Responsible Discharger and does not have to sample for the TMDL-specific pollutant(s) under the non-visible pollutant monitoring requirements in Attachments D or E Section III.D.3, of this General Permit.

I.G.5.a.vi.2. If one or more of the specified TMDL analytes are measured above the respective **analytical reporting limits ~~monitoring thresholds~~**, the discharger is considered a Responsible Discharger and shall:

Fact Sheet, Section I.G.5.g, page FS-35 – revise the language as follows:

I.G.5.g. For the Los Angeles Area Lakes TMDL, the waste load allocations for organochlorine pesticides and PCBs are below the analytical ~~**laboratory**~~ reporting limits.

Fact Sheet, Section I.G.5.g, page FS-35 – revise the language as follows:

The ~~**threshold values for**~~ **soil screening investigation is used to determine the presence of the applicable** metals, organochlorine pesticides, ~~**and the**~~**or** PCBs **by comparing the concentration of pollutants in the soil to** ~~**are**~~ the analytical ~~**laboratory**~~ reporting limit for each substance. ~~**This value**~~ **The analytical reporting limit** is the lowest concentration at which an analyte can be measured in a sample and its concentration can be reported with a reasonable degree of accuracy and precision.

Fact Sheet, Section I.G.5.g, pages FS-35-36 – revise the language as follows:

If the ~~**threshold are values**~~ **analytical reporting limit for any of the TMDL-specific pollutants is** exceeded in any soil sample obtained for the soil screening investigation, the Responsible Discharger will be required to sample for TSS as a proxy for the **identified** TMDL pollutants if the non-visible sampling requirements are triggered. The numeric effluent limitation for TSS is 100 mg/L, and any exceedances require corrective actions detailed in Attachment D, Section III.G and Attachment E, Section III.G.

The value of 100 mg/L TSS is derived from several lines of evidence, including a study where the probability curve between organochlorine pesticides and TSS was modeled to determine that 100 mg/L TSS is protective of water quality when the criteria for 4,4 DDE was 0.00059 mg/L which is equal to the waste load allocation concentrations for chlordane and 4,4 DDT listed in the Los Angeles Area Lakes TMDL. Additionally, a 2018 study found that 100 mg/L TSS correlated with the boundary between particulate and dissolved phase metals in multiple watersheds when the K_d (distribution coefficient) for the metal is 10,000 L/kg.

~~**Based on reasonably accessible research, 100 mg/L of TSS represents a concentration adequate to detect the target pollutants at levels comparable to the respective waste load allocations. As shown Figures 1 and 2 below, where TSS is 100 mg/L or lower, concentrations of organochlorine pesticides and PCBs are reportedly significantly than the reporting limits, and concentrations of copper, lead, and zinc are reported lower than the waste load allocations set forth in the TMDLs.**~~

Fact Sheet, Section I.G.5.g., page FS-36-37 – delete Figures 1 and 2:

~~**Figure 1 – Comparison of Reported Pesticide/Polychlorinated Biphenyls (PCB) Concentrations in Total Suspended Solids (TSS) to Reporting Limit**~~

[Figure deleted]

~~**Figure 2 – Comparison of Reported Metals Concentrations in Total Suspended Solids (TSS) to Waste Load Allocations**~~

[Figure deleted]

Fact Sheet, Section I.U., pages FS-114, FS-117, FS-118 – update figure numbers and references due to the deletion of Figures 1 and 2. Updated Table of Figures on page FS-2.

Fact Sheet, Section I.W.6.g.vii, pages FS-206-207 – revise the language as follows:

Starting at the effective date of the final waste load allocations, **March** ~~**May**~~ 23, 2032, dischargers that discharge to the Dominguez Channel and Torrance Lateral are to conduct a soil screening investigation for copper, lead, and zinc as part of the pollutant source assessment to determine whether they are Responsible Dischargers per Attachment H Section I.G.5. Dischargers are considered Responsible Dischargers if the TMDL analytes are measured above the ~~**monitoring threshold values, which are equivalent to the waste load allocations,**~~ **analytical reporting limit** and will be required to comply with a numeric effluent limitation of 100 mg/L total suspended solids (TSS) as the applicable limitation for each of the applicable TMDL-pollutants identified through the soil screening investigation, instead of the numeric effluent limitations for total copper, lead, and zinc.

Fact Sheet, Section I.W.6.g.vi, page FS-207 – revise the language as follows:

Staff determined the measurement of TSS at or above 100 mg/L is an appropriate indicator of the presence of copper, lead, and zinc in runoff, if the pre-project soil monitoring (described in Attachment H, Section I.G.5) demonstrated these pollutants are present in the soil. There is a strong positive correlation between TSS and metals, indicating that concentrations of pollutants increase and decline proportionally with the TSS concentrations. If the constituents were measured in the soil at or above the ~~**monitoring threshold value**~~ **analytical reporting limit**, a small faction will be in the TSS sample as well.