

NEW STORMWATER RULES (9/9/09)

On Wednesday, September 2nd, the State Water Resources Control Board passed a new General Construction Permit detailing new stringent storm water runoff rules for our construction industry. Our industry was successful in getting some of the more problematic requirements in the ordinance addressed. This is thanks to the very hard work of the California Building Industry Association, BIA Southern California, BIA San Diego, and in general, the many storm water gurus in our industry who put together extensive comments on the draft permit and lobbied the Board to modify the proposed requirements to be more workable for our industry. Make no mistake about it though the new permit increases the stringency and cost of controlling storm water runoff, particularly during the construction phase of the project. Below are several key elements of the new regulations:

Risk-Based Classification: Projects must be categorized into one of three risk categories using based upon relationship to sensitive receiving waters and the project's soil type(s).

Risk levels 1, 2, or 3 will be assigned to correspond with perceived low, medium or high water quality risk.

Higher risk levels will equate to more stringent requirements in the Permit.

Risk 2 and 3 sites will require sampling of rainfall runoff and will be measured against new numeric action levels.

Risk 3 sites will be subject to numeric effluent limits and many Risk 3 sites will have to sample downstream receiving waters during rain events and perform bio-assessments.

[Numeric effluent limits for pH and turbidity](#) (a measure of sediment concentration in runoff) and for discharges from Advanced Treatment Systems. Numeric limits would potentially apply to many projects, especially in Southern California.

Exceeding the limits automatically subjects the site owner to potential enforcement.

Limits are set at what would be lower than natural conditions in many areas, meaning runoff would need to be abnormally clean.

[Numeric action levels for pH and turbidity.](#)

Action levels would apply to most projects throughout the state.

Exceeding the levels will require reporting to the state and will necessitate evaluations and possibly new or additional water quality controls on site.

Exceeding the action levels could ultimately lead to enforcement actions.



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Sampling of runoff and of downstream receiving waters:

Site runoff sampling for Risk 2 and 3 sites.

Up to three times daily during storm events and from multiple areas on each site.

Receiving water monitoring (including bio-assessment surveys) required for some Risk-3 sites that discharge directly into waterways.

Post-construction flow requirements (does not apply to San Diego) for sites outside of major metropolitan areas where local post construction rules have not been adopted:

Will require sites to duplicate pre-development hydrology, affecting the design of developments.

A 3-year moratorium of these provisions will apply; however, projects not completing construction by that time, will be required to meet the requirements unless a waiver can be obtained from the local water board.

Electronic filing of documents:

All permit-related documents will be required to be submitted electronically to the state, including Notices of Intent, Storm Water Pollution Prevention Plans, sampling reports, excess notices for numeric limits, annual compliance reports, etc.

Electronically-submitted information will be made available to the public on the internet.

For more detail:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml

