

**Response to Comments
For Statewide NPDES Construction Stormwater General Permit
Reissuance**

Public Comment Period: May 28, 2021 to August 13, 2021

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Introduction

On May 28, 2021, the State Water Board issued a Public Notice and the proposed National Pollutant Discharge Elimination System (NPDES) Statewide Construction Stormwater General Permit reissuance, for a 60-day public comment period. The State Water Board held a public hearing on August 4, 2021 to receive oral comments. The public comment period to receive written comments was from May 28, 2021, to August 13, 2021.

The State Water Board received 75 public comment letters with approximately 1200 individual comments. The State Water Board has evaluated all submitted comments. This document provides a summary of each public comment, and a corresponding State Water Board response, as follows:

- The comments are organized into 33 primary response categories and identified by a comment identification number. The first column of the comment summary table lists comment identification numbers for comments with similar content or that address the same permit requirement(s). The comment identification numbers are in decimal format; the numbers before the decimal refer to the comment letter number, and the numbers after the decimal refer to an individual comment in that comment letter.
- The second column of the comment summary table provides the comment category (and subtopic as applicable), and a summary of the related comments, requested changes, and responses. Responses may address comments within a given summary row together or separately.
- If you would like to request a copy of the written public comments submitted to the Board, please send a request to commentletters@waterboards.ca.gov, identifying the Construction General Permit. The Clerk of the Board will respond by sending a link to access them.

Terms and Acronyms

Term or Acronym	Definition
ACM	Asbestos Containing Materials
ATS	Active Treatment System
BAT	Best Available Technology Economically Achievable
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practice
CASQA	California Stormwater Quality Association
CBPELSG	California Board of Professional Engineers, Land Surveyors, and Geologists
CGP	Construction Stormwater General Permit
COI	Change of Information
CPESC	Certified Professional in Erosion and Sediment Control
CPSWQ	Certified Professional in Storm Water Quality
DAR	Duly Authorized Representative
DSA	Disturbed Soil Area
ELAP	Environmental Laboratory Accreditation Program
ELG	Effluent Limitation Guidelines
FCS	Full Capture System
LCAN	Linear Construction Activity Notification
LID	Low Impact Development
LRP	Legally Responsible Person
LUP	Linear Underground and Overhead Project
MS4	Municipal Separate Storm Sewer System
NAL	Numeric Action Level
NEL	Numeric Effluent Limitations
NICET	National Institute for Certification in Engineering Technologies
NOI	Notice of Intent
NOA	Notice of Applicability
NONA	Notice of Non-Applicability
NOT	Notice of Termination
NP	Nonylphenol
NPE	Nonylphenol Ethoxylates

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Term or Acronym	Definition
NTU	Nephelometric Turbidity Unit – Turbidity measurement
NVP	Non-Visible Pollutant
PCB	Polychlorinated Biphenyl
Program Webpage	(https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)
IGP	Industrial Stormwater General Permit
ID	Identification used in this response to comment made up of commenter number and comment number (example 1.01)
PAM	Polyacrylamide
PCB	Polychlorinated Biphenyl
PE	Professional Engineer
PG	Professional Geologist
PRD	Permit Registration Document
QISP	Qualified Industrial SWPPP Practitioner
QSD	Qualified SWPPP Developer
QPE	Qualified Precipitation Event
QSE	Qualified Storm Event
QSP	Qualified SWPPP Practitioner
Regional Water Board	Regional Water Quality Control Boards
RUSLE2	Revised Universal Soil Loss Equation 2
SMARTS	Stormwater Multiple Application and Report Tracking System
Staff	State Water Board staff working on the General Order
State Water Board	State Water Resources Control Board
SWPPP	Stormwater Pollution Prevention Plan
TBEL	Technology-Based Effluent Limitation
TDS	Total Dissolved Solids
TMDL	Total Daily Maximum Load
ToR	Trainer of Record
TSS	Total Suspended Solid

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Term or Acronym	Definition
Water Board	Collectively the State Water Board and Regional Water Boards
WDID	Waste Discharger Identification
WOTUS	Waters of the United States
WQBEL	Water Quality-Based Effluent Limitation
U.S. EPA	United States Environmental Protection Agency

Table of Commenters

Comment Letter Number (Commenter ID)	Commenter Organization(s)	Representative(s)
1	Amy Griffin	Amy Griffin
2	The Associated General Contractors (San Diego Chapter)	Mike McManus
3	The Associated General Contractors (San Diego Chapter)	Mike McManus
4	The Associated General Contractors (California)	Peter Tateishi
5	Best Management Construction Inc.	Juan Mendez
6	Blake Scott	Blake Scott
7	BTC Consulting	Alicia Brenner
8	California Alliance for Jobs	Michael Quigley
9	California Council for Environmental and Economic Balance	Bill Quinn
10	California Department of Transportation	Hardeep Takhar
11	California Ecological Restoration Business Association	Sara Johnson
12	California Transportation Commission	Mitch Weiss
13	<p><u>California Utilities Coalition:</u> AT&T, California Council for Environmental and Economic Balance, Los Angeles Department of Water and Power, Pacific Gas & Electric, Sacramento Municipal Utility District, San Diego Gas & Electric, Southern California Edison, SCG</p>	Andrew Taylor, Dawn Koepke, Katherine Rubin, Robin Yamada, Carmen Fewless, Alexa LaPlante, Isabella Johannes`, Emily Bacchini, Rene Toledo, Willie Gaters, Brett Gamble, Elizabeth Cason, Julie Granberry, Karen Whiteside, Lucy Cortez-Johnson, Mike Gallagher, Ricardo Moreno, Josephine Huang

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Comment Letter Number (Commenter ID)	Commenter Organization(s)	Representative(s)
14	CASC Engineering	Jeff Endicott
15	California Stormwater Quality Association Construction Subcommittee	Karen Cowan
16	City of Camarillo	David Klotzle
17	City of Escondido	Christopher McKinney
18	City of Los Angeles, Sanitation and Environment	Barbara Romero
19	City of San Diego	Sumer Hasenin
20	City of Santa Rosa	Jennifer Burke
21	Clear Creek Systems	Brendan Coyne
22	County of Orange	Tracy Ingebrigsten
23	County of San Diego	Todd Snyder
24	Dave Sluga	Dave Sluga
25	David Franklin et al.	David Franklin, Jerome Pitt
26	David Franklin et al.	David Franklin, Jerome Pitt, Matthew Renaud
27	Department of Defense	J.C. Golumbskie-Jones
28	California Department of Water Resources	Angela Calderaro
29	Din Consulting	Aydin Dabbagh
30	Dominguez Channel Watershed Management Group	Alfredo Magallanes
31	Environmental Compliance Specialist LLC	Douglas Dowden
32	Figure 8 Environmental	Scott Harrison
33	Granite Construction Company	Mark Greenwood
34	Incompli	Jason Locklin
35	<u>Building Industry:</u> California Building Industry Association, Building Industry Association of Southern California, Building Industry Legal Defense Foundation, Construction Industry Coalition on	Dan Dunmoyer, Jeff Montejano, Adam Wood, Mike Lewis, Lori Holt Pfeiler

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Comment Letter Number (Commenter ID)	Commenter Organization(s)	Representative(s)
	Water Quality, Building Industry Association of San Diego	
36	Building Industry	Keith Garner
37	Exponent	Susan Paulsen
38	Building Industry	
39	Building Industry	Dan Dunmoyer, Jeff Montejano, Adam Wood, Mike Lewis, Lori Holt Pfeiler
40	<u>Industry/Labor Coalition:</u> California Alliance for Jobs, Association of California Water Agencies, California Building Industry Association California State Council of Laborers, State Building & Construction Trades Council of California, California State Association of Counties, League of California Cities, California Coalition of Rural Housing, Rebuild SoCal Partnership, Southern California Water Coalition, Transportation California, California Asphalt Pavement Association, United Contractors, California Business Roundtable, California Manufacturers & Technology Association, California State Association of REALTORS, California Business Properties Association, Southern California Contractors Association, California Builders Alliance Engineering Contractors' Association, Northern California Carpenters Regional Council, Southwest Regional Council of	Michael Quigley, Dave Eggerton. Dan Dunmoyer, Joseph Cruz, Robbie Hunter, Graham Knaus, Carolyn Coleman, Dr. Rob Wiener, Marci Stanage, Charley Wilson, Kiana Valentine, Russell Snyder, Emily Cohen, Rob Lapsley, Lawrence Gayden, Jelisaveta Gavric, Rex Hime, Bradley Kimball, Tim Murphy, Ray Baca, Jay Bradshaw, Dan Langford, Peter Tateishi, Tim Cremins, Brad Diede, Staci Heaton, Valerie Nera, Jay King, Robert Dugan, Debra Carlton, Steve McCarthy,

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Comment Letter Number (Commenter ID)	Commenter Organization(s)	Representative(s)
	<p>Carpenters, Associated General Contractors of California, California Nevada Conference of Operating Engineers, American Council of Engineering Companies of California, Rural County Representatives of California, California Chamber of Commerce, California Black Chamber of Commerce, California Construction & Industrial Materials Association, California Apartment Association, California Retailers Association, California Trucking Association, National Electrical Contractors Association – California, International Union of Operating Engineers, Local 3 International Union of Operating Engineers, Local 12 California Association of Local Economic Development, Sacramento Regional Builders Exchange, Los Angeles County Business Federation, Orange County Business Council, Ventura County Contractors Association, San Gabriel Valley Economic Partnership, Central Coast Builders Association, Nevada County Contractors' Association, Valley Contractors Exchange, San Luis Obispo County Builders Exchange, Associated General Contractors - San Diego</p>	<p>Eric Sauer, Eddie Bernacchi, Dan Reding, David Garbarino, Gurbax Sahota, Timothy Murphy, Tracy Hernandez, Jennifer Ward, Daylean Atkin, Bill Manis, Christie Cromeenes, Barbara Bashall, Amy Rohrer, Cordelia Perry, Eddie Sprecco</p>
41	James Jensen	James Jensen

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Comment Letter Number (Commenter ID)	Commenter Organization(s)	Representative(s)
42	Jeff Woolston	Jeff Woolston
43	Keith Hamblin	Keith Hamblin
44	Ken Kristofferson	Ken Kristofferson
45	Los Angeles County Metropolitan Transit Authority	Emmanuel CB Liban
46	Los Angeles County Sanitations District	Kristen Ruffell
47	Los Angeles Department of Water and Power	Katherine Rubin
48	LSC Environmental Products	Andy Iturriria
49	Brash Industries	Marvin Sachse
50	Melissa Ghiglieri	Melissa Ghiglieri
51	Members of the Construction General Permit Training Team	Daniel Apt, Ken Kristoffersen, Sandy Matthews, Jeff Endicott, Dave Mercier, Melanie Sotelo, Arlene Chun, Karen Cowan, Kadi Whiteside, Matt Hromatka
52	Los Angeles Waterkeeper, Heal the Bay, East Yard Communities	Kelly Clark, Annelisa Moe, Janet Valenzuela
53	California Coastkeeper Alliance, East Yard Communities	Kaitlyn Kalua, Janet Valenzuela
54	NV5	Matthew Renaud
55	Pacific Blue Water Services	Payam Afsari
56	Pacific Gas and Electric	Isabella Johannes
57	Port of Oakland	Angela Clapp
58	Keish Environmental	Rachel Keish
59	Shaun Knoop	Shaun Knoop
60	Riverside County Flood and Water Conservation District	Richard Boon

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Comment Letter Number (Commenter ID)	Commenter Organization(s)	Representative(s)
61	San Diego Metropolitan Transit System Board	Karen Landers
62	San Joaquin County	Matthew Zidar
63	SNF	Kevin Loucks
64	SoCal Stormwater Runoff Solution Services Inc.	Ram Mohseni
65	Stanislaus County Public Works	Dhyan Gilton
66	Sunset Construction Management	Chris Marquadt
67	Susan Paulsen	Susan Paulsen
68	The Monthly Dirt	John Teravskis
69	The Monthly Dirt	John Teravskis
70	United States Environmental Protection Agency Region IX	Elizabeth Sablad
71	University of California	Ken Smith
72	Ventura County Fire Protection District	Mark Lorenzen
73	Ventura Countywide Stormwater Quality Management Program	Arne Anselm
74	Active Treatment Systems Inc.	Vernon Slater
75	Whitson Engineers	Nathaniel Milam, Richard Weber

Response to Comments

Comment ID	Comment Summary and Response
15.61, 21.02	<p>Comment Category: Active Treatment – Design Storm</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Attachment F requires the ATS plan to provide the treatment capacity of the ATS for a given design storm. 2. Item "iv" shows a 5-year/24-hour storm design instead of a 10-year/24-hour storm design. This is confusing as a 5-year event ATS system will mean a system of less capacity than a 10-year capacity system. Yet other sections still refer to the 10y/24h event. This is confusing. <p>Requested Change: Clarify design storm event in Attachment F.</p> <p>Response: The Active Treatment System (ATS) designer specifies the design storm and treatment capacity of the ATS. This requirement provides flexibility for dischargers to design an ATS that is appropriate for their site, rather than an ATS that may be too large or too small. The compliance precipitation event language has also been removed. The ATS is required to bypass runoff that it was not designed to treat, and the bypassed discharge shall comply with all general permit requirements.</p>
15.63, 39.204, 49.13	<p>Comment Category: Active Treatment</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Attachment F Section B.3 discusses filtration and the capture of suspended material that might pass through clarifier tanks. However, clarifier tanks may not always be used. 2. California Water Code prohibits the Water Board from specifying specific BMPs rather than outcomes. 3. This statement requires the use of a clarifier. A clarifier is typically used to separate floatables from settleables. The process of flocculation utilizes gravity settling for sedimentation and does not require a clarifier. <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<ol style="list-style-type: none"> 1. "The ATS shall include a filtration step between the coagulant treatment train and the effluent discharge. This is commonly provided by sand, bag, or cartridge filters." 2. Remove "This is commonly provided by sand, bag, or cartridge filters, which are sized to capture suspended material that might pass through the clarifier tanks." 3. Delete this requirement. <p>Response:</p> <p>The General Permit was revised in response to this comment and the following language was incorporated in Attachment F Section B.3.a.</p> <p>"The ATS shall include a filtration step between the coagulant treatment train and the effluent discharge. This is commonly provided by sand, bag, or cartridge filters."</p>
21.01	<p>Comment Category: Active Treatment – Remote Monitoring</p> <p>Comment Summary:</p> <p>Section D.b.ii has a number of concerns. For example, during Active treatment, how can an off-site monitoring ensure proper operation? How can they be sure tanks are not overflowing, or polymer leaking, or fuel leaking into the pond from generator, or polymer tote about ready to run dry, or pump surging, or CO2 tank running empty.</p> <p>Response:</p> <p>Remote monitoring technology is capable of detecting the deficiencies noted. Furthermore, the permit requires visual inspections to ensure that best management practices (BMP) are properly installed and maintained which would include an active treatment system (ATS) if present on the site.</p>
21.05	<p>Comment Category: Active Treatment – Training</p> <p>Comment Summary:</p> <p>Section L in the current Attachment F has been completely removed. Why is there no longer an outline of training required for operators? Does the Water Board deem minimum training standards not required?</p> <p>Response:</p> <p>The requirements regarding active treatment system (ATS) personnel training criteria were removed because there was no standardized training available. The discharge is required to assign a lead</p>

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Comment ID	Comment Summary and Response
	<p>person or project manager who has a minimum of five years construction stormwater experience or who is a licensed contractor specifically holding a California Class A Contractor's license to oversee operation of the ATS. The discharger is responsible for compliance with the permit and accordingly is responsible for hiring a professional who is trained and experienced with ATS operation.</p>
21.06	<p>Comment Category: Active Treatment</p> <p>Comment Summary:</p> <p>How come there is no longer a 14-day lead time requirement to the Board for submittal of an ATS plan? Is the board ready to handle the case load if all ATS plans are submitted the day before the big storm?</p> <p>Response:</p> <p>The 14-day lead time was removed as the active treatment system (ATS) plans should be incorporated as part of the Stormwater Pollution Prevention Plan (SWPPP) which also has submittal time requirements. However, a lead time is necessary for the ATS plan submittals and the following language was incorporated into the draft. Attachment F, Section E.1.a.</p> <p>"The discharger shall prepare an ATS Plan that combines the site-specific data and treatment system information required to safely and efficiently operate an ATS. The ATS Plan shall be electronically certified and submitted through the Stormwater Multiple Applications and Report Tracking System (SMARTS) as an attachment to the SWPPP, at least 14 days prior to the planned operation of the ATS, and a copy shall be available on-site during ATS operation."</p>
39.202	<p>Comment Category: Active Treatment - Personnel</p> <p>Comment Summary:</p> <p>This is a new requirement, which adds additional cost. There are no findings in the Draft Order or Fact Sheet to support the conclusion that either a person with five years construction stormwater experience or a California Class A Contractor has the necessary training or skills to perform this function.</p> <p>The existing Operator Training requirements are sufficient.</p> <p>Requested Change:</p> <p>Remove Attachment F, Section A.3.</p>

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Comment ID	Comment Summary and Response
	<p>Response:</p> <p>No change was made as the personnel requirements for Active Treatment Systems (ATS) operators are not a new requirement (refer to 2009 Construction Stormwater General Permit Attachment F Section C.4.).</p>
39.203, 74.01	<p>Comment Category: Active Treatment – Design</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Design in this context must be performed by a licensed Professional Engineer. 2. In Attachment F, designing of an Active Treatment System can be done by CPESC Certified Professional in Erosion and Sediment Control, or a California Registered Engineer. I heard in comments from an engineer on June 10, 2021 workshop about the draft CGP. In his comment, he stated that only a Registered Engineer (PE) should be able to design an Active Treatment System. Designing of an Active Treatment System requires simple high school math. An engineer is not needed in the design process. I think the verbiage of California Registered Engineer should be dropped. If an engineer wants to use their time performing simple high school math, then great. But it should not be required. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove “The ATS shall be designed by a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Professional in Storm Water Quality (CPSWQ), or” in Attachment F, Section B.1.a. 2. Remove professional engineer language. <p>Response:</p> <p>The perspectives of both comments were considered. Attachment F Section B.1.a. was removed. The Construction Stormwater General Permit does not include requirements regarding who designs the active treatment system (ATS) but the system must meet the design criteria established in this Permit to protect water quality.</p>
39.205	<p>Comment Category: Active Treatment</p> <p>Comment Summary:</p> <p>Typo in Attachment F, Section D.3.a that impacts clarity.</p>

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Comment ID	Comment Summary and Response
	<p>Requested Change: Replace “of” with “to” before “the chemical used”.</p> <p>Response: The requested change was incorporated in Attachment F Section D.3.a.</p>
53.32	<p>Comment Category: Active Treatment</p> <p>Comment Summary: Cationic polyacrylamide-based flocculant products are acutely toxic to aquatic species in small quantities and are neurotoxins. The Draft Permit does not allow the use of cationic polyacrylamide-based flocculant products for passive treatment, yet authorizes their use in active treatment systems. Due to the known toxicity of cationic polyacrylamide-based flocculants, we urge that the use of these products be entirely avoided or prohibited in the final Permit.</p> <p>A wide range of product alternatives exist to cationic polyacrylamide-based flocculant products, and we urge the State Water Board to prevent any threat or occurrence of aquatic toxicity by encouraging the use of naturally-derived polymer products. There is a long, known history of using naturally-derived polymers to reduce turbidity – without increasing toxicity – with some products with over two decades of demonstrated success for construction use.¹¹⁶ In addition to the removal of cationic polyacrylamide-based flocculant products from the final Construction General Permit, we further request that the State Water Board provide an explicit preference that active treatment be used over passive treatment due to the established practices and oversight used in active treatment systems, and ensure monitoring is required when passive treatment systems are used.</p> <p>Requested Change: Prohibit the uses of cationic polyacrylamide-based flocculants products in ATS and state preference for the use of ATS over passive treatment.</p> <p>Response: Cationic polyacrylamide-based products are acutely toxic to aquatic species but can be effective in certain treatment applications. Attachment F contains monitoring requirements and establishes a numeric effluent limitation (NEL) for residual chemicals, at less than 10 percent of the maximum allowable threshold concentration, to be protective of aquatic species.</p>

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Comment ID	Comment Summary and Response
	<p>Industry practices have demonstrated that both active treatment and passive treatment can be safe and effective technologies to remove sediment from stormwater discharges (see Section S and T of the Fact Sheet).</p>
<p>13.04, 15.09, 17.03</p>	<p>Comment Category: Administrative (Effective Date) – Implementation During Dry Season</p> <p>Comment Summary:</p> <p>Commenters state that the effective date of the Proposed Permit should occur during the dry season. They state that the dry season will generate downtime, allowing individuals to thoroughly examine the Permit and grasp the new and updated requirements to prepare for the upcoming wet season.</p> <p>Requested Change:</p> <p>Commenters are requesting that the effective date of the Permit not occur during wet months and instead occur during the dry season. They add that this will assist construction projects, staff, inspectors, and contractors in learning about the new Permit requirements and prepare for the wet season.</p> <p>Response:</p> <p>The Effective Date of the permit is July 1, 2023 which is during a typically dry season in California. The time period between the permit adoption date and the permit effective date allows the State Water Board to enhance Stormwater Multiple Applications and Report Tracking System (SMARTS) to accommodate electronic submittals required per the new permit, and dischargers to prepare for compliance with new requirements, as applicable.</p>
<p>13.15, 51.02, 56.01</p>	<p>Comment Category: Administrative (Effective Date) – Effective Date in 2023</p> <p>Comment Summary:</p> <p>Commenters state that the Proposed Permit’s effective date should occur sometime in 2023 to allow ample time to familiarize with the new Permit updates, revise their company practices, and train QSDs, QSPs, and personnel.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to revise "effective date of the permit" to "one year following the availability date of QSD/QSP training; this will be the effective date of this permit."

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Comment ID	Comment Summary and Response
	<p>2. Commenter is requesting sufficient time between adoption and effective date (18 months) to allow revision and obtain training. The commenter also requests that the effective date start on July 1st.</p> <p>3. Commenter is requesting an effective date of July 1, 2023 to allow enough time for permittees to prepare for permit compliance and train QSDs, QSPs and personnel on the new permit requirements.</p> <p>Response:</p> <p>The Effective Date of the permit is July 1, 2023. The time period between the permit adoption date and the permit effective date allows the State Water Board to enhance Stormwater Multiple Applications and Report Tracking System (SMARTS) to accommodate electronic submittals required per the new permit, and dischargers to prepare for compliance with new requirements, as applicable.</p>
53.35	<p>Comment Category: Administrative (Effective Date)</p> <p>Comment Summary:</p> <p>XII. THE STATE WATER BOARD MUST ENSURE TIMELY IMPLEMENTATION OF THE FINAL CONSTRUCTION GENERAL PERMIT.</p> <p>It is critical that the State Water Board adopt and implement the Final Construction General Permit – a permit that is 12 years old and 6 years past due for its reissuance. The State Water Board has engaged in numerous public outreach and stakeholder meetings with industry representatives during the development of this Draft Permit, and the incorporation of existing TMDL requirements is not a new concept, nor should come as a surprise, given the incorporation TMDLs and NELs in the Industrial Stormwater Permit and the fact the compliance deadlines for the majority of TMDLs are past due. Industry has had over two years notice of the changes proposed in this Permit – potentially more, given many of these TMDLs have been in place for over decades with construction listed as a responsible party – which does not necessitate delayed implementation of the Final Construction General Permit.</p> <p>Delaying this permit and associated water quality requirements is not necessary. If additional time is needed to ensure the appropriate environmental professionals, consultants, or subcontractors are available to comply with the Permit, project timelines may be altered, as is industry practice.</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<p>Commenter is requesting to reduce further delays with the adoption and implementation of the Construction General Permit.</p> <p>Response:</p> <p>Staff has worked diligently to maintain an efficient Construction Stormwater General Permit reissuance process.</p>
<p>8.04, 8.05, 8.11</p>	<p>Comment Category: Administrative (General) – Accessibility & Simplicity</p> <p>Comment Summary:</p> <p>Commenter states that the Proposed Permit should be accessible in other languages, be ADA accessible, and should be easier to understand for untrained individuals. They claim that the Proposed Permit and its requirements are unfair to disadvantaged, small, minority businesses.</p> <p>Requested Change:</p> <p>Commenter is requesting that the Proposed Permit be language accessible to individuals of other ethnicities, ADA compatible, and be simplified enough for regular individuals to comprehend.</p> <p>Response:</p> <ol style="list-style-type: none"> 1. Revisions have been made to the permit to reduce complexity and simplify interpretation of requirements. It is not feasible for the State Water Board to provide a translation of the entire permit into other languages, including Spanish. The permit meets accessibility requirements of California Government Code Section 7405 and Section 508 of the Rehabilitation Act. 2. Revisions have been made to the permit to reduce complexity and simplify interpretation of requirements. Revisions include combining previous Attachments C, D, and E into one attachment with requirements for each risk level.
<p>13.10, 56.11</p>	<p>Comment Category: Administrative (General) – Waste Discharger Identification(WDID)</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that it is difficult to visibly post WDIDs at sites with high security or with gates. 2. Commenter states that LUPs are typically comprised of non-contiguous sites. The commenter requests sole WDID be posted at main active laydown area when there are non-contiguous sites.

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	<p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to add “as feasible” to Order Section III.A.2. 2. Commenter is requesting that the WDID for non-contiguous LUP sites be posted at the main active laydown area. <p>Response:</p> <ol style="list-style-type: none"> 1. Revisions have been made to allow for the Waste Discharger Identification (WDID) number to be made available upon request. 2. The permit has been revised to allow the posting of the WDID at the main laydown area as applicable.
13.41	<p>Comment Category: Administrative (General)</p> <p>Comment Summary:</p> <p>Commenter states that Order Section VII.H appears to hold a discharger responsible over time for previous poor performance but does not limit that duration that a poor history is part of the evaluation. A time limit or statute of limitations should apply, to allow a discharger to rehabilitate his/her reputation.</p> <p>Requested Change:</p> <p>Commenter is requesting to add “within the past three years” to Order Section VII.H.</p> <p>Response:</p> <p>This provision allows the Regional Water Board to exercise extra scrutiny for risk level calculations and does not hold a discharger responsible for previous performance.</p>
17.07	<p>Comment Category: Administrative (General)</p> <p>Comment Summary:</p> <p>Commenter states that implementing a planned or emergency notification requirement for MS4s is beneficial and should be incorporated within the final Proposed Permit.</p> <p>Requested Change:</p> <p>Commenter is requesting to include a notification requirement for applicable MS4s in the final Proposed Permit.</p>

Response to Comments for the Statewide NPDES Construction Stormwater General Permit Reissuance

Comment ID	Comment Summary and Response
	<p>Response:</p> <p>The permit was not revised in response to this comment. Dischargers should follow all state, federal, and local regulations and ordinances.</p>
22.14	<p>Comment Category: Administrative (General)</p> <p>Comment Summary:</p> <p>Commenter states that requirements for ocean references are problematic.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to remove the requirement that ocean reference areas be located hat the drainages of flowing watersheds with minimal development. 2. Commenter is requesting to make the following revisions to Attachment I, Section G.3.b: <ol style="list-style-type: none"> a. Remove “with minimal development (in no instance more than 10 percent development)” b. Remove “and anthropogenic non-stormwater runoff.” c. Remove “(e.g., stream highway overpasses and campgrounds)” <p>Response:</p> <p>The provisions in Attachment I are per the California Water Quality Control Plan for Ocean Waters. All discharges authorized by this General Permit must meet the requirements of the applicable Water Quality Control Plan(s) and policies.</p>
23.08	<p>Comment Category: Administrative (General)</p> <p>Comment Summary:</p> <p>Commenter states that Order Section I.12 should be updated.</p> <p>Requested Change:</p> <p>Commenter is requesting to revise language in Order Section I.12 to state, “...This General Permit does not cover the discharge of dredged or fill material to or within waters of the state.”</p> <p>Response:</p> <p>The General Permit was revised to add additional language in Order Section II.B. to clarify that this permit does not authorize in-water work, including activities that result in the discharge of dredged or fill material. Any impacts to waters measured in acreage or linear feet should be excluded when</p>

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	<p>determining whether there is one or more acres of land disturbance (or part of a common plan of development) and whether the activity is regulated by this General Permit.</p>
24.01	<p>Comment Category: Administrative (General)</p> <p>Comment Summary:</p> <p>Commenter states that the various regulations and requirements of the CGP are costly and need to be updated with discharger satisfaction in mind.</p> <p>Requested Change:</p> <p>Commenter is requesting the Proposed Permit be updated so that more dischargers are satisfied with the regulations and requirements. They add that sufficient analyses should be included in the Fact Sheet that convey the purpose and reasoning behind newly implemented Permit concepts.</p> <p>Response:</p> <p>This General Permit is part of the National Pollutant Discharge Elimination System (NPDES) and is meant to be an iterative approach that builds on lessons learned from the previous permit cycle and meets the control standards of Best Available Technology Economically Achievable (BAT) defined at CWA section 304(b)(2) and Best Conventional Pollutant Control Technology (BCT) defined at CWA section 304(b)(4).</p>
24.02	<p>Comment Category: Administrative (General)</p> <p>Comment Summary:</p> <p>Commenter states that year-round implementation of stormwater BMPs is a waste of money. Some regions will waste more money than others depending on their climate and precipitation percentage.</p> <p>Requested Change:</p> <p>Commenter is requesting to update the language in Order Section I.23 so year-round stormwater management is not required.</p> <p>Response:</p> <p>This is a statewide General Permit and was developed to control pollutants from construction and land disturbing activities across all areas of the state of California. State Water Board staff recognizes that climate and weather may differ across the state but that the requirements within the permit are</p>

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	<p>the best fit for most situations and time periods. Additionally, climate patterns are changing rapidly, and we cannot guarantee that precipitation will or will not fall in a given season or part of the year.</p>
24.03	<p>Comment Category: Administrative (General)</p> <p>Comment Summary: Commenter states that Order Section I.27 should be updated.</p> <p>Requested Change: Commenter is requesting to update Order Section I.27 to state: "... discharge causes or contributes..."</p> <p>Response: The proposed General Permit was not revised to include this recommendation.</p>
24.20	<p>Comment Category: Administrative (General)</p> <p>Comment Summary: Commenter states that the CGP will always be available electronically and is unnecessary to retain with the project and other records.</p> <p>Requested Change: Commenter is requesting to delete, "including but not limited to, a copy of this General Permit and its attachments, appendices, and Fact Sheet."</p> <p>Response: Language revised to say, "paper or electronic copy."</p>
24.29, 24.52	<p>Comment Category: Administrative (General)</p> <p>Comment Summary: Commenter states that portable toilets are durable and do not leak. They add that secondary containment efforts for portable toilets should not be required, and that requiring this would unnecessarily increase costs of projects.</p> <p>Requested Change:</p>

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	<p>Commenter is requesting to more in-depth information regarding secondary containment of portable toilets.</p> <p>Response:</p> <p>This General Permit does not specify what kind of secondary containment may be used. Containment trays are one option to further control the potential release of bacteria from sanitary facilities.</p>
24.32, 24.55	<p>Comment Category: Administrative (General)</p> <p>Comment Summary:</p> <p>Commenter states that schedules and disturbed soil area are dictated by time and the project. This requirement is never practical and will always be infeasible.</p> <p>Requested Change:</p> <p>Commenter is requesting to delete the listed requirement above.</p> <p>Response:</p> <p>The requirement is to minimize the amount of soil exposed. This is a requirement that is part of the Federal Effluent Limitation Guidelines.</p>
25.01	<p>Comment Category: Administrative (General)</p> <p>Comment Summary:</p> <p>Commenter states that SMARTS should be more transparent with the public. They claim that SMARTS should be able to convey if projects or any aspects of the project are a part of any other water quality permits.</p> <p>Requested Change:</p> <p>Commenter is requesting that the Proposed Permit and SMARTS require dischargers to declare when 404, 401, 1602, etc. permits are applicable and that they are to be uploaded to SMARTS upon being secured.</p> <p>Response:</p> <p>The General Permit was not revised in response to this comment. The General Permit regulates discharges of stormwater associated with construction and land disturbing activities. While there may be other permits or orders that are applicable to the project, it is not within the purview of this General</p>

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Comment ID	Comment Summary and Response
	<p>Permit or the associated Stormwater Multiple Applications and Report Tracking System (SMARTS) database to track other permits and regulatory orders.</p>
27.01	<p>Comment Category: Administrative (General)</p> <p>Comment Summary:</p> <p>Commenter states that the focus of the 2012 ASBS Resolution was on direct discharges to ASBS. As a result, “direct” should be added in front of “discharges” in that context.</p> <p>Requested Change:</p> <p>Commenter is requesting that Permit prohibitions and the Fact Sheet be revised to include “direct” in front of “discharges.”</p> <p>Response:</p> <p>The requirement set forth in Order Section IV.L.2. was revised to reflect that only discharges directly to Areas of Special Biological Significance (ASBS) are regulated by the ASBS Resolutions.</p>
27.02, 27.03	<p>Comment Category: Administrative (General)</p> <p>Comment Summary:</p> <p>Commenter states that Resolution numbers 2012-0012, 2012-0013, and 2015-0033 need to be revised in the Order, Fact Sheet, and Attachment I.</p> <p>Requested Change:</p> <p>Commenter is requesting revisions for Resolution numbers 2012-0012, 2012-0013, and 2015-0033.</p> <p>Response:</p> <p>Typographical errors were corrected. Resolution numbers are now displayed as 2012-0012 and 2012-0031 in the Order, and 2012-0031 in the Fact Sheet and Attachment I.</p>
33.01	<p>Comment Category: Administrative (General) – Discharger Appreciation</p> <p>Comment Summary:</p> <p>Commenter is thanking Water Boards staff for updates to the Proposed Permit.</p> <p>Response:</p>

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Comment ID	Comment Summary and Response
	<p>This comment is greatly appreciated. Staff has worked diligently to make revisions and maintain an efficient Construction Stormwater General Permit reissuance process.</p>
53.23	<p>Comment Category: Administrative (General) Comment Summary: Commenter states that the Proposed Permit does not provide an adequate anti-degradation analysis. Requested Change: Commenter is requesting a more thorough analysis for anti-degradation in the final Proposed Permit. Response: The permit has been revised to add findings regarding to anti-degradation. Please refer to Findings 9-18 in the Order for the anti-degradation analysis.</p>
56.13	<p>Comment Category: Administrative (General) Comment Summary: Commenter states that Order Section III.F.4.c is contradictory and does not make sense. Requested Change: Commenter is requesting to remove Order Section III.F.4.c. Response: The permit language was revised to specify that the site be greater than or equal to 1 acre in size to necessitate a new Waste Discharge Identification (WDID) number.</p>
56.42	<p>Comment Category: Administrative (General) Comment Summary: Commenter states that the nearest NOAA rain gauge should also be allowed for establishing the approximate amount of precipitation. Requested Change: Commenter is requesting the nearest NOAA rain gauge also be allowed for establishing the approximate amount of precipitation.</p>

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	<p>Response:</p> <p>The State Water Board acknowledges that rain gauge data from the National Weather Service and the National Oceanic and Atmospheric Administration (NOAA) are reliable sources of meteorological information collected from gauges dispersed throughout the state. If the site is in close proximity to a NOAA rain gauge, then it can be utilized to establish the approximate amount of precipitation.</p>
<p>2.08, 33.05, 33.09, 33.10</p>	<p>Comment Category: Administrative (Other Permits) – Portable Industrial Manufacturing Facilities</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. The draft CGP does not provide clear coverage for portable industrial manufacturing facilities, such as concrete batch plants. 2. Commenter notes what they think the staff's intent was with regards to portable industrial manufacturing facilities 3. Suggests language regarding portable industrial manufacturing facilities <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Provide clarity that these operations only require coverage under one stormwater permit. 2. Add to Order Section II.A Construction Projects Subject to this General Permit: 5. Portable industrial manufacturing facilities, such as a portable concrete batch plants or portable crushing plants, which are accessory to a covered construction activity and which is in operation to serve one construction contract (i.e., deliveries from the industrial manufacturing facility are only made to one construction project) 3. In II.B.7.b. Construction activity that is subject to the Industrial General Permit: Add "Facilities primarily engaged in" concrete manufacturing, "or the manufacture" of prefabricated products... Concrete manufacturing of prefabricated products, ready - mixed concrete, or slurries that are transported from "the manufacturing site to various" construction sites. Delete "where mixing occurs and delivered to a separate site" require enrollment in the Industrial General Permit. <p>Response:</p> <p>The permit was not revised in response to this comment. Site-specific information is needed to determine whether a portable industrial manufacturing facility could be considered for Construction Stormwater General Permit coverage in lieu of Industrial Stormwater General Permit coverage. This fact-specific determination should be made by the applicable Regional Water Board.</p>

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Comment ID	Comment Summary and Response
11.05	<p>Comment Category: Administrative (Other Permits) – General Order and Draft Permit</p> <p>Comment Summary:</p> <p>Commenter appreciates reference to the Proposed Permit in the General Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide to ensure the two are coordinated for Water Board implementation. Commenter notes that to prevent confusion, the General Order should mirror the Proposed Permit’s language in Section I.12</p> <p>Requested Change:</p> <p>Modify the General Order to mirror the proposed permit’s language in Section I.12.</p> <p>Response:</p> <p>The requested changes mainly pertain to the Proposed Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide, and are therefore not applicable to this Permit and were not implemented.</p>
15.10	<p>Comment Category: Administrative (Other Permits) – Discharge of Dredged or Fill Material to A Water Outside Federal Jurisdiction</p> <p>Comment Summary:</p> <p>Commenter notes that the CGP does not apply to projects or portions of projects within waters of the state or waters of the US. Commenter cites contradictory permit requirements when the CGP is interpreted to apply to the prior projects.</p> <p>Requested Change:</p> <p>Add to Section II.B.11</p> <p>Construction activity located within waters of the state or waters of the US, which are subject to Clean Water Act Section 404 Permits and Clean Water Act Section 401 Water Quality Certifications. (Those portions of the construction activity that are located outside of waters of the state or waters of the US (upland sites) are subject to this general permit if the upland portions disturb one or more acres of land surface.)</p> <p>Response:</p> <p>This General Permit does not authorize the discharge of dredged or fill material. In response to this comment, language has been added to Order Section II.B.10.</p>

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Comment ID	Comment Summary and Response
8.02	<p>Comment Category: Administrative (Permit Length)</p> <p>Comment Summary:</p> <p>Commenter questions if the fact sheet and Order have substantial evidence for the need to include many new requirements such as those associated with identifying and measuring non-visible pollutants associated with water quality objectives. Commenter also notes that the draft permit has expanded to over 1000 pages.</p> <p>Requested Change:</p> <p>Eliminate language pertaining to new requirements.</p> <p>Response:</p> <p>The General Permit does not consist of the suggested number of pages, however, measures were taken to reduce the length of the permit. Additionally, please note that the Order regulates construction sites statewide and the various attachments pertain to specific discharger needs.</p>
15.11	<p>Comment Category: Administrative (Permit Length) – Consolidate Permit Registration Documents Information in Order and each Attachment</p> <p>Comment Summary:</p> <p>Commenter notes that the Draft CGP duplicates requirements in Order Sections III.A.1.f & III.B.2.f in Attachment B and Attachment A.2 respectively.</p> <p>Requested Change:</p> <p>Revise language in III.A.1.f. as shown below and delete subitems a-f from this provision. The Legally Responsible Person shall electronically certify and submit the applicable Permit Registration Documents listed in Attachment B of this General Permit through SMARTS and obtain a WDID prior to the commencement of construction activity. Failure to obtain General Permit coverage for stormwater and non-stormwater discharges to waters of the United States is a violation of the Clean Water Act and the California Water Code. Delete subitems a-f from this provision. Revise language in III.B.2.f accordingly.</p> <p>Response:</p> <p>The permit was not revised in response to this comment. Some requirements are repeated in the attachment to provide a more user-friendly permit for the various type of construction sites.</p>

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Comment ID	Comment Summary and Response
15.33, 17.05	<p>Comment Category: Administrative (Permit Length) – Centralize Stormwater Pollution Prevention Plan and Best Management Practices Requirements</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes that requirements for the SWPPP and BMPs are scattered between the order and attachments. 2. Commenter notes that requirements for SWPPP and BMPs should be centralized within the order. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Revise and consolidate SWPPP and BMP requirements into one section that is commonly referenced throughout the document 2. Centralize SWPPP and BMP requirements into an Order section that is commonly referenced throughout the rest of the permit <p>Response:</p> <p>Attachments C, D, and E were consolidated into a single attachment and the best management practices (BMP) requirements are not included under the Storm Water Pollution Prevention Plan (SWPPP) requirements in Order Section IV.O. The permit attachments are created to reduce the length and efficiently address the complexity of the permit.</p>
2.09, 9.03, 10.01, 10.03, 12.02, 15.06, 15.16, 17.01, 20.16, 22.04, 23.01, 28.01, 33.06, 33.12, 33.13, 36.18, 36.19, 45.01, 45.03, 46.03, 47.02, 60.05, 71.01, 75.02, 61.02	<p>Comment Category: Administrative (Regulatory Transition) – Grandfathering Permit Coverage</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter desires a grandfathering clause for construction activities that began before the CGP reissuance. 2. Commenter identifies in the permit reissuance for the current CGP permit that there was a grandfathering clause granting continuing permit coverage for up to 2 years for ongoing Risk Level 1 sites. 3. Commenter identifies language in the 2009 CGP permit that allowed all existing projects to enter the new permit as Risk Level 1, citing “additional requirements are not cost effective”; Commenter notes that the current draft permit requires all projects meet requirements by the effective date. 4. Commenter suggests language alteration.

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	<ol style="list-style-type: none"> 5. Commenter notes the timeline for transportation projects and the difficulties of transitioning permit coverage midway through. 6. Commenter identifies continuity allowances from the previous permit that are not present in this draft permit. 7. Commenter identifies language in order section III.C.3 that requires existing permittees to re-certify for coverage under the draft permit. Commenter notes that this will create undue costs stemming from the development of a new SWPPP. 8. Commenter notes concerns with compliance costs if existing permit coverages are not grandfathered as part of the reissuance. 9. Commenter identifies two cases where a grandfathering clause would be beneficial to avoid high costs associated with generating a revised SWPPP. The first are projects that have submitted NOTs and are simply waiting for RWB approval and the second are nearly finalized projects. 10. Commenter notes the lack of a grandfathering clause in the draft permit compared to the 2009 permit. 11. Commenter recommends that a grandfathering clause be added to the draft CGP. 12. Commenter identifies the language in the 2009 permit that granted existing permits coverage under the previous permit. Requests that a similar grandfathering provision be added to this draft CGP. 13. Commenter requests that existing dischargers who have submitted a completed NOT prior to the effective date of the draft permit be allowed to complete the termination process under their existing permit coverage. 14. Commenter notes that the draft permit should provide for grandfathering of existing dischargers and provides a lengthy explanation. 15. Commenter notes that the draft permit should be revised to allow existing dischargers to maintain their permit coverage for 5 years or until an NOT has been submitted and accepted by the Regional Water Board, whichever is sooner. Also notes that projects that receive a contract prior to the effective date of the draft permit should be allowed to proceed with a similar timeframe as above. 16. Commenter cites covid-related financial losses as reasoning to grandfather existing permit coverage. If that is not feasible, Commenter requests creating a more tiered implementation process that maintains schedule and cost for current and contract pending projects. 17. Commenter notes that the draft permit currently requires dischargers who have an NOT that is not approved by the Regional Water Board to obtain re-enrollment.

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	<p>18. Commenter identifies the lack of a grandfathering clause and requests that one be added for up to one year of continued coverage for projects already covered by the 2009 CGP.</p> <p>19. Commenter identifies the grandfathering provision in the 2009 CGP and recommends that similar language be included in this draft permit.</p> <p>20. Commenter cites complications in project timelines, feasibility, and budgets due to the lack of a grandfathering provision in the draft permit; Commenter requests that such a provision be added.</p> <p>21. Commenter notes that it would be an undue burden on dischargers awaiting 70% vegetative growth or already in the process of terminating coverage to have to re-certify. Commenter estimates 1000 projects will face this issue.</p> <p>22. Commenter notes the concerns of and challenges for dischargers without the ability to grandfather their projects and NOTs with the reissuance of this permit. Commenter makes suggestions to Order Section III.C to alleviate these concerns and challenges.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Include a grandfathering clause for construction activities that have commenced prior to reissuance of the General Permit. 2. Include a grandfathering clause for up to 2 years for Risk Level 1 sites. 3. Allow existing projects to enter the new permit as Risk Level 1. 4. Include the following language: “Existing Dischargers with coverage under State Water Board Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ (previous permit), by the effective date of this permit, will continue coverage under the previous permit until a Notice of Termination is obtained. Projects with a final environmental document or determination approved prior to [insert effective date of permit] will be subject to the previous permit, provided those projects begin construction within four (4) years of the [insert effective date of permit]. All new dischargers will be subject to coverage under this permit.” 5. Commenter requests clarification on if the CGP will allow projects currently in construction, environmental review, or design phase to be grandfathered under the existing Permit. 6. Coordinate with stakeholders and provide a reasonable continuity allowance, as was provided for in the current CGP (2009). 7. Revise language to: “Dischargers that submit a Notice of Termination for previous permit termination prior to the effective date of this General Permit and receive Notice of Termination approval from the Regional Water Board are not subject to this General Permit (unless the Discharger subsequently submits new Permit Registration Documents). Dischargers who have

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	<p>not received Notice of Termination approval from the Regional Water Board shall receive prioritized attention to their NOT following adoption of this Permit and shall not be required to re-enroll if their project is complete."</p> <ol style="list-style-type: none"> 8. Add grandfathering provisions for continuing projects. 9. Develop language that exempts projects with NOT submittal and nearly completed projects from revising their SWPPP. 10. Provide a reasonable grandfathering provision in the draft permit. 11. Add a grandfathering clause for existing permits in the draft CGP. 12. Add "two years following the effective date of" [insert effective date of permit]." Delete "[insert effective date of permit]" and add "After, such time, all existing NOIs subject to the previous permit will be terminated" and dischargers shall obtain permit coverage under the Draft Permit." 13. Delete "Dischargers who have not received NOT approval from the Regional Water Board shall re-certify for coverage under this General Permit through SMARTS prior to the effective date of this General Permit." Add "Dischargers who have yet to receive approval of NOT from the Regional Water Board shall continue to maintain their project in compliance under their existing permit coverage until such approval is received." 14. Provide for grandfathering of existing dischargers in the draft CGP. 15. Allow existing dischargers and projects that have been awarded contracts prior to the effective date of the draft permit to continue coverage under the existing permit for 5 years or until an NOT is submitted and approved by the Regional Water Board, whichever is sooner. 16. Allow grandfathering of existing permit coverage or implement a reasonable alternative that maintains schedule and cost of ongoing and pending projects. 17. Allow for dischargers who have submitted a completed NOT to the Regional Water Board to be exempt from re-enrollment unless the NOT is rejected by the Regional Water Board. 18. Include a grandfathering clause that would allow continued coverage for a minimum of one year after the adoption date of the draft permit to re-certify and submit updated PRD to SMARTS. 19. Provide a reasonable continuation provision, such as was included in the 2009 CGP. 20. Provide permittees a one-year period to complete projects covered by the 2009 permit where the project is either under construction or contract. 21. Include language exempting projects nearing permit termination or awaiting vegetative growth from re-certifying under the draft permit.

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Comment ID	Comment Summary and Response
	<p>22. Revise Order Section III.C to clarify that projects awaiting approval of NOTs prior to effective date should be processed under the requirements of the current permit and not need to recertify their PRDs or SWPPPs. Projects given a WDID under the previous permit should not have to update their SWPPP if they file an NOT within 6 months after the effective date, unless the project will extend longer than 6 months</p> <p>Response:</p> <ol style="list-style-type: none"> 1. The General Permit was revised to include the following language in the Order section III.C.: “Existing dischargers subject to State Water Board Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ, (previous permit) will continue coverage under the previous permit until they have received an approved Notice of Termination from the Regional Water Board, and up to 3 years after the effective date of this General Permit. Three years after July 1, 2023, all existing Notices of Intent subject to the previous permit will be administratively terminated.”
<p>8.14, 39.005, 75.01</p>	<p>Comment Category: Administrative (Regulatory Transition) – Termination of 2009 CGP NOIs</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes infeasibility of terminating old NOIs in favor of the new permit’s NOIs and suggests that it violates vested land use entitlements and contractual obligations of the dischargers 2. Commenter requests removal of "all existing NOIs subject to the previous permit will be terminated" and replace with "five (5) years after the effective date of this permit or until a notice of termination has been riled and accepted by the appropriate Regional water Board, whichever is sooner." 3. Commenter requests consideration of providing a mechanism whereby NOIs that are processed between adoption and the effective date of the new permit are administratively transferred to the new permit given they meet the new requirements. Commenter estimates that 7000 projects will experience this issue. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove language regarding the termination of old permit NOIs and requiring new permit NOIs

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	<p>2. Remove "all existing NOIs subject to the previous permit will be terminated" and replace with "five (5) years after the effective date of this permit or until a notice of termination has been filed and accepted by the appropriate Regional water Board, whichever is sooner."</p> <p>3. Consider providing a mechanism whereby NOIs that are processed between adoption and the effective date of the new permit are administratively transferred to the new permit given they meet the new requirements.</p> <p>Response:</p> <p>The General Permit was revised to include the following language in the Order section III.C.: “Existing dischargers subject to State Water Board Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ, (previous permit) will continue coverage under the previous permit until they have received an approved Notice of Termination from the Regional Water Board and up to 3 years after the effective date of this General Permit. Three years after July 1, 2023, all existing Notices of Intent subject to the previous permit will be administratively terminated.”</p>
10.02	<p>Comment Category: Administrative (Regulatory Transition) – Cost Considerations of Permit Transitions</p> <p>Comment Summary:</p> <p>Commenter notes that the transitioning of the current regulatory coverage under the 2009 permit to the proposed permit will result in a 50 percent increase in project costs, severely undermining publicly funded projects with money previously allocated under the current CGP.</p> <p>Requested Change:</p> <p>Reduce costs associated with transitioning permit coverage from the previous permit to the new permit.</p> <p>Response:</p> <p>The General Permit was revised to include the following language in the Order section III.C.: “Existing dischargers subject to State Water Board Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ, (previous permit) will continue coverage under the previous permit until they have received an approved Notice of Termination from the Regional Water Board and up to 3 years after the effective date of this General Permit. Three years after July 1, 2023, all existing Notices of Intent subject to the previous permit will be administratively terminated.”</p>

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45.02	<p>Comment Category: Administrative (Regulatory Transition) – Summer Olympics 2028</p> <p>Comment Summary: Commenter would like accommodation to allow for existing contracts at the time of permit adoption to continue without re-enrollment requirement.</p> <p>Requested Change: Add language to allow for existing contracts at the time of permit adoption to continue without re-enrollment requirements.</p> <p>Response: The General Permit was revised to include the following language in the Order section III.C.: “Existing dischargers subject to State Water Board Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ, (previous permit) will continue coverage under the previous permit until they have received an approved Notice of Termination from the Regional Water Board and up to 3 years after the effective date of this General Permit. Three years after July 1, 2023, all existing Notices of Intent subject to the previous permit will be administratively terminated.”</p>
5.01	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: There are many manufacturers of spray-on soil stabilization and erosion control products that I have been using in CA for the last 25 years. Each product has their own manufacturer recommendations based on application rates, curing time, incoming storm events, chemistry etc. The new permit should allow products to be used as intended and each should be regulated under the new permit.</p> <p>Requested Change: Suggested language: "... dischargers that stabilize soil using bonded-fiber matrices, hydromulches, spray tackifiers, or other land-applied products shall apply the product according to the manufacturer's recommendations to insure proper installation and performance. Dischargers should consider site conditions and base their selection of product(s) based on:</p> <ol style="list-style-type: none"> a. Product capabilities. b. Proven product performance. c. Cure time.

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	<p>d. Anticipated precipitation timing. e. Anticipated precipitation quantity. f. Application rate based on required service life."</p> <p>Response:</p> <p>The permit language was modified in Attachments D and E Section II.D.2.b. to read: "Dischargers that stabilize soil using bonded-fiber matrices, hydromulches, spray tackifiers, or other land-applied products shall:</p> <p>a. Apply the product according to the manufacturer's instructions and guidance; and b. Apply the product according to the manufacturer's guidance to allow for ample cure time and to prevent treatment chemicals from being transported by runoff."</p>
7.11	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Sanitation Facility Containment: Please clarify what is meant by "secondary containment" for good housekeeping of sanitation facilities. Are Dischargers expected to maintain secondary containment (100% of the volume of the container) or deploy a spill tray or other BMPs that assist in identifying and containing spills and leaks? If it is true that secondary containment is expected, this proposed requirement will be difficult to comply with. Please consider referencing a "spill tray" instead of "secondary containment".</p> <p>Requested Change:</p> <p>Please consider referencing a "spill try" instead of "secondary containment".</p> <p>Response:</p> <p>This General Permit does not specify the kind of secondary containment that may be used. Containment trays are one option to further control the potential discharge of bacteria from sanitary facilities.</p>
7.12	<p>Comment Category: Best Management Practice Implementation - Erodible Landscape Material</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>The Draft Permit requires application of erodible landscape material to be discontinued at least two days before a forecasted precipitation event. Production home construction sites commonly apply fertilizer and soil amendments before installing sod. The activity occurs quickly and stabilizes exposed soil. Please consider including a provision or exemption for this type of activity in the days leading up to a precipitation event.</p> <p>Requested Change:</p> <p>Please consider including a provision or exemption for this type of activity in the days leading up to a precipitation event.</p> <p>Response:</p> <p>No revision was made to the permit because fertilizers and soil amendments may be mobilized in a precipitation event, and therefore should not be applied two days before a forecasted precipitation event.</p>
7.13	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Erosion Control Materials: The Draft Permit proposes to require erosion control BMPs available onsite to be deployed. Common erosion control BMPs include hydraulic mulch and hydraulically applied tackifiers which are typically delivered to the site with the application truck. Please consider including provisions for BMP applications that are not conducive to onsite storage of the necessary materials.</p> <p>Requested Change:</p> <p>Please consider including provisions for BMP applications that are not conducive to onsite storage of the necessary materials.</p> <p>Response:</p> <p>Attachment D Section II.D.1.h. of the permit was revised to provide an exception for sprayed products from being onsite and available at all times.</p>
7.21	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>72-Hour BMP Maintenance and Repair. The Draft Permit requires maintenance, repair, or design changes of BMPs within 72 hours of identification. BTC feels that there are benefits and drawbacks to this proposed language which is also problematic in the current CGP. When a QSP identifies a deficiency while conducting a pre-precipitation inspection the day before a forecast event, the Discharger could address the deficiency during the storm, effectively creating a greater water quality risk, and believe that compliance was maintained because the deficiency was addressed within 72-hours. Alternately, some BMP maintenance, repair, and design changes cannot be addressed in 72-hours. Some deficiencies require vendor/contractor selection, contracting, and scheduling.</p> <p>Requested Change: Revise the 72 hours requirements for BMP maintenance, repair, and design changes</p> <p>Response: To allow for greater flexibility, Order Section V.D.2. was revised to allow a pre-precipitation event inspection to be completed up to 120 hours in advance when extended forecast precipitation data is available from the National Weather Service.</p>
13.43, 15.52	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Attachment C Section I.C.1.b. indicates disturbed topsoil must be stabilized during construction. Stabilizing disturbed topsoil during construction and as part of final stabilization seems to be redundant if it is to be reused.</p> <p>Requested Change: Suggestion: Revise Attachment C Section I.C.1.a. to read "Stockpile and contain existing topsoil during construction and deploy when feasible to reestablish native vegetation prior to termination of coverage, and;" , remove b</p> <p>Response: Revisions were made to Attachment D Section II.C.1.a. to allow stockpiling or transferring to other locations. The permit requires disturbed topsoil to be stabilized during construction so that the topsoil is not susceptible to erosion.</p>
13.44	<p>Comment Category: Best Management Practice Implementation</p>

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	<p>Comment Summary: Please also note that BMPs may be available at the contractor’s yard, or other offsite location, as long as they are immediately available to the project.</p> <p>Requested Change: Suggestion: Add "or at nearby location"</p> <p>Response: Attachments D and E Section II.D.1.h. has been revised to read: “Erosion control BMPs (with the exception of sprayed products) shall be available on-site, or at a nearby location (e.g., common lay-down yard), year-round with trained persons able to deploy the product under the direction of the Qualified SWPPP Practitioner.”</p>
13.45	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: The 2009 Permit allowed 72 hours to begin implementation of BMP repairs; this permit draft requires that repairs be completed within 72 hours. This is not feasible; request to revert back to the 2009 language.</p> <p>Requested Change: Suggestion: Add "begin to maintain repair".</p> <p>Response: Attachment D Section II.J.1. was revised to state: "Dischargers shall begin maintaining, repairing, and/or implementing design changes (reviewing alternatives that have not been used yet) to BMPs within 72 hours of identification of failures or other shortcomings and complete the changes as soon as possible, prior to the next forecasted precipitation event."</p>
15.41	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>The commenter states that the 72 hour timeframe for BMP repairs and maintenance to be completed is infeasible.</p> <p>In section II.J.1 the proposed language appears to have changed the requirement from commencing BMP maintenance, repairs or implement design changes within 72 hours to requiring them to be completed within 72 hours. This is not feasible on LUPs given the remoteness of a large number of the projects.</p> <p>Requested Change:</p> <p>Suggested language: "The Discharger shall commence the maintenance, repair, or implementation of design changes (review alternatives that have not been used yet) to BMPs within 72 hours of identification of failures or other short comings."</p> <p>Response:</p> <p>Attachment D, Section II.J.1 was revised to state: "Dischargers shall begin maintaining, repairing, and/or implementing design changes (reviewing alternatives that have not been used yet) to BMPs within 72 hours of identification of failures or other shortcomings and complete the changes as soon as possible, prior to the next forecasted precipitation event."</p>
15.54	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>The commenter states that the QSP should not direct the installation of erosion control BMPs.</p> <p>Attachment C.I.D.1.e indicates a QSP must be available onsite with trained staff able to deploy the product under the direction of the Qualified SWPPP Practitioner. For many project sites, the project QSP may be a third-party consultant that works for a different company than the erosion and sediment control provider/installer. In these cases, the QSP would not be directing the work of the BMP contractor, but rather the Discharger would provide that authority. Since the BMP contractor must have sufficient training to complete the erosion and sediment control installation and the QSP is regularly inspecting the project BMPs, it seems excessive to require that the QSP be present for all erosion control BMP installations.</p>

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	<p>Requested Change: Suggested language:</p> <p>"Risk Level 1 Dischargers shall have all BMP maintenance and repair be performed by staff or contractors trained to deploy the BMP products. The project QSP, or an appropriately trained delegate, will inspect site BMPs to confirm installation and maintenance has been performed properly."</p> <p>Response: Per Attachment D Section II.D.1.h., trained persons may deploy the erosion control best management practices (BMPs) under the direction of the Qualified SWPPP Practitioner (QSP). The permit does not require the QSP to be present on-site to direct the deployment of BMPs.</p>
15.56	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: The commenter states that clarifying language regarding the coverage of demolition materials should be incorporated in the permit.</p> <p>Attachment D.I.I. – As noted in comment #55, similar to ACM, other hazardous materials present in building materials, such as lead and PCBs, are frequently removed from the building prior to demolition. In cases where buildings are assessed and no hazardous materials have been found, or if found and the hazardous materials are removed prior to demolition to assure there is no exposure pathway. In the 2017 EPA CGP, Section 3.2, the only reference to PCBs protection measures is correlated to projects that discharge into waters that are impaired for PCBs and the demolishing of a pre-1980 building.</p> <p>The Draft CGP extends the requirement to buildings built or renovated between 1950 and 1980 regardless of receiving water body impairments, which significantly increases the breadth and scope of the regulation. Costs for laboratory analysis for these materials averages \$430 per sample location, per event. Labor charges for sample collection averages \$500 per event. Due to the labor costs to cover materials and the sampling costs, it is important to provide appropriate offramps for projects which do not contain these materials. Sampling and covering BMPs should only be required if the</p>

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	<p>structure to be demolished meets the age requirements, were not previously assessed, or found to contain contaminants in an assessment above a defined actionable value, and were un-remediated prior to demolition.</p> <p>Requested Change: Suggested language:</p> <p>“...Dischargers that are unable to cover demolished material, that were not previously investigated or found to be absent of applicable reportable quantities, shall sample for any non-visible pollutants in stormwater discharges that may be present such as, but not limited to, asbestos, leaded paint, or PCBs when the demolished structure was built or renovated between January 1, 1950 and January 1, 1980. Dischargers who perform assessments of the building materials prior to demolition and remediate identified contaminants prior to demolition, will satisfy compliance with this requirement and not require covering of materials or sampling of runoff.”</p> <p>Response: Attachment D Section II.I. was revised to read: "Dischargers unable to cover demolished material that were not previously investigated or found to be absent of applicable pollutants in reportable quantities shall sample for any non-visible pollutants that may be in stormwater discharges such as, but not limited to, asbestos, leaded paint, or PCBs."</p>
20.02	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Due to site control and standard contractual obligations, roles, and responsibilities for Projects other than private land development, the discharger often does not have the level of involvement, authority, and/or the specific technical expertise to perform the review of work performed by delegated site personnel.</p> <p>Instead of the discharger and QSP, assign the review of work performed by delegated site personnel to the entity with site control (e.g., contractor, construction manager, or QSD). Assigning this task to the entity with site control would ensure the responsibility is held by the operator with full site control, day-to-day involvement with a specific site, and the operator’s hired experts in this field.</p>

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	<p>Requested Change:</p> <p>Recommendation: Instead of the discharger and QSP, assign this task to the entity with site control (e.g., contractor, construction manager, or QSD). This would ensure the responsibility is held by the operator with full site control, day-to-day involvement with a specific site, and their hired experts in this field.</p> <p>Response:</p> <p>The discharger has the ultimate responsibility to ensure that work on the site is done correctly and is overseen by a Qualified SWPPP Practitioner (QSP). The requested change was not made in response to the comment as the updated language currently states: “The discharger shall ensure that a QSP reviews work performed by trained delegates including visual inspections, sampling, BMP implementation activities, and other required tasks listed in the SWPPP.”</p>
22.11	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>The Permittees are concerned that the trash control requirements in the proposed CGP do not provide sufficient detail for implementation. For example, use of Full Capture Systems (FCS) at active construction sites where sheet flows are common and are not necessarily restricted to improved storm drains (e.g., catch basins) will be problematic. The Permittees are also concerned about FCS feasibility for active projects that are located within flood control channels and roads that receive trash inputs outside the control of the construction project.</p> <p>Requested Change:</p> <p>Recommendation: The Permittees recommend that the State Board develop or include guidance on the implementation of trash controls at construction sites and address the applicability the certified FCS devices for use during active construction operations.</p> <p>Response:</p> <p>As set forth in Order Section IV.B., full capture systems are not required but are included as an option if the site cannot meet the trash control requirements in the applicable Water Quality Control Plan and/or relevant policy.</p>
23.53	<p>Comment Category: Best Management Practice Implementation</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary: Recommend revising to state, “Implement effective wind erosion control. Visible dust leaving the construction site is prohibited.”</p> <p>Response: No revisions were made to the permit in response to this comment. This permit authorizes discharges of stormwater associated with construction and land disturbing activities and does not regulate wind erosion or air quality.</p>
23.54	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Recommend revising text to say, “...temporary or permanent erosion control BMPs...”</p> <p>Response: Attachment D Section II.D. was revised to: "d. Immediately initiate stabilization for disturbed areas whenever earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days."</p>
23.55	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Recommend adding “as appropriate. For example, sediment control is not appropriate to be installed perpendicular to a slope. For these instances, erosion control can be used in lieu.”</p> <p>Response: No revisions were made to the permit in response to this comment. Implementation of sediment controls at construction sites are necessary regardless of erosion controls being utilized.</p>
24.12	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Pre-earthwork does not require erosion and sediment control BMPs, nor would sampling be required; therefore sampling locations, erosion control BMPs, and sediment control BMPs would be non-existent. Delete these requirements.</p>

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	<p>Requested Change: Delete requirements in Order Section IV.O.1.I.vii-ix</p> <p>Response: Order Section IV.O2..I. removed the “sampling locations, locations of erosion control BMPs, locations of sediment control BMPs” requirements from the Pre-Earthwork Drawing section, and solely required them in the Construction and Earthwork Drawing section. Language now follows as, “sampling locations, proposed locations of erosion control BMPs, and proposed locations of sediment control BMPs.”</p>
24.13	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Remove the following language " IV.I.I.xii. Locations of all sediment control BMPs;"</p> <p>Response: Order Section IV.O.2.I. removed “locations of all sediment control BMPs” requirement from the Pre-Earthwork Drawing section. Language was removed from the permit due to a similar requirement in the Construction and Earthwork Drawing section which states, “proposed locations of sediment control BMPs.”</p>
24.15	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: This requirement will require a modified hydrology study which could be very costly. Standard run-on and/or run-off BMPs do not have any design capability standards, and calculations would be of little value and a waste of money. Most QSDs do not have the capability to calculate run-on and/or run-off amounts/intensities. Please delete this requirement.</p> <p>Requested Change: Delete requirement from Order, Section IV.O.2.m.xv- xvi</p> <p>Response: Order Section IV.O.2.m. was revised to remove the “calculations and design details for site run-on/run-off BMPs” requirements.</p>

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24.16	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Unnecessary. Removing BMPs are fairly self-explanatory. Disturbed soil areas will be managed per risk level requirements. Delete this requirement.</p> <p>Requested Change: Delete requirement from Order, Section IV.O.2.m.xviii</p> <p>Response: Order Section IV.O.2.m. was revised to remove the “procedures for removing temporary BMPs and any associated disturbed sediment” requirement.</p>
24.28, 24.51	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Fly-ash, stucco and hydrated lime materials should be covered to preserve the dry material, and not to reduce erosion, ash, stucco, hydrated lime, etc.) to prevent erosion." Delete these items. Better define "spoils".</p> <p>Requested Change: Delete items from Att. A Section II.A.1.b and Att. C/D/E Section II.D.2.b, and better define ‘spoils’</p> <p>Response:</p> <ol style="list-style-type: none"> 1. This revision was made in response to the comment. Added "and pollutant transport" to Attachment D Section II.A.1.b. 2. The permit was not revised to include a definition for “spoils” as this term is commonly used for construction projects and its meaning is not specific to this permit.
24.35, 24.58	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: What is the design criteria for this requirement [to “control stormwater and non-stormwater discharges to minimize downstream channel and bank erosion”]? A Professional Engineer will have to complete</p>

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	<p>and hydrological study and calculate what the storm water discharges are. Post construction design for these discharges would be more appropriate when necessary. Delete this requirement.</p> <p>Requested Change: Delete requirement from Att A, Section II.D.1.j-k and Att. C/D/E Section I.D.1.j-k</p> <p>Response: The permit requires the discharger to minimize downstream channel and bank erosion. The permit does not require a specific design criterion for this requirement.</p>
24.36, 24.59	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: This requirement may be feasible for inactive DSAs, but for active DSAs the cure period is infeasible. Construction continues up to the time precipitation begins to remain on schedule. Each day costs money for the contractor. Every day not working when able spends money foolishly. Products are available with shorter cure times. please follow the Manufacturer's recommendations. Caltrans has done numerous studies (pilot and field) of such products. Delete 48 hour requirement.</p> <p>Requested Change: Delete 48 hours requirement from Att A, Section II.D.2.b and Att. C/D/E Section I.D.2.b</p> <p>Response: Attachments D and E Section II.D.2.b. was modified to state: "b. Apply the product according to the manufacturer's guidance to allow for ample cure time and to prevent treatment chemicals from being transported by runoff."</p>
26.02	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>The only permit guidance needed is to place sediment controls (i.e. slope interrupters, linear barriers) on the slope face and on contour. Placing sediment controls on the grade break is contrary to best industry practices because grade breaks are typically not on contour. Placing them on the off-contour grade break turns them into diversion devices which is not the work of sediment controls. Placing them at the toe of slope has the same issues and other issues including but not limited to the fact that many toes of slopes interface with a swale below. Placing a sediment control at the toe where there is sheet flow from the slope and concentrated flow from the swale is contrary to best industry practices. Also, in many scenarios, the sheetflow discharge off the slope should be left free to go. Toe of slope language results in silt fence being installed off contour where it captures the runoff and diverts it, thus concentrating the flow that had been maintained as an otherwise benign sheetflow discharge. Keeping this problematic language in the draft CGP will continue to compel QSPs to comply with language that is contrary to best industry practices. Diligent and knowledgeable QSDs will be forced to provide a rationale describing infeasibility in light of best industry practices. Photos taken over 11 years show the folly of complying with the grade break and toe of slope language of the current CGP. Finally, the draft CGP language demands that slopes under active construction are to receive linear sediment controls unless the discharger demonstrates infeasibility. Placing such controls on slopes under active construction is virtually always infeasible; dischargers shouldn't have to keep demonstrating that.</p> <p>Requested Change:</p> <p>Recommendation: Just address sediment control requirements for the slope face and leave grade break (run on) and toe of slope (discharge) to be addressed by the QSD's assessment. Clarify that finished (not active) slopes are to receive controls per the new 14-day guidance of the draft CGP (i.e. apply temporary or permanent controls).</p> <p>Response:</p> <p>The requested revision was not made. Implementing sediment controls at the slope face, grade break, and toe of slope allows for better containment of sediments, which ultimately releases less sediments to a waterbody. Moreover, dischargers will continue to be required to comply with these linear sediment controls until the slope has reached final stabilization conditions or compliance is infeasible.</p>
28.06, 1.01	Comment Category: Best Management Practice Implementation

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Comment ID	Comment Summary and Response
	<p>Comment Summary:</p> <p>The new CGP has a requirement to cover concrete washout areas at the end of every business day if it is not raining or forecasted to rain. DOE believes that this measure causes an undue burden on the contractors. In addition, covering the washout areas will slow the curing process which will lead to having wet concrete washout on the project site for longer durations. To reduce the threat of basic (high pH) water, concrete needs to cure as fast as possible. This measure would also increase the use of plastic on the site.</p> <p>Requested Change:</p> <p>DOE recommends removing the requirement to cover the washout areas when it is not raining, or rain is not forecasted.</p> <p>Response:</p> <p>Language in Attachments D and E Section II.A.2.h. was revised to read: “Secure and contain concrete washout areas and other washout areas that may contain additional pollutants to minimize discharge into the underlying soil and onto surrounding areas. Washout areas shall be covered prior to and during a precipitation event.”</p>
28.07	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>The new CGP states to “preserve existing topsoil to the extent feasible”. DOE believes there are limitations to the feasibility of preserving topsoil based on project-specific details, including availability of temporary storage space, site-specific accessibility by earthwork equipment, environmental work windows/allowable project duration in sensitive habitats and/or floodways, and project budgets. Furthermore, DOE recognizes that the health of the preserved topsoil is critical to ensure successful vegetation establishment. DOE recommends that the Board provide guidance on how to best preserve the health of topsoil during storage and apply topsoil during stabilization efforts. Guidance DOE is requesting includes information on recommended size of storage piles and the maximum duration of storage to ensure that the topsoil is protected and kept in an anerobic and de-compacted state, and techniques for amending topsoil if it is found deficient. This guidance would assist DOE in determining the feasibility of preserving topsoil on a project-by-project basis. Moreover, DOE designs and constructs native habitat restoration projects. These restoration-type projects have specific</p>

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	<p>performance criteria related to the presence of non-native weed species as agreed upon with resource agencies such as U.S. Fish and Wildlife Service and California Department of Fish and Wildlife. For these types of restoration projects, topsoil preservation may not be conducive to restoration objectives if it is determined existing soil health and/or non-native seed bank in the project area may compromise establishment of native vegetation. Preserving topsoil may not always be the best course of action and cause further logistical strain on a project if further clarification is not provided.</p> <p>Requested Change:</p> <p>DOE recommends that the Board provide guidance on how to best preserve the health of topsoil during storage and apply topsoil during stabilization efforts.</p> <p>Response:</p> <p>Language in Attachment D Section II.C. has been revised to state: "1. Dischargers shall preserve existing topsoil, unless infeasible, through the following practices:</p> <ol style="list-style-type: none"> a. Stockpiling existing topsoil, or transferring topsoil to other locations, to deploy and reestablish native vegetation prior to termination of coverage, and; b. Stabilizing disturbed topsoil during construction and as part of final stabilization Notice of Termination requirements. <p>2. Preserving existing topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed."</p>
28.09	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Exposing Pesticide-treated Soil to Precipitation – The new CGP states that “dischargers are prohibited from exposing pesticide treated soil to a precipitation event.” Pesticide manufacturer’s guidance should dictate when and how pesticide products should be applied. DOE recommends removing this requirement and instead refer to existing laws and regulations related to pesticide application. Bullet number 2 cannot capture adequate language clarifying the many variables of pesticide application, including how long after application that this measure would apply and what habitat types including agricultural fields or aquatic environments. DOE recommends deleting this section as it causes confusion.</p>

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	<p>Requested Change: DOE recommends removing this requirement in Order Section I.G.2 and instead refer to existing laws and regulations related to pesticide application.</p> <p>Response: The following requirement was removed from Attachment D Section I.H.2., “Risk Level 1 dischargers are prohibited from exposing pesticide treated soil to a precipitation event. All areas treated with pesticide including but not limited to pre-construction application of pesticide for termites must be covered with an impermeable barrier such as concrete or plastic sheeting prior to a precipitation event.”</p>
32.02, 32.04, 32.06, 32.07	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Anionic and non-ionic chemicals do not require a cure time as they are active immediately. They work like a magnet and attach themselves to soil and/or fiber mulch immediately. However, other bonded fiber matrices and soil stabilizers, rely on a cure time to properly dry to either hold fiber or soil in place. That being the case, each product manufacture will have their recommended cure time and temperature limitations that should be followed.</p> <p>As mentioned above, it doesn’t make sense for the Water Board to re-write manufactures engineering and specifications.</p> <p>Requested Change: Suggestion: "2.b. Apply the product, according to the manufacturer’s recommendations, at the proper time and temperature to allow for ample cure time to allow the product to work during a precipitation event."</p> <p>Response:</p>

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	<p>The permit language in Attachments D and E Section II.D.2.b. has been modified to state: "b. Apply the product according to the manufacturer's guidance to allow for ample cure time and to prevent treatment chemicals from being transported by runoff."</p>
<p>32.01, 32.03, 32.05, 32.08</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Many chemistries are used to create soil stabilization and erosion control spray-on products. Each manufacturer has identified and written for public knowledge; the way they recommend their specific products should be applied. Therefore, all soil stabilization and erosion control spray-on products should be required to meet the requirement of this section.</p> <p>It makes no sense for the Water Board to try and write specifications or change specifications for products that have been engineered by the manufacturer. Nor does it make sense to try and decipher between products as if the Water Board fully understands how products and chemical function are designed to work.</p> <p>Just make all spray-on products meet the same requirements</p> <p>Requested Change:</p> <p>Suggestion: Remove "containing anionic or nonionic treatment chemicals" in Att C, Section I.D.2and I.D.5and Att D, Section I.D.2and I.D.5.</p> <p>Response:</p> <p>The phrase "containing anionic or nonionic treatment chemicals" in Attachments D and E Section II.D.2. has been removed.</p>
<p>33.30, 33.43, 33.61</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>The Draft Permit currently requires dischargers to apply appropriate BMPs to stockpiles of erodible materials. The proposed language could be interpreted to require BMPs for all aggregate stockpiles, regardless of the aggregate size. Application of BMPs for coarse aggregate stockpiles would be an unnecessary use of BMPs, such as plastic coverings, since these materials are not erodible.</p>

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	<p>Requested Change: Suggested language: Add "fine aggregates"</p> <p>Response: The permit was not revised in response to the comment. The language refers to “erodible stockpiled construction materials” and would therefore not apply to materials, such as coarse aggregate stockpiles, that are not erodible.</p>
<p>33.31, 33.33, 33.44, 33.46, 33.62, 33.64</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: It is not practical to protect stockpiled waste materials at all times.</p> <p>Requested Change: Suggested language: Delete "at all times"</p> <p>Response: Removed “at all times” language from Attachment D Section I.A.4.a. The permit requires stockpiled waste material to be covered and securely protected when not being actively used because such material can be dispersed by wind or precipitation events during business hours.</p>
<p>33.32</p>	<p>Comment Category: BMP Implementation</p> <p>Comment Summary: The proposed requirement to cover concrete washout areas at the end of every business day is problematic. Covering washouts prevents water from evaporating which is necessary to facilitate recycling and disposal of the concrete material.</p>

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Comment ID	Comment Summary and Response
	<p>Requested Change: Suggested language:</p> <p>Replace "at the end of every business day and during" with "prior to"</p> <p>Response: The permit language in Attachments D and E Section II.A.2.h. was revised to state: "Secure and contain concrete washout areas and other washout areas that may contain additional pollutants to minimize discharge into the underlying soil and onto surrounding areas. Washout areas shall be covered prior to and during a precipitation event."</p>
33.35	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Preserving existing topsoil is considered and included in the project plans during the design phase. There are limited circumstances where the contractor can preserve existing topsoil if the design didn't already contemplate its preservation.</p> <p>Requested Change: Delete "shall" and add "will design projects and", "and reuse" - "Risk Level 1 dischargers will design projects and implement the following practices to preserve and reuse existing topsoil, to the extent feasible:"</p> <p>Response: Attachment D Section II.C.1. was revised to add flexibility to requirements. The updated language states: "Dischargers <u>shall</u> preserve existing topsoil, <u>unless infeasible, through the following practices.</u>"</p>
33.36	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Soil stabilization products have various cure times, and we believe the application timelines should be based on the products manufacturer's guidance. Requiring application of all products at least 48-</p>

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Comment ID	Comment Summary and Response
	<p>hours prior to a forecasted precipitation event will cause unnecessary project delays due to multi-day shutdowns in anticipation of a forecasted precipitation event.</p> <p>Requested Change:</p> <p>Suggested language: Delete "48 hours", "or according to", "whichever is longer" and add "in accordance with".</p> <p>Response:</p> <p>The permit language was modified in Attachments D and E Section II.D.2.b. to state: "b. Apply the product according to the manufacturer's guidance to allow for ample cure time and to prevent treatment chemicals from being transported by runoff."</p>
33.45	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>The proposed requirement to cover concrete washout areas at the end of every business day is problematic. Covering washouts prevents water from evaporating which is necessary to facilitate recycling and disposal of the concrete material.</p> <p>Requested Change:</p> <p>Suggested language:</p> <p>Replace "at the end of every business day and during" with "prior to"</p> <p>Response:</p> <p>The permit language in Attachments D and E Section II.A.2.h. was revised to state: "Secure and contain concrete washout areas and other washout areas that may contain additional pollutants to minimize discharge into the underlying soil and onto surrounding areas. Washout areas shall be covered prior to and during a precipitation event."</p>
33.48	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Preserving existing topsoil is considered and included in the project plans during the design phase. There are limited circumstances where the contractor can preserve existing topsoil if the design didn't already contemplate its preservation.</p>

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Comment ID	Comment Summary and Response
	<p>Requested Change: Delete "shall" and add "will design projects and", "and reuse" - "Risk Level 1 dischargers will design projects and implement the following practices to preserve and reuse existing topsoil, to the extent feasible:"</p> <p>Response: Attachment D Section II.C.1. was revised to add flexibility to requirements. The updated language states, "Dischargers <u>shall</u> preserve existing topsoil, <u>unless infeasible, through the following practices.</u>"</p>
33.49	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Soil stabilization products have various cure times, and we believe the application timelines should be based on the products manufacturer's guidance. Requiring application of all products at least 48 - hours prior to a forecasted precipitation event will cause unnecessary project delays due to multi - day shutdowns in anticipation of a forecasted precipitation event.</p> <p>Requested Change: Suggested language: Delete "48 hours", "or according to", "whichever is longer" and add "in accordance with".</p> <p>Response: The permit language in Attachments D and E Section II.D.2.b. was revised to state: "b. Apply the product according to the manufacturer's guidance to allow for ample cure time and to prevent treatment chemicals from being transported by runoff."</p>
33.50, 33.68	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Implementation of additional erosion and sediment control BMPs is not necessary during active construction.</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<p>Suggested language:</p> <p>Add "Prior to a forecasted precipitation event, ..."</p> <p>Response:</p> <p>The permit was not revised in response to the comment. Implementation of erosion and sediment control best management practices (BMPs) are necessary during active construction.</p>
33.51, 33.69	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Many BMPs will be exposed to activities that will ultimately reduce their effectiveness, such as trucks driving over trackout control entrances/exits. Preventing activities from occurring that reduce BMP effectiveness is not practical and it is expected that these BMPs will require maintenance overtime.</p> <p>Requested Change:</p> <p>Suggested language:</p> <p>Delete "from activities that reduce their effectiveness"</p> <p>Response:</p> <p>The permit has been revised to delete the requested phrase. The current language in Attachment D Section II.F.3. now states: "Maintain and protect all storm drain inlets, perimeter controls, and BMPs at entrances and exits (e.g., tire wash off locations)."</p>
33.63	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>The proposed requirement to cover concrete washout areas at the end of every business day is problematic. Covering washouts prevents water from evaporating which is necessary to facilitate recycling and disposal of the concrete material</p> <p>Requested Change:</p> <p>Suggested language:</p> <p>Replace "at the end of every business day and during" with "prior to"</p>

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Comment ID	Comment Summary and Response
	<p>Response:</p> <p>The permit language in Attachments D and E Section II.A.2.h. was revised to state: "Secure and contain concrete washout areas and other washout areas that may contain additional pollutants to minimize discharge into the underlying soil and onto surrounding areas. Washout areas shall be covered prior to and during a precipitation event."</p>
33.66	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Preserving existing topsoil is considered and included in the project plans during the design phase. There are limited circumstances where the contractor can preserve existing topsoil if the design didn't already contemplate its preservation.</p> <p>Requested Change:</p> <p>Delete "shall" and add "will design projects and", "and reuse" - "Risk Level 1 dischargers will design projects and implement the following practices to preserve and reuse existing topsoil, to the extent feasible:"</p> <p>Response:</p> <p>Attachment D Section II.C.1. was revised to add flexibility to requirements. The updated language states: "Dischargers <u>shall</u> preserve existing topsoil, <u>unless infeasible, through the following practices.</u>"</p>
33.67	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Soil stabilization products have various cure times, and we believe the application timelines should be based on the products manufacturer's guidance. Requiring application of all products at least 48 - hours prior to a forecasted precipitation event will cause unnecessary project delays due to multi - day shutdowns in anticipation of a forecasted precipitation event.</p> <p>Requested Change:</p> <p>Suggested language:</p> <p>Delete "48 hours", "or according to", "whichever is longer" and add "in accordance with".</p>

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	<p>Response:</p> <p>The permit language in Attachments D and E Section II.D.2.b. was modified to state: "b. Apply the product according to the manufacturer's guidance to allow for ample cure time and to prevent treatment chemicals from being transported by runoff."</p>
38.04	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>The treatment systems capable of addressing dissolved pollutants are all flow based. If these systems are required, dischargers will have to assess the size of their site, or their multiple drainage areas, and the ability to detain runoff when determining what size system they want to invest in. Ultimately, these dischargers will not know if their investment will provide the results they are expecting until it rains. At that point the dischargers will find out if their system is large enough, the system returns the results the manufacturer claims, and if the concentrations are at a level that any available treatment system can address.</p> <p>Treatment systems that state the ability to address dissolved pollutants, such as metals, report a removal efficiency of 85% to 95% depending on the system and the constituent. Currently, there is no statewide data available regarding the typical concentration of these dissolved pollutants at construction sites. Therefore, it is unknown if the application of this costly treatment option would even meet the values included as NELs or NALs. Without that background information there is no way to know if the identified limits are achievable.</p> <p>Response:</p> <p>None of the total maximum daily loads (TMDLs) are specifically for dissolved-phase pollutants, rather the specified analysis is 'total-recoverable'. Large-scale active treatment systems (ATS) referenced by Commenter are unlikely to be necessary except at the largest construction projects where the cost will be a smaller proportion of the total cost, and accounted for in the planning process.</p>
39.046	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Comment is requesting to remove "and/or expected to be used" and "and/or expected to be produced" from Attachment E Section II.A.1.a.</p> <p>Response:</p>

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	<p>The revisions were not made in Attachments D and E Section II.A.1.a., as the products used or produced and/or expected to be used or produced need to be protected from exposure to stormwater.</p>
<p>39.047, 39.088, 39.121, 39.160</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Commenter states: Define spoils; Aggregate is not erodible, delete from list Requested Change: Delete "appropriate" and "aggregate."</p> <p>Response: The permit was not revised in response to the comment. The permit language refers to “erodible stockpiled construction materials” and would therefore not apply to materials, such as coarse aggregate stockpiles, that are not erodible. The permit was not revised to include a definition for “spoils” as this term is commonly used for construction projects and its meaning is not specific to this permit</p>
<p>39.048</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Commenter is requesting to replace "shed" with "area" in Attachment E Section II.A.1.c.</p> <p>Response: The permit language in Attachments D and E Section II.A.1.c. was revised to state: “Store chemicals in watertight containers with secondary containment to prevent any spillage or leakage or store in a completely enclosed storage area.”</p>
<p>39.049, 39.090, 39.123, 39.162</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Commenter states that c deleting “at the end of every business day” language and replacing it with “before forecasted qualifying precipitation event” would be beneficial for dischargers as it aligns with established site practices.</p> <p>Requested Change: Replace "at the end of every business day" with "before a forecasted qualifying precipitation event" in Attachment D Section II.A.2.h.</p>

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	<p>Response:</p> <p>The permit language in Attachment D and E Section II.A.2.h. was revised to state: "Secure and contain concrete washout areas and other washout areas that may contain additional pollutants to minimize discharge into the underlying soil and onto the surrounding areas. Washout areas shall be covered prior to and during a precipitation event."</p>
<p>39.050, 39.091, 39.124, 39.163</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Commenter recommends incorporating the following edits: "Contain or cover and securely protect stockpiled waste material from forecasted wind and precipitation events for the nonbusiness hours of the project (end of day)" and remove "at all times unless actively being used;"</p> <p>Requested Change:</p> <p>Commenter recommends incorporating the following edits: "Contain or cover and securely protect stockpiled waste material from forecasted wind and precipitation events for the nonbusiness hours of the project (end of day)" and remove "at all times unless actively being used;"</p> <p>Response:</p> <p>The permit was not revised. The permit requires stockpiled waste material to be covered and securely protected when not being actively used because such material can be dispersed by wind or precipitation events during business hours.</p>
<p>39.051, 39.092, 39.125, 39.164</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Commenter states: Covering concrete washouts is not feasible; tarps sag into the concrete washout and cross contaminate the ground surface when moved.</p> <p>Requested Change:</p> <p>Replace language in Attachment E Section II.A.2.h with "Ensure the containment of concrete wash out areas that may contain additional pollutants so there is no discharge into the underlying soil and onto surrounding areas. Ensure adequate freeboard is maintained in concrete washout."</p>

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	<p>Response:</p> <p>The permit language in Attachments D and E Section II.A.2.h. has been revised to state: "Secure and contain concrete washout areas and other washout areas that may contain additional pollutants to minimize discharge into the underlying soil and onto surrounding areas. Washout areas shall be covered prior to and during a precipitation event."</p>
<p>39.052, 39.093, 39.126, 39.165</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Commenter states that "fitted" and "appropriate" language in Attachment D and E Section II.A.3.b are vague and should be defined.</p> <p>Requested Change: Replace "fitted with appropriate BMPs" with "and if leaking, use drip pans or containment methods"</p> <p>Response: The permit language in Attachments D and E Section II.A.3.b. has been revised to state: "Place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area with appropriate BMPs installed; and"</p>
<p>39.053, 39.054, 39.094, 39.095, 39.127, 39.128, 39.166, 39.167</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Commenter is requesting clarification on the definition of "contain" used throughout the Traditional and LUP Requirements documents.Response: Revisions to the permit were not made in response to this comment. "Contain" is plain language and the meaning is clear considering context and ordinary usage of the word.</p>
<p>39.055, 39.056, 39.096, 39.097, 39.129, 39.130, 39.168, 29.169</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Commenter is requesting clarification on the definition of "erodible landscape material" used throughout the Traditional and LUP Requirements documents.Response: Revisions to the permit were not made in response to this comment. "Erodible" is plain language and the meaning is clear considering context and ordinary usage of the word.</p>

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Comment ID	Comment Summary and Response
<p>39.057, 39.098, 39.131, 39.170</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Remove "bacteria" and "oil and grease"</p> <p>Commenter states: Oil and grease are not airborne; bacteria are found in all soils. We find no substantial evidence in the Order Findings or Fact Sheet that aerial deposition contributes to bacteria, oil, or grease. This is speculation.</p> <p>Requested Change: Remove "bacteria" and "oil and grease"</p> <p>Response: "Bacteria" and "oil and grease" have been removed from Attachments D and E Section II.A.5. The permit language has been revised to state: "Dischargers shall implement good housekeeping measures on the construction site to control the aerial deposition of site materials and from site operations. Such particulates can include, but are not limited to, metals, nutrients, organics, sediment, other particulates and trash."</p>
<p>39.058, 39.099, 39.132, 39.171</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Commenter states: Topsoil stabilization during construction is unrelated to NOT requirements.</p> <p>Requested Change: Remove subsection b.</p> <p>Response: No revision was made in response to the comment. Any stockpiled or other topsoil needs to be stabilized as part of the final stabilization of the project.</p>
<p>39.059, 39.100, 39.133, 39.172, 70.01</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Commenter states: Need to define "period of high rainfall potential"</p>

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Comment ID	Comment Summary and Response
	<p>The EPA’s Effluent Limitations Guidelines (ELGs) for construction activities at 40 CFR Part 450 require various technology-based best management practices (BMPs) for controlling discharges of pollutants from the construction activities that would be authorized by the permit. We compared the requirements of the draft permit with those in the ELGs and believe that the revisions discussed below are necessary in the draft permit for consistency with the ELGs.</p> <p>Minimizing the Amount of Disturbed Area. 40 C.F.R. § 450.21(a)(3) requires that the amount of soil disturbed during construction activity at any one time be minimized. Although section I.D.1.c of Attachments C, D and E (section II.D.1.c in Attachment A) only requires such minimization during periods of high rainfall potential, this requirement should apply more generally and not be limited to high rainfall potential.</p> <p>Requested Change:</p> <p>Define “high rainfall potential”.</p> <p>Although section I.D.1.c of Attachments C, D and E (section II.D.1.c in Attachment A) only requires such minimization during periods of high rainfall potential, this requirement should apply more generally and not be limited to high rainfall potential.</p> <p>Response:</p> <ol style="list-style-type: none"> 1. Language revised to, "e. Schedule earthwork to minimize the amount of disturbed area when feasible;" 2. “High rainfall potential” was removed from this provision to apply more generally and not be limited to high rainfall potential.
<p>39.060, 39.101, 39.134, 39.173</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Commenter states: The deleted requirement is a major cost impact and not feasible</p> <p>Requested Change:</p> <p>Remove "or prior to a forecasted precipitation event whichever is sooner;"</p> <p>Response:</p> <p>Attachments D and E Section II.D.1.f. have revised language to state: "Immediately initiate stabilization for disturbed areas whenever earth disturbing have permanently ceased on any portion</p>

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	of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days"
39.061	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Commenter states: Attachment A, II.D.1.e, pg 6 is a redundant requirement. See d. above.</p> <p>Requested Change: Remove subsection e.</p> <p>Response: No revision was made in response to this comment. It is necessary to minimize disturbance on steep slopes as well as the rest of the project area, when feasible.</p>
39.062, 39.103, 39.136, 39.175	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Add "If feasible," in front of "Divert"</p> <p>Response: Requested revision to add "if feasible" was made in Attachments D and E Section I.D.1.j.</p>
39.063, 39.137, 39.176	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Remove "managed" in front of "site from off-site..."</p> <p>Response: "Managed" language was removed from Attachments D and E II.D.1.k.</p>
39.064, 39.104, 39.138, 39.177	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Commenter states: Requirement is redundant with k. below. In addition, this requirement was removed from the Federal CGP. Attachments A, C, D, and E, II.D.1.j,</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<p>Remove subsection j</p> <p>Response:</p> <p>No revisions were made in response to these comments. It is necessary to control flow rates and scouring of downstream hydrological features.</p>
39.065	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Attachment A, II.D.2, pg 7 Add "shall do so in compliance with Attachment F" to section 2. Remove subsections a and b.</p> <p>Response:</p> <p>Language has been modified to require application according to manufacturer's guidance. Land applied products are not subject to Attachment F.</p>
39.066	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Add "associated with the demolition materials" after "... shall sample for any non-visible pollutants in stormwater discharges" and before "that may be present such as..."</p> <p>Response:</p> <p>Language in Attachment D Section II.I. regarding sampling requirements for the demolition of existing structures has been modified.</p>
39.067, 39.106, 39.139, 39.178	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Commenter states: Use consistent language for trigger of repairs or design changes. Need to define breach, malfunction, failure</p> <p>Commenter states: There could be many reasons an item may not be able to be addressed within 72 hours. There could be a labor or material shortage, or the site conditions may not safely allow access to the work due to weather. The CGP needs flexibility if occurrences of this or similar nature occur.</p> <p>Requested Change:</p> <p>Commenter recommends incorporating the following edits: "The discharger shall"</p>

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	<p>replace "maintain" with "complete," "repair, or implement design changes (review alternatives that have not been used yet) to BMPs within 72 hours of identification of" add "breach, malfunction, or failure" and remove "failures or other short comings"</p> <p>Add "If a discharger is unable to complete repairs within 72 hours of identification, the SWPPP or inspection report will updated with the reasons why and the anticipated date of completion."</p> <p>Response:</p> <p>Language in Attachment E Section II.J. was revised to state: "LUP dischargers shall begin maintaining, repairing, and/or implementing design changes (reviewing alternatives that have not been used yet) to BMPs within 72 hours of identification of failures or other short comings, and complete the changes as soon as possible, prior to the next forecasted precipitation event."</p>
<p>39.087, 39.089, 39.120, 39.122, 39.159, 39.161</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Commenter States: List is primarily applicable to linear construction. Add roofing and siding.</p> <p>Requested Change:</p> <p>Remove "materials and equipment that are designed to be outdoors and "Add in e.g. "roofing, siding"</p> <p>Response:</p> <p>The list of examples in Attachment D Section II.A.1. is not exhaustive, but "roofing, and siding" was added as common materials and equipment that were designed to be outdoors and exposed to environmental conditions.</p>
<p>39.102, 39.135, 39.174</p>	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Commenter states: The deleted requirement is a major cost impact and not feasible. Erosion control is applied by trained individuals with specialized equipment. This practice would require a significant area for storage and maintenance of erosion control supplies. This practice is normally subcontracted to a third party who supplies labor, equipment, and materials.</p>

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	<p>Requested Change: Remove subsection Section II.D.1.e.</p> <p>Response: Language was revised to exclude sprayed erosion control products and to allow storage in a nearby location.</p>
39.105	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Replace "to" with "ter" (before "prevent known contaminants...")</p> <p>Response: This was a typographical error in the commentor's marked up version of the permit. No revision was made in response to this comment.</p>
50.09	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: "Apply appropriate BMPs to erodible stockpiled construction materials (e.g., soil, spoils, aggregate, fly-ash, stucco, hydrated lime) to prevent erosion;" this implies that a stockpile is always active and therefore always requires stockpile management which is not realistic. At Caltrans if the weather is ok (no rain, wind) then we allow 3 days until considered inactive and requires stockpile management. Please consider inactive versus active stockpile time frame or guidance. Note that elsewhere in the Draft permit it states, "Contain and securely protect ... from wind and precipitation at all times unless actively being used;" which now seems to imply the pile can be inactive up to 14 days?</p> <p>Requested Change: Clarify language implications.</p> <p>Response: The term "appropriate" was removed from this provision to clarify that best management practices (BMPs) should be applied. No revisions were made to allow a certain timeframe or specify when actively being used. Stockpiles of erodible material should have BMPs implemented.</p>
53.33	<p>Comment Category: Best Management Practice Implementation</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary:</p> <p>X. THE STATE WATER BOARD MUST UPDATE THE DEMOLITION REQUIREMENTS TO IDENTIFY PCBs POTENTIALLY IN BUILDINGS BUILT PRIOR TO 1950.</p> <p>The Draft Construction General Permit includes monitoring requirements for dischargers unable to cover demolished material for buildings built prior to January 1, 1980 due to the potential polychlorinated biphenyls (PCBs) in the building materials. Demolition requirements to prevent the exposure of PCBs to workers and the surrounding environment during and after demolition are necessary to ensure compliance with all PCB TMDLs, Mercury TMDLs, and statewide policies.</p> <p>Given the uncertainty of whether PCB is present in a building built “about 1950,” we suggest that building materials for all buildings built or renovated prior to 1950 be tested directly for the presence of PCBs, using EPA test methods for determining the presence of PCB in building materials, such as its hazardous waste test methods or wipe sampling.</p> <p>Requested Change:</p> <p>Suggested language: Add "For any structure built or renovated prior to January 1, 1950, the discharger shall test directly for the presence of PCBs using the U.S. EPA prescribed methods and samples for the presence of pollutants in stormwater discharges."</p> <p>Response:</p> <p>The State Water Board does not generally state a preference on which methods should be used to comply with permit requirements; industry has demonstrated that both active treatment and passive treatment can be safe and effective technologies to remove sediment from stormwater discharges.</p>
56.28	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>We recommend deletion of the designated area for storage in lieu of QSD determination of appropriate BMPs for storage of equipment regardless of location.</p> <p>Correct typo at Att A, Section II.A.3.a: replace “containment” with “contain”.</p> <p>We recommend deletion of the designated area for storage in lieu of QSD determination of appropriate BMPs for storage of equipment regardless of location.</p>

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	<p>Additionally, please define what constitutes “equipment storage” (for example, specification of a planned period of no use, say greater than two weeks).</p> <p>Requested Change:</p> <p>Correct typo and define what “equipment storage” constitutes (for example, specification of a planned period of no use, say greater than two weeks).</p> <p>Correct typo at Att A, Section II.A.3.a: replace “containment” with “contain”.</p> <p>Response:</p> <p>“Containment” language in Attachments D and E Section II.A.3.a. was revised to “contain.” This General Permit does not define “equipment storage” over a specific period because it can vary widely based on the equipment and activities in question.</p>
56.29	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Please revise this requirement to a “readily available” standard given that LUPs often have multiple non-contiguous small disturbances and having BMPs staged at a common laydown yard should be sufficient.</p> <p>Requested Change:</p> <p>Revise requirement to a “readily available” standard.</p> <p>Response:</p> <p>Language in Attachment E Section II.D.2.h. has been revised to state: "h. Erosion control BMPs (with the exception of sprayed products) shall be available on-site, or at a common lay-down yard, year-round with trained persons able to deploy the product under the direction of the Qualified SWPPP Practitioner;"</p>
56.30	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>We request the deletion of II.D.1.f as it seems duplicative of II.D.1.d but more stringent without a stated objective and without a definition of what constitutes practicability.</p>

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	<p>Requested Change: Delete Att. A Section II.D.1.f.</p> <p>Response: Permit language in Attachment E Section II.D.1.f. was revised to state: "Immediately initiate stabilization for disturbed areas whenever earth disturbing have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days" to clarify requirements between this provision and Attachment E Section II.D.1.d.</p>
56.31	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: We recommend consolidation of II.D.1.g and h with elimination of duplication. Please remove limitation regarding plastic pipe.</p> <p>Requested Change: Consolidate Att. A Section II.D.1.g</p> <p>Response: No revisions were made in response to this comment. Both provisions are necessary and not duplicative. Additionally, no change was made to the provision regarding the diversion of run-on with plastic pipe as it also allows for use of an engineered conveyance channel that is not limited.</p>
56.32	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Please revise "48 hours" to "at least 48 hours, to the extent feasible" to avoid an unnecessarily precise schedule requirement and accommodate forecast precipitation events that occur with less than 48 hours of lead time.</p> <p>Response: Language has been revised in Attachments D and E Section II.D.2.b. to state: "Apply the product according to the manufacturer's guidance to allow for ample cure time and to prevent treatment chemicals from being transported by runoff."</p>
56.33	<p>Comment Category: Best Management Practice Implementation</p>

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	<p>Comment Summary:</p> <p>Please modify the text of Att A, Section II.F.1.a as follows: Design and construct cut and fill slopes in a manner to ensure slope stability and to minimize erosion. REMOVE the following: including, but not limited to, these practices: i. Reduce continuous slope length using terracing and diversions; ii Reduce slope steepness; and, iii Roughen slope surfaces with large cobble or track walking</p> <p>Response:</p> <p>No revisions were made in response to the comment. These are examples of practices and does not limit the use of other non-listed practices.</p>
56.36	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>The current permit allows 72 hours to begin implementation of BMP repairs; this permit draft requires that repairs be completed within 72 hours. This is not feasible.</p> <p>Requested Change:</p> <p>Revert requirement to the language of the current permit.</p> <p>Response:</p> <p>Permit language in Attachment E Section II.J.1. was revised to state: "LUP dischargers shall begin maintaining, repairing, and/or implementing design changes (reviewing alternatives that have not been used yet) to BMPs within 72 hours of identification of failures or other short comings, and complete the changes as soon as possible, prior to the next forecasted precipitation event." 72 hours to identify and maintain, repair, or implement changes is demanding, but 72 hours to begin maintenance, repairs, or implementation should be sufficient.</p>
56.37	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>This is an extremely costly requirement and does not recognize the ability of the BMP contractor to perform the work in a professional manner. Beginning the work with a QSD-developed BMP repair plan and completing the work with a final site visit by the QSP should be sufficient.</p>

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	<p>Requested Change: Clarify the intent of the requirement in Att. A, Section II.J.2</p> <p>Response: Permit language in Attachment E Section II.J.2. was revised to state: "LUP dischargers shall have a Qualified SWPPP Practitioner (QSP) verify all BMP maintenance and repairs were appropriately implemented during the next visual inspection following completion. The QSP may delegate BMP maintenance and repair verification to an appropriately trained delegate."</p>
65.03	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Why are concrete washout areas required to be covered at the end of each workday, if there is no rain in the forecast? This seems like unnecessary effort. Requested Change: Revise language in Att. C</p> <p>Response: Permit language was revised in Attachments D and E Section II.A.2.h. to state: "Secure and contain concrete washout areas and other washout areas that may contain additional pollutants to minimize discharge into the underlying soil and onto the surrounding areas. Washout areas shall be covered prior to and during a precipitation event."</p>
68.03	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: We are opposed to mandatory BMPs that are unnecessary, have little or no scientific basis, or will inevitably be ignored. An example, of this is how concrete washout is addressed in the current and the proposed permit. The newly proposed language states, "Secure and contain concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto surrounding areas. Washout areas shall be covered at the end of every business day and during a precipitation event." We fail to see the logic concerning why it is necessary to cover concrete washout areas at the end of every business day if there is no rain forecasted. In addition, we would like the Water Board to give more definition as far as when concrete washout can be discharged to the ground and when it cannot be discharged to the ground. The prevalent interpretation of the current permit by the regulatory community is that concrete washout should never</p>

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	<p>be discharged to the ground. Clearly the intent of the permit is that washout should not be done in a manner that will threaten groundwater quality. However, many times as a Trainer-of-Record for the QSP/QSD program or in explaining the permit requirements to a contractor, we are asked about why a concrete chute cannot be washed out onto an area that will imminently be poured in concrete. How is a few gallons of concrete washout going to present any more threat to groundwater than the multiple yards of wet concrete that will soon be placed in the same location? We have similar concerns with other prescriptive BMPs for trash containers, portable sanitary facilities, perimeter controls, and stockpiles. We understand what the permit requires (and the intent of the permit), but when trying to address the rationale with the contractor or discharger we are many times at loss to be able to support it with sound water quality reasoning and are left with telling the contractor, "Because the Water Board requires it." To echo our previous comment about the requirement to utilized trained QSP and QSD professionals, we suggest the Water Board either relax some of the prescriptiveness of these BMPs or that a caveat be added to the CGP stating that a QSP or QSD can over-ride mandatory BMPs when good engineering and science methods indicate that it does not present a threat to water quality and is not needed in a particular situation or location.</p> <p>Requested Change:</p> <p>Revise concrete washout language.</p> <p>Response:</p> <p>Permit language was revised in Attachments D and E Section II.A.2.h. to state: "Secure and contain concrete washout areas and other washout areas that may contain additional pollutants to minimize discharge into the underlying soil and onto the surrounding areas. Washout areas shall be covered prior to and during a precipitation event."</p>
69.01	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>The reason for this recommended change in language is to avoid what happened in the current permit with the NICET pre-requisite option. We feel that this requirement should be not specific to one organization that could cease to exist during the permit term. It is better to allow more options than less. Ultimately, the Water Board will still need to approve any proposed pre-requisite program. G. QSP and QSD Prerequisite course qualification.</p>

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	<p>Requested Change: Suggested language: Section V.G.1 Replace "a college with Accreditation Board for Engineering and Technology, Inc. (ABET) accreditation" with an accredited college, university, or other technical training organization having related subject material"</p> <p>Response: "A college with Accreditation Board for Engineering and Technology, Inc. (ABET) accreditation" language was removed from Order Section V.H.2. Permit language was revised to state: "The course curriculum shall meet an acceptable level of training and, require continuing education to maintain their certification."</p>
70.02	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Steep Slopes. 40 C.F.R. § 450.21(a)(4) requires disturbance be minimized on steep slopes. We did not find such a requirement in the Draft General Permit. Although the risk determination worksheet (Appendix 1) considers slope in the risk determination, to be consistent with the ELG, the permit should include a requirement to minimize disturbance on "steep" slopes.</p> <p>Requested Change: Add steep slopes requirement.</p> <p>Response: The requirement is listed in Attachments D and E Section II.D.1.d.</p>
70.03	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary: Minimizing Soil Compaction. 40 C.F.R. § 450.21(a)(7) requires soil compaction be minimized unless the intended function of a specific area dictates that it be compacted. Although the fact sheet discussed this requirement, we did not find such a requirement in the Draft General Permit, and it should be added to be consistent with the ELG.</p> <p>Requested Change:</p>

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	<p>Add soil compaction minimization requirement.</p> <p>Response:</p> <p>"Minimize soil compaction in areas other than where the intended function of a specific area dictates that it be compacted;" was added to Attachments D and E Section II.D.1.g.</p>
70.04	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Unless Infeasible, Preserve Topsoil. 40 C.F.R. § 450.21(a)(8) requires that topsoil be preserved (unless infeasible) unless the intended function of a specific area dictates that the topsoil be disturbed or removed. Although the fact sheet discussed this requirement and section I.C of Attachments C, D and E (section II.C in Attachment A) includes certain requirements related to replacing topsoil, the Draft General Permit should include language similar to that found in the 2017 EPA CGP (Part 2.2.8) at: https://www.epa.gov/npdes/epas-2017-construction-general-permit-cgp-and-related-documents, which requires that topsoil be preserved where feasible and not just when disturbed and/or replaced. Incorporating such language in the Draft General Permit would be consistent with EPA's April 1, 2013 proposed ELG revisions (78 Fed. Reg. 19434, 19439), finalized as proposed on March 6, 2014 (79 Fed. Reg. 12661), which reflect EPA's intent that this ELG result in project minimization, i.e., limit clearing and grading to only those areas where necessary to accommodate the building footprint.</p> <p>Requested Change:</p> <p>Add topsoil preservation requirements similar to the 2017 EPA CGP Part 2.2.8.</p> <p>Response:</p> <p>Permit language was revised to state: "Dischargers shall preserve existing topsoil, unless infeasible, through the following practices:</p> <ol style="list-style-type: none"> a. Stockpiling existing topsoil, or transferring topsoil to other locations, to deploy and reestablish vegetation prior to termination of coverage, and; b. Stabilizing disturbed topsoil during construction and as part of final stabilization Notice of Termination requirements. <p>2. Preserving existing topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed."</p>
70.05	<p>Comment Category: Best Management Practice Implementation</p>

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	<p>Comment Summary:</p> <p>Soil Stabilization. 40 C.F.R. § 450.21(b) requires the immediate initiation of stabilization except for areas where earth disturbing activities have temporarily ceased and will resume within 14 days. Attachments A, C, D and E, however, only require the initiation of stabilization (for any area) within 14 days of completing earthwork (section I.D.1.d in Attachments C, D and E and section II.D.1.d in Attachment A). To be consistent with the ELG, the permit should include language regarding the resumption of activities within 14 days.</p> <p>Requested Change:</p> <p>Include language regarding soil stabilization and resumption of activities within 14 days.</p> <p>Response:</p> <p>Permit language has been revised in Attachments D and E Section II.D.1.f. to state: "f. Immediately initiate stabilization for disturbed areas whenever earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days;"</p>
70.06	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p> <p>Discharges from Basins and Impoundments. 40 C.F.R. § 450.21(f) requires that when discharging from basins and impoundments, the permittee must use outlet structures that withdraw water from the surface, unless infeasible. Although Attachment J includes this requirement for dewatering discharges, the requirement should also apply to discharges from basins and impoundments resulting directly from storms that would not be considered dewatering discharges.</p> <p>Requested Change:</p> <p>Apply dewatering discharge requirements to dischargers from basins and impoundments.</p> <p>Response:</p> <p>Most cases of discharges from basins and impoundments would be considered dewatering discharges and require surface outlet structures.</p>
70.07	<p>Comment Category: Best Management Practice Implementation</p> <p>Comment Summary:</p>

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	<p>Excessive Use of Caveat for “Infeasibility” of BMPs. Attachments A, C, D and E frequently include the caveat that a BMP is required by the permit “unless infeasible.” The caveat applies throughout sections I.A - I.E (covering good housekeeping, non-stormwater management, preserving topsoil and erosion and sediment control) in Attachments C, D and E and sections II.A - II.E in Attachment A. The permit (Appendix 2) includes the same definition of “infeasible” that is found in the ELGs at 40 C.F.R. § 450.11(b). For consistency with the ELGs, the permit should only include the caveat for infeasibility for the specific BMPs where it is found in the ELGs, namely 40 C.F.R. § 450.21(a)(6) related to maintaining natural buffers, 40 C.F.R. § 450.21(a)(8) related to preserving topsoil, 40 C.F.R. § 450.21(b) related to initiation of vegetative stabilization measures in arid/semi-arid and drought-stricken areas and 40 C.F.R. § 450.21(f) related to surface discharges from basins and impoundments.</p> <p>Requested Change: Remove excessive “infeasibility” language.</p> <p>Response: Revisions have been made to remove "infeasibility" except where used in the Effluent Limitation Guidelines.</p>
7.18, 15.18	<p>Comment Category: Clarity – Ownership Change</p> <p>Comment Summary: The Draft Permit requires Dischargers that sell projects, or portions of projects, to maintain active permit coverage (which presumably includes all compliance activities) until the new owner obtains their own WDID number. It is not feasible or sensible to require a Discharger to maintain compliance after the land, or project, is sold and they no longer have legal access, authority, or responsibility.</p> <p>Response: The General Permit was not revised in response to this comment. Where there is a change of ownership, the discharger may submit a Notice of Termination (NOT) and a certification that the new owner has been notified of the applicable requirements of the General Permit. The discharger’s liability ends when the Notice of Termination is approved, not when the new owner obtains a new Waste Discharger Identification (WDID) number.</p>
8.13	<p>Comment Category: Clarity – Definition of Terms</p>

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	<p>Comment Summary:</p> <p>It is unreasonable to adopt a permit that cannot be reasonably understood by trained professionals, much less the average discharger who could become the target of enforcement either by an agency or a Citizen Suit Enforcer("CSE"). The State Board must postpone the adoption of the Draft Permit until all undefined terms necessary to understanding and compliance are defined. To do otherwise does not comport with the mandate to provide fair treatment of people of all races, cultures, and incomes with respect to the development of this Draft Permit.</p> <p>Requested Change:</p> <p>Define all terms.</p> <p>Response:</p> <p>The permit defined terms as clearly as possible so that dischargers of all backgrounds can understand the requirements.</p>
10.13	<p>Comment Category: Clarity – Best Management Practice Implementation for Total Maximum Daily Loads</p> <p>Comment Summary:</p> <p>Clarification for structural BMPs: Section I.A.2.b of Attachment H requires the discharger to evaluate and implement any necessary structural BMPs to reduce bacteria loading to receiving waters when minimum BMPs are inadequate. It is unclear whether these structural BMPs are intended for temporary use, during construction, or required for permanent post-construction treatment. We request the Board’s clarification for this requirement and suggest adding the following footnote for this structural BMP requirement:</p> <p>Requested Change:</p> <p>Add footnote to TMDL language: “For projects already covered by an applicable MS4 NPDES permit, TMDL requirements as stated in the MS4 NPDES permit shall govern. Permanent BMPs associated with TMDLs in this CGP are not applicable.”</p> <p>Response:</p> <p>Structural best management practices are only one of many options and may be used when minimum best management practices are inadequate. Total maximum daily load (TMDL) waste load allocations (WLA) and implementation measures are different for different stormwater permits because they</p>

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	apply to specific activity. The TMDLs implemented through this General Permit have waste load allocations specific to construction stormwater discharges.
11.02	<p>Comment Category: Clarity – General</p> <p>Comment Summary:</p> <p>We also applaud the SWRCB’s efforts to improve navigation of the Proposed Permit and reorganization to consolidate repetitive requirements. As long-standing restoration practitioners, we have seen the unintended consequences of redundant and misinterpreted permitting requirements on project timelines and future investments. Restoration projects are often subject to more permitting triggers due to their location in or near state and/or federally regulated waters. Redundant, sometimes conflicting permit reviews hinder restoration work that has a purely environmental purpose and would produce net ecological benefits. Permit misinterpretations often result in permittees implementing unnecessary measures, which do not provide additional environmental protection, but lead to time delays and increased costs that disincentivize future investment in much-needed restoration projects. From this perspective, we emphasize the importance of clarity in the Proposed Permit to ensure that the reissuance’s intended consolidation and redundancy efficiencies are clearly worded for consistent interpretation and implementation.</p> <p>Response:</p> <p>The State Water Board appreciates the comment. We have worked diligently to consolidate various requirements to avoid potential misinterpretation. Consequently, traditional construction risk level requirements have been consolidated into Attachment D.</p>
11.03, 11.04, 22.09	<p>Comment Category: Clarity – Dredge and Fill; Clean Water Act Section 401 & 402</p> <p>Comment Summary:</p> <p>We understand that the intent of this language is to clarify the Proposed Permit’s scope and distinguish between permitting requirements for discharges to uplands/non-waters of the state governed by Clean Water Act § 402 requirements, discharges to waters of the state that trigger § 401 and other SWRCB authorizations, and when both § 402 and § 401 or SWRCB procedures may all be triggered. These distinctions are important: some project sites have been subject to delays following unnecessary SWRCB consultations on requirements for discharges to waters of the state when the project only has dredge placement on upland sites and waters of the state are not impacted. Even more problematic from an environmental perspective, these consultations sometimes result in stormwater management requirements imposed on the project that are at odds with the environmental goals and purpose of the restoration project.</p>

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	<p>The threshold disturbance analysis of “one or more acres of land surface” is critical to making these distinctions. The Proposed Permit’s language limiting the land analysis to discharges that “occur outside of waters of the state (upland sites),” is an improvement. However, we recommend that the SWRCB amend this Item 12 to provide further clarity and ensure smooth implementation.</p> <p>Requested Change:</p> <p>“Stormwater discharges from dredge spoil placement that occur outside of waters of the state (upland sites) and that disturb one or more acres of land surface from construction activity are covered by this General Permit. [ADD: To be clear, waters of the state are not included in the “land surface” assessed for purposes of determining the one acre disturbance threshold. This General Permit does not cover the discharge of dredged or fill material to waters of the state, which requires a separate Regional Water Board authorization.] [REMOVE: Construction projects that include the discharge of dredged or fill material to waters of the state should contact the applicable Regional Water Board to obtain authorization for the discharge of dredged or fill material to waters of the state.]”</p> <p>Response:</p> <p>The permit was revised to add language in Order Section II.B. to clarify that this permit does not authorize in-water work, including activities that result in the discharge of dredged or fill material. Any impacts to waters measured in acreage or linear feet should be excluded when determining whether there is one or more acres of land disturbance (or part of a common plan of development) and whether the activity is regulated by this General Permit.</p>
12.03	<p>Comment Category: Clarity – Performance Measures</p> <p>Comment Summary:</p> <p>What performance measures are built into the Permit to determine whether the requirements of the Permit have met the intent to protect water quality? How are benefits measured and compared against costs to determine the “return on investment”?</p> <p>Response:</p> <p>The State Water Board is committed to working with stakeholders to identify and implement measures that reduce costs of compliance while maintaining water quality protection. Section I.F.4. of the Fact</p>

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	<p>Sheet includes a description of requirements that were eliminated because they were not providing useful data or were not necessary to protect water quality. Section I.F. of the Fact Sheet also acknowledges the costs associated with some of the new requirements of this permit. Water quality protection need not be quantified to undertake a thorough cost of compliance analysis. It is expected that the monitoring and reporting data collected will continue to create a clearer picture regarding the performance of best management practices (BMPs).</p>
<p>13.03, 15.04</p>	<p>Comment Category: Clarity – Streamlining Permit and Addressing inconsistencies</p> <p>Comment Summary:</p> <p>1. The Participating Utilities request a streamlined and implementable permit that provides certainty and clarity in requirements, approvals, and processes. We have engaged at length with the State Water Board staff to date, and are willing to continue to engage, in an effort to arrive at a permit that remains protective of water quality, but which is fair and straightforward for permittees.</p> <p>2. As an overarching comment, CASQA recommends that the State Water Board perform a detailed technical edit of the permit as many inconsistencies were found between various permit sections (where the same requirement is addressed in more than one section of the permit).</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Streamline Permit 2. Perform a detailed technical edit of the entire Order to ensure consistency of requirements contained in multiple permit sections. <p>Response:</p> <p>The General Permit has been streamlined as much as possible. As part of that streamlining effort, requirements are generally listed in only one permit section, and where they are contained in multiple sections, the requirements are consistent.</p>
<p>13.08</p>	<p>Comment Category: Clarity – Traditional Construction Projects</p> <p>Comment Summary:</p> <p>Clarify that Section A applies to traditional projects by adding "other than Linear Underground and Overhead Projects" to the header.</p> <p>Requested Change:</p>

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	<p>Clarify that Section A applies to traditional projects by adding "other than Linear Underground and Overhead Projects" to the header.</p> <p>Response:</p> <p>In response to this comment, "Traditional" has been added to the header of Order Sections II.A-B and III.A.</p>
13.21, 56.16	<p>Comment Category: Clarity – Final Stabilization – 70 Percent Final Cover Method</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. This section can be easily confused to mean permanent vegetative cover across only 70% of disturbed areas. Suggesting a slight rewording for clarity. 2. Please clarify that the requirement is for permanent vegetative cover to be established at 70% of pre-construction vegetation and not at 70% of the disturbed area <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Suggestion: Add "(at a rate of 70 percent of pre-construction vegetation)", remove "70 percent of" 2. NA <p>Response:</p> <p>Order Section III.H.6.a. specifies that the 70 percent final cover method "[r]equires permanent vegetative cover to be evenly established over 70 percent of all disturbed and exposed areas of soil (non-paved or non-built)." The permit was not revised because the requirement does not permit 70% of pre-construction vegetation.</p>
13.28, 15.27	<p>Comment Category: Clarity – Discharge Prohibitions</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. The items in this list are very specific; for improved clarity it is suggested to make these items generic to remove the possibility of confusion. 2. Section IV.B.4., subitem a., of the Draft CGP requires Dischargers to comply with full capture trash requirements or to otherwise demonstrate inability to comply with the prohibition. The methodology for satisfactorily demonstrating this inability is unclear.

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	<p>Subitem b. indicates that Polyacrylamides discharges are also prohibited. However, polyacrylamides are not the only chemicals that contain cationic charges. Chitosan chemistry also contain cationic charges and should be prevented from being discharged.</p> <p>The items listed in subitem c. are very specific and may result in confusion.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Suggestions: Remove "of areas, structures or equipment with concrete, grout, stucco, paint or other construction materials", "operation and maintenance", "used in vehicle and equipment washing or external building wash down", "from a spill or other release" 2. Revise language of subitem a. to clarify process for demonstrating inability to comply with trash prohibitions. <p>Revise language of subitem b. to read: "b. Passive treatment chemicals or products that contain cationic polyacrylamides; Chemicals used in active treatment systems and passive treatment systems except as authorized in Attachments F and G".</p> <p>Revise c. to make items more generic to remove the possibility of confusion.</p> <p>Response:</p> <p>Some of the language the commenter suggested to be removed is taken directly from the U.S. Environmental Protection Agency's (EPA) effluent limitation guidelines. The permit was revised to delete some of the specific sources from which specific prohibited discharges may originate. Instead, the permit provides that "used in vehicle and equipment washing or external building wash down" is an example of where such discharges may come from.</p> <p>Clarifying language regarding the process for demonstrating inability to comply with trash prohibitions has been included in Order Section IV.B.4.a. and Order Section IV.B.4.b. The permit was revised to refer to "treatment chemicals" generally, rather than specifically chemicals.</p> <p>The language in Order Section IV.B.4.c. was not revised because it is taken directly from the U.S. EPA's effluent limitation guidelines.</p>
13.37, 13.38	<p>Comment Category: Clarity – Visual Observation vs Visual Inspection</p> <p>Comment Summary:</p> <p>Is there a difference between a visual observation and a visual inspection?</p>

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	<p>Requested Change: Please clarify if the QSD’s visual observations must be recorded as a visual inspection.</p> <p>Response: No, there is not a difference between visual observation and visual inspection, but to reduce the potential for any confusion, the permit documents have been revised to use only “visual inspection.”</p>
13.40	<p>Comment Category: Clarity – Water Quality Based Corrective Actions</p> <p>Comment Summary: This section introduces a new set of water quality based corrective actions that must be taken in the event of Regional Board notification of violation of receiving water limitations or NEL exceedances related to TMDLs.</p> <p>Requested Change: Additional clarity is requested on how the discharger will be notified, and how the discharger will be told to conduct the process outlined in this section.</p> <p>Response: The discharger is responsible for keeping track of their own numeric effluent limitation (NEL) exceedances, and when there is an exceedance, the discharger must conduct water quality based corrective actions without any further notification from the Regional Water Board.</p>
15.12, 23.18	<p>Comment Category: Clarity – Public Posting</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Clarify what is meant by posting the WDID in a site location that is visible to the public 2. As currently stated, this can be interpreted to be that the WDID number can be visible from SMARTS as SMARTS is publicly available. Clarify intent of the requirement. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Provide guidance on WDID number posting in the factsheet or work with CASQA to develop guidance that can be included in the Construction BMP Handbook.

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	<p>2. Recommendation: Revise language, “Dischargers shall post their site-specific WDID number in a onsite construction location that is visible to the public such as having the NOI printed from SMARTS on an 8.5” x 11” paper and laminated so as to be weather resistant.”</p> <p>Response:</p> <p>A Waste Discharger Identification (WDID) number must be posted at the site location in a place where it is readable by members of the public. If that is not an option, the WDID number has to be made available upon request.</p>
<p>15.17, 23.19</p>	<p>Comment Category: Clarity – Defining Construction Activity</p> <p>Comment Summary:</p> <p>1. Revise Section III.D.4. of the Draft CGP to maintain clarity and consistency. Once a term is defined, as construction activity is in the Findings, it is not necessary to list parts of the definition.</p> <p>A Discharger qualifying for a Waiver shall obtain a Waiver Identification Number prior to starting any construction activities.</p> <p>2. Define 'construction activity' versus what is not, specifically as it pertains to the completion of construction activity and the end date used for the Small Construction Rainfall Erosivity Waiver. Often, there is a lengthy maintenance period when plant germination is being monitored after the use of a hydroseed.</p> <p>Requested Change:</p> <p>1. Define construction activity once. A Discharger qualifying for a Waiver shall obtain a Waiver Identification Number prior to starting any construction activities.</p> <p>2. Recommendation: Revise the following text: “The construction activity will take place during a period when the calculated rainfall erosivity factor is less than five. Construction activity is defined with a construction start date (when soil disturbing activity commences) and a construction completion date (when the project meets the Final Stabilization criteria in Order, Section III.H.5.a-c (pages 24 – 15)).”</p> <p>Response:</p> <p>Language in Order Section III.D.4. has been revised to read: “prior to starting any construction activities regulated by this General Permit.” The permit was not revised with the suggested language</p>

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	re: final stabilization because post-construction requirements do not apply to dischargers who obtain a Waiver.
15.19	<p>Comment Category: Clarity – Passive Treatment</p> <p>Comment Summary: Section III.G.1. of the Draft CGP uses the term “passive treatment technology.” The use of the term passive treatment technology is not defined or clear in the context used. The various terms referring to passive treatment in the proposed CGP needs to be limited to the activities subject to Attachment G.</p> <p>Requested Change: Replace “passive treatment technology” with “passive treatment system” and limit the use of the term to the activities subject to Attachment G.</p> <p>Response: The permit was not revised with suggested language, however, revisions have been made to the Order Section III.G.1 and 3, and IV.J.1. by using the term “passive treatment” instead of “passive treatment system” or “passive treatment technology.”</p>
15.35	<p>Comment Category: Clarity – Language change</p> <p>Comment Summary: Section V.A.2. of the Draft CGP uses the term certified QSD, which is not a term used related to QSDs.</p> <p>Requested Change: Remove "certified".</p> <p>Response: The permit was revised by deleting “certified” from this section.</p>
23.09	<p>Comment Category: Clarity – By-products and waste products</p> <p>Comment Summary: Provide examples of 'by-products and waste products.'</p> <p>Requested Change:</p>

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	<p>Recommendation: Clarifying what is meant by this, and what is not. Recommended language could be, “Stormwater that is exposed to by-products and waste products resulting from demolition activities (such as fine particulate matter), may transport and discharge pollutants off-site and into receiving waters.</p> <p>Response:</p> <p>Examples of exposure to demolition by-products and waste products that transport discharge pollutants off-site may include, but are not limited to, lead paint, drywall (pH and asbestos), fluorescent light ballasts (polychlorinated biphenyl (PCB)), light bulbs (mercury), friable concrete (pH), stored chemical products and sediment.</p>
23.10	<p>Comment Category: Clarity – California Licensed Professional Engineer</p> <p>Comment Summary:</p> <p>Clarification language here on what this does and does not include. Provide clarification on if this includes the design of sediment basins (CASQA SE-2) and sediment traps (CASQA SE-3) and run-on management BMPs (such as diversion pipes and swales).</p> <p>Requested Change:</p> <p>Recommended language would be, “...all engineering work is required to be performed by a California licensed professional engineer such as the design of a sediment basin, sediment trap, or measures that would redirect flows from where storm water would be directed to naturally such as with a pipe.”</p> <p>Response:</p> <p>The comment highlights common types of engineering work. No revisions were made to permit language in response to this comment.</p>
23.11	<p>Comment Category: Clarity – Soil particles</p> <p>Comment Summary:</p> <p>Recommend clarifying this language to provide where the acceptable sources of information for this can be found (for example, this is not typically provided in a soils report). Also, recommend clarifying that a discharger does not NEED ATS if this type of soil particle size is found.</p> <p>Requested Change:</p>

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	<p>Provide clarification to language.</p> <p>Response:</p> <p>The permit has not been revised in response to this comment. Finding 34 notes that active treatment systems (ATS) “can” reduce these particles, but the finding does not state that active treatment systems are required to treat soil particles smaller than 0.02 mm.</p>
23.12	<p>Comment Category: Clarity – Receiving water limitations</p> <p>Comment Summary:</p> <p>Recommend clarification of what a ‘primary receiving water limitation’ is. This term is not used in the San Diego Basin Plan nor defined in Appendix 2.</p> <p>Requested Change:</p> <p>Provide clarification of what a primary receiving water limitation is.</p> <p>Response:</p> <p>Finding 37 has been revised to refer to “one of” rather than the “primary” receiving water limitations. The prior language highlighted one of the receiving water limitations as an example to explain that water quality standards apply to the quality of the receiving water. The use of the word “primary” was not designed to create a hierarchical structure of “primary” or “secondary” receiving water limitations.</p>
23.13	<p>Comment Category: Clarity – Receiving water limitations</p> <p>Comment Summary:</p> <p>This language is too vague to use as a measure of compliance. For example, the San Diego Basin Plan Table 3-2 (page 3-14) provides a benchmark criteria for Turbidity of 20 NTU, however there is a note at the top of the table stating, “Concentrations not to be exceeded more than 10% of the time during any one year period.”</p> <p>Response:</p> <p>No revisions were made to permit language in response to this comment. The National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit applies statewide, across multiple basin plans. The finding should remain non-specific as to be inclusive.</p>
23.14	<p>Comment Category: Clarity – Construction Activities</p> <p>Comment Summary:</p>

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	<p>Order Section II.A.1. This language is in conflict with the Order Section I.1 (page 1) language.</p> <p>Requested Change: Recommend revising to be consistent.</p> <p>Response: No revisions were made to permit language in response to this comment.. Language in Section II.A.1. of the Order provides examples of types of construction activities.</p>
23.16	<p>Comment Category: Clarity – Permit Registration Document Certification</p> <p>Comment Summary: Recommend that this be reworded to say the LRP is responsible for certifying the NOI, which includes the SWPPP (Site Maps and Risk Determination). With the way that this is worded, it's confusing if all of these need to be uploaded as separate documents in SMARTS. It creates inconsistencies amongst QSDs and ToRs in how they train to this since it is unclear.</p> <p>Requested Change: Recommend that this be reworded to say the LRP is responsible for certifying the NOI, which includes the SWPPP (Site Maps and Risk Determination).</p> <p>Response: No revisions were made to the permit language in response to this comment. The Notice of Intent (NOI) is a type of Permit Registration Document (PRD). All permit registration documents need to be certified by the Legally Responsible Person (LRP) or Duly Authorized Representative (DAR) whether the documents (e.g., NOI, Storm Water Pollution Prevention Plan (SWPPP), site maps) are uploaded separately or as one combined document.</p>
23.20	<p>Comment Category: Clarity</p> <p>Comment Summary: Provide specific language in the Permit of what documentation is required.</p> <p>Requested Change: Recommendation: Revise text to include, “The discharger may revise an original construction start date through the Change of Information process in SMARTS and shall provide documentation (acceptable forms may include a construction schedule or photo documentation that shows no soil</p>

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	<p>disturbing activities have initiated) demonstrating the project had not started on the date originally submitted through SMARTS.”</p> <p>Response:</p> <p>No revisions were made to the permit language in response to this comment. The permit does not specify specific kinds of documentation so that dischargers have flexibility in providing the kind of documentation that is appropriate for their site. A construction schedule or photo documentation are examples of documentation that may be appropriate.</p>
23.21	<p>Comment Category: Clarity – No Discharge (Notice Of Non-Applicability)</p> <p>Comment Summary:</p> <p>No criteria is provided here of how the discharger would need to prove that there would be no discharge of storm water or non-stormwater to Waters of the US. This ambiguity will lead to significant costs by consultants struggling through conflicting guidance often between different RWQCB staff, and inconsistencies amongst QSDs and ToRs training to this.</p> <p>Response:</p> <p>Language in Order Section III.E. was revised to limit the “No Discharge” option to only those sites that are not hydrologically connected to waters of the United States.</p>
23.23, 23.24	<p>Comment Category: Clarity – Site Map</p> <p>Comment Summary:</p> <p>Recommendation: Revise this to say “Revised site map(s) showing (with linework as applicable) acreage within the construction site boundary both currently and what is being revised;</p> <p>Requested Change:</p> <p>Recommendation: Revise this to say “Revised site map(s) showing (with linework as applicable) acreage within the construction site boundary both currently and what is being revised;</p> <p>Response:</p> <p>Revised site maps should clearly detail the original project and the revisions being made. The permit lists specific things that, if applicable, should be shown. For a linear underground/overhead project (LUP) project it would also be relevant to mark where the linework is. No revisions were made to the permit language in response to this comment.</p>

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23.25	<p>Comment Category: Clarity – Adding acreage</p> <p>Comment Summary:</p> <p>Provide clear direction in the Permit on what is exactly meant by ‘to match current site conditions.’ SWPPPs are typically managed as ‘dynamic living documents’ and maintained in the field with exhibits that are updated on-site. It is unclear if the expectation here is that exhibits be drafted to reflect current site conditions (showing interim grading, which is not the industry standard and would be a large cost increase to industry).</p> <p>Requested Change:</p> <p>Provide clear direction in the Permit on what is exactly meant by ‘to match current site conditions’ in Order Section III.F.4.a.iii</p> <p>Response:</p> <p>If the discharger is adding or removing new acreage, the revised Stormwater Pollutant Prevention Plan (SWPPP) must reflect if any best management practices (BMPs) were added or removed for the revised project. No revisions were made to the permit language in response to this comment.</p>
23.26, 23.27, 39.007, 65.02, 75.14	<p>Comment Category: Clarity – Individual Homeowners</p> <p>Comment Summary:</p> <p>1. Provide clarification here on if this means an individual homeowner needs coverage under the CGP.</p> <p>This function is not currently available in SMARTS if the property is being sold to multiple owners (such as merchant builders).\</p> <p>2. Clarify if new homeowners need to get NPDES permit coverage for landscaping for lots less than an acre in new home communities where landscaping is not completed by builder?</p> <p>3. Residential Subdivision requirements, as part of a "larger common plan of development", have not been well defined in previous versions of the Construction Permit. We were hoping that this issue would be fixed in the upcoming Permit. Is it the Water Board's intention that new owners of each individual small residential lot in a subdivision develop a SWPPP and submit PRDs to obtain coverage under the Permit in order to install final landscaping in their yards? This does not seem fair or reasonable to the property owner, as these are small lots less than 1 acre in size, one they are sold off.</p>

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	<p>4. Order page 22, paragraphs 5.a and 5.b require new landowners to obtain permit coverage upon the sale of property. Please consider adding a pathway to allow permit coverage for a Larger Common Plan of Development (e.g., a residential subdivision) to continue to provide coverage for up to, say, six months for lots that have been sold but which have not been landscaped (so cannot yet be removed from coverage via the C.O.I. process). It is frequently desirable to sell residential lots without completed landscaping, to allow the new homeowners the opportunity to install their own landscaping and yard improvements. In such cases the subdivider could easily continue to provide overall SWPPP implementation for a period of time (for example, 6 months) after the lot is sold, to give the new homeowner time to complete their landscaping; whereas it would be an extraordinary burden on the new homeowner to require them to obtain independent permit coverage.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Provide clarification here on if this means an individual homeowner needs coverage under the CGP. 2. Clarify if new homeowners need to get NPDES permit coverage for landscaping for lots less than an acre in new home communities where landscaping is not completed by builder? <p>Response:</p> <p>The permit has been revised to specifically address revising permit coverage information for a larger common plan of development for residential use as individual lots are sold and setting forth the individual homeowner’s obligation to finish the landscaping within a year. See revision to Order Section III.F.2.b.</p>
23.28, 39.009, 54.03	<p>Comment Category: Clarity – Revision of Change of Ownership Project Start Date</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Recommend this language be revised to state the start date is when the merchant builder owns the property. This has a large financial impact to merchant builder projects, which are often much smaller and shorter in duration as compared to the master developer. 2. Problematic for home builders buying finished lots from a developer. Allow risk recalculation based on date of purchase. this provision places a higher risk level on a project or portion of a project that is purchased for vertical construction only versus the land clearing and earthmoving phase when the majority of the risk occurs.

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	<p>3. The following language change to the Order in III.F.5.b. is suggested: “General Permit coverage is not transferable to a new owner. The Legally Responsible Person for the new discharger will need to submit new Permit Registration Documents to obtain their own WDID number prior to continuing construction activities and/or installing final landscaping (including meeting conditions for termination of coverage). The Legally Responsible Person for the new discharger will enter the [remove “original project” add “ownership”] start date [add “and calculate PRDs through anticipated Termination.” and remove “(initial date of disturbance) from the previous discharger(s).”]</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Recommend this language be revised to state the start date is when the merchant builder owns the property. This has a large financial impact to merchant builder projects, which are often much smaller and shorter in duration as compared to the master developer. 2. Remove "The Legally Responsible Person for the new discharger will enter the original project start date (initial date of disturbance) from the previous discharger(s)." 3. The following language change to the Order in III.F.5.b. is suggested: “General Permit coverage is not transferable to a new owner. The Legally Responsible Person for the new discharger will need to submit new Permit Registration Documents to obtain their own WDID number prior to continuing construction activities and/or installing final landscaping (including meeting conditions for termination of coverage). The Legally Responsible Person for the new discharger will enter the [remove “original project” add “ownership”] start date [add “and calculate PRDs through anticipated Termination.” and remove “(initial date of disturbance) from the previous discharger(s).”] <p>Response:</p> <p>The permit has not been revised in response to this comment. Risk Level is calculated from the beginning of earth disturbance until final stabilization is achieved. Allowing risk level to be recalculated using the date of ownership change would underestimate the site’s risk.</p>
23.35	<p>Comment Category: Clarity - Groundwater</p> <p>Comment Summary:</p> <p>Please define [groundwater]. Recommended language is “Uncontaminated groundwater or spring water from construction dewatering activities. Groundwater is defined as at or below the ground water table.” Without a clear definition, ponded or contained storm water that has remained on-site could be interpreted as groundwater.</p>

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	<p>Requested Change: Please define this term.</p> <p>Response: A definition of groundwater has been added to the permit. Pondered or contained storm water is not groundwater.</p>
23.40	<p>Comment Category: Clarity – Storm Water Pollution Prevention Plan Section – language clarification</p> <p>Comment Summary: Define the terms ‘captured’ along with ‘treated.’ Recommend revising language to state ‘captured and properly disposed of and/or treated’ in Section IV.O.2.f</p> <p>Requested Change: Recommend revising language to state ‘captured and properly disposed of and/or treated’</p> <p>Response: Language in Order Section IV.O.2.f. has been revised to read: “...Wash waters must be captured and properly disposed of and/or treated to mitigate impacts to water quality.”</p>
23.46, 49.09	<p>Comment Category: Clarity – Storm Water Pollution Prevention Plan– Pre-earthwork and construction earthwork drawing design details</p> <p>Comment Summary: 1. Clarify what ‘design details’ are meant as this term is subject to wide interpretations. Recommend that CASQA Fact Sheets would meet the needed design details. 2. Paragraph I requires a Pre-Earthwork Drawing and Paragraph m. requires a Construction and Earthwork Drawing. Can these drawings be combined on one drawing or are two separate drawings required?</p> <p>Requested Change: 1. Clarify what ‘design details’ are meant as this term is subject to wide interpretations. 2. Can these drawings be combined on one drawing or are two separate drawings required?</p> <p>Response:</p>

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	<p>California Stormwater Quality Association (CASQA) Fact Sheets are one way to ensure construction and earthwork drawings are adequate. The construction and earthwork drawings may be separate or combined as long as the requirements for each type of drawings are satisfied.</p>
23.50	<p>Comment Category: Clarity – Loose stockpiled material Best Management Practices</p> <p>Comment Summary:</p> <p>The term used in the 2009 CGP was to ‘cover and berm loose stockpiled material.’ Note that this was a widely interpreted regulation that different regulators, QSDs, QSPs and ToRs had different interpretations on. The proposed language is even more vague which could cause costly confusion.</p> <p>Requested Change:</p> <p>Recommend revising text to read, “Cover loose stockpiled material prior to forecasted rain events, and when inactive for at least 14 days.”</p> <p>Response:</p> <p>The recommended language was not incorporated because the change is too limiting. The permit requires that stockpiled materials are contained and protected, which provides more flexibility than the requirement to cover and berm.</p>
23.51	<p>Comment Category: Clarity – Term ‘Erodible’</p> <p>Comment Summary:</p> <p>Request clarification on the term ‘erodible.’ Recommend providing a minimum soil size to define fine particulate matter to better define what erodible material is.</p> <p>Requested Change:</p> <p>Request clarification on the term ‘erodible.’ Recommend providing a minimum soil size to define fine particulate matter to better define what erodible material is.</p> <p>Response:</p> <p>The terms "erosion" and “erodible landscape material” are not defined in the glossary as they are dictionary definitions and common language. In the context of the permit, erodible means susceptible to erosion. There is not a minimum soil size to be erodible.</p>
23.52	<p>Comment Category: Clarity – Construction Activity Phase Names</p> <p>Comment Summary:</p>

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	<p>Recommend revising the phases to rename 'pre-development site preparation phase' to 'initial grading phase,' since no construction should be occurring 'pre-development.' Also, recommend Utilities Phase be combined with the Grading & Land Development Phase. Utilities are often installed after grading but before streets are paved. Streets are often paved in conjunction with the Vertical Construction phase.</p> <p>Requested Change: Revise phase names.</p> <p>Response: The permit was not revised in response to this comment. "Pre-development site preparation phase" does not imply that construction may occur pre-development. If a phase is not applicable, no additional steps are necessary to implement.</p>
<p>24.31, 24.54</p>	<p>Comment Category: Clarity – Term 'Extent Feasible'</p> <p>Comment Summary: Please explain what is meant by "extent feasible". What is the expectation?</p> <p>Response: The term "extent feasible" was removed except where U.S. Environmental Protection Agency's (EPA) effluent limitation guidelines refer to "infeasible." "Infeasible" is defined by the effluent limitation guidelines as "not technologically possible, or not economically practicable and achievable in light of best industry practices."</p>
<p>24.33, 24.34, 24.56, 24.57</p>	<p>Comment Category: Clarity – Disturbed Soil</p> <p>Comment Summary: What is the meaning of [Section II.D.c or requirements about "stabilize exposed soil disturb areas]? Are you expecting all (active and inactive) disturbed soil areas (DSAs) to be covered with soil cover (temporary hydraulic mulch, temporary vegetation, chemical soil binders, temporary straw mulch, temporary plastic, temporary wood mulch, or final erosion control) prior to a precipitation event?</p> <p>Requested Change: Requirements of this item should be limited to inactive DSAs. The way the item is written is unclear and could be applied to active DSAs. Or is that meaning the intention ALL DSAs? Also, "...Temporary</p>

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	<p>or permanent BMPs..." should be "Temporary BMPs or final erosion control..." Also, "completing earthwork" should be "cessation of earthwork activities".</p> <p>Response:</p> <p>The language in Attachments D and E Section II.D.1.d. has been changed to reflect U.S. Environmental Protection Agency's (EPA) Effluent Limitation Guidelines. The discharger is required to initiate stabilization of all disturbed areas when earth disturbing activities have permanently ceased on the portion of the site or temporarily ceased and will not resume for more than 14 calendar days.</p>
24.42, 24.62	<p>Comment Category: Clarity – Photo Documentation</p> <p>Comment Summary:</p> <p>Please clarify what photo documentation is expected.</p> <p>Response:</p> <p>Photo documentation required by Attachment D and E Section III.B.3. of this General Permit should support why visual inspections or required sampling was missed. Photo documentation is not required where a written explanation is better suited to explain the missed inspection or sampling.</p>
27.05	<p>Comment Category: Clarity – Model Monitoring Requirements</p> <p>Comment Summary:</p> <p>Clarify model monitoring requirements. Does this mean that a discharger is deemed in compliance if they comply with the new general permit requirements?</p> <p>Response:</p> <p>Yes, as set forth in Section IV.L.1.a. if the discharger is in compliance with the general permit requirements, then they are in compliance with the model monitoring requirements of the Ocean Plan.</p>
37.01	<p>Comment Category: Clarity – Sampling</p> <p>Comment Summary:</p> <p>We recommend that the State Water Board include figures and language consistent with the Board's intent, as depicted in Figure ES-1. A redline with suggested language is being provided to the State Water Board.</p> <p>Requested Change:</p> <p>Provide sampling guidance</p>

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	<p>Response: Additional guidance on sampling has been added in the Fact Sheet Section I.G.3.</p>
39.001, 39.002	<p>Comment Category: Clarity – Blue Ribbon Panel Conclusion</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Updating language to reflect Panel Conclusions quoted on p. 16 of the Fact Sheet. The simplified language was not an accurate reflection of the Panel’s conclusions. 2. While technically true, the Panel’s conclusions on NELs clearly apply to only TSS and turbidity. <p>Requested Change: Updating language to reflect Panel Conclusions quoted on p. 16 of the Fact Sheet.</p> <p>Response: The Fact Sheet includes direct quotations from the Panel. The Panel’s conclusions regarding active treatment technologies were limited to “pollutants commonly associated with stormwater discharges from construction sites (e.g. TSS and turbidity) for larger construction sites.”</p>
39.008	<p>Comment Category: Clarity – Post Construction Requirements</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1) Clarify that post-construction requirements apply when coverage is terminated due to a change of ownership and construction is not complete and 2) that final stabilization isn’t required for NOTs filed due to a change in ownership. <p>Requested Change:</p> <ol style="list-style-type: none"> 1) Clarify that post-construction requirements apply when coverage is terminated due to a change of ownership and construction is not complete and 2) that final stabilization isn’t required for NOTs filed due to a change in ownership. <p>Response: Footnote 9 has been added to the Order. Where there is a change in ownership, the post-construction and stabilization requirements set forth in Section III.H. are not applicable.</p>
39.038	<p>Comment Category: Clarity -Property Rights</p> <p>Comment Summary:</p>

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	<p>We note this is exactly what might happen if there is no way for NOTs to be completed where home landscape is responsibility of new homeowners and not the permit holder. (Referring to Property Rights section in Standard Conditions)</p> <p>Response:</p> <p>The permit has been revised to address revising permit coverage information for a larger common plan of development for residential use as individual lots are sold and setting forth the individual homeowner’s obligation to finish the landscaping within a year. See revision to Order Section III.F.2.b.</p>
47.07	<p>Comment Category: Clarity – Definition of ‘Replacement’ in Construction Activities definition</p> <p>Comment Summary:</p> <p>Section II.A.1: Construction activity that includes, but is not limited to, clearing, demolition, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement;</p> <p>The definition of replacement in the Draft Permit is unclear. Section II.A.1 states that replacement land disturbing construction activities will be subject to CGP coverage. Section II.D.1.b regarding projects not subject to CGP coverage has a footnote that states "update existing lines includes replacing existing lines with new materials or pipes." Replacement is used in both sections for types of projects covered and not requiring coverage under the CGP.</p> <p>LADWP requests clarity on the definition of replacement projects and recommends adding language for the definition of replacement to the glossary in Appendix 2.</p> <p>Requested Change:</p> <p>Define ‘replacement’</p> <p>Response:</p> <p>As used in Section II.D.1.b. footnote 6, “replacement” refers to only linear construction routine maintenance projects. This language is consistent with U.S. Environmental Protection Agency’s (EPA) interpretation that routine maintenance does not include work to maintain the original line and grade, hydraulic capacity, or original purpose of the site. In contrast, for traditional construction projects as used in Section II.A., “replacement” is not limited to the routine maintenance context.</p>
48.01, 48.02, 48.03, 48.04, 48.05, 48.06, 48.07, 48.08	<p>Comment Category: Clarity – Passive Treatment language changes</p> <p>Comment Summary:</p>

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	<p>1. There are many different chemistries used to produce soil stabilization/erosion control products. Not only should products manufactured with anionic or nonionic chemistries be required to meet the demands of this section but so should ALL products, regardless of chemistry, that are applied in this manner.</p> <p>2. As a manufacturer of bonded fiber matrices and soil stabilizers who has been supplying these products into CA for 20 years, we have different cure time recommendations for different products. For a vast majority, the curing times are far less than 48 hours. Anionic chemicals do not require a cure time. Also, the requirement of a minimum 48-hour cure time makes the usage of these products extremely less likely as most contractors apply products typically one day prior to anticipated rain events especially during active construction. If a 24-hour curing period is not possible, we propose that the erosion control contractor return to inspect the treated area following the rain event and touch-up any areas that may have been disturbed. It is far better to stabilize soil rather than leave it unprotected during a rain event. It may not be the ideal situation but is better than nothing. After all, the products will have already been evaluated for their toxicity in their uncured phase.</p> <p>Requested Change:</p> <p>1. Recommendation: ‘2. [LUP/Risk Level 1/2/3] dischargers that stabilize soil using bonded-fiber matrices, hydromulches, spray tackifiers, or other land-applied products [remove “containing anionic or nonionic treatment chemicals”] shall.’</p> <p>2. Recommendation: ‘2.b. Apply the product [remove “48 hours prior to a forecasted precipitation event”] or according to the manufacturer’s recommendations [remove “, guidance, whichever is longer,”] to allow for ample cure time and to prevent treatment chemicals from being transported by runoff.’</p> <p>Response:</p> <p>Revisions have been made to Attachments D and E Section II.D.2. to remove the specific reference to those products containing anionic or nonionic treatment chemicals and product application time.</p>
49.04	<p>Comment Category: Clarity – Final Site Map</p> <p>Comment Summary:</p> <p>The requirement for a NOT to provide a final site map that includes site entrances and exits, lot boundaries and roads is confusing. The foregoing are construction site features that were present during the construction phase and may have been relocated numerous times, but at the time of</p>

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	<p>construction site completion they would not be in existence. This paragraph should be clarified or eliminated. (Referring to Order Section III.H.4.d)</p> <p>Requested Change: This paragraph should be clarified or eliminated.</p> <p>Response: The permit was not revised in response to this comment. Only site entrances and exits, lot boundaries, roads, structures, and features related to the project that may be used as a reference that are in existence at the time the notice of termination (NOT) is submitted should be included in a final site map.</p>
49.06	<p>Comment Category: Clarity – Sampling requirements</p> <p>Comment Summary: This paragraph states, “at least three samples per sampling location per day...”, are required. If there are five discharge locations that would require 15 samples. Is the intention of this paragraph to sample a minimum of three samples per qualifying precipitation event at the site or three samples at each discharge location, regardless of the number of discharge locations? Clarification would be appreciated.</p> <p>Response: “At least three samples per sampling location per day” means that there should be a minimum of three samples for each sampling location, not three samples for the entire site. If there were five discharge locations, at least 15 samples are required.</p>
49.08	<p>Comment Category: Clarity – Direct Discharges (Discharges subject to California Ocean Plan)</p> <p>Comment Summary: The term Direct discharge in Appendix 2 states: “routed directly to waters of the United States by means of a pipe, channel, or ditch (including a municipal storm sewer system), or through surface runoff.” Surface runoff as defined in the Glossary is, “stormwater that does not infiltrate into the ground or evaporate, but instead flows onto adjacent land or water courses or is routed to storm water conveyance systems.” The strict interpretation of these definitions classifies all storm water, including</p>

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	<p>sheet flow, as a direct discharge to the ocean, if it is not evaporated or infiltrated. According to the CWA, sheet flow is not regulated until it is in a conveyance. Clarification would be appreciated.</p> <p>Requested Change: Clarify if sheet flow is regulated.</p> <p>Response: Consistent with 40 CFR§ 122.26(b)(14)(x), stormwater discharges from construction activity resulting in the disturbance of less than five acres of total land area or resulting in the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more, are covered by this permit. Dischargers are required to identify “discharge locations,” which as set forth in the Glossary in Attachment B, is a common outlet from a construction site drainage area.</p>
50.06	<p>Comment Category: Clarity – Vegetation for Final Stabilization (Fact Sheet language)</p> <p>Comment Summary: “...uniform, perennial cover of vegetation...” perennial vegetation (while not my expertise) does not seem realistic. So we wouldn’t be allowed to include California Poppies in our seed mixes? Or any other annual? Who is going to inspect for species after germination?</p> <p>Response: The language in Fact Sheet, Section I.M. has been revised. For all methods demonstrating final stabilization, photos are required to verify compliance. California poppies are perennials.</p>
50.11	<p>Comment Category: Clarity – Secondary Containment</p> <p>Comment Summary: “Provide containment (e.g., secondary containment) of sanitation facilities (e.g., portable toilets)” are drip trays adequate?</p> <p>Response: Drip trays are an example of acceptable secondary containment used for portable toilets.</p>
54.05	<p>Comment Category: Clarity – Washout Areas</p> <p>Comment Summary:</p>

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	<p>Suggested language changes to Attachments C, D, E I.A.2.h are as follows: Secure and contain concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into underlying soil and onto surrounding areas. Washout areas [add “with insufficient freeboard volume to contain 2-times the forecasted volume of the precipitation event,”] shall be covered [remove “at the end of every business day and” and add “prior to and”] during a precipitation event.</p> <p>Requested Change:</p> <p>Suggested language changes to Attachments C, D, E I.A.2.h are as follows: Secure and contain concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into underlying soil and onto surrounding areas. Washout areas [add “with insufficient freeboard volume to contain 2-times the forecasted volume of the precipitation event,”] shall be covered [remove “at the end of every business day and” and add “prior to and”] during a precipitation event.</p> <p>Response:</p> <p>The permit has been revised to require covering only prior to and during a precipitation event.</p>
56.14	<p>Comment Category: Clarity – Inactive Projects vs Terminating Projects</p> <p>Comment Summary:</p> <p>The language in these two sections appears contradictory. Clarification is needed whether these reduced monitoring criteria and requirements would also apply to projects where construction is complete pending achieving final stabilization and NOT certification and approval.</p> <p>Requested Change:</p> <p>Clarification is needed whether these reduced monitoring criteria and requirements would also apply to projects where construction is complete pending achieving final stabilization and NOT certification and approval.</p> <p>Response:</p> <p>The requirements set forth in Order Section III.G. apply to only inactive projects, not projects where notice of termination (NOT) approval is pending or under review. If a project, where an NOT approval is pending, wants to reduce their monitoring requirements, the project can pursue inactive project status through a change of information (COI).</p>

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56.15	<p>Comment Category: Clarity – Notice of Termination document requirements vs. final site map requirements</p> <p>Comment Summary: Request clarification of the distinction between Order Sections H.2 and H.4.</p> <p>Response: Order Section H.2. specifies the types of documents to be submitted in Stormwater Multiple Applications and Report Tracking System (SMARTS) when terminating coverage, whereas Section H.4. describes they type of information that should be included in the final site map when terminating coverage with additional detail. The final site map is one of the documents that must be submitted in SMARTS when terminating coverage.</p>
56.19	<p>Comment Category: Clarity – Post Construction Standards applicability to Linear Underground/Overhead Projects</p> <p>Comment Summary: Please revise this section to reflect that post construction standards are not applicable to LUPs as stated in the Fact Sheet, Section U, last paragraph before Section V: This General Permit requires the discharger to utilize the post-construction calculator in SMARTS if: (1) a construction project (other than a linear and underground and overhead project that is not subject to this General Permit’s post-construction requirements) was or is approved by the local municipality prior to the municipality having post-construction standards adopted pursuant to a Phase I or Phase II MS4 permit or (2) the project was not subject to the post-construction standards of a Phase I or Phase II entity.</p> <p>Requested Change: Revise proposed sections to reflect that post construction standards are not applicable to LUPs.</p> <p>Response: The permit language has been revised in Order Sections III.H.9., IV.N., and Attachment B. Definition of “Post Construction best management practices (BMPs),” and Fact Sheet Section U to reflect that post-construction requirements are not applicable to linear underground/overhead projects (LUPs).</p>
56.22	<p>Comment Category: Clarity – Requirement for past land uses</p>

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	<p>Comment Summary:</p> <p>Please clarify what the expectation of due diligence is to satisfy this requirement regarding past land uses. Consulting Geotracker (State’s official database) should be sufficient. If there is no information in Geotracker, no speculation should be required regarding, or based on, land use.</p> <p>Response:</p> <p>The discharger is responsible for only potential sources which are known or should be known. A potential source is known or should be known where the discharger has actual knowledge, had personal experience with the site (e.g., knowledge of prior owner), or if the information is readily available in a public database such as GeoTracker.</p>
56.23	<p>Comment Category: Clarity – SWPPP – Schedule and Title Sheet</p> <p>Comment Summary:</p> <p>Please confirm that the schedule information required on the Title Sheet per IV.O.2.k would meet the schedule info requirement of IV.O.2.b.</p> <p>Response:</p> <p>The schedule information required on the Title Sheet per Order Section IV.O.2.k. does meet the schedule information requirement of, which is now, Order Section IV.O.2.c.</p>
56.35	<p>Comment Category: Clarity – Poly Chlorinated Biphenyls, Lead Paint, and Asbestos</p> <p>Comment Summary:</p> <p>Please clarify those sections where footnote 1 is applicable. We believe they should only apply to structures where PCBs are expected or known. Request clarification that the 1/1/1950 to 1/1/1980 date range establishes a potential for PCBs and not for other constituents. We recommend that the language here be revised to Dischargers unable to cover demolished material shall sample for any non-visible pollutants in stormwater discharges that may be present based on the pollutant source assessment. such as, but not limited to. Provide ranges for lead and asbestos.</p> <p>Response:</p> <p>Clarifications were made to Attachments D and E Section II.I. to specify that the date range applies only to polychlorinated biphenyl (PCBs.)</p>
56.48	<p>Comment Category: Clarity – Small acreage additions for Linear Underground/Overhead Projects</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary: Please provide clarification as to how WDIDs would be managed for small acreage additions for LUPs. Please remove the contiguity requirement.</p> <p>Response: Permit language has been revised to clarify acreage additions for linear underground/overhead projects (LUPs) in Section III.F.2. of the Order.</p>
56.52	<p>Comment Category: Clarity – Sediment Total Maximum Daily Loads with Zero waste load allocation</p> <p>Comment Summary: Please provide clarification to Att H, Section I.E.2.a regarding the source identification of sediment TMDLs with zero WLA.</p> <p>Response: Please see the Permit Fact Sheet Section W regarding the details of the sediment total maximum daily loads (TMDLs) that are assigned a waste load allocation (WLA) of zero.</p>
56.53	<p>Comment Category: Clarity – Regional Water Board Notification for Dewatering Discharges</p> <p>Comment Summary: Please identify the mechanism to notify the Regional Water Board.</p> <p>Response: See revisions in Attachment J. A discharger should notify their local Regional Water Board by email.</p>
56.56	<p>Comment Category: Clarity – Credits for Setbacks</p> <p>Comment Summary: Please clarify how credits for setbacks are to be accessed when addressing risk determination and post-construction standards for LUPs.</p> <p>Response: References to credits were removed from the Fact Sheet because credits for setback were not implemented in the 2009 Permit. Additionally, post-construction requirements do not apply to linear underground/overhead projects (LUPs).</p>

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56.57	<p>Comment Category: Clarity – Daily Inspections for Linear Underground/Overhead Projects</p> <p>Comment Summary: The language in the Fact Sheet regarding daily inspections of project excavations is contradictory to Attachment A. Please remove this statement from the Fact Sheet.</p> <p>Requested Change: Remove language from Fact Sheet</p> <p>Response: Section I.J.2.d. of the Fact Sheet was revised in response to this comment.</p>
75.04	<p>Comment Category: Clarity – Term “Delegates”</p> <p>Comment Summary: Please also consider reviewing and updating how “delegates” are described throughout the Permit. In some instances, it would be good to differentiate between personnel working under the “responsible charge” of the QSD/QSP; and other personnel performing SWPPP work not under the QSP’s direct control, for example, the construction subcontractor who is responsible for BMP installation. There are significant differences here, both in how the construction contract may be set up (QSDs and QSPs are frequently contracted separately from the Construction Contractor), as well as under the Professional Engineers Act.</p> <p>Requested Change: Update the definition of “delegates” in the Permit.</p> <p>Response: Revisions were made to language to provide flexibility for Qualified SWPPP Practitioners (QSPs) to delegate tasks to others in Order Section V.D.</p>
2.11, 9.01, 12.01,13.01, 28.15, 33.08, 38.01, 38.03, 40.01, 52.04	<p>Comment Category: Cost of Compliance</p> <p>Comment Summary: The proposed Draft Permit will result in a cost increase to stormwater management of up to ~40% due to increased workload, addition QSD/QSP responsibilities, inclusion of TMDL sampling, NEL Sampling, and laboratory cost.</p> <p>Requested Change:</p>

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	<p>General recommendation is to reduce increased workload, addition QSD/QSP responsibilities, inclusion of TMDL sampling, NEL Sampling, and laboratory costs.</p> <p>Response:</p> <p>There is high variability in cost across all construction projects. The comments' presented costs are speculative. Cost considerations are discussed in detail in Sections I.F. and I.G. of the Fact Sheet. Most of the purported cost increases are connected to new permit provisions such as total maximum daily load (TMDL) and passive treatment requirements. Construction Stormwater General Permit numeric effluent limitations (NELs) apply only to non-visible pollutants from sources on the construction site that contain the TMDL substances. The presence or absence is based on the pollutant assessment conducted for the Storm Water Pollution Prevention Plan (SWPPP). Any increased expenses associated with this permit are balanced with benefits to water quality and aquatic life from implementation of these requirements.</p>
8.18	<p>Comment Category: Cost of Compliance</p> <p>Comment Summary: Impossible to calculate the real cost of compliance with the Draft Permit until the discharger's obligations are clearly defined. The cost estimate provided by the Staff clearly underestimates the true cost of compliance as demonstrated by the Michael Baker International 2021 Draft CGP Implementation Analysis prepared for BIA/CICWQ ("MBI Analysis") incorporated herein by reference.</p> <p>Requested Change: Staff must be directed to revise their cost estimates before the State Water Board can adopt the draft permit.</p> <p>Response: The referenced MBI Analysis does not accurately capture the anticipated cost of compliance because the analysis represents a worst-case scenario and speculative costs. While the MBI Analysis is appreciated and was considered during development of this general permit, State Water Board staff's cost estimates more accurately reflect the requirements set forth in the permit.</p>
8.19	<p>Comment Category: Cost of Compliance</p> <p>Comment Summary: The MBI Analysis concluded that the overall estimated cost increase for project in Non-TMDL Watersheds was in the range of 2% to 10%. While this is significantly more than cost increase estimates provided by Staff, it pales in comparison to the overall estimated cost increase for projects in TMDL Watersheds. For TMDL Watersheds project costs are estimated to increase by 35% to 65%.</p>

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	<p>Requested Change: The board must remand the draft permit to staff for consideration of the real cost of implementing the draft permit on public projects and how these costs will be absorbed for both new projects and those projects that have obtained coverage under the existing permit.</p> <p>Response: The revision to or addition of permit requirements including total maximum daily load (TMDL) implementation, monitoring, and sampling may have an increase in cost of compliance especially if discharging into a watershed with TMDLs. Cost considerations are discussed in detail in Sections I.F. and I.G. of the Fact Sheet. Any increased expenses associated with this permit are balanced with benefits to water quality and aquatic life from implementation of these requirements.</p>
12.05	<p>Comment Category: Cost of Compliance</p> <p>Comment Summary: Small and rural transportation agencies face unique challenges in funding and constructing implementing transportation projects. For example, many rural agencies have significant lane miles compared to a relatively small population tax base. Has the State Board considered the cost implications to small, rural, and/or underserved local agencies to implement the new Permit requirements?</p> <p>Requested Change: Lower cost for small rural transportation projects</p> <p>Response: The cost analysis focused on the expected cost of compliance. It is not possible to provide to analyze potential sources of funding for the wide range of dischargers that may be covered by this permit.</p>
24.37, 24.38, 24.70, 24.71,	<p>Comment Category: Cost of Compliance</p> <p>Comment Summary: The developer/contractor is constructing cut and fill slopes per a plan designed by a Professional Engineer. At the completion of construction the slopes are stable. Physically terracing, slope length reduction, placing cobble on the slopes, and installing linear sediment controls are inefficient and cost prohibitive unless one of these options are included as the final design configuration.</p> <p>Requested Change: Remove the requirement of additional LUP Type 2 and 3 Requirements in its entirety.</p> <p>Response: The permit was not revised in response to this comment. Where it is infeasible to install linear sediment controls, the Qualified SWPPP Developer (QSD) can provide a justification for the use of an alternative method in the Storm Water Pollution Prevention Plan (SWPPP).</p>

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Comment ID	Comment Summary and Response
24.39, 24.72	<p>Comment Category: Cost of Compliance</p> <p>Comment Summary: Revise to combine rows 1 and 2, "Slope Ratio, $\leq 4 : 1$ - Sheet flow length, Per QSD's specification". Gentler slopes do not benefit the face as slope controls to warrant the cost. Let the QSD decide the spacing.</p> <p>Requested Change: Remove this requirement of additional LUP Type 2 and 3 Requirements</p> <p>Response: No revisions were made in response to this comment. The slope ratios set forth in Attachment E of this general permit are appropriate to minimize erosion and protect water quality.</p>
40.04	<p>Comment Category: Cost of Compliance</p> <p>Comment Summary: Instead, we encourage the Board to adopt a permit that improves water quality by relying on a Best Management Practices (BMP) approach building off what occurs today and numeric action levels which would require permittees to address problems that arise without fear of incurring fines, penalties, and increased legal exposure.</p> <p>Requested Change: Strongly encourage the Board to abandon the NEL approach and pursue an alternative plan that will improve water quality without jeopardizing infrastructure and economic development projects as discussed in the comments submitted by the California Alliance for Jobs.</p> <p>Response: Pursuant to 40 CFR § 122.44(d)(1)(vii), this permit must have limitations that are consistent with the assumptions and requirements of any available waste load allocations in an Environmental Protection Agency (EPA) approved total maximum daily load (TMDL). Numeric Effluent Limits (NELs) are established based on waste load allocations (WLAs) in the individually developed and adopted TMDLs where the waste load allocations were concentration-based end-of-pipe limits. Where possible with the waste load allocations, the permit limitations were numeric action levels or a best management practice (BMP)-based approach.</p>
44.03	<p>Comment Category: Cost of Compliance</p> <p>Comment Summary: Weekly inspection requirement for Risk Level 1 is a minor cost compared to overall project costs</p> <p>Response: Weekly inspections for Risk Level 1 projects have been reinstated into this permit.</p>
49.12	<p>Comment Category: Cost of Compliance</p> <p>Comment Summary: Cost for ATS (Active Treatment Systems) rental of one system for a wet season is close to \$600,000. Non treated water can be discharged at 250 NTUs without any NAL</p>

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	<p>Exceedances or compromise of receiving water beneficial uses. To reduce the turbidity levels to 10 NTUs requires the use of more storm water treatment equipment, a greater amount of flocculant usage, and much tighter treatment operational control than discharging treated water at 250 NTUs.</p> <p>Requested Change: Lower NEL limit closer to 250 NTUs</p> <p>Response: Attachment F, Section A.4.a. states you can bypass the active treatment system (ATS) if all discharges from the watershed area, that the ATS was designed to treat, demonstrate compliance with the numeric action levels and receiving water limitations established by this General Permit through the applicable monitoring requirements in Attachments D or E. The use of Active Treatment Systems is optional. If not using an Active Treatment System then the numeric action level (NAL) of 250 nephelometric turbidity units (NTUs) is applicable.</p>
50.07	<p>Comment Category: Cost of Compliance</p> <p>Comment Summary: “Permit Registration Documents consist of:... the first annual fee.” Currently this PRD is waived for “Caltrans Construction” projects – I hope this would still be the case?</p> <p>Requested Change: The Reissuance stay the same for Caltrans Project first annual fee</p> <p>Response: The commentor is mistaken. Caltrans does not have their first annual fee waived and they are subject to the same fees as all entities set forth in California Code of Regulations, title 23, section 2200. The business practice of collecting fees from another State agency differs from the business practice of collecting fees from other entities and is not proposed to change at this time.</p>
15.69, 33.84	<p>Comment Category: Dewatering – Storm Water Pollution Prevention Plan changes</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Remove requirement to update SWPPP prior to dewatering discharge. Stormwater can accumulate onsite in low areas or excavations and may need to be removed in order for work to continue, or to address safety concerns for both workers and the public. Efforts related to this requirement can take longer than a week and may require another amendment if any exceedances occur during discharge activities. 2. Dewatering activities can be unanticipated and can cause safety concerns. <p>Requested Change:</p>

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	<ol style="list-style-type: none"> 1. Remove requirement to update SWPPP prior to dewatering discharge and apply the same timeline to the SMARTS update to be consistent with any other change to the SWPPP, such as “within 30 days” language. 2. Replace "At least 24 hours prior to the beginning of" with "Within 24 hours of a" <p>Response:</p> <p>No revisions were made in response to this comment. Attachment J Section D.3. has been revised to read: “The Qualified SWPPP Developer (QSD) shall update the site-specific SWPPP on-site at least 24 hours prior to the beginning of a dewatering discharge and upload the amended SWPPP to SMARTS within 14 days with current information required in Section D.4. below, if necessary. The revised SWPPP shall be uploaded as part of a Change of Information through SMARTS.” It is important that the Regional Board is made aware of the dewatering activities and that Stormwater Multiple Applications and Report Tracking System (SMARTS) is updated with current information about the site.</p>
23.68	<p>Comment Category: Dewatering - General</p> <p>Comment Summary:</p> <p>Dewatering and potable water line flushing to the MS4 is illegal per Region 9 MS4 requirements as it is considered non-stormwater. State dewatering regulations need to be made consistent with MS4 requirements or clarified that CGP authorized dewatering is a NPDES permitted discharge.</p> <p>Requested Change:</p> <p>Make dewatering regulations consistent with MS4 requirements or clarify that CGP authorized dewatering is permitted NPDES discharge</p> <p>Response:</p> <p>Dewatering discharges are recognized as an authorized discharge as long as it is in compliance with the Dewatering Attachment.</p>
23.69	<p>Comment Category: Dewatering – Storm Water Pollution Prevention Plan amendment</p> <p>Comment Summary:</p> <p>Clarify if the requirements from Attachment J, Section A.3 is requested through a SWPPP amendment</p>

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	<p>Requested Change: Clarify if a SWPPP amendment is needed.</p> <p>Response: The permit language has been revised in Attachment J Section D.3. to specify that “[t]he revised SWPPP shall be uploaded as part of a Change of Information through SMARTS.”</p>
28.13, 56.21	<p>Comment Category: Dewatering – Dewatering Discharge Coverage</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. It is unclear whether the new dewatering reporting requirements to SMARTS are required when a discharger has a separate NPDES, de minimis, or low threat discharge permit. Requesting clarification. 2. Clarification is needed that dewatering covered under a separate NPDES permit is not subject to this requirement <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Provide clarification if reporting is required for separate dewatering NPDES, de minimis, or low threat discharge permits. 2. Clarification is needed that dewatering covered under a separate NPDES permit is not subject to this requirement. <p>Response: Revisions were made to the permit language in Attachment J Section A.1., which specify that dischargers who are subject to separate coverage for dewatering discharges shall state so in their Storm Water Pollution Prevention Plan (SWPPP). Other than Section A.1., dischargers who are subject to separate coverage for dewatering discharges are not subject to Attachment J.</p>
39.235, 50.01, 71.03	<p>Comment Category: Dewatering – Regional Board Notification</p> <p>Comment Summary: Requiring permittees to notify the Regional Board is unnecessary. There are many instances where there are small excavations that need to be dewatered. Sometimes rain related and sometimes for other reasons. Notifications will slow the construction process down.</p>

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	<p>Requested Change: Request to remove Attachment J Section A.3.b/ Removing duplicative reporting notification requirements</p> <p>Response: No revisions were made to the permit in response to this comment. Dischargers must notify the Regional Water Boards via email as stated in Attachment J Section D.1.</p>
24.83	<p>Comment Category: Dewatering – Total Maximum Daily Load- related pollutant sampling</p> <p>Comment Summary: Request to add language regarding sampling and analysis of TMDL-related pollutants to Attachment J Section A.4.a.</p> <p>Requested Change: Add the following language to Attachment J Section A.4.a: "The discharge shall be analyzed for the represented TMDL pollutant at the discharge location within the first hour of discharge and daily for continuous dewatering discharges. Each sample must instantaneously comply with the numerical action levels and/or numeric effluent limitations."</p> <p>Response: No revisions were made to the permit in response to this comment. Dewatering discharges should be sampled for pH and turbidity and would only be subject to total maximum daily load (TMDL) related monitoring if they meet the requirements for non-visible pollutant monitoring and meet the description of a Responsible Discharger in Attachment H.</p>
39.236	<p>Comment Category: Dewatering – Sampling Requirements</p> <p>Comment Summary: Sampling within the first hour of discharge will impact and delay work completion schedules, especially when there is minor dewatering needed for trenches or excavations.</p> <p>If there is a small area to dewater, crews may do that when they arrive, first thing in the morning and find minor dewatering is needed. Crews will not be able to dewater until a person gets there to sample and will have to hold off working or reschedule work until a sampler can arrive. This requirement creates logistical and scheduling problems and is unnecessary.</p>

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	<p>Requested Change: Remove "within the first hour of discharge and" from Attachment J, Section A.4.e.</p> <p>Response: No revisions were made to the permit in response to this comment. Sampling within the first hour of discharge is appropriate so that if there are any exceedances, the dewatering discharges can be ceased and corrective actions can be implemented.</p>
56.55	<p>Comment Category: Dewatering</p> <p>Comment Summary: We request that this language be changed to ceasing dewatering discharges rather than dewatering operations. The continuation of dewatering operations may be necessary to implement corrective actions.</p> <p>Requested Change: We request that this language be changed to ceasing dewatering discharges rather than dewatering operations. The continuation of dewatering operations may be necessary to implement corrective actions.</p> <p>Response: Revisions were made to Attachment J Section C.2. of the permit in response to this comment.</p>
57.01	<p>Comment Category: Dewatering</p> <p>Comment Summary: The Attachment J, Section A.4.c. language needs to better define "contamination". Current language states that dewatering should take place only in areas without "known (including, but not limited to information from: Geotracker, local permitting authorities, Water Boards, etc.) soil and/or groundwater contamination where that contamination could adversely affect the discharge and/or the receiving water". As proposed, the text is vague enough to invite differing interpretation, legal issues, and inappropriate implementation.</p> <p>Requested Change:</p>

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	<p>The Port recommends defining contamination levels according to current State Water Board standards to remove the potential for adverse effects due to differing interpretation.</p> <p>Response:</p> <p>The dewatering requirements and the reference to uncontaminated groundwater is consistent with U.S. Environmental Protection Agency's (EPA) 2022 Construction General Permit.</p>
70.10	<p>Comment Category: Dewatering</p> <p>Comment Summary:</p> <p>Dewatering Requirements. Attachment J includes NALs for dewatering discharges that are not covered by a separate NPDES permit (which are commonly general permits). For additional clarity, we recommend that Attachment J list all the relevant NPDES general permits that have been issued since permittees covered by the construction general permit may or may not locate all such other permits.</p> <p>Requested Change:</p> <p>For additional clarity, we recommend that Attachment J list all the relevant NPDES general permits that have been issued since permittees covered by the construction general permit may or may not locate all such other permits.</p> <p>Response:</p> <p>A list of relevant permits may be posted on the stormwater program web page, to be used as a tool, in the future. The list of permits is not included in Attachment J because the State or Regional Water Boards may adopt new permits or amend relevant National Pollutant Discharge Elimination System (NPDES), low-threat, or de minimis permits and any amendments to Attachment J would need to be adopted by the State Water Board.</p>
2.03	<p>Comment Category: Erosivity Waiver</p> <p>Comment Summary:</p> <p>Continued inclusion of the EPA's Erosivity Waiver eligibility determination. The Erosivity Waiver option is consistent with EPA's Stormwater Phase II rule and allows for an important waiver for sites that do not have adverse water quality impacts.</p> <p>Response:</p>

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	The erosivity waiver is included as an option in this General Permit.
7.17, 15.08, 20.14, 60.01, 72.01, 72.02, 72.03, 72.04, 72.05, 73.04,	<p>Comment Category: Fire Prevention – Removing Fire Break Language</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters are highlighting the importance of bare soil fire breaks to wildland firefighting and that permit coverage limits emergency response capacity and good fire prevention practices. 2. With regards to fire breaks, coordination should occur between Water Boards, CalFire, USDA Forest Service to address post- and non-emergency bare soil concerns 3. Commenters note that fire breaks are associated with forestry practices and identified by U.S. EPA as definitive examples of non-point source pollution, which lies outside the point-source legal basis for the CGP framework. <p>Requested Change:</p> <p>1-3. Remove language that produces CGP coverage for fire breaks</p> <p>Response:</p> <p>The reference to fire breaks categorically needing coverage under the Construction Stormwater General Permit (CGP) has been removed. Whether an activity requires CGP coverage may depend on the specific facts presented.</p>
16.02, 20.15	<p>Comment Category: Fire Prevention – Exempting Fire Breaks from Permit Coverage</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter acknowledges that fire breaks create bare soil, although it is not for the purpose of constructing buildings and thus asserts that it is not covered by CGP. 2. Add fire prevention and emergency response to exempted activities under CGP. <p>Requested Change:</p> <p>1. Fire prevention and emergency response activities are not covered by CGP</p> <p>Response:</p> <p>The reference to fire breaks categorically needing coverage under the draft Construction Stormwater General Permit (CGP) has been removed. Whether an activity requires CGP coverage may depend on the specific facts presented.</p>

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Comment ID	Comment Summary and Response
22.13	<p>Comment Category: Fire Prevention – Stabilizing Vegetation Requirements</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes the time-until-maturation for native vegetation and suggests that it may not be sufficient for rapid soil stabilization. Comment pertains to Fact Sheet Section I R.1.g <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Add “to provide temporary erosion control.” 2. Add “if feasible and appropriate given the site conditions, planted.” 3. Add “in vegetation selection and” <p>Response:</p> <p>The reference to fire breaks categorically needing coverage under the draft Construction Stormwater General Permit (CGP) has been removed. Whether an activity requires CGP coverage depends on the specific facts presented.</p>
4.01	<p>Comment Category: General</p> <p>Comment Summary:</p> <p>We believe the permit is difficult to understand even from stormwater experts’ perspectives, contains costly sampling requirements, and ultimately leads to a difficult path of compliance. We kindly ask the board to consider feedback from experts including those you heard from during the August 4th hearing. They are the boots on the ground experts who are physically working on the projects that the draft permit will directly impact. The requests outlined in the Industry/Labor coalition technical letter are aimed towards finding a middle ground of compliance that still achieves desired water quality.</p> <p>Response:</p> <p>All written comments and comments made at the hearing were considered in revising and adopting the permit.</p>
8.01	<p>Comment Category: General</p> <p>Comment Summary:</p> <p>Our concern is that these unworkable provisions will negatively impact infrastructure project delivery and thus decrease the related positive economic and social impacts of those investments, especially in underserved communities. We hope the Water Board receives this letter with an understanding that</p>

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	<p>we share the goal of improving water quality for all Californians and these comments are intended to reduce the negative impacts of the draft permit and improve the opportunity for successful implementation by industry practitioners.</p> <p>Response: Comment noted</p>
8.03	<p>Comment Category: General</p> <p>Comment Summary:</p> <p>Moreover, EPA is currently in the process of reissuing the Multi State General Permit for Construction (Construction MSGP). While California is not subject to the Construction MSGP the Federal Permit has always been recognized as the benchmark standard that provides substantial evidence to support California's general construction permit. Any requirement in the Draft Permit that is not addressed in the Construction MSGP requires substantial evidence for its support. As more fully described in the Summary and Comparison of Draft Permit and the EPA Proposed 2022 Construction General Permit made a part of the California Building Industry Association ("CBIA") incorporated by reference herein, the Water Board staff will need to provide substantial evidence to support the following inclusions:</p> <ul style="list-style-type: none"> • Public Disclosure Requirements • Numeric Effluent Limits • Numeric Action Levels • Post-Construction Requirements • Penalties • Scope of Coverage • Obtaining, Revising and Terminating Permit Coverage • Receiving Water Limitations <p>Response:</p> <p>U.S. Environmental Protection Agency's (EPA) 2022 Construction General Permit was considered when developing the general permit. California is authorized by the U.S. EPA to issue National Pollutant Discharge Elimination System (NPDES) permits. States authorized to issue federal NPDES</p>

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	<p>permits may include provisions that are different or more stringent than the federal permit requirements, based on established federal and state regulations and policies. NPDES permits issued by the Water Boards must comply with any applicable statewide and regional water quality control plan, which include receiving water body-specific objectives required for waters of the U.S. by federal regulations.</p>
11.01	<p>Comment Category: General Comment Summary: CalERBA was pleased to see multiple references to opportunities for SWRCB permitting efficiencies in the final November 2020 CGT Report, including the Proposed Permit in Appendix 1 and the General Order and PEIR in Recommendation 6. CalERBA members are very encouraged by the potential efficiencies represented in the General Order and PEIR for large scale restoration projects. These drafts build on the demonstrated success of a similar order for smaller projects and this action is absolutely necessary for large scale restoration if the state is to meet its conservation and biodiversity targets.</p> <p>Response: Comment noted.</p>
13.02	<p>Comment Category: General Comment Summary: In this era of climate change and its resulting droughts, heat waves, and wildfires, California’s electric utility companies are focused on high priority essential work with the goal of improving public safety. Each utility is pouring its efforts into enhanced vegetation management, equipment upgrades, grid hardening, and water conservation to reduce the potential for equipment-caused wildfires. Adding a highly complex permit will hinder essential efforts, resulting in fewer climate protection projects being completed due to the higher bar to achieve compliance. The goal of utility projects is to improve reliability and safety while maintaining compliance with feasible environmental requirements.</p> <p>Response: Comment noted.</p>
15.36, 15.62	<p>Comment Category: General</p>

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	<p>Comment Summary: Comment #36 and #62 were intentionally left blank.</p> <p>Response: No response is required.</p>
15.29	<p>Comment Category: General – Online pH Averaging tool</p> <p>Comment Summary: Section IV.C.3. of the Draft CGP references an online pH averaging tool that will be developed by the State Water Board.</p> <p>CASQA supports the development of tools to simplify the averaging of pH. CASQA requests that these tools be developed and vetted with experts and Dischargers before being incorporated as compliance tools. The tools need to be available outside of the limited SMARTS environment to allow Dischargers and stormwater professionals access to them. Finally, we ask that a process be included for Dischargers to request verification and correction of errors in the online tools.</p> <p>Response: The online pH averaging tool will be developed and reviewed by California Stormwater Quality Association (CASQA) and other interested parties after the Permit is adopted.</p>
20.06	<p>Comment Category: General</p> <p>Comment Summary: Local jurisdictional authorities are still relatively vague/not well-defined and/or direct to the Phase I Phase II Municipal Separate Storm Sewer System (MS4) Permits. The way most construction-related contracts are typically drafted, this would effectively keep the person with the appropriate expertise to resolve these items, the QSD, active on the Project to develop and participate in the resolution, which would have occurred due to an ineffective SWPPP and/or insufficient site management.</p> <p>Requested Change: Recommendation: Consider a stronger link between requirements in the CGP and the requirements in the MS4 Permits. Provide local jurisdictions better methods of effective escalating enforcement and controls over water quality by developing a path where, if there are outstanding water quality violations related to construction, the local jurisdiction can lobby that the Project's Notice of</p>

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	<p>Termination not be approved by the Regional Boards until the construction-related violations are rectified.</p> <p>Response:</p> <p>Local jurisdictions are important regulatory partners for the Water Boards. Local jurisdictions are encouraged to report any water quality violations related to construction to the applicable Regional Water Board.</p>
24.78, 24.79	<p>Comment Category: General – Tables in Attachment E</p> <p>Comment Summary:</p> <p>The tables in Attachment E should be in reference to “Risk Level 3”, not “Risk Level 2”</p> <p>Requested Change:</p> <p>Change table language from “Risk Level 2” to “Risk Level 3”</p> <p>Response:</p> <p>The individual risk level attachments (C, D, and E) were combined into Attachment D and typographical errors were corrected.</p>
27.04	<p>Comment Category: General – Days to Certify Lab Results</p> <p>Comment Summary:</p> <p>Dischargers should be given 30 days from the final analytical lab report to certify results. Thirty days is consistent with the SMARTS analytical results reporting requirements in the Industrial</p> <p>Requested Change:</p> <p>Change the number of days to certify the analytical lab results in SMARTS.</p> <p>Response:</p> <p>No revisions were made to the permit in response to this comment. If a discharger exceeds a numeric action level (NAL) or numeric effluent limitation (NEL), it is appropriate to have the information sooner so that the applicable Regional Water Board can schedule an inspection when the site conditions more closely resemble the conditions that lead to the exceedance.</p>
28.16	<p>Comment Category: General</p>

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	<p>Comment Summary:</p> <p>Overall, the new CGP includes changes that are well thought out and improve the process. DOE applauds the work of the team that developed the new permit.</p> <p>Response:</p> <p>Comment noted.</p>
36.01	<p>Comment Category: General</p> <p>Comment Summary:</p> <p>Chief among the Building Industry’s concerns is the Draft Permit’s inclusion of numeric effluent limits (“NELs”) for certain constituents subject to total maximum daily loads (“TMDLs”), despite clear evidence that application of NELs to construction stormwater discharges remains infeasible due to the particular characteristics of construction stormwater and the lack of a valid methodology for translating water quality objectives and waste load allocations (“WLAs”) into NELs in this context. The Building Industry also remains concerned with the Draft Permit’s imposition of inappropriate post-construction requirements, the lack of grandfathering provisions in the Draft Permit to protect dischargers who have invested in compliance under the current CGP, and the Draft Permit’s reliance on a static risk assessment procedure that does not reflect the dynamic nature of construction projects.</p> <p>Response:</p> <p>Revisions have been made in response to this comment regarding the regulatory transition period, see Order Section III.C. Revisions to the total maximum daily load TMDL implementation and numeric effluent limitations have not been made in response to this comment. The numeric effluent limitations (NELs) were translated to be consistent with the assumptions and requirements of the TMDLs.</p>
39.006	<p>Comment Category: General – Increase Acreage over one-fourth mile from existing boundary</p> <p>Comment Summary:</p> <p>As proposed, 1/4 mile may require multiple permits for home building sites in large master planned communities with phased development</p> <p>Requested Change:</p>

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	<p>Recommend change: "If the increased acreage is greater than one fourth mile from the existing site boundary "and is not part of a continuous plan of common development or plan of master development", the discharger is required to submit a new notice of intent."</p> <p>Response:</p> <p>Revisions were not made to the permit in response to this comment. Clarifications have been made to the definition of Common Plan of Development.</p>
39.016, 39.017	<p>Comment Category: General – Authorized Non-Stormwater Discharges</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. "Dechlorinated" has been added to the Authorized Non-stormwater requirement. Fire hydrants use chlorinated water, however de-chlorinated water is now required for their activities. In addition, street sweepers run on chlorinated city water, as does just about every other activity such as dust suppression. 2. Vehicle rinsing has been removed in the May 2021 draft CGP v. existing CGP. It is common practice to move grading equipment from site to site, using washing with water to remove the dirt and rocks that will fly off on roadways during transport. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove "De-chlorinated" from d. 2. Add "Water used to wash vehicles and equipment provided that there is no discharge of soaps, solvents, or detergents." <p>Response:</p> <p>Revisions were not made to the permit in response to this comment. There are many ways to dechlorinate hydrant water prior to flushing. Chlorinated water is harmful to aquatic life and should not be discharged without any protective measures in place.</p>
39.040	<p>Comment Category: General – Electronic Certification Statement</p> <p>Comment Summary:</p> <p>typo in "I certify under penalty of law..."</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<p>Fix typo in statement</p> <p>Response:</p> <p>The typographic error in Order Section VI.H.3. has been corrected.</p>
39.041	<p>Comment Category: General - Upset</p> <p>Comment Summary:</p> <p>Commenter states: Excluding a large storm event, wind event, or other natural weather related force of nature defeats the entire purpose of the upset clause. Use definition set forth in 40 CFR 122.1 "conditions applicable to all permits" item (n)</p> <p>Requested Change:</p> <p>Remove: "An upset event does not include a large storm event, wind event, or other natural weather related force of nature."</p> <p>Response:</p> <p>Revisions were not made to the permit in response to this comment. This sentence distinguishes large weather events that are reasonably expected from "exceptional" incidents that are "beyond the reasonable control of the discharger" and therefore was not removed.</p>
39.042	<p>Comment Category: General – Inspection and Entry</p> <p>Comment Summary:</p> <p>add language "at a reasonable time during business hours,"</p> <p>Requested Change:</p> <p>add language "at a reasonable time during business hours,"</p> <p>Response:</p> <p>Revisions were not made to the permit in response to this comment. An inspection would generally only occur during business hours, but an inspection may be necessary outside of business hours to avoid interference with business operations.</p>
39.215	<p>Comment Category: General -</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>Replace "Qualified SWPPP Practitioner" with "QSP"</p> <p>Requested Change:</p> <p>Replace "Qualified SWPPP Practitioner" with "QSP"</p> <p>Response:</p> <p>Revisions were not made to the permit in response to this comment. The acronym is spelled out to increase clarity.</p>
40.03	<p>Comment Category: General</p> <p>Comment Summary:</p> <p>We are also concerned that the permit proposal opens the door to new “bounty hunter lawsuits,” where unscrupulous lawyers know that the threat of filing a lawsuit is enough to get someone to pay up to make it go away. Developers and construction companies bear the burden of proving compliance, thus further disincentivizing future projects.</p> <p>Response:</p> <p>Citizen suits are authorized by the Clean Water Act, 33 U.S.C. § 1365.</p>
47.01	<p>Comment Category: General</p> <p>Comment Summary:</p> <p>As to the Draft Permit released for public comment in June, LADWP appreciates the organization of the permit which allows for efficient navigation of the requirements within the order and attachments. We also appreciate the clarification of the definition of a common plan of development or sale which provides clearer guidance on what types of projects may be subject under that classification. We support the revised definition of the Legally Responsible Person that accounts for the different types of agencies and organizations that will be applying for permit coverage. We also support the removal of the Rain Event Action Plan (REAP), which will save time and resources that can be redirected toward other permit requirements.</p> <p>Response:</p> <p>Comment noted</p>
50.03	<p>Comment Category: General – Soil loss</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary:</p> <p>Attachment H: Linear sediment barrier RUSLE2 modeling issue which shows increases in soil loss numbers when breaking up slope length. Soil loss is more in the case with fiber rolls vs. without fiber rolls (see pdf for images)</p> <p>Response:</p> <p>Revisions were not made to the permit in response to this comment. Staff is unclear what the requested revision would be. It is possible that this comment is a complaint about the Revised Universal Soil Loss Equation 2 (RUSLE2) model itself.</p>
52.01	<p>Comment Category: General – 70 percent vegetative cover method</p> <p>Comment Summary:</p> <p>The proposed CGP indicates that vegetative cover must be used for 70% cover method and that any use of any custom method must be approved by the Regional Water Board. The CGP needs to facilitate and not place additional hurdles for drought-conscious methods of soil stabilization. This is especially important in our increasingly dry County. The most common forms of final stabilization include a combination of temporary erosion controls and vegetation, or a combination of vegetation and mulch, and in some cases where vegetation is not appropriate, non-vegetative (rock) mulch is used. Additionally, the County commonly employs rock slope protection for areas near channels and bridges to provide post construction erosion control. All these practices provide for an erosion resistant soil cover equivalent to vegetation and provide for timely stabilization of the project immediately following the completion of construction. Native vegetation, which the CGP encourages, typically requires longer periods for the vegetation to reach its mature density. The use of temporary and supplemental erosion controls with native vegetation allows projects to achieve the 70% coverage within a reasonable following the completion of construction. The use of vegetative (wood) and non-vegetative rock mulch allows for the aesthetic stabilization of landscapes where it would be wasteful to irrigate, inappropriate to grow vegetation (e.g., soil underneath bridges), or inappropriate to place combustible materials.</p> <p>Requested Change:</p> <p>Recommendation: The County requests that Provision III.H.5.a be revised to all for the use of other forms of effective stabilization that do not require project by project approval by the Regional Water Board.</p>

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	<p>Response:</p> <p>Revisions were not made in response to this comment. Section III.H.6.a. in the 70 percent final cover method specifies that "[i]n areas that naturally have low vegetative coverage (e.g., deserts), 70 percent of natural conditions is acceptable."</p>
53.03	<p>Comment Category: General – Total Maximum Daily Loads</p> <p>Comment Summary:</p> <p>The Clean Water Act requires the development of Total Maximum Daily Loads (TMDLs) for impaired waters on the section 303(d) list to calculate and identify the maximum discharge allowable of a pollutant to achieve water quality standards. TMDLs and associated waste load allocations are a bedrock component of the Clean Water Act, and backstop to ensure that the goals of the Act can be achieved. Incorporation of TMDLs, and their associated NELs where applicable, is necessary to meet the overarching obligations of the Clean Water Act and prevent the chronic degradation of our state’s waters.</p> <p>Timely implementation and compliance with TMDLs and associated waste load allocations are needed to address ongoing impairments – and the statewide Construction General Permit is one tool to achieve much-needed water quality improvements and ensure swimmable, fishable, drinkable water for every California community.</p> <p>Response:</p> <p>The total daily maximum load (TMDL)-specific requirements set forth in Attachment H are consistent with the assumptions and requirements of available waste load allocations (WLA) in U.S. Environmental Protection Agency (EPA)-approved TMDLs as required by 40 Code of Federal Regulations, section 122.44(d)(1)(vii)..</p>
54.01	<p>Comment Category: General – Demolition of Existing Structures</p> <p>Comment Summary:</p> <p>Based on this above information, the following language should be added to the end of each section found in Attachment C.I.H.1, Attachment D.I.I.1, and Attachment E I.I.1: “Performing assessments of the building materials by properly trained technicians prior to demolition activities, and then remediating any found contaminants prior to demolition, will satisfy compliance with this requirement and not require covering of materials or sampling material exposed discharges.”</p> <p>Additionally, the text of the sections should be amended (add the blue text) as follows: Risk</p>

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	<p>Level....dischargers that are unable to cover demolished material, that were not previously assessed or found to be absent of applicable reportable quantities, shall sample...</p> <p>Requested Change: Change text.</p> <p>Response: Revisions to Attachments D and E Section II.I.1. have been made to read: “Demolition materials should be covered with an impermeable barrier such as, but not limited to, plastic sheeting prior to precipitation to prevent known contaminants from being mobilized. Dischargers unable to cover demolished material that were not previously investigated or found to be absent of applicable pollutants in reportable quantities shall sample for any non-visible pollutants that may be in stormwater discharges such as, but not limited to, asbestos, leaded paint, or PCBs.”</p>
54.02	<p>Comment Category: General – Recertification of Permit Coverage and new Permit Registration Documents</p> <p>Comment Summary: The following language change to the Order in III.C.2 is suggested: “Dischargers with previous permit coverage shall re-certify and submit updated PRDs for coverage under this General Permit through SMARTS by the effective date, in accordance with the requirements of this General Permit. [Add: “New PRDs will be prepared from the effective date of this Permit through anticipated Termination.] Dischargers with the previous permit’s Small Construction Rainfall Erosivity Waiver may continue to operate under a project’s active Waiver until it expires. Waivers granted under the previous permit cannot be modified or extended.</p> <p>Requested Change: Add text.</p> <p>Response: Order Section III.C. has been revised to allow dischargers with coverage under the previous permit to continue coverage until three years after the effective date of this permit. The language also permits dischargers with waivers to continue until the waiver expires.</p>
67.01	<p>Comment Category: General</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary: The commenter submitted a number of reference documents.</p> <p>Response: All reference documents were reviewed and considered.</p>
<p>8.12, 15.70, 33.90, 39.021, 39.024, 39.033, 39.034, 39.039, 75.24</p>	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Commenter request to define the following</p> <p>Requested Change:</p> <p>Define:</p> <ul style="list-style-type: none"> • • Applicable Water Quality Objective • Appropriate or Fitted Containment (Fuel-Spills) • Breach (BMPs) • Cause or Contribute to the exceedance of an Applicable Water Quality Objective • Containment Methods (Landscape + Construction Materials - Washout) • Construction Site Professional • Damage (BMPs) • Downgradient • Erodible Landscape Material • Excessive Site Problems • Failure/ Failed (BMPs) • High Risk Construction Activity <p>Response:</p> <p>Many of the identified terms do not need to be defined because their meaning is clear from the context of the permit where they are used, ordinary usage of the word, and the dictionary definitions.</p> <p>The following terms have been added to the Glossary:</p> <ul style="list-style-type: none"> • Hydraulically Downgradient • Non-Structural Controls
<p>19.01</p>	<p>Comment Category: Glossary/Definitions</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary:</p> <p>The proposed revision to the definition of routine maintenance appears to conflict with direction the City has received from the San Diego Water Board regarding the definition of routine maintenance for certain types of damaged pavement replacement projects. Based on discussions with San Diego Water Board staff, our understanding is that San Diego Water Board and State Board staff do not disagree on the definition of routine maintenance, and the potential conflict is not intended. It appears to be due to minor differences in wording and definitions.</p> <p>Requested Change:</p> <p>The City recommends that the definition of routine maintenance included in the current CGP be retained for simplicity:</p> <p>"Activities intended to maintain the original line and grade, hydraulic capacity, or original purpose of a facility."</p> <p>Response:</p> <p>This language has been retained. Road maintenance may qualify as routine maintenance except when the underlying soil or erodible subgrade is exposed.</p>
56.03, 33.86	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Define "ancillary structures" in the glossary for Linear Underground and Overhead Projects</p> <p>Requested Change:</p> <p>Define "ancillary structures" in the glossary for Linear Underground and Overhead Projects. Commenter suggest replacing "that provides" with "whose sole purpose is to provide"</p> <p>Response:</p> <p>"Ancillary Areas" is defined in the Glossary.</p>
23.02	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Definition of 'demolition' in this section should apply only to demolition where there is soil disturbing activity, such as a building and its associated foundation being demolished. However, there is often</p>

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	<p>demolition when a building is demolished but the foundation remains so there is no soil-disturbing activity.</p> <p>Requested Change: Revise language to state, “Construction activity includes, but is not limited to, clearing, demolition where soil disturbing activity occurs, grading, excavation, and other land disturbance activities.</p> <p>Response: Section II.A.1. will state: “Construction activity that includes, but is not limited to, clearing, demolition, grading, excavation, stockpiling, and reconstruction of existing facilities involving removal and replacement of structures that exposes soil;”</p>
23.03, 23.04, 23.39	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: The term 'clearing' isn't defined in Appendix 2. Please confirm that clearing includes soil-disturbing activity (such as removing roots), not just trimming down vegetation (ie 'weed whacking' or the 'hair cut' method). Request defining the terms 'grubbing'</p> <p>Requested Change: Adding a definition for the term 'clearing.' Request defining the terms 'grubbing'</p> <p>Response: Consistent with 40 CFR 122.26(b)(14)(x) and as set forth in Section II.A., only activities that result in land disturbance are covered by this permit. Where vegetation management does not include any soil disturbances, the activities are not covered by this permit. The terms clearing and grubbing are interpreted consistently with the terms as used in the federal regulations.</p>
23.06	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Approved Signatories are not further defined in Appendix 2.</p> <p>Requested Change: Adding a definition for the term 'Approved Signatories.'</p> <p>Response:</p>

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Comment ID	Comment Summary and Response
	<p>Replaced “Approved Signatory” with “Duly Authorized Representative” through entire permit. The definition of Duly Authorized Representative (DAR) is in the Glossary.</p>
23.07	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Suggest rewording to remove the confusion between the discharger’s organization versus the individual within the discharger’s organization that can be the LRP versus the individual within the company that can serve as a signatory on behalf of the LRP.</p> <p>Requested Change:</p> <p>This should say 'A 'discharger' is the entity subject to this General Permit. The Legally Responsible Person(s) is assigned within the discharger's organization to serve as the individual responsible to sign, certify and submit documents or information for this General Permit.'</p> <p>Response:</p> <p>Concur with slight revision. This would avoid confusion between the Legally Responsible Person (LRP) and Duly Approved Signatory (DAS). Section I.3. of the Order now states: “A “discharger” is the entity subject to this General Permit and designates the Legally Responsible Person(s) to serve as a primary signatory when required to sign, certify, and submit documents or information for this General Permit.”</p>
23.22	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Define Disturbed Area and Project Area</p> <p>Requested Change:</p> <p>Recommend this language be revised to be consistent throughout the Permit and NOI form on SMARTS. The NOI form uses the terms ‘disturbed area’ and ‘project area’. If these terms are being kept on the NOI form, add them to Appendix 2 in the Glossary as there are costs associated with ambiguous language that is interpreted differently by different regulators, dischargers and QSDs.</p> <p>Response:</p> <p>Terms “Property Boundary”, “Project Area”, “Site” are defined in the glossary. Site will be the disturbed area. Project area refers to the entirety of the project, including activities that do not disturb land and sites. Property Boundary is the entire boundary that includes project area and sites.</p>

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23.29	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Inactive site is not defined in Appendix 2.</p> <p>Requested Change: Please add definition</p> <p>Response: Inactive site was changed to “inactive project,” and is defined in Glossary.</p>
23.30	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Recommend providing a time frame to receive approval (Discharger continuing construction activities after being inactive) and to specify what documents are required to resume construction.</p> <p>Requested Change: Define time frame and what documents are required to resume construction.</p> <p>Response: Time frame will vary as the change of information (COI) to resume construction activities is approved by the applicable Regional Board.</p> <p>Dischargers wishing to resume construction activities or the use of passive treatment technology, active treatment systems, and/or active equipment shall submit a Change of Information through Stormwater Multiple applications and Report Tracking System (SMARTS) to amend the Storm Water Pollution Prevention Plan (SWPPP). Upon Regional Water Board approval of the Change of Information, the discharger will be required to comply with all applicable requirements of this General Permit to resume construction activities at the site. The amount of time for the applicable Regional Water Board to approve the Change of Information will vary depending on the scope and complexity of the change.</p>
23.38	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Define the term ‘amendment’ in Appendix 2 – Glossary.</p>

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Comment ID	Comment Summary and Response
	<p>Requested Change: Define the term 'amendment' in Appendix 2 – Glossary.</p> <p>Response: The requested change was not made in response to the comment, as the term “amendment” is a dictionary definition.</p>
23.70	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Request this definition be revised to remove the word “vegetative” to the following: "70 percent final cover refers to 70 percent of the pre-project cover. Coverage is defined as any means of permanent erosion control that can be in that condition for at least 3 years (such as mulch, vegetation, DG, gravel)." Note that a Long-Term Maintenance Plan is required as part of Section II.D for the long term maintenance of these measures.</p> <p>Requested Change: Request this definition be revised to remove the word “vegetative”</p> <p>Response: The definition has been revised in response to this comment.</p>
23.71	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Regarding Daily average definition. Insert the word 'stormwater' before the word 'pollutant' in the first sentence in App 2</p> <p>Requested Change: Insert the word 'stormwater' before the word 'pollutant' in the first sentence in App 2</p> <p>Response: The revised definition of Daily Average Discharge states, “The discharges of pollutants in stormwater runoff measured during any 24-hour period that reasonably represents a calendar day for purposes of sampling.”</p>
23.72	<p>Comment Category: Glossary/Definitions</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary: Comment regarding “Demolition and Pre-development Site Preparation” definition in the Glossary</p> <p>Requested Change: Re-word 'pre-development.' This implies that CGP coverage should have been obtained before the project started. Consider 'Initial Grading' or 'Initial Soil Disturbing' Phase.</p> <p>Response: Pre-development site preparation that is part of a project that disturbs one or more acre of land is subject to Construction Stormwater General Permit coverage.</p>
23.73	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding “Dewatering” definition. Hydrostatic line flushing is a very common type of dewatering discharge where potable water is flushed through water lines and pumped into the storm drain. There is usually no commingling with storm water on the construction site (so no sediment is encountered).</p> <p>Requested Change: Recommend adding “Construction” to the beginning of the last sentence or delete the whole sentence. (App 2)</p> <p>Response: See Order Section IV.A.2. for hydrostatic line flushing requirements.</p>
23.74	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Use consistent language when referring to the 'project boundary' throughout the Permit and SMARTS.</p> <p>Requested Change: Use consistent language when referring to the 'project boundary' throughout the Permit and SMARTS.</p> <p>Response: Terms “Property Boundary”, “Project Area”, “Site” are defined in the glossary. Site will be the disturbed area. Project area refers to the entirety of the project, including activities that do not disturb land and sites. Property Boundary is the entire boundary that includes project area and sites.</p>

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Comment ID	Comment Summary and Response
23.75	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: The use of the word 'superintendent' is going to cause a lot of confusion, because this is most commonly an individual from the contractor, who is not able to be the DAR.</p> <p>Requested Change: Last sentence - recommend adding '... and must be from the same company as the LRP.'</p> <p>Response: This definition uses the same language as 40 CFR 122.22(b)(2). To be eligible to be a duly authorized representative, a person or position must satisfy all of the conditions set forth in the definition. Eligibility is not determined by job title alone.</p>
23.76	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding Effluent definition in Appendix 2.</p> <p>Requested Change: Reword 'project boundary' to be consistent throughout the entire Permit and SMARTS.</p> <p>Response: Do not concur. Definition of Effluent states "property boundary." Discharger is responsible for effluent leaving property boundary.</p>
23.77	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Commenter recommends being consistent with CASQA naming convention for erosion control materials. For example, instead of 'protective blankets' use 'rolled erosion control product.' This is very often misconstrued for sediment control BMPs.</p> <p>Requested Change: Recommend inserting a sentence that this does not include sediment control (fiber roll, gravel bags, etc). Add 'within the entire SWPPP/WDID'</p> <p>Response:</p>

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Comment ID	Comment Summary and Response
	<p>The term “rolled erosion control product” was added to the definition of Erosion Control best management practices (BMPs).</p>
23.78	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Commenter recommends rewording reference to geotextiles in “Final Stabilization” definition.</p> <p>Requested Change: Replace the word 'geotextiles,' in the definition of “Final Stabilization” reword to say 'permanent, not temporary erosion control blankets.'</p> <p>Response: “Geotextiles” are listed as an example of “permanent stabilization measures.” It is not necessary to repeat that the erosion control blankets need to be permanent.</p>
23.79	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Commenter recommends clarification to definition of “Non-Visible Pollutants”</p> <p>Requested Change: Recommend inserting clarification that this does not include sediment which is a visible pollutant.</p> <p>Response: Sediment is a visible pollutant, and accordingly is excluded from the definition of “Non-Visible Pollutants.”</p>
23.80	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding “Permanent Control Measures” in the glossary. Inconsistent definition to final stabilization.</p> <p>Requested Change: Please be consistent</p> <p>Response: The definition of 70 percent cover was updated to ensure consistency.</p>

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Comment ID	Comment Summary and Response
23.81	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Inconsistent terminology used throughout the Permit between 'revise' and 'amend.' Please define both, or just use one.</p> <p>Requested Change: Commenter recommends defining both or being consistent with one</p> <p>Response: Both “revise” and “amend” effectively have the same meaning but one may be more appropriate than the other in certain contexts.</p>
23.82	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: The 'annual compliance evaluation' term appears to be an IGP term, not CGP.</p> <p>Requested Change: Request removing this language.</p> <p>Response: The reference to “annual compliance evaluation” was removed from Qualified SWPPP Practitioner (QSP) definition in the Glossary.</p>
23.83	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding the definition “Responsible Discharger.” Construction sites shouldn't be held accountable for upstream impairments in the same watershed.</p> <p>Requested Change: Recommend removing the words 'and watershed.'</p> <p>Response: Dischargers are not responsible for upstream impairment.</p>
24.08	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>Commenters suggest defining Preliminary Schedule of Activities or delete.</p> <p>Requested Change: Please define Preliminary Schedule of Activities or delete.</p> <p>Response: Section IV.O.2.b. of the order states examples of scheduled sequences of major activities.</p>
24.21	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding Active Areas of Construction</p> <p>Requested Change: Recommended revising language to state: "All previously active areas are still considered active areas (unless temporarily defined as inactive areas) until final stabilization is complete."</p> <p>Response: Active Areas of Construction was revised to add "(unless temporarily defined as inactive areas)" to the definition.</p>
24.22	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding Active Treatment System (ATS)</p> <p>Requested Change: Recommended revising language to state: "A treatment system of a water column that employs chemical coagulation, chemical flocculation, or electrocoagulation to aid in the reduction of turbidity..."</p> <p>Response: No change in the definition was made because the addition of water column can cause confusion.</p>
24.23	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding Coagulation</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<p>Recommended revising language to state: "Substances which promote the clumping of particles within a water column"</p> <p>Response: No change in the definition was made because the addition of water column can cause confusion.</p>
24.24	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding Flocculants</p> <p>Requested Change: Recommended revising language to state: "The clumping of particles within a water column discharge to settle out impurities..."</p> <p>Response: No change in the definition was made because the addition of water column can cause confusion.</p>
24.25	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Inactive Areas of Construction</p> <p>Requested Change: Please define "Inactive Areas of Construction"</p> <p>Response: "Inactive site," which was changed to "inactive project", is defined in the Glossary.</p>
24.26, 24.80	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Passive Treatment: From Wikipedia: A passive treatment system is a method for removing metals from acid mine drainage (treating the water column as it drains from the site). There are several types of passive treatment systems, each of which may be used on their own or in combination to treat effluents. As opposed to a binder or binding agent is any material or substance that holds or draws other materials together to form a cohesive whole mechanically, chemically, by adhesion or cohesion. Thus a soil binder will bind soil particles together which has nothing to do with the water or treatment thereof which flows atop of the soil. Many studies have been completed on various soil binders</p>

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Comment ID	Comment Summary and Response
	<p>Requested Change: Commenter suggest review the data and remove spray tackifiers from the definition of passive treatment systems. Revise definition.</p> <p>Response: The definition of passive treatment is consistent in Order, Glossary, and Attachment G. The part of the definition referring to pumps used for dosing and application, which is considered “active,” was removed. Spray tackifiers will remain in the definition as it is listed as an example of passive treatment.</p>
24.27	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: “Perimeter Control BMPs”</p> <p>Requested Change: Please define "Perimeter Control BMPs"</p> <p>Response: Perimeter control best management practices (BMPs) may include installing silt fences or placing straw wattles below slopes. Perimeter control BMPs are not defined in the permit because the examples are not an exhaustive list of BMPs that may be appropriate and new technology may be developed.</p>
28.14	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Clarification on terms: “waters of the state”, “other watercourse”, “sensitive habitats”, and “native vegetation.”</p> <p>Requested Change: DOE requests clarification on terms within the new CGP that are currently undefined, including “waters of the state”, “other watercourse”, “sensitive habitats”, and “native vegetation.” In addition, DOE recommends that the Board provide clarification on watercourses that may not fall under State or federal jurisdictional such as agricultural ditches and canals.</p> <p>Response:</p>

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Comment ID	Comment Summary and Response
	<p>“Waters of the state” are defined in Water Code, section 13050(e). The term “waters of the United States” is defined by federal regulations. The references to sensitive habitats and watercourses in Order Section IV.O. have been deleted. The references to “native” vegetation in Attachments D and E have also been deleted.</p>
29.01	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Project BMP Maintenance:</p> <p>(Issue) In order to be ready for rain events, permitted sites must keep their BMP's in good working condition. Due to the nature of construction temporarily, BMP's are frequently damaged throughout the entire build cycle of a project. Waiting until a predicted storm to identify and fix all the BMP maintenance issues on any site will result in non-compliance as materials will not be available, and the contractors will not have sufficient time to complete the maintenance and repairs.</p> <p>Requested Change:</p> <p>(Solution) Weekly inspections bring BMP maintenance issues to the attention of the contractor's superintendents. This model will ensure that BMPs are purchased, and laborers are deployed in time to ensure compliance.</p> <p>Response:</p> <p>The permit was revised. Weekly inspections are required for projects of all risk levels. See Visual Inspections Requirements in Section III.L.1. of Attachment D.</p>
33.85	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Active Areas of Construction: To be consistent with the Appendices</p> <p>Requested Change:</p> <p>Commenter suggested the following language:</p> <p>"Active areas of construction are areas undergoing land surface disturbance and associated site areas included in the SWPPP. This includes construction activity during the preliminary phase, mass grading phase, streets and utilities phase, and vertical construction phase."</p>

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Comment ID	Comment Summary and Response
	<p>Response: Active Areas of Construction is defined in the Glossary.</p>
33.87	<p>Comment Category: Glossary/Definitions Comment Summary: Forecasted Precipitation Event: To be consistent with the Appendices Requested Change: Commenter suggested the following language, Add 0.5 inches of precipitation "in a 24-hour period" Response: The definition has been revised.</p>
33.88	<p>Comment Category: Glossary/Definitions Comment Summary: Numeric Action Level (NAL) Exceedance: To be consistent with other definitions Requested Change: Commenter suggested the following language, Add An NAL exceedance occurs when the "Daily Average Discharge of an" analytical result for "samples taken during each day of a qualifying precipitation event", delete "three samples taken during each day of a qualifying precipitation event at any sample and/or discharge location," Response: The definition was not revised in response to this comment. The definition more closely mirrors the sampling required by the permit. There will not be a daily average discharge for all constituents.</p>
33.89	<p>Comment Category: Glossary/Definitions Comment Summary: Routine Maintenance Requested Change: Commenter suggests the following language: Add for road and highway projects as the replacement of the structural section, but not when the activity exposes the underlying soil or pervious subgrade. The road surface and base are not part of the subgrade. As such, those portions of a project that</p>

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Comment ID	Comment Summary and Response
	<p>remove the road surface and base down to the pervious subgrade and/or underlying soil would not be considered routine maintenance</p> <p>Response:</p> <p>Further information regarding "Routine Maintenance" definition was added to the Glossary. Please also see Order Section II.B.1. for more information regarding Routine Maintenance.</p>
39.043	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Commenter suggests replacing NEL with NAL for Water Quality Based Corrective Actions</p> <p>Requested Change:</p> <p>Replace "numeric effluent limitation" with "numeric action levels"</p> <p>Response:</p> <p>The permit was not revised in response to this comment. Water Quality Based Corrective Actions do not apply to numeric action levels. See Order Section VI.Q.1.</p>
39.237	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Commenter request adding language to Numeric Effluent Limitation (NEL) definition</p> <p>Requested Change:</p> <p>In the Numeric Effluent Limitation definition, add "ATS" in between "...established for" and "discharges covered..."</p> <p>Response:</p> <p>The definition was not revised because numeric effluent limitations (NELs) are not limited to active treatment systems (ATS) in the permit.</p>
43.02	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Glossary indicates 70% of pre-project vegetative cover and Order indicates 70% of non-paved and non-built areas.</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<p>Suggests discrepancy between Glossary definition of 70% cover and the definition in the Order.</p> <p>Response: The definition was revised to be consistent.</p>
43.15	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding the glossary</p> <p>Requested Change: 'Demolition and Pre-development Site Preparation should not include 'rough grading', which typically is in Grading and Land Development phase</p> <p>Response: "Rough grading" can be associated with Site Preparation as well as Grading and Land Development.</p>
43.16	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding "Discharger" in the glossary</p> <p>Requested Change: Multiple eligible dischargers for a project may not be able to agree on a single discharger to represent them. Asks if the entity chosen responsible for another entity violating a water quality standard.</p> <p>Response: Correct, the Discharger is responsible for any surface runoff leaving the property boundary.</p>
43.17	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: The Landscaping and Site Stabilization Phase is not in the definitions even though it is mentioned on page 1 of the Glossary and it seems to have been replaced by 'Final Stabilization' in the definitions.</p> <p>Requested Change: Include Landscaping and Site Stabilization Phase in the definitions</p> <p>Response:</p>

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Comment ID	Comment Summary and Response
	<p>The Final Landscaping and Site Stabilization Phase includes the activities necessary to achieve Final Stabilization, including the implementation of best management practices (BMPs) to prevent soil erosion like cover of exposed soils.</p>
49.11	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>The term “Qualifying precipitation event,” is not defined in Appendix 2, Glossary. Clarification or explanation would be appreciated.</p> <p>Requested Change:</p> <p>Commenter request clarification or explanation</p> <p>Response:</p> <p>“Qualifying Precipitation Event” (QPE) is defined in Glossary.</p>
50.04	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Since the term “Non-contiguous” is not defined in the glossary</p> <p>Requested Change:</p> <p>Commenter recommends 1) that it be included in the glossary and 2) that the California CGP explicitly state in the CGP that non-contiguous projects are not subject to the CGP, similar to or exactly what the EPA CGP states. This will allow multiple-location culvert projects all over the Caltrans District 1 area to be managed under our Water Pollution Control Program (WPCP) instead of a SWPPP so long as they are non-contiguous. These multiple-location culvert jobs have multiple culverts in them as a cost-saving measure to minimize the number of contracts needed to complete work all over the 4 counties in District 1; most culverts take less than 8-hours at each location to complete and the next culvert on the list is then mobilized to. Having a non-contiguous definition in the CGP would allow us to open and close these projects very easily so we are not waiting for months, as we are now, on CGP SWPPP NOT. As it the draft CGP reads now, this is not explicitly stated but there is some language regarding contiguous areas that is confusing and is up for interpretation.</p> <p>Response:</p> <p>Please see definition for Common Plan of Development or Sale in the Glossary. Contiguous is used in the definition of Common Plan of Development or Sale. The permit’s interpretation of Common</p>

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Comment ID	Comment Summary and Response
	Plan of Development or Sale is consistent with U.S. Environmental Protection Agency's (EPA) interpretation of the term.
50.05	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: NONA and Secondary Containment is not included in the glossary</p> <p>Requested Change: Include secondary containment and NONA in the glossary</p> <p>Response: The requirements for a Notice of Non-Applicability (NONA) are set forth in Order Section II.E.</p>
56.10	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Order III.B.4 notes that LCANs are individual "projects". However, Order III.F.3 uses the term LUP "site". Given that a LUP project covered under an LCAN may consist of multiple non-contiguous disturbance locations, confirm that it is the intent of Order III.F.3 that the LCAN may be applied to individual locations or sites that may comprise one of the LUP projects covered through the LCAN. We also request consistency in nomenclature when it comes to projects and sites.</p> <p>Requested Change: Recommend the use of project/site.</p> <p>Response: Each Linear Construction Activity Notifications (LCANs) are for one "site." A linear underground/overhead project (LUP) will be considered a project which can have multiple sites. One LCAN per site which details each specific site.</p>
23.05, 75.19	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding "Common Plan of Development" in the glossary (App 2)</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<p>Please consider adding “campus master plans” to the list of planning documents that do not necessarily constitute a common plan of development. Some local agencies have considered hospital and school campus master plans – which nearly every school and hospital has – to constitute a “common plan of development”, with the result that each small building project in a campus environment is required by those agencies to prepare a SWPPP, even though they are small, discontinuous projects separated over time.</p> <p>Response:</p> <p>This permit’s interpretation of common plan of development is consistent with U.S. Environmental Protection Agency’s (EPA) interpretation. Whether a campus master plan constitutes a common plan of development depends on the specific contents of that plan. It is not clear whether campus master plans are sufficiently standardized to categorically determine whether they are a common plan of development. Being on a different schedule does not preclude the determination that projects are part of a common plan of development.</p>
75.20	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary:</p> <p>Comment regarding “Direct Discharge” in the glossary (App 2). The provided definition is self-referential and therefore unclear.</p> <p>Requested Change:</p> <p>Please provide a better definition and add a definition for “Indirect Discharge” so the difference between “direct” and “indirect” discharges may be understood. We have found the following various definitions/uses of Direct and Indirect Discharges. Please clarify:</p> <ul style="list-style-type: none"> • The definition of “Responsible Discharger” in the Draft CGP includes the clause “either directly or through a municipal separate sewer system (MS4)”. • The 99-DWQ provided this definition: “Indirect discharges include discharges that may flow overland across adjacent properties or rights-of-way prior to discharging into waters of the United States.” • Other sources (e.g., the EPA) define “indirect discharge” as a discharge via a combined sewer system. <p>Response:</p> <p>Direct Discharge removed from Glossary.</p>

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Comment ID	Comment Summary and Response
75.21	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding “Sediment Sensitive Watershed” in the glossary (App 2).</p> <p>Requested Change: Please add a definition for “Sediment Sensitive Watershed”.</p> <p>Response: Definition has been added to the Glossary. Sensitive Watershed is a watershed draining into a receiving water body listed on the State Water Board’s approved CWA 303(d) list for sedimentation/siltation, turbidity, or a water body designated with beneficial uses of COLD, SPAWN, and MIGRATORY.</p>
75.22	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding “QSD” in the Glossary.</p> <p>Requested Change: Definition should be updated to reflect the expanded construction-phase responsibilities outlined in the Draft Permit. Definition has not been updated from the 2009 CGP.</p> <p>Response: The definition of “QSD” has been revised. <u>Qualified SWPPP Developer (QSD)</u>- A qualified stormwater professional authorized by the discharger to develop and revise SWPPPs.</p>
75.23	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding “QSP” in the Glossary.</p> <p>Requested Change: Definition should be updated to reflect sharing of responsibilities with QSD during construction. Definition has not been updated from the 2009 CGP.</p> <p>Response:</p>

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Comment ID	Comment Summary and Response
	<p>The definition of “QSP” has been revised. Qualified SWPPP Practitioner (QSP)- A qualified stormwater professional to conduct non-stormwater and stormwater visual observations, sampling, and implementation of all elements of the SWPPP.</p>
23.29	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Inactive sites</p> <p>Requested Change: “Inactive Site” will be changed to “Inactive Project”</p> <p>Response: The term “Inactive site” was changed to “Inactive Project” in the Glossary.</p>
34.01	<p>Comment Category: Glossary/Definitions</p> <p>Comment Summary: Comment regarding the Numeric Effluent Limitation Exceedance definition.</p> <p>Requested Change: Remove "An NEL exceedance occurs when two or more analytical results for samples taken at each drainage area within the same reporting year exceeds an applicable NEL."</p> <p>Response: The definition has been revised to differentiate between active treatment system (ATS) numeric effluent limitations (NELs) and total daily maximum load (TMDL)-related NELs, but the sentence was not deleted.</p>
7.10, 75.17, 75.18	<p>Comment Category: Inactive Sites – Changes to Required Inspections</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter is pleased by the draft allowing reduced inspections while sites are inactive. Commenter notes that a similar provision would be beneficial for sites where final BMPs are installed, and permit coverage remains active until 70% vegetative growth is established 2. Allow for QSDs to use best professional judgement in determining if inspections are needed for an inactive site. Identifies a suspended project that is inactive with vegetative cover as an example. 3. Commenter notes that post-rain event inspections are more useful than pre-rain event inspections because it allows for an assessment of the BMPs effectiveness. <p>Requested Change:</p>

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	<ol style="list-style-type: none"> 1. Allow for reduced inspections at sites where final BMPs are installed, and permit coverage applies until 70% vegetative growth is established. 2. Allow for QSDs to use best professional judgement in determining if monthly and pre-rain inspections are needed for inactive sites. 3. Consider allowing the QSD to specify the proposed inspection schedule in an inactive site COI, for approval by the Regional Water Board, so the QSD can tailor inspections to the specific inactive site conditions. <p>Response:</p> <p>If a discharger has a project where Notice of Termination (NOT) approval is pending wants to reduce their monitoring requirements, the discharger can pursue inactive project status through a Change of Information (COI). The other requested changes were not made because visual inspections are necessary for every qualifying precipitation event because inactive projects still have construction materials exposed to stormwater.</p>
33.14, 33.15	<p>Comment Category: Inactive Sites – Language Alterations</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter Identifies purpose of Order Section III.G.2 2. Suggests language change to Order Section III.G.3 <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Change language in Order Section III.G.2 such that required action by the Regional Water Board is only needed if the change of status (active->inactive) is not accepted. 1. Recommends reducing QSD/QSP responsibilities in this section to preserve human resources. 2. Delete “Regional Water Board approval” and “to resume construction activities at the site.” <p>Response:</p> <p>Affirmative approval of the Change of Information (COI) by the Regional Water Board is necessary to ensure that the Storm Water Pollution Prevention Plan (SWPPP) was properly revised to reflect that the project is inactive. Similarly, approval is necessary before construction resumes so that the Regional Water Board can confirm that the SWPPP was properly revised prior to the resumption of land disturbing activities.</p>
43.01	<p>Comment Category: Inactive Sites – Considerations for Snow-Induced Winter Closures</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter requests a note in the order or glossary <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Note somewhere in the Order or glossary that some sites have a winter closure due to being buried in snow and must wait until the spring melt to restart <p>Response:</p> <p>Order Section III.G.2.c. was revised to provide “snow accumulation” as an example of conditions in which access to an inactive site is infeasible for inspection.</p>
75.15, 75.16	<p>Comment Category: Inactive Sites – Approval Timeline for Change Of Information</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter identifies the purpose of Order Section III.G.1 2. Commenter identifies the purpose of Order Section III.G.3. Commenter notes that lack of automatic approval will likely result in schedule delays and that specific approval is unnecessary because the SWPPP already contains all the requirements and information needed for active construction. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Consider providing automatic approval if the COI is not processed by the Regional Board within 14 calendar days 2. Consider deleting G.3 or specifying an automatic approval if the COI is not processed by the Regional Board within 14 days <p>Response:</p> <p>No revisions were made in response to this comment because each change of information is unique to a site and requires review and approval by the Regional Water Board. Changes of information (COIs) can be complex and require more time to review so a rigid timeframe for approval is not appropriate.</p>
13.36, 23.47	<p>Comment Category: Legally Responsible Person Responsibilities – Legally Responsible Person Reporting Timeframe to Stormwater Multiple Application and Reporting Tracking System</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes that a 14-day turnaround is difficult to accommodate given the QA/QC processes and availability of the LRP within a large organization 2. If amendments are required to be certified by the LRP, then a 30-day period should be allowed for the LRP to upload and certify amendments to SMARTS <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove “SWPPP changes or amendments shall be uploaded through SMARTS within 14 calendar days” from Order Section V.A.2 2. Allow for 30 days for LRPs to upload and certify amendments in SMARTS in Order Section V.D.3.e <p>Response:</p> <p>Order Section V.A.2. was revised to 30 days to provide additional time for Legally Responsible Person (LRP) to review, certify, and submit Storm Water Pollution Prevention Plan (SWPPP) amendments.</p>
13.32	<p>Comment Category: Legally Responsible Person Responsibilities – Transfer of Responsibility From Legally Responsible Person</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes that requiring the LRP to sign the title sheet of the SWPPP is duplicative because the LRP already certifies the PRDs in SMARTS. Notes there is no benefit to water quality from making this a requirement, given the extra effort required to obtain wet signatures in a work-from-home environment. Also identifies burdens with requiring signatures from the QSPs. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove requirements for signatures from LRPs and QSPs from Order Section IV.O.2.k.viii <p>Response:</p> <p>The signature requirement in Order Section IV.O.2.k.viii. has been removed. Certification in Stormwater Multiple Applications and Report Tracking System (SMARTS) by the Legally Responsible Person (LRP) is sufficient.</p>

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Comment ID	Comment Summary and Response
13.12, 56.07	<p>Comment Category: Linear Underground/Overhead Projects – Segments</p> <p>Comment Summary: Order, Section III.B.3 - The draft permit has removed the ability to segment a LUP based on topography, watershed, or jurisdiction.</p> <p>Requested Change: Add a subsection “III.B.3.c.iv ”or other logical permit segments, to be described in the SWPPP.”</p> <p>Response: Order Section III.B.3. was revised to allow linear underground/overhead project (LUP)dischargers to define LUP segments by logical boundaries, so long as the segments are continuous. Corresponding LUP segments that cross Regional Water Board(s) boundaries (e.g., different segments of same LUP located within different Regional Water Board jurisdictions) must file separate permit registration documents (PRDs).</p>
13.13, 15.14, 56.08, 56.09	<p>Comment Category: Linear Underground/Overhead Projects– Programmatic Permitting</p> <p>Comment Summary: The participating utilities appreciate inclusion of a programmatic permitting mechanism. However, exclusion of LUP Type 2 and 3 projects from the program renders the programmatic permitting element unusable by creating two permitting approaches with equal amounts of administrative tasks. The ability to manage all similar linear projects within a Region using one straightforward approach and regardless of LUP type allows the discharger to focus on actions that improve water quality rather than on actions that increase administrative tasks.</p> <p>Additionally, the wording of Order III.B.4.a implies that if a discharger (during the permit term) has projects in more than one Regional Board, they would not be eligible for “area-wide coverage” of its project within each regional board jurisdiction</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove Order Section III.B.4.a.iii. 2. Replace Section III.B.4.a.iii with "Are a group of projects with related similar scopes with common construction activities."

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Comment ID	Comment Summary and Response
	<p>3. Clarify that LUP dischargers are eligible for programmatic permit coverage in different Regional Water Board boundaries</p> <p>Response:</p> <p>Order Section III.B.4. was revised to allow Type 2 and 3 linear underground/overhead projects (LUPs) to be covered under programmatic permitting, use project scope as a basis for programmatic permit coverage, and allow separate programmatic permits for LUPs in multiple Regional Water Board boundaries.</p> <p>Order Section III.B.4.b. was revised to require a common Storm Water Pollution Prevention Plan (SWPPP) covering all the activities common to the projects and a Linear Construction Activity Notification (LCAN) for each site.</p>
13.14, 15.14	<p>Comment Category: Linear Underground/Overhead Projects – Programmatic Permitting</p> <p>Comment Summary:</p> <p>The participating utilities request that programmatic permitting entail the submittal of one area wide SWPPP along with the area wide NOI, and only the submittal of a site-specific information document along with the Linear Construction Activity Notification (LCAN). Much of the contents of a SWPPP for areawide coverage (for example, linear undergrounding projects within a single Region) will be the same. Significant time and effort will be saved by streamlining the contents of the site-specific document to include only the elements that are specific to the new site/project.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Revise Order, Section III.B.4.b.ii, "Site specific document, to include risk determination, description of activities within the new site/project, SWPPP map, site contact, schedule." 2. Revise Section III.B.4.a.ii to "Submit an umbrella SWPPP with the NOI covering all the activities that are common to the projects and submit site-specific information such as risk determination, maps, activity description, etc. with each LCAN." <p>Response:</p> <p>Order Section III.B.4.b. was revised to require a common Storm Water Pollution Prevention Plan (SWPPP) covering all the activities common to the projects and a Linear Construction Activity Notification (LCAN) for each site.</p>

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Comment ID	Comment Summary and Response
	Attachment A.2. (now Attachment E.2.), Section D.1. was revised to clarify what information is required as part of the LCAN.
13.42, 15.40, 39.044, 39.045,	<p>Comment Category: Linear Underground/Overhead Projects</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Two options are given for LUPs, both of which require that all areas be returned to preconstruction conditions or equivalent protection at the end of each day. This is not feasible for all LUPs. Projects that are built outside of a paved roadway may undergo extensive grading; the requirement to protect all disturbed areas to a final stabilization condition each day is beyond any other requirement in this permit. 2. Section 1.b.2 states that projects shall stabilize and re-vegetate existing vegetated areas disturbed by construction activities by the end of the project. The option to utilize non-vegetated methods for stabilization is critical for some locations due to site specific conditions (e.g., fire, drought, etc.) that may cause revegetation to be infeasible. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Attachment A, Section I.a add “where feasible”, Attachment A, Section I.b.1 add “Work within paved areas” 2. “Shall stabilize areas disturbed by construction activities by the end of project. When revegetating disturbed areas, adequate temporary stabilization BMPs will be installed and maintained until vegetation is established to meet minimum cover requirements established in this General Permit for final stabilization.” <p>Response:</p> <p>The requirements these comments refer to were originally intended to define linear underground/overhead project (LUP) Type 1, 2, and 3 sites, but were mistakenly revised to be written as requirements for all LUP dischargers. The requirements were removed as descriptions of LUP Type 1, 2, and 3 sites can be found in Fact Sheet Section R.2.</p>
13.11, 13.29, 15.13, 18.04, 47.08, 56.06, 60.06, 65.01	<p>Comment Category: Linear Underground/Overhead Projects – Post-Construction</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>The current CGP exempts LUPs from post-construction standards “due to the nature of their construction.” The proposed CGP does not include this exemption in the findings or Attachment A, however the exemption from post-construction standards is mentioned in other sections of the permit, e.g., Attachment B Section G.1 and the Fact Sheet Section I.U.4.</p> <p>Requested Change:</p> <p>Include the post-construction exemption for LUP dischargers as a finding, as well as clarify the applicability of the exemption in the Order and Attachment A. Remove language related to LUP exemption from Attachment B.</p> <p>Response:</p> <p>Linear underground/overhead project (LUP) dischargers are not subject to the General Permit’s post-construction standards. The exemption was inadvertently omitted as a result of the reorganization of the May 2021 draft.</p> <p>Finding 47 in the Order) was incorporated stating “Linear underground and overhead projects are not subject to post-constructions due to the nature of their construction to return project sites to pre-construction conditions.” The post-construction standard requirements in Order Section IV.N.1 and 2 were also revised to read “All dischargers, other than linear underground and overhead project dischargers,…”</p>
15.15	<p>Comment Category: Linear Underground/Overhead Projects – Programmatic Permitting</p> <p>Comment Summary:</p> <p>Order, Section III.B.4.a. of the Draft CGP indicates that a Linear Construction Activity Notification (LCAN) is to be submitted prior to non-contiguous segment construction activities. It is unclear if the LCAN submittal, with the site-specific SWPPP, will allow construction to commence, or if an approval mechanism will be required.</p> <p>Requested Change:</p> <p>Clarify content to be included in the LCAN and if there will be an associated separate approval process</p> <p>Response:</p> <p>Linear Construction Activity Notification (LCAN) was clarified content in Attachment A.2. (now Attachment E.2.), Section D.1.a. (see response to 13.14 and 15.14). Previously, when programmatic</p>

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Comment ID	Comment Summary and Response
	<p>permitting was limited to linear underground/overhead project (LUP) Type 1 sites, approval process was not included as they are considered low risk sites. With extending programmatic permitting to LUP Type 2 and 3 sites proposed, the State Water Board's Stormwater Help Desk will process LCANs.</p>
33.11	<p>Comment Category: Linear Underground/Overhead Projects</p> <p>Comment Summary: Order, Section II.C.2.b outlines construction support activities for LUPs that would be subject to the Draft Permit. We recommend that underground utility mark - out and potholing be removed. These activities are minimally invasive, short duration, pre - construction phase activities that would be difficult to quantify.</p> <p>Requested Change: Delete "underground utility mark out, potholing"</p> <p>Response: Underground utility mark-out and potholing are land disturbing activities, despite being minimally invasive.</p>
56.04	<p>Comment Category: Linear Underground/Overhead Projects</p> <p>Comment Summary: Consider addressing canals in Order, Section II.C.2.a. Regional Boards have indicated that they are LUPs but it is not very clear in the Draft Permit language. Section II.C.1.a mentions "transportation of any gaseous, liquid, liquescent, and slurry material."</p> <p>Requested Change: Add "canals" to Order, Section II.C.2.a.</p> <p>Response: Site-specific information would be needed to determine whether a canal could be considered a linear underground and overhead project (LUP), traditional construction project, or outside the scope of the Construction Stormwater General Permit.</p>

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Comment ID	Comment Summary and Response
56.05	<p>Comment Category: Linear Underground/Overhead Projects</p> <p>Comment Summary:</p> <p>Please clarify whether the 1-acre basis includes staging/laydown/access disturbance or not. If there was construction work in a substation (or construction of a substation) that was over an acre, but part of a reconductoring or tower/pole replacement project, how would it be permitted? Two WDIDs? One LUP for the linear portion and one traditional for the substation? Or if one WDID is desired, would it be traditional?</p> <p>Requested Change:</p> <p>Add clarification to Order II.C.2.b.</p> <p>Response:</p> <p>Order Section II.C.1.c. clarifies that ancillary facilities may be regulated through linear underground/overhead project (LUP) permit coverage, adding a footnote stating that the Regional Water Board staff can require the LUP discharger to obtain coverage under a traditional construction Notice of Intent for the construction of ancillary facilities if the activities more closely resemble tradition construction and disturb one or more acres of land.</p>
47.09	<p>Comment Category: Linear Underground/Overhead Projects</p> <p>Comment Summary:</p> <p>It is difficult for discharge samples to be collected from each transmission tower sampling locations that may be remote and/or unsafe to access during wet weather.</p> <p>Requested Change:</p> <p>Include that representative sampling be allowed for LUPs and the minimum amount of 3 samples be applied per day rather than discharge location.</p> <p>Response:</p> <p>Attachment A (now Attachment E), Section III.A.1.a. was revised to allow for sampling to occur at sampling locations at one or more sites representative of the project’s construction activities. Additionally, monitoring exceptions for certain conditions are provided in Attachments D and E Section III.B.</p>
56.50	<p>Comment Category: Linear Underground/Overhead Projects – Areawide Permitting</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary: Attachment A.2, Section F.3.c uses the term “programmatic permitting” rather than “areawide permitting”.</p> <p>Requested Change: Consistent terminology be used throughout the permit, with a preference for “programmatic permitting”.</p> <p>Response: “Programmatic Permitting” will be used consistently throughout the proposed General Permit, though each programmatic Waste Discharger Identification (WDID) will be limited to a single Regional Water Board boundary, which is where “area-wide” originated.</p>
7.23	<p>Comment Category: Monitoring – General</p> <p>Comment Summary: Monitoring exception for pandemic ‘Stay at Home’ orders.</p> <p>Requested Change: Consider evaluating any monitoring exceptions that would be applicable during Stay-at-Home orders or other pandemic related obstacles.</p> <p>Response: Because there is substantial uncertainty regarding whether there will be any additional stay at home orders related to the Covid-19 pandemic, the scope of any such orders, specific permit provisions related to the potential effect on monitoring requirements have not been included.</p>
2.01	<p>Comment Category: Monitoring – General</p> <p>Comment Summary: Definition of a Precipitation Event. The new definition provides a clear characterization of rain events that are likely to produce stormwater discharge.</p> <p>Response: Comment noted.</p>

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Comment ID	Comment Summary and Response
14.01, 14.02	<p>Comment Category: Monitoring – General</p> <p>Comment Summary: The “Forecasted Precipitation Event” as currently defined in the draft CGP to trigger specific actions by Dischargers is not readily extractable from, and is inconsistent with, the terminology in forecasts issued by the NWS.</p> <p>Requested Change: The definition of a “Forecasted Precipitation Event” be revised to be consistent with the forecast terminology readily available from the NWS.</p> <p>Response: The National Weather Service typically states probability of precipitation as a percentage and provides a range of precipitation quantity. There is no significant difference between this and the corresponding permit language.</p>
15.44. 15.53	<p>Comment Category: Monitoring – General</p> <p>Comment Summary: Providing photo documentation for missed visual inspections or sampling will be problematic. If a visual inspection was missed it is typically due to lack of access, unsafe conditions or the storm occurred outside of project hours of operation.</p> <p>Requested Change: Remove requirement for photo documentation of missed visual inspections or sampling due to unsafe conditions or access.</p> <p>Response: The permit has been revised in Attachments D and E Section III.B.3. so that only an explanation for missed visual inspections is required. Photo documentation is no longer required for missed visual inspections.</p>
39.140, 39.179	<p>Comment Category: Monitoring – General</p> <p>Comment Summary: Request for additional phrase in general sampling requirement.</p>

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Comment ID	Comment Summary and Response
	<p>Requested Change: Insert "When sampling is required, the" before "Risk Level 2 discharger"</p> <p>Response: The permit was not revised in response to the comments. The section is titled "General Requirements" and more specific sampling instructions are provided in the "Water Quality Monitoring Requirements" section.</p>
41.01	<p>Comment Category: Monitoring – General</p> <p>Comment Summary: Proposes temporary sampling/monitoring exemption for projects that are suspended by the developer for financial or other reasons.</p> <p>Requested Change: Provision of a 'suspended activity' category with reduced monitoring requirements for projects that are suspended by the developer for financial or other reasons. Process would be similar to the Notice of Termination, but with periodic review.</p> <p>Response: Requirements applicable to the comment can be found in the "Inactive Projects" section set forth in Order Section III.G.</p>
53.34	<p>Comment Category: Monitoring – General</p> <p>Comment Summary: The Draft Construction General Permit should include explicit language requiring construction dischargers to comply with regional bioassessment requirements, as adopted in Basin Plans, where applicable.</p> <p>Requested Change: Add "This General Permit requires dischargers to comply with the bioassessment monitoring requirements in accordance with applicable Basin Plans."</p> <p>Response:</p>

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Comment ID	Comment Summary and Response
	<p>Finding 23 in the Order already notes that there may be other regulatory requirements applicable to discharges regulated by this permit, which may include bioassessment monitoring as required by a water quality control plan.</p>
<p>6.01, 6.02, 6.03, 6.04, 6.05, 24.19, 29.02, 29.03, 29.04, 29.05, 34.02, 34.03, 34.04, 34.05, 34.06, 34.07, 42.01, 44.01, 44.02, 53.28, 55.01, 64.01, 64.02, 64.03, 64.04, 64.05, 64.06, 64.07, 64.08, 64.09, 66.01, 66.02, 66.03, 66.04, 66.05</p>	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary:</p> <p>Requirement for weekly inspections for Risk Level 1 projects should not be removed from the 2022 Permit, for a variety of reasons, including: significant lack of oversight in low-precipitation areas, financial hardship on QSPs, less competent personnel (construction supervisors) doing inspections, less BMP maintenance and resulting accumulation of BMP deficiencies, less stringent than U.S. EPA CGP, and the positive impact of QSP’s broader experience.</p> <p>Requested Change:</p> <p>Reinstate requirement for weekly Risk Level 1 inspections, keeping 2009 Permit language.</p> <p>Response:</p> <p>The permit was revised in response to the comments to require weekly inspections for Risk Level 1 projects.</p>
<p>7.02</p>	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary:</p> <p>The Draft Permit proposes to require pre-precipitation event inspections 72-hours prior to any forecasted precipitation event of 0.5 inches or more in a 24-hour period.</p> <p>Requested Change:</p> <p>Please consider providing a timeframe in which the forecast must be checked.</p> <p>Response:</p> <p>The permit was revised to allow the use of the National Weather Service (NWS) 6-day forecast to determine when a pre-qualified precipitation event (Pre-QPE) inspection is conducted. Also, that the Qualified SWPPP Practitioner (QSP) should check the forecast daily during the precipitation event until there are two sequential days with a forecast of less than 0.25”.</p>
<p>7.03</p>	<p>Comment Category: Monitoring – Inspection</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary: Change timeframes for Qualifying Precipitation Event inspections.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Base the qualifying precipitation event requirement on the forecast rain amount, not actual (measured), as the actual precipitation amount is not known until the end of the 24-hour period which is the end of the inspection timeframe. 2. Please also consider updating the 24-hour periods to calendar days. If the 24-hour period is based on the time precipitation begins, as QSP (or delegate) would need to track different inspection timeframe requirements at each job they monitor. <p>Response: The permit uses “forecast” amounts for all qualified precipitation event (QPE) inspection requirements. Sampling can be done at any time during the 24-hour period of the event that was forecast to produce 0.5” or more, which will minimize issues between calendar days and storm events. Using calendar days is problematic because a storm may bridge two days with neither receiving 0.5” but with 0.5+” accumulating overall.</p>
7.22, 15.57	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary: Photo documentation of missed visual inspections or sampling events is problematic if the reason was inaccessibility or dangerous conditions.</p> <p>Requested Change: Eliminated requirement for photo documentation of missed visual inspections or sampling events.</p> <p>Response: The permit has been revised so that only an explanation for missed visual inspections is required in Attachments D and E Section II.B. Photo documentation is no longer required for missed visual inspections.</p>
15.20	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>Pre-storm inspection trigger for inactive sites is vague, creating potential for misinterpretation.</p> <p>Requested Change: Suggested language: “A QSP or delegate shall visit the inactive site at least once every calendar month, and within 72 hours prior to any forecasted precipitation event of 0.5 inches or more in a 24-hour period. Precipitation forecast information shall be obtained from the National Weather Service Forecast Office (e.g., by entering the zip code of the project’s location at https://www.weather.gov/) and must be included as part of the inspection checklist weather information.”</p> <p>Response: Permit specifies ‘trained’ delegate, and ‘forecasted precipitation’ has been changed to ‘prior to any weather pattern that is forecasted to have a 50% or greater chance (Probability of Precipitation) of 0.5 inches or more in a 24-hour period (Quantitative Precipitation Forecast).</p>
15.45	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary: It is burdensome on the Discharger to conduct pre-storm, daily during-storm, and post-storm visual inspections and does not yield significant water quality benefit.</p> <p>Requested Change: Require only one inspection per rain event.</p> <p>Response: The permit was not revised in response to the comment because multiple inspections are warranted, as intensity may vary during an event.</p>
19.03	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary: Twice-annual QSD inspections are unnecessary and could be done by request of the Discharger, when necessary.</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<p>Remove requirement for semi-annual QSD inspections or make them voluntary.</p> <p>Response:</p> <p>The permit was not revised in response to the comment because twice-annual Qualified SWPPP Developer (QSD) inspections are warranted so that the author of the Storm Water Pollution Prevention Plan (SWPPP) can evaluate implementation.</p>
19.04	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary:</p> <p>Requirement that QSD conduct an on-site inspection within 14 days after an NAL exceedance duplicates the requirement that the QSP conduct the same inspection.</p> <p>Requested Change:</p> <p>Remove requirement for QSD inspection within 14 days after NAL exceedance.</p> <p>Response:</p> <p>The permit was not revised in response to the comment because the intention is to have Qualified SWPPP Developer (QSD) and Qualified SWPPP Practitioner (QSP) collaborate in the event of an exceedance.</p>
23.49, 23.56, 23.57	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary:</p> <p>Request text changes in Order and Attachment C, D, E (see below for specific sections)</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Order, Sec VI.G.1.e: Remove reference to bioassessments 2. Att C, D and E Sec II.C.7.c: Revise to state, “time elapsed since the last qualifying precipitation event.” 3. Att C, D and E Sec II.C.7.d: Add text, “activities completed since last inspection...” <p>Response:</p> <p>The permit has been revised in response to the comments. The revised language more clearly sets forth the intended requirements. Please reference the changes below:</p>

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	<ol style="list-style-type: none"> 1. Permit language was revised in response to the comment. The bioassessment requirement was not removed, however, language was added in Order Section VI.G.e. to state: "Conduct bioassessment monitoring (if required by a Regional Board water quality control plan)." 2. Permit language was revised in response to the comment. Permit language in Attachment D Section III.C.7.c. now states: "date of the end of the last qualifying precipitation event." 3. Permit language was revised in response to the comment. Permit language in Attachment D Section III.C.7.d. now states: "activities since last inspection."
24.07	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary: Requirement to include scheduled sequence of construction events and corresponding BMP installation in the SWPPP is unnecessary and infeasible, since the actual schedule is determined by factors beyond the knowledge or control of the QSD.</p> <p>Requested Change: Eliminate Order, Section IV.O.2.b</p> <p>Response: Permit was not revised in response to the comment because Order Section IV.O.2.c. only requires the sequence of planned major activities is listed, not the actual schedule.</p>
24.18, 24.43, 24.45, 24.47, 24.63, 24.64, 24.66, 24.76	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary: Request text changes in Order and Attachment A, C, D, E (see below for specific sections)</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Order, Sec V.D.2: Revise language to state "...On-site visual inspections:" 2. Att A, Sec III, Table 2: Should be "LUP Type", "Weekly", Pre-Qualified Precipitation Event", "Daily-During Qualified Precipitation Event", and "Post-Qualified Precipitation Event". 3. Att A, Sec III.C.3: Revise to "The LUP discharger shall have a QSP conduct a pre-qualifying precipitation event inspection " 4. Att A, Sec III.C.5: Revise to "The LUP discharger shall conduct post-qualifying precipitation event visual inspections..."

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	<p>5. Att C,D,E, Sec II, Table 2: Should be "Risk Level", "Weekly", Pre-Qualified Precipitation Event", "Daily-During Qualified Precipitation Event", and "Post-Qualified Precipitation Event".</p> <p>6. Att C,D,E, Sec II.C.3: Revise to "The Risk Level 1/2/3 discharger shall have a QSP conduct a pre-qualifying precipitation event inspection "</p> <p>7. Att C,D,E, Sec II.C.5: Revise to "The Risk Level 1/2/3 discharger shall conduct post-qualifying precipitation event visual inspections..."</p> <p>8. Att D,E, Sec II.C.3: Revise to "The Risk level 2/3 discharger shall have a QSP conduct a pre-qualifying precipitation event inspection "</p> <p>Response: References to "observations" have been changed to "inspections" throughout the permit. The table headings were not revised because the abbreviations are necessary for a clearer presentation. The permit has also been revised to ensure that "qualifying precipitation event" is used throughout the permit.</p>
24.44, 24.75	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary: Bi-weekly or even monthly visual inspections are sufficient for most of the State during the less rainy season (typically April through September).</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Revise Att A, Sec III.C.2 to eliminate weekly inspection requirements. 2. Revise Att D/E, Sec II.C.2 to eliminate weekly inspection requirements. <p>Response: "Rainy" and "dry" season descriptors are not applicable since rain can occur at any time in most areas of California. The weekly inspection requirements are required for all risk levels associated with traditional or linear construction.</p>
24.46, 24.65, 24.77	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary: Commenter presents two theoretical rainfall scenarios perceived as problematic for determining qualifying precipitation event inspection and sampling.</p>

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Comment ID	Comment Summary and Response
	<p>Requested Change:</p> <ol style="list-style-type: none"> 1. In Att A, Sec III.C.3, provide clarification on when inspections and sampling should be conducted per Permit. 2. In Att C, Sec II.C.3, provide clarification on when inspections and sampling should be conducted per Permit. 3. In Att D/E, Sec II.C.4, provide clarification on when inspections and sampling should be conducted per Permit. <p>Response:</p> <p>Pre-qualified precipitation event (QPE): 3-5 days in advance of 0.5" forecast, can be combined with weekly.</p> <p>During qualified precipitation event (QPE): Each 24-hour period after 1st day of event, when 0.25" or more is forecast.</p> <p>Post-qualified precipitation event (QPE): Within 96 hours after less than 0.25" has been forecast for two successive days. Inspection may be done on either of the days with less than 0.25" forecast, or on the following two days. May be combined with Pre-QPE if warranted and feasible.</p>
<p>33.39, 33.54, 33.72</p>	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Table 2 (Att C, Section II.C) should be updated to reflect all required visual inspections for a Risk Level 1 project. Order Sections V.C. and V.D. outline several visual inspections required by the QSD and QSP that are not included in the table. 2. Table 2 (Att D, Section II.C) should be updated (as above). 3. Table 2 (Att E, Section II.C) should be updated (as above). <p>Requested Change:</p> <p>Add Monthly QSP Inspection Column and Other Inspection Column with footnotes for QSD/QSP inspections</p> <p>Response:</p> <p>All required precipitation event Risk Level 1 inspections are enumerated in Table 1; other inspections are based on project phases or numeric effluent limitations (NELs) and are not routine. A footnote was added stating that other visual inspections are described in other sections of the permit.</p>

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Comment ID	Comment Summary and Response
33.41, 33.56, 33.74	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary: All areas, regardless of completion status are required to be inspected until signed off via a COI or NOT. Therefore, including activities that have been completed in the inspection report is not necessary.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Delete ", activities completed," in Att C, Section II.C.6.d 2. Delete ", activities completed," in Att D, Section II.C.7.d 3. Delete ", activities completed," in Att E, Section II.C.7.d <p>Response: The permit was not revised in response to the comments to exclude completed areas; completed areas of a project might still be impacted by run-on from non-completed areas.</p>
39.032	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary: Commenter noted disparity between Order, Sec V.D.2.b and related sections in Att C,D,E</p> <p>Requested Change: Align Sec V.D.2.b with pre-precipitation event inspection language in Attachments.</p> <p>Response: The permit was revised to add "...within 3 to 5 days in advance of a forecasted precipitation event of 0.5 inches or more in a 24-hour period." Order, Sec V.D.2.b., and Attachments D and E were revised.</p>
39.068, 39.107, 39.141, 39.181	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary: Commenter states: An inspector may work under the guidance of a QSD or QSP and have no certification.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove "and certification" from Att A, III.C.7.k

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	<p>2. Remove “and certification” from Att C, II.C.6.k 3. Remove “and certification” from Att D, II.C.7.k 4. Remove “and certification” from Att E, II.C.7.k</p> <p>Response: The permit was revised in response to the comments to add “, if any.” after “certification”.</p>
39.180, 33.76	<p>Comment Category: Monitoring – Inspection Comment Summary: Noted error in Table heading; Attachment E, Table 2</p> <p>Requested Change: Replace 2 with 3 in heading</p> <p>Response: The permit was revised in response to the comments to correct this typographical error.</p>
56.38	<p>Comment Category: Monitoring – Inspection Comment Summary: Paragraph 2 text requires weekly inspections, while the Table above exempts RL 1 dischargers.</p> <p>Requested Change: Please ensure consistency between Att A, Section III.C.2 and Table 2 visual inspection schedule.</p> <p>Response: The permit was revised to require weekly inspections for Risk Level 1 projects, and all Risk Levels are required to conduct During-qualified precipitation event (QPE) and Post-qualified precipitation event (QPE) inspections (Attachment D Section C).</p>
56.39, 59.01	<p>Comment Category: Monitoring – Inspection Comment Summary: Inspections should be based on the forecasted amount of rain and not on the actual amount of rain.</p> <p>Requested Change:</p>

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	<p>Revise the during rain inspection triggers in Att A, III.C.4 to ‘forecast’ rain amounts rather than ‘actual’ rain amounts.</p> <p>Response:</p> <p>Forecasted rain amounts will be implemented throughout the permit to facilitate inspection and sampling planning.</p>
<p>56.40, 56.45, 59.02</p>	<p>Comment Category: Monitoring – Inspection</p> <p>Comment Summary:</p> <p>Please ensure consistency between Att A, Sec III.C.5 and Table 2 visual inspection schedule.</p> <p>Requested Change:</p> <p>We request clarification that the 48-hour period in which to perform the inspection begins AFTER the second consecutive day of less than 0.25 inches of rainfall.</p> <p>Response:</p> <p>Permit has been revised to allow the post-qualified precipitation event (QPE) inspection to additionally occur during the forecast days of <0.25”, which would provide a 96 hour inspection window and allow a post-QPE inspection to double as a pre-QPE inspection if the forecast allows.</p>
<p>2.10, 7.04, 15.48, 20.09, 33.07, 33.58, 33.77, 39.070, 39.142, 39.183, 68.02, 75.05</p>	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Requirement that the first sample be collected within the first 2-hours of discharge and the end of discharge be recorded will increase costs and prohibit a QSP from monitoring more than one site. Comment 15.48: Sampling within first 2 hours of discharge at each sampling location is impractical, especially with 15 minutes required between samples.</p> <p>Requested Change:</p> <p>Remove requirements for sampling within first 2 hours of discharge and recording end of discharge. Remove 15 minutes between samples requirement.</p> <p>Response:</p> <p>Requirements for sampling within the first two hours of discharge and with 15-minute intervals between samples have been removed from the permit. Since sampling is limited to normal working</p>

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Comment ID	Comment Summary and Response
	<p>hours, the 'first two hours' requirement would often be infeasible, and the 15-minute interval was deemed unnecessary to obtain accurate averages when the required field meters are used.</p>
7.04	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Same comments as 2.10 above, with additional note that Table 2 requires daily during QPE sampling, while the text requires sampling only when 0.25” or more precipitation in 24 hours is forecast (Table 2 vs. text).</p> <p>Requested Change:</p> <p>Clarify discrepancy between Table 2 (Daily During Storm) and subsequent text.</p> <p>Response:</p> <p>Table 2 headings revised to reflect Pre-qualified precipitation event (QPE), During qualified precipitation event (QPE), and Post-qualified precipitation event (QPE), since ‘Qualifying Precipitation Events’ are defined in the Glossary.</p>
8.07	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Non-visible monitoring is required for "spill", "breach" "malfunction", "failure" or "BMP leak", but these terms are not in the Glossary. 2. Non-visible monitoring requirements are confusing, since same term is used for general construction monitoring as well as TMDL monitoring. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Provide Glossary definitions for "spill", "breach" "malfunction", "failure" and "BMP leak" 2. Clarify difference between TMDL requirements and general construction requirements pertaining to non-visible monitoring. <p>Response:</p> <p>These terms have not been defined in the Glossary because their meaning is clear in the context of the permit and rely on the ordinary use of the words. Changes have been made in Attachment H Sections B,D,G to clarify non-visible monitoring requirements related to total maximum daily loads (TMDLs).</p>

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Comment ID	Comment Summary and Response
8.08	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Substances subject to non-visible pollutant monitoring may not be from construction activities, e.g. zinc and copper from vehicle wear, natural iron in soil.</p> <p>Requested Change: The Draft Permit must be revised to address the source of non-visible pollutants where those pollutants may be associated with both construction and non-construction activities.</p> <p>Response: Non-visible pollutant sampling in the permit is required only for substances identified in pollutant source assessment for the site.</p>
8.10	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Non-visible pollutant monitoring is unnecessary because most are sorbed to soil, and measurements of pH, turbidity and oil & grease are sufficient to detect non-visible pollutants by proxy.</p> <p>Requested Change: the Draft Permit must either clarify how, when, and where to sample for what non-visible pollutants as well as how to interpret the results of such sampling, or in the alternative to rely on testing for pH, turbidity and oil and grease (O&G) as appropriate indicators for non-visible pollutants.</p> <p>Response: Non-visible pollutant sampling is limited to substances identified in pollutant source assessment for the site. It is clear that sampling is only required after a breach or failure of best management practices (BMPs), if the pollutant is subject to total maximum daily load (TMDL)-requirements, and the pollutant is identified in the pollutant source assessment.</p>
10.05	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: The trigger for Non-visible pollutant monitoring is vague, especially ‘failure to implement BMPs’.</p>

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Comment ID	Comment Summary and Response
	<p>Requested Change: Definition of trigger terms, conditions when ‘failure to implement’ should apply.</p> <p>Response: Failure to implement best management practices (BMPs) does not have a specialized or non-primary definition.</p>
10.06, 13.48	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: The mention of non-visible pollutant monitoring in Att H is minimal and not consistent with the requirements in Att C,D,E.</p> <p>Requested Change: Additional clarification of how non-visible pollutant monitoring applies to TMDL compliance.</p> <p>Response: Permit revised with additional non-visible pollutant monitoring language added to Attachment H Section B,D,G. Specifically, “The Responsible Discharger shall conduct non-visible pollutant monitoring, as required in Attachment D or E Section III.D.3., when the TMDL-specific pollutant may be discharged due to a failure to implement BMPs, a container spill or leak, or a breach, failure, or malfunction.”</p>
13.47	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Objects to requirement to sample all discharge locations and to sample for pH at each sampling event.</p> <p>Requested Change: Allow for representative sampling, especially on large projects; only require pH sampling when there are concrete operations.</p> <p>Response: The permit allows for samples representative of disturbed soil at active construction sites. No changes were made to pH sampling because pH sampling is simple, quick (field meter), relatively</p>

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	<p>inexpensive, and valuable because it indicates the potential presence of pollutants including but not limited to concrete.</p>
<p>15.28</p>	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Order, Section IV.C.3.c and d regarding pH and turbidity exceedances should match language in the Attachments.</p> <p>Requested Change:</p> <p>Suggested language:</p> <p>“The pH Numeric Action Levels apply to stormwater and non-stormwater discharges from Risk Level 2 and 3 sites and Type 2 and 3 linear underground and overhead projects. The pH NAL is established as pH values outside the range of 6.5 to 8.5 standard pH units. A pH NAL exceedance occurs when the site daily median or site daily calculated average is below the 6.5 standard pH units or above 8.5 standard pH units, as shown in Table 1 of this Section.”</p> <p>“The Discharger must report pH values to two decimal places.”</p> <p>“The Discharger may either use either the site median value or the site daily average to determine NAL exceedances. If using the site daily average, the Discharger may use an online pH averaging calculator, available on the Water Board Construction General Permit website, or any equivalent online calculator.”</p> <p>“The Discharger shall collect sufficient samples to calculate the site daily median or site daily average based upon the Stormwater Discharge Monitoring Requirements provisions of Attachments A, D, and E.”</p> <p>“The turbidity Action Levels apply to stormwater and non-stormwater discharges from Risk Level 2 and 3 sites and Type 2 and 3 linear underground and overhead projects. The turbidity NAL is established as 250 Nephelometric Turbidity Units (NTU). A turbidity NAL exceedance occurs when the site daily calculated average is above 250 NTU, as shown in Table 1 of this Section.”</p> <p>“The Discharger shall collect sufficient samples to calculate the site daily median or site daily average based upon the Stormwater Discharge Monitoring Requirements provisions of Attachments A, D, and E.”</p> <p>Response:</p>

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Comment ID	Comment Summary and Response
	<p>Order Section IV.C.3., and the corresponding Sections in Attachment D and E were revised to provide more clarity.</p>
15.43	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Make language consistent as to whether to sample at all, or only at representative locations in Att A, Sec III.A.2.</p> <p>Requested Change:</p> <p>Suggested language:</p> <p>Section III.A.2.: “The LUP Discharger shall sample at locations where stormwater or authorized non-stormwater associated with construction activity is discharged off-site or enters any on-site waters of the United States (e.g., a creek running through a site.”</p> <p>Section III.D.1.a: “The Discharger shall collect representative stormwater grab samples from sampling locations characterizing discharges associated with activity from the disturbed construction site areas during discharge and within site operating hours. The grab samples shall be representative of the discharge flow and characteristics.”</p> <p>Response:</p> <p>Attachment D Section III.D.1.a.was revised to provide clarity. Statement from Attachment E Section III.A.2. was removed completely.</p>
15.46	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Trigger for tmdl sampling is not clear in Att A.</p> <p>Requested Change:</p> <p>Suggested language:</p> <p>Section III.D.3.e.: “i. All identified non-visible pollutant parameters, including applicable TMDL-related pollutants listed in Table H-2 in Attachment H; or,”</p> <p>Section III.D.3.e.: “ii. Indicator parameters including, but not limited to pH, specific conductance, dissolved oxygen, conductivity, salinity, and Total Dissolved Solids (TDS), as required.”</p>

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Comment ID	Comment Summary and Response
	<p>Response: Attachment E Section III.D.3.e-f. was revised to provide clarity regarding non-visible pollutant sampling.</p>
15.55	<p>Comment Category: Monitoring – Sampling Comment Summary: Prior to demolishing any structure, an asbestos containing materials (ACM) survey is required, and remediation is required, so ACM should never be a known potential non-visible pollutant in any stormwater discharge.</p> <p>Requested Change: Asbestos should be removed from non-visible pollutant sampling.</p> <p>Response: The requirements regarding demolitions of existing structures is consistent with U.S. Environmental Protection Agency’s (EPA) construction storm water permit. “Asbestos” language was not removed from Attachment D Section II.I.1.</p>
15.59	<p>Comment Category: Monitoring – Sampling Comment Summary: Clarification language needed regarding triggers for sampling of qualifying events in Att D,E</p> <p>Requested Change: Suggested language: a. The Risk Level 2 or 3 Discharger shall design a monitoring program to collect stormwater grab samples from locations characterizing discharges associated with activity from the disturbed construction site areas. The grab samples shall be representative of the discharge flow and characteristics.</p> <p>Samples shall be collected when stormwater resulting from a Qualified Precipitation Event is discharging from the site during site operating hours.</p> <p>Discharges from stored or contained stormwater that is discharged subsequent to a Qualified Precipitation Event shall be sampled.</p>

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	<p>A minimum of 3 samples shall be collected from each identified sampling location each day of a qualifying precipitation event. A minimum of 15 minutes must separate samples collected at the same sampling location. The Risk Level 2 or 3 Discharger shall record the time the discharge ends in the monitoring record.</p> <p>b. The Risk Level 2 or 3 Discharger shall analyze their samples for: pH and turbidity; and any additional parameter required by the Regional Water Board.</p> <p>The Risk Level 2 or 3 Discharger may sample run-on from surrounding areas if there is reason to believe run-on may contribute to exceedance of numeric action levels and/or numeric effluent limits.</p> <p>Response:</p> <p>The proposed language does not differ substantially from the language in the permit and does not increase clarity, so the proposed revisions were not incorporated.</p>
15.60	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Sampling locations of qualifying event needs clarification; there is a conflict in Att D,E between sampling all discharge locations and sampling representative discharge locations (in Sec A and D, respectively).</p> <p>Requested Change:</p> <p>Suggested language: “The Risk Level 3 Discharger shall collect samples to characterize stormwater or authorized non-stormwater <i>associated with construction activity</i> is discharged from the construction site or enters any on-site waters of the United States (e.g., a creek running through a site).”</p> <p>Response:</p> <p>No revisions were made to the permit in response to the comment. Attachment D Section III.D.3. has different requirements than Attachment A Section III.D.3.. Only linear underground/overhead projects (LUPs) are allowed to sample representative discharge locations, due to their unique geographical footprint.</p>

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20.08	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: For Risk Level 1, generally sampling is not conducted nor required. However, if there is a TMDL for the region, sampling is required.</p> <p>Requested Change: Recommendation: Given that Risk Level 1 sites have already been deemed a low risk, sampling for TMDLs for Risk Level 1 sites should not be applicable.</p> <p>Response: The total maximum daily load (TMDL) requirements are applicable to Risk Level 1 sites because they may still have TMDL pollutants on site.</p>
20.10	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: The TMDL program as presently envisioned increases project costs without a commensurate benefit and creates a scenario where water quality requirements can be tightened with no cost-benefit considerations.</p> <p>Requested Change: Recommendation: At least where sediment is the pollutant of concern, consider eliminating TMDL procedures and instead use current practices where erosion/sediment BMPs are qualitatively established based on current guidelines and site conditions. If precipitation occurs, BMP types and configurations are adjusted and refined to minimize offsite releases of sediment.</p> <p>Response: National Pollutant Discharge Elimination System (NPDES) permits must contain effluent limits and conditions consistent with the assumptions and requirements of the waste load allocations (WLAs) in the total maximum daily load (TMDL). 40 CFR § 122.44(d)(1)(vii)(B).</p>
20.11	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: TMDL sampling can cause backups at laboratories, which would cause labs to exceed holding times.</p>

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	<p>Requested Change: Recommendation: Where applicable, consider allowing a field equivalent testing method for TMDLs, that QSPs and/or on-site delegated personnel can use as an alternate to submittal to certified laboratories.</p> <p>Response: No such field equivalent testing methods for pollutants identified in total maximum daily loads (TMDLs) analyses are known.</p>
23.36	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Cannot always obtain 3 samples a day per discharge location.</p> <p>Requested Change: Please provide direction on what to do if only 1 sample is collected. In southern California, there are bursts of rain and it is common for only one sample is collected.</p> <p>Response: The comment refers to the requirements set forth in Order Section IV.C.3.c. for pH, and pH can easily be sampled three times in a short period.</p>
23.58	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Att C, D and E Section II.D.3.b requires wording clarification.</p> <p>Requested Change: Recommend rewording this to say, “shall conduct sampling and analysis for non-visible pollutants when pollutants associated with construction activities have the potential to be discharged with stormwater runoff due to a failure to implement BMPs for pollutant sources other than sediment, a spill of a powdered or liquid chemical, breach of a system designed to contain a liquid chemical such as secondary containment, malfunction of a secondary containment structure, failure of a secondary containment structure, and/or any BMP leak from secondary containment. This does not apply to</p>

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Comment ID	Comment Summary and Response
	<p>traditional sediment and erosion control BMPs with storm water when there is a discharge of sediment as this is a visible pollutant.”</p> <p>Response:</p> <p>No revisions were made in response to the comment. The suggested wording is overly descriptive and not necessary. Sediment is clearly not a non-visible pollutant.</p>
23.59	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Att D and E Section III.F.3 require additional text.</p> <p>Requested Change:</p> <p>Add that there is a 15-minute holding time.</p> <p>Response:</p> <p>No revisions were made in response to the comment. The permit requires pH to be measured with a field meter, so a 15-minute holding time does not apply.</p>
23.60	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Att D and E, Section III.F.4 require clarification.</p> <p>Requested Change:</p> <p>Provide direction on what to do if a turbidity reading is greater than 1,000 NTU. The guidance that is manufacturer-specific and from the EPA is currently unclear. Clear protocol for this should be provided to the industry, otherwise different interpretations are being reported in Ad Hoc Reports and skewing data submitted to the SWRCB.</p> <p>Response:</p> <p>No additional direction is required as both analytical methods referenced in the permit describe dilution process if sample is >1,000 nephelometric turbidity unit (NTU).</p>
23.61	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>Att D and E Section III.G.2 require clarification.</p> <p>Requested Change:</p> <p>Recommend adding that the daily average is an area-weighted average with a supporting drainage map to confirm these areas.</p> <p>Response:</p> <p>The permit has been revised to clarify that the daily average is of all discrete samples obtained per discharge location with day, with a required minimum of three samples. In other words, there is a daily average for each discharge location, not a daily average for the entire site.</p>
<p>24.48, 24.49, 24.50, 24.67, 24.68, 24.69</p>	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Requested Change:</p> <p>Att A, Section III.D: Add "TMDL-Related Pollutants"</p> <p>Att A, Section III.D.4: Add "TMDL-Related Pollutant Monitoring Requirements"</p> <p>Att A, Section III.F: Add "TMDL-Related Pollutant Parameters"</p> <p>Att C/D/E, Section II.D: Add "TMDL-Related Pollutants"</p> <p>Att C/D/E, Section II.D.3 or 4: Add "TMDL-Related Pollutant Monitoring Requirements"</p> <p>Att C/D/E, Section II.F: Add "TMDL-Related Pollutant Parameters"</p> <p>Response:</p> <p>The revision was not incorporated because total maximum daily load (TMDL)-specific requirements are specified in Attachment H.</p>
<p>26.01</p>	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>NALs for pH should be instantaneous-based and will incentivize BMP adjustments. This simpler method will produce better buy-in, more accurate results and ultimately better protection of the waters.</p>

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	<p>Requested Change: Define pH NALs with a methodology that utilizes two (2) instantaneous readings from a pH meter rather than an averaging methodology that involves log values.</p> <p>Response: The median of three readings taken within a short timeframe is sufficient for water quality protection, as abrupt changes in pH over a few minutes are unlikely.</p>
28.10	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: The new CGP for Risk Levels 2 and 3 require collection and processing of a minimum of three samples per sampling location per day of each qualifying rain event. This in addition to testing for specific pollutants or run-on from the surrounding area can contribute to the increased cost of implementing construction projects.</p> <p>Response: 'Sampling location' has been changed to 'discharge location' in the permit; run-on sampling is not required unless there is evidence that it is contributing to numeric action level (NAL) or numeric effluent limitations (NEL) exceedances.</p>
28.11	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Att D-E, Section III.E requires clarification.</p> <p>Requested Change: DOE recommends that this section is clarified so that it only pertains to samples that need to be sent to the laboratory for analysis.</p> <p>Response: The requirements in Section III.E. apply to only samples that must be sent to a laboratory for analysis, which does not include pH.</p>
28.12	<p>Comment Category: Monitoring – Sampling</p>

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	<p>Comment Summary:</p> <p>The water quality monitoring reporting requirement adds burden onto monitors to submit data via SMARTS within 10 or 30 days. DOE is concerned that this will cause undue burden on monitors and contractors to keep up with the paperwork even when there are no water quality concerns.</p> <p>Requested Change:</p> <p>No specific change requested; implication is that the submittal period be extended for lab reports with no water quality issues.</p> <p>Response:</p> <p>Prompt reporting is necessary to ensure that any corrective actions needed are taken as soon as possible and that any Regional Water Board inspections may be scheduled as close to the exceedance as possible.</p>
33.57, 33.75	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>The proposed language in Att D, Section II.D.1.a is unclear because the term “disturbed” is not defined in the permit.</p> <p>Requested Change:</p> <p>Replace "the disturbed construction site areas with "active areas of construction¹" and add footnote "1 Active areas of construction are areas undergoing land surface disturbance and associated site areas included in the SWPPP. This includes construction activity during the preliminary phase, mass grading phase, streets and utilities phase, and the vertical construction phase."</p> <p>Response:</p> <p>The proposed language was not included in response to the comment because disturbed areas may not be currently active but are still capable of discharging sediment prior to final stabilization.</p>
33.59, 33.78	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>There is a discrepancy between the definition of “Daily Average Discharge” in this section (Att D, Sec II.G.2) and the glossary.</p>

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	<p>Requested Change: Replace "daily average of at least three discrete samples per sampling location per day" with "Daily Average Discharge for samples taken during each day of a qualifying precipitation event"</p> <p>Response: Attachment D Section III.G. does refer to "daily average," not "daily average discharge," and therefore does not implicate the glossary definition of "daily average discharge." Per this section, there is a daily average for each discharge no location, not a daily average for the entire site.</p>
39.069	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Att A, Table 3, pg 14 should be revised.</p> <p>Requested Change: Replace "X" with "Not Applicable" for LUP Type 3 in the Receiving Water Sample Collection column</p> <p>Response: The permit was not revised in response to this comment; Risk Level 3 are at highest risk for discharge of pollutants into waterways. Certain linear underground/overhead project (LUP) Type 3 Dischargers are required to monitor receiving waters. (See Attachment E, Section III.D.)</p>
39.072	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Receiving water monitoring (Att A, III.D.2) offers no immediate forensic or corrective BMP performance value to the construction discharger. The requirement ... places substantial legal liability on the construction discharger, and for receiving water conditions and circumstances beyond their direct control.</p> <p>Requested Change: Remove section 2, "Receiving Water Monitoring Requirements"</p> <p>Response: This monitoring requirement applies only when the discharge is directly into receiving waters and pH or nephelometric turbidity unit (NTU) is exceeded and is limited to those parameters. Further,</p>

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	receiving water monitoring is limited to Risk Level 3 dischargers, which have the highest risk of pollutant discharge.
<p>39.073 (1) 39.074 (2) 39.076 (3) 39.077 (4) 39.078 (5) 39.114 (5) 39.079 (6) 39.080 (7) 39.071 (8) 39.081 (8) 39.082 (9) 39.083 (10) 39.084 (11) 39.085 (12) 39.086 (13) 39.185 (8)</p>	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Various parts of Att A Sec III require text clarification. Comments are combined into one section because all are from the same Commenter.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Att A, III.D.3.a: Incorporate ", as detailed in subsections b through e below," between "...sampling and analysis requirements" and "to monitor non-visible..." 2. Att A, III.D.3.a.i: Replace "Activities" with "Construction activities" 3. Att A, III.D.3.b: Commenter states: Need to define breach, failure, or malfunction 4. Att A, III.D.3.c: Remove "downgradient" Commenter states: Down gradient is vague and could be interpreted to be on adjacent property. 5. Att A, III.D.3.e.i: Remove "identified non-visible pollutant parameters, including" 6. Att A, III.D.3.e.ii: Remove "specific conductance", "salinity, and Total Dissolved Solids (TDS)" Commenter states: Specific conductance, conductivity, salinity, and TDS are redundant parameters. No substantial evidence in Order or Fact Sheet to require all of these parameters. Parameters listed in redline edit can be measured in the field using calibrated instruments. Define "Indicator Parameter" 7. Att A, III.E.1.a: Remove "all" and add "applicable" before parameters 8. Att A, III.G.1: Remove "and/or numeric effluent limitations (NELs)" 9. Att A, Table 5: Remove entire Numeric Effluent Limitation column 10. Att A, IV.B.2: Remove section 2, "Receiving Water Monitoring Reporting" 11. Att A, IV.B.3.a: Remove "numeric effluent limitation" 12. Att A, IV.B.3.e: Remove subsection e 13. Att A, Footnote 6: Remove "numeric effluent limitations" <p>Response: Edits changing the substantive requirements were not incorporated into the Permit as noted below.</p>

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Comment ID	Comment Summary and Response
	<ol style="list-style-type: none"> 1. Permit was not revised; suggested text does not add clarity, entire section covers non-visible pollutant monitoring. 2. The proposed language was not incorporated into the permit; a spill, for example, could be caused by a delivery rather than a construction activity. 3. These terms have not been defined in the Glossary because their meaning is clear in the context of the permit and rely on the ordinary use of the words. 4. 'Downgradient' has been revised to "hydraulically downgradient" Permit-wide. 5. The non-visible pollutant requirement is consistent with the U.S. Environmental Protection Agency (EPA) Construction General Permit. 6. Indicator monitoring paragraph was removed from the permit (Attachment E Section III.D.3.c.i.). 7. The proposed language was incorporated into the permit. 8. Pursuant to 40 CFR § 122.44(d)(1)(vii), this permit must have limitations that are consistent with the assumptions and requirements of any available waste load allocations in an EPA-approved total maximum daily load (TMDL). 9. Pursuant to 40 CFR § 122.44(d)(1)(vii), this permit must have limitations that are consistent with the assumptions and requirements of any available waste load allocations in an EPA approved TMDL. 10. Receiving water monitoring is triggered by direct pollutant discharge into waters of the United States, defined in 40 CFR 122.2. 11. Pursuant to 40 CFR § 122.44(d)(1)(vii), this permit must have limitations that are consistent with the assumptions and requirements of any available waste load allocations in an EPA approved TMDL. 12. Pursuant to 40 CFR § 122.44(d)(1)(vii), this permit must have limitations that are consistent with the assumptions and requirements of any available waste load allocations in an EPA approved TMDL. 13. No revisions were made to numeric effluent limitations (NELs) in response to the comment. NELs will remain in the permit.
<p>39.108 (1) 39.109 (2) 39.110 (3) 39.111 (4) 39.112 (5) 39.113 (6)</p>	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Various parts of Att C,D,E, Sec II require text clarification. Comments are combined into one section because all are from the same Commenter.</p>

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Comment ID	Comment Summary and Response
<p>39.115 (7) 39.116 (8) 39.117 (9) 39.118 (10) 39.144 (9) 39.145 (1) 39.146 (2) 39.147 (3) 39.148 (4) 39.149 (5) 39.150 (6) 39.152 (7) 39.153 (8) 39.154 (9) 39.155 (10) 39.187 (1) 39.188 (2) 39.189 (3) 39.190 (4) 39.191 (5) 39.192 (6) 39.194 (7) 39.195 (8) 39.196 (9)</p>	<p>Change:</p> <ol style="list-style-type: none"> 1. Att C, II.D.1.a / Att D, II.D.2.a: / Att E, II.D.3.a: Incorporate ", as detailed in subsections b through e below," between "...sampling and analysis requirements" and "to monitor non-visible..." 2. Att C, II.D.1.a.i / Att D, II.D.2.a.i / Att E, II.D.3.a.i: Replace "Activities" with "Construction activities" 3. Att C, II.D.1.a.ii / Att D, II.D.2.a.ii / Att E, II.D.3.a.ii: Remove subsection ii. 4. Att C, II.D.1.b / Att D, II.D.2.b / Att E, II.D.3.b: Commenter states: Need to define breach, failure, or malfunction. Replace "is immediately cleaned of the material and pollutants" with repairs or design changes (review options that have not been used) to BMPs are made within 72 .hours of identification 5. Att C, II.D.1.c / Att D, II.D.2.c / Att E, II.D.3.c: Remove "downgradient". Commenter states: Down gradient is vague and could be interpreted to be on adjacent property. 6. Att C, II.D.1.d / Att D, II.D.1.b / Att D, II.D.2.d / Att E, II.D.1.b: Remove the following language from the sub section: "during the first two hours", "that occurs", and "if possible; otherwise as close in time to the beginning of the storm event as practicable." 7. Att C, II.D.1.e.iv / Attachment D, II.D.2.e.ii / Att E, II.D.3.e.ii: Remove "specific conductance", "salinity, and Total Dissolved Solids (TDS)". Commenter states: Specific conductance, conductivity, salinity, and TDS are redundant parameters. No substantial evidence in Order or Fact Sheet to require all of these parameters. Parameters listed in redline edit can be measured in the field using calibrated instruments. Define "Indicator Parameter" 8. Att C, II.E.1.a / Att D, II.E.1.a / Att E, II.E.1.a: Replace "all the" with "applicable" 9. Att C, II.G.1 / Att D, II.D.1.e / Att D, II.G.1 / Att E, II.D.1.e / Att E, II.G.1.a: Remove "and/or numeric effluent limitations (NEL)" 10. Att C, Table 6 / Att D, Table 5: From Table title, remove "and Numeric Effluent". Remove entire Numeric Effluent Limitation column from table. <p>Response:</p> <ol style="list-style-type: none"> 1. Permit was not revised; suggested terms do not add clarity; entire section covers non-visible pollutant requirements. 2. No revisions were made in response to the comment. A spill, for example, could be caused by a delivery rather than a construction activity.

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	<ol style="list-style-type: none"> 3. Pursuant to 40 CFR § 122.44(d)(1)(vii), this permit must have limitations that are consistent with the assumptions and requirements of any available waste load allocations in an Environmental Protection Agency (EPA) approved total maximum daily load (TMDL). 4. These terms have not been defined in the Glossary because their meaning is clear in the context of the permit and rely on the ordinary use of the words. 5. 'Hydraulically downgradient' will replace 'downgradient' permit-wide. 6. Requirements for sampling within the first two hours of discharge and with 15-minute intervals between samples have been removed from the permit. 7. Indicator monitoring requirements have been removed from Attachment D Section M. 8. Suggested replacement has been made in Attachment D Section M.1.a. 9. Pursuant to 40 CFR § 122.44(d)(1)(vii), this permit must have limitations that are consistent with the assumptions and requirements of any available waste load allocations (WLA) in an EPA approved TMDL. 10. Pursuant to 40 CFR § 122.44(d)(1)(vii), this permit must have limitations that are consistent with the assumptions and requirements of any available waste load allocations (WLA) in an EPA approved TMDL.
<p>39.143 (1) 39.151 (2) 39.184 (1) 39.193 (2)</p>	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Various parts of Att D,E, Sec II require text clarification.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Att D, II.D.1.d.ii / Att E, II.D.1.d.ii,: Replace "as necessary" with "if applicable" 2. Att D, II.D.2.e.i / Att E, II.D.3.e.i: Remove "identified non-visible pollutant parameters, including" <p>Response:</p> <ol style="list-style-type: none"> 1. Revision was not made because terms are equivalent. 2. Indicator monitoring requirements have been removed from Attachment D Section M.
<p>39.182, 39.186, 39.197</p>	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<ol style="list-style-type: none"> 1. Att E, Table 3: Replace "2" with "3" in the Risk Level column. Remove "Receiving Water Sample Collection Column" 2. Att E, II.D.2: Remove section 2, "Receiving Water Monitoring Requirements" 3. Att E, Table 5,: Replace "2" with "3" in the Risk Level column. Remove entire Numeric Effluent Limitation column <p>Response: Attachments C, D, and E have been combined into a new Attachment D (Traditional Construction Risk Level) where table headings have been revised. Table 5 was not revised because the substantive requirements were not revised.</p>
46.02	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: The Draft CGP includes non-visible pollutant monitoring requirements in Attachments A, C, D and E that do not clearly indicate when sampling is required and/or require additional “indicator” parameters. It is not clear how these “indicator” parameters are chosen and why sampling of them would be required.</p> <p>Requested Change: Can a Discharger sample those instead of the applicable TMDL-related pollutants in their source assessment if there is a spill or a breached BMP?</p> <p>Response: Non-visible pollutant sampling is limited to substances identified in pollutant source assessment for the site. The sampling requirements (i.e. after breach or failure, if substance is listed as total maximum daily load (TMDL)) are clear.</p>
47.10	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: The requirement for the discharger to record the time the discharge ends is a difficult task requiring staff to be present at each location for the duration of the precipitation event.</p> <p>Requested Change:</p>

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	<p>Instead of recording a time the discharge ends, LADWP recommends that this requirement be covered under the visual inspection for the daily precipitation event as the recorded date and time that no visual discharge is observed during the daily inspection.</p> <p>Response:</p> <p>Requirement to record beginning and end of discharge has been removed from Attachments D and E Section III.</p>
49.07	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>The Turbidity sampling protocol is not the same as the pH sampling protocol. Turbidity is to be averaged over, “at least three samples, taken at the site’s discharge location(s)”. This is not consistent with the other sampling characteristics associated with Level 2 and 3 sites.</p> <p>Requested Change:</p> <p>Please clarify if the same sampling protocol is to be used for both pH sampling and turbidity sampling.</p> <p>Response:</p> <p>As a log 10 scale, pH is not averaged the same way as Turbidity. Nephelometric turbidity unit (NTU) can be averaged normally, but 3 samples per discharge location is required for both.</p>
50.08	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>I am concerned that switching this wording from “scheduled site business” to “scheduled site operating” – according to the Glossary definition of “site operating hours” this can put dischargers on the hook for night-time operations that are not related to construction activities, such as traffic control.</p> <p>Requested Change:</p> <p>Clarify when to physically conduct visual inspections or collect samples.</p> <p>Response:</p> <p>No revisions were made in response to the comment. Language was not revised in Attachment D Section III.C.6. and Attachment E Section III.C.6., as the current language of “scheduled site operating hours” is sufficient.</p>

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53.24	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>The Federal Clean Water Act ... [mandates] that NPDES permits include provisions “to assure compliance with permit limitations” through the monitoring of the amount of pollutants discharged, the volume of effluent discharged from each outfall, and “other measurements as appropriate.”¹⁰² Thus, the State Water Board must adopt NPDES permits that include requirements to collect the data and information necessary to effectively determine compliance with the terms of the permit – including compliance with a WLA based effluent limitation and receiving water limitations.</p> <p>Requested Change:</p> <p>The State Water Board must not remove site-specific monitoring requirements unless the monitoring program provides discharger-specific information at the monitoring frequency – or more – of the final Construction General Permit.</p> <p>Response:</p> <p>Federal regulations do not require monitoring in receiving waters. (40 CFR §122.44(i)(1); 40 CFR 122.48.) The permitting authority has wide discretion to determine what other measurements may be appropriate. The monitoring requirements in this permit are in line with those set forth in U.S. Environmental Protection Agency’s (EPA) 2022 Construction General Permit.</p>
56.41	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary:</p> <p>Att A, III.C.6: “scheduled site operating hours” needs clarification.</p> <p>Requested Change:</p> <p>Please revise to “scheduled site operating hours or within one hour prior or within one hour after schedule site operating hours”.</p> <p>Mention of Risk level 2 discharges seems to be out of place.</p> <p>Response:</p> <p>No revisions were made in response to the comment. Language was not revised in Attachment D Section III.C.6. and Attachment E Section III.C.6., as the current language of "scheduled site operating hours" should be sufficient. ‘</p>

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Comment ID	Comment Summary and Response
	Risk Level 2' has been revised to 'LUP'.
56.43	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Att A, III.D.1.b: LUPs often have multiple discharge locations, some where active construction is not occurring.</p> <p>Requested Change: Please allow for the discharger to sample from representative sampling locations where construction is active.</p> <p>Response: Linear underground/overhead project (LUP) Dischargers are required to sample from discharge points at one or more locations that are representative of construction activities, active or inactive, per Attachment E Section III.D.1.a.</p>
56.44	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: Att A, III.D.1.d: pH sampling is excessively required.</p> <p>Requested Change: We recommend that pH analysis be required only when the discharger is implementing activities that can potentially generate high pH such as during concrete and mortar operations.</p> <p>Response: Sampling requirements for pH are easy, quick, and inexpensive and pH is relevant for more than just concrete and mortar operations. (e.g. recycled concrete and asphalt aggregate)</p>
68.01	<p>Comment Category: Monitoring – Sampling</p> <p>Comment Summary: We are concerned about how numeric action levels (NALs) are proposed to be applied to a construction site in the draft CGP.</p> <p>Requested Change:</p>

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	<ol style="list-style-type: none"> 1. We recommend the Water Board consider an NAL exceedance to be based on an average of all analytical results for all discharge testing points on each day of discharge (as in the current permit). 2. We recommend that the permit language be clarified. For example, the draft language seems to state we only have to average at least three samples per location per day. If we have five testing results, does this mean we can throw out the two highest and only average the best three? <p>Response:</p> <p>The permit requires averaging for each discharge point to help dischargers and Water Board staff identify the specific source of any exceedance. The language has been revised to clarify that all samples taken should be averaged, with a required minimum of three samples. In the example given where five samples are taken, all five samples must be averaged; the discharger may not disregard the two highest.</p>
75.06	<p>Comment Summary: Monitoring – Sampling</p> <p>The sampling requirements in the current Draft Permit will mean many QSPs will no longer be able to perform the required during-rain inspections and storm water sampling using their own staff</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Reduce the sampling and testing requirements to match the 2009 CGP requirements 2. Revise the trigger for pre-precipitation event inspections to 0.25 inches of forecasted precipitation in a 24-hour period (rather than 0.5 inches; see Attachment D, page 10, paragraph 3). 3. Keep 0.5 inches as the threshold for daily and post-event inspections (see Att. D, pg 10, paragraphs 4 and 5). <p>Response:</p> <p>These revisions have not been made because studies have shown that 0.4” (10 mm) of precipitation is a statistically valid proxy for the erosive threshold, in the absence of real time 30-minute rainfall intensity data. In addition, after soil is saturated, 0.25” per day likely to mobilize sediment. [Citation in Fact Sheet, Section E.1.h.]</p>
13.17	<p>Comment Category: Notice of Non-Applicability – Incorporate NONA submittal into Stormwater Multiple Application and Report Tracking System</p>

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	<p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter expresses that it would be best to incorporate the NONA submittal into SMARTS along with clear guidance on how to do so. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove "signed by the applicable Regional Water Board Executive Officer stating Water Board", add "submitted via SMARTS for Regional Water Board concurrence" <p>Response:</p> <p>The Notice of Non-Applicability (NONA) requirements set forth in Order Section III.E. have been revised. Stormwater Multiple Applications and Report Tracking System (SMARTS) will accept all necessary submissions by the effective date of the permit.</p>
49.02	<p>Comment Category: Notice of Non-Applicability – Establish Finite Review and Approval Period</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter requests a reasonable response period from Water Boards of 30 days 2. Commenter is thankful for the NONA pathway <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Establish a reasonable response period of 30 days from the waterboards <p>Response:</p> <p>The Notice of Non-Applicability (NONA) requirements set forth in Order Section III.E. have been revised to not require Regional Water Board Executive Officer concurrence prior to submitting a NONA.</p>
75.09	<p>Comment Category: Notice of Non-Applicability – Expand NONA Technical Report Preparation to Licensed Civil Engineer</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes that the draft CGP requires a CA licensed professional geologist to prepare a technical report and indicates that this technical report could also be prepared by a licensed civil engineer.

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	<p>2. Asks for clarification on if infiltration of stormwater is a discharge regulated by this permit or if the CGP only regulates discharges from stormwater “via pipes, channels, ditches, or as surface runoff”</p> <p>3. Thankful for NONA pathway</p> <p>Requested Change:</p> <p>1. Include language to allow licensed civil engineers to prepare technical reports for NONA submittals.</p> <p>Response:</p> <p>The Notice of Non-Applicability (NONA) requirements set forth in Order Section III.E. have been revised so that this option is available only when the location is not hydrologically connected to waters of the United States. A California licensed professional engineer with hydrological expertise, which may include a civil engineer, is permitted to sign the technical report.</p>
<p>13.16, 28.02, 47.03, 56.12</p>	<p>Comment Category: Notice of Termination – Grandfathering of Permit Coverage Submitted Prior to New CGP Adoption</p> <p>Comment Summary:</p> <p>1. This draft requires dischargers that have already submitted an NOT to apply for new coverage.</p> <p>2. Under the draft CGP, the dates that projects will need to comply with CGP are not identified</p> <p>3. Commenter outlines a timeline of at least one year to meet new permit requirements for projects already covered under current permit.</p> <p>Requested Change:</p> <p>1. Dischargers who have already submitted an NOT under the current CGP receive priority attention to their NOTs to avoid undue costs and administrative effort</p> <p>2. Propose timeframe for ‘grandfathered’ projects under the previous permit. DOE may have further comments depending on response.</p> <p>3. Projects covered under current permit be allowed to continue coverage for at least one year after the new CGP adoption date to allow ample time to recertify and submit updated PRD to SMARTS for new coverage under adopted permit</p> <p>Response:</p> <p>Order Section III.C. has been revised to state: “Existing dischargers subject to State Water Board Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ, (previous</p>

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	<p>permit) will continue coverage under the previous permit until they have received an approved Notice of Termination from the Regional Water Board and up to 3 years after the effective date of this General Permit. Three years after July 1 2023, all existing Notices of Intent subject to the previous permit will be administratively terminated.”</p>
13.19	<p>Comment Category: Notice of Termination</p> <p>Comment Summary:</p> <p>An owner selling a property should not be responsible for notifying the purchaser of NPDES Permit requirements. This is the responsibility of the new owner, that owner’s engineers, and the Regional Board or municipality to ensure that the new owner has appropriate coverage.</p> <p>Suggestion: Remove "and certification that the new owner has been notified of applicable requirements to obtain new General Permit for the subject land. The existing discharger certification shall include the name, address, telephone number, and email address of the proposed new owner in the Notice of Termination submitted through SMARTS."</p> <p>Requested Change:</p> <p>Remove "and certification that the new owner has been notified of applicable requirements to obtain new General Permit for the subject land. The existing discharger certification shall include the name, address, telephone number, and email address of the proposed new owner in the Notice of Termination submitted through SMARTS."</p> <p>Response:</p> <p>The requested statement was not removed from the permit. The existing discharger is responsible for notifying the new owners that they must obtain new permit coverage.</p>
13.18	<p>Comment Category: Notice of Termination – Shedding Permit Coverage on Land Sale or Transfers</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> Dischargers that have sold or transferred land should not be held responsible for lack of PRDs from the new owner. The original owner should be released from permit coverage upon meeting all requirements of the NOT. <p>Requested Change:</p>

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	<p>1. Release original landowner from permit coverage and penalties from lack of PRDs on land after the sale or transfer of their land to a new owner.</p> <p>Response: Approval of the notice of termination (NOT) by the Water Board indicates that all the NOT requirements are met.</p>
13.20, 39.013	<p>Comment Category: Notice of Termination – Post-Construction Best Management Practices and Low Impact Development Features</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> Order Section III.H.1 indicates the requirements for permit termination and uses post construction documentation as an example of items to be submitted with the NOT package. Confusion lies with the consideration for LUPs which are not subjected to post-construction requirements. Commenter request permit language to be removed. <p>Requested Change:</p> <ol style="list-style-type: none"> Change the example items (Order Section III.H.1) to be submitted with the NOT package to “date-stamped final site photographs” or “post-construction BMPs and Low-Impact Development features” Remove "Including installation of post construction stormwater runoff BMPs and low impact development features" in Order Section III.H.4. <p>Response: Order Section III.H. was not revised in response to these comments because linear underground/overhead projects (LUPs) are not subject to post-construction requirements and because the installation of post-construction stormwater runoff best management practices (BMPs) and low-impact development (LID) features are important for non-LUP permit termination.</p>
7.20, 13.26, 15.23, 43.05, 43.06, 47.05, 56.18	<p>Comment Category: Notice of Termination – Final Site Map Requirements</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> Commenter notes that some projects have final contour information available, although not all construction projects are planned with that level of detail

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	<ol style="list-style-type: none"> 2. Commenter notes that NOT contour maps would cost many thousands of dollars in surveyor fees. Claims this requirement does not protect water quality and is a significant requirement. 3. Commenter notes the cost required to include a contour map in the NOT and the lack of contribution to protecting water quality. Commenter also notes that providing names and contact information of new owners would be cumbersome 4. Commenter requests clarification on why a contour map is needed in an NOT 5. Commenter suggests that in lieu of a single final site map, supporting documents could be submitted to meet the final site map requirements 6. Claims that final site contours do not apply to all sites <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove proposed requirement to include elevation contours in NOT map. 2. Revise site requirements to include “where feasible” relating to all remaining elements. 3. Reduce NOT costs 4. Documents and conditions be the same for NOTs as in the 2009 permit. 5. Allow for final contour and landscaping maps to be submitted as supporting documents as opposed to being included in the final site map 6. Provide exceptions to the final site contours for certain sites <p>Response:</p> <p>Language regarding the contour requirement in the notice of termination (NOT) final site map has been removed.</p>
<p>7.06, 13.27, 15.26, 47.04, 56.20</p>	<p>Comment Category: Notice of Termination - Establish Finite Review and Approval Period</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes appreciation for automatic approval of NOTs after 30 days. Indicates that the ‘if accepted for review’ language can negate this automatic approval. 2. Identifies the lack of processes for moving the review along once it has been accepted for review 3. Commenter recommends that a timeframe is provided to receive approval and that specification are made for required documents for continued construction 4. Commenter notes appreciation for automatic approval and that upon resubmittal of a denied or return NOT, the same automatic approval process applies.

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	<p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove the “accepted for review” option 2. Add “once accepted for review the NOT will be automatically approved within 30 days if no further action is taken 3. Clarity on required documents for continuation of construction 4. Automatic approval within 30 days apply to NOTs that were previously denied or returned to permittee. <p>Response:</p> <p>If a notice of termination (NOT) has been accepted for review, the permit does not include a specific timeline for the Regional Water Board to approve an NOT. Each NOT submittal can vary in complexity on a case-by-case basis requiring different amounts of time for review.</p>
<p>7.24, 15.22, 17.04, 33.17, 39.010, 39.011, 56.27, 22.12, 43.03</p>	<p>Comment Category: Notice of Termination – Final Stabilization Requirements</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes the evenly distributed 70% vegetative cover in Order Section III.H.5 2. Commenter notes the evenly distributed 70% vegetative cover in Order Section III.H.5 3. Commenter suggests that additional control measures should be considered to achieve final stabilization, including a combination of temporary erosion controls and vegetation 4. Commenter supports the three options listed in Order Section III.H.5, anecdotally suggests that RWBs won’t approve options b or c 5. Commenter recommends changes to Fact Sheet, Section I.R.1.g 6. Commenter suggests adding text to the “final stabilization” definition to indicated that non-vegetative cover is included. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Clarity on if 30% of the soil can remain bare when terminating permit coverage 2. Add “a. 70 percent final cover method. No computational proof required. Photos of all site areas are required to verify compliance with the 70 percent final cover requirement. Requires one of the following: 3. 1) Permanent vegetative cover to be evenly established over all areas of soil disturbed by the construction activity (i.e., non-paved, non-built areas. The vegetation shall be established to a uniform density equivalent to the 70% of pre-project vegetation density.);

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	<p>4. 2) Installation of permanent erosion-resistant non-vegetative coverage (such as rock mulch, decomposed granite, landscape mulch) across all areas of soil disturbed by the construction activity and exposed areas of soil (i.e., non-paved, or non-built areas); or</p> <p>5. 3) An effective combination of temporary erosion controls, such as erosion control blankets, that have a functional longevity to provide erosion control until vegetation is established all areas of soil disturbed by the construction activity (i.e., non-paved, or non-built areas)."</p> <p>6. "c. Custom method. The Discharger may request approval from the Regional Water Board to use a method or analytical model other than Section III.5.a. and 5.b. 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. The request shall be made through the NOT tabs in SMARTS and demonstrated through use of engineering judgment as suited to the custom method."</p> <p>3. Add language to allow for a combination of temporary erosion control, such as blankets, rock mulch, decomposed granite and landscape mulch</p> <p>4. Suggests that SWB confers with RWBs to provide acceptable methods other than the 70% final cover method.</p> <p>5. Add "to provide temporary erosion control." Add "If feasible and appropriate given the site conditions, planted." Add "in vegetation selection and"</p> <p>6. Add text to glossary definition of "final stabilization" to indicate that non-vegetative methods are included</p> <p>Response:</p> <p>1. Yes, that is acceptable. The 70% vegetative cover must be evenly distributed, which means that the 30% of bare soil must also be evenly distributed.</p> <p>2. Comment noted. Under the custom option clause, these methods can be considered by the Regional Water Board.</p> <p>3. Comment noted. Under the custom option clause, these methods can be considered by the Regional Waterboard.</p> <p>4. The State Water Board may confer with the Regional Water Board when considering custom options.</p> <p>5. The Fact Sheet Section I.R.i.g. was not revised in response to this comment because erosion control is discussed in the previous section, it is always feasible and appropriate to re-vegetate with native plants.</p> <p>6. The glossary definition was revised to indicate non-vegetative methods, such as riprap.</p>

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Comment ID	Comment Summary and Response
15.24	<p>Comment Category: Notice of Termination – Permanent versus Individual Erosion Control Best Management Practices</p> <p>Comment Summary:</p> <p>Commenter notes that in Section III.H.6.e&f, all erosion control BMPs should be part of the final stabilization measures and intended to be permanent.</p> <p>Requested Change:</p> <p>Remove permanent versus individual erosion control BMP language</p> <p>Response:</p> <p>No change was made in response to this comment because, individual erosion control best management practices (BMPs) are typically associated with preventing erosion during land disturbing activities or establishing vegetative cover and are not intended to be permanent. It is important to differentiate permanent and temporary erosion control BMPs on the final site map.</p>
15.25, 43.04	<p>Comment Category: Notice of Termination – Combine Order Sections</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes that requirements in Order Section III.H.8&9 indicate that these sections should be combined 2. Commenter suggests combining Order Section III.H.6.e&f <p>Requested Change:</p> <ol style="list-style-type: none"> 1. The Notice of Termination shall include a long-term maintenance plan for the post-construction stormwater runoff BMPs being implemented. The long-term maintenance plan shall include design specification for the post construction BMPs. For projects subject to Phase I or Phase II MS4 post-construction requirements, the Discharger shall submit the long-term maintenance plan approved by the MS4. 2. Combine Order Section III.H.6.e&f <p>Response:</p> <p>Order Section III.H.8. has been removed and Order Section III.H.9. is now Order Section III.H.6. Order Section III.H.6.e&f. are now Order Section III.H.4.d&e., and these sections were not combined in response to this comment because they serve different purposes and are better kept as separate clauses.</p>

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22.10	<p>Comment Category: Notice of Termination – Define Jurisdiction of Construction Stormwater General Permit with respect to Clean Water Act 401/404</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes that findings 12 and 13 in the order identify that the draft CGP does not regulated the discharge of dredge or fill materials and advise dischargers engaging in this kind of work to pursue appropriate permits under CWA 401/404. Also notes that under CWA 401/404, there are provisions protecting water quality in the waters of the state and US during dredge and fill activities, which the commenter notes are construction activities. Due to these provisions in CWA 401/404, the commenter describes coverage under the CGP for projects that occur within the waters of the state or US as duplicative. Claims that language in CGP Order Finding 12 that CGP is not necessary for projects within waters of the state or US. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Add “Construction activity located within waters of the state or waters of the US, which are subject to Clean Water Act Section 404 Permits and Clean Water Act Section 401 Water Quality Certifications. (Those portions of the construction activity that are located outside of waters of the state or waters of the US (upland sites) are subject to this general permit only if the upland portions disturb one or more acres of land surface.)” to Order Section II.B <p>Response:</p> <p>Order Section II.B.10 has been revised.</p>
23.31, 23.33, 23.34	<p>Comment Category: Notice of Termination – Order Section III.H.6.b</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter wants clarification on final inspection requirements <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Provide clarity in Order Section III.H.6.b 2. Adding “project boundaries and adjacent lands with labeled key features such as roadways or waterbodies <p>Response:</p>

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	<p>Order Section III.H.6.b. is now Order Section III.4.a. The requirements are clearly stated in this section. Order Section III.4.a. was revised to add “with labeled key features, such as roadways or waterbodies.</p>
23.32	<p>Comment Category: Notice of Termination – Order Section III.H.6.a Language Changes</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter recommends adding language to Order Section III.H.6.a <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Adding “elevation contours with elevation labels” <p>Response:</p> <p>The requirement regarding elevation contours has been removed from Order Section III.H.6.a.</p>
33.16	<p>Comment Category: Notice of Termination – Determination of Completed Construction Checklist</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter considers Order Section III.H.3.b ambiguous due to the lack of metric(s) to define pre-construction pollutant levels. Additionally, the commenter notes that due to the nature of construction, pre-construction levels are not comparable to post-construction levels. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Delete Order Section III.H.3.b.2 <p>Response:</p> <p>Order Section III.H.3.b.2. was reverted to the previous permit’s language: “There is no potential for construction-related stormwater pollutants to be discharged into site runoff.”</p>
39.012	<p>Comment Category: Notice of Termination – Wildlife Entrapment Specification</p> <p>Comment Summary:</p> <p>Commenter notes that the phrase “minimize the risk of wildlife entrapment” in Order Section III.H.3 is vague, ambiguous and needs clarity.</p> <p>Requested Change:</p>

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	<p>CGP should identify what is expected of the regulated community to meet this language's requirement to minimize the risk of wildlife entrapment.</p> <p>Response:</p> <p>Minimizing the risk of wildlife entrapment refers to providing escape routes from dig sites equal to or more than one meter in depth and storing materials, like netting or tubing, in a location that is inaccessible to wildlife.</p>
<p>39.014, 39.015, 24.41, 24.61, 24.74</p>	<p>Comment Category: Notice of Termination – Language Alteration</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter notes that Order Section III.H.6-9 are redundant and already available to the Regional Water Board. 2. Commenter notes that these items are outside the responsibilities of LRPs and QSDs. Commenter notes that ‘other than verifying items listed in H.3, the LRP and QSD should not be required to certify line grade and other engineering or building related items.’ 3. Commenter notes that Order Section III.H.9 should also be removed because local/municipality ordinances address water quality post-construction and not the CGP. 4. Commenter suggests addition of language in Attachment A, D, E Section III.A.3 and Attachment A Section III.A.1 <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove Order Section III.H.6-9 2. Waive LRP certification of site map 3. LRP should forward any applicable maintenance or associated operating materials to the entity that will be responsible for managing the post-construction BMPs prior to filing the NOT. 4. Add “Or as required in Section III.G in the Order.” <p>Response:</p> <ol style="list-style-type: none"> 1. Order Section III.H.6. was removed and now Order Section III.H.7-9. are Order Section III.H.6-8. There is no added burden to submit these required notice of termination (NOT) package items. Order Section III.H.7&8. are not items available to the Regional Water Board. 2. The Legally Responsible Person (LRP) is not required to review line grade and other engineering or building related items, but liability lies with the certification of NOT documents

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	<p>upon submittal to Stormwater Multiple Applications and Report Tracking System (SMARTS) and therefore it is the responsibility of the LRP to certify those documents.</p> <p>3. No change was made to the permit in the response to this comment. The Construction Stormwater General Permit (CGP) may ensure a long-term maintenance plan (5 years) is additional to local/municipality ordinances.</p> <p>4. The suggested revisions were not made.</p>
<p>5.02, 15.67, 24.04, 32.09, 39.003, 48.09</p>	<p>Comment Category: Passive Treatment</p> <p>Comment Summary: Inconsistent definition for “passive treatment” in Order, Glossary, and Attachment G.</p> <p>Requested Change: Suggest this definition: Passive treatment is the application of natural and/or synthetic chemicals to reduce turbidity in stormwater discharges through the coagulation and flocculation process. Passive treatment does not rely on computerized controls, modular treatment equipment with pumps, filtration, and real-time controls. Passive treatment may include pumps where they are necessary to move water around the site. This Attachment applies to the use of products (e.g., liquid treatment chemicals, powders, slow-releasing solid blocks/socks) to treat stormwater by removing suspended solids such as sediment without using an active treatment system.</p> <p>Response: The definition of passive treatment has been revised to ensure consistency with the Order, Glossary, and Attachment G. The part of the definition referring to pumps used for dosing and application, which is considered “active,” was removed.</p>
<p>2.06, 23.64, 33.03, 33.83</p>	<p>Comment Category: Passive Treatment</p> <p>Comment Summary: It is premature to include requirements for passive treatment without significant guidance on acceptable passive treatment plans. These requirements are highly burdensome financially to the discharger and appear to disincentivize the discharger to use this highly effective BMP.</p> <p>Attachment G does not specify the frequency of monitoring, sampling and reporting or QA/QC. Without clear requirements, the Discharger cannot anticipate what information will be required to be deemed sufficient by the Regional Water Boards.</p>

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	<p>Requested Change: Provide guidance or template passive treatment plan. We recommend that the monitoring, sampling and reporting guidelines be specified in detail in Attachment G.</p> <p>Response: A passive treatment plan template was not incorporated as part of the permit. The State Water Board has contracted the California State University – Sacramento’s Office of Water Programs to develop guidance on passive treatment use, and anticipates making the guidance available prior to the effective date of the permit.</p>
<p>5.03, 15.65, 21.07, 32.10, 33.80. 39.206, 48.10</p>	<p>Comment Category: Passive Treatment – Personnel</p> <p>Comment Summary: A contractor does not need to be present during the time when passive treatment is being applied and dosed.</p> <p>Requested Change: Revise to "The discharger shall employ a contractor knowledgeable in the principles and practices of passive treatment to oversee the product's installation." Or delete Attachment G, Section A.4.</p> <p>Response: Attachment G Section A.4. was revised to state: "The discharger shall employ a trained person knowledgeable in the principles and practices of passive treatment to oversee the product application or installation."</p>
<p>5.04, 15.66, 32.11, 48.11, 63.01</p>	<p>Comment Category: Passive Treatment</p> <p>Comment Summary: Attachment G.B. of the Draft CGP prohibits the use of emulsion-based polymers and limits the use of passive treatment systems to those consisting of polyacrylamides. However, the NRCS has tested polyacrylamides extensively throughout the years, and have deemed emulsion-based polymers to be safe if they do not contain two specific surfactants: nonylphenol (NP) and nonylphenol ethoxylates (NPE). Additionally, they have set other requirements that should be incorporated into this Attachment which can be found at USDA/Natural Resources Conservation Service, Conservation Practice Standard Anionic Polyacrylamide (PAM) Application Code 450, 2020</p>

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	<p>Requested Change:</p> <p>Revise to:</p> <p>"Passive treatment technologies consisting of polyacrylamides must:</p> <ul style="list-style-type: none"> a. be free of nonylphenol and nonylphenol ethoxylates, often used as surfactants. b. Food grade (National Sanitary Foundation/American National Standards Institute) products or contain less than 0.05 percent residual monomer by volume. c. Have a charge density between 10 - 55% by weight. d. Have a molecular weight between 6-24 mg/mole. f. Be mixed and applied in accordance with Occupational Safety and Health Administration (OSHA) Material Safety Data Sheet requirements and the manufacturer's recommendations." <p>Response:</p> <p>Attachment G Section B.2. was revised to be inclusive of emulsion-based polyacrylamides absent of nonylphenol and nonylphenol ethoxylates and polyacrylamides between the suggested charge density and molecular weight criteria.</p>
15.64, 21.14, 33.82, 39.210	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <ul style="list-style-type: none"> 1. Attachment F.C.2.a. indicates that testing should demonstrate that the selected formulation is the most effective product. However, the term "most effective" is impractical as an enforceable permit requirement. Instead, CASQA suggests the terminology "effective." 2. This requirement needs modification, because it would seem the State is requiring the manufacturers to be involved with every site that intends to use passive treatment. A trained person or trade partner that regularly uses passive treatment would be able to follow manufacturers requirements without direct involvement. An appropriate CGP PST training module could be developed and administered by Sacramento State Office of Water Programs, with input from the CGP Training Team. <p>Requested Change:</p>

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	<ol style="list-style-type: none"> 1. "...The testing should demonstrate that the selected formulation is an effective product for removing suspended sediment." 2. "The discharger shall ensure stormwater is treated and sediment from the site is tested by the manufacturer by another qualified third-party identified by the manufacturer⁷, or by a trained person prior to a product being applied at the site. The testing should demonstrate that the selected formulation is effective for removing suspended sediment." <p>Response: In Attachment G Section C.2.a. "the most effective" was replaced with "an effective" and language was added stating the sediment testing can be done by a trained person not a person identified by a manufacturer.</p>
21.08	<p>Comment Category: Passive Treatment</p> <p>Comment Summary: Would an "Accidental Discharge" include overdosing of the polymer? If yes, how would this be controlled when the sediment load cannot be calculated in advance to know the correct dosage.</p> <p>Response: Yes, an accidental discharge includes overdosing of the polymer which may result in a release of passive treatment chemicals into the receiving water and potentially toxic conditions for aquatic life. If the discharger cannot control accidental discharger through means such as a downstream basin, with full capture or hold-and-release capability, then the discharger should not use passive treatment.</p>
21.09	<p>Comment Category: Passive Treatment</p> <p>Comment Summary: Why are cationic polymers (especially Chitosan) treated differently than anionic polymers for Passive Treatment much less banned? PAM's are commonly used at dosages higher the toxicity threshold in the same manner that Chitosan based cationic polymers are. So there does not seem to be a reasonable justification for treating them differently in regards to environmental safety. There have been no reported fish kills or other deleterious impacts that we have heard of from the use of cationic based chitosan gel applications which have been in use for many years in the Pacific Northwest. Also, there are field based residual polymer test for chitosan-based products at levels much lower than the toxic threshold. We are not aware of a similar ability for anionic based PAM's</p>

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	<p>Response:</p> <p>The requirements prohibit cationic polyacrylamides due their higher toxicity to aquatic life, though this may change in future permit iterations with further monitoring and studies.</p>
21.10	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <p>There is legitimate concern about residual acrylamides monomers at levels that exceed both the threshold for Prop 65 and other notifications. NSF standards alone do not ensure this threat is avoided. Prop. 65 is unique to California and relying on standards for areas that do not have this stricter standard for discharges should be avoided.</p> <p>Requested Change:</p> <p>The requirement should be residual monomer concentration that meet California discharge and contact requirements.</p> <p>Response:</p> <p>Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, requires businesses to provide warnings to Californians about significant exposures to listed chemicals that cause cancer, birth defect or other reproductive harm. Proposition 65 also prohibits California businesses from knowingly discharging significant amounts of listed chemicals into sources of drinking water. Proposition 65 requirements are not included as part of this permit because the scope and required actions under Proposition 65 are significantly different than this permit. In addition, Proposition 65 includes enforcement mechanisms for any instances of non-compliance.</p>
21.11	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <p>This only specifies the testing requirements for acute toxicity, but it says data must be provided for both acute and chronic toxicological test results. What chronic testing must be provided. Also, both acute and chronic should include testing for the most sensitive species. For Anionic PAM's the water flea is often times the most sensitive species.</p> <p>Requested Change:</p> <p>Include chronic toxicity testing using water fleas.</p>

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	<p>Response:</p> <p>A requirement for chronic toxicity testing using the species <i>Ceriodaphnia dubia</i> was added to Attachment G Section C.5.b.</p>
21.12	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <p>How will the "expected release rates" be determined? For block type applications, the dosage fluctuates with the flow rate, surface area, temperature and other variables. Given the variability of flow rates, the concentration will likely frequently vary widely with the same "release rates." For blocks the surface area is multiple times larger when new versus half dissolved. For powder applications, there are even more variables. All these variables can change dramatically during a storm events and multiple storm events. It is certainly important to calculate "expected release rates" and resulting concentrations to avoid polymer discharges, however, there should be an explanation of how those will be realistically calculated for the real world conditions or this is meaningless. Data in the Florida Erosion & Sediment Control manual shows how it is common in many typical PAM applications for the dosing rate to be higher than the chronic toxicity levels for the PAM.</p> <p>Response:</p> <p>The discharger employs a trained person to calculate expected release rates based on present variables. The State Water Board has contracted with the California State University – Sacramento’s Office of Water Programs to develop a calculator tool that is expected to be available prior to the effective date of this General Permit.</p>
21.13	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <p>How will a user "ensure that coverage will be adequate to provide sediment control without having an excess amount of runoff" as stated when dosing rates will vary widely based upon the variables of release rates, flows, temperature, etc? What would be considered an "excess amount of runoff" and "excess product from in runoff"? It would seem reasonable that the maximum amount of allowable polymer in the discharge should be at a lower toxicological threshold than for Active Treatment Systems since Passive Treatment systems will have fewer controls and much greater variability including dosages in excess of chronic toxicity levels in many cases.</p>

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	<p>Requested Change:</p> <p>There should be a clear statement as to what is an acceptable amount of polymer in the discharge. There should be a legitimate way of confirming this during operations given the likelihood of concentration variability.</p> <p>Response:</p> <p>The State Water Board has contracted with the California State University – Sacramento’s Office of Water Programs to develop a calculator tool that is expected to be available prior to the effective date of this General Permit. The Office Water Programs also recommended turbidity monitoring and visual inspections for floc in the discharge while polyacrylamide (PAM) residual tests are being validated.</p>
21.15	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <p>How is the "appropriate standard passive treatment product quantity per unit flow rate value" to be determined when there is no control of the dosage and flow rate dosage. Also, an important variable of sediment load/turbidity is not included. The appropriate product quantity is highly dependent on sediment load/turbidity. What happens if for variables used in the calculation are not met? Also, flows frequently vary greatly by storm intensity timeline of the storm.</p> <p>Response:</p> <p>The State Water Board has contracted with the California State University – Sacramento’s Office of Water Programs to develop a calculator tool that is expected to be available prior to the effective date of this General Permit.</p>
21.16	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <p>Is there no required monitoring for polymer in the discharge at levels that could be toxic to aquatic species or have other harmful impacts? Is there no means to confirm the assumed dosage/concentrations as per the plan? It seems that there should be to protect receiving waters given the uncontrolled dosage.</p> <p>Response:</p>

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	<p>The State Water Board has contracted with the California State University – Sacramento’s Office of Water Programs to propose a polyacrylamide (PAM) residual test but recommends turbidity monitoring and visual inspections while the test is being validated.</p>
21.17	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <p>It says, "the Regional Water Boards may use site-specific information to require additional sampling and monitoring to confirm the toxicological requirements are being met and to ensure there are no adverse impacts to waters of the United States." What are the toxicological requirements? And do the toxicological requirements apply in all instances where Passive Treatment is used or only when the Regional Boards stipulate it as an additional requirement in this section?</p> <p>Requested Change:</p> <p>Clarification of toxicological requirements and when they apply.</p> <p>Response:</p> <p>The toxicological requirements will depend on site-specific information and the Regional Water Board’s determination of what is necessary. Any additional requirements would be applicable only if the Regional Water Board imposed the additional requirements in writing.</p>
21.18	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <p>Why is the same NAL not applied to passive treatment as to active treatment? If chemicals are going to be used it seems the same expectations should be applied.</p> <p>Response:</p> <p>Attachment F establishes a technology-based numeric effluent limitation, which is not yet justified for passive treatment. Data collected over time may subsequently justify a technology-based numeric effluent limitation.</p>
23.62	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p>

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	<p>These truly passive products (geologs, erosion control sprays) have a much lower threat to water quality, and should require significantly less regulatory burdens.</p> <p>Requested Change: Recommend revising this Attachment to only apply to truly passive treatment BMPs where no mechanical means are used (ie no pumps).</p> <p>Response: The part of the definition referring to pumps used for dosing and application, which is considered "active," was removed, however pumps may still be used to move water around the site.</p>
23.63, 23.65	<p>Comment Category: Passive Treatment</p> <p>Comment Summary: Recommend some regulatory relief for providing some incentive to use passive treatment. With the high cost imposed in monitoring this BMP, request relief of sediment and erosion control BMPs in those drainage areas.</p> <p>Requested Change: Regulatory relief for using passive treatment.</p> <p>Response: Passive treatment must be used in conjunction with sediment and erosion control best management practices (BMPs) in the treatment zone and drainage area.</p>
33.81, 39.209	<p>Comment Category: Passive Treatment</p> <p>Comment Summary: Application requirements for passive treatment includes an offset of 30 feet from the application site to the receiving water. We believe this offset is arbitrary and may not always be possible depending on the project specific conditions. What is the basis for the distance requirement?</p> <p>Requested Change: Attachment G, Section C.1.a - Replace "is at least 30 feet and" with "shall be", add "The distance or physical barrier"</p>

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	<p>Response: The buffer requirements for passive treatment were revised to align with the standard surface water buffer requirements of this General Permit.</p>
39.208, 63.02	<p>Comment Category: Passive Treatment Comment Summary:</p> <ol style="list-style-type: none"> 1. Attachment G, Section B.5, The use of such filters crosses into the active treatment area... this would not be passive treatment. Could be discharged through a sediment control BMP that does not require mechanical pumping to do so. An example would be gravel berm or pad. 2. The focus of the sediment control BMP should be to settle or remove suspended solids. While flocculants are removed when they react with suspended solids and remove the solids, flocculant removal is not the reason for the sediment control BMP. <p>Requested Change: Remove "or filter (including, but not limited to, sand filter or geotextile bag) to settle or remove flocculants prior to discharge from the site." Response: The proposed revision was not incorporated. Filters are an option for the discharger.</p>
39.211, 39.212, 39.216	<p>Comment Category: Passive Treatment – Personnel Comment Summary: Attachment G, Section C.2.b, Section C.2.d, Section D.4 Requested Change: Replace “employ a contractor” with “use a trained person”. Response: “Contractor” was replaced with “trained person”.</p>
39.213	<p>Comment Category: Passive Treatment Comment Summary:</p>

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	<p>Attachment G, Section C.2.e, This is another added cost and burden which is not required or needed to properly deploy passive treatment.</p> <p>Requested Change:</p> <p>Remove “the reasonable” and “frequency specified by the passive treatment contractor”.</p> <p>Response:</p> <p>The requirement was revised to state: "the reasonable cleanout frequency specified in the passive treatment plan". This provides the discharger or their trained person implementing passive treatment with flexibility.</p>
39.214	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <p>Attachment G, Section D.2 - Filtration crosses into active treatment with this requirement unless clarified for gravity feed BMP or filtration.</p> <p>Requested Change:</p> <p>Add "The Passive Treatment Plan shall describe the appropriate application rates, dosing, mixing, and settling. The Passive Treatment Plan shall include:"</p> <p>Remove "QSD shall prepare a" and ", and final filtration"</p> <p>Replace "describing" with "shall describe"</p> <p>Response:</p> <p>No change was made as a Qualified SWPPP Developer (QSD) should be involved in the development of the passive treatment plan.</p>
39.217, 56.49	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Attachment G, Section E.2 - If the passive treatment plan is submitted as part of SWPPP: Why would there be a need to resubmit prior to deployment on site? 2. Attachment A.2, Section F.1 and 2 <p>Requested Change:</p>

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	<p>1. Remove Section E.2.</p> <p>2. Please provide the option for Active and Passive Treatment information to be included with the PRDs as part of the NOI if the passive or active treatment is part of the project plan.</p> <p>Response:</p> <p>The requirements were revised so that Active and Passive Treatment Plans can be submitted as a permit registration document when applying for permit coverage, or as a Change of Information (COI) if being newly implemented at a project.</p>
49.05	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p> <p>Order, Section IV.B.4.b -</p> <p>This paragraph prohibits the use of passive treatment with cationic polyacrylamides. This issue is also related to Attachment G. Soil particles are typically negatively charged or anionic. The most efficient method to treat suspended clays and silts, which are anionic, is to use a cationic flocculant. The use of a cationic material as opposed to a non-cationic flocculant significantly reduces the amount of flocculant that is used for silt and clay removal. Using batch treatment for facilities that treat storm water with a cationic flocculant is consistent with the requirements of Attachment F, Active Treatment System Requirements. By utilizing the more efficient cationic polyacrylamide polymer, a lesser amount of polymer would be introduced into the treatment system which in turn reduces the potential for the release of treated water containing residual flocculant.</p> <p>Requested Change:</p> <p>It is requested that the use of cationic polyacrylamides be permitted for batch treatment, used in conjunction with a required 96-hour Acute Toxicity test, prior to the release of any treated water.</p> <p>Response:</p> <p>The State Water Board is awaiting the recommendations in a forthcoming Office of Water Programs report on the use of passive treatment before allowing the use of cationic polyacrylamide.</p>
63.03	<p>Comment Category: Passive Treatment</p> <p>Comment Summary:</p>

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	<p>Fact Sheet, Section T, 100 - The majority of PAM use in agriculture is used on slopes without passing through a sediment trap or sediment basin and without combining it with mulch. If you feel this is necessary, I would suggest you use the following wording:</p> <p>Requested Change:</p> <p>“Do not use PAM on a slope that flows into a waterbody without passing through a sediment trap, sediment retainment device (wattle, silt fence, gravel bags) or sediment basin.”</p> <p>Response:</p> <p>This is necessary precaution to avoid unintended release of (polyacrylamide) PAM into water bodies. Added “or other sediment controls (e.g., wattles, silt fences, gravel bags)”.</p>
<p>15.32, 16.03, 18.03, 19.02, 22.05, 22.07, 62.02, 62.03, 73.05, 73.06</p>	<p>Comment Category: Post-Construction – Municipal Separate Storm Sewer System (MS4)</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that determining if MS4 post-construction requirements are equivalent or more stringent than CGP post-construction requirements is challenging. There is no way to truly verify if MS4 post-construction requirements are more or less stringent than the CGP’s requirements. 2. Commenters also state that there are inconsistencies between the Proposed Permit and the Fact Sheet. The Proposed Permit states that dischargers must comply with CGP post-construction requirements unless MS4 post-construction requirements are more stringent. However, the Fact Sheet states that CGP post-construction requirements are exempt if there is an active Phase I or II MS4 permit with approved post-construction requirements. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting to delete the statement, “unless the discharger is required to comply with equivalent or more stringent post-construction requirements...” 2. Commenters are also requesting to make post-construction language clearer and more concise throughout CGP. Additionally, the commenters also request more consistency for CGP and MS4 post-construction requirements. <p>Response:</p> <ol style="list-style-type: none"> 1. Section IV.N.2. was revised to remove “equivalent or more stringent.” This requirement was removed because it is subjective and unreasonable for a discharger to determine whether

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	<p>municipal separate sewer systems post-construction requirements are more or less stringent than the Construction Stormwater General Permit requirements.</p> <p>2. Revisions to clarify post-construction requirements were made throughout permit. Please refer to Order Section IV.N. for updated post-construction requirements.</p>
<p>13.30, 22.06, 23.17, 61.03</p>	<p>Comment Category: Post-Construction – Structural Controls/Best Management Practices</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that having Regional Boards review and approve post-construction structural controls is burdensome and unnecessary, as it typically delays construction projects. They add that MS4 post-construction structural controls are already well established in municipalities and that adding additional requirements will confuse dischargers. 2. Commenter states that Regional Boards tend to exercise review authority and make comments on design features for projects during or at the end of construction. The commenter conveys that this is a huge inconvenience, as it is burdensome to make adjustments when the project is in either the middle or end stages of construction. 3. Commenter also states that it is difficult to explain project design comments from Regional Boards to project developers, as projects are typically permitted and fall under guidelines from local jurisdiction through the jurisdiction’s Phase 1 or Phase 2 MS4 permit. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to remove or receive further clarification for Order Section IV.N.6. Commenters state that the language is burdensome, costly, and delays project progression. 2. Commenter is requesting to replace “specifications” with “that addresses the long-term inspection and maintenance requirements of those post-construction measures.” 3. Commenter is requesting that the Regional Board’s review authority be clearly defined, and that design-related comments be received during the Plan Check process, not during or at the end of construction. 4. Commenter is requesting a flow chart that displays the review authority for post-construction design elements. 5. Commenter is also requesting clear discrepancies between CGP and MS4 review authority for construction projects in Final Draft CGP. <p>Response:</p>

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	<ol style="list-style-type: none"> 1. Regional Boards need to review and approve post-construction structural controls for projects outside of a Phase I or II municipal separate storm sewer system (MS4's) jurisdiction. Dischargers may request that the Regional Water Boards review the post-construction plans prior to and during construction. Dischargers in Phase I or II MS4s typically have their post-construction plans approved by the applicable MS4 prior to construction. 2. "Specifications" was removed from Order Section III.A.1.d. because the example was not necessary. The permit language was revised to state: "Applicable plans, calculations, and other supporting documentation or documentation for compliance with existing permitted Phase I or Phase II municipal separate storm sewer system post-construction requirements or the post-construction standards of this General Permit."
<p>13.09, 15.21</p>	<p>Comment Category: Post-Construction</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that structural BMPs are typically discouraged when trying to meet post-construction requirements, henceforth, the "basin" example should be deleted from the passage. 2. Commenter states that there needs to be further clarification on specific post-construction runoff BMPs, low impact development features, and the projects these features apply to. The current language in the Draft CGP communicates that all projects must have installed post-construction stormwater runoff BMPs and low impact development features. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting to remove "(e.g., specifications for a basin)" language from Order Section III.A.1.d. States that structural BMPs are typically discouraged for post-construction. 2. Commenter is requesting clarification on post-construction runoff BMPs, low impact development features for projects, and specific projects these requirements apply to. <p>Response:</p> <ol style="list-style-type: none"> 1. Structural best management practices (BMPs) are no longer discouraged to meet the post-construction water balance, however, the example was not necessary and was removed from Order Section III.A.1.c. for clarity. 2. Low impact development (LID) features are a type of post-construction BMP that can be used to capture, infiltrate, and/or treat stormwater runoff. The permit language has been modified to

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	<p>show that stormwater runoff BMPs and/or low impact development features can be utilized to treat stormwater runoff.</p>
20.17	<p>Comment Category: Post-Construction – Maintenance Plan</p> <p>Comment Summary:</p> <p>Commenter states that the requirements for a long-term maintenance plan for post-construction stormwater runoff BMPs is unnecessary. They add that the 70% vegetation cover, mitigation monitoring plans, and the O&M agreements for the LID features are sufficient.</p> <p>Requested Change:</p> <p>Commenter is requesting that language in Order Section III.H.9 be updated to state, “The Notice of Termination shall include a long-term maintenance plan for low impact development features being implemented.”</p> <p>Response:</p> <p>Long-term maintenance plans provide assurance that the post-construction best management practices (BMPs) will operate as intended over multiple years. The plan does not need to be lengthy if it captures the requested information.</p>
36.12, 36.13, 36.14, 36.15, 36.16	<p>Comment Category: Post-Construction – Low Impact Development (LID)</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that the Draft CGP imposes post-construction requirements on low impact development (LID) design standards and conservation of existing drainages. States that the State Board is exceeding their authority per Clean Water Act. 2. Commenter states that the State Board is violating state law as California Code, Water Code - WAT § 13360 states that no Regional Board or State Board “shall specify the design, location, type of construction, or particular manner in which compliance may be had with that requirement, order, or decree...” Commenter also states that the State Board has no legal authority implementing LID standards in the CGP, and that even if a LID area is not regulated under a Phase I or II MS4 permit, then it should utilize other relevant authority to regulate such requirements. 3. Commenter states that the CGP reissuance requires dischargers to maintain pre-construction drainage density in post-construction condition, which prohibits fill of streams. Despite the Draft CGP not intending to regulate fill, it ultimately does. However, the commenter mentions that

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	<p>the Waterboards has no authority to regulate this, as the US Army Corps of Engineers regulates this.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to remove the LID post-construction requirements from the CGP as they do not believe it should be regulated within the Permit. 2. Commenter is requesting that LID areas be subject to post-construction requirements from a Phase I or II MS4 permit or other relevant authorities instead of the CGP. 3. Commenter is requesting to remove the drainage density requirements from the CGP. <p>Response:</p> <ol style="list-style-type: none"> 1. As noted by the commenter, a trial court found that similar post-construction requirements in the 2009 permit were within the State Water Board’s National Pollutant Discharge Elimination System (NPDES) permitting authority. As a result, low impact development (LID) standards will remain in the permit. (comments 36.12, 36.13, 36.15) 2. Low impact development features are a type of post-construction best management practice (BMP) that can be implemented to reduce runoff and pollutants in stormwater after construction is complete. However, low impact development features do not necessarily need to be implemented, as other BMPs can be utilized to comply with post-construction requirements. (comment 36.14) 3. This requirement has not changed since the 2009 adoption of the permit. Post-construction requirements are necessary to help reduce runoff and minimize any long-term water quality impacts or hydromodification resulting from construction. Construction projects almost always modify a site’s response to precipitation by adding impervious surfaces. Maintaining drainage density can be achieved through various low impact development (LID) approaches. Structural controls include bioretention cells, rain gardens, and rain cisterns, while some non-structural controls include using porous pavement, planting trees, disconnecting the downspout, installing a green roof, and using stream buffers. As noted by the comment, any fill activities are not authorized under this permit and may require a Clean Water Act section 404 permit and section 401 certification. (comment 36.16)
36.17	<p>Comment Category: Post-Construction – Notice Of Termination</p> <p>Comment Summary:</p>

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	<p>Commenter states that post-construction requirements (BMPs and LID compliance) should not be required when there is a change in ownership.</p> <p>Requested Change:</p> <p>Commenter is requesting to remove post-construction requirements when there is a change in ownership.</p> <p>Response:</p> <p>The post-construction standards of this permit do not apply to dischargers that are submitting a Notice of Termination (NOT) for a change of ownership where the new owner will obtain permit coverage to complete construction. When the new owner completes construction and files a Notice of Termination to end permit coverage for the project, the new owner will then need to demonstrate compliance with the final stabilization and post-construction requirements.</p>
43.07	<p>Comment Category: Post-Construction</p> <p>Comment Summary:</p> <p>Commenter states that the requirement for post project time of runoff concentration being equal to or greater than pre-project time of concentration could result in increased flood peaks.</p> <p>Requested Change:</p> <p>Commenter is requesting that Order Section IV.N.7 be updated, as dischargers do not want a potential increase in flood peaks.</p> <p>Response:</p> <p>The post-project time of runoff requirement is identical to the previous permit and the comment did not provide any specific examples of any challenges or consequences of successfully implementing it. The post-project time of runoff requirement will still be a required post-construction stipulation.</p>
75.07	<p>Comment Category: Post-Construction</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that Regional Boards tend to exercise review authority and make comments on design features for projects during or at the end of construction. The commenter conveys that this is a huge inconvenience, as it is burdensome to make adjustments when the project is in either the middle or end stages of construction.

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	<p>2. Commenter also states that it is difficult to explain project design comments from Regional Boards to project developers, as projects are typically permitted and fall under guidelines from local jurisdiction through the jurisdiction’s Phase 1 or Phase 2 MS4 permit.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting that the Regional Board’s review authority be clearly defined, and that design-related comments be received during the Plan Check process, not during or at the end of construction. 2. Commenter is requesting a flow chart that displays the review authority for post-construction design elements. 3. Commenter is also requesting clear discrepancies between CGP and MS4 review authority for construction projects in Final Draft CGP. <p>Response:</p> <ol style="list-style-type: none"> 1. Regional Water Board staff are no longer required to review post-construction structural measures for projects outside of a Phase I or II municipal separate storm sewer system (MS4) jurisdiction with applicable post-construction requirements, but may conduct a review post-construction plans, calculations, and other supporting documentation to verify that the post-construction water balance is accurate, and may request the discharger to make revisions if necessary. 2. Regional Water Board staff verify if the post-construction stormwater control measures comply with the requirements of a Phase I or II MS4 permit, or this permit, if applicable, during their Notice of Termination (NOT) review. If the post-construction stormwater control measures are not in compliance, then the Regional Water Board staff may deny the Notice of Termination until corrections are made. The Regional Water Board staff has design review authority for post-construction stormwater control measures for projects that are outside of a Phase I or II MS4 jurisdiction. This permit requires that all dischargers submit post-construction plans, calculations, and specifications as a permit registration document when applying for Notice of Intent (NOI) coverage.
75.08	<p>Comment Category: Post-Construction – Water Balance Calculator</p> <p>Comment Summary:</p>

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	<p>1. Commenter states that since there are many discrepancies between the 2009 CGP Excel Water Balance Calculator and the updated calculator in SMARTS, that the finalized calculator should be available for initial project planning and design.</p> <p>2. Commenter also states that they would like to be a part of the stakeholder meetings regarding the post-construction Water Balance Calculator in SMARTS.</p> <p>Requested Change:</p> <p>1. Commenter is requesting that the new Water Balance Calculator be available and functioning as soon as possible.</p> <p>2. Commenter is also requesting clarification on the commencement of stakeholder meetings per Fact Sheet E.1.k., as they would like to participate in these stakeholder meetings.</p> <p>Response:</p> <p>The post-construction water balance calculator may be available on the Stormwater Multiple Application and Report Tracking System public user menu prior to the effective date of the permit. Staff may hold stakeholder meetings to discuss updating the calculator and if so, would send out notifications via the construction stormwater email distribution list.</p>
2.07, 12.04, 33.04	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities – Qualified SWPPP Developer/Qualified SWPPP Practitioner Limited Availability</p> <p>Comment Summary:</p> <p>The commenter states that there are limited QSD/QSPs in California due to time-intensive and costly requirements to obtain and maintain QSD/QSP certifications, and questions if the State Water Board has looked into the availability of QSD/QSPs.</p> <p>Requested Change:</p> <p>Commenter is requesting to update text and permit language to increase QSD/QSP availability in California.</p> <p>Response:</p> <p>The requirements to obtain a Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) certification are necessary to ensure that a QSD or QSP possesses the necessary knowledge and training to successfully execute the required tasks set forth in the permit. The State Water Board will consider opportunities to increase the number of qualified stormwater professionals in the State.</p>

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<p>13.39, 15.37, 15.58, 19.05, 33.22, 56.26, 75.03</p>	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities – Delegation</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that QSPs/QSDs need to be able to delegate certain tasks to other reputable and trained staff. Additionally, there is confusion on what specific QSD/QSP inspections/tasks cannot be delegated. 2. Commenter states that the multiple QSP responsibilities are difficult to implement and perform with the current shortage of QSPs. As a result, QSDs/QSPs should be able to delegate inspections/tasks to other trained staff. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting QSDs/QSPs to delegate to other staff and provide language clarification in the CGP on inspections/tasks that can or cannot be delegated to non QSD/QSP staff. 2. Commenters are looking to make the following updates: <ol style="list-style-type: none"> a. Update Order Section V.C.4 to, “The Discharger shall ensure that the QSD performs the following on-site visual observations, which may not be delegated” and Order Section V.D.2. to, “The Discharger shall ensure that the QSP performs the following on-site visual observations, which may not be delegated.” b. Add, "The QSP may elect to delegate pre-storm inspections to a trained delegate.” to Section V.D.2.b. c. Update permit language in Order V.D and Order V.E. to convey that more than one QSD/QSP can substitute or delegate staff for a project when the initial QSD/QSP is unavailable. d. Replace “the” with “a” when referring to QSDs/QSPs in Order Section V.C-E. <p>Response:</p> <p>Qualified SWPPP Practitioners (QSPs) may need to delegate tasks to other individuals due to time constraints. However, through implementation of the 2009 permit, regulators and stormwater professionals have observed deficiencies in the capabilities of delegates, resulting in noncompliance. Thus, inspections in Order Sections V.C.4. and V.D.2. must be performed by the Qualified SWPP Developers (QSD) and QSP, respectively. Clarifications have been made to permit language and State Water Board staff is preparing guidance to describe which inspections can be performed by which personnel.</p>

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7.19, 13.46, 15.42, 17.06	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities – Best Management Practice Maintenance & Repair</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that in Attachment A, Section II.J.2, it states that BMP installation, maintenance, and repair needs to be performed or supervised by a QSP. Says QSP can also delegate this to others but they must supervise. 2. Commenter states that QSPs are not licensed or equipped to install, maintain, or repair BMPs themselves. 3. Commenter states that it is costly to have QSP present for BMP installation, maintenance, and repair. Does not recognize professional ability of BMP contractors. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to use QSPs to initially identify what BMPs are required and if site needs maintenance/repairs. After, BMP contractors will solely complete the BMP installation, maintenance, or repairs. Finally, QSPs will inspect work performed by BMP contractors. 2. In Atta A, Section II.J.2, commenter is requesting that we replace that section with the following statement, “performed by qualified BMP personnel and visually confirmed by QSP.” <p>Response:</p> <p>Qualified SWPPP Practitioners (QSPs) do not necessarily have to be physically present when best management practices (BMPs) maintenance and repair activities are occurring, but they are responsible for verifying that the parties are correctly maintaining or repairing BMPs. Verification can also be done by appropriately trained delegates. The language in Attachments D and E Section II.J.2. has been revised to clarify this.</p>
15.30	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities – Recission</p> <p>Comment Summary:</p> <p>Commenter states that it is difficult to determine how the recission of QSD/QSP certifications commence and how to verify the validity of the complaints.</p> <p>Requested Change:</p>

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	<p>Commenter is requesting for more specific requirements to assist in determining why QSD/QSP certifications are initially being revoked, along with useful practices that can determine complaint validity.</p> <p>Response:</p> <p>Dischargers and other individuals may file a complaint against Qualified SWPPP Developer/Qualified SWPPP Practitioners (QSD/QSP) through the California Environmental Protection Agency’s Environmental Complaint System. The Office of Enforcement will investigate the complaint using details from the complaint itself, as well as records from projects the QSD/QSP has worked on. Additional guidance on how to submit a complaint may be prepared after permit adoption.</p>
49.03	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities – Inactive Project</p> <p>Comment Summary:</p> <p>Commenter states that in Order Section III.G.2.b, it says that a QSP or delegate must visit the inactive site at least once a month. Commenter questions the specific documentation required for each visit and where to input this information. Commenter wants to incorporate these guidelines into the CGP.</p> <p>Requested Change:</p> <p>Commenter is requesting to add guideline information regarding the information/documentation that needs to be completed when visiting an inactive site and where to input the gathered information.</p> <p>Response:</p> <p>Qualified SWPPP Practitioners (QSPs) or their trained delegates shall conduct the required visual inspections for inactive projects as they do with the standard visual inspections. The language in Order Section III.G.2.b. has been revised to include a reference to the main visual inspection requirement section.</p>
20.03, 20.04, 20.05, 20.07	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities</p> <p>Comment Summary:</p> <p>Commenter states that since companies and LRPs often do not have the expertise on sampling and its technical procedures, it would be beneficial to assign contractors, the construction manager, or</p>

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	<p>QSDs to sample and perform technical tasks. Commenter expresses that this is the way that most construction contracts are drafted.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to delegate LRP, discharger, property owner tasks to contractors, construction manager, or QSDs since they are typically on site more and have more technical knowledge/experience. 2. Commenter is requesting clarification throughout the CGP specifying who has control over sites and those who can perform certain tasks. <p>Response:</p> <p>“Discharger” is defined in the Glossary and is typically the property owner, regardless of if a contractor is hired to develop the land. The discharger is responsible for ensuring that they obtain qualified personnel to comply with the requirements of the General Permit because the discharger is liable for any violations of permit conditions, not the personnel that they hired.</p>
33.20	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities</p> <p>Comment Summary:</p> <p>Commenter states that they want more clarifying information on how update QSD information in SMARTS. They also state that QSDs should be able to relinquish their duties once their contract is complete, regardless of NOT status.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to add, "It is the Discharger’s responsibility to update QSD contact information in SMARTS within 30 days of a change in QSD or when notified by a QSD that they are no longer serving as the project QSD" in Order, Section V.C.1. 2. Commenter is requesting to allow QSDs to relinquish their duties when their contract is complete, regardless of NOT status. <p>Response:</p> <ol style="list-style-type: none"> 1. Per Order Section V.D.3.e., the discharger must ensure that the contact information for the discharger, Qualified SWPP Developer (QSD), and Qualified SWPPP Practitioner (QSP) is updated in Stormwater Multiple Applications and Report Tracking System (SMARTS) within 90

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	<p>days of a change. Termination of a QSD’s service should be handled in any contract between the discharger and the QSD.</p> <ol style="list-style-type: none"> The permit does not regulate contracts between a discharger and the QSD. The contracts can be drafted so that a QSD does not have to remain on the project for the entire duration, but the discharger must have a QSD (same one or different) until the Notice of Termination (NOT) is approved.
33.21, 33.23	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> Commenter states that they want QSD on site-visual observation responsibilities reduced in Order Section V.C. Commenter states that they want to delete the “photo documentation” requirement in Order Section V.D.3.f. <p>Requested Change:</p> <ol style="list-style-type: none"> Commenter is requesting to delete Order Section V.C.a,c,d. Commenter is requesting to delete “photo documentation” requirement in Order Section V.D.3.f. <p>Response:</p> <ol style="list-style-type: none"> The permit was not revised and the requirements in Order Section V.C.a,c., and d were retained. These requirements were drafted to foster collaboration between Qualified SWPPP Developers (QSDs) and Qualified SWPPP Practitioners (QSPs) throughout the life of the project with the intent of increasing compliance with the permit requirements. The permit was not revised and the requirement in Order Section V.D.3.f. was retained. Photo documentation of problem areas of erosion, new sediment deposition, unauthorized non-stormwater discharges, and/or failed best management practices (BMPs) is beneficial to an inspector’s understanding of how a site is attempting to comply with a permit. The language was revised so that photo documentation is made available upon an inspector’s request.
39.030	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities</p> <p>Comment Summary:</p> <p>Commenter states that having the LRP verify QSD/QSP certifications and that engineering and geology work is performed by California license professionals is not necessary.</p>

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	<p>Requested Change:</p> <p>Commenter is requesting to remove Order Section V.A.3., “For example, the Legally Responsible Person shall verify personnel serving as QSD(s) or QSP(s) have an active and current certificate, and engineering and/or geology work performed for the site is conducted by a California licensed professional.” They do not believe that LRPs should be held responsible for verifying if QSPs/QSDs, engineers, or geologists are certified/are California licensed professionals.</p> <p>Response:</p> <p>The permit was not revised in response to the comment. The Legally Responsible Person (LRP) is responsible for obtaining certified professionals to comply with permit requirements. That said, the LRP can task an employee with verifying Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP) certifications and that engineering or geology work is completed by California licensed professionals.</p>
50.10	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities – Qualified SWPPP Developer/Qualified SWPPP Practitioner on Site Requirements</p> <p>Comment Summary:</p> <p>Commenter questions if QSDs/QSPs always need to be on site, as this request does not seem reasonable. The commenter would like clarification on what this quote means and how often QSDs/QSPs need to be on site.</p> <p>Requested Change:</p> <p>Commenter is requesting clarification on what the CGP means when it states, “certified professionals to be on construction sites at all times.” (Fact Sheet, Section I.V)</p> <p>Response:</p> <p>The Fact Sheet language states: “U.S. EPA also suggests that qualified personnel prepare SWPPPs and points to numerous states that require certified professionals to be on construction sites at all times.” The sentence refers to an observation by the United States Environmental Protection Agency about some state’s permits and is not a requirement of this General Permit. This General Permit does not require certified professionals to be on construction sites at all times.</p>
39.207	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities</p>

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	<p>Comment Summary: Commenter states that designing discharge location(s) from the area treated with passive treatment products to dissipate energy from concentrated flows is meant to be designed by a Professional Engineer, not a QSD.</p> <p>Requested Change: Commenter is requesting to delete the QSD aspect from Attachment G B.4. They only want a PE to design the discharge location(s).</p> <p>Response: Attachment G Section B.2. has been revised to require that only a professional engineer design the discharge locations. A Qualified SWPPP Developer (QSD) is no longer required to design discharge locations.</p>
39.036	<p>Comment Category: Qualified SWPPP Developer/Practitioner Responsibilities – Change Of Information</p> <p>Comment Summary: Commenter states that a change in personnel should not require an amendment (COI) by a QSD. The commenter wants an easier process QSPs could perform to quickly make personnel updates.</p> <p>Requested Change: Commenter is requesting to remove Order Section V.E.2.b., as they state amendments should be quick and should allow QSPs to easily make those changes.</p> <p>Response: The intent of Order Section V.E.2.b. is for the Qualified SWPPP Practitioner (QSP) to provide an updated training log in Stormwater Multiple Applications Report Tracking System (SMARTS). The language was revised to state that a training log may be uploaded as an attachment to the Storm Water Pollution Prevention Plan (SWPPP) and does not require a Change of Information (COI), allowing for a quick and easy personnel update process. The updated language now states: “The current delegate(s), including name, email, and phone number, are maintained in a training log, uploaded as an attachment to the SWPPP in SMARTS, prior to the delegate performing the delegated function.”</p>

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8.06	<p>Comment Category: Receiving Water Limitations</p> <p>Comment Summary:</p> <p>The Proposed Permit requires that "dischargers shall not cause or contribute to the exceedance of an applicable water quality objective 6". This mandate is enforceable by regulatory agencies and CSEs. Unfortunately, nowhere in this 1000-page document is there a definition of the term "applicable water quality objective".</p> <p>Water quality objectives are established for receiving waters. The permit states: "Water quality standards apply to the quality of the receiving water, not the quality of the industrial storm water discharge. Therefore, compliance with the receiving water limitations generally cannot be determined solely by the effluent water quality characteristics." 7 However, as it pertains to non-visible pollutants, the Proposed Permit provides no direction to dischargers, Regional Boards, or CSEs as to how to determine whether an exceedance of a water quality objective has occurred.</p> <p>Response:</p> <p>Applicable water quality objectives are those objectives that apply to the receiving waters to which the discharger specifically discharges to. The requirements can be found in applicable water quality control plans.</p>
37.03	<p>Comment Category: Receiving Water Limitations</p> <p>Comment Summary:</p> <p>The State Water Board should modify permit and fact sheet language and consider including figures, consistent with Figure ES-1, to clarify how receiving water limitations would be interpreted and how and when non-visible pollutant monitoring and evaluation requirements apply.</p> <p>Requested Change:</p> <p>The State Water Board should modify permit and fact sheet language and consider including figures, consistent with Figure ES-1, to clarify how receiving water limitations would be interpreted and how and when non-visible pollutant monitoring and evaluation requirements apply.</p> <p>Response:</p>

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	<p>Please reference Attachment D Section III.D.3. for non-visible pollutant sampling requirements. Non-visible pollutant sampling is not required in the receiving waterbody itself, as the sampling is required at each discharge location down-gradient from where the trigger was initiated.</p>
<p>37.19, 39.019, 39.075</p>	<p>Comment Category: Receiving Water Limitations</p> <p>Comment Summary:</p> <p>Remove "The discharger shall ensure that stormwater discharges and authorized non-stormwater discharges will not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards contained in an applicable water quality control plan. Commentor states "Water quality standards apply in receiving waters, not to effluent. Effluent concentrations cannot determine exceedance. There is no generally accepted methodology to determine if a stormwater discharge "causes or contributes' to an exceedance in receiving water. Making such a determination is complex and requires consideration of Effluent flows and concentrations; Receiving water flows and concentrations; Travel times and mixing; and May require chemical/physical transformations (e.g. settling of sediment-bound constituents) Note the following language in IGP; "Water quality standards apply to the quality of the receiving water, not the quality of the industrial stormwater discharge. Therefore, compliance with receiving water limitations generally cannot be determined solely by the effluent water quality characteristics."</p> <p>Water quality standards apply in receiving waters, not to effluent. Effluent concentrations cannot determine exceedance. There is no generally accepted methodology to determine if a stormwater discharge "causes or contributes" to an exceedance in receiving water. Making such a determination is complex and requires consideration of: Effluent flows and concentrations;</p> <p>Receiving water flows and concentrations; Travel times and mixing; and may require chemical/physical transformations (e.g. settling of sediment-bound constituents) Note the following language in the IGP: "Water quality standards apply to the quality of the receiving water, not the quality of the industrial storm water discharge. Therefore, compliance with the receiving water limitations generally cannot be determined solely by the effluent water quality characteristics".</p> <p>Requested Change:</p> <p>Remove Section IV.D.3.</p> <p>Remove Attachment A, III.D.3.a. subsection ii.</p> <p>Response:</p>

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Comment ID	Comment Summary and Response
	<p>Order Section I.28 contains a similar statement to the Industrial General Permit (IGP): “Water quality standards apply to the quality of the receiving water, not the quality of the construction stormwater discharge. Therefore, compliance with the receiving water limitations generally cannot be determined solely by the effluent water quality characteristics.” As the commenter notes, determining whether a discharge causes or contributes to an applicable water quality standard is complex and requires consideration of many factors, including effluent flows and concentrations, receiving water flows and concentrations; travel times and mixing; and possible chemical/physical transformations (e.g. settling of sediment-bound constituents). As noted in the Fact Sheet, “The best method to ensure compliance with receiving water limitations is to implement BMPs that prevent pollutants from contact with stormwater or from leaving the construction site in runoff.” (Fact Sheet, Section O.3.)</p>
53.20	<p>Comment Category: Receiving Water Limitations</p> <p>Comment Summary:</p> <p>The State Water Board must impose a lower turbidity threshold that is protective of salmonid species, and uphold existing TMDL requirements for turbidity.</p> <p>An NAL of 250 NTU, however, is not protective of salmonid species that are known to be more sensitive to high turbidity. For example, studies have shown that 70 NTU can cause avoidance behaviors by Coho salmon, while above 20 NTU can affect feeding success. While some salmonids have shown limited ability to acclimate to higher turbidities over time, the statewide NAL of 250 NTU for turbidity is too high to be protective of all beneficial uses.</p> <p>Without requiring construction discharges to comply with existing TMDL requirements, including NELs where applicable for temperature and turbidity, and instead imposing a statewide NTU that is not protective of cold freshwater habitat and the salmonids dependent on these waters, the State Water Board violates state and federal laws related to endangered species protection, anti-degradation, and anti-backsliding. Failing to ensure the final Construction General Permit is protective of salmonid species, and instead simply requiring compliance with existing requirements related to turbidity and temperature, will result in the loss of critical habitat for species already threatened with extinction and result in the death of state and federally-listed species.</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<p>Overall, a lower numeric limit must be imposed for activities conducted in waterbodies with known protected salmonid species habitat, such as the Russian River, other waterbodies in the North Coast, and throughout the state. The State Water Board must further incorporate and uphold NELs for turbidity and temperature, where TMDLs require explicit limits. At a minimum, the turbidity threshold must be lowered in Risk 2 and Risk 3 areas and reflected as an NEL, in consultation with the California Department of Fish and Wildlife and the National Oceanic Atmospheric Administration (NOAA), National Marine Fisheries Service, where construction activities have the potential to impact known salmonid habitat.</p> <p>Response:</p> <p>Numeric effluent limitations (NELs) have been included in the permit that are consistent with the assumptions and requirements of the total maximum daily loads (TMDLs). The turbidity and pH numeric action levels are not meant to be receiving water limitations and are part of an iterative, corrective action-based approach.</p>
53.29, 53.30, 70.09	<p>Comment Category: Receiving Water Limitations</p> <p>Comment Summary:</p> <p>Achieving compliance with the trash prohibition is separate from compliance with the water quality objective, as each requirement is set forth in two separate chapters of the ISWEBE. Compliance with the trash water quality objective must be met in the receiving water by demonstrating that the permittee is achieving “no trash present” in the waterway.</p> <p>Requested Change:</p> <p>“Trash shall not be present in inland surface waters, enclosed bays, estuaries, and along shorelines or adjacent areas in amounts that adversely affect beneficial uses or cause nuisance.”</p> <p>Response:</p> <p>This General Permit applies to discharges of stormwater associated with construction and land disturbing activities and thereby provides requirements to control pollutants in discharges. The proposed language is not specific to construction stormwater discharges and therefore was not incorporated. Permit Section IV.B. sets forth requirements specific to construction stormwater discharges that implements the Trash Amendments.</p> <p>This General Permit applies to discharges of stormwater associated with construction and land disturbing activities and thereby provides requirements to control pollutants in effluent. The Inland</p>

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Comment ID	Comment Summary and Response
	<p>Surface Waters, Enclosed Bays, and Estuaries water quality control plan applies statewide and includes water quality objectives for trash in receiving waters. As such, this General Permit requires that dischargers not cause or contribute to an exceedance of water quality standards.</p>
<p>2.02, 33.38, 33.53, 33.71</p>	<p>Comment Category: Reporting – Visual Observation Requirements</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Remove requirements for visual observations, photos, and QSD site evaluations to SMARTS in Annual Report and every 14-days after an inspection 2. It may not be possible to provide photos for missed inspection or sampling event <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove requirements for visual observations, photos, and QSD site evaluations to SMARTS in Annual Report and every 14-days after an inspection from Order Section VI.F.1 2. Add “if applicable” <p>Response:</p> <ol style="list-style-type: none"> 1. No changes were made to the permit in response to this comment. Visual observations, photos, and Qualified SWPPP Developer (QSD) site evaluations are vital tasks that must remain in the Permit to verify regulatory compliance. 2. Attachment D Section III.B.3. was revised to remove the “photo documentation” requirement for missed inspections and sampling. 3. “If applicable” language has not been added to the permit.
<p>2.04, 13.34, 33.19, 21.03</p>	<p>Comment Category: Reporting – Retention of Stormwater Documents</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Add language in Order Section VI.F.1 to retain stormwater documents in electronic form. Will greatly reduce amount of paperwork generated for compliance 2. SMARTS maintains 5-year record of Annual Reports. Delete this 3-year retention requirement to avoid duplicity. 3. Commenter considers some data required for Annual Report redundant and unnecessarily time consuming. 4. Commenters suggests data be retained for 3-years for audit purposes

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	<p>Requested Change:</p> <ol style="list-style-type: none"> 1. Retain stormwater documents in electronic form 2. Delete Order Section IV.P.2 3. Delete Order Section IV.P.3.e&f 4. Maintain data retention for 3-years <p>Response:</p> <ol style="list-style-type: none"> 1. Per Order Section VI.F.1., dischargers have the option to keep their records and reports electronically. 2. No change. If technical difficulties arise in Stormwater Multiple Applications and Report Tracking System (SMARTS), additional records must be maintained by the discharger and furnished to the Water Boards upon request per Order Section VI.F.2. 3. No change. SMARTS auto-fills the majority of the Annual Report, and this information is relevant to compliance and enforcement work done by the Regional Water Boards. 4. Three years is the minimum amount of time for document retention.
<p>7.09, 13.35</p>	<p>Comment Category: Reporting – Consistency between Stormwater Multiple Application and Report Tracking System and Annual Report Items</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. The list of Annual Report items in the Proposed Permit is inconsistent with SMARTS item requirements. 2. It would provide clarity if Order Section IV.P.3 noted that SMARTS will continue to be the vehicle for preparing an Annual Report. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Consider updating the list for consistency with SMARTS and to clarify expectations for items included in Annual Report 2. Note that SMARTS will continue to be the vehicle for preparing an Annual Report in Order Section IV.P.3 <p>Response:</p> <ol style="list-style-type: none"> 1. Stormwater Multiple Applications and Report Tracking System (SMARTS) will be updated to conform to the requirements of this Permit before the effective date.

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Comment ID	Comment Summary and Response
	<p>2. Order Section IV.P.1. specifies that the annual report shall be certified and submitted through SMARTS.</p>
21.04	<p>Comment Category: Reporting – Off-Site Electronic Data Access</p> <p>Comment Summary:</p> <p>1. Allows for electronic data keeping off-site, so long as the data is accessible on site at any moment</p> <p>Requested Change:</p> <p>1. Include language that the off-site electronic data must be immediately accessible to any inspector, discharger, or operator at any time of day without delay in Attachment F</p> <p>Response:</p> <p>Since records pertaining to Attachment F are part of the permit, Order Section VI.F.2. applies: “The discharger shall furnish the Water Boards or U.S. EPA, within a reasonable time, any requested information to determine compliance with this General Permit. The discharger shall also furnish, upon request, copies of records that are required to be kept by this General Permit.” So long as the off-site electronic data is easily accessible by an electronic device on-site, electronic data may be kept off-site.</p>
33.40, 33.55, 33.73	<p>Comment Category: Reporting – Use of Storm Date in lieu of Time Elapsed</p> <p>Comment Summary:</p> <p>1. Use previous storm date in lieu of time elapsed since last storm when recording weather data. Would simplify record keeping and time elapsed could be calculated if necessary</p> <p>Requested Change:</p> <p>1. Replace “time elapsed since” with “date of” in Attachment C Section II.C.6.c, Attachment D Section II.C.7.c and Attachment E Section II.C.7.c</p> <p>Response:</p> <p>Revisions were made to Attachment D Section III.C.7.c. and Attachment E Section III.C.7.c.</p>
33.42, 33.60, 33.79	<p>Comment Category: Reporting – Establish Request Period for Numeric Action Levels Exceedance Reports</p>

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Comment ID	Comment Summary and Response
	<p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Current language provides RWB with an unlimited window to request NAL Exceedance reports. It could be difficult for dischargers to produce a report months or years post-exceedance. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Add “within 30 days of exceedance” to language in Attachment C Section III.B.1.b <p>Response:</p> <p>This change was not made to the permit. It is the duty of the discharger to furnish the U.S. Environmental Protection Agency (EPA) and Water Board with all records and reports in a reasonable amount of time upon request per Order Section VI.F.2.</p>
39.119, 39.158, 39.201	<p>Comment Category: Reporting – Remove “corrective action requirements” resulting from Total Maximum Daily Load exceedance</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Remove subsection e from Attachment C III.B.1, Attachment D II.B.2 and Attachment E III.B.3 <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove subsection e from Attachment C III.B.1, Attachment D III.B.2 and Attachment E III.B.3 <p>Response:</p> <p>No revisions were made in response to this comment. All dischargers that exceed an applicable total maximum daily load (TMDL)-related numeric effluent limitation (NEL) must comply with the water quality based corrective action requirements in Section VI.R. of the Order.</p>
39.156, 39.157, 39.199, 39.200	<p>Comment Category: Reporting – “Remove Numeric Effluent Limitations” Language</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Remove “numeric effluent limitations” language <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Remove “numeric effluent [limitations]” from Attachment D III.B.2.a & Footnote 8, Attachment E III.B.3.a & Footnote 8,

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	<p>Response: This revision was not made to the permit because total maximum daily load (TMDL)-related numeric effluent limitations (NELs) will remain in the Permit.</p>
39.198	<p>Comment Category: Reporting – Receiving Water Monitoring Report Comment Summary: Remove subsection 2, Receiving Water Monitoring Report. Requested Change: Remove subsection 2, Receiving Water Monitoring Report from Attachment E III.B. Response: This change was not made. This monitoring requirement applies only when the discharge is directly into receiving waters and pH or nephelometric turbidity unit (NTU) is exceeded and is limited to those parameters. Further, receiving water monitoring is limited to Risk Level 3 dischargers, which have the highest risk of pollutant discharge.</p>
53.27	<p>Comment Category: Reporting Comment Summary: Consistent with existing stormwater permit requirements and industry practice, NEL violations should be reported within 24 hours of identification, rather than within 10 days. Requested Change: Replace 10 days with 24 hours in Attachments A, C, D, E. Response: This change was not made because 24 hours does not give dischargers sufficient time to upload results to Stormwater Multiple Applications and Report Tracking System (SMARTS).</p>
43.12	<p>Comment Category: Reporting – Annual Report Requirements Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>1. Commenter states that only inspections related to exceedances should go into Annual Report. Items in Order Section IV.P.3.a&e&f are already supposed to be in SMARTS attachments or in another spreadsheet.</p> <p>Requested Change:</p> <p>1. Commenter suggests that items in Order Section IV.P.3.a&e&f be removed</p> <p>Response:</p> <p>This revision was not made. All the information in Order Section IV.P.3. is pertinent to the annual reports and Regional Water Board enforcement of compliance with the permit.</p>
7.01, 33.29	<p>Comment Category: Risk Determination</p> <p>Comment Summary:</p> <p>The Draft Permit proposes to require engineer or geologist determination of the K and/or LS Factors when a site-specific determination is applicable. This requirement would cause the discharger to incur additional cost for a task that a QSD is qualified to perform.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Please consider the option of requiring more thorough documentation of the calculations to ensure individuals calculating site-specific K and LS Factors are not artificially lowering the project's risk level instead of requiring engineers and geologists to conduct the calculations. 2. Please also consider an option of utilizing the USDA, NRCS Web Soil Survey data for K Factors as this resource is a credible government database. 3. Please also consider providing clarification regarding LS factor calculation as it is unclear if the starting and ending point of the calculation is the highest and lowest elevation along the project boundary or the top of the grade and bottom of the grade (potentially significantly outside the project boundary). <p>Response:</p> <ol style="list-style-type: none"> 1. Evaluation of sieve analysis and slope determination can be performed by the Qualified SWPPP Developer (QSD); will remove requirement for professional engineers (PE) or professional geologists (PG) to determine soil erodibility (K) and slope (LS).

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	<p>2. Use of United States Department of Agriculture (USDA), National Resources Conservation Service (NRCS) Web Soil Survey data for K Factors is already allowed and there is no change needed.</p> <p>3. Slope length is limited to parcel boundaries.</p>
12.08	<p>Comment Category: Risk Determination</p> <p>Comment Summary: Under the current draft Permit, all obligations and costs carry over from phase to phase without the possibility of a reevaluation of the project Risk Level based on the evolution of the project footprint.</p> <p>Requested Change: Consider adding the ability to reevaluate the Risk Level into the Permit?</p> <p>Response: This revision was not made in response to the comment because using the initial Risk Level throughout the project provides the maximum level of protection to surface waters.</p>
13.49, 15.05, 15.47, 15.49, 33.27, 46.04, 47.06, 56.47, 75.10	<p>Comment Category: Risk Determination</p> <p>Comment Summary: Dischargers must use the same method to calculate the soil erodibility (K) and length slope (LS) factors. This is a costly requirement that fails to recognize several important elements associated with risk determination</p> <p>Requested Change: Remove section stating that the same method must be used for LS and K factors</p> <p>Response: Permit was revised in response to the comment to allow discharger to use the K and LS values best suited to their site. Dischargers are no longer required to use the same method utilized to calculate sediment risk and receiving water risk when calculating for soil erodibility (K) and slope (LS).</p>
15.50	<p>Comment Category: Risk Determination</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>Language requiring consideration of previous land disturbances in construction start date to be deleted. Attachment B.F.2.e indicates that a site's sediment risk must include a start date that includes disturbances to land under previous landowners.</p> <p>Requested Change:</p> <p>The Discharger shall calculate the site's R-value, as part of the sediment risk and receiving water risk evaluation. The construction start date begins with the date of ownership and ends with final stabilization of the site.</p> <p>Response:</p> <p>The revision was not made in response to the comment because requiring Dischargers to use the start date of construction even if someone else owned it at the time provides the maximum level of protection to surface waters.</p> <p>Permit was revised in response to the comment to allow discharger to use the K and LS values best suited to their site.</p>
33.28	<p>Comment Category: Risk Determination</p> <p>Comment Summary:</p> <p>Manual calculation of the K and LS factor and a site - specific survey should not have to be performed by a professional licensed by the CBPELSG.</p> <p>Requested Change:</p> <p>Suggested language:</p> <p>F.2.H.i Replace "California licensed professional engineer or geologist" with "Certified Laboratory and reviewed by a QSD"</p> <p>F.2.H.ii Replace "A site - specific survey of the elevation change to determine the LS factor used in the revised Risk Level determination certified by a professional licensed by the California Board of Professional Engineers, Land Surveyors and Geologists for this work;" with "Review of a site - specific survey or plan by a QSD to determine the LS factor used in the revised Risk Level determination;"</p>

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Comment ID	Comment Summary and Response
	<p>Response: Permit was revised to remove the requirement for Professional Engineer (PE) or Professional Geologist (PG), and a Qualified SWPPP Developer (QSD) is now authorized for the tasks in Attachment D.2 Section F.2.1.i-ii.</p>
36.20	<p>Comment Category: Risk Determination Comment Summary: The CGP Should Allow for Reassessment of Project Risk Levels. Requested Change: The risk level determination under the Draft Permit should be similarly dynamic so permit requirements and burdens can be tailored to the nature of the activities actually occurring and the risks to water quality they present. Response: This revision was not made in response to the comment because using the initial Risk Level throughout the project provides the maximum level of protection to surface waters.</p>
56.46	<p>Comment Category: Risk Determination Comment Summary: In the draft Permit, the proposed Type Determination Methods (Att A.1) contain many if/then statements that can lead to confusion. Requested Change: We recommend maintaining the current type determination flow chart which is easier to comprehend. Response: The narrative format was judged to be better because it can present more nuanced information than the flow chart. Additionally, visual representations such as flow-charts are not accessible to people with visual impairments.</p>
75.11, 75.12	<p>Comment Category: Risk Determination Comment Summary:</p>

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	<p>Calculation of a site-specific LS Factor based on site topography is as the calculation is not simply a “look up” exercise using the table in Appendix 1.</p> <p>Requested Change:</p> <p>Please consider providing guidance in Appendix 1 on how to calculate a site-specific LS Factor based on site topography.</p> <p>Response:</p> <p>This revision was not made in response to the comment; calculation of the LS factor should be in a Qualified SWPPP Developer's (QSD) skill set.</p>
75.13	<p>Comment Category: Risk Determination</p> <p>Comment Summary:</p> <p>Nearly all the watersheds along the Monterey County coastline (frontal watersheds) are mapped as High RW Risk even though many are not listed as Sediment Sensitive and do not have beneficial uses of COLD, SPWN, MIGR. Most of these watersheds are small and do not contain a named water body; or the water body is named but is small enough that it is not included in the 303(d) List or Basin Plan.</p> <p>Requested Change:</p> <p>The Receiving Water Risk GIS data should be updated to better match the criteria outlined in the CGP, eliminating “lumped together” frontal watersheds. We anticipate approximately two thirds of the frontal watersheds in Monterey County should be mapped as Low RW Risk. Currently nearly the entire Monterey County coastline is mapped as High RW Risk.</p> <p>Response:</p> <p>Geographic information system (GIS) map data will be updated to reflect the most recent Clean Water Act 303(d) list and State Water Board integrated report. Additionally, tools for risk calculation will be updated prior to the effective date of this General Permit.</p>
7.15	<p>Comment Category: Routine Maintenance</p> <p>Comment Summary:</p> <p>Commenter states there is confusion what the definition of “routine” is for routine maintenance. They question if, “grading a specific dirt road for the first time in forty years (if dirt road grading is an activity</p>

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	<p>the Discharger performs regularly) is different than a Discharger regrading a dirt road each year to remove ruts after winter.</p> <p>Requested Change:</p> <p>Commenter is requesting clarification if routine maintenance is intended for construction activities routinely performed or activities that are routinely performed on a specific asset/facility.</p> <p>Response</p> <p>As long as the maintenance (re-grading, grading, etc.) is for an existing dirt road and the purpose is to maintain original line and grade, then it would be covered under the routine maintenance definition. However, if a new dirt or unpaved road that disturbs one or more acres is to be created, then this would require separate Construction Stormwater General Permit coverage.</p>
<p>10.14, 10.15, 16.01, 39.004</p>	<p>Comment Category: Routine Maintenance – Highway and Roadway Projects</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that routine maintenance definition contradicts itself by stating that projects are exempt from obtaining Construction Stormwater General Permit coverage if they are to “maintain the original grade, hydraulic capacity, and/or purpose of the facility” and then stating, “but not when activity exposes the underlying soil or pervious subgrade.” 2. Commenter states that roadway or highway activities that disturb very little soil and discharge little to no pollutants should be covered under routine maintenance exemption. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting to revise the limitations on the routine maintenance exemption so that roadways, highways, and unpaved roads can all be regulated under the routine maintenance exemption. 2. Commenter is requesting to remove, “This General Permit further defines routine maintenance for road and highway projects as the replacement of the structural section but not when the activity exposes the underlying soil or pervious subgrade. The road surface and base are not part of the subgrade. As such, these portions of a project that remove the road surface and base down to the pervious subgrade and/or underlying soil would not be considered routine maintenance.” <p>Response:</p>

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	<p>Revisions have been made to the routine maintenance language in the Order to clarify what activities are and are not covered under the routine maintenance exemption. Please refer to Order Section II.B. and Section II.D. for activities covered under the routine maintenance exemption.</p>
<p>10.16, 10.17</p>	<p>Comment Category: Routine Maintenance</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that most highway maintenance projects typically implement pavement milling or overlay, which does not expose pervious subgrade or underlying soil. They add that occasionally, slabs from the highway will need to be removed and replaced, but that these are in isolated areas, are generally small (few hundred square feet), and do not create any runoff. This would classify these activities under the routine maintenance exemption. 2. Commenter states that although an entire slab or damaged section might need to be replaced (potential to expose pervious subgrade or underlying soil), it is the overall highway that is being maintained, and therefore should fall under routine maintenance. <p>Requested Change:</p> <p>Commenter is requesting that certain activities that expose the pervious subgrade and underlying soil for roads or highways be deemed as routine maintenance and should not require separate Construction Stormwater General Permit coverage.</p> <p>Response:</p> <p>“Pervious subgrade” was replaced with “erodible subgrade” in Order Section II.B.1. and the Glossary as one of the purposes of the permit is to control discharges of sediment to receiving waters. Parts of the project that expose the erodible subgrade or underlying soil are not covered under the routine maintenance exemption. However, if the disturbed areas exposing erodible subgrade or underlying soil are under one acre in total, then it would not require separate Construction Stormwater General Permit coverage.</p>
<p>10.18, 13.06, 56.02</p>	<p>Comment Category: Routine Maintenance – Original Line</p> <p>Comment Summary:</p> <p>Commenters state that “line” was removed from the routine maintenance definition in the Order. They add that the deletion of “line” from the definition greatly impacts what is considered construction or routine maintenance.</p>

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	<p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting to add “line” back into the routine maintenance definition in the Order. 2. Commenters are requesting to replicate the Glossary definition for routine maintenance in the Order. <p>Response:</p> <p>Permit language was revised in response to the comment to include “line” in the routine maintenance definition located in Order Section II.B.1. and the Glossary. “Line” was included back into the routine maintenance definition because if an activity disturbs or does not maintain the original line, then separate Construction Stormwater General Permit coverage is required.</p>
<p>13.07, 17.02, 72.06, 73.03</p>	<p>Comment Category: Routine Maintenance – Unpaved Roads</p> <p>Comment Summary:</p> <p>Commenters state that unpaved or gravel road maintenance should be covered under the routine maintenance definition and should not be required to obtain separate Construction Stormwater General Permit coverage for their activities.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting that unpaved or gravel road maintenance be considered routine maintenance and should not require separate Construction Stormwater General Permit coverage. 2. Commenter had the following suggestions for Order Section II.B.1: <ol style="list-style-type: none"> a. Add original “line and” grade, replace “defines routine maintenance for road and highway projects...” with “defines routine maintenance for "pavement (e.g., road, highway, and parking lot projects).” b. Delete “and/,” “or pervious subgrade. The road surface and base are not part of the subgrade, and "pervious subgrade and/or.” c. Replace “road surface and base” with “pavement.” 3. Commenter is requesting to remove “pervious subgrade” in the Order. <p>Response:</p> <p>Unpaved and gravel road maintenance is considered routine maintenance and does not require separate Construction Stormwater General Permit coverage so long as the activity maintains the</p>

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	<p>original line and grade. However, if a new unpaved or gravel road that disturbs one or more acres is to be created, then this would require separate Construction Stormwater General Permit coverage. “Pervious subgrade” was replaced with “erodible subgrade” in Order Section II.B.1. and the Glossary as one of the purposes of the permit is to control discharges of sediment to receiving waters.</p>
<p>15.07, 22.01, 60.04, 61.01, 73.02</p>	<p>Comment Category: Routine Maintenance – Pervious Pavement Concerns</p> <p>Comment Summary:</p> <p>Commenters state that green infrastructure and LID requirements have increased the use of pervious pavements. Pervious pavements are entirely pervious, which means they are pervious from the surface layer to the soil. Consequently, commenters are curious as to how routine maintenance language in the Order will coincide with pervious pavements, as any maintenance for pervious pavements will expose the pervious subgrade.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting to remove the “pervious subgrade” language in the final proposed permit. 2. Commenter is requesting to add the following language in the Order, “This General Permit further defines routine maintenance for road and highway projects to include activities such as overlays and/or resurfacing of existing roads/highways, road pavement structural section rehabilitation (full depth rehabilitation or reclamation), trenching and patching activities, and routing blading and repair of gravel or dirt roads. Activities that expose the native soil underlying roads/highways are not considered routine maintenance.” 3. Commenter is requesting that the routine maintenance definition in the Order mirror the definition found in the Glossary. <p>Response:</p> <p>“Pervious subgrade” was replaced with “erodible subgrade” in Order Section II.B.1. and the Glossary as one of the purposes of the permit is to control discharges of sediment to receiving waters.</p>
<p>20.13</p>	<p>Comment Category: Routine Maintenance – Municipal Separate Storm Sewer System (MS4) Inconsistency</p> <p>Comment Summary:</p> <p>Commenter states that routine maintenance in the Proposed Permit is inconsistent with routine maintenance found in MS4 permits. They add that updating ADA ramps and utility management for</p>

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	<p>public agencies are routine maintenance activities and should be covered under the routine maintenance exemption.</p> <p>Requested Change:</p> <p>Commenter is requesting to expand the routine maintenance definition in the CGP to include updating ADA-related infrastructure and installation/reinstallation of public utilities.</p> <p>Response:</p> <p>Updating Americans with Disabilities Act (ADA)-related infrastructure is unlikely to disturb one acre or more and is typically included under routine maintenance, thus not requiring Construction Stormwater General Permit coverage. Additionally, installation of new public utilities with disturbances of one acre or more would require Construction Stormwater General Permit coverage.</p>
<p>23.15, 40.02, 62.01, 73.01</p>	<p>Comment Category: Routine Maintenance – Pervious Subgrade</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that routine road and drainage facility maintenance should not require separate Construction Stormwater General Permit coverage and should be exempt under routine maintenance. 2. Commenter states they are concerned over certain activities that now might not be deemed as routine maintenance. The commenter is concerned that maintenance of road shoulders, full depth reclamation roads, and unpaved roads will require separate Construction Stormwater General Permit coverage. 3. Commenters state that “previous subgrade” is not defined in the CGP, which makes it confusing to determine if their work qualifies as routine maintenance or if they need to apply for Construction Stormwater General Permit coverage. They add that this can lead to unnecessary requirements and fees. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting the following updates: <ol style="list-style-type: none"> a. Remove “pervious subgrade” in final proposed permit. b. Add “and underlying drainage facilities” and “is addressing a diversion of flow or additional drainage that is not historic to the tributary area.” c. Remove “exposes the underlying soil. or pervious subgrade. The road surface and base are not part of the subgrade. As such, those portions of a project that remove the road

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	<p>surface and base down to the pervious subgrade and/or underlying soil would not be considered routine maintenance.”</p> <ol style="list-style-type: none"> 2. Commenter is requesting that limits of routine maintenance exemption for road maintenance projects be removed from the Permit and the original exemption for all routine maintenance activities be maintained. 3. Commenters are requesting to define “pervious subgrade” in the final proposed permit. <p>Response:</p> <p>“Pervious subgrade” was replaced with “erodible subgrade” in Order Section II.B.1. and the Glossary as one of the purposes of the permit is to control discharges of sediment to receiving waters.</p>
7.16	<p>Comment Category: Revised Universal Soil Loss Equation 2</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Clarification is requested to ensure the RUSLE2 models are accurate and acceptable. Numerous versions of RUSLE2 software are available and function differently. 2. It is unclear if soil loss increases (pre-construction verses post-construction) are acceptable to the Water Boards (even if less than 1 ton per acre). The Permit should also note that temporary Best Management Practices (BMPs) cannot utilized to demonstrate final stabilization. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Water Board should recommend preferred RUSLE2 model 2. Clarification of whether a specified amount of soil loss increases are acceptable. <p>Response:</p> <ol style="list-style-type: none"> 1. There are a limited number of available Revised Universal Soil Loss Equation 2 (RUSLE2) models, which are largely equivalent. 2. The requirement when RUSLE2 is used, is that post-construction soil loss be equal to or less than pre-construction loss. Final soil loss shall not be more than pre-construction soil loss regardless if under one ton per acre.
10.08	<p>Comment Category: Revised Universal Soil Loss Equation 2</p> <p>Comment Summary:</p>

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	<p>RUSLE2 Modeling is not consistent: Running RUSLE2 "before" soil loss numbers on an area with grass and forb (0-25% canopy) cover will result in a soil loss of about 35. Running that same location with a canopy cover of 70% results in a "before" soil loss of about 1.5 - meaning regardless of the amount or type of temporary or permanent erosion control we apply ("after" RUSLE2 number) during and after our construction activities; it is basically impossible to meet a 1.5 or less soil loss as required by Attachment H.</p> <p>Response:</p> <p>Revised Universal Soil Loss Equation 2 (RUSLE2) was retained. Tree canopy is not required to match pre- and post-construction, other elements such as slabs and buildings, will function to limit soil loss.</p>
10.09	<p>Comment Category: Revised Universal Soil Loss Equation 2</p> <p>Comment Summary:</p> <p>Caltrans does not have problems with keeping discharge turbidity under 250 NTU. Caltrans has been working ... to grade projects with large DSA to not discharge stormwater whenever possible. For these reasons, modeling with RUSLE2 is not appropriate.</p> <p>Requested Change:</p> <p>RUSLE2 should be dropped as a method to determine Notice of Termination.</p> <p>Response:</p> <p>No revisions were made in response to the comment. Revised Universal Soil Loss Equation 2 (RUSLE2) is one option for Notice of Termination (NOT) requests and is only mandated for certain total maximum daily load (TMDL) dischargers.</p>
10.10	<p>Comment Category: Revised Universal Soil Loss Equation 2</p> <p>Comment Summary:</p> <p>RUSLE2 Modeling is not a BMP design tool: Soil erosion and sediment movement is a highly dynamic process at a construction site. RUSLE2 is an erosion estimator and should not be regarded as a temporary BMP design tool.</p> <p>Requested Change:</p> <p>RUSLE2 should not be considered as a method for BMP design.</p>

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	<p>Response:</p> <p>This General Permit does not require Revised Universal Soil Loss Equation 2 (RUSLE2) for best management practices (BMP) design during or after construction. However, RUSLE2 can provide probable soil loss effects with use of various BMPs.</p>
10.11	<p>Comment Category: Revised Universal Soil Loss Equation 2</p> <p>Comment Summary:</p> <p>RUSLE2 modeling input parameters are highly subjective and vary amongst users, resulting in inconsistent results. Professional judgement and experience on a site-specific basis are more appropriate than numeric modeling when it comes to selection and design of BMPs. Since the draft CGP proposes increased QSD/QSP involvement, we do not see additional benefit from RUSLE2 modeling during the construction process.</p> <p>Requested Change:</p> <p>For these reasons, we suggest the Board maintain RUSLE2 modeling as an optional tool for demonstration of final stabilization.</p> <p>Response:</p> <p>This General Permit does not require Revised Universal Soil Loss Equation 2 (RUSLE2) for best management practice (BMP) design during or after construction. RUSLE2 is one option for Notice of Termination (NOT) requests.</p>
13.22, 13.23, 13.24, 13.25, 56.17, 60.03	<p>Comment Category: Revised Universal Soil Loss Equation 2</p> <p>Comment Summary:</p> <p>Some RUSLE2 requirements need clarification. Using RUSLE2 to tenths or hundredths (as has been required in the past) is well outside the accuracy of the model.</p> <p>Requested Change:</p> <p>We request that the permit include guidance on:</p> <ol style="list-style-type: none"> 1. The accuracy of the model. RUSLE2 results should be rounded to the nearest whole number, if not to the nearest ten, or model runs within 10% should be considered equivalent. This should be specifically stated in the final CGP.

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	<ol style="list-style-type: none"> 2. The requirements for demonstrating compliance with a RUSLE2 model run. This should be clear to both the discharger and the Regional Board that is reviewing the RUSLE2 report. 3. We request that the State Water Board work directly with CASQA or other groups to develop and establish a publicly available, web-based, stable, standardized RUSLE2 modeling program., 4. We request that the program requested in item 3 above be accompanied by a guidance manual and/or training to standardize the use of the model. <p>Response:</p> <ol style="list-style-type: none"> 1. Accuracy in Revised Universal Soil Loss Equation 2 (RUSLE2) is dependent on consistent input, not on version. 2. RUSLE2 is one of several options for Notice of Termination (NOT) requests and is only mandated for certain total maximum daily load (TMDL) dischargers. 3. RUSLE2 programs are widely available, from the United States Department of Agriculture Agricultural Research Service, CalTrans, Natural Resources Conservation Service (NRCS), and several universities and State Transportation Departments. 4. Entities that publish RUSLE2 programs also provide guidance materials specific to their version. 5. RUSLE2 databases that are more suited to construction sites are available and should normally be used by the modeler.
15.02	<p>Comment Category: Revised Universal Soil Loss Equation 2</p> <p>Comment Summary:</p> <p>Use of revised universal soil loss equation 2 (rusle2) for demonstration of tmdl compliance with current bmp technologies may not be appropriate or feasible.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. The State Water Board should fund the development of a RUSLE2 model which incorporates additional BMP parameters that can be utilized by Dischargers. 2. Change RUSLE2 usage in the permit to be utilized only for planning before construction starts and for final stabilization. <p>Response:</p> <ol style="list-style-type: none"> 1. Existing Revised Universal Soil Loss Equation 2 (RUSLE2) programs are widely available.

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	<p>2. RUSLE2 can be used throughout construction to predict soil losses and indirectly assist with best management practice (BMP) selection. RUSLE2 is only mandated for certain total maximum daily load (TMDL) dischargers with a mass-based waste load allocation.</p>
22.03	<p>Comment Category: Revised Universal Soil Loss Equation 2</p> <p>Comment Summary:</p> <p>Concerns that RUSLE2 will not satisfactorily model erosion and sediment control BMPs to demonstrate predicted soil loss rates that are less than or equal to pre-construction conditions. Concerns:</p> <ul style="list-style-type: none"> a. There are currently no defined standards nor guidance manuals for RUSLE2 modeling as it pertains to the proposed CGP. b. The currently available Natural Resources Conservation Service (NRCS) version of RUSLE2 contains limited input parameters. c. Achieving pre-construction soil loss and sediment delivery rates using RUSLE2 determined BMPs is likely infeasible for all project phases, especially during mass or rough grading on projects with slopes. d. RUSLE2 modeling calculates soil loss from individual slopes but does not account for all site conditions. e. The applicability of TMDL requirements included in the proposed CGP language does not account for instances where a TMDL is being achieved, such as the Newport Bay sediment TMDL <p>Requested Change:</p> <ul style="list-style-type: none"> 1. Provide clear standards, guidance, and a consistent RUSLE2 model to be used by all dischargers and the Regional Water Boards. A consistent model should provide a wider range of available erosion and sediment control parameters and/or the ability to customize specific inputs. 2. Provide an acceptable range of soil loss and sediment delivery for dischargers to attain rather than limiting rates to below existing conditions. 3. Provide a mechanism to exempt projects from these requirements where TMDL compliance is being achieved. <p>Response:</p>

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	<ol style="list-style-type: none"> 1. Revised Universal Soil Loss Equation 2 (RUSLE2) databases that are more suited to construction sites are available and should normally be used by the modeler. 2. Scheduling major soil disturbing activities outside of typical rainy periods is one way to ensure that predicted erosion during mass grading meets the pre-construction requirement. Recent versions of RUSLE2 allow modeling of user defined construction phases. 3. The State Water Board may amend the permit if there are instances where total maximum daily load (TMDL) compliance is achieved and the water body is no longer impaired.
23.48	<p>Comment Category: Stormwater Multiple Applications and Report Tracking System</p> <p>Comment Summary: SMARTS doesn't currently have the mechanism in Order Section V.D.3.e. Please add this feature and include the ability for a QSP/QSD to remove themselves from SMARTS when they are no longer associated with a project.</p> <p>Requested Change: Please add this feature and include the ability for a QSP/QSD to remove themselves from SMARTS when they are no longer associated with a project.</p> <p>Response: Stormwater Multiple Applications and Report Tracking System (SMARTS) will be updated to accept all of the information that is required by Order Section V.D.3.e. prior to the effective date of the permit.</p>
7.14	<p>Comment Category: Surface Water Buffer</p> <p>Comment Summary: Issue with Proposed Permit requirement for buffers when Waters of the United States are located within 50 feet of the site's disturbances.</p> <p>Requested Change: Please consider including provisions or exemptions for projects that include work in or adjacent to the water (stream restoration) or include water crossings.</p> <p>Response: Consistent with U.S. Environmental Protection Agency's (EPA) construction effluent limitation guidelines, Attachment D Section II.G.2. was revised to reflect that the surface water buffer</p>

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	<p>requirements are not required where infeasible. Infeasibility is defined in U.S. EPA’s construction effluent guidelines as not technologically possible, or not economically practicable and achievable in light of best industry practices. (40 CFR § 450.11.) Exemptions consistent with U.S. EPA’s 2022 construction general permit have been added to the permit.</p>
15.51	<p>Comment Category: Surface Water Buffer</p> <p>Comment Summary:</p> <p>The Surface Water Buffer requirements as written do not include exceptions listed in Appendix G of EPA’s 2017 Construction General Permit (EPA’s CGP). Those exceptions include marine or water body dependent construction, 404 permitted projects, and projects where there is no existing natural buffer should be incorporated.</p> <p>Requested Change:</p> <p>Incorporate the exceptions for the Surface Water Buffer Requirement listed in Appendix G of EPA’s CGP.</p> <p>Response:</p> <p>Revisions were made to Attachment D regarding water body-dependent construction, 404 permitted projects and no existing natural buffer projects (channelized water courses).</p>
22.08	<p>Comment Category: Surface Water Buffer</p> <p>Comment Summary:</p> <p>The requirements for a Surface Water Buffer are not defined well enough for implementation and create implementation barriers for flood control and stream restoration projects. The Surface Water Buffer requirements as written do not include exceptions listed in the U.S. EPA CGP.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. The Permittees recommend defining the term “natural buffer” in the CGP and providing a process to determine the sediment load of a “natural buffer”. It is also requested that there be an exemption from this requirement for flood control and stream restoration projects or other projects located on the bed or bank of a watercourse. 2. It is requested that the exceptions for the Surface Water Buffer Requirement listed in Appendix G of the Federal Permit be included.

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	<p>Response: Exemptions consistent with U.S. Environmental Protection Agency’s (EPA) 2022 Construction General Permit have been added to the permit. Please refer to Attachments D and E footnote 5 for the surface water buffer exemptions.</p>
24.40, 24.60, 24.73	<p>Comment Category: Surface Water Buffer Comment Summary: Att A, Sec II.G.2.c / Att C, Sec I.F.2.c / Att D/E, Sec I.G.2.c: no method provided for determining “sediment load reduction equivalent”.</p> <p>Requested Change: Please provide the metric(s) for an equivalent sediment load reduction in the statement "...sediment load reduction of a 50-foot undisturbed natural buffer..."</p> <p>Response: Revisions have been made in response to the comment within Attachments D and E for use of Revised Universal Soil Loss Equation 2 (RUSLE2) or another Regional Board approved method to determine sediment load reduction equivalent.</p>
28.08	<p>Comment Category: Surface Water Buffer Comment Summary: If a project includes working within the water, then a buffer is not feasible.</p> <p>Requested Change: DOE recommends adding language such as “unless otherwise specified in project description” to show that if disturbance or impacts are planned to a surface water the measure would not apply.</p> <p>Response: Exemptions consistent with U.S. Environmental Protection Agency’s (EPA) 2022 Construction General Permit have been added to the permit. Please refer to Attachments D and E footnote 5 for the surface water buffer exemptions.</p>
33.37, 33.52, 33.70	<p>Comment Category: Surface Water Buffer</p>

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	<p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Bank stabilization projects are specifically designed and permitted to allow for work inside the channel or bank areas of a waterbody (e.g. within the 50' buffer). In these circumstances, this provision should not apply. 2. Appropriate methods for determination of equivalent sediment load reduction when a 50' buffer is not achievable should be included in this language. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Att C, Sec I.F.1 / Att D, Sec I.G.1 / Att E, Sec I.G.1: Add ", if feasible" 2. Att C, Sec I.F.2.c / Att D, Sec I.G.2.c / Att E, Sec I.G.2.c: insert list of methods to determine equivalent sediment load reduction. <p>Response:</p> <p>The surface water buffer requirements are not required where infeasible. Infeasibility is defined in U.S. Environmental Protection Agency's (EPA) construction effluent guidelines as not technologically possible, or not economically practicable and achievable in light of best industry practices. (40 CFR § 450.11.) Exemptions consistent with U.S. EPA's 2022 Construction General Permit have been added to the permit. Please refer to Attachments D and E footnote 5 for the surface water buffer exemptions.</p>
53.31	<p>Comment Category: Surface Water Buffer</p> <p>Comment Summary:</p> <p>The State Water Board must revise surface buffer requirements to be protective of waters of the state. While the current federal Administration has taken action to reinstate the scope of the federal Clean Water Act as defined in the 2015 WOTUS rule, the future of these actions are uncertain, leaving clean water protections largely in the hands of state governments.</p> <p>Requested Change:</p> <p>Suggested language:</p> <ol style="list-style-type: none"> 1. Att C,D,E Sec I.F.1 - Add water or the U.S. "or surface water of the state" is located within 50 feet 2. Att C,D,E Sec I.F.2 - Add water or the U.S. "or surface water of the state" is located within 50 feet

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	<p>3. Att C,D,E Sec I.F.2.a - Add "at least a 50-foot undisturbed..." and "top of bank, informed by the slope and natural features of the site;"</p> <p>4. Att C,D,E Sec I.F.2.b - Add "natural buffer if protective of surface water contingent on the slope and natural features of the site"</p> <p>Response:</p> <ol style="list-style-type: none"> 1. The definition of waters of the United States implemented prior to 2015 is currently in effect. The language has not been revised because it is consistent with the Construction Effluent Limitation Guidelines. 2. The definition of waters of the United States implemented prior to 2015 is currently in effect. The language has not been revised because it is consistent with the Construction Effluent Limitation Guidelines. 3. Exemptions consistent with U.S. Environmental Protection Agency's (EPA) 2022 Construction General Permit have been added to the permit. 4. Exemptions consistent with U.S. EPA's 2022 Construction General Permit have been added to the permit.
56.34	<p>Comment Category: Surface Water Buffer</p> <p>Comment Summary:</p> <p>Surface buffer requirements should be clarified.</p> <p>Requested Change:</p> <p>We recommend that the language here be revised to:</p> <p>2.a – provide a minimum 50-foot undisturbed buffer from any soil disturbance to a WOTUS or,</p> <p>2.b. provide a combination of an undisturbed buffer and erosion and sediment controls to achieve a sediment load reduction equivalent to a 50-foot undisturbed buffer.</p> <p>Response:</p> <p>2.a: The suggested text matches the language currently in the permit, Attachments D and E Section II.G.</p> <p>2.b: Exemptions consistent with U.S. Environmental Protection Agency's (EPA) 2022 Construction General Permit have been added to the permit.</p>

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3.01	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>Our proposal is that a public agency that advertises for bids on a public works project that is subject to the CGP; must provide a design level SWPPP as part of the bid documents. This is already required under Public Contract Code section 1104 but is widely ignored by public agencies because there is no enforcement mechanism specific to water quality save taking the agency to superior court on each project.</p> <p>Requested Change:</p> <p>Add language in the Order under the State Water Board Findings (number 22).</p> <p>Response:</p> <p>No revisions were made in response to the comment. The requested change is outside the scope of this permit.</p>
7.05	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>Legally Responsible Person (LRP) Signature. BTC would like to request consideration to remove the LRP signature on the title sheet of the SWPPP requirement. Our SWPPPs are typically delivered to the LRP via electronic transfer and binder copies are printed and delivered to the project site. Obtaining the LRP's signature would be challenging in many organizations and seems redundant because the LRP digitally signs the NOI when it is certified in SMARTS. If the proposed requirement remains, please clarify if the Approved Signatory can sign the title sheet.</p> <p>Requested Change:</p> <p>Remove the LRP signature on the title sheet of the SWPPP requirement.</p> <p>Response:</p> <p>This revision was made in response to the comment. Language was removed from Order Section IV.2.k., as the Legally Responsible Person (LRP) and Qualified SWPPP Practitioner (QSP) signature is no longer required on a Storm Water Pollution Prevention Plan (SWPPP) title page. Additionally, please see language in Order Section VI.H. requiring electronic certification.</p>
7.07	<p>Comment Category: Stormwater Pollution Prevention Plans</p>

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	<p>Comment Summary:</p> <p>SWPPP Title Sheet: The Draft Permit proposes to require many items on the title sheet of the SWPPP, including the schedule of activities and an index of the attachments. It seems like this is too much information for the title sheet and therefore it is suggested that the information listed be required near the front of the SWPPP but not necessarily on the title sheet.</p> <p>Requested Change</p> <p>Require that the information listed be near the front of the SWPPP but not necessarily on the title sheet.</p> <p>Response:</p> <p>Revisions have been made to this section of the permit to be more practicable, however this specific change was not made. Please see revised language in Order Section IV.O.</p>
7.08	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>SWPPP Drawings: BTC would like to suggest that Sampling Locations be removed from the list of items that are required to be included on the Pre-Earthwork Drawings as sampling is typically not needed before earthwork begins.</p> <p>BTC would also like to suggest that items such as calculations, detailed instructions, and procedures be removed from the list of Construction and Earthwork Drawing items. Calculations, instructions, and procedures are challenging to show on the drawings and are typically included in other locations within the SWPPP. Additionally, BMP maintenance instructions and removal procedures are included in the CASQA and Caltrans BMP Fact Sheets which are commonly included in other appendices of most SWPPPs.</p> <p>Requested Change</p> <p>Revise the requirements for earthwork drawings requirements</p> <p>Response:</p> <p>The calculations, detailed instructions, and procedure requirements have been removed from the "Construction and Earthwork Drawing(s)" section. However, staff kept the sampling location</p>

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	<p>requirement in this section because it is important to show proposed and active sampling locations on site drawings. Please see revised language in Order Section IV.O.2.m.</p>
13.31	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>Should also note that samples may be field tested, not just shipped to a lab.</p> <p>Requested Change:</p> <p>Add "field analysis" to Order Section IV.O.2.j.ii</p> <p>Response:</p> <p>The revision to add "field analysis" was made in response to the comment. Please see revised language in Order Section IV.O.2.j.ii.</p>
13.33	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>The quantity and level of detail required for the SWPPP maps is excessive. Many projects do not have this level of detail, and often these details are not known until the contractor mobilizes and laydown yards, storage areas, stockpiles, and other project elements are created or installed.</p> <p>All the information that is requested for the title sheet will not fit into the front page of the SWPPP. Recommend changing "Title Sheet" to "introductory Pages".</p> <p>Samples are not collected prior to earthwork therefore they should not be included as part of the Pre-Earthwork Drawing.</p> <p>Additionally, it is difficult to present calculations, instructions, and procedures on a drawing. Consider including those details elsewhere in the SWPPP.</p> <p>Requested Change:</p> <p>Suggestion: Add "where applicable" to k, l, and m, remove "sampling locations" under. I should also note that samples may be field tested, not just shipped to a lab.</p> <p>Response:</p>

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	<p>Revisions to Order section IV.O.2.I. were made in response to this comment; however staff chose not to remove “sampling locations” because it is important to show proposed and active sampling locations on site drawings.</p>
<p>15.34</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>Section IV.O. of the Draft CGP requires several technical edits for clarification. Requiring a signature from the LRP on site maps is redundant and is an administrative burden. The LRP certifies the PRDS and all other major submittals in SMARTS. Asking for a physical signature is unnecessary for maps and duplicative of the electronic certification process.</p> <p>Contents for SWPPP title sheet cover page may not always fit on one sheet. For larger projects, schedules, indices, and other information may be placed on a second sheet.</p> <p>The proposed language assumes the pre-earthwork drawing can be used to show the pre-project conditions. Revising the pre-earthwork drawing requirements to eliminate elements that would be on the post-earthwork/construction drawings, such as erosion control BMPs, temporary conveyances, and material/waste storage areas would address this issue.</p> <p>Requirements for the Construction and Earthwork Drawings are extensive, and much of these requirements are also required to be present elsewhere in the SWPPP. To ensure that the site map is clear and uncluttered, and to remove redundancy, some requirements require deletion.</p> <p>Requested Change:</p> <p>O.2.a - “Identification of all pollutants, their sources, and control mechanism, including sources of sediment and pollutants associated with all construction activities (e.g., sediment, paint, cement, stucco, cleaners, site erosion);”</p> <p>O.2.d - “Site-specific BMPs initialized initiated immediately to temporarily stabilize an area disturbed by construction where construction activities will not be resumed within 14 days;”</p> <p>O.2.e - “Identification, elimination, control, or treatment information for all non-stormwater discharges from the site not regulated by this or another NPDES permit;”</p> <p>O.2.k - "Title Sheet(S) with:"</p> <p>O.2.k.viii - "viii. Signature of the QSP(s)"</p>

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Comment ID	Comment Summary and Response
	<p>Delete O.2.I.viii - xii</p> <p>Response:</p> <p>Some of the requested changes were made in response to this comment. Please see Order Section IV.O.2.</p>
15.38	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>Section V.D.3.f. of the Proposed Permit requires photo documentation to be included in the SWPPP for specific areas or issues. Photo documentation is not listed as a requirement of the SWPPP in the Order. Photos are typically taken during the visual observations as part of the documentation process and are kept with the visual observation reports.</p> <p>Requested Change:</p> <p>Remove the requirement to include photo documentation in the SWPPP.</p> <p>Response:</p> <p>The requested change was not removed from the permit. However, this requirement was changed to state that photo documentation must be made available upon an inspector's request and is no longer a required part of the Storm Water Pollution Prevention Plan (SWPPP).</p>
15.39	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>Section V.E.2.C. of the Proposed Permit indicates an amendment is to be prepared to list QSP delegates prior to commencement of their duties. However, SWPPP amendments for administrative purposes do not trigger a COI requirement. This type of amendment would simply be uploaded to the Attachment Tab in SMARTS. Additionally, new delegates can be hired or brought onsite to cover when illness occurs, such as was seen during the pandemic. Placing the requirement for the amendment to be prepared and submitted prior to a delegate conducting activities may unnecessarily delay projects or place projects into jeopardy when otherwise qualified staff conduct inspections or collect samples who have not been added to the SWPPP.</p> <p>Requested Change:</p>

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Comment ID	Comment Summary and Response
	<p>“The current delegate(s) are maintained in the certified and submitted SWPPP in SMARTS, through a SWPPP amendment within 30 days of delegation notification.”</p> <p>Response:</p> <p>This revision was not made in response to the comment. It is recommended that the training log includes sufficient delegates to cover duties in case of planned or unplanned absences. Uploading new contact information to Stormwater Multiple Applications and Report Tracking System (SMARTS) when a new delegate is added should be quick and easy.</p>
20.01	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>The Draft Permit misplaces the burden of responsibility to develop and implement Stormwater Pollution Prevention Plans (SWPPP) on dischargers rather than on the entity with control of the construction site. In most scenarios, except for private construction in the land development sector, the contractor of the project has full site control, including hiring Qualified SWPPP Developers (QSD) and Practitioners (QSP) and their activities. Placing the burden on dischargers creates limitations on the directives that the discharger and their Legally Responsible Person (LRP) and Approved Signatory can give to the contractor without such order being classified as a "means and methods" and/or Construction Change Order. Additionally, carrying out the SWPPP requires specific technical expertise to ensure tasks are being performed correctly, such as knowledge of sampling procedures and protocols, which dischargers and their LRP and Approved Signatory generally lack.</p> <p>Requested Change:</p> <p>Place responsibility with the entity with site control (e.g., contractor, construction manager, or QSD) to ensure that the SWPPP are being carried out in the most effective and efficient manner.</p> <p>Response:</p> <p>This revision was not made in response to the comment. The Legally Responsible Person (LRP) is ultimately responsible for all compliance, including actions and certifications, in this General Permit.</p>
23.41	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p>

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Comment ID	Comment Summary and Response
	<p>Request revision of text since this appears to be describing a Plan/Report, not Plan/Exhibit. Revised text to read 'Title Page.' The SWPPP isn't an exhibit, it's a written plan</p> <p>Requested Change:</p> <p>Revised text to read 'Title Page.' The SWPPP isn't an exhibit, it's a written plan</p> <p>Response:</p> <p>This revision was not made in response to the comment, but the language was revised to refer to "Title Sheet(s)" to make it clear that the information may take more than one page.</p>
23.42	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>This term is confusing. Change 'Pre-Earthwork' to 'Initial Project Phase'. In theory, there is no soil disturbing work pre-earthwork.</p> <p>Requested Change:</p> <p>Change 'Pre-Earthwork' to 'Initial Project Phase'</p> <p>Response:</p> <p>This term was not revised in response to the comment; it is an accurate description of the phase.</p>
23.43	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>Define these terms and be consistent with NOI terminology and Permit throughout. Does 'site boundary' include paved access roads, staging areas on paved surfaces, or stockpiles on paved surfaces? Please clarify the difference between the two, and be consistent throughout the entire Permit with terms reference to the project area.</p> <p>Requested Change:</p> <p>Please clarify the difference between the two, and be consistent throughout the entire Permit with terms reference to the project area.</p> <p>Response:</p>

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Comment ID	Comment Summary and Response
	Revisions have been made to the permit language to clarify and provide consistency. Please also refer to Attachment B (Glossary) for clarifying information concerning the two terms.
23.44	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: Remove Order Section IV.O.2.I.xiii, duplicate of Order Section IV.O.2.I.ix.</p> <p>Requested Change: Remove Order Section IV.O.2.I.xiii.</p> <p>Response: This revision was made in response to the comment. Order Section IV.O.2.I.xiii. was removed from the permit.</p>
23.45	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: Compaction areas are difficult to identify and are subjective.</p> <p>Requested Change: Recommends removing this term.</p> <p>Response: The revision was made in response to the comment. The term “compaction areas” was deleted from Order Section IV.O.2.I.viii.</p>
24.05	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: The SWPPP, as a plan, is generally unnecessary. The CGP has included prescriptive measures for compliance. In the instances where many options exist for compliance (e.g. perimeter control type), the SWPPP can specify which control(s) to implement, but this selection does not affect compliance. Implementing the prescriptive measures is sufficient for compliance. For those projects that require sampling and analysis, sometimes results may require an adjustment to BMP implementation (maybe more than just the prescriptive measures). This is a reaction to the conditions, and developing a plan amendment at this time is a record and not useful. Subsequent sampling and analysis will determine if</p>

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	<p>the additional/changed measures were successful. The fact is that owners, developers, contractors, QSDs, and/or QSPs do not typically reference the SWPPP to identify appropriate BMPs to implement. I am unsure if a regulator takes the SWPPP into the field as a reference for compliance.</p> <p>Requested Change: Remove SWPPP as a permit requirement.</p> <p>Response: This revision was not made in response to the comment. The Storm Water Pollution Prevention Plan (SWPPP) is a well-used document for dischargers, site personnel, and inspectors alike.</p>
<p>24.06</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: The schedule in the SWPPP serves little purpose. The idea that the schedule for BMP implementation in the SWPPP is ever consulted is unrealistic. Construction activities are very dynamic, the schedule cannot predict the weather, and consulting the schedule is an unnecessary task. The implementation of BMPs is dictated by construction activities, inspections and observations, and the weather. The inclusion of a schedule conveys a false perception and wastes money.</p> <p>Requested Change: Remove schedule for BMP Implementation in the SWPPP</p> <p>Response: This revision was not made in response to the comment. The schedule is a best management practice itself and should be up to date in the Storm Water Pollution Prevention Plan (SWPPP).</p>
<p>24.09</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: Recommend changing language to “Contact Information for..”</p> <p>Requested Change: Recommend changing language to “Contact Information for..” in Order Section IV.O.k.v</p> <p>Response: Revisions were made in response to this comment. Please see Order Section IV.O.2.k.vi.</p>

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<p>24.10</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>The implementation of BMPs is dependent on the present and past constructions operations and weather. Construction operations are constantly changing the project site and the weather is unpredictable. Locating BMPs on a plan sheet in the SWPPP for a snapshot in time is not valuable to compliance. Requiring the SWPPP drawings to be updated monthly, weekly, daily is burdensome and adds little value to the implementation of BMPs.</p> <p>Requested Change:</p> <p>Remove requirements to locate BMPs on a SWPPP plan sheet. Remove the update schedule for SWPPP drawings.</p> <p>Response:</p> <p>This revision was not made in response to the comment because best management practice (BMP) locations and Storm Water Pollution Prevention Plan (SWPPP) drawings are instrumental for SWPPPs and to verify permit compliance.</p>
<p>24.11</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>May not be known by the contractor and/or QSD of the main project. Delete this requirement.</p> <p>Requested Change:</p> <p>Delete Order Section IV.O.2.I.iii.</p> <p>Response:</p> <p>This revision was not made in response to the comment. The Qualified SWPPP Developer (QSD) should know about any previously conducted geotechnical or preconstruction investigation work.</p>
<p>24.14</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>All of these items listed from XV.B13.h to 13.j and 14.c to 14.k are constantly changing especially on some types of construction projects (development versus transportation). Locating any of these items on a plan sheet in the SWPPP has little value and is burdensome. Delete these requirements.</p> <p>Requested Change:</p>

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	<p>Delete requirements in Order Section IV.O.m.iii-xi.</p> <p>Response:</p> <p>The language has been revised to remove some of the requirements and be more practicable. Please refer to Order Section IV.O.m. for the updated information.</p>
<p>24.17</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>This requirement seems to be overly burdensome, and is best limited to Total Maximum Daily Load (TMDL) instances. If TMDLs are the case, this requirement should be practiced during the Pre-Precipitation Inspections.</p> <p>Requested Change:</p> <p>Remove requirement from Order Section IV.O.2.m.xix. Shift this requirement to pre-precipitation inspections.</p> <p>Response:</p> <p>This revision was not made in response to the comment. Revised Universal Soil Loss Equation 2 (RUSLE2) calculations can be performed for non-total maximum daily load (TMDL) related purposes. The requirement is only to list the calculations if they are used on the project.</p>
<p>27.06</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>The site map requirement could pose large additional burdens to dischargers for sites that may not have a complete map including elevation contours already prepared. Please reconsider the requirements for minimum compliance with the final site map requirements.</p> <p>Requested Change:</p> <p>Remove elevation contour requirement from Order Section III.H.6</p> <p>Response:</p> <p>The revision was made in response to the comment. "Elevation contours" was removed from Order Section III.H.6.a.</p>
<p>28.03</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p>

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	<p>Comment Summary:</p> <p>The new CGP would require that the Stormwater Pollution Prevention Plan (SWPPP) includes a Pre-Earthwork Drawing with: “Areas disturbed during geotechnical or other preconstruction investigation work”. DOE believes that this requirement is unnecessary and provides undue burden on DWR. Preconstruction investigative work is generally small in nature and often not subject to the CGP. Geotechnical or other preconstruction investigation work areas are typically returned to pre-construction conditions after the work is completed and furthermore may occur several years in advance of the main project. DOE recommends removing this as a requirement as it is not applicable to the permit.</p> <p>Requested Change:</p> <p>Remove pre-earthwork drawing from Order Section IV.O.2.I.iii</p> <p>Response:</p> <p>This revision was not made in response to the comment. The Qualified SWPPP Developer (QSD) should know about any previously conducted geotechnical or preconstruction investigation work.</p>
<p>28.04</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>These sections state that the drawings for Pre-Earthwork and Construction and Earthwork include “Locations of sensitive habitats, watercourses, features which are not to be disturbed, contaminated areas, or other relevant features and associated BMPs.” This requirement does not seem relevant for stormwater protection and results in additional cost and burden to the development of a SWPPP. Other regulatory agencies including, but not limited to, the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, State Office of Historic Preservation, U.S. Army Corps of Engineers, and the Regional Water Quality Control Boards regulate sensitive habitats, wildlife, and other important environmental resources. DWR projects often have overlapping permits for environmental resources and sometimes extensive coordination between different agencies is required. Additionally, information about sensitive resources is sometimes confidential and should not be publicly available. Providing this proposed mapping detail in addition to other requirements that are specific to stormwater protection would be complicated and unnecessary and make figures overly complicated and difficult to interpret. DOE recommends that the Board remove this requirement from the CGP. Furthermore, the permit does not define “sensitive habitats.” If this measure were to remain in the CGP, additional clarification is needed, including a formal definition added into Attachment 2. DOE</p>

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	<p>recommends that the Board describes why this information is warranted in the SWPPP, so that relevant detail can be provided.</p> <p>Requested Change: Remove requirements from Order Section IV.O.2.I.xiii and Order Section IV.O.m.xiii.</p> <p>Response: These requirements were been removed from Order Section IV.O.2.I.xiii. and Section IV.O.m.xiii.</p>
<p>28.05</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: The Proposed Permit states that 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.” DOE recommends that there is an item in the Notice of Intent (NOI) form to list planned disturbance areas for each year during the life of the project.</p> <p>Requested Change: Add item to Att. B Section C.2.</p> <p>Response: This revision was not made in response to the comment because yearly estimates may not be feasible for all projects.</p>
<p>33.18</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: This section outlines the requirements of a SWPPP, and includes items that we believe are redundant, unnecessary or will not result in improved water quality.</p> <p>Requested Change: Delete "or past land use activities", "; and,", "Were applied to land as part of past land use activities", k.vii, k.viii, l.iii, l.vi, l.vii, l.viii, l.ix, l.xii, m.xv, m.xvi, m.xvii, m.xviii "and any associated disturbed sediment;", m.xix, m.xx</p> <p>Response:</p>

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	<p>These revisions were not made in response to the comment. This is describing what should be part of the pollutant source assessment and this is important information to have when determining pollutant sources.</p>
<p>33.25</p>	<p>Comment Category: Stormwater Pollution Prevention Plans Comment Summary: Commenter suggests language changes to Order Section V.E.2 Requested Change: Suggested language: 2.b Add "included in the on-site SWPPP and kept current;" delete "in the certified and submitted SWPPP in SMARTS" Delete 2.c Response: This revision was made in response to the comment. Order Section E.2.b. now states: "The current delegate(s), including name, email, and phone number, are maintained in a training log, uploaded as an attachment to the SWPPP in SMARTS, prior to the delegate performing the delegated function."</p>
<p>33.34, 33.47, 33.65</p>	<p>Comment Category: Stormwater Pollution Prevention Plans Comment Summary: Documentation of BMPs should be based on existing site conditions. The current phase or phase(s) of construction is irrelevant to the documentation of BMPs. Requested Change: Delete "in accordance with the nature and phase of the construction activities. Construction phases at traditional land development projects include demolition and pre - development site preparation phase, grading and land development phase, streets and utilities phase, vertical construction phase, and final landscaping and site stabilization phase." from Att. C Section I.A.6 Response: Revisions were made in Attachment D Section II.A.6. to clarify that best management practice (BMP) documentation need not be separated into phases.</p>

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<p>35.01</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>The attached comments and the contents of this package highlight several critical areas of concern with the Draft Permit:</p> <ul style="list-style-type: none"> * The legal implications of the Draft Permit; * Serious technical defects in the Draft Permit; and * Significant economic impacts resulting from the Draft Permit <p>Finally, we wish to bring to your attention that the direct result of not addressing our concerns regarding this flawed proposed Draft Permit is, at best, to add substantial cost to building new homes in California, and at worst, because of the unworkable nature of this proposed Draft Permit, the actual impossibility of building homes and the necessary public works (roads, water supply, sewers, storm drains) in California on both urban infill sites as well as other sites where all of the environmental impacts have been feasibly mitigated.</p> <p>Response:</p> <p>The Construction Stormwater General Permit includes requirements to minimize pollutant loading from construction stormwater discharges and protect water quality in receiving waters, which California communities may benefit from. Staff has been working diligently to address all comments and make revisions in the permit to best protect water quality.</p>
<p>39.022</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>Remove number 6. "No. 6 requires approval from the regional board if structural controls are used. If the regional board does not approve the drawings or is late, it will hold up construction after the local agency has approved the construction drawings and issued grading or building permits. We question: what will developers/owners that only buy finished home building sites have to do to meet these post construction requirements?"</p> <p>Requested Change:</p> <p>Remove Order Section IV.N.6.</p> <p>Response:</p>

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	<p>Order Section IV.N.6. was removed from the permit. Documentation displaying Regional Water Boards approval of the use of structural controls is no longer required.</p>
<p>39.023</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>This item suggest all BMPs will be at site. It is not feasible, practical or reasonable to store all the BMP materials that are required by the CGP.</p> <p>Requested Change:</p> <p>Remove Order Section IV.O.1.b.</p> <p>Response:</p> <p>Revisions have been made to the permit in response to this comment. The requirement now requires that best management practices (BMPs), with the exception of sprayed erosion control products, be on site or in a nearby location.</p>
<p>39.025</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>Order Section IV.O.i.i."Will be stored on-site; update when a change occurs. Were spilled or released during construction activities or past land use activities and not cleaned up; update in event of a spill; and,"</p> <p>Response:</p> <p>No revisions were made to Order Section IV.O.2.I.i. in response to this comment. The current language states: "Procedures that effectively address hazardous and non-hazardous spills in accordance with law."</p>
<p>39.026</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>The CGP should include a narrative on how these two drawings (l & m) are intended to be used. There are minimal differences between the two drawings and several redundant items, and this will lead to confusion on how they are to be used and what guidance they are to provide. The LRP is not going to know information in iii. and it will not be readily available.</p> <p>Requested Change:</p>

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	<p>Remove Order Section IV.O.2.I.iii.</p> <p>Response: No revisions were made to Order Section IV.O.2.I.iii. in response to the comment.</p>
<p>39.027</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: Trails are typically not shown on a topographic map. Do not understand the importance of adding trails.</p> <p>Requested Change: Remove requirements for adding trails in Order Section IV.O.2.I.iv.</p> <p>Response: No revisions were made to Order Section IV.O.2.I.iii. in response to the comment. Existing roads and trails are typically included in topographic maps.</p>
<p>39.028</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: Repeated from above L. Pre-Earthwork drawing is redundant and confusing since they are already identified in the pre-earthwork drawing. Remove viii-xi.</p> <p>Requested Change: Remove Order Section IV.O.2.I.viii-xi</p> <p>Response: Order Section IV.O.2.I.viii-x. were removed per the commenter’s request. However, the requirement for Order Section IV.O.2.I.xi. (“Temporary and/or permanent run-on conveyance (if applicable)”) remains in the permit.</p>
<p>39.029</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: These items are normally in the SWPPP BMP specification sheets and described in the SWPPP narrative. Do not understand why this information needs to also be included here. Redundant.</p>

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	<p>Requested Change: Remove requirements in Order Section IV.O.2.I.xv-xx.</p> <p>Response: Order Section IV.O.2.m.xv-xviii. were removed per the commenter's request. However, the requirements for Order Sections IV.O.m.xix-xx. remain in the permit.</p>
39.035	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: Remove f. "Photo documentation is not needed... corrective actions are identified on the site inspection reports and signed off as completed. Define "problem areas of erosion"</p> <p>Requested Change: Remove requirement from Order Section V.D.3.f.</p> <p>Response: Language has been revised to require that photo documentation is available upon an inspector's request.</p>
43.08	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: Maintains that two SWPPP maps are required, one showing 'Pre-Earthwork Drawings' and one with 'Construction and Earthwork Drawings' and that this requirement doesn't conform to the four stages of construction presented in the Glossary.</p> <p>Requested Change: Suggests that the requirement in Order Section IV.O.2.I-m do not conform to related sections in the Glossary</p> <p>Response: Revisions were not made in response to this comment. The glossary definition is not an exhaustive list of construction phases.</p>
43.09	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p>

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	<p>Maintains that Item ix and Item xii are the same and that one should be eliminated</p> <p>Requested Change: Eliminate or combine Order Section IV.O.2.l.ix&xii</p> <p>Response: Order Section IV.O.2.l.ix-xiii. requirements (“locations of sediment control BMPs”) have been removed from the “Pre-Earthwork Drawing” section.</p>
<p>43.10</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: "Contact" is misspelled.</p> <p>Requested Change: Correct spelling.</p> <p>Response: The spelling error in Order Section IV.O.2.k.vi. was corrected.</p>
<p>43.11</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: States that calculations clutter maps and should be presented separately. (Items xv through xx)</p> <p>Requested Change: Make calculations a separate report from the maps in Order Section IV.O.2.i.xv-xx.</p> <p>Response: Order Section IV.O.2.m.xv-xviii. were removed. However, the requirements for Order Sections IV.O.m.xix-xx. remain in the permit.</p>
<p>49.01</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: The requirement to terminate the former Permit and file for a new Permit increases compliance costs associated with the preparation of a new SWPPP, additional and new site maps, uploading the same information to SMARTS. Not only will this add cost to compliance, increase the cost of construction on</p>

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	<p>previously negotiated fix price contracts, but it also has no impact on improving discharge water Quality.</p> <p>Moreover, if this remains a Permit requirement then the Risk Calculation should be based on present site conditions, which would be impacted by the present LS factor, the Permit start date, and the amount of area exposed to erosion.</p> <p>Requested Change:</p> <p>Reduce compliance costs or revisit risk calculations.</p> <p>Response:</p> <p>Order Section III.C.1. has been revised. The current language states: “Existing dischargers subject to State Water Board Order 2009-0009-DWQ, as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ, (previous permit) will may continue coverage under the previous permit until they have received an approved Notice of Termination from the Regional Water Board up to 3 years after the effective date of this General Permit. Three years after July 1, 2023, all existing Notices of Intent subject to the previous permit will be administratively terminated.”</p>
49.10	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p> <p>Photo documentation is to be included in the SWPPP for: Problem areas of erosion, new sediment deposition.... failed BMPs. The QSP cannot change the SWPPP. This provision could require modifying and uploading a new SWPPP after every storm event. Can this issue be documented by noting this information on the SWPPP site map as opposed to continuously revising the SWPPP.</p> <p>Requested Change:</p> <p>Introduce language to allow problem areas of erosions, new sediment deposition and failed BMPs to be indicated on the SWPPP site map in lieu of revising the SWPPP.</p> <p>Response:</p> <p>Order Section V.D.3.f. has been revised. Current language now states: “Photo documentation of problem areas of erosion, new sediment deposition, unauthorized non-stormwater discharges, and/or failed BMPs is included in the SWPPP and are made available upon a regulatory inspector’s request.”</p>
54.04	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary:</p>

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	<p>Suggested language changes to Order V.D.3.f is as follows: Photo documentation is included in the SWPPP for: problem areas of erosion, new sediment deposition, unauthorized non-stormwater discharges, and/or failed BMPs. Photo documentation of site conditions is encouraged and may be requested by the State or Regional Boards staff at any time. All photos collected related to their requests shall be provided to the requestor in reasonable time per their request.</p> <p>Requested Change: Make stated language changes in Order Section V.D.3.f</p> <p>Response: Order Section V.D.3.f. has been revised. Current language now states: “Photo documentation of problem areas of erosion, new sediment deposition, unauthorized non-stormwater discharges, and/or failed BMPs is included in the SWPPP and are made available upon a regulatory inspector’s request.”</p>
<p>56.24</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: Please remove LRP signature requirement on the SWPPP title sheet. The LRP electronically certifies the document in SMARTS</p> <p>Requested Change: Please remove LRP signature requirement on the SWPPP title sheet. The LRP electronically certifies the document in SMARTS</p> <p>Response: This revision was made in response to the comment. Language was removed from Order Section IV.2.k., as the Legally Responsible Person (LRP) and Qualified SWPPP Practitioner (QSP) signature is no longer required on a Storm Water Pollution Prevention Plan (SWPPP) title page. Additionally, please see language in Order Section VI.H. requiring electronic certification.</p>
<p>56.25</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: A 14-day turnaround is difficult to accommodate given internal QA/QC processes and availability of the LRP within a large organization.</p> <p>Requested Change:</p>

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	<p>Revise 14-day timeframe to acquire LRP signature.</p> <p>Response: Order Section V.A.2. language was revised to "within 30 calendar days" to provide additional time.</p>
<p>56.54</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: We request that the identification of known contamination be limited to Geotracker, the official State Database.</p> <p>Requested Change: We request that the identification of known contamination be limited to Geotracker, the official State Database.</p> <p>Response: The discharger is responsible for only potential sources which are known or should be known. A potential source is known or should be known where the discharger has actual knowledge, had personal experience with the site (e.g., knowledge of prior owner), or if the information is readily available in a public database such as GeoTracker.</p>
<p>57.02</p>	<p>Comment Category: Stormwater Pollution Prevention Plans</p> <p>Comment Summary: The Attachment D, Section I of the Permit requires covering demolition debris to avoid exposure of asbestos, lead, or PCBs, and requires testing for these hazardous materials as nonvisible pollutants in stormwater. This requirement could duplicate efforts that are covered under existing law, and costs, for no gain in water quality. At the Port, the typical order of operations adheres to current laws and regulations to include a hazardous materials inspection, sampling, and if hazardous materials are present abatement prior to demolition.</p> <p>Any project that samples affected materials and abates prior to demolition should not require the discharger to perform further covering or sampling of demolition debris for hazardous materials, as the contaminants would already be removed. Per current law (National Emission Standards for Hazardous Air Pollutants (NESHAP) standards (40 CFR 61 subpart M), asbestos should never be a non-visible pollutant, as all materials would be removed prior to activity that could result in stormwater exposure. As such this section results in higher costs and complications with no cognizable benefit to</p>

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	<p>water quality. Accordingly, the Port recommends the asbestos requirements be removed from the Permit.</p> <p>Requested Change:</p> <p>The Port recommends that this section be revised to say that nonvisible pollutant sampling and demolition debris covering requirements would only be required if there has not been a hazardous materials survey, or if the hazardous materials survey was performed but not all hazardous materials were removed prior to demolition.</p> <p>Response:</p> <p>This requirement is consistent with U.S. Environmental Protection Agency’s (EPA) 2022 Construction General Permit.</p>
<p>10.07, 50.02</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Disturbed Soil Areas (DSA) & Revised Universal Soil Loss Equation 2</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that RUSLE2 modeling for certain projects may be unachievable due to the constant development changes to disturbed soil areas. This in turn would require constant RUSLE2 modeling as the site develops. 2. Commenters also state that the amount of BMPs required to maintain or reduce erosion rates to pre-construction conditions are infeasible. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting to remove or reduce the RUSLE2 modeling requirement for certain disturbed soil area projects, as they perceive Attachment H requirements as unobtainable and unrealistic. 2. They also request that staff update RUSLE2 and provide more accessibility for users. <p>Response:</p> <p>Revised Universal Soil Loss Equation 2 (RUSLE2) is required for certain dischargers subject to TMDLs to model how the erosion and sediment control best management practices (BMPs) planned for implementation will reduce sediment loss and should be done for every phase of the project to demonstrate compliance with the total maximum daily load (TMDL) waste load allocations (WLA). There are several versions of RUSLE2 that are readily available.</p>

<p>10.12</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Emergency Project Exemption</p> <p>Comment Summary:</p> <p>Commenter states that emergency construction projects should be exempt from Attachment H requirements. For example, the commenter states that the RUSLE2 modeling will potentially delay emergency projects, and projects might have uncontrollable NAL/NEL exceedances due to non-visible pollutants from natural disasters.</p> <p>Requested Change:</p> <p>Commenter is requesting that emergency construction projects be exempt from Attachment H requirements.</p> <p>Response:</p> <p>Federal regulations governing National Pollutant Discharge Elimination System (NPDES) permits do not include exemptions for emergency projects. With the exception of mandatory minimum penalties, the Water Boards have enforcement discretion to determine whether an enforcement action may not be appropriate.</p>
<p>15.03, 39.230, 39.231, 39.233, 46.01, 60.02</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Non-Visible Sampling</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that the Proposed Permit should explicitly state that non-visible pollutant monitoring requirements are only required if applicable, and that exceedances and their mitigation will need to be treated only when non-visible pollutant monitoring requirements have been met. 2. Commenter states that Proposed Permit is not clear when dischargers should sample TMDL constituents and mentions that the Proposed Permit should include language indicating that TMDL sampling is only required when specific TMDL pollutants are found after sampling for non-visible pollutants. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to add, “should the non-visible pollutant monitoring requirements be met” after “sampling for non-visible pollutants is conducted.” 2. Commenter is requesting that language be added to the CGP to specify that TMDL constituent sampling is only required when non-visible pollutant sampling is performed and TMDL pollutants are found. The commenter also requests that language be added to tie TMDL

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	<p>constituent sampling and non-visible sampling together rather than requiring non-visible pollutant sampling to all construction related discharges. This will make non-visible pollutant sampling requirements clearer in the CGP.</p> <p>Response:</p> <p>Clarifications were made in the non-visible pollutant monitoring requirements, total maximum daily load (TMDL) implementation requirements (Attachment H), and the Fact Sheet Section I.G.3. Non-visible pollutant monitoring is triggered only when pollutants associated with construction activities have the potential to be discharged due to a failure to implement best management practices (BMPs); spill; and/or breach, failure, leak, or malfunction of a BMP. However, if the spill or leak, or BMP breach, failure, or malfunction is immediately cleaned and BMPs are implemented or repaired, then sampling is not required.</p>
<p>24.81, 24.82</p>	<p>Comment Category: Total Maximum Daily Load Implementation</p> <p>Comment Summary:</p> <p>Commenter states that they do not understand the significance of RUSLE2 modeling when analytical results are required to meet nutrient, metal, and toxic TMDL-related NAL(s) and NEL(s).</p> <p>Requested Change:</p> <p>Commenter is requesting clarification on the purpose of RUSLE2 modeling if analytical results are required to meet nutrient, metal, and toxic TMDL-related NAL(s) and NEL(s).</p> <p>Response:</p> <p>Total maximum daily loads (TMDLs) were translated into different compliance strategies depending on the waste load allocation assigned to construction stormwater dischargers for the given pollutant. Certain TMDLs assigned mass-based waste load allocations for pollutants associated with sediment; dischargers in these TMDL watersheds will use Revised Universal Soil Loss Equation 2 (RUSLE2) to demonstrate compliance. Other TMDLs assigned concentration-based waste load allocations, dischargers in these TMDL watersheds will compare non-visible sampling results to the TMDL numeric action level (NAL) or numeric effluent limitation (NEL). Table H-2 identifies which compliance strategy the discharger will have to comply with.</p>
<p>20.12</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Total Maximum Daily Load Sampling</p> <p>Comment Summary:</p>

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	<p>Commenter states that TMDL sampling protocols require precise calculations, along with detailed analytical and sampling techniques that ultimately increase costs.</p> <p>Requested Change:</p> <p>Commenter is requesting that TMDL sampling for Risk Level 1 projects be removed from CGP.</p> <p>Response:</p> <p>The total maximum daily loads (TMDLs) implemented through this Construction Stormwater General Permit specifically identified construction stormwater dischargers as sources of pollutants regardless of the project’s risk level or type. Only TMDLs with waste load allocations (WLAs) that were translated into numeric action levels (NALs) or numeric effluent limitations (NELs) require dischargers to conduct non-visible pollutant monitoring when the TMDL-specific pollutant may be discharged due to failure to implement best management practices (BMPs), a container spill or leak, or a BMP breach, failure, or malfunction.</p>
<p>15.31, 22.02, 23.37</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Order Section IV.K.1.</p> <p>Recommended Updates</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that Order Section IV.K.1 should indicate that TMDL pollutants are located on the construction site and not in stormwater discharge. 2. Commenter states that there should be a streamlined process for newly adopted TMDLs to be inputted into the Proposed Permit. 3. Commenter states that removing “watersheds” from Order Section IV.K.1 is logical as “the watershed could include an impaired waterbody that is upstream of the discharge location.” <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to change “in the sites construction stormwater discharge” to “present at the construction site.” Commenter wants to convey that TMDL pollutants are located on site rather than in stormwater discharges. 2. Commenter is requesting an expeditious method for inputting newly adopted TMDLs into the CGP to be added to the new CGP. 3. Commenter is requesting to remove “watersheds” from statement. <p>Response:</p> <ol style="list-style-type: none"> 1. The language in the Order Section IV.K.1. was revised to define a Responsible Discharger as, “1. Responsible Dischargers are dischargers who: a. Discharge stormwater and authorized

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	<p>non-stormwater directly, or through a municipal separate sewer system (MS4) or other conveyance, to impaired water bodies or watersheds identified in a U.S. EPA approved TMDL with a waste load allocation assigned to construction stormwater sources; and b. Have one or more TMDL-specific pollutant sources present on-site with the potential to enter construction stormwater discharge, which are required to be identified in the pollutant source assessment (refer to Section IV.O.2.i. below).”</p> <ol style="list-style-type: none"> 2. Adding total maximum daily totals (TMDLs) adopted after the adoption date of this permit can only be done through an amendment or reissuance of the permit. 3. No revisions were made to permit language in response to the comment. Certain TMDLs apply to specific water bodies while other apply to entire watersheds.
<p>52.02, 53.02, 53.12, 53.13</p>	<p>Comment Category: Total Maximum Daily Load Implementation</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that disadvantaged communities of color have historically been exposed to pollutants from industrial facilities and construction activities due to the previous exclusion of these communities from participating in policy decisions. 2. Commenter states that incorporating TMDLs and NELs is vital to protecting not only water quality but these disadvantaged communities of color as well. They add that it might be more effective to incorporate TMDL and waste load requirements in the CGP as NELs. 3. Commenter states that TMDLs are beneficial and feasible for maintaining water quality and water resources. They state that TMDL requirements and timelines should not be relaxed, as this will hinder water quality objectives. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. This comment is a general observation about the impact of industrial facilities and construction activities to disadvantaged communities of color and does not request a specific change. 2. Commenter is requesting that TMDL and waste load allocation requirements be incorporated in the CGP as NELs. 3. Commenter is requesting that the State Board still hold dischargers responsible for meeting TMDL compliance and that the TMDL compliance deadlines and requirements do not change. Changing TMDL compliance deadlines and requirements would be detrimental to overall water quality. <p>Response:</p> <p>Total maximum daily load (TMDL) waste load allocations (WLAs) were translated into numeric effluent limitations (NELs) if they were assigned as concentration-based waste load allocations at the point of</p>

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	<p>discharge. Numeric effluent limitations for nitrogen-based nutrients were retranslated into numeric action levels due to the lack of feasible best management practice (BMPs) to address the nitrogen-based nutrients at construction sites. (53.02, 53.12)</p> <p>The Construction Stormwater General Permit includes requirements to minimize pollutant loading from construction stormwater discharges and protect water quality in receiving waters, including nearby creeks, streams, and rivers that disadvantaged communities may benefit from. (52.02)</p> <p>TMDL implementation requirements were translated to align with the assumptions and requirements of the TMDL and waste load allocations assigned to construction stormwater dischargers. Attachment H identifies appropriate compliance deadlines as identified in the TMDLs. (53.13)</p>
<p>47.11, 53.17</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Bacteria Total Maximum Daily Loads</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that there are no TMDL-related NAL/NEL parameters for bacteria in Attachment H. They state that this causes confusion as to when there is a bacteria TMDL exceedance or when said exceedance has been mitigated. 2. Commenter states that Attachment H’s TMDL table does not convey any NELs for bacteria, but the CGP reissuance’s Fact Sheet does indicate this information in Table 11 on page 118. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting that NALs or NELs be inputted for the Los Angeles River Bacteria TMDL, as there are currently no NALs or NELs listed for this TMDL. The commenter is also requesting further clarification as to when structural BMPs are to be implemented when a TMDL does not have a NAL/NEL. 2. Commenter is requesting that we implement NELs for bacteria in the TMDL table within Attachment H. They want these TMDL NELs for bacteria in Attachment H to display similar to Table 11 listed in the Fact Sheet. <p>Response:</p> <p>Construction sites are not considered a significant source of bacteria and should therefore be able to meet the waste load allocations. Bacteria sources on a construction site may originate from portable restrooms or trash, which can be easily managed. Accordingly, numeric action levels (NALs) and numeric effluent limitations (NELs) are not necessary to comply with the waste load allocations (WLAs) in bacteria total maximum daily loads (TMDLs).</p>

<p>53.18, 53.19</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Adding Total Maximum Daily Loads in Attachment H</p> <p>Comment Summary:</p> <p>Commenter states that several TMDLs located in the North Coast Region should be added to Attachment H. They add that since their region’s construction activities typically result in sedimentation which affects water temperature, this can negatively affect flora and fauna in the area. Therefore, Waterboards staff should be inclined to implement additional TMDLs suggested by the commenter.</p> <p>Requested Change:</p> <p>Commenter is requesting to add the following TMDLs in Attachment H: Eel River Middle Fork Temperature TMDL, Eel River South Fork Temperature TMDL, Elk River Sediment TMDL, Garcia River Sediment TMDL, Klamath River Temperature TMDL, Redwood Creek Sediment TMDL, Salmon River Temperature TMDL, Trinity River South Fork Sediment TMDL, and Malibu Creek & Lagoon TMDL.</p> <p>Response:</p> <p>The Eel River South Fork Temperature TMDL is addressed through sediment total maximum daily load (TMDL) requirements in Attachment H. For the other TMDLs identified, the TMDLs were not included in Attachment H because construction stormwater discharges were not identified as a source and therefore did not have an assigned waste load allocation (WLA). Finally, the Fact Sheet (pg. 194) includes further information about the Klamath River Temperature TMDL and Eel River Middle Fork Temperature TMDL.</p>
<p>38.02, 53.21, 53.22</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Total Maximum Daily Load Map</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that staff should provide an estimate of project types and the regional distribution of projects that are subject to TMDLs. 2. Commenter states that it would be beneficial to incorporate a separate attachment within the CGP containing a TMDL mapping tool that identifies waterbodies and watersheds that has numeric or TMDL-related requirements. They add that it would be beneficial to include instructions with the TMDL mapping tool to help determine individual project TMDL requirements and improve Permit clarity.

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	<p>3. Commenter first states that the CGP allows for non-stormwater discharges to occur if the discharge is not prohibited by a regional or statewide water control plan. However, since some TMDLs prohibit dry weather discharges, the suggested mapping tool should display TMDLs where dry weather discharges are restricted and would not allow non-stormwater discharges.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting that the State Board provide an estimated distribution of projects/project types and how many would be subject to a TMDL. 2. Commenter is requesting that the State Board create a separate attachment in the CGP with a TMDL mapping tool that will identify waterbodies and watersheds and display their numeric and TMDL-related requirements. The commenter is also suggesting that the State Board input instructions within the TMDL mapping tool to help determine individual project TMDL requirements and improve Permit clarity. 3. Commenter is requesting that the mapping tool include geospatial areas of TMDLs that prohibit dry weather discharges and would not authorize non-stormwater discharges. <p>Response:</p> <ol style="list-style-type: none"> 1. Since total maximum daily load (TMDL) monitoring is triggered by the presence of a TMDL-specific pollutant after non-visible pollutant sampling has been conducted, and not all TMDL sites are subject to non-visible pollutant sampling (i.e. quickly clean spill or fix best management practice (BMP) malfunction), providing an accurate estimate of projects affected would be challenging and subject to many caveats. It is expected that most Responsible Dischargers will properly implement best management practices and spill response and therefore not trigger non-visible pollutant monitoring. 2. The TMDL mapping tool and associated instructions will be developed prior to the effective date of the permit. 3. Including geospatial areas of TMDLs that prohibit dry weather discharges would be appropriate for the TMDL mapping tool.
<p>18.02, 30.01, 49.14</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Waste Load Allocations</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that there are sections of the Proposed Permit (in Attachment H) that do not display WLAs for certain TMDLs. As a result, the commenter states that this places a burden on MS4 dischargers, as they are left responsible for the discharges from construction activities. The commenter wants consistency between MS4 and CGP TMDLs so there is no confusion or TMDL burdens placed on either MS4 or CGP dischargers.

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	<p>2. Commenter states that determining a WLA is a complicated and costly process. They add that the Draft CGP is not clear in the process of determining WLAs for TMDLs. They also mention that WLAs based on receiving water standards are not appropriate and unrealistic.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to align TMDL implementation in this General Permit with the MS4 waste load allocations for Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL, Ballona Creek Metals TMDL, Ballona Creek Estuary Toxics TMDL, Los Angeles and Long Beach Harbor Waters TMDL, Los Angeles Harbor Bacteria TMDL, Los Angeles River Bacteria TMDL, Los Angeles River Metals TMDL, Machado Lake Nutrients TMDL, Machado Lake Toxics TMDL, Marina del Rey Harbor Bacteria TMDL, Marina del Rey Harbor Toxics TMDL, Santa Monica Bay DDTs and PCBs TMDL, and Santa Monica Bay Beaches Bacteria TMDL. 2. Commenter is requesting that the CGP implement a more efficient way to determine WLAs that does not establish unrealistic and costly compliance procedures. The commenter is also requesting that WLA determination be more straightforward as well. <p>Response:</p> <ol style="list-style-type: none"> 1. The Santa Monica Bay Beaches Bacteria TMDL was added as a total maximum daily load (TMDL) that will be implemented through this General Permit. 2. This General Permit incorporates TMDL implementation requirements that align with the assumptions and requirements of the waste load allocations (WLAs) set forth in the TMDLs. In some cases, the waste load allocations for construction stormwater and municipal separate storm sewer (MS4) discharges are different and accordingly the permit requirements are also different. 3. This General Permit incorporates TMDL implementation requirements that align with the assumptions and requirements of the waste load allocations set forth in the TMDLs.
<p>23.66</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Zinc</p> <p>Comment Summary:</p> <p>Commenter states that the TMDL requirements for zinc are unclear. With zinc being a commonly found mineral in San Diego county, the commenter is requesting further clarification on how to identify zinc at construction sites and zinc’s specific sampling requirements. They add that with the high levels of zinc in San Diego county, requiring sampling for this mineral will increase costs to many dischargers within the watershed.</p>

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	<p>Requested Change:</p> <p>Commenter is requesting further clarification on how QSPs can identify zinc at construction sites, along with clarification on sampling requirements for zinc as well. The commenter is also requesting clarification as to when sampling would be required; whenever there is a discharge occurring or whenever there is a qualifying storm event.</p> <p>Response:</p> <p>The discharger is required to conduct a pollutant source assessment that includes potential sources of total maximum daily load (TMDL) pollutants on the construction project. If zinc is present on the site and has the potential to be discharged into a waterbody or watershed listed in TMDL for zinc, the discharger meets the definition of Responsible Discharger. Sampling for zinc would then only be required when non-visible pollutant monitoring is applicable (best management practice (BMP) malfunction, breach, failure, or spill that is not immediately addressed or cleaned up prior to a discharge). Consequently, it is not anticipated that many Responsible Dischargers will trigger non-visible pollutant monitoring with properly implemented best management practices and spill response.</p>
<p>23.67</p>	<p>Comment Category: Total Maximum Daily Load Implementation</p> <p>Comment Summary:</p> <p>There would be an increase in costs for dischargers needing to sample flow once per year and report this flow rate on SMARTS. It is unclear what would need to be submitted to SMARTS. All construction sites must have perimeter BMPs and inlet protection that have the potential to affect flow. Discharge locations at construction sites may be dozens of inlets, area drains, trench drains, roof down drains, etc. There currently is no guideline on what the word 'representative' means or for what size storm event. The flow measurements would be highly inaccurate as an indicator of flow leaving a construction site and entering the MS4. Recommend revising this section to require a sample be obtained for TSS, where benchmark criteria is already defined.</p> <p>Requested Change:</p> <p>Revise the section to require that dischargers obtain a TSS sample.</p> <p>Response:</p> <p>No revisions were made to the permit in response to the requested change. Flow measurements are an implementation requirement of the established total maximum daily load (TMDL). The Responsible Discharger would submit with their Annual Report, the estimated flow rate of discharge from the</p>

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	<p>project from at least one precipitation event during that year. Flow rate estimates should be submitted as an attachment, describing the methodology and calculations used to estimate the flow rate.</p>
<p>45.04</p>	<p>Comment Category: Total Maximum Daily Load Implementation</p> <p>Comment Summary:</p> <p>Commenter states that Los Angeles County Metropolitan Transit Authority projects typically span over multiple TMDL watersheds. This means that LACMTA will need ample time to accommodate the multi-TMDL watershed projects.</p> <p>Requested Change:</p> <p>Commenter is requesting a sufficient timeframe to coordinate across different jurisdictions, obtain additional funding, and make project modifications to accommodate multi-TMDL watershed requirements.</p> <p>Response:</p> <p>The State Water Board determines the effective date upon adoption. At the adoption hearing for this permit, staff will recommend at least 1 year between the adoption date and the effective date of the General Permit to allow for permittees to prepare for the new requirements and for staff to develop necessary tools, training, and database enhancements. See Order Section III.C.1. for regulatory transition language.</p>
<p>15.68</p>	<p>Comment Category: Total Maximum Daily Load Implementation – Attachment H Numeric Action Level Recommendations</p> <p>Comment Summary:</p> <p>Commenter states that locating and following the NALs exceedances and their requirements in Table H-2 within Attachment H is difficult. The commenter is looking to make Attachment H clearer and more concise for dischargers.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting the following changes to Attachment H. <ol style="list-style-type: none"> a. Create a section where staff could define the exceedance process, reporting, certification, and submittal to SMARTS, and oversee monitoring when there is a NALs exceedance. Additionally, consider updating the current “TMDL Implementation Requirements” title to “Pollutant TMDL Implementation Requirements.”

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	<ul style="list-style-type: none"> b. Create and label specific TMDL compliance tables for each Regional Water Board. The commenter states that this would be helpful when writing a SWPPP to be able to reference a specific section in lieu of scrolling through the entire H-2 table. c. For NALs measured in mg/L with scientific notation to the 10⁻⁷, suggest switching to µg/L measurement. d. Requesting to know what ELAP methods are acceptable and what are not. The commenter also recommends that if some alternative methods are not specified as compliant with 40 Code of Federal Regulations Part 136, then the State Board should predefine acceptable methods in a table within Attachment H. <p>Response:</p> <p>Responses for the bullets in order:</p> <ul style="list-style-type: none"> a. No revisions were made to the permit in response to the requested change. Refer to Attachment H for further guidance. b. No revisions were made to the permit in response to the requested change. Tables H-1 and H-2 lists the total maximum daily loads (TMDLs) by Regional Water Board. c. No revisions were made to the permit in response to the requested change. Milligrams per liter (mg/L) is the standard units used in this General Permit and will remain consistent for data collection, quality assurance/quality control, and reporting purposes. d. All laboratory analyses are to be done with methods approved in 40 Code of Federal Regulations Part 136 (per Order Section I.36). The Environmental Laboratory Accreditation Program (ELAP) certifies laboratories in California, not each individual method.
<p>56.51</p>	<p>Comment Category: Total Maximum Daily Load Implementation</p> <p>Comment Summary:</p> <p>Please provide guidance on to what extent trace amounts of nitrates, un-ionized ammonia, or orthophosphate in soil need to be addressed in the pollutant source assessment and whether there will be de minimis concentrations that below which NAL compliance would not be required.</p> <p>Requested Change:</p> <p>Provide the requested guidance.</p> <p>Response:</p> <p>Guidance for the trace amounts of total maximum daily load (TMDL)-specific pollutants in soils may be prepared following the adoption of the General Permit.</p>

<p>2.05, 8.15, 8.17, 9.02, 33.02</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Mandatory Minimum Penalties & Increase in Total Maximum Daily Load Numeric Effluent Limitation Requirements (Disapproval of Total Maximum Daily Load Numeric Effluent Limitations)</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that NELs and their mandatory minimum penalties for NEL exceedances conflict with the CGP’s purpose to promote an iterative stormwater compliance process. Additionally, commenters are concerned about the increase in TMDL NEL requirements which will increase cost of compliance and can potentially bar contractors from future construction projects if they continually receive mandatory minimum penalties for being in violation. 2. Commenters state that NELs are likely infeasible for most CGP discharges, and NALs are more useful when attempting to improve water quality. They add that NALs address and correct stormwater issues much more efficiently than NELs. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting that NELs either be removed in the Final Draft CGP or NEL mandatory minimum penalties be more relaxed to dischargers. 2. Commenters are requesting that NELs be removed from the Final Draft CGP and be replaced by NALs. <p>Response:</p> <ol style="list-style-type: none"> 1. Numeric effluent limitations (NELs) were not removed from the permit and mandatory minimum penalties were not relaxed in response to the requested changes. The Construction Stormwater General Permit relies on an iterative best management approach to protect water quality. Mandatory minimum penalties are required by Water Code, section § 13385(h), and accordingly are not set by and cannot be modified by this permit. Additionally, the State Water Board must impose limitations that are consistent with waste load allocations. NELs are consistent with the assumptions and requirements of certain waste load allocations. Action levels were adopted when consistent with the assumptions and requirements of the waste load allocations (WLAs). 2. NELs were not removed from the permit in response to the requested change. Even when NELs are included as total maximum daily load (TMDL) implementation requirements, there are several steps that need to occur prior to exceeding an NEL and potentially incurring mandatory minimum penalties. See non-visible pollutant monitoring in Fact Sheet Section I.G.3. and the definition of NEL exceedance in the Glossary (Attachment B). The State Water Board must implement certain TMDL waste load allocations as NELs based on the assumptions and
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	<p>requirements of the TMDL. In response to comments, the TMDL requirements were evaluated and where possible were revised to propose an alternative approach to demonstrate compliance. See Attachment H Section I.G.5. or Fact Sheet Section I.W.6.g.vi. for the sediment-based NEL compliance method.</p>
<p>8.16, 37.08</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Construction Stormwater Discharge Variability (Disapproval of Total Maximum Daily Load Numeric Effluent Limitations)</p> <p>Comment Summary:</p> <p>Commenters state that due to the extreme variability of construction stormwater discharges, characterizing and analyzing effluent construction stormwater discharges can be very challenging. They add that it also makes it tough to reach NEL limits for certain TMDL constituents. In return, it is difficult for NELs related to construction stormwater discharges to improve water quality, thus rendering NELs infeasible.</p> <p>Requested Change:</p> <p>Commenters are requesting the removal of NELs from the Final Draft CGP due to the extreme variability of construction stormwater discharges, miniscule/challenging NEL limits, and lack of treatment options.</p> <p>Response:</p> <p>Numeric effluent limitations (NELs) were not removed from the permit in response to the requested change. Despite the variability of construction stormwater discharges, the permit must contain limitations that are consistent with the assumptions and requirements in total maximum daily load (TMDL) waste load allocations (WLA).</p>
<p>36.02, 36.04, 36.05, 36.06, 36.09, 36.10, 37.23, 71.02</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Legal and Physical Infeasibility of Numeric Effluent Limitations (Disapproval of Total Maximum Daily Load Numeric Effluent Limitations)</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that there are fundamental and legal issues with NELs, and they should be removed from the permit. They add that NELs are not legally required and have not be developed in accordance with the law, nor has there been any analyses or explanation as for NEL inclusion.

2. Commenters state that BMPs and ATS are insufficient in achieving NEL limits other than TSS and turbidity. Meeting NEL standards will be extremely difficult if not impossible for majority of constituents. They also add that some NEL sampling/testing limits are nearly impossible to accomplish, which makes it challenging for dischargers to comply with CGP compliance thus obstructing water quality.
3. Commenters state that the addition of certain NELs in the permit is costly, burdensome, and does not improve water quality. They also add that reliance on NELs to regulate construction stormwater discharges is not feasible and BMPs are more widely used/accepted.

Requested Change:

1. Commenters are requesting that the proposed NELs in the Proposed Permit be removed. Additionally, they also request to replace NELs with NALs or covert them to BMP requirements.
2. Commenters are requesting alternatives for NELs, as they believe NEL compliance will greatly increase overall costs. They add that at most, NELs should only be allocated to specific sediment constituents at sites employing ATS, and that NALs be allocated to non-sediment constituents at sites employing ATS or sites using passive treatment.

Response:

1. Numeric effluent limitations (NELs) are included in the permit and are applicable to certain total maximum daily load (TMDL) constituents and waterbodies or watersheds. It was not possible to replace these NELs with NALs because NALs were not consistent with the assumptions and requirements of the waste load allocations. NELs and numeric action levels (NALs) serve different purposes to achieve compliance and will be utilized accordingly.
2. Prior to the release of the May 2021 public draft, staff held a 2019 public workshop focused on TMDL implementation requirements. After that workshop, the waste load allocations (WLAs) were reevaluated to determine the appropriate implementation. In response to comments, the permit was again revised to incorporate sediment-based NELs for certain TMDLs. Attachment H Section I.G.5. and Fact Sheet Section I.W.6.g.vi. describe a sediment-based NEL compliance method for certain waste load allocations that are lower than the test method reporting limit or where the pollutant binds to sediment. NELs for nitrogen-based nutrients were also retranslated into NALs due to the lack of feasible best management practices (BMPs) to address the nitrogen-based nutrients at construction sites.
3. Water quality-based effluent limitations, which include implementation of TMDL-specific requirements, are different from technology based effluent limitations because they do not consider practicability and cost.

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<p>36.07, 36.08, 36.11, 37.02, 37.07, 37.10, 37.11, 37.22</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Request for Methodology and Analyses (Disapproval of Total Maximum Daily Load Numeric Effluent Limitations)</p> <p>Comment Summary:</p> <p>Commenters state that NELs in the permit are legally flawed and sufficient implementation of NELs in the permit will require technical methodology to be factored in. Adequate methodology and technical data analysis should be performed and displayed in permit when implementing NELs and translating WLAs into NELs in the CGP. The commenters also question how a NEL can be created if a TMDL does not assign a WLA to their stormwater discharges.</p> <p>Requested Change:</p> <p>Commenters are requesting that if the State Board wants to translate WLAs to NELs, then they need to incorporate some type of methodology or technical analysis in the CGP that accounts for factors specific to construction stormwater such as effluent flow rates, concentrations, and variability, receiving water flow rates and concentrations, and statistical requirements of the underlying water quality objectives (i.e., frequency, magnitude, and duration).</p> <p>Response:</p> <p>Analysis of the waterbodies and development of waste load allocations (WLA)s was performed as part of the total maximum daily load (TMDL) development and adoption process. The steps outlined in the Fact Sheet Section I.W.3. were followed to translate waste load allocations to numeric effluent limitations (NELs)/numeric action levels (NALs) and other compliance language that meets the assumptions and requirements of the TMDL.</p>
<p>10.04, 15.01, 37.04</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Total Maximum Daily Load Numeric Action Level or Numeric Effluent Limitation Compliance Limits (Disapproval of Total Maximum Daily Load Numeric Effluent Limitations)</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that exceeding NALs or NELs will result in either a mandatory minimum penalty or continuous site/BMP improvements. However, the commenters state that there are no clear alternatives or BMPs to address, treat, and lower NAL/NEL exceedances to acceptable limits. 2. Commenter states that certain pollutants have very low analytical requirements, which makes it difficult and unreasonable for dischargers to achieve.

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	<p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting that the CGP demonstrate that NAL and NEL compliance limits are achievable and provide current construction BMP technologies that can be utilized to reach these very low limits. 2. Commenter is requesting that the State Board implement levels and limits identified in the CGP that are achievable using technology appropriate for a construction site. <p>Response:</p> <p>Please see Fact Sheet Section I.W.6.g.vi. and Attachment H Section I.G.5. for a sediment-based numeric effluent limitation (NEL) compliance method. NELs for nitrogen-based nutrients were retranslated into numeric action levels (NALs) due to the lack of feasible best management practices (BMPs) to address the nitrogen-based nutrients at construction sites.</p>
<p>37.14, 37.15, 37.16, 37.18</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Negative Effects (Disapproval of Total Maximum Daily Load Numeric Effluent Limitations)</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that NELs have the potential to cause unintended downstream water quality impacts, and disincentivizes green nature-based solutions and treatment technologies that reduce loads. This is due to NELs being too stringent, which forces dischargers to implement ATS to meet NEL limits. This can result in chemicals being released downstream or can reduce sediment concentrations below their natural setting, potentially leading to downstream pollution or erosion. 2. Commenter states that NELs at point of discharge can potentially be duplicative and cause double treatment which is unnecessary and costly. 3. Commenter states that inclusion of NELs is unlikely to achieve desired water quality and will likely impose unnecessary costs. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting the removal of NELs from the CGP, as they believe NELs will disincentivize green nature-based solutions and treatment technologies and will potentially negatively affect water quality. 2. Commenter is requesting to implement additional compliance options into the CGP for a more regional treatment approach rather than an onsite treatment approach, which will hopefully prevent duplicate discharge treatments from occurring. They also recommend that the State

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	<p>Board develop programs that will allow construction site operators to fund and participate in regional solutions to mitigate stormwater discharges within watersheds for an extended period.</p> <p>Response:</p> <ol style="list-style-type: none"> 1. No revision was made in response to this comment. Numeric effluent limitations (NELs) were translated from the total maximum daily load (TMDL) waste load allocations (WLAs) to meet the assumptions and requirements of the TMDL. Controlling pollutant sources from exposure to stormwater is a minimum best management practice (BMP) that can be cost effective and remove the need for green/nature-based solutions or treatment technologies. 2. A revision was not made in response to the comment. Despite the availability of regional water diversions, this cannot guarantee that all construction stormwater discharges will drain into these regional water diversions and be treated effectively (37.15).
<p>39.218, 39.219, 39.220, 39.221, 39.222, 39.223, 39.224, 39.225, 39.226, 39.227, 39.228, 39.229, 39.232, 39.234</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Attachment H Update Requests</p> <p>Comment Summary:</p> <p>Commenters state that various aspects of Table H-2 found within Attachment H need to be changed.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting the following updates to Table H-2 in Attachment H. <ol style="list-style-type: none"> a. Request to remove “or Numeric Effluent Limitations” language from the “Additional TMDL-Related Numeric Action Level(s) or Numeric Effluent Limitation(s) (NAL/NEL)” Section of Table H-2. Only keep NALs in the table. b. Request to replace “NEL” with “NAL” for various TMDLs in Table H-2. c. Request to remove “Numeric Effluent Limitations” language in Attachment H (remove Attachment H Sections I.D.4 and I.G.4). <p>Response:</p> <p>No revisions were made to the permit in response to the requested changes. Numeric effluent limitations (NELs) will remain within the permit and will not be replaced by numeric action levels (NALs). The requested changes from the commenters were not implemented and Table H-2 contains numeric effluent limits.</p>
<p>39.018, 39.020</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Loads – Order Update Requests</p>

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	<p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter is looking to remove the NEL requirements from the Order unless there was an active treatment system (ATS) implemented. 2. Commenter is looking to remove TMDL requirements for NELs. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to remove Order Section IV.C.2.b. 2. Commenter is requesting to remove “and/or numeric effluent limitations” from Order Section IV.D.4. <p>Response:</p> <p>No revisions were made to the permit in response to the requested changes. Numeric effluent limitations (NELs) and their requirements are included in the permit for certain total maximum daily load (TMDL) implementation even when active treatment system (ATS) is not used.</p>
<p>52.03, 52.05, 53.01, 53.05, 53.06, 53.07, 53.08, 53.09, 53.10, 53.11, 53.14, 53.15, 53.16</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – General Approval of Total Maximum Daily Load Numeric Effluent Loads</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that NELs are necessary and should be retained as they provide clear and objective requirements to determine compliance with water quality standards, they help improve impaired water quality, are required by the federal Clean Water Act when feasible, the costs are reasonable to protect water quality, and NALs are not legal substitutes for NELs. 2. Commenters state that NELs will assist in identifying stormwater violations, will ensure BAT and BCTs are incorporated at construction sites, and that WLAs and water quality standards are reached. 3. Commenters state that cost of compliance with NELs does not override the federal Clean Water Act requirement of NELs being incorporated when feasible. Implementing NELs is a legal obligation the State Board has, and cost of compliance should not deter NEL implementation. 4. Commenter states that there should be more consistency between the IGP and CGP NELs. Additionally, the commenter states that there are various TMDLs that have either NALs or nothing listed in Table H-2 and should be changed to NELs. <p>Requested Change:</p>

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	<ol style="list-style-type: none"> 1. Commenters are requesting to implement and maintain NELs in the CGP per the Clean Water Act, as NELs are beneficial to water quality. Additionally, commenters are requesting that the NELs listed in the CGP be consistent with the NELs listed in the IGP. 2. Commenter is requesting that the State Board incorporate numeric TBELs for all discharges and WQBELs for discharges to an impaired waterbody within the CGP. The commenters also are requesting to make any WLAs into WQBELs rather than TNALs. 3. Commenters are requesting that the CGP incorporate proper TMDL NEL requirements to make stormwater violations easier to identify, confirm that BAT and BCT are implemented at construction sites, water quality degradation from construction activities are prevented, and WLA and water quality standards are achieved. 4. Commenters are requesting to add NELs in Table H-2 within Attachment H for Ballona Creek Metals, Calleguas Creek Watershed Metals and Selenium, Los Angeles and Long Beach Harbor Waters, Los Angeles River Metals, Los Cerritos Channel Metals, Machado Lake Nutrients, San Gabriel River Metals and Selenium, and San Diego and Newport Bay Toxics TMDLs. <p>Response:</p> <ol style="list-style-type: none"> 1. Numeric effluent limitations (NELs) are included in the Construction Stormwater General Permit. However, the NELs in the Construction Stormwater General Permit and Industrial Stormwater General Permit do not necessarily need to be identical as construction and industrial activities and discharges differ from one another and may have been assigned different waste load allocations (WLAs). 2. Numeric action levels (NALs) were assigned for concentration-based waste load allocations that were assigned in the receiving water, rather than the point of discharge.
<p>53.04, 53.36</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Loads – Construction Stormwater General Permit Update Appreciation</p> <p>Comment Summary:</p> <p>Commenter states that the current CGP is 12 years old and is 7 years past an update. However, they appreciate the State Board for making the critical updates to the CGP. They appreciate the new policies, requirements, and NELs found within the new CGP and believe that it greatly improves the CGP and water quality.</p> <p>Response:</p>

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	<p>This comment is appreciated as staff has worked diligently to maintain a collaborative Construction Stormwater General Permit reissuance process.</p>
<p>36.03, 37.20, 37.21</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Non-Visible Pollutant Monitoring</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenters state that further clarification as to when non-visible pollution sampling is required, non-visible pollutant sampling requirements, how sampling results are evaluated, and information conveying that non-visible pollutant exceedances cannot occur unless an initial triggering event has occurred should be included in the final proposed permit. 2. Commenter states that clarification is needed to convey that non-visible pollutant monitoring requirements in the Proposed Permit does not mean that construction site discharges should be monitored for all constituents for which Basin Plan water quality objectives exist. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting more information on non-visible sampling for topics such as: when sampling is required, what are the sampling requirements, how are sampling results evaluated, and that exceedances cannot occur unless a triggering event has taken place first. 2. Commenter is requesting to add clarification that non-visible pollutant monitoring requirements does not mean that construction discharges need to be monitored for all constituents when there are Basin Plan water quality objectives. <p>Response:</p> <p>Total maximum daily load (TMDL)-related pollutant monitoring was clarified in Attachment H and in Fact Sheet Section I.G.3. Responsible Dischargers shall conduct non-visible pollutant monitoring, as required in Attachment D or E Section III.D.3., when the TMDL-specific pollutant may be discharged due to a failure to implement best management practices (BMPs), a container spill or leak, or a BMP breach, failure, or malfunction.</p>
<p>18.01, 30.02, 30.03, 30.04, 30.05</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Construction Stormwater General Permit and Municipal Separate Sewer System (MS4) Consistency</p> <p>Comment Summary:</p> <p>Commenter states that many Region 4 WLAs in the CGP are identical to WLAs found in the MS4 permit. As a result, the commenter is recommending that the WLAs for the Los Angeles Harbor Bacteria TMDL, the Los Angeles & Long Beach Harbor Waters TMDL, the Machado Lake Nutrients TMDL, and the</p>

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	<p>Machado Lake Toxics TMDL in the CGP be held to the same standards as MS4 permits. The commenter also adds that the TMDL/WLA requirements should be uniform amongst the CGP and MS4 permits as well.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting to make the following updates. <ol style="list-style-type: none"> a. Incorporate consistency between the CGP and MS4 permit when referring to TMDL/WLA requirements. b. Revise the Los Angeles Harbor Bacteria TMDL section in Table H-2 of Attachment H. Additionally, they want to revise the additional Bacteria TMDL requirements in Section I.A of Attachment H to include a subsection that outlines requirements that dischargers must meet when exceedances of NELs occur for bacteria. Finally, the commenter wants to add NELs for Enterococcus, Fecal Coliform, Total Coliform for the Los Angeles Harbor Bacterial TMDL. c. Revise the Los Angeles and Long Beach Harbor Waters TMDL in Table H-2 of Attachment H, including additional NELs and identified water bodies. d. Revise Machado Lake Nutrient TMDL NALs for Total Nitrogen and Total Phosphorus to NELs. e. Include NELs for Chlordane, DDD, DDE, DDT, Dieldrin, Total DDTs, and Total PCBs. <p>Response:</p> <p>Municipal separate storm sewer system (MS4) permits are different in development and implementation from the Construction Stormwater General Permit. Total maximum daily load (TMDL) implementation requirements that are consistent with the assumptions and requirements in the TMDL were incorporated into this General Permit.</p>
<p>8.09, 12.07, 37.12</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Best Management Practices</p> <p>Comment Summary:</p> <p>Commenters state that there are no proposed BMPs that can achieve the low TMDL NAL and NEL limits set forth. They add that there is no sufficient evidence that acknowledge BMPs that can treat stormwater and achieve TMDL NAL or NEL compliance. Finally, they state that with the variability of BMPs and stormwater runoff, it will be difficult and unlikely for BMPs to meet the NAL and NEL listed in Attachment H, thus hindering water quality and placing many construction stormwater dischargers in violation of the CGP.</p>

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	<p>Requested Change:</p> <p>Commenters are requesting that the final proposed permit incorporate evidence conveying that the removal of certain pollutants are economically achievable, that BMPs will be able to sufficiently treat stormwater, and that compliance with CGP TMDL NAL or NEL regulations is obtainable.</p> <p>Response:</p> <p>Pursuant to 40 CFR § 122.44(d)(1)(vii), this permit must have limitations that are consistent with the assumptions and requirements of any available waste load allocations in an Environmental Protection Agency (EPA) approved total maximum daily load (TMDL). The Fact Sheet, Section I.W.3. sets forth a detailed explanation of how waste load allocations (WLAs) were translated into permit limitations. In response to comments and as explained in the Fact Sheet Section I.W.g.vi., where consistent with applicable WLAs, and certain numeric effluent limitations (NELs) for TMDL-specific pollutants have been revised to a sediment-based numeric effluent limitation in Attachment H Section I.G.5. Although costs of permit implementation were considered for TMDL-specific requirements (see Fact Sheet Section I.G.2.a., pp. 28), water quality-based effluent limitations may not be adjusted for cost considerations alone. Similarly, feasibility of compliance with TMDL-specific requirements was considered. There are available best management practices (BMPs) to address most TMDL-related pollutants such as non-structural erosion and sediment controls and filter media BMPs. In addition, new technology may become available or existing technology may become cheaper or more effective after adoption, but before the effective date, or during the life of the permit. However, nitrogen-based nutrient numeric effluent limitations were retranslated to numeric action levels due to the lack of feasible BMPs available to remove the nitrogen-based nutrients.</p>
<p>12.06</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Metals</p> <p>Comment Summary:</p> <p>Commenter states that since copper and zinc (metals) are common in break-pad dust and are found on nearly all roadways, they question if all transportation construction projects with copper or zinc NELs will be in violation of copper and zinc NELs and subsequently be subjected to penalties or fines.</p> <p>Requested Change:</p> <p>Commenter is requesting clarification on copper and zinc (metals) NELs and question if many, if not majority of construction projects using vehicles to transport will be in violation of copper or zinc NELs and subject to penalties and fines.</p> <p>Response:</p>

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	<p>Several numeric effluent limitations have been clarified. See Attachment H and Fact Sheet Section I.G.5.g. of this General Permit. Each discharger in a total maximum daily load (TMDL) area needs to complete a pollutant source assessment to determine if sources of the listed pollutants (i.e., copper and zinc) are found on site or have the potential to be discharged.</p>
<p>37.05, 37.06</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that stormwater discharges are different than traditional point source discharges, as stormwater discharges have greater variability in flow rate/volume and constituent concentrations. 2. Commenter states that when water quality standards were initially adopted, it was thought that they would not apply to stormwater or NELs, as water quality standards were not developed or evaluated for those purposes. But over time, this has changed. However, the State Board has not performed the analyses required by Porter-Cologne to establish that it is appropriate or reasonable to apply existing water quality standards to stormwater discharges. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. NA 2. Commenter is requesting that the State Board provide analyses to show the reasoning behind existing water quality standards being applied to stormwater discharges. <p>Response:</p> <ol style="list-style-type: none"> 1. Stormwater discharges do have much more variability in flow rate, volume, and constituent concentrations compared to traditional point source discharges. 2. Please refer to Order Section I.28 for further clarification as to how water quality standards and objectives apply in receiving water.
<p>37.09, 37.17</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that it is not established in the Proposed Permit that numeric limits are feasible for discharges when there are chemical additives and advanced treatment. Moreover, the Draft CGP does not consider natural conditions or site-specific circumstances. Finally, the Draft CGP includes a “design condition” for ATS but does not include a design condition or design storm for the NELs and NALs included in Attachment H of the Proposed Permit.

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	<p>2. Commenter states that the Proposed Permit does not consider other sources of pollutants, such as natural or background sources. They state that the CGP only regulate pollutants from construction activities.</p> <p>Response:</p> <ol style="list-style-type: none"> 1. Numeric effluent limitations (NELs) for total maximum daily loads (TMDLs) were translated from waste load allocations (WLAs) in the TMDL and meet the assumptions and requirements of the TMDL. Numeric effluent limitations for active treatment are technology based effluent limits designed around the performance standards of active treatment systems. 2. This General Permit authorizes discharge of stormwater and certain authorized non-stormwater to waters of the United States from construction and land disturbing activities. Construction and land disturbing activities may cause soils containing pollutants from natural or background sources to discharge from a construction site. It is also a requirement of this General Permit to manage run-on at construction projects, which could address natural and background sources of pollutants.
<p>37.13</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Active Treatment System</p> <p>Comment Summary:</p> <p>Commenter states that ATS is beneficial for removing sediment and can assist in reducing concentrations of sediment-associated pollutants. However, the commenter mentions that the CGP does not convey any data or analyses depicting pollutant concentrations or how well ATS will remove pollutants.</p> <p>Requested Change:</p> <p>Commenter is requesting data or analyses in the CGP that will evaluate the concentrations of certain pollutants and verify how well ATS will do in removing said pollutants from stormwater.</p> <p>Response:</p> <p>The numeric values for the total maximum daily load (TMDL)-specific requirements were derived from the applicable waste load allocations (WLAs), not from performance data from specific technology. Active treatment systems (ATS) are an effective technology to reduce sediment-associated pollutants. As the Blue Ribbon Panel found, advanced treatment systems have been in use in some form since the mid-1990s. Both types of systems available in 2006 were reliable and consistently reduce turbidity in stormwater to very low levels. There is limited data available specific to other pollutants commonly associated with stormwater discharges from construction sites. Because discharges may occur</p>

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	<p>statewide and stormwater discharges are highly variable, any available data may not be representative for all conditions. A sediment-based numeric effluent limitation (NEL) compliance method for certain TMDL-specific pollutants have been incorporated in Attachment H and Fact Sheet Section I.W.6.g.vi. and vii.</p>
<p>53.25</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Numeric Effluent Limitation Exceedance Definition</p> <p>Comment Summary:</p> <p>Commenter states the CGP should require a TMDL NEL exceedance to be defined as a single analytical result that exceeds the instantaneous maximum NEL value instead of two or more analytical results. They believe the two results requirement is relaxing water quality requirements.</p> <p>Requested Change:</p> <p>Commenter is requesting to change the TMDL NEL exceedance definition from “two or more analytical results for samples taken at each drainage area within the same reporting year exceeds an applicable NEL” to “one or more analytical results...”</p> <p>Response:</p> <p>The permit was not revised. The State Water Board developed the numeric effluent limitations (NELs) based on total maximum daily load (TMDL)-specific information. The NEL exceedance definition explains how the Water Boards’ will determine compliance with the NEL, based on the best available information, best professional judgement, and compliance determination approaches recently implemented in other statewide National Pollutant Discharge Elimination System (NPDES) stormwater permits.</p>
<p>53.26</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations – Water Quality Based Corrective Actions Report</p> <p>Comment Summary:</p> <p>Commenter states that the CGP should explicitly state somewhere that a Water Quality Based Corrective Actions Report is only one aspect of dischargers’ responsibilities once a NEL exceedance has occurred. The Commenter adds that the State Board should proclaim that dischargers are still responsible for mitigating and lowering their exceedance after the Water Quality Based Corrective Actions Report has been submitted.</p> <p>Requested Change:</p>

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	<p>Commenter is requesting to add, "Responsible Dischargers with a water quality exceedance are in violation of this General Permit and must additionally submit the Water Quality Based Corrective Actions or NEL Violation Report" right before, "in the event that an applicable numeric effluent limitation has been exceeded, the required reporting contains" in the Fact Sheet Section I.Q.5.a.</p> <p>Response:</p> <p>The General Permit clarifies that iterative steps and corrective actions should follow any non-visible sampling and monitoring and/or measurement demonstrating an exceedance of the numeric limitation for that pollutant.</p>
<p>70.08</p>	<p>Comment Category: Total Maximum Daily Load Numeric Effluent Limitations</p> <p>Comment Summary:</p> <p>Commenter states that NELs should be the primary method of incorporating WLAs. However, the commenter understands that NELs cannot be used in every situation.</p> <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to have most of the WLAs incorporated in the CGP as NELs. 2. Commenter is specifically requesting to update the Los Cerritos Channel Metals TMDL and the Truckee River Sediment TMDL implementation language in this General Permit. <ol style="list-style-type: none"> a. Los Cerritos Channel Metals TMDL – Requests to change the WLAs to NELs similar to the IGP WLAs for this TMDL. b. Truckee River Sediment TMDL – Requests to update the information regarding this TMDL, as they state that an assessment was supposed to occur halfway (2018) through this TMDL’s final deadline (2028). They request that the assessment and its findings are implemented in the Fact Sheet in the Final Draft CGP. <p>Response:</p> <p>The permit was not revised. The Lahontan Regional Water Quality Control Board has not published an assessment for the Truckee River Sediment TMDL. Therefore, current information is not available to include in Fact Sheet Section W regarding total maximum daily load (TMDL) translation criteria.</p>
<p>13.05</p>	<p>Comment Category: Training Requirements</p> <p>Comment Summary:</p> <p>Commenter states that the development and implementation of updated QSD/QSP training will take at least a year. New modules for various stormwater topics need to be created.</p>

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	<p>Requested Change:</p> <p>Commenter is requesting time to develop and implement updated QSD/QSP trainings and that it will likely take a year or more.</p> <p>Response:</p> <p>The effective date of the permit will be, at minimum, one year after the adoption of the new permit; State Water Board staff will work with the Construction General Permit Training Team (CGPTT) to develop Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP) training between the adoption date and the effective date of the permit.</p>
<p>39.031, 51.07, 58.07</p>	<p>Comment Category: Training Requirements – 4-year Construction Management Degree Prerequisite</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter wants to remove the “Construction Management degree from an accredited 4-year institution” requirement for QSPs. They do not see the purpose in having that as a QSP prerequisite. 2. Commenter states that Order Section V.B.4 needs more specific language and courses that cover different erosion and sediment topics. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to remove the “Construction Management degree from an accredited 4-year institution” requirement. 2. Commenter is requesting to add “coursework” and more specific erosion/sediment requirements to Order Section V.B.4. This will allow for more specific language in the Permit, conveying courses that will assist in obtaining QSP certification. <p>Response:</p> <p>A construction management degree from an accredited 4-year institution, which includes coursework covering the underlying principles of erosion and sediment control, is sufficient to serve as a prerequisite. Offering a variety of Qualified SWPPP Practitioner (QSP) prerequisite options is intended to increase the number of QSPs in the state.</p>
<p>30.06, 31.01, 31.02, 31.03</p>	<p>Comment Category: Training Requirements</p> <p>Comment Summary:</p>

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	<ol style="list-style-type: none"> 1. Commenter states that the Permit language in Order Section V.B.1 is too specific and limits certain individuals with proper certifications. 2. Commenter states that training requirements for the permit should be equal amongst State of California and private sector employees. As a result, the commenter wants all individuals within the State of California involved with NPDES stormwater topics to have the same certifications as individuals within the private sector. They convey that the proposed requirement will create better outcomes resulting in better permit compliance. 3. Commenter states that all QSDs/QSPs should be required to take and pass the same QSD/QSP exam. They state that excluding Professional Engineers and Professional Geologists from taking the exam is unfair. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Update Permit language in Order Section V.B.1 so it is broader and not as limiting for qualified individuals. 2. Commenter is requesting that all individuals involved with NPDES stormwater obtain the same certifications. This would include State and private sector employees involved with NPDES regulated-stormwater subjects. 3. Commenter is requesting that any professional performing QSD/QSP responsibilities should be required to take and pass the same QSD/QSP exam in addition to having the necessary prerequisites, no exceptions. <p>Response:</p> <p>Qualifications for regulators (Water Boards staff) in the National Pollutant Discharge Elimination System (NPDES) stormwater programs do not require the same certification as private sector professionals as regulators are not performing the actual stormwater management-related work. The new permit continues the finding in the 2009 permit in which the California Board of Professional Engineers, Land Surveyors, and Geologists maintains that registered professional engineers and engineering geologists have the skillset to serve as Qualified SWPPP Developers (QSDs)/Qualified SWPPP Practitioners (QSPs) without taking the QSD/QSP exam. Also of importance is that the new permit provides the State Water Board with a pathway to require additional training for QSDs/QSPs, or suspend/rescind an individual’s QSD/QSP certification if the State Water Board finds their performance is lacking.</p>
33.24	<p>Comment Category: Training Requirements –Qualified SWPPP Practitioners Implementing Informal On-Site Training for Delegates</p> <p>Comment Summary:</p>

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	<p>Commenter states that since there has not been a QSD/QSP Delegate training program developed prior to the Proposed Permit, the training requirement be removed from the Permit. They believe that informal training onsite is just as beneficial as a formal training program.</p> <p>Requested Change:</p> <p>Commenter is requesting to remove QSD/QSP delegate training program from Permit and allow for informal on-site training in its place.</p> <p>Response:</p> <p>Throughout the implementation of the 2009 permit, Water Boards staff and stormwater professionals have observed significant deficiencies stemming from Qualified SWPPP Practitioner (QSP) delegates. The permit requires QSPs opting to delegate tasks to others, to provide both foundational and site-specific training relevant to the delegates' assigned responsibilities, based on the guidelines set by the Construction General Permit Training Team (CGPTT).</p>
<p>33.26, 39.037, 43.13, 51.03, 51.10</p>	<p>Comment Category: Training Requirements – Qualified SWPPP Developer/Qualified SWPPP Practitioner Recertifications</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states they do not believe that QSDs/QSPs need to recertify their certifications when transitioning to the new permit. 2. Commenter states that the requirements for QSD/QSP recertification process is too vague. The commenter wants further information on these recertification requirements, along with the allotted time and grace period for completing recertifications. Commenter also wants to know if CASQA or the State Water Board will have the final say in recertification requirements. 3. Commenter states that Order Section V.F.1 is confusing, and the permit language should be updated. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting to remove the QSD/QSP recertification requirement for the start of the Proposed Permit. 2. Commenter is requesting that staff lists the QSD/QSP recertification requirements in the Proposed Permit and that it provides clear steps on how to recertify. In addition, the commenter is also requesting that we provide information on when recertification is due and a grace period for recertifying. 3. Commenter is requesting to remove Order Section V.F.1 numbers 1 and 2, and replace the permit language with the following language: “a. Existing QSDs and QSPs certified through

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	<p>CASQA shall, prior to the expiration date of their current certificate, complete the recertification process including: certifying they have maintained a valid underlying certification; and completing the recertification review or refresher training as determined by the CGPTT. b. Existing QSDs 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 SMARTS and complete any self-directed training required by the State Water Board within one year of the effective date of the CGP."</p> <p>Response:</p> <ol style="list-style-type: none"> 1. The permit requirements for Qualified SWPPP Developer (QSDs)/Qualified SWPPP Practitioners (QSPs) to complete a recertification review or refresher training has not been changed due to the number of new permit requirements that may apply to construction projects they work on. 2. The permit requirements for QSD/QSPs to recertify through a renewal process developed by California Stormwater Quality Association (CASQA), prior to the expiration date of their current certification, remains unchanged. 3. The permit language in Order Section V.G. was revised as follows: "A QSD or QSP who maintained a valid certification as of the effective date of this General Permit shall remain in good standing. <ol style="list-style-type: none"> a. Existing QSDs and QSPs certified through CASQA shall, prior to the expiration date of their current certificate, certify they have maintained a valid underlying certification and complete the recertification review or refresher training through CASQA's renewal process. b. Existing QSD/QSPs who have self-certified with the State Water Board that they are California licensed professional engineer or California licensed professional geologist shall complete the recertification process through SMARTS and complete self-directed training required by the State Water Board within one year of the effective date of the CGP."
<p>51.04, 51.05</p>	<p>Comment Category: Training Requirements – California Board of Professional Engineers, Land Surveyors and Geologists</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Commenter states that the CBPELSG QSD requirement that a QSD must have, "a fundamental knowledge of erosion and sediment control, and best management practices for treating site pollutants to protect waters of the United States" should be for both a QSD and QSP. 2. Commenter states CBPELSG should be removed and replaced with QSD/QSP.

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	<p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenter is requesting that both QSDs/QSPs should have knowledge of erosion and sediment control, along with BMP for treating site pollutants. 2. Commenter is requesting to delete, “A CBPELSG licensee serving a discharger shall have a fundamental knowledge of erosion and sediment control, and best management practices for treating site pollutants to protect waters of the United States” in Order Section V.B.11. Commenter is requesting to replace this statement with, “All QSPs and QSDs shall have a fundamental knowledge of erosion and sediment control, and best management practices and their implementation for treating site pollutants to protect waters of the United States. A QSD or QSP shall perform QSD and/or QSP services in accordance with the standards customarily adhered to by an experienced and competent QSD and/or QSP, using the degree of care and skill ordinarily exercised by reputable QSD and/or QSP practicing in the same field of service in the State of California.” <p>Response:</p> <ol style="list-style-type: none"> 1. The permit was modified to add the following statement, for applicability to all Qualified SWPPP Developers (QSDs) and Qualified SWPPP Practitioners (QSP), not just California Board of Professional Engineers, Land Surveyors and Geologists (CBPELSG) licensees: “All QSDs and QSPs shall have fundamental knowledge of erosion and sedimentation processes, best management practices, and their implementation to control pollutants in stormwater discharges.” 2. The permit was also revised to remove the following language regarding CBPELSG licensees: “A CBPELSG licensee serving a discharger shall have a fundamental knowledge of erosion and sediment control, and best management practices for treating site pollutants to protect waters of the United States.” The Commenter’s requested permit language regarding the performance requirements for QSDs were not added to the permit.
<p>39.032, 51.06</p>	<p>Comment Category: Training Requirement</p> <p>Comment Summary:</p> <p>Commenter states that the QSD prerequisite of “a Certification from a State Water Board-sponsored or approved QSD prerequisite training course” should not be required and should be removed from the CGP.</p> <p>Requested Change:</p> <p>Commenters are requesting to delete Order Section V.B.7.</p>

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	<p>Response:</p> <p>The permit language regarding State Water Board-sponsored or -approved training for the Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP) prerequisites was deleted because the prerequisite was similar to another QSD/QSP prerequisite which states: “any prerequisite course approved by the State Water Board’s Division of Water Quality Deputy Director in accordance with Order Section V.H.” The Division of Water Quality Deputy Director also has the authority to approve additional prerequisites courses to fulfill this requirement.</p>
<p>43.14</p>	<p>Comment Category: Training Requirements</p> <p>Comment Summary:</p> <p>Commenter states that QSDs should be the only personnel who can delegate tasks or remove delegates for stormwater sampling or inspections. The commenter also states that it would be ideal to have these delegates receive training from Independent Educational Consultants Association (IECA) or EnviroCert. Both Independent Educational Consultants Association (IECA) and EnviroCert are non-profit organizations that provide education and certifications for environmental consultants.</p> <p>Requested Change:</p> <p>Commenter is requesting that only QSDs be able to delegate tasks or remove delegates for stormwater sampling or inspections. Commenter also requests that delegates receive training from Independent Educational Consultants Association (IECA) or EnviroCert.</p> <p>Response:</p> <p>The permit requires the Qualified SWPPP Practitioners (QSPs) to be physically involved with the stormwater pollutant prevention measures implemented at a site. Therefore, the QSP is the most appropriate professional to delegate tasks as the QSP is most familiar with site-specific information that training from Independent Educational Consultants Association (IECA) or EnviroCert does not address this.</p>
<p>51.01</p>	<p>Comment Category: Training Requirements</p> <p>Comment Summary:</p> <p>Commenter states that the CGPTT is important and that relevant history and development of the QSD/QSP Training Program should be documented in the Order’s Findings section.</p> <p>Requested Change:</p>

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	<p>Commenter is requesting that the Findings section within the Order should contain relevant history of the CGPTT and the development of the CGP QSD/QSP Training Program.</p> <p>Response:</p> <p>Findings 30-31 were added in the Order regarding the Memorandum of Agreement between California Stormwater Quality Association (CASQA) and State Water Board, the Construction General Permit Training Team (CGPTT), and Trainers of Record (ToR).</p>
<p>51.08</p>	<p>Comment Category: Training Requirements – Continuing Education</p> <p>Comment Summary:</p> <p>Commenter states that since BMP practices are constantly evolving, that we require continuous BMP training courses every two years to keep QSDs/QSPs up to date on BMP practices and any new updates.</p> <p>Requested Change:</p> <p>Commenter is requesting to implement continuous education on BMP topics and practices. The commenter requests that we mandate six hours of up to date BMP training every two years.</p> <p>Response:</p> <p>The permit has been revised to require continuing education of six hours every year, for Qualified SWPPP Developers (QSDs) and Qualified SWPPP Practitioners (QSPs) certified through California Stormwater Quality Association (CASQA).</p>
<p>51.09</p>	<p>Comment Category: Training Requirements</p> <p>Comment Summary:</p> <p>Commenter states that license requirements should be restricted to professional engineers and professional geologists.</p> <p>Requested Change:</p> <p>Commenter is requesting that we remove “land surveyor” from Order Section V.B.9. Commenter wants to leave only professional engineer and professional geologist in this requirement.</p> <p>Response:</p> <p>The permit was modified to remove “land surveyor” from Order Section V.F.2., therefore limiting Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP) self-certification to</p>

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	<p>professional engineers and geologists. This change makes the permit consistent with the previous permit.</p>
<p>51.11, 58.03, 58.06</p>	<p>Comment Category: Training Requirements – Prerequisite Qualifications</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. Trainers of Record should not be the only individuals who can recommend training courses as prerequisites for the State Water Board’s approval. 2. It is unnecessary and inequitable to require that prerequisite courses be developed or reviewed by a college with Accreditation Board for Engineering and Technology Inc. accreditation. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. Commenters are requesting to delete language limiting prerequisite recommendations to solely Trainers of Record. 2. Commenters are requesting to delete accreditation language. <p>Response:</p> <p>Any individual may recommend a Qualified SWPPP Developer (QSD) or Qualified SWPPP Practitioner (QSP) prerequisite course for the State Water Board, Division of Water Quality Deputy Director’s consideration. The permit language was revised so that the accreditation requirement in Order Section V.H.2. was removed and was not required as a prerequisite course qualification.</p>
<p>58.01, 58.02, 58.04, 58.08</p>	<p>Comment Category: Training Requirements</p> <p>Comment Summary:</p> <ol style="list-style-type: none"> 1. The State Water Board should conduct research and provide a variety of prerequisite options for the QSD/QSP certifications. 2. Transparent steps for the training and credentialing organizations to be added to the list of prerequisites should be included in the permit. 3. Commenter states that having specific credentialing organizations in the Permit is biased and creates a monopoly for individuals looking for a QSD/QSP certification. <p>Requested Change:</p> <ol style="list-style-type: none"> 1. State Water Board staff should look into additional providers of stormwater training for prerequisites. 2. Commenter is requesting that staff include transparent steps for training and credentialing organizations to be added to the permit.

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	<p>3. Commenter is requesting the names of specific credentialing organizations in the Permit to be removed to avoid bias.</p> <p>Response:</p> <ol style="list-style-type: none"> 1. Order Section V.H. was revised to provide a more transparent process for future consideration of additional prerequisite courses for the Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP) training program and certification. The quality of other stormwater training providers may be assessed on an as-needed basis after the permit is adopted. 2. Specific training and credentialing organizations were identified in the Permit because the quality of their training has already been fully assessed. The program web page will be updated to include an inclusive list of all approved QSD/QSP prerequisites. This is noted in Order Section V.H.
<p>58.05</p>	<p>Comment Category: Training Requirements</p> <p>Comment Summary:</p> <p>Commenter recommends modeling the statewide NPDES Construction Stormwater General Permit QSD/QSP training program after the QISP training program for the statewide NPDES Industrial Stormwater General Permit, as it is just as technical and requires no underlying credential. A similar program for the CGP is likely to prove even more successful as many construction sites are similar to one another, while industrial sites are extremely diverse.</p> <p>Requested Change:</p> <p>Commenter is requesting to pair 2 days of online training with 1 day of in-person training and whether prerequisites are necessary.</p> <p>Response:</p> <p>State Water Board staff and the Construction General Permit Training Team (CGPTT) may consider modeling the Qualified SWPPP Developer (QSD)/Qualified SWPPP Practitioner (QSP) training program after the Industrial General Permit-related Qualified Industrial SWPPP Practitioner (QISP) training program at a later date.</p>