# Attachment 1. Summary of Bridge Approach

The following discussion was adapted from the CBIA Technical Comment Letter dated June 11, 2008 and updated to reflect the current Draft Order dated March 23, 2009 and Errata dated June 10, 2009.

## The Bridge Approach

Even though we have data and information proving that BMPs can and do improve water quality, this information is limited in the range of conditions it characterizes, and data describing overall site performance are very limited. For example, we have limited information on how BMPs perform over a range of hydrologic conditions, soil types, and when BMPs are used in combination or in series. Our knowledge of receiving water conditions is also limited. As detailed in these comments, we believe that the SWRCB lacks the scientific data to support the effluent quality standard included in the proposed Order.

The CBIA coalition also understands that the Board would prefer inclusion of a numeric compliance measure in the next construction storm water general permit. While we are mindful of the pressure to adopt a numeric effluent limit (NEL) standard in this current permit, we maintain that a "best management practices" (BMP) approach to managing and regulating storm water runoff, coupled with the use of numeric action levels (NALs), is the only numerical approach that can be supported with information and data available at this time.

The coupled BMP/NAL approach would serve as a "bridge" to future permits that may incorporate additional numeric measures when there are data to support these additional measures. The BMP/NAL approach would also serve to bring all construction sites to the same standard of water quality protection, while allowing for site-specific data collection and study that would improve an operator's understanding of local site conditions. The "Bridge Approach" necessitates a more comprehensive and well-designed program of data collection that would evaluate the feasibility of NELs and collect data that could be used to support their development. This "bridge approach" is designed to work in the following way:

### Step 1. No Site-Specific Effluent Limit For Sediment or pH.

As discussed in the CBIA technical comment letter, currently available data are insufficient to allow calculation of NELs. NELs should not be included in the proposed order.

### Step 2. Propose A Uniform Action Level of 500 NTU To Be Used Statewide As A Starting Point For Measuring BMP Performance.

An action level of 500 NTU may be considered "beyond the norm" or indicative of an "upset value" as suggested by the Blue Ribbon Panel (BRP); keeping in mind some surface discharges

and receiving waters within California exceed this value under background conditions and 500 NTU may be an inappropriate trigger for additional action under all circumstances. The action levels (ALs) would be used statewide as follows:

- The AL would be used as a trigger to initiate additional BMP inspections, maintenance, and upgrades, and to trigger study of site run-on or natural background conditions;
- Results of actions taken related to the AL would be recorded on-site; and
- AL results would be reported in summary (annual or project-end) format only.

## Step 3. Proposed Data Collection Program.

In order to provide a bridge between the current permit and the next storm water permit, we believe that an AL data collection program conducted during the upcoming permit term would provide critically needed information to aid the Board in determining what provisions should be included in subsequent permits.

Such a data collection program would include the following components:

- The program would be a joint venture between the SWRCB and the regulated community, and include the participation of the environmental community in the development of the plan and the review of the results;
- The regulated community would work with the SWRCB in choosing an independent contractor to conduct the program; a Blue Ribbon Panel or a similar structured forum could be established to oversee the program;
- Data would be gathered anonymously (i.e., mask site location/name in reported results, etc.);
- Data to be gathered would include effluent and receiving water quality, site characteristics, BMP characteristics, storm characteristics, receiving water characteristics;
- Data would be gathered for a representative range of sites (all risk categories, regions, soil types, receiving water risk);
- A work plan would be carefully designed to gather information to support the next permit (data requirements will be determined by whether ALs or NELs are the ultimate goal); and
- Data would be gathered to address specific technical issues in the proposed order, as follows:
    - To calibrate and validate MUSLE and RUSLE approaches (to determine the appropriateness for inclusion in the next permit term as risk assessment tools);
    - To determine BMP effectiveness at actual sites; and
    - To assess inter- and intra-storm water quality variability.