

State Water Resources Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENTS, STAFF WORKSHOP, BOARD WORKSHOP, AND CONSIDERATION OF ADOPTION FOR THE PROPOSED STATEWIDE CONSTRUCTION STORMWATER GENERAL PERMIT REISSUANCE

NOTICE IS HEREBY GIVEN that State Water Resources Control Board (State Water Board) will accept written comments that are limited to the following revisions to the draft Construction Stormwater General Permit:

- Anti-degradation findings set forth in Order, Findings 9-18;
- Regulatory transition requirements set forth in Order, Section III.C;
- Sediment-based numeric effluent limitations for 14 pollutants as set forth in total maximum daily load (TMDL) implementation requirements in Attachment H section I.G.5, and the Fact Sheet sections I.G.5.g and I.W.6.g; and
- Nitrogen-based nutrient numeric action levels for the Los Angeles Area Lakes TMDL, the Los Angeles River Nutrients TMDL, the Santa Clara River Nitrogen Compounds TMDL, and the Ventura River Algae TMDL in Table H-2 of Attachment H, and in Fact Sheet sections I.G.5.d and I.W.6.d.

NOTICE IS ADDITIONALLY HEREBY GIVEN that State Water Board staff will hold a public workshop to provide interested parties information regarding revisions to the proposed statewide Construction Stormwater General Permit. The public workshop will be held remotely as follows:

Tuesday, April 12, 2022 - 9:00 a.m. - 12:00 p.m.

Video and Teleconference Only

No Physical Meeting Location

[Zoom Registration Link](#)

Video Broadcast: <https://video.calepa.ca.gov/>

The webcast should be used unless you intend to comment.

During the public workshop, staff will provide a detailed overview of the proposed Permit reissuance, including proposed revisions to the draft Permit in response to previously submitted public comments.

Additional information regarding the public workshop is located on the [State Water Board Construction Stormwater Program page](http://www.waterboards.ca.gov/constructionstormwater) (www.waterboards.ca.gov/constructionstormwater).

NOTICE IS ADDITIONALLY HEREBY GIVEN that State Water Board will hold a Board workshop to hear feedback regarding revisions to the proposed statewide Construction Stormwater General Permit on:

Tuesday, April 19, 2022 - 9:30 a.m.
Coastal Hearing Room – Second Floor
Joe Serna Jr. - CalEPA Building
1001 I Street, Sacramento
And via Video and Teleconference
(For public commenters)

Video and Teleconference Option: This meeting will occur with both a physical meeting location with an option for the public to participate from a remote location.

- For those who only wish to watch the meeting, the webcast remains available at either <https://www.youtube.com/user/BoardWebSupport/> or <https://video.calepa.ca.gov/> (closed captioning available) and should be used UNLESS you intend to comment.
- For members of the public who wish to comment on this item, additional information about participating telephonically or via the remote meeting solution will be available at least 10 days before the meeting at:
https://www.waterboards.ca.gov/board_info/remote_meeting/

A quorum of the State Water Board will attend the Board workshop; however, no State Water Board action will be taken during the Board workshop.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will consider the adoption of the proposed statewide Construction Stormwater General Permit at its regularly scheduled Board meeting on:

Tuesday, July 19, 2022 - 9:30 a.m.
Coastal Hearing Room – Second Floor
Joe Serna Jr. - CalEPA Building
1001 I Street, Sacramento
And via Video and Teleconference
(For public commenters)

Video and Teleconference Option: This meeting will occur with both a physical meeting location, with an option for the public to participate from a remote location.

- For those who only wish to watch the meeting, the webcast remains available at either <https://www.youtube.com/user/BoardWebSupport/> or <https://video.calepa.ca.gov/> (closed captioning available) and should be used UNLESS you intend to comment.

- For members of the public who wish to comment on an agenda item or are presenting to the Board, additional information about participating telephonically or via the remote meeting solution will be available at least 10 days before the meeting: https://www.waterboards.ca.gov/board_info/remote_meeting/

Any person desiring to receive future notices about changes to the date, time, location or format of the public meeting should sign up for the Lyris e-mail list, as described below.

BACKGROUND

The federal Clean Water Act requires discharges of construction stormwater to waters of the United States to be regulated by a National Pollutant Discharge Elimination System (NPDES) permit. The State Water Board adopted the existing statewide NPDES Construction Stormwater General Permit in 2009 to regulate stormwater discharges associated with construction activities disturbing one or more acres. The existing Construction Stormwater General Permit expired on September 2, 2014 and is administratively extended until the effective date of a reissued permit.

The proposed statewide Construction Stormwater General Permit reissuance incorporates:

- New requirements to implement existing TMDLs adopted by Regional Water Quality Control Boards into applicable basin plans;
- New requirements to address discharges from passive treatment technology uses and dewatering activities;
- New eligibility criteria for permit enrollment through a Notice of Non-Applicability;
- Updated to the existing Notice of Termination process;
- Requirements to implement the California Ocean Plan and the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries, including the statewide Trash Provisions;
- Updated requirements for demolition activities;
- Updated water quality sampling requirements per the federal Sufficiently Sensitive Test Methods Rule; and
- Updated monitoring and reporting requirements to address cost of permit compliance.

DOCUMENT AVAILABILITY

The proposed statewide Construction Stormwater General Permit reissuance documents are available on the State Water Board [Construction Stormwater Program web page](http://www.waterboards.ca.gov/constructionstormwater) (www.waterboards.ca.gov/constructionstormwater).

PROCEDURAL MATTERS

Due to ongoing circumstances related to the COVID-19 pandemic, the Board public workshop and public meeting will include an option for public commenters to participate remotely via an online platform. The staff-level public workshop will be held remotely only, via an online platform. Instructions for participation in the workshops and meetings through online platforms will be distributed via email to registered participants.

During the staff-level public workshop, staff will present the changes to the draft Construction Stormwater General Permit in consideration of public comments. Participants will have the opportunity to ask staff detailed questions regarding the proposed permit during the public workshop.

At the State Water Board public meeting for Board consideration of adoption, there will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. Participants will be given an opportunity to provide oral presentations. To ensure a productive and efficient Board workshop and Board meeting in which all participants have an opportunity to participate, oral presentations may be time limited. Participants planning to use a Power Point presentation during the April 19, 2022 Board public workshop and/or the July 19, 2022 Board meeting must submit the file electronically, in .ppt. format, to the Clerk to the Board via email at commentletters@waterboards.ca.gov, no later than 12:00 p.m. (noon) on April 14, 2022, and/or July 14, 2022, respectively. Please indicate in the subject line "Power Point Presentation – Construction Stormwater General Permit."

Presentation recommendations are available at the [State Water Board presentations page](http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml) (http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml).

EX PARTE DISCLOSURE REQUIREMENTS FOR THE PROPOSED GENERAL ORDER

This item is subject to the ex parte communication disclosure requirements of Water Code section 13287, as explained in a [Memo from the Office of the Chief Counsel](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf) (http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf). Any communications between interested persons and Board members (other than at a noticed Board meeting or submitted as a comment letter in compliance with the public notice) must be disclosed by the interested person within seven days of the communication. A sample disclosure form is available on the [State Water Board General Order Disclosure Form](https://www.waterboards.ca.gov/laws_regulations/docs/ExParteGeneralOrderForm.pdf) (https://www.waterboards.ca.gov/laws_regulations/docs/ExParteGeneralOrderForm.pdf)

WEBCAST INFORMATION

Live video and audio broadcasts of the public workshops and public meetings, for attendees solely interested in watching and not participating in the public workshops or the public hearing during the adoption meeting, will be available via the internet and can be accessed at the [CalEPA Public Meeting Live Webcasts page](https://video.calepa.ca.gov/) (<https://video.calepa.ca.gov/>).

SUBMISSION OF COMMENTS

The State Water Board will only accept written comments regarding the following revisions to the proposed Permit reissuance:

- Anti-degradation findings set forth in Order, Findings 9-18;
- Regulatory transition requirements set forth in Order, Section III.C;
- Sediment-based numeric effluent limitations for 14 pollutants as set forth in total maximum daily load (TMDL) implementation requirements in Attachment H section I.G.5, and the Fact Sheet sections I.G.5.g and I.W.6.g; and

- Nitrogen-based nutrient numeric action levels for the Los Angeles Area Lakes TMDL, the Los Angeles River Nutrients TMDL, the Santa Clara River Nitrogen Compounds TMDL, and the Ventura River Algae TMDL in Table H-2 of Attachment H, and in Fact Sheet sections I.G.5.d and I.W.6.d.

Written comments and additional evidence must clearly relate to one of the above proposed revisions. Comments that address other components of the proposed Permit reissuance will not be accepted. Written comments regarding the above proposed revisions must be received no later than 12:00 p.m. (noon) on Monday, May 2, 2022. Written comments must be addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand-delivery)

Comment letters may be submitted electronically, in pdf text format (if less than 15 megabytes in total size), to the Clerk to the Board via e-mail at: commentletters@waterboards.ca.gov. If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. Please indicate in the subject line: **“Comment Letter – Proposed Construction Stormwater General Permit Reissuance.”** The State Water Board will not accept any additional written comments after the public comment deadline.

FUTURE NOTICES

Any person desiring to receive future notices concerning the proposed Construction Stormwater General Permit reissuance, including any changes to the format, location, date or time of the public meeting or public workshop, should sign up for the Lyris e-mail list as follows:

- (1) Access the [State Water Board email subscription web page](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml) (www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml)
- (2) Click the “Water Quality” tab
- (3) Check the box for “Stormwater Construction Permitting Issues”
- (4) Fill in the required signup details, and
- (5) Press the “Subscribe” button

ACCESSIBILITY

The meetings will be offered in English. To request other language interpretation or other accommodation, please submit your request at least 7 business days before the Board workshop and Board meeting (by April 12, 2022 and July 12, 2022, respectively) by contacting Brandon Roosenboom at Brandon.Roosenboom@waterboards.ca.gov. If you have limitations hearing or speaking, you may contact the California Relay Service at (800) 735-2929 (teletypewriter) or (800) 735-2922 (voice).

For directions to the Joe Serna, Jr. (CalEPA) Building and public parking information, please refer to the map on the State Water Board Web site:

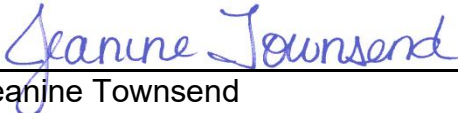
<http://www.calepa.ca.gov/headquarters-sacramento/location/>.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for receiving security clearance.

ADDITIONAL INFORMATION

Please direct questions regarding this notice or requests for a paper copy of the proposed statewide Construction Stormwater General Permit reissuance to Brandon Roosenboom at Brandon.Roosenboom@waterboards.ca.gov.

March 30, 2022
Date



Jeanine Townsend
Clerk to the Board