



# QSD/QSP Module 1

# Training Overview and Regulations

# General Permit Structure

- Fact Sheet
- Order
  - I. Findings
  - II. Conditions for Permit Coverage
  - III. Discharge Prohibitions
  - IV. Special Provisions
  - V. Effluent Standards
  - VI. Receiving Water Limitations
  - VII. Training Qualifications and Certification Requirements

# General Permit Structure

- Order (Continued)
  - VIII. Risk Determination
  - IX. Risk Level 1 Requirements
  - X. Risk Level 2 Requirements
  - XI. Risk Level 3 Requirements
  - XII. Active Treatment Systems
  - XIII. Post-Construction Standards
  - XIV. SWPPP Requirements
  - XV. Regional Water Board Authorities
  - XVI. Annual Reporting Requirements

# General Permit Structure

- Attachments
  - A – LUP Requirements
  - A.1 – LUP Type Determination
  - A.2 – LUP Permit Registration Documents
  - B – Permit Registration Documents
  - C – Risk Level 1 Requirements
  - D – Risk Level 2 Requirements
  - E – Risk Level 3 Requirements
  - F – Active Treatment Systems Requirements

# General Permit Structure

- Appendices
  1. Risk Determination Worksheet
  2. Post-Construction Water Balance Performance Standard
    - 2.1 Post-Construction Water Balance Performance Standard Spreadsheet
  3. Bioassessment Monitoring Guidelines
  4. Adopted/Implemented Sediment TMDLs
  5. Glossary
  6. Acronyms
  7. State and Regional Board Contacts

# Training Program

- Trainers of Record
  - Submit SOQ
  - Invited to attend the ToR Orientation Workshop
  - Take workshop and pass test
- Trainers of Record “authorized” by CASQA to train
  - QSDs (Qualified SWPPP Developers)
  - QSPs (Qualified SWPPP Practitioners)
- Trainers will utilize the outline provided by CASQA
  - At a minimum discuss each item included in the outline
  - Utilize photographs provided by the State Board and Regional Boards

# Training Program

Approximate training times per module

<u>QSP/QSD Modules</u>	<u>QSD Only Modules</u>
1. Training Overview and Regulations (1.5)	6. Project Planning and Site Assessment (4)
2. Erosion Processes and Sediment Control (2)	7. SWPPP Development and PRDs (2)
3. SWPPP Implementation (4)	8. Project Closeout (1)
4. Monitoring (4)	
5. Reporting (3)	

# Summary of Significant Changes

- **Rainfall Erosivity Waiver:**
  - Allows small construction site ( $>1$  and  $<5$  acres) to self-certify if the rainfall erosivity value (R value) for their site's given location and time frame compute to be less than or equal to 5.
- **Emergency Construction**
  - In the case of a public emergency that requires immediate construction activities, a discharger shall submit a brief description of the emergency construction activity within five days of the onset of construction, and then shall submit all PRDs within thirty days.



# Summary of Significant Changes

- **Technology-Based Numeric Action Levels:** this General Permit includes NALs for pH and turbidity

Applies to Risk Level 2 and 3 sites

- pH NAL = 6.5 – 8.5
- Turbidity NAL = 250 NTU

# Summary of Significant Changes

- **Technology-Based Numeric Effluent Limitations:**
- Applies to Risk Level 3 sites
  - pH NEL = 6.0 – 9.0
  - Turbidity NEL = 500 NTU
- For an NEL exceedance: NEL Violation Report submitted within 24 hours after the NEL exceedance identified with:
  - sampling results
  - description of the onsite BMPs, and
  - corrective actions taken
- **5 year, 24 hour** compliance storm event exception from NELs

# Summary of Significant Changes

- Includes requirement for all Linear Underground/Overhead Projects (LUPs) over one acre.
- **Risk Based** – LUPs will be broken into project segments designated as LUP Type 1, Type 2, and Type 3.

# Summary of Significant Changes

- **Minimum Requirements Specified:** this General Permit imposes more minimum BMPs and requirements than the previous permit
- **Project Site Soil Characteristics Monitoring and Reporting:** provides the option for dischargers to monitor and report the soil characteristics at their project location. The primary purpose of this requirement is to provide better risk determination and eventually better program evaluation

# Summary of Significant Changes

- **Effluent Monitoring and Reporting:** requires effluent monitoring and reporting for pH and turbidity in storm water discharges.

## Applies to Risk level 2 and 3 sites

- A minimum of 3 samples per day collected from discharges subsequent to a qualifying rain event (producing precipitation of ½ inch or more at the time of discharge).

# Summary of Significant Changes

- **Receiving Water Monitoring:**

Applies to Risk level 3 Sites

- Receiving Water – NEL exceedance & direct discharge to receiving waters
- Bioassessment – 30 acres or larger & direct discharge to receiving waters

# Summary of Significant Changes

- **Post-Construction Storm Water Performance Standards:** specifies runoff reduction requirements for all sites not covered by a Phase I or Phase II MS4 NPDES permit.
- **Rain Event Action Plan:** requires certain sites to develop and implement a Rain Event Action Plan (REAP) that must be designed to protect all exposed portions of the site within 48 hours prior to any likely precipitation event.

# Summary of Significant Changes

- **Annual Reporting:** requires all projects that are enrolled for more than one continuous three-month period to submit information and annually certify that their site is in compliance.



# Activities Covered Under the Permit

- Construction activity associated with LUPs including, but not limited to, those activities necessary for the installation of underground and overhead linear facilities:
  - Underground utility mark-out
  - Potholing and stockpile/borrow locations
  - Concrete and asphalt cutting and removal
  - Trenching and excavation
  - Boring , drilling and welding
  - Access road construction
  - Pole/tower pad and cable/wire pull station
  - Substation construction
  - Substructure installation
  - Construction of tower footings and/or foundations
  - Pole and tower installations
  - Concrete and/or pavement repair or replacement

# Activities Covered Under the Permit

- Construction activity related to residential, commercial, or industrial development on lands currently used for agriculture including, but not limited to, the construction of buildings related to agriculture that are considered industrial pursuant to USEPA regulations, such as dairy barns and food processing facilities
- Discharges of sediment from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities

# Activities Covered Under the Permit

- Storm water discharges from dredge spoil placement that occur outside of U.S. Army Corps of Engineers jurisdiction for (upland sites) and that disturb one or more acres of land surface from construction activity are covered by this General Permit.
- Linear Construction
  - Exempt from post-construction requirements
- Caltrans Sites
  - Subject to permit coverage
  - Exempt from post-construction requirements

# Activities Not Covered Under the Permit

- Routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.
- Disturbances to land surfaces solely related to agricultural operations.
- Discharges of storm water from areas on tribal lands.
- Construction activity that disturbs less than one acre of land surface, unless part of a larger common plan of development.

# Activities Not Covered Under the Permit

- Discharges of storm water within the Lake Tahoe Hydrologic Unit.
- Construction activity covered by an individual NPDES Permit for storm water discharges.
- Discharges from small construction sites with a Rainfall Erosivity Waiver.
- Landfill construction activity that is subject to the Industrial General Permit. Note: borrow sites for landfill capping may require permit coverage (check with your Regional Board).

# Activities Not Covered Under the Permit

- Construction activity that discharges to Combined Sewer Systems.
- Conveyances that discharge storm water runoff combined with municipal sewage.
- Discharges occurring in basins that are not a tributary or hydrologically connected to water of the U.S. (Contact your Regional Board).

# Activities Not Covered Under the Permit

## Types of Linear Projects Not Covered

- Maintain the original purpose of the facility or hydraulic capacity
- Update existing lines and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity. Note: this exemption can be confusing and is project specific. Check with your Regional Board if you have questions.
- Repairing leaks

# Activities Not Covered Under the Permit

- Routine Maintenance of Linear project does not include:
  - Construction of new lines or facilities resulting from compliance with applicable codes, standards, and regulations
  - Routine maintenance does not include those areas on maintenance projects that are outside of an existing right-of-way, franchise, easements, or agreements. When a project must secure new areas they may be subject to permit coverage.



# Obtaining Permit Coverage

- Amendment to Order No. 2009-0009-DWQ
  - Replaces the exemptions identified with a more broad definition of the LRP as:
    - “A person, company, agency, or other entity that possesses a real property interest (including, but not limited to, fee simple ownership, easement, leasehold, or rights of way) in the land upon which the construction or land disturbance activities will occur for the regulated site.”
- Approved by the State Board on November 16

# Modifying Permit Coverage

- Modifying Permit Coverage for completed lots
  - Seller should educate the new owner regarding storm water issues
  - Electronically file a Change of Information form
- Modifying Permit Coverage for a portion of the property sold to another owner
  - Electronically file a change of information form
  - The seller must notify the new owner about his/her responsibilities concerning the permit
  - Must disclose state of construction activity and post construction
  - The new owner must submit PRDs within 30 days

# Discharge Prohibitions

- Prohibits the discharge of pollutants other than storm water and non-storm water discharges authorized by this General Permit or another NPDES permit.
- Prohibits all discharges which contain a hazardous substance in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4 unless a separate NPDES Permit has been issued to regulate those discharges.
- Incorporates discharge prohibitions contained in water quality control plans, as implemented by the Regional Boards.

# Discharge Prohibitions

- Prohibits Discharges to Areas of Special Biological Significance unless covered by an exception that the State Water Board has approved.
- Prohibits the discharge of any discharge of debris from a construction site.

# 500 NTU Turbidity NEL vs Basin Plan

- 500 NTU turbidity NEL
  - technology based effluent limitation
  - Applies to storm water discharges leaving the project boundaries
- Basin Plan turbidity standards
  - Water quality based effluent limitations which apply to receiving waters.
  - Regional Water Boards will continue to enforce their Basin Plan where projects are found to discharge directly into a receiving water body

# Direct Discharge

- Direct Discharge
  - Discharge that is routed directly to waters of the US
  - Pipe, channel, or ditch (including a municipal storm system), or through surface runoff
  - Discharges from a construction site to a MS4 where commingling with upstream and/or downstream discharges can occur are not considered ‘direct discharges’

# Annual Reporting

- All dischargers shall prepare and electronically submit an Annual Report no later than **September 1** of each year.
  - Includes storm water monitoring information
  - A summary of all violations
  - All corrective actions taken during the compliance year
  - A summary and evaluation of all sampling and analysis results
  - Employee Training Documentation
- *Note: the first annual reports will be due September 1, 2011*

# *The Water Boards have a number of enforcement options to address storm water violations*

- Informal Enforcement
  - Verbal Warning
  - Staff Enforcement Letter
  - Notice of Violation



# Formal Enforcement

- Cleanup and Abatement Order
- Administrative Civil Liability (ACL)
- Joint enforcement with Department of Fish and Game and U.S. EPA
- Referral to District Attorney, Environmental Circuit Prosecutor, or Attorney General

# Penalties

- Failure to submit a NOI (13399.33)
  - \$5000
- Failure to submit an annual report (13399.33)
  - \$1000
- Violation of
  - Section 13375 or 13376
  - Waste discharge requirements or dredged and fill material permit
  - Requirements of Sections 301, 302, 306, 307, 308, 318, or 405 of the Federal Water Pollution Control Act
  - \$10,000 per day / \$10 per gallon
- Federal penalties \$37,500 per calendar day

# MMPs

- **Mandatory Minimum Penalties**

Applies to Risk level 3 Sites

- Issued for Violation of the NEL limit
  - On the 4th violation of the NEL limit within 180 days the discharger would be subject to the MMPs
  - The MMP is calculated on a daily basis and every day is a new day
  - After the fourth violation the MMP amount is \$3000 for each violation
- *For more information on MMPs check with your Regional Board*

# MMPs

- Also Apply to Late Reports
  - Reports submitted over 30 days late are also subject to MMPs

# Section 404 Clean Water Act

- Issued by United States Army Corps of Engineers
  - Individual permits
  - Nationwide permits
- For discharges of dredge or fill material into waters of the United States
- Requires State 401 Water Quality Certification

# Section 404 Clean Water Act

- Issued by California Regional Water Quality Control Boards
  - Certification or Denial
- Required whenever project activities require a Federal permit (such as an Army Corps of Engineers permit) and may result in a discharge to waters of the U.S.
- Certification must be obtained prior to initiation of project activities
- State certifies that the discharge of a pollutant, including fill, into ‘Waters of the State’ will comply with applicable effluent limitations and state water quality standards

# 1600 Streambed Alteration Agreement

- Issued by the California Department of Fish and Game
- For work in any stream course
- Appropriate mitigation may be required
- Contact the California Department of Fish and Game for more details, application and information
- Does not replace or substitute for 401 certification or waste discharge requirements

# Related Laws and Considerations

- Low Threat Discharge Permit
  - E.g. groundwater dewatering permit
- Air Quality Regulations
- Federal Endangered Species Act
- National Historic Preservation Act
- State of California Endangered Species



# Permit Guidance

- State Board website
- [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)
  - Fact Sheet
  - Order
  - Attachments
  - Appendix
  - Frequently Asked Questions
  - Glossary
  - Acronyms
  - State and Regional Board Contacts

# Permit Guidance

- CASQA website
- <http://www.casqa.org/TrainingandEducation/tabid/201/Default.aspx>
- CASQA BMP Handbooks
- <http://www.cabmphandbooks.com/>