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Important dates

The State Board has scheduled two workshops in May and a public hearing in June to accept oral comments with an anticipated adoption of the Permit in July. Written comments are due June 4th.

Workshops:

- May 7, 2008 in Los Angeles
- May 21, 2008 In Sacramento

Public Hearing: June 4, 2008 in Sacramento

Deadline for written comment:
10:00 PM June 4, 2008



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Land Use & Construction Alert

New draft of water quality permit governing nearly all construction in California — Deadline to affect permit approaching

After nearly a year of deliberation, including receipt of public comment, stakeholder meetings and internal review, the State Water Resource Control Board ("State Board") has released the second draft of its General Construction Storm Water Permit ("Permit"). The revised draft substantially departs from the existing program and presents, in many ways, a more strict program than the preliminary draft issued a year ago.

All new construction projects one acre and larger and all current construction sites that will be active more than 100 days after the Permit is adopted will be required to obtain coverage under the Permit.

The Permit contains a number of new provisions that will increase both cost and risk for all construction sites including:

- Numeric Effluent Limits for pH and Turbidity and for discharges from Advanced Treatment Systems *which if exceeded equate to Permit violations and automatically subject the site to potential enforcement.*
 - First time numeric limits included in the Permit.
 - Penalties for violations of the Permit can be as high as \$25,000-\$32,500 per day per violation with 6- and 7-figure penalties not uncommon.
- Numeric Action Levels for pH and Turbidity *that can lead to enforcement actions.*
- Calculation of the turbidity action level is complicated and will vary from site to site.
- Post-construction flow control requirements that will force sites to duplicate pre-development hydrology *that will affect the design of developments.*
 - Requirements will apply to all projects not already covered by local post-construction water quality programs, which could include small projects throughout the State and projects in many non-urban areas.
 - Requirements may not be feasible for certain projects.
 - Measures to meet the requirements must undergo Regional Board approval.
- A risk assessment requirement *that will result in some projects*

The revised permit changes affect all construction in California that is one acre or larger in size.

Please contact us if you have questions regarding these revisions.

being forced out of the Permit and forced to obtain separate permits.

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- Obtaining separate permits can be a lengthy process, involve public hearings, and result in permit requirements much more stringent than the statewide Permit.
- New powers of the Regional Water Boards and their staff *that can prevent coverage and halt projects, delay coverage, and increase the costs of compliance.*
 - Regional Board staff have discretion to reject Permit applications.
 - Regional Boards can require public hearings in advance of Permit coverage, terminate Permit coverage, and require changes in Best Management Practices and storm water planning documents.
- A monitoring and reporting system for both effluent and for receiving water monitoring *that is complicated and expensive.*
- Certification requirements for document preparers and site inspectors *that will increase the cost of compliance.*

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