



Environment, Land Use & Natural Resources ADVISORY ■

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New Stormwater Rules Proposed for Future California Construction and Development Projects

By [Maureen Gorsen](#) and [Megan Ault](#)

Last week, California developers got their first glimpse of and opportunity to review the future set of rules governing stormwater control on construction sites. The California State Water Resources Control Board (SWRCB) issued a [notice of availability](#) of its preliminary staff [draft of the Statewide Construction Stormwater General Permit reissuance](#). The SWRCB will hold virtual public workshops on December 9 and 14 for interested parties to learn about the preliminary draft General Permit and provide feedback to SWRCB staff.

Who Is Affected?

This permit applies to owners and developers of land where construction activities *disturb one or more acres of soil* or whose smaller projects are part of a larger common plan of development that disturbs one or more acres in total. Construction activity includes the removal and replacement of soil due to clearing, grading, excavating, stockpiling, or reconstructing existing facilities.

How Will Parties Covered by the Permit Be Affected?

The existing [2009 Statewide Construction Stormwater General Permit](#) will remain in effect until the new permit is adopted. The new draft permit proposes to make a number of changes that can increase the cost and difficulty of complying with the permit's requirements.

Among other updates, the proposed draft will require tougher pollutant source assessments, more water sampling and more monitoring and reporting, compliance with total maximum daily loads, state trash policies and ocean plans, and implementation of passive treatment chemicals and technologies. The preliminary draft General Permit also complicates the process required for parties to establish the nonapplicability of the permit to their activities.

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What Will Affected Parties Need to Do? What Will It Cost?

SWRCB staff anticipate that the General Permit's reissuance will require dischargers to incur costs associated with implementing passive treatment technologies, updating training and certification, and instituting best management practices for pollution prevention, among other necessary changes. The preliminary draft General Permit estimates that parties subject to the permit as currently drafted may need to spend thousands of dollars on updated compliance efforts.

How Do I Follow Along or Participate in the Process?

Interested parties should plan to express their concerns about budgetary and technological challenges posed by the preliminary draft General Permit's requirements at this month's virtual public workshops. The SWRCB's forthcoming issuance of an official draft General Permit will also allow for stakeholder input through formal notice and comment procedures.

What Are the Key Dates?

The SWRCB's two virtual public workshops will be held Wednesday, December 9, 2020, from 9:00 a.m. to 12:30 p.m., and Monday, December 14, 2020, from 12:30 to 4:00 p.m. Registration links and additional information for the workshops can be found on the SWRCB's website.

The SWRCB has not yet indicated when it expects the official draft General Permit to be completed.

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