




CGP Implementation Water Board Perspective

Central Valley Water Board, Redding
April 22, 2010

Topics

-  Storm Water Enforcement
-  Regional Water Board Approach
-  Permit/BMP Implementation



Storm Water Enforcement

**Our chief goal is compliance, not enforcement.
But we have found that without a strong
enforcement program, you cannot reasonably
expect compliance**

Regional Board Enforcement

Progressive Enforcement Tools

Informal Enforcement

Formal Enforcement

Statewide Enforcement Policy

<http://www.waterboards.ca.gov/water/programs/enforcement/>

Informal Enforcement

 Verbal Warning

 Staff Enforcement Letter

 Notice of Violation (NOV)



Formal Enforcement

- ☁️ Administrative Civil Liability (ACL)
- ☁️ Notice of Non-Compliance (NNC)
- ☁️ Mandatory Minimum Penalty (MMP)
- ☁️ More Options
 - 💧 Notice to Comply
 - 💧 Cleanup and Abatement Order
 - 💧 Cease and Desist Order
 - 💧 Referral to Attorney General/US Attorney/District Attorney
 - 💧 Coordinated enforcement with Fish and Game, U.S. EPA, Army Corps of Engineers, and other agencies

Administrative Civil Liability (Water Code 13385)

Maximum Penalties

- 💧 \$10,000 per day per violation
- 💧 \$10/gallon (after 1st 1,000 gallons) of discharge

Additional Requirements

- 💧 Consideration of five Water Code factors
- 💧 At a minimum must cover economic savings
- 💧 Recovery of staff costs




Mandatory Minimum Penalty (Water Code 13399)

- ☁️ Applies to individual NPDES permits and storm water general permits
- ☁️ For storm water:
 - 💧 Failure to File a Notice of Intent
 - 💧 Failure to Submit an Annual Report
 - 💧 Risk Level 3 sites with 4 Numeric Effluent Limit violations in 6 months

Mandatory Minimum Penalty

 Failure to apply for coverage under the storm water General Permits

✦ Mandatory Minimum Penalty - \$5,000

 Failure to submit an annual report or certification under a storm water General Permit

✦ Mandatory Minimum Penalty - \$1,000

 Four Numeric Effluent Limit violations in a 6-month period at Risk Level 3 site

✦ Mandatory Minimum Penalty - \$3,000

Don't Panic!



Central Valley Water Board Approach

(99-08-DWQ *and* 2009-0009-DWQ)

- ☁ Training
- ☁ Implementation
- ☁ Inspections/Evaluation
- ☁ Compliance/Enforcement

Implementation Of Order No. 2009-0009-DWQ



Grandfathered Sites

(Projects enrolled under 99-08-DWQ)

- ☁ Permit Required Documents (PRDs) must be submitted by July 1, 2010
- ☁ All sites Risk Level 1
- ☁ SWPPP must comply with Risk Level 1 requirements
- ☁ Risk Level determination requirements

Risk Determination Requirements

- ☁️ Regional Water Boards can require dischargers to comply with risk determination requirements
- ☁️ Projects with a prior history of noncompliance or located within a Risk Level 3 watershed will be considered
- ☁️ Sites receiving NOVs after July 1, 2010 may be required to comply with risk determination requirements

QSD/QSP

(Qualified SWPPP Developer/Practitioner)

- ☁️ The timing on meeting the training requirements may be tight
- ☁️ Until training is available our focus will be on the quality and implementation of the PRDs

BMP Implementation

2009-0009-DWQ

Regional Water Board staff expectations:

- ◆ Same expectations as under 99-08
- ◆ All inactive areas have effective soil cover
- ◆ REAPs (Risk Level 2 and 3 sites)
- ◆ Weekly inspection checklists
- ◆ Pre- and post- rain event reports
- ◆ Extended rain event checklists
- ◆ Quarterly non-storm water monitoring reports

Specific BMP Requirements

BMP Categories:

- ✦ Material Management
- ✦ Waste Management
- ✦ Vehicle Storage and Maintenance
- ✦ Landscape Material Management
- ✦ Non-Storm Water Management
- ✦ Run-on and Runoff Control
- ✦ Erosion Control
- ✦ Sediment Control

Material Management



Cover and berm stockpiled construction material when not in use (soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.)



Store chemicals in watertight containers or in a completely enclosed structure

Waste Management



Prevent discharge from waste disposal containers to storm drains or receiving waters.

Cover waste containers at the ***end of every business day*** and during rain events.

Waste Management



Contain and protect waste material from wind and rain at all times

Prevent disposal of rinse/wash water **or** materials to:

impervious **or** pervious surfaces **or** storm drains

Waste Management



Contain concrete washouts (*any washout areas*) so there is no discharge to the underlying soil *or* the surrounding areas.

Waste Management



Contain “sanitation facilities” to prevent discharge to storm drains or receiving waters.

Waste Management



SWPPP must contain a spill response element that requires:

- Spill cleanup equipment and materials are located onsite
- Spills and leaks are immediately cleaned up, and disposed of properly
- Spill response personnel are assigned and trained

Vehicle Storage and Maintenance

- ☁️ Prevent oil, grease, or fuel from leaking into the ground, storm drains or surface waters.
- ☁️ All equipment or vehicles being fueled, maintained, or stored must be in a designated area with appropriate BMPs



Landscape Material Management

- ☁️ Contain all landscape materials and fertilizers not actively in use
- ☁️ No application of erodible landscape material **two** days prior to predicted rain events, or while raining
- ☁️ Stack erodible landscape material on pallets, and cover when not being used

Non-Storm Water Management

Prevent non-storm water discharges from street cleaning and vehicle washing activities to surface waters and storm drains



Run-on and Runoff Control

Manage all:

- ☁ Run-on,
- ☁ Runoff within the site,
- ☁ Runoff that discharges off the site.
- ☁ Direct run-on from off site away from all disturbed areas (or comply with effluent limitations)

Erosion Control

- ☁ Soil cover required for inactive areas, finished slopes, open space, utility backfill, and completed lots
- ☁ Limit use of plastic materials if more sustainable, environmentally friendly alternatives exist. If use of plastic material is necessary, materials resistant to solar degradation must be considered



Sediment Control

- ☁ Perimeter controls must be implemented and maintained
- ☁ All construction entrances and exits must be stabilized
- ☁ Sediment basins must be designed, at a minimum, in accordance with the CASQA Construction BMP Handbook

Bottom Line:

While many conditions in the permit remain the same, failure to comply with the new requirements may result in increased enforcement

Especially at Risk Level 2 and 3 sites

Regional and State Water Board staff are available to answer questions and assist you in bringing your site into compliance



Storm Water Contacts

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NOW you can Panic!

