

California Construction General Permit for Stormwater – One-Year of Compliance Experience – Looking Back and Forward – Construction and Building Industry Perspective

**Mark Grey, Robert Patterson, and Russ Foster
Construction Industry Coalition on Water Quality**

On September 1, 2023 the Construction General Permit (CGP) regulating stormwater discharges from construction sites was approved by the California State Water Resources Control Board. The CGP and its requirements are extensive and impact almost all public and private construction projects greater than 1-acre in size in California.

And the CGP applies to a wide array of construction and land development activities including housing, retail and commercial development, linear utilities, and public works. In California, collectively, private and public project proponents spend millions of dollars each year complying to protect water quality.

The final approved CGP went through numerous changes – even as recently as the day of hearing. The revised CGP maintains some elements of the previous permit (last revised in 2009 and in effect since 2012) such as site risk calculation procedures and using specific best practices linked to site risk, as well as mandatory construction site discharge monitoring and reporting procedures during rain events. Inspection procedures and protocols remain largely in-tact, with some significant changes made in frequency and responsibility for who must conduct and document inspections.

The revised CGP, however, now includes several new elements. Most notable are (i) additional pollutant discharge monitoring at construction sites, including those located in TMDL watersheds, (ii) changes to the definition of Qualifying Rain Event for triggering discharge sampling and conducting inspections, (iii) changes in how to determine a Numeric Action Level (NAL) exceedance, (iv) new passive stormwater treatment system use requirements, and (v) several different administrative changes including the process to close out projects and terminate permit coverage, and requirements for obtaining and maintaining qualified SWPPP developer and practitioner (QSD/QSP) credentials.

The construction and building industry in California, led by CICWQ and several other building advocacy organizations, is one of the key stakeholders in making the CGP work to achieve compliance and protect water quality. The focus of the presentation is to examine the impact of the new CGP elements relative to job site compliance and the level of effort expended relative to the water quality benefit gained. The presentation will also review the enforcement record during the first year of new permit coverage and compare results to historical records and trends.