

2010 Construction Stormwater General Permit Summary of Significant Changes December 1, 2010

Appendix A: Summary of Significant Changes Between the Final 2005 and Final 2010 Construction Stormwater General Permit

This summary includes significant changes in the 2010 final permit. Changes to the permit address issues experienced during the 2005-10 permit cycle. Many changes were made to clarify the context of the permit; some changes were at the direction of the Pollution Control Hearings Board during appeals on the 2005 permit, or in response to a rule, regulation, or other requirement. Other changes throughout the document include editorial changes to make the text more reader friendly.

Section	Appendix A -- Summary of Change
Permit Coverage -- S1.B.1.a.i	Under "Operators Required to Seek Coverage Under this General Permit," Ecology added a clarification for forest practices "including but not limited to class IV conversions."
Permit Coverage -- S1.C.2	Stormwater Associated with Construction Support Activity: Ecology added "for example, on-site portable rock crusher" to the list of possible equipment included in these activities.
Application Requirements S2.A.1.d. and e	Regarding Best Management Practices. This paragraph notes that the Permittee must notify Ecology 60 days in advance of using BMPs that are not contained within the cited manuals and may be considered "demonstrably equivalent" BMPs.
Monitoring Requirements -- S4	Table 3 --Summary of Primary Monitoring Requirements (footnotes). Footnote 3 of the table (and elsewhere in the permit) adds the Pollution Control Hearings Board language regarding "significant concrete work." The language in the permit clarifies that 1,000 cubic yards or more of poured concrete (or the use of this amount of recycled concrete) over the life of a project is intended to indicate that site stormwater discharge must be sampled for pH and amended as necessary. (The same language has been added to S4.D.)
Monitoring Requirements S4.B.1.b	Time extension. The text within this paragraph reminds Permittees that they must begin immediately to address problems that arise on site. The last sentence here and as appropriate throughout the permit is at the direction of the Pollution Control Hearings Board and is in reference to implementing source control as soon as possible after a site inspection finds a problem at the site, but giving the Permittee the opportunity to request additional time if necessary: "Ecology may approve additional time when an extension is requested by a Permittee within the initial 10-day response period."
Reporting and Recordkeeping Requirements -- S5.B	Discharge Monitoring Reports (DMRs). The new text explains a new Ecology requirement for Permittees to submit DMRs electronically using WAWebDMR.
Discharges to 303(d) or TMDL Water Bodies -- S8	Section S8 has been revised; the following bullets highlight some of the changes. <ol style="list-style-type: none"> 1. S8.B clarifies the eligibility requirements for site coverage under the CSWGP when sites would discharge to impaired water bodies. 2. Specific sampling requirements unique to sites that would discharge to impaired water bodies are added to the text (with references to requirements in S4). 3. Sampling and numeric effluent limits for discharges to 303(d)-listed water bodies are listed in S8.C. Exceedances of these numeric effluent limits for turbidity, fine sediment, phosphorus, and/or pH to impaired water bodies are a violation of the permit. This language was also in the 2005 permit, but the language has been clarified to note that the first exceedance is a violation of the permit. There is no longer a "one strike" rule before a violation occurs. 4. The text and Tables 5 and 6 of S8.C detail the effluent limits (such as 25 NTU for turbidity and the range of 6.5-8.5 s.u. for pH) and sampling locations (such as end of pipe) for those parameters listed above are detailed in the permit. 5. Sampling options for sites discharging to impaired water bodies are detailed in S8.
Stormwater Pollution Prevention Plan -- S9.D	SWPPP -- Narrative Contents and Requirements Beginning at S9.D.4, these sections have been edited to make the best management practice (or "non-numeric") language in the permit more consistent with EPA's Effluent Limitation Guideline rule (February 1, 2010) on BMPs and other controls.
Stormwater Pollution Prevention Plan -- S.9.D.9.b	Language has been added to clarify the need for secondary containment around all tanks and containers of chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment.
Stormwater Pollution	This language has been updated to assure that wheel wash or tire bath wastewater is

Section	Appendix A -- Summary of Change
Prevention Plan -- S.9.D.9.d	contained so that it is not discharged to waters of the State.
Stormwater Pollution Prevention Plan -- S.9.D.9.f	This section has been changed to clarify that stormwater contaminated with concrete wastewater cannot be discharged to waters of the State.
Stormwater Pollution Prevention Plan -- S.9.D.9.h	This section has been updated to assure that washout of concrete trucks is performed to prevent the washout from being released to the ground, storm drains, open ditches, streets, streams, on site (except in designated concrete washout areas). Concrete spillage and concrete discharge to surface waters of the State is prohibited.
Notice of Termination -- S10.A.3	The following text has been added in response to questions encountered during the 2005-2010 permit period. "For residential construction only, the Permittee has completed temporary stabilization and the homeowners have taken possession of the residences."
Notice of Termination -- S10.B	Notice of Termination. Ecology has added the following to the language: "Permittees transferring the property to a new property owner or operator/permittee are required to complete and submit the Notice of Transfer form to Ecology, but are not required to submit a Notice of Termination form for this type of transaction."
Permit Appendix A -- Definitions	Refer to the permit for new definitions for the following terms: Calendar Day, Calendar Week, Common Plan of Development or Sale, Concrete Wastewater, Contaminant, Hazardous Substance, Process Wastewater, Temporary Stabilization, Uncontaminated, Wheel Wash Wastewater

Appendix B: Summary of Significant Changes Between the 2010 Draft and Final Construction Stormwater General Permit

This summary includes significant changes made between the draft and final CSWGP in 2010. Changes to the permit were made to respond to comments received during the public comment period (July 21 through September 9, 2010). Besides response to comments, many changes were made to clarify the context of the permit. Other changes throughout the document include editorial changes to make the text more reader friendly.

Section	Appendix B -- Summary of Change
Throughout the permit	Text has been clarified to remind Permittees to obtain local permissions when discharging to both local sanitary or combined sewer systems and to storm sewers and waters of the State.
Permit Coverage S1.C (after "k.")	The text is more specific regarding authorized non-stormwater discharge compliance criteria to keep the permit consistent with the municipal permit.
Permit Coverage -- S1.D	Updates and edits to "Prohibited Discharges" include: adding #3, "process wastewater" here and to the definitions in Appendix A; and adding #4, "slurry materials and waste from shaft drilling," as well as better cross-referencing with other relevant parts of the permit
Application Requirements S2.B.6	Ecology will require the applicants' public notice to include additional language regarding Tier II antidegradation. Specifically, the public notices must include the following statements: <i>"Any persons desiring to present their views to the Washington State Department of Ecology regarding this application, or interested in Ecology's action on this application, may notify Ecology in writing no later than 30 days of the last date of publication of this notice. Ecology reviews public comments and considers whether discharges from this project would cause a measurable change in receiving water quality, and, if so, whether the project is necessary and in the overriding public interest according to Tier II antidegradation requirements under WAC 173-201A-320. Comments can be submitted to: Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696 Attn: Water Quality Program, Construction Stormwater."</i>
Compliance with Standards S3.C.2	New language has been added: "(For purposes of this section, the stormwater manuals listed in Appendix 10 of the Phase I Municipal Stormwater Permit are approved by Ecology.)"
Monitoring Requirements S4.D.1	The language has been edited to clarify that the goal for pH is the range of 6.5 to 8.5 standard units (su) rather "below 8.5." The range of 6.5 to 8.5 su is generally considered safe for waters of the state, barring site-specific circumstances or issues.
Notice of Termination S10.A.1	This section has the new underlined text: "The site has undergone final stabilization, the Permittee has removed all BMPs (<u>except biodegradable BMPs clearly manufactured with the intention for the material to be left in place and not interfere with maintenance or land use</u>), and all stormwater discharges associated with construction activity have been eliminated;...."