



California Stormwater Quality Association®

## CASQAlert!

### Stormwater Permit Implementation During COVID-19 Pandemic

On March 23, 2020, CASQA executive management discussed permit implementation expectations during the COVID-19 pandemic with executive management of the State Water Resources Control Board (State Water Board). The State Water Board and nine Regional Water Quality Control Boards (Regional Water Board), individually or collectively the “Water Board”, have issued guidance, which you may have received via email directly or through Lyrus announcements (the same information is also [posted here](#)). The purpose of our conversation was to provide clarity on that guidance as it pertains to stormwater since the guidance was general and not specific to any permit or order. Due to the uniqueness of each permit and order, a blanket approach to implementing the guidance is not feasible or possible, nor is it possible to foresee all potential scenarios as the response to COVID-19 continues to evolve. However, there are some general principles that should be followed.

Based upon the discussion with executive management of the State Water Board, CASQA is recommending the following:

- **EVALUATE:** Evaluate permit requirements and identify those requirements that may not be met due to the various state and local public health orders that are applicable to your jurisdiction (e.g., shelter-in-place, stay-at-home). There is an understanding that the various public health orders have created some confusion, and, may continue to change over time. The expectation is to follow your local jurisdiction’s requirements about what services are being deemed essential or critical and how the public health orders are being implemented. For example, the expectation is that it would not be possible to hold public education events (e.g., Earth Day event) in jurisdictions heeding the shelter-in-place orders. On the other hand, if programs or projects are still active (e.g., a construction site), the expectation is that the applicable program requirements will still be implemented (e.g., good housekeeping). Use discretion and be as specific as necessary to distinguish requirements that may not be met from those that should be met.
- **EXPLAIN:** Provide the justification for why the permit requirements may not be met. Local determinations pertaining to how the various public health orders are being implemented by your jurisdiction should be included as part of any explanation for activities / requirements that may not be implemented. There is also an understanding that local municipalities may be reassigning staff on a temporary basis to address pressing public health issues. There may also be instances where business as usual is not feasible (e.g., laboratories that process water quality samples are closed and / or not accepting environmental water quality samples at this time). If there are reports that are due imminently, and staff are reassigned, propose a new report deadline and include the justification as to why a new date is needed. There are endless possibilities, each unique to a local jurisdiction and the applicable permit or order. The point is to continue to implement your program as much as possible; but where there are challenges or activities are infeasible, explain why.
- **INFORM:** Provide the above analysis and explanations in writing to your applicable Water Board. Note if the requirement needs to be delayed, modified on a temporary basis, or suspended in response to the public health orders. There is an understanding that as the situation with COVID-19 evolves, there may be additional issues that are identified. That is expected and acceptable. As any new information becomes



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relevant, continue to keep the Water Board informed. DO NOT simply cease program implementation.

- **DOCUMENT:** Ensure that you document your efforts to implement permit requirements, any challenges you experience due to COVID-19, and correspondence with the Water Board.
- **REPORT:** In your next annual report, include all documentation and report on what you implemented and / or planned to implement, and any modifications to implementation due to the various public health orders issued in response to COVID-19.
- **A NOTE ON WATER BOARD STAFF AVAILABILITY:** Just as all permittees are modifying staffing needs due to the COVID-19 response, so are Water Board staff. Staffing assignments are being modified and therefore staff are available to respond in 24-48 hours. Contacts for each Water Board can be found [here](#).
- **BOTTOM LINE:**
  - Permits or Orders issued by the Water Boards will not be modified, but the Water Boards can and will use their enforcement discretion.
  - Implement your program in good-faith, while following local jurisdiction requirements and decisions to protect public health.
  - We are in a fluid situation. Keep informing the applicable Water Board when new information surfaces and / or the public health response to COVID-19 results in changes in your jurisdiction.
  - **DO NOT** cease program activities without providing written explanations to the appropriate Water Board contact.
  - **DO evaluate** your permit or order; **explain** and provide justification of delay, modification, or suspension of activities; **inform** your local Water Board contact, **document** your efforts during this time; and **report** on the above in your annual report.

### ADDITIONAL RESOURCES

- CASQA is here to help our members in these challenging times. Both Executive Director Brosseau and Assistant Executive Director Cowan are available to provide additional clarity and support.
  - [geoff.brosseau@casqa.org](mailto:geoff.brosseau@casqa.org)
  - [karen.cowan@casqa.org](mailto:karen.cowan@casqa.org)
- California COVID-19 Response Web Page: [Here](#)
- Water Boards COVID-19 Updates: [Here](#)