

## ***Appendix I: BMP Inspection Form***

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## BMP INSPECTION REPORT

Date and Time of Inspection:		Date Report Written:		
Quarterly Complete Parts I, II, III, VII	Weekly Complete Parts I,II,III and VII	Pre-Storm Complete Parts I,II,III,IV and VII	During Rain Event Complete Parts I, II, III, V, and VII	Post-Storm Complete Parts I,II,III,VI and VII
<b>Part I. General Information</b>				
<b>Site Information</b>				
Construction Site Name:		Risk Level:		
Construction stage and completed activities:			Approximate area of site that is exposed:	
Photos Taken: (Circle one)	Yes	No	Photo Reference IDs:	
<b>Weather</b>				
Estimate storm beginning: (date and time)		Estimate storm duration: (hours)		
Estimate time since last storm: (days or hours)		Rain gauge reading and location: (in)		
Is a "Qualifying Event" predicted or did one occur (i.e., 0.5" rain with 48-hrs or greater between events)? (Y/N) If yes, summarize forecast:				
Exemption Documentation (explanation required if inspection could not be conducted). Visual inspections are not required outside of business hours or during dangerous weather conditions such as flooding or electrical storms.				
<b>Inspector Information</b>				
Inspector Name:		Inspector Title:		
Signature:			Date:	

<b>Part II. BMP Observations. Describe deficiencies in Part III.</b>			
<b>Minimum BMPs for Risk Level 1 Sites</b>	Adequately designed, implemented and effective (yes, no, N/A)	Action Required (yes/no)	Action Implemented (Date)
<b>Good Housekeeping for Construction Materials</b>			
Inventory of products (excluding materials designed to be outdoors)			
Stockpiled construction materials not actively in use are covered and bermed			
All chemicals are stored in watertight containers with appropriate secondary containment, or in a completely enclosed storage shed			
Construction materials are minimally exposed to precipitation			
BMPs preventing the off-site tracking of materials are implemented and properly effective			
<b>Good Housekeeping for Waste Management</b>			
Wash/rinse water and materials are prevented from being disposed into the storm drain system			
Portable toilets are contained to prevent discharges of waste			
Sanitation facilities are clean and with no apparent for leaks and spills			
Equipment is in place to cover waste disposal containers at the end of business day and during rain events			
Discharges from waste disposal containers are prevented from discharging to the storm drain system / receiving water			
Stockpiled waste material is securely protected from wind and rain if not actively in use			
Procedures are in place for addressing hazardous and non-hazardous spills			
Appropriate spill response personnel are assigned and trained			
Equipment and materials for cleanup of spills is available onsite			
Washout areas (e.g., concrete) are contained appropriately to prevent discharge or infiltration into the underlying soil			
<b>Good Housekeeping for Vehicle Storage and Maintenance</b>			
Measures are in place to prevent oil, grease, or fuel from leaking into the ground, storm drains, or surface waters			
All equipment or vehicles are fueled, maintained, and stored in a designated area with appropriate BMPs			
Vehicle and equipment leaks are cleaned immediately and disposed of properly			

**Part II. BMP Observations Continued. Describe deficiencies in Part III.**

Minimum BMPs for Risk Level 1 Sites	Adequately designed, implemented and effective (yes, no, N/A)	Action Required (yes/no)	Action Implemented (Date)
<b>Good Housekeeping for Landscape Materials</b>			
Stockpiled landscape materials such as mulches and topsoil are contained and covered when not actively in use			
Erodible landscape material has not been applied 2 days before a forecasted rain event or during an event			
Erodible landscape materials are applied at quantities and rates in accordance with manufacturer			
Bagged erodible landscape materials are stored on pallets and covered			
<b>Good Housekeeping for Air Deposition of Site Materials</b>			
Good housekeeping measures are implemented onsite to control the air deposition of site materials and from site operations			
<b>Non-Stormwater Management</b>			
Non-Stormwater discharges are properly controlled			
Vehicles are washed in a manner to prevent non-stormwater discharges to surface waters or drainage			
Streets are cleaned in a manner to prevent unauthorized non-stormwater discharges to surface waters or drainage systems.			
<b>Erosion Controls</b>			
Wind erosion controls are effectively implemented			
Effective soil cover is provided for disturbed areas inactive (i.e., not scheduled to be disturbed for 14 days) as well as finished slopes, open space, utility backfill, and completed			
The use of plastic materials is limited in cases when a more sustainable, environmentally friendly alternative			
<b>Sediment Controls</b>			
Perimeter controls are established and effective at controlling erosion and sediment discharges from the site			
Entrances and exits are stabilized to control erosion and sediment discharges from the site			
Sediment basins are properly maintained			
Linear sediment control along toe of slope, face of slope and at grade breaks (Risk Level 2 & 3 Only)			
Limit construction activity to and from site to entrances and exits that employ effective controls to prevent offsite tracking (Risk Level 2 & 3 Only)			

Ensure all storm drain inlets and perimeter controls, runoff control BMP's and pollutant controls at entrances and exits are maintained and protected from activities that reduce their effectiveness (Risk Level 2 & 3 Only)				
Inspect all immediate access roads daily (Risk Level 2 & 3 Only)				
<b>Run-On and Run-Off Controls</b>				
Run-on to the site is effectively managed and directed away from all disturbed areas.				
<b>Other</b>				
Are the project SWPPP and BMP plan up to date, available on-site and being properly implemented?				

### Part III. Descriptions of BMP Deficiencies

Deficiency	Repairs Implemented: Note - Repairs must begin within 72 hours of identification and, complete repairs as soon as possible.	
	Start Date	Action
1.		
2.		
3.		
4.		

### Part IV. Additional Pre-Storm Observations. Note the presence or absence of floating and suspended materials, sheen, discoloration, turbidity, odors, and source(s) of pollutants(s).

	Yes, No, N/A
Do stormwater storage and containment areas have adequate freeboard? If no, complete Part III.	
Are drainage areas free of spills, leaks, or uncontrolled pollutant sources? If no, complete Part VII and describe below.	
Notes:	
Are stormwater storage and containment areas free of leaks? If no, complete Parts III and/or VII and describe below.	
Notes:	

**Part V. Additional During Storm Observations.** If BMPs cannot be inspected during inclement weather, list the results of visual inspections at all relevant outfalls, discharge points, and downstream locations. Note odors or visible sheen on the surface of discharges. Complete

Outfall, Discharge Point, or Other Downstream Location

Location	Description

**Part VI. Additional Post-Storm Observations.** Visually observe (inspect) stormwater discharges at all discharge locations within two business days (48 hours) after each qualifying rain event, and observe (inspect) the discharge of stored or contained stormwater that is derived from and discharged subsequent to a qualifying rain event producing precipitation of  $\frac{1}{2}$  inch or more at the time of discharge. Complete Part VII (Corrective Actions) as needed.

Discharge Location, Storage or Containment Area	Visual Observation

**Part VII. Additional Corrective Actions Required.** Identify additional corrective actions not included with BMP Deficiencies (Part III) above. Note if SWPPP change is required.

Required Actions	Implementation Date

## ***Appendix J: Project Specific Rain Event Action Plan Template***

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REAP is not required on a Risk Level 1 Project

## ***Appendix K: Training Reporting Form***

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# **Trained Contractor Personnel Log**

## **Stormwater Management Training Log and Documentation**

Project Name: \_\_\_\_\_  
WDID #: \_\_\_\_\_

Stormwater Management Topic: (check as appropriate)

- |  |   |
|--|---|
| <input type="checkbox"/> Erosion Control           | <input type="checkbox"/> Sediment Control                                 |
| <input type="checkbox"/> Wind Erosion Control      | <input type="checkbox"/> Tracking Control                                 |
| <input type="checkbox"/> Non-Stormwater Management | <input type="checkbox"/> Waste Management and Materials Pollution Control |
| <input type="checkbox"/> Stormwater Sampling       |   |

Specific Training Objective: \_\_\_\_\_

Location: \_\_\_\_\_ Date: \_\_\_\_\_

Instructor: \_\_\_\_\_ Telephone: \_\_\_\_\_

Course Length (hours): \_\_\_\_\_

### **Attendee Roster (Attach additional forms if necessary)**

Name	Company	Phone

As needed, add proof of external training (e.g., course completion certificates, credentials for QSP, QSD).

# CERTIFICATE OF TRAINING

CALIFORNIA CONSTRUCTION GENERAL PERMIT

## QUALIFIED SWPPP DEVELOPER (QSD) AND QUALIFIED SWPPP PRACTITIONER (QSP)

Christopher Becker

Jun 18, 2016 - Sep 04, 2018

*Certificate # 24331*



California Stormwater Quality Association and  
California Construction General Permit Training Team

The CESSWI™ Application Review Committee  
certifies that

**Christopher C. Becker**

Subscribes to the Code of Conduct and Ethics and has met the requirements  
established by the CESSWI Council as a

**Certified Erosion, Sediment and  
Storm Water Inspector™**

*An EnviroCert International, Inc. Program*

Certification Number: 3080

Certification Date: July 27, 2012



Janice M. Naulty  
Chair, CESSWI Council

Glenda Comney  
CESSWI Program Coordinator

*The CESSWI Program was established in 2007.*

The CPESC® Application Review Committee  
certifies that

# Christopher C. Becker

Subscribes to the Code of Conduct and Ethics and has met the requirements  
established by the CPESC Council as a

## Certified Professional in Erosion and Sediment Control™

*An EnviroCert International, Inc. Program*

Certification Number: 7408

Certification Date: May 13, 2013

  
Chair, CPESC Council

  
Interim Program Director



*The CPESC Program was established in 1982.*



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# *Certificate of Completion*

Chris Becker

*has successfully completed training in*  
Title 22/RCRA

*presented by*

*NES, Inc.*

May 11, 2017

*Date*

## ***Appendix L: Responsible Parties***

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***OPTIONAL***

**Authorization of Approved Signatories**

Project Name: \_\_\_\_\_

WDID #: \_\_\_\_\_

Name of Personnel	Project Role	Company	Signature	Date

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LRP's Signature

---

Date

---

LRP Name and Title

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Telephone Number

## Identification of QSP

Project Name: \_\_\_\_\_

WDID #: \_\_\_\_\_

The following are QSPs associated with this project

Name of Personnel <sup>(1)</sup>	Company	Date
Chris Becker, QSD #24331	RTC, Inc.	May 9, 2017

(1) If additional QSPs are required on the job site add additional lines and include information here

## Authorization of Data Submitters

Project Name: \_\_\_\_\_

WDID #: \_\_\_\_\_

Name of Personnel	Project Role	Company	Signature	Date

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Approved Signatory's Signature

---

Date

---

Approved Signatory

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Telephone Number

Name and Title

## ***Appendix M:Contractors and Subcontractors***

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## ***Appendix N: Construction General Permit***

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Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board



Arnold Schwarzenegger  
Governor

## Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5455  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
Fax (916) 341-5463 • <http://www.waterboards.ca.gov>

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES

ORDER NO. 2009-0009-DWQ  
NPDES NO. **CAS000002**

This Order was adopted by the State Water Resources Control Board on:	<b>September 2, 2009</b>
This Order shall become effective on:	<b>July 1, 2010</b>
This Order shall expire on:	<b>September 2, 2014</b>

IT IS HEREBY ORDERED, that this Order supersedes [Order No. 99-08-DWQ](#) except for enforcement purposes. The Discharger shall comply with the requirements in this Order to meet the provisions contained in Division 7 of the California Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act and regulations and guidelines adopted thereunder.

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board, on September 2, 2009.

AYE: Vice Chair Frances Spivy-Weber  
Board Member Arthur G. Baggett, Jr.  
Board Member Tam M. Doduc

NAY: Chairman Charles R. Hoppin

ABSENT: None

ABSTAIN: None

*Jeanine Townsend*

Jeanine Townsend  
Clerk to the Board



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board



Arnold Schwarzenegger  
Governor

## Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5455  
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## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES

ORDER NO. 2010-0014-DWQ  
NPDES NO. CAS000002

Order No. 2009-0009-DWQ was adopted by the State Water Resources Control Board on:	<b>September 2, 2009</b>
Order No. 2009-0009-DWQ became effective on:	<b>July 1, 2010</b>
Order No. 2009-0009-DWQ shall expire on:	<b>September 2, 2014</b>
This Order, which amends Order No. 2009-0009-DWQ, was adopted by the State Water Resources Control Board on:	<b>November 16, 2010</b>
This Order shall become effective on:	<b>February 14, 2011</b>

IT IS HEREBY ORDERED that this Order amends Order No. 2009-0009-DWQ. Additions to Order No. 2009-0009-DWQ are reflected in blue-underline text and deletions are reflected in ~~red-strikeout~~ text.

IT IS FURTHER ORDERED that staff are directed to prepare and post a conformed copy of Order No. 2009-0009-DWQ incorporating the revisions made by this Order.

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board, on **November 16, 2010**.

AYE:      Chairman Charles R. Hoppin  
                 Vice Chair Frances Spivy-Weber  
                 Board Member Arthur G. Baggett, Jr.  
                 Board Member Tam M. Doduc

NAY:      None

ABSENT:    None

ABSTAIN:   None

*Jeanine Townsend*

Jeanine Townsend  
Clerk to the Board

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## LIST OF ATTACHMENTS

- Attachment A – Linear Underground/Overhead Requirements
- Attachment A.1 – LUP Type Determination
- Attachment A.2 – LUP Permit Registration Documents
- Attachment B – Permit Registration Documents
- Attachment C – Risk Level 1 Requirements
- Attachment D – Risk Level 2 Requirements
- Attachment E – Risk Level 3 Requirements
- Attachment F – Active Treatment System (ATS) Requirements

## LIST OF APPENDICES

- Appendix 1 – Risk Determination Worksheet
- Appendix 2 – Post-Construction Water Balance Performance Standard
- Appendix 2.1 – Post-Construction Water Balance Performance Standard Spreadsheet
- Appendix 3 – Bioassessment Monitoring Guidelines
- Appendix 4 – Adopted/Implemented Sediment TMDLs
- Appendix 5 – Glossary
- Appendix 6 – Acronyms
- Appendix 7 – State and Regional Water Resources Control Board Contacts

**STATE WATER RESOURCES CONTROL BOARD  
ORDER NO. 2009-0009-DWQ  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
GENERAL PERMIT NO. CAS000002**

**WASTE DISCHARGE REQUIREMENTS  
FOR  
DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH  
CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES**

**I. FINDINGS**

**A. General Findings**

The State Water Resources Control Board (State Water Board) finds that:

1. The federal Clean Water Act (CWA) prohibits certain discharges of storm water containing pollutants except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit (Title 33 United States Code (U.S.C.) §§ 1311 and 1342(p); also referred to as Clean Water Act (CWA) §§ 301 and 402(p)). The U.S. Environmental Protection Agency (U.S. EPA) promulgates federal regulations to implement the CWA's mandate to control pollutants in storm water runoff discharges. (Title 40 Code of Federal Regulations (C.F.R.) Parts 122, 123, and 124). The federal statutes and regulations require discharges to surface waters comprised of storm water associated with construction activity, including demolition, clearing, grading, and excavation, and other land disturbance activities (except operations that result in disturbance of less than one acre of total land area and which are not part of a larger common plan of development or sale), to obtain coverage under an NPDES permit. The NPDES permit must require implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate pollutants in storm water runoff. The NPDES permit must also include additional requirements necessary to implement applicable water quality standards.
2. This General Permit authorizes discharges of storm water associated with construction activity so long as the dischargers comply with all requirements, provisions, limitations and prohibitions in the permit. In addition, this General Permit regulates the discharges of storm water associated with construction activities from all Linear Underground/Overhead Projects resulting in the disturbance of greater than or equal to one acre (Attachment A).

3. This General Permit regulates discharges of pollutants in storm water associated with construction activity (storm water discharges) to waters of the United States from construction sites that disturb one or more acres of land surface, or that are part of a common plan of development or sale that disturbs more than one acre of land surface.
4. This General Permit does not preempt or supersede the authority of local storm water management agencies to prohibit, restrict, or control storm water discharges to municipal separate storm sewer systems or other watercourses within their jurisdictions.
5. This action to adopt a general NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), pursuant to Section 13389 of the California Water Code.
6. Pursuant to 40 C.F.R. § 131.12 and State Water Board [Resolution No. 68-16](#),<sup>1</sup> which incorporates the requirements of § 131.12 where applicable, the State Water Board finds that discharges in compliance with this General Permit will not result in the lowering of water quality standards, and are therefore consistent with those provisions. Compliance with this General Permit will result in improvements in water quality.
7. This General Permit serves as an NPDES permit in compliance with CWA § 402 and will take effect on July 1, 2010 by the State Water Board provided the Regional Administrator of the U.S. EPA has no objection. If the U.S. EPA Regional Administrator objects to its issuance, the General Permit will not become effective until such objection is withdrawn.
8. Following adoption and upon the effective date of this General Permit, the Regional Water Quality Control Boards (Regional Water Boards) shall enforce the provisions herein.
9. Regional Water Boards establish water quality standards in Basin Plans. The State Water Board establishes water quality standards in various statewide plans, including the California Ocean Plan. U.S. EPA establishes water quality standards in the National Toxic Rule (NTR) and the California Toxic Rule (CTR).

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<sup>1</sup> Resolution No. 68-16 generally requires that existing water quality be maintained unless degradation is justified based on specific findings.

10. This General Permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under CWA § 404 and does not constitute a waiver of water quality certification under CWA § 401.
11. The primary storm water pollutant at construction sites is excess sediment. Excess sediment can cloud the water, which reduces the amount of sunlight reaching aquatic plants, clog fish gills, smother aquatic habitat and spawning areas, and impede navigation in our waterways. Sediment also transports other pollutants such as nutrients, metals, and oils and greases.
12. Construction activities can impact a construction site's runoff sediment supply and transport characteristics. These modifications, which can occur both during and after the construction phase, are a significant cause of degradation of the beneficial uses established for water bodies in California. Dischargers can avoid these effects through better construction site design and activity practices.
13. This General Permit recognizes four distinct phases of construction activities. The phases are Grading and Land Development Phase, Streets and Utilities Phase, Vertical Construction Phase, and Final Landscaping and Site Stabilization Phase. Each phase has activities that can result in different water quality effects from different water quality pollutants. This General Permit also recognizes inactive construction as a category of construction site type.
14. Compliance with any specific limits or requirements contained in this General Permit does not constitute compliance with any other applicable requirements.
15. Following public notice in accordance with State and Federal laws and regulations, the State Water Board heard and considered all comments and testimony in a public hearing on 06/03/2009. The State Water Board has prepared written responses to all significant comments.
16. Construction activities obtaining coverage under the General Permit may have multiple discharges subject to requirements that are specific to general, linear, and/or active treatment system discharge types.
17. The State Water Board may reopen the permit if the U.S. EPA adopts a final effluent limitation guideline for construction activities.

**B. Activities Covered Under the General Permit**

18. Any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre.
19. Construction activity that results in land surface disturbances of less than one acre if the construction activity is part of a larger common plan of development or the sale of one or more acres of disturbed land surface.
20. Construction activity related to residential, commercial, or industrial development on lands currently used for agriculture including, but not limited to, the construction of buildings related to agriculture that are considered industrial pursuant to U.S. EPA regulations, such as dairy barns or food processing facilities.
21. Construction activity associated with Linear Underground/Overhead Utility Projects (LUPs) including, but not limited to, those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities) and include, but are not limited to, underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/or pavement repair or replacement, and stockpile/borrow locations.
22. Discharges of sediment from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.<sup>2</sup>
23. Storm water discharges from dredge spoil placement that occur outside of U.S. Army Corps of Engineers jurisdiction (upland sites) and that disturb one or more acres of land surface from construction activity are covered by this General Permit. Construction sites that intend to disturb one or more acres of land within the jurisdictional boundaries of a CWA § 404 permit should contact the appropriate Regional Water Board to determine whether this permit applies to the site.

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<sup>2</sup> Pursuant to the Ninth Circuit Court of Appeals' decision in *NRDC v. EPA* (9th Cir. 2008) 526 F.3d 591, and subsequent denial of the U.S. EPA's petition for reconsideration in November 2008, oil and gas construction activities discharging storm water contaminated only with sediment are no longer exempt from the NPDES program.

**C. Activities Not Covered Under the General Permit**

24. Routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.
25. Disturbances to land surfaces solely related to agricultural operations such as disking, harrowing, terracing and leveling, and soil preparation.
26. Discharges of storm water from areas on tribal lands; construction on tribal lands is regulated by a federal permit.
27. Construction activity and land disturbance involving discharges of storm water within the Lake Tahoe Hydrologic Unit. The Lahontan Regional Water Board has adopted its own permit to regulate storm water discharges from construction activity in the Lake Tahoe Hydrologic Unit (Regional Water Board 6SLT). Owners of construction sites in this watershed must apply for the Lahontan Regional Water Board permit rather than the statewide Construction General Permit.
28. Construction activity that disturbs less than one acre of land surface, and that is not part of a larger common plan of development or the sale of one or more acres of disturbed land surface.
29. Construction activity covered by an individual NPDES Permit for storm water discharges.
30. Discharges from small (1 to 5 acre) construction activities with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Board that small construction activity will occur only when the Rainfall Erosivity Factor is less than 5 ("R" in the Revised Universal Soil Loss Equation).
31. Landfill construction activity that is subject to the Industrial General Permit.
32. Construction activity that discharges to Combined Sewer Systems.
33. Conveyances that discharge storm water runoff combined with municipal sewage.
34. Discharges of storm water identified in CWA § 402(l)(2), 33 U.S.C. § 1342(l)(2).

35. Discharges occurring in basins that are not tributary or hydrologically connected to waters of the United States (for more information contact your Regional Water Board).

#### **D. Obtaining and Modifying General Permit Coverage**

36. This General Permit requires all dischargers to electronically file all Permit Registration Documents (PRDs), Notices of Termination (NOT), changes of information, annual reporting, and other compliance documents required by this General Permit through the State Water Board's Storm water Multi-Application and Report Tracking System (SMARTS) website.

37. Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted.

38. This General Permit grants an exception from the Risk Determination requirements for existing sites covered under Water Quality Orders No. 99-08-DWQ, and [No. 2003-0007-DWQ](#). For certain sites, adding additional requirements may not be cost effective. Construction sites covered under Water Quality Order No. 99-08-DWQ shall obtain permit coverage at the Risk Level 1. LUPs covered under Water Quality Order No. 2003-0007-DWQ shall obtain permit coverage as a Type 1 LUP. The Regional Water Boards have the authority to require Risk Determination to be performed on sites currently covered under Water Quality Orders No. 99-08-DWQ and No. 2003-0007-DWQ where they deem it necessary. The State Water Board finds that there are two circumstances when it may be appropriate for the Regional Water Boards to require a discharger that had filed an NOI under State Water Board Order No. 99-08-DWQ to recalculate the site's risk level. These circumstances are: (1) when the discharger has a demonstrated history of noncompliance with State Water Board Order No. 99-08-DWQ or; (2) when the discharger's site poses a significant risk of causing or contributing to an exceedance of a water quality standard without the implementation of the additional Risk Level 2 or 3 requirements.

#### **E. Prohibitions**

39. All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit. Non-storm water discharges include a wide variety of sources, including improper dumping, spills, or leakage from storage tanks or transfer areas. Non-storm water discharges may

contribute significant pollutant loads to receiving waters. Measures to control spills, leakage, and dumping, and to prevent illicit connections during construction must be addressed through structural as well as non-structural Best Management Practices (BMPs)<sup>3</sup>. The State Water Board recognizes, however, that certain non-storm water discharges may be necessary for the completion of construction.

40. This General Permit prohibits all discharges which contain a hazardous substance in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
41. This General Permit incorporates discharge prohibitions contained in water quality control plans, as implemented by the State Water Board and the nine Regional Water Boards.
42. Pursuant to the Ocean Plan, discharges to Areas of Special Biological Significance (ASBS) are prohibited unless covered by an exception that the State Water Board has approved.
43. This General Permit prohibits the discharge of any debris<sup>4</sup> from construction sites. Plastic and other trash materials can cause negative impacts to receiving water beneficial uses. The State Water Board encourages the use of more environmentally safe, biodegradable materials on construction sites to minimize the potential risk to water quality.

## **F. Training**

44. In order to improve compliance with and to maintain consistent enforcement of this General Permit, all dischargers are required to appoint two positions - the Qualified SWPPP Developer (QSD) and the Qualified SWPPP Practitioner (QSP) - who must obtain appropriate training. Together with the key stakeholders, the State and Regional Water Boards are leading the development of this curriculum through a collaborative organization called The Construction General Permit (CGP) Training Team.
45. The Professional Engineers Act (Bus. & Prof. Code section 6700, et seq.) requires that all engineering work must be performed by a California licensed engineer.

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<sup>3</sup> BMPs are scheduling of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

<sup>4</sup> Litter, rubble, discarded refuse, and remains of destroyed inorganic anthropogenic waste.

## G. Determining and Reducing Risk

46. The risk of accelerated erosion and sedimentation from wind and water depends on a number of factors, including proximity to receiving water bodies, climate, topography, and soil type.
47. This General Permit requires dischargers to assess the risk level of a site based on both sediment transport and receiving water risk. This General Permit contains requirements for Risk Levels 1, 2 and 3, and LUP Risk Type 1, 2, and 3 (Attachment A). Risk levels are established by determining two factors: first, calculating the site's sediment risk; and second, receiving water risk during periods of soil exposure (i.e. grading and site stabilization). Both factors are used to determine the site-specific Risk Level(s). LUPs can be determined to be Type 1 based on the flowchart in Attachment A.1.
48. Although this General Permit does not mandate specific setback distances, dischargers are encouraged to set back their construction activities from streams and wetlands whenever feasible to reduce the risk of impacting water quality (e.g., natural stream stability and habitat function). Because there is a reduced risk to receiving waters when setbacks are used, this General Permit gives credit to setbacks in the risk determination and post-construction storm water performance standards. The risk calculation and runoff reduction mechanisms in this General Permit are expected to facilitate compliance with any Regional Water Board and local agency setback requirements, and to encourage voluntary setbacks wherever practicable.
49. Rain events can occur at any time of the year in California. Therefore, a Rain Event Action Plan (REAP) is necessary for Risk Level 2 and 3 traditional construction projects (LUPs exempt) to ensure that active construction sites have adequate erosion and sediment controls implemented prior to the onset of a storm event, even if construction is planned only during the dry season.
50. Soil particles smaller than 0.02 millimeters (mm) (i.e., finer than medium silt) do not settle easily using conventional measures for sediment control (i.e., sediment basins). Given their long settling time, dislodging these soils results in a significant risk that fine particles will be released into surface waters and cause unacceptable downstream impacts. If operated correctly, an Active Treatment System (ATS<sup>5</sup>) can prevent or reduce the release of fine particles from construction sites.

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<sup>5</sup> An ATS is a treatment system that employs chemical coagulation, chemical flocculation, or electro coagulation in order to reduce turbidity caused by fine suspended sediment.

Use of an ATS can effectively reduce a site's risk of impacting receiving waters.

51. Dischargers located in a watershed area where a Total Maximum Daily Load (TMDL) has been adopted or approved by the Regional Water Board or U.S. EPA may be required by a separate Regional Water Board action to implement additional BMPs, conduct additional monitoring activities, and/or comply with an applicable waste load allocation and implementation schedule. Such dischargers may also be required to obtain an individual Regional Water Board permit specific to the area.

## **H. Effluent Standards**

52. The State Water Board convened a blue ribbon panel of storm water experts that submitted a report entitled, "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities," dated June 19, 2006. The panel concluded that numeric limits or action levels are technically feasible to control construction storm water discharges, provided that certain conditions are considered. The panel also concluded that numeric effluent limitations (NELs) are feasible for discharges from construction sites that utilize an ATS. The State Water Board has incorporated the expert panel's suggestions into this General Permit, which includes both numeric action levels (NALs) and NELs for pH and turbidity, and special numeric limits for ATS discharges.

### **Numeric Effluent Limitations**

53. Discharges of storm water from construction activities may become contaminated from alkaline construction materials resulting in high pH (greater than pH 7). Alkaline construction materials include, but are not limited to, hydrated lime, concrete, mortar, cement kiln dust (CKD), Portland cement treated base (CTB), fly ash, recycled concrete, and masonry work. This General Permit includes an NEL for pH (6.0-9.0) that applies only at sites that exhibit a "high risk of high pH discharge." A "high risk of high pH discharge" can occur during the complete utilities phase, the complete vertical build phase, and any portion of any phase where significant amounts of materials are placed directly on the land at the site in a manner that could result in significant alterations to the background pH of any discharges.
54. For Risk Level 3 discharges, this General Permit establishes technology-based, numeric effluent limitations (NELs) for turbidity of 500 NTU. Exceedances of the turbidity NEL constitutes a violation of this General Permit.

55. This General Permit establishes a 5 year, 24 hour (expressed in inches of rainfall) Compliance Storm Event exemption from the technology-based NELs for Risk Level 3 dischargers.

#### **Determining Compliance with Numeric Limitations**

56. This General Permit sets a pH NAL of 6.5 to 8.5, and a turbidity NAL of 250 NTU. The purpose of the NAL and its associated monitoring requirement is to provide operational information regarding the performance of the measures used at the site to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges. The NALs in this General Permit for pH and turbidity are not directly enforceable and do not constitute NELs.
57. This General Permit requires dischargers with NAL exceedances to immediately implement additional BMPs and revise their Storm Water Pollution Prevention Plans (SWPPPs) accordingly to either prevent pollutants and authorized non-storm water discharges from contaminating storm water, or to substantially reduce the pollutants to levels consistently below the NALs. NAL exceedances are reported in the State Water Boards SMARTS system, and the discharger is required to provide an NAL Exceedance Report when requested by a Regional Water Board.
58. If run-on is caused by a forest fire or any other natural disaster, then NELs do not apply.
59. Exceedances of the NELs are a violation of this Permit. This General Permit requires dischargers with NEL exceedances to implement additional monitoring, BMPs, and revise their SWPPPs accordingly. Dischargers are required to notify the State and Regional Water Boards of the violation through the State Water Boards SMARTS system, and provide an NEL Violation Report sharing additional information concerning the NEL exceedance.

#### **I. Receiving Water Limitations**

60. This General Permit requires all enrolled dischargers to determine the receiving waters potentially affected by their discharges and to comply with all applicable water quality standards, including any more stringent standards applicable to a water body.

#### **J. Sampling, Monitoring, Reporting and Record Keeping**

61. Visual monitoring of storm water and non-storm water discharges is required for all sites subject to this General Permit.

62. Records of all visual monitoring inspections are required to remain on-site during the construction period and for a minimum of three years.
63. For all Risk Level 3 and Risk Level 2 sites, this General Permit requires effluent monitoring for pH and turbidity. Sampling, analysis and monitoring requirements for effluent monitoring for pH and turbidity are contained in this General Permit.
64. Risk Level 3 sites in violation of the Numeric Effluent Limitations contained in this General Permit and with direct discharges to receiving water are required to conduct receiving water monitoring.
65. For Risk Level 3 sites larger than 30 acres and with direct discharges to receiving waters, this General Permit requires bioassessment sampling before and after site completion to determine if significant degradation to the receiving water's biota has occurred. Bioassessment sampling guidelines are contained in this General Permit.
66. A summary and evaluation of the sampling and analysis results will be submitted in the Annual Reports.
67. This General Permit contains sampling, analysis and monitoring requirements for non-visible pollutants at all sites subject to this General Permit.
68. Compliance with the General Permit relies upon dischargers to electronically self-report any discharge violations and to comply with any Regional Water Board enforcement actions.
69. This General Permit requires that all dischargers maintain a paper or electronic copy of all required records for three years from the date generated or date submitted, whichever is last. These records must be available at the construction site until construction is completed. For LUPs, these documents may be retained in a crew member's vehicle and made available upon request.

## **K. Active Treatment System (ATS) Requirements**

70. Active treatment systems add chemicals to facilitate flocculation, coagulation and filtration of suspended sediment particles. The uncontrolled release of these chemicals to the environment can negatively affect the beneficial uses of receiving waters and/or degrade water quality (e.g., acute and chronic toxicity). Additionally, the batch storage and treatment of storm water through an ATS' can potentially

cause physical impacts on receiving waters if storage volume is inadequate or due to sudden releases of the ATS batches and improperly designed outfalls.

71. If designed, operated and maintained properly an ATS can achieve very high removal rates of suspended sediment (measured as turbidity), albeit at sometimes significantly higher costs than traditional erosion/sediment control practices. As a result, this General Permit establishes NELs consistent with the expected level of typical ATS performance.
72. This General Permit requires discharges of storm water associated with construction activity that undergo active treatment to comply with special operational and effluent limitations to ensure that these discharges do not adversely affect the beneficial uses of the receiving waters or cause degradation of their water quality.
73. For ATS discharges, this General Permit establishes technology-based NELs for turbidity.
74. This General Permit establishes a 10 year, 24 hour (expressed in inches of rainfall) Compliance Storm Event exemption from the technology-based numeric effluent limitations for ATS discharges. Exceedances of the ATS turbidity NEL constitutes a violation of this General Permit.

## **L. Post-Construction Requirements**

75. This General Permit includes performance standards for post-construction that are consistent with State Water Board [Resolution No. 2005-0006](#), "Resolution Adopting the Concept of Sustainability as a Core Value for State Water Board Programs and Directing Its Incorporation," and [2008-0030](#), "Requiring Sustainable Water Resources Management." The requirement for all construction sites to match pre-project hydrology will help ensure that the physical and biological integrity of aquatic ecosystems are sustained. This "runoff reduction" approach is analogous in principle to Low Impact Development (LID) and will serve to protect related watersheds and waterbodies from both hydrologic-based and pollution impacts associated with the post-construction landscape.
76. LUP projects are not subject to post-construction requirements due to the nature of their construction to return project sites to pre-construction conditions.

**M. Storm Water Pollution Prevention Plan Requirements**

77. This General Permit requires the development of a site-specific SWPPP. The SWPPP must include the information needed to demonstrate compliance with all requirements of this General Permit, and must be kept on the construction site and be available for review. The discharger shall ensure that a QSD develops the SWPPP.
78. To ensure proper site oversight, this General Permit requires a Qualified SWPPP Practitioner to oversee implementation of the BMPs required to comply with this General Permit.

**N. Regional Water Board Authorities**

79. Regional Water Boards are responsible for implementation and enforcement of this General Permit. A general approach to permitting is not always suitable for every construction site and environmental circumstances. Therefore, this General Permit recognizes that Regional Water Boards must have some flexibility and authority to alter, approve, exempt, or rescind permit authority granted under this General Permit in order to protect the beneficial uses of our receiving waters and prevent degradation of water quality.

**IT IS HEREBY ORDERED** that all dischargers subject to this General Permit shall comply with the following conditions and requirements (including all conditions and requirements as set forth in Attachments A, B, C, D, E and F)<sup>6</sup>:

## **II. CONDITIONS FOR PERMIT COVERAGE**

### **A. Linear Underground/Overhead Projects (LUPs)**

1. Linear Underground/Overhead Projects (LUPs) include, but are not limited to, any conveyance, pipe, or pipeline for the transportation of any gaseous, liquid (including water and wastewater for domestic municipal services), liquefied, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g. telephone, telegraph, radio or television messages); and associated ancillary facilities. Construction activities associated with LUPs include, but are not limited to, (a) those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment, and associated ancillary facilities); and include, but are not limited to, (b) underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/ or pavement repair or replacement, and stockpile/borrow locations.
2. The utility company, municipality, or other public or private company or agency that owns or operates the linear underground/overhead project is responsible for obtaining coverage under the General Permit where the construction of pipelines, utility lines, fiber-optic cables, or other linear underground/overhead projects will occur across several properties unless the LUP construction activities are covered under another construction storm water permit.
3. Only LUPs shall comply with the conditions and requirements in Attachment A, A.1 & A.2 of this Order. The balance of this Order is not applicable to LUPs except as indicated in Attachment A.

### **B. Obtaining Permit Coverage Traditional Construction Sites**

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<sup>6</sup> These attachments are part of the General Permit itself and are not separate documents that are capable of being updated independently by the State Water Board.

1. The Legally Responsible Person (LRP) (see Special Provisions, Electronic Signature and Certification Requirements, Section IV.I.1) must obtain coverage under this General Permit.
2. To obtain coverage, the LRP must electronically file Permit Registration Documents (PRDs) prior to the commencement of construction activity. Failure to obtain coverage under this General Permit for storm water discharges to waters of the United States is a violation of the CWA and the California Water Code.
3. PRDs shall consist of:
  - a. Notice of Intent (NOI)
  - b. Risk Assessment (Section VIII)
  - c. Site Map
  - d. Storm Water Pollution Prevention Plan (Section XIV)
  - e. Annual Fee
  - f. Signed Certification Statement

Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted.

Attachment B contains additional PRD information. Dischargers must electronically file the PRDs, and mail the appropriate annual fee to the State Water Board.

4. This permit is effective on July 1, 2010.
  - a. **Dischargers Obtaining Coverage On or After July 1, 2010:** All dischargers requiring coverage on or after July 1, 2010, shall electronically file their PRDs prior to the commencement of construction activities, and mail the appropriate annual fee no later than seven days prior to the commencement of construction activities. Permit coverage shall not commence until the PRDs and the annual fee are received by the State Water Board, and a WDID number is assigned and sent by SMARTS.
  - b. **Dischargers Covered Under 99-08-DWQ and 2003-0007-DWQ:** Existing dischargers subject to State Water Board Order No. 99-08-DWQ (existing dischargers) will continue coverage under 99-08-DWQ until July 1, 2010. After July 1, 2010, all NOIs subject to State Water Board Order No. 99-08-DWQ will be terminated. Existing dischargers shall electronically file their PRDs no later than

July 1, 2010. If an existing discharger's site acreage subject to the annual fee has changed, it shall mail a revised annual fee no less than seven days after receiving the revised annual fee notification, **or else lose permit coverage**. All existing dischargers shall be exempt from the risk determination requirements in Section VIII of this General Permit until two years after permit adoption. All existing dischargers are therefore subject to Risk Level 1 requirements regardless of their site's sediment and receiving water risks. However, a Regional Board retains the authority to require an existing discharger to comply with the Section VIII risk determination requirements.

5. The discharger is only considered covered by this General Permit upon receipt of a Waste Discharger Identification (WDID) number assigned and sent by the State Water Board Storm water Multi-Application and Report Tracking System (SMARTS). In order to demonstrate compliance with this General Permit, the discharger must obtain a WDID number and must present documentation of a valid WDID upon demand.
6. During the period this permit is subject to review by the U.S. EPA, the prior permit (State Water Board Order No. 99-08-DWQ) remains in effect. Existing dischargers under the prior permit will continue to have coverage under State Water Board Order No. 99-08-DWQ until this General Permit takes effect on July 1, 2010. Dischargers who complete their projects and electronically file an NOT prior to July 1, 2010, are not required to obtain coverage under this General Permit.
7. Small Construction Rainfall Erosivity Waiver

EPA's Small Construction Erosivity Waiver applies to sites between one and five acres demonstrating that there are no adverse water quality impacts.

Dischargers eligible for a Rainfall Erosivity Waiver based on low erosivity potential shall complete the electronic Notice of Intent (NOI) and Sediment Risk form through the State Water Board's SMARTS system, certifying that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five. Where the LRP changes or another LRP is added during construction, the new LRP must also submit a waiver certification through the SMARTS system.

If a small construction site continues beyond the projected completion date given on the waiver certification, the LRP shall recalculate the rainfall erosivity factor for the new project duration and submit this

information through the SMARTS system. If the new R factor is below five (5), the discharger shall update through SMARTS all applicable information on the waiver certification and retain a copy of the revised waiver onsite. The LRP shall submit the new waiver certification 30 days prior to the projected completion date listed on the original waiver form to assure exemption from permitting requirements is uninterrupted. If the new R factor is five (5) or above, the LRP shall be required to apply for coverage under this Order.

8. In the case of a public emergency that requires immediate construction activities, a discharger shall submit a brief description of the emergency construction activity within five days of the onset of construction, and then shall submit all PRDs within thirty days.

### **C. Revising Permit Coverage for Change of Acreage or New Ownership**

1. The discharger may reduce or increase the total acreage covered under this General Permit when a portion of the site is complete and/or conditions for termination of coverage have been met (See Section II.D Conditions for Termination of Coverage); when ownership of a portion of the site is sold to a different entity; or when new acreage, subject to this General Permit, is added to the site.
2. Within 30 days of a reduction or increase in total disturbed acreage, the discharger shall electronically file revisions to the PRDs that include:
  - a. A revised NOI indicating the new project size;
  - b. A revised site map showing the acreage of the site completed, acreage currently under construction, acreage sold/transferred or added, and acreage currently stabilized in accordance with the Conditions for Termination of Coverage in Section II.D below.
  - c. SWPPP revisions, as appropriate; and
  - d. Certification that any new landowners have been notified of applicable requirements to obtain General Permit coverage. The certification shall include the name, address, telephone number, and e-mail address of the new landowner.
  - e. If the project acreage has increased, dischargers shall mail payment of revised annual fees within 14 days of receiving the revised annual fee notification.

3. The discharger shall continue coverage under the General Permit for any parcel that has not achieved "Final Stabilization" as defined in Section II.D.
4. When an LRP owns property with active General Permit coverage, and the LRP sells the property, or a parcel thereof, to another person, that person shall become an LRP with respect to whatever parcel was sold. The existing LRP shall inform the new LRP of the General Permit's requirements. In order for the new LRP to continue the construction activity on its parcel of property, the new LRP, or the new LRP's approved signatory, must submit PRDs in accordance with this General Permit's requirements.

#### **D. Conditions for Termination of Coverage**

1. Within 90 days of when construction is complete or ownership has been transferred, the discharger shall electronically file a Notice of Termination (NOT), a final site map, and photos through the State Water Boards SMARTS system. Filing a NOT certifies that all General Permit requirements have been met. The Regional Water Board will consider a construction site complete only when all portions of the site have been transferred to a new owner, or all of the following conditions have been met:
  - a. For purposes of "final stabilization," the site will not pose any additional sediment discharge risk than it did prior to the commencement of construction activity;
  - b. There is no potential for construction-related storm water pollutants to be discharged into site runoff;
  - c. Final stabilization has been reached;
  - d. Construction materials and wastes have been disposed of properly;
  - e. Compliance with the Post-Construction Standards in Section XIII of this General Permit has been demonstrated;
  - f. Post-construction storm water management measures have been installed and a long-term maintenance plan<sup>7</sup> has been established; and

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<sup>7</sup> For the purposes of this requirement a long-term maintenance plan will be designed for a minimum of five years, and will describe the procedures to ensure that the post-construction storm water management measures are adequately maintained.

- g. All construction-related equipment, materials and any temporary BMPs no longer needed are removed from the site.
2. The discharger shall certify that final stabilization conditions are satisfied in their NOT. Failure to certify shall result in continuation of permit coverage and annual billing.
3. The NOT must demonstrate through photos, RUSLE or RUSLE2, or results of testing and analysis that the site meets all of the conditions above (Section II.D.1) and the final stabilization condition (Section II.D.1.a) is attained by one of the following methods:
  - a. “70% final cover method,” no computational proof required

**OR:**

- b. “RUSLE or RUSLE2 method,” computational proof required

**OR:**

- c. “Custom method”, the discharger shall demonstrate in some other manner than a or b, above, that the site complies with the “final stabilization” requirement in Section II.D.1.a.

### III. DISCHARGE PROHIBITIONS

- A.** Dischargers shall not violate any discharge prohibitions contained in applicable Basin Plans or statewide water quality control plans. Waste discharges to Areas of Special Biological Significance (ASBS) are prohibited by the California Ocean Plan, unless granted an exception issued by the State Water Board.
- B.** All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit.
- C.** Authorized non-storm water discharges may include those from de-chlorinated potable water sources such as: fire hydrant flushing, irrigation of vegetative erosion control measures, pipe flushing and testing, water to control dust, uncontaminated ground water from dewatering, and other discharges not subject to a separate general NPDES permit adopted by a Regional Water Board. The discharge of non-storm water is authorized under the following conditions:
  1. The discharge does not cause or contribute to a violation of any water quality standard;
  2. The discharge does not violate any other provision of this General Permit;
  3. The discharge is not prohibited by the applicable Basin Plan;
  4. The discharger has included and implemented specific BMPs required by this General Permit to prevent or reduce the contact of the non-storm water discharge with construction materials or equipment.
  5. The discharge does not contain toxic constituents in toxic amounts or (other) significant quantities of pollutants;
  6. The discharge is monitored and meets the applicable NALs and NELs; and
  7. The discharger reports the sampling information in the Annual Report.

If any of the above conditions are not satisfied, the discharge is not authorized by this General Permit. The discharger shall notify the Regional Water Board of any anticipated non-storm water discharges not already authorized by this General Permit or another NPDES permit, to determine whether a separate NPDES permit is necessary.

- D. Debris resulting from construction activities are prohibited from being discharged from construction sites.
- E. When soil contamination is found or suspected and a responsible party is not identified, or the responsible party fails to promptly take the appropriate action, the discharger shall have those soils sampled and tested to ensure proper handling and public safety measures are implemented. The discharger shall notify the appropriate local, State, and federal agency(ies) when contaminated soil is found at a construction site, and will notify the appropriate Regional Water Board.

## **IV. SPECIAL PROVISIONS**

### **A. Duty to Comply**

1. The discharger shall comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal from General Permit coverage.
2. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement.

### **B. General Permit Actions**

1. This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not annul any General Permit condition.
2. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the dischargers so notified.

### **C. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit.

### **D. Duty to Mitigate**

The discharger shall take all responsible steps to minimize or prevent any discharge in violation of this General Permit, which has a reasonable likelihood of adversely affecting human health or the environment.

## **E. Proper Operation and Maintenance**

The discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this General Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a discharger when necessary to achieve compliance with the conditions of this General Permit.

## **F. Property Rights**

This General Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of Federal, State, or local laws or regulations.

## **G. Duty to Maintain Records and Provide Information**

1. The discharger shall maintain a paper or electronic copy of all required records, including a copy of this General Permit, for three years from the date generated or date submitted, whichever is last. These records shall be available at the construction site until construction is completed.
2. The discharger shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any requested information to determine compliance with this General Permit. The discharger shall also furnish, upon request, copies of records that are required to be kept by this General Permit.

## **H. Inspection and Entry**

The discharger shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or, in the case of construction sites which discharge through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the discharger's premises at reasonable times where a regulated construction activity is being conducted or where records must be kept under the conditions of this General Permit;

2. Access and copy at reasonable times any records that must be kept under the conditions of this General Permit;
3. Inspect at reasonable times the complete construction site, including any off-site staging areas or material storage areas, and the erosion/sediment controls; and
4. Sample or monitor at reasonable times for the purpose of ensuring General Permit compliance.

## **I. Electronic Signature and Certification Requirements**

1. All Permit Registration Documents (PRDs) and Notice of Terminations (NOTs) shall be electronically signed, certified, and submitted via SMARTS to the State Water Board. Either the Legally Responsible Person (LRP) or a person legally authorized to sign and certify PRDs and NOTs on behalf of the LRP (the LRP's Approved Signatory) must submit all information electronically via SMARTS.
  - a. The LRP's Approved Signatory must be one of the following:
    - i. For a corporation: a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (b) the manager of the facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
    - ii. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
    - iii. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA);
    - iv. For the military: Any military officer who has been designated.
    - v. For a public university: An authorized university official

- b. Changes to Authorization. If an approved signatory's authorization is no longer accurate, a new authorization satisfying the requirements of paragraph (a) of this section must be submitted via SMARTS prior to or together with any reports, information or applications to be signed by an approved signatory.
2. All Annual Reports, or other information required by the General Permit (other than PRDs and NOTs) or requested by the Regional Water Board, State Water Board, U.S. EPA, or local storm water management agency shall be certified and submitted by the LRP or the LRP's approved signatory as described above.

#### **J. Certification**

Any person signing documents under Section IV.I above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### **K. Anticipated Noncompliance**

The discharger shall give advance notice to the Regional Water Board and local storm water management agency of any planned changes in the construction activity, which may result in noncompliance with General Permit requirements.

#### **L. Bypass**

Bypass<sup>8</sup> is prohibited. The Regional Water Board may take enforcement action against the discharger for bypass unless:

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;<sup>9</sup>

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<sup>8</sup> The intentional diversion of waste streams from any portion of a treatment facility

<sup>9</sup> Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that could occur during normal periods of equipment downtime or preventative maintenance;
3. The discharger submitted a notice at least ten days in advance of the need for a bypass to the Regional Water Board; or
4. The discharger may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable. The discharger shall submit notice of an unanticipated bypass as required.

## **M. Upset**

1. A discharger that wishes to establish the affirmative defense of an upset<sup>10</sup> in an action brought for noncompliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the discharger can identify the cause(s) of the upset
  - b. The treatment facility was being properly operated by the time of the upset
  - c. The discharger submitted notice of the upset as required; and
  - d. The discharger complied with any remedial measures required
2. No determination made before an action of noncompliance occurs, such as during administrative review of claims that noncompliance was caused by an upset, is final administrative action subject to judicial review.
3. In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof

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<sup>10</sup> An exceptional incident in which there is unintentional and temporary noncompliance the technology based numeric effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

**N. Penalties for Falsification of Reports**

Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

**O. Oil and Hazardous Substance Liability**

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

**P. Severability**

The provisions of this General Permit are severable; and, if any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

**Q. Reopener Clause**

This General Permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of U.S. EPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations (CFR) 122.62, 122.63, 122.64, and 124.5.

**R. Penalties for Violations of Permit Conditions**

1. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this General Permit is subject to a civil penalty not to exceed \$37,500<sup>11</sup> per calendar day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.

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<sup>11</sup> May be further adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act.

2. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties, which in some cases are greater than those under the CWA.

**S. Transfers**

This General Permit is not transferable.

**T. Continuation of Expired Permit**

This General Permit continues in force and effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those dischargers authorized to discharge under the expiring General Permit are covered by the continued General Permit.

## V. EFFLUENT STANDARDS

### A. Narrative Effluent Limitations

1. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
2. Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.

### B. Numeric Effluent Limitations (NELs)

**Table 1- Numeric Effluent Limitations, Numeric Action Levels, Test Methods, Detection Limits, and Reporting Units**

Parameter	Test Method	Discharge Type	Min. Detection Limit	Units	Numeric Action Level	Numeric Effluent Limitation
pH	Field test with calibrated portable instrument	Risk Level 2	0.2	pH units	lower NAL = 6.5 upper NAL = 8.5	N/A
		Risk Level 3			lower NAL = 6.5 upper NAL = 8.5	lower NEL = 6.0 upper NEL = 9.0
Turbidity	EPA 0180.1 and/or field test with calibrated portable instrument	Risk Level 2	1	NTU	250 NTU	N/A
		Risk Level 3			250 NTU	500 NTU

1. Numeric Effluent Limitations (NELs):
  - a. **Storm Event, Daily Average pH Limits** – For Risk Level 3 dischargers, the pH of storm water and non-storm water discharges

shall be within the ranges specified in Table 1 during any site phase where there is a "high risk of pH discharge."<sup>12</sup>

- b. **Storm Event Daily Average Turbidity Limit – For Risk Level 3** dischargers, the turbidity of storm water and non-storm water discharges shall not exceed 500 NTU.
- 2. If daily average sampling results are outside the range of pH NELs (i.e., is below the lower NEL for pH or exceeds the upper NEL for pH) or exceeds the turbidity NEL (as listed in Table 1), the discharger is in violation of this General Permit and shall electronically file monitoring results in violation within 5 business days of obtaining the results.

**3. Compliance Storm Event:**

Discharges of storm water from Risk Level 3 sites shall comply with applicable NELs (above) unless the storm event causing the discharges is determined after the fact to be equal to or larger than the Compliance Storm Event (expressed in inches of rainfall). The Compliance Storm Event for Risk Level 3 discharges is the 5 year, 24 hour storm (expressed in tenths of an inch of rainfall), as determined by using these maps:

<http://www.wrcc.dri.edu/pcpnfreq/nca5y24.gif>  
<http://www.wrcc.dri.edu/pcpnfreq/sca5y24.gif>

Compliance storm event verification shall be done by reporting on-site rain gauge readings as well as nearby governmental rain gauge readings.

- 4. Dischargers shall not be required to comply with NELs if the site receives run-on from a forest fire or any other natural disaster.

**C. Numeric Action Levels (NALs)**

- 1. For Risk Level 2 and 3 dischargers, the lower storm event average NAL for pH is 6.5 pH units and the upper storm event average NAL for pH is 8.5 pH units. The discharger shall take actions as described below if the discharge is outside of this range of pH values.

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<sup>12</sup> A period of high risk of pH discharge is defined as a project's complete utilities phase, complete vertical build phase, and any portion of any phase where significant amounts of materials are placed directly on the land at the site in a manner that could result in significant alterations of the background pH of the discharges.

2. For Risk Level 2 and 3 dischargers, the NAL storm event daily average for turbidity is 250 NTU. The discharger shall take actions as described below if the discharge is outside of this range of turbidity values.
3. Whenever the results from a storm event daily average indicate that the discharge is below the lower NAL for pH, exceeds the upper NAL for pH, or exceeds the turbidity NAL (as listed in Table 1), the discharger shall conduct a construction site and run-on evaluation to determine whether pollutant source(s) associated with the site's construction activity may have caused or contributed to the NAL exceedance and shall immediately implement corrective actions if they are needed.
4. The site evaluation shall be documented in the SWPPP and specifically address whether the source(s) of the pollutants causing the exceedance of the NAL:
  - a. Are related to the construction activities and whether additional BMPs are required to (1) meet BAT/BCT requirements; (2) reduce or prevent pollutants in storm water discharges from causing exceedances of receiving water objectives; and (3) determine what corrective action(s) were taken or will be taken and with a description of the schedule for completion.

**AND/OR:**

- b. Are related to the run-on associated with the construction site location and whether additional BMPs measures are required to (1) meet BAT/BCT requirements; (2) reduce or prevent pollutants in storm water discharges from causing exceedances of receiving water objectives; and (3) what corrective action(s) were taken or will be taken with a description of the schedule for completion.

## VI. RECEIVING WATER LIMITATIONS

- A.** The discharger shall ensure that storm water discharges and authorized non-storm water discharges to any surface or ground water will not adversely affect human health or the environment.
- B.** The discharger shall ensure that storm water discharges and authorized non-storm water discharges will not contain pollutants in quantities that threaten to cause pollution or a public nuisance.
- C.** The discharger shall ensure that storm water discharges and authorized non-storm water discharges will not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards (collectively, WQS) contained in a Statewide Water Quality Control Plan, the California Toxics Rule, the National Toxics Rule, or the applicable Regional Water Board's Water Quality Control Plan (Basin Plan).
- D.** Dischargers located within the watershed of a CWA § 303(d) impaired water body, for which a TMDL has been approved by the U.S. EPA, shall comply with the approved TMDL if it identifies "construction activity" or land disturbance as a source of the pollution.

## VII. TRAINING QUALIFICATIONS AND CERTIFICATION REQUIREMENTS

### A. General

The discharger shall ensure that all persons responsible for implementing requirements of this General Permit shall be appropriately trained in accordance with this Section. Training should be both formal and informal, occur on an ongoing basis, and should include training offered by recognized governmental agencies or professional organizations. Those responsible for preparing and amending SWPPPs shall comply with the requirements in this Section VII.

The discharger shall provide documentation of all training for persons responsible for implementing the requirements of this General Permit in the Annual Reports.

### B. SWPPP Certification Requirements

1. **Qualified SWPPP Developer:** The discharger shall ensure that SWPPPs are written, amended and certified by a Qualified SWPPP Developer (QSD). A QSD shall have one of the following registrations or certifications, and appropriate experience, as required for:
  - a. A California registered professional civil engineer;
  - b. A California registered professional geologist or engineering geologist;
  - c. A California registered landscape architect;
  - d. A professional hydrologist registered through the American Institute of Hydrology;
  - e. A Certified Professional in Erosion and Sediment Control (CPESC) <sup>TM</sup> registered through Enviro Cert International, Inc.;
  - f. A Certified Professional in Storm Water Quality (CPSWQ) <sup>TM</sup> registered through Enviro Cert International, Inc.; or
  - g. A professional in erosion and sediment control registered through the National Institute for Certification in Engineering Technologies (NICET).

Effective two years after the adoption date of this General Permit, a QSD shall have attended a State Water Board-sponsored or approved QSD training course.

2. The discharger shall list the name and telephone number of the currently designated Qualified SWPPP Developer(s) in the SWPPP.
3. **Qualified SWPPP Practitioner:** The discharger shall ensure that all BMPs required by this General Permit are implemented by a Qualified SWPPP Practitioner (QSP). A QSP is a person responsible for non-storm water and storm water visual observations, sampling and analysis. Effective two years from the date of adoption of this General Permit, a QSP shall be either a QSD or have one of the following certifications:
  - a. A certified erosion, sediment and storm water inspector registered through Enviro Cert International, Inc.; or
  - b. A certified inspector of sediment and erosion control registered through Certified Inspector of Sediment and Erosion Control, Inc.

Effective two years after the adoption date of this General Permit, a QSP shall have attended a State Water Board-sponsored or approved QSP training course.

4. The LRP shall list in the SWPPP, the name of any Approved Signatory, and provide a copy of the written agreement or other mechanism that provides this authority from the LRP in the SWPPP.
5. The discharger shall include, in the SWPPP, a list of names of all contractors, subcontractors, and individuals who will be directed by the Qualified SWPPP Practitioner. This list shall include telephone numbers and work addresses. Specific areas of responsibility of each subcontractor and emergency contact numbers shall also be included.
6. The discharger shall ensure that the SWPPP and each amendment will be signed by the Qualified SWPPP Developer. The discharger shall include a listing of the date of initial preparation and the date of each amendment in the SWPPP.

## **VIII. RISK DETERMINATION**

The discharger shall calculate the site's sediment risk and receiving water risk during periods of soil exposure (i.e. grading and site stabilization) and use the calculated risks to determine a Risk Level(s) using the methodology in

Appendix 1. For any site that spans two or more planning watersheds,<sup>13</sup> the discharger shall calculate a separate Risk Level for each planning watershed. The discharger shall notify the State Water Board of the site's Risk Level determination(s) and shall include this determination as a part of submitting the PRDs. If a discharger ends up with more than one Risk Level determination, the Regional Water Board may choose to break the project into separate levels of implementation.

## **IX. RISK LEVEL 1 REQUIREMENTS**

Risk Level 1 Dischargers shall comply with the requirements included in Attachment C of this General Permit.

## **X. RISK LEVEL 2 REQUIREMENTS**

Risk Level 2 Dischargers shall comply with the requirements included in Attachment D of this General Permit.

## **XI. RISK LEVEL 3 REQUIREMENTS**

Risk Level 3 Dischargers shall comply with the requirements included in Attachment E of this General Permit.

## **XII. ACTIVE TREATMENT SYSTEMS (ATS)**

Dischargers choosing to implement an ATS on their site shall comply with all of the requirements in Attachment F of this General Permit.

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<sup>13</sup> Planning watershed: defined by the Calwater Watershed documents as a watershed that ranges in size from approximately 3,000 to 10,000 acres <http://cain.ice.ucdavis.edu/calwater/calwfaq.html>, <http://gis.ca.gov/catalog/BrowseRecord.epl?id=22175> .

### XIII. POST-CONSTRUCTION STANDARDS

- A. All dischargers shall comply with the following runoff reduction requirements unless they are located within an area subject to post-construction standards of an active Phase I or II municipal separate storm sewer system (MS4) permit that has an approved Storm Water Management Plan.
1. This provision shall take effect three years from the adoption date of this permit, or later at the discretion of the Executive Officer of the Regional Board.
  2. The discharger shall demonstrate compliance with the requirements of this section by submitting with their NOI a map and worksheets in accordance with the instructions in Appendix 2. The discharger shall use non-structural controls unless the discharger demonstrates that non-structural controls are infeasible or that structural controls will produce greater reduction in water quality impacts.
  3. The discharger shall, through the use of non-structural and structural measures as described in Appendix 2, replicate the pre-project water balance (for this permit, defined as the volume of rainfall that ends up as runoff) for the smallest storms up to the 85<sup>th</sup> percentile storm event (or the smallest storm event that generates runoff, whichever is larger). Dischargers shall inform Regional Water Board staff at least 30 days prior to the use of any structural control measure used to comply with this requirement. Volume that cannot be addressed using non-structural practices shall be captured in structural practices and approved by the Regional Water Board. When seeking Regional Board approval for the use of structural practices, dischargers shall document the infeasibility of using non-structural practices on the project site, or document that there will be fewer water quality impacts through the use of structural practices.
  4. For sites whose disturbed area exceeds two acres, the discharger shall preserve the pre-construction drainage density (miles of stream length per square mile of drainage area) for all drainage areas within the area serving a first order stream<sup>14</sup> or larger stream and ensure that post-project time of runoff concentration is equal or greater than pre-project time of concentration.

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<sup>14</sup> A first order stream is defined as a stream with no tributaries.

- B.** All dischargers shall implement BMPs to reduce pollutants in storm water discharges that are reasonably foreseeable after all construction phases have been completed at the site (Post-construction BMPs).

## XIV. SWPPP REQUIREMENTS

- A.** The discharger shall ensure that the Storm Water Pollution Prevention Plans (SWPPPs) for all traditional project sites are developed and amended or revised by a QSD. The SWPPP shall be designed to address the following objectives:
  1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled;
  2. Where not otherwise required to be under a Regional Water Board permit, all non-storm water discharges are identified and either eliminated, controlled, or treated;
  3. Site BMPs are effective and result in the reduction or elimination of pollutants in storm water discharges and authorized non-storm water discharges from construction activity to the BAT/BCT standard;
  4. Calculations and design details as well as BMP controls for site run-on are complete and correct, and
  5. Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.
- B.** To demonstrate compliance with requirements of this General Permit, the QSD shall include information in the SWPPP that supports the conclusions, selections, use, and maintenance of BMPs.
- C.** The discharger shall make the SWPPP available at the construction site during working hours while construction is occurring and shall be made available upon request by a State or Municipal inspector. When the original SWPPP is retained by a crewmember in a construction vehicle and is not currently at the construction site, current copies of the BMPs and map/drawing will be left with the field crew and the original SWPPP shall be made available via a request by radio/telephone.

## **XV. REGIONAL WATER BOARD AUTHORITIES**

- A.** In the case where the Regional Water Board does not agree with the discharger's self-reported risk level (e.g., they determine themselves to be a Level 1 Risk when they are actually a Level 2 Risk site), Regional Water Boards may either direct the discharger to reevaluate the Risk Level(s) for their site or terminate coverage under this General Permit.
- B.** Regional Water Boards may terminate coverage under this General Permit for dischargers who fail to comply with its requirements or where they determine that an individual NPDES permit is appropriate.
- C.** Regional Water Boards may require dischargers to submit a Report of Waste Discharge / NPDES permit application for Regional Water Board consideration of individual requirements.
- D.** Regional Water Boards may require additional Monitoring and Reporting Program Requirements, including sampling and analysis of discharges to sediment-impaired water bodies.
- E.** Regional Water Boards may require dischargers to retain records for more than the three years required by this General Permit.

## **XVI. ANNUAL REPORTING REQUIREMENTS**

- A.** All dischargers shall prepare and electronically submit an Annual Report no later than September 1 of each year.
- B.** The discharger shall certify each Annual Report in accordance with the Special Provisions.
- C.** The discharger shall retain an electronic or paper copy of each Annual Report for a minimum of three years after the date the annual report is filed.
- D.** The discharger shall include storm water monitoring information in the Annual Report consisting of:
  1. a summary and evaluation of all sampling and analysis results, including copies of laboratory reports;
  2. the analytical method(s), method reporting unit(s), and method detection limit(s) of each analytical parameter (analytical results that are less than the method detection limit shall be reported as "less than the method detection limit");
  3. a summary of all corrective actions taken during the compliance year;
  4. identification of any compliance activities or corrective actions that were not implemented;
  5. a summary of all violations of the General Permit;
  6. the names of individual(s) who performed the facility inspections, sampling, visual observation (inspections), and/or measurements;
  7. the date, place, time of facility inspections, sampling, visual observation (inspections), and/or measurements, including precipitation (rain gauge); and
  8. the visual observation and sample collection exception records and reports specified in Attachments C, D, and E.
- E.** The discharger shall provide training information in the Annual Report consisting of:
  1. documentation of all training for individuals responsible for all activities associated with compliance with this General Permit;

2. documentation of all training for individuals responsible for BMP installation, inspection, maintenance, and repair; and
3. documentation of all training for individuals responsible for overseeing, revising, and amending the SWPPP.

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**RISK LEVEL 1 REQUIREMENTS**

**A. Effluent Standards**

*[These requirements are the same as those in the General Permit order.]*

1. Narrative – Risk Level 1 dischargers shall comply with the narrative effluent standards listed below:
  - a. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
  - b. Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
2. Numeric – Risk Level 1 dischargers are not subject to a numeric effluent standard.

**B. Good Site Management "Housekeeping"**

1. Risk Level 1 dischargers shall implement good site management (i.e., "housekeeping") measures for construction materials that could potentially be a threat to water quality if discharged. At a minimum, Risk Level 1 dischargers shall implement the following good housekeeping measures:
  - a. Conduct an inventory of the products used and/or expected to be used and the end products that are produced and/or expected to be produced. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.).
  - b. Cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).

- c. Store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).
  - d. Minimize exposure of construction materials to precipitation. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.).
  - e. Implement BMPs to prevent the off-site tracking of loose construction and landscape materials.
2. Risk Level 1 dischargers shall implement good housekeeping measures for waste management, which, at a minimum, shall consist of the following:
- a. Prevent disposal of any rinse or wash waters or materials on impervious or pervious site surfaces or into the storm drain system.
  - b. Ensure the containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water.
  - c. Clean or replace sanitation facilities and inspecting them regularly for leaks and spills.
  - d. Cover waste disposal containers at the end of every business day and during a rain event.
  - e. Prevent discharges from waste disposal containers to the storm water drainage system or receiving water.
  - f. Contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
  - g. Implement procedures that effectively address hazardous and non-hazardous spills.
  - h. Develop a spill response and implementation element of the SWPPP prior to commencement of construction activities. The SWPPP shall require that:
    - i. Equipment and materials for cleanup of spills shall be available on site and that spills and leaks shall be cleaned up immediately and disposed of properly; and

- ii. Appropriate spill response personnel are assigned and trained.
- i. Ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.
- 3. Risk Level 1 dischargers shall implement good housekeeping for vehicle storage and maintenance, which, at a minimum, shall consist of the following:
  - a. Prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.
  - b. Place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
  - c. Clean leaks immediately and disposing of leaked materials properly.
- 4. Risk Level 1 dischargers shall implement good housekeeping for landscape materials, which, at a minimum, shall consist of the following:
  - a. Contain stockpiled materials such as mulches and topsoil when they are not actively being used.
  - b. Contain fertilizers and other landscape materials when they are not actively being used.
  - c. Discontinue the application of any erodible landscape material within 2 days before a forecasted rain event or during periods of precipitation.
  - d. Apply erodible landscape material at quantities and application rates according to manufacture recommendations or based on written specifications by knowledgeable and experienced field personnel.
  - e. Stack erodible landscape material on pallets and covering or storing such materials when not being used or applied.
- 5. Risk Level 1 dischargers shall conduct an assessment and create a list of potential pollutant sources and identify any areas of the site where additional BMPs are necessary to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. This potential pollutant list shall be kept with the SWPPP and shall identify

all non-visible pollutants which are known, or should be known, to occur on the construction site. At a minimum, when developing BMPs, Risk Level 1 dischargers shall do the following:

- a. Consider the quantity, physical characteristics (e.g., liquid, powder, solid), and locations of each potential pollutant source handled, produced, stored, recycled, or disposed of at the site.
  - b. Consider the degree to which pollutants associated with those materials may be exposed to and mobilized by contact with storm water.
  - c. Consider the direct and indirect pathways that pollutants may be exposed to storm water or authorized non-storm water discharges. This shall include an assessment of past spills or leaks, non-storm water discharges, and discharges from adjoining areas.
  - d. Ensure retention of sampling, visual observation, and inspection records.
  - e. Ensure effectiveness of existing BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.
6. Risk Level 1 dischargers shall implement good housekeeping measures on the construction site to control the air deposition of site materials and from site operations. Such particulates can include, but are not limited to, sediment, nutrients, trash, metals, bacteria, oil and grease and organics.

### **C. Non-Storm Water Management**

1. Risk Level 1 dischargers shall implement measures to control all non-storm water discharges during construction.
2. Risk Level 1 dischargers shall wash vehicles in such a manner as to prevent non-storm water discharges to surface waters or MS4 drainage systems.
3. Risk Level 1 dischargers shall clean streets in such a manner as to prevent unauthorized non-storm water discharges from reaching surface water or MS4 drainage systems.

#### **D. Erosion Control**

1. Risk Level 1 dischargers shall implement effective wind erosion control.
2. Risk Level 1 dischargers shall provide effective soil cover for inactive<sup>1</sup> areas and all finished slopes, open space, utility backfill, and completed lots.
3. Risk Level 1 dischargers shall limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Where plastic materials are deemed necessary, the discharger shall consider the use of plastic materials resistant to solar degradation.

#### **E. Sediment Controls**

1. Risk Level 1 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
2. On sites where sediment basins are to be used, Risk Level 1 dischargers shall, at minimum, design sediment basins according to the method provided in CASQA's Construction BMP Guidance Handbook.

#### **F. Run-on and Runoff Controls**

Risk Level 1 dischargers shall effectively manage all run-on, all runoff within the site and all runoff that discharges off the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in this General Permit.

#### **G. Inspection, Maintenance and Repair**

1. Risk Level 1 dischargers shall ensure that all inspection, maintenance repair and sampling activities at the project location shall be performed or supervised by a Qualified SWPPP Practitioner (QSP) representing the discharger. The QSP may delegate any or all of these activities to an employee trained to do the task(s) appropriately, but shall ensure adequate deployment.
2. Risk Level 1 dischargers shall perform weekly inspections and observations, and at least once each 24-hour period during extended

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<sup>1</sup> Inactive areas of construction are areas of construction activity that have been disturbed and are not scheduled to be re-disturbed for at least 14 days.

storm events, to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or be trained by the QSP.

3. Upon identifying failures or other shortcomings, as directed by the QSP, Risk Level 1 dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
4. For each inspection required, Risk Level 1 dischargers shall complete an inspection checklist, using a form provided by the State Water Board or Regional Water Board or in an alternative format.
5. Risk Level 1 dischargers shall ensure that checklists shall remain onsite with the SWPPP and at a minimum, shall include:
  - a. Inspection date and date the inspection report was written.
  - b. Weather information, including presence or absence of precipitation, estimate of beginning of qualifying storm event, duration of event, time elapsed since last storm, and approximate amount of rainfall in inches.
  - c. Site information, including stage of construction, activities completed, and approximate area of the site exposed.
  - d. A description of any BMPs evaluated and any deficiencies noted.
  - e. If the construction site is safely accessible during inclement weather, list the observations of all BMPs: erosion controls, sediment controls, chemical and waste controls, and non-storm water controls. Otherwise, list the results of visual inspections at all relevant outfalls, discharge points, downstream locations and any projected maintenance activities.
  - f. Report the presence of noticeable odors or of any visible sheen on the surface of any discharges.
  - g. Any corrective actions required, including any necessary changes to the SWPPP and the associated implementation dates.
  - h. Photographs taken during the inspection, if any.
  - i. Inspector's name, title, and signature.

**H. Rain Event Action Plan**

Not required for Risk Level 1 dischargers.

## I. Risk Level 1 Monitoring and Reporting Requirements

**Table 1- Summary of Monitoring Requirements**

Risk Level	Visual Inspections				Sample Collection		
	Quarterly Non-storm Water Discharge	Pre-storm Event		Daily Storm BMP	Post Storm	Storm Water Discharge	Receiving Water
1	X	X		X	X		

### 1. Construction Site Monitoring Program Requirements

- a. Pursuant to Water Code Sections 13383 and 13267, all dischargers subject to this General Permit shall develop and implement a written site-specific Construction Site Monitoring Program (CSMP) in accordance with the requirements of this Section. The CSMP shall include all monitoring procedures and instructions, location maps, forms, and checklists as required in this section. The CSMP shall be developed prior to the commencement of construction activities, and revised as necessary to reflect project revisions. The CSMP shall be a part of the Storm Water Pollution Prevention Plan (SWPPP), included as an appendix or separate SWPPP chapter.
- b. Existing dischargers registered under the State Water Board Order No. 99-08-DWQ shall make and implement necessary revisions to their Monitoring Programs to reflect the changes in this General Permit in a timely manner, but no later than July 1, 2010. Existing dischargers shall continue to implement their existing Monitoring Programs in compliance with State Water Board Order No. 99-08-DWQ until the necessary revisions are completed according to the schedule above.
- c. When a change of ownership occurs for all or any portion of the construction site prior to completion or final stabilization, the new discharger shall comply with these requirements as of the date the ownership change occurs.

### 2. Objectives

The CSMP shall be developed and implemented to address the following objectives:

- a. To demonstrate that the site is in compliance with the Discharge Prohibitions;

- b. To determine whether non-visible pollutants are present at the construction site and are causing or contributing to exceedances of water quality objectives;
- c. To determine whether immediate corrective actions, additional Best Management Practice (BMP) implementation, or SWPPP revisions are necessary to reduce pollutants in storm water discharges and authorized non-storm water discharges; and
- d. To determine whether BMPs included in the SWPPP are effective in preventing or reducing pollutants in storm water discharges and authorized non-storm water discharges.

**3. Risk Level 1 - Visual Monitoring (Inspection) Requirements for Qualifying Rain Events**

- a. Risk Level 1 dischargers shall visually observe (inspect) storm water discharges at all discharge locations within two business days (48 hours) after each qualifying rain event.
- b. Risk Level 1 dischargers shall visually observe (inspect) the discharge of stored or contained storm water that is derived from and discharged subsequent to a qualifying rain event producing precipitation of  $\frac{1}{2}$  inch or more at the time of discharge. Stored or contained storm water that will likely discharge after operating hours due to anticipated precipitation shall be observed prior to the discharge during operating hours.
- c. Risk Level 1 dischargers shall conduct visual observations (inspections) during business hours only.
- d. Risk Level 1 dischargers shall record the time, date and rain gauge reading of all qualifying rain events.
- e. Within 2 business days (48 hours) prior to each qualifying rain event, Risk Level 1 dischargers shall visually observe (inspect):
  - i. All storm water drainage areas to identify any spills, leaks, or uncontrolled pollutant sources. If needed, the discharger shall implement appropriate corrective actions.
  - ii. All BMPs to identify whether they have been properly implemented in accordance with the SWPPP. If needed, the discharger shall implement appropriate corrective actions.

- iii. Any storm water storage and containment areas to detect leaks and ensure maintenance of adequate freeboard.
- f. For the visual observations (inspections) described in e.i and e.iii above, Risk Level 1 dischargers shall observe the presence or absence of floating and suspended materials, a sheen on the surface, discolorations, turbidity, odors, and source(s) of any observed pollutants.
- g. Within two business days (48 hours) after each qualifying rain event, Risk Level 1 dischargers shall conduct post rain event visual observations (inspections) to (1) identify whether BMPs were adequately designed, implemented, and effective, and (2) identify additional BMPs and revise the SWPPP accordingly.
- h. Risk Level 1 dischargers shall maintain on-site records of all visual observations (inspections), personnel performing the observations, observation dates, weather conditions, locations observed, and corrective actions taken in response to the observations.

#### **4. Risk Level 1 – Visual Observation Exemptions**

- a. Risk Level 1 dischargers shall be prepared to conduct visual observation (inspections) until the minimum requirements of Section I.3 above are completed. Risk Level 1 dischargers are not required to conduct visual observation (inspections) under the following conditions:
  - i. During dangerous weather conditions such as flooding and electrical storms.
  - ii. Outside of scheduled site business hours.
- b. If no required visual observations (inspections) are collected due to these exceptions, Risk Level 1 dischargers shall include an explanation in their SWPPP and in the Annual Report documenting why the visual observations (inspections) were not conducted.

#### **5. Risk Level 1 – Monitoring Methods**

Risk Level 1 dischargers shall include a description of the visual observation locations, visual observation procedures, and visual observation follow-up and tracking procedures in the CSMP.

#### **6. Risk Level 1 – Non-Storm Water Discharge Monitoring Requirements**

- a. Visual Monitoring Requirements:
  - i. Risk Level 1 dischargers shall visually observe (inspect) each drainage area for the presence of (or indications of prior) unauthorized and authorized non-storm water discharges and their sources.
  - ii. Risk Level 1 dischargers shall conduct one visual observation (inspection) quarterly in each of the following periods: January-March, April-June, July-September, and October-December. Visual observation (inspections) are only required during daylight hours (sunrise to sunset).
  - iii. Risk Level 1 dischargers shall ensure that visual observations (inspections) document the presence or evidence of any non-storm water discharge (authorized or unauthorized), pollutant characteristics (floating and suspended material, sheen, discoloration, turbidity, odor, etc.), and source. Risk Level 1 dischargers shall maintain on-site records indicating the personnel performing the visual observation (inspections), the dates and approximate time each drainage area and non-storm water discharge was observed, and the response taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water discharges.

## 7. Risk Level 1 – Non-Visible Pollutant Monitoring Requirements

- a. Risk Level 1 dischargers shall collect one or more samples during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.
- b. Risk Level 1 dischargers shall ensure that water samples are large enough to characterize the site conditions.
- c. Risk Level 1 dischargers shall collect samples at all discharge locations that can be safely accessed.
- d. Risk Level 1 dischargers shall collect samples during the first two hours of discharge from rain events that occur during business hours and which generate runoff.
- e. Risk Level 1 dischargers shall analyze samples for all non-visible pollutant parameters (if applicable) - parameters indicating the

presence of pollutants identified in the pollutant source assessment required (Risk Level 1 dischargers shall modify their CSMPs to address these additional parameters in accordance with any updated SWPPP pollutant source assessment).

- f. Risk Level 1 dischargers shall collect a sample of storm water that has not come in contact with the disturbed soil or the materials stored or used on-site (uncontaminated sample) for comparison with the discharge sample.
- g. Risk Level 1 dischargers shall compare the uncontaminated sample to the samples of discharge using field analysis or through laboratory analysis.<sup>2</sup>
- h. Risk Level 1 dischargers shall keep all field /or analytical data in the SWPPP document.

#### **8. Risk Level 1 – Particle Size Analysis for Project Risk Justification**

Risk Level 1 dischargers justifying an alternative project risk shall report a soil particle size analysis used to determine the RUSLE K-Factor. ASTM D-422 (Standard Test Method for Particle-Size Analysis of Soils), as revised, shall be used to determine the percentages of sand, very fine sand, silt, and clay on the site.

#### **9. Risk Level 1 – Records**

Risk Level 1 dischargers shall retain records of all storm water monitoring information and copies of all reports (including Annual Reports) for a period of at least three years. Risk Level 1 dischargers shall retain all records on-site while construction is ongoing. These records include:

- a. The date, place, time of facility inspections, sampling, visual observation (inspections), and/or measurements, including precipitation.
- b. The individual(s) who performed the facility inspections, sampling, visual observation (inspections), and or measurements.
- c. The date and approximate time of analyses.
- d. The individual(s) who performed the analyses.

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<sup>2</sup> For laboratory analysis, all sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136. Field discharge samples shall be collected and analyzed according to the specifications of the manufacturer of the sampling devices employed.

- e. A summary of all analytical results from the last three years, the method detection limits and reporting units, and the analytical techniques or methods used.
- f. Rain gauge readings from site inspections.
- g. Quality assurance/quality control records and results.
- h. Non-storm water discharge inspections and visual observation (inspections) and storm water discharge visual observation records (see Sections I.3 and I.6 above).
- i. Visual observation and sample collection exception records (see Section I.4 above).
- j. The records of any corrective actions and follow-up activities that resulted from analytical results, visual observation (inspections), or inspections.