

ATTACHMENT E.2

PERMIT REGISTRATION DOCUMENT REQUIREMENTS FOR LINEAR UNDERGROUND AND OVERHEAD PROJECTS

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

I. PERMIT REGISTRATION DOCUMENT REQUIREMENTS

All linear underground and overhead projects shall comply with the Permit Registration Document requirements in this Attachment and Attachments E and E.1 of this General Permit.

I.A. General Permit Registration Document Requirements

- I.A.1. A discharger with construction activities associated with linear projects shall designate a Legally Responsible Person to electronically certify and submit Permit Registration Documents to apply for regulatory coverage under this General Permit through the Stormwater Multiple Application and Report Tracking System (SMARTS) in accordance with Attachment E and E.1 of this General Permit.
- I.A.2. Linear Projects Associated with Private or Public Construction Projects
 - I.A.2.a. A discharger with a linear project with total disturbed land area from construction activities greater than one acre (see Section II.G below) shall obtain coverage under this General Permit.¹
 - I.A.2.b. A discharger with linear project construction activities associated with new development and re-development construction projects shall obtain coverage under this General Permit for a linear project where the total disturbed land area of the linear project is greater than 1 acre.
- I.A.3. Linear projects not associated with private or municipal pre-development, new development or re-development projects must obtain coverage under this General Permit for its linear project construction activities where the total disturbed land area is greater than one acre.

¹ Obtaining coverage means certifying and submitting complete Permit Registration Documents in SMARTS for the Linear Underground and Overhead Project. Dischargers or LRPs shall have a signed original Electronic Authorization Form on file with the State Water Board for each organization in SMARTS.

I.B. Linear Project Land Disturbance Area Calculations

- I.B.1. The total land area disturbed for linear projects is the sum of the:
- a. Surface areas of trenches, laterals, and ancillary facilities; plus
 - b. Area of the base of stockpiles on unpaved surfaces; plus
 - c. Surface area of the borrow area; plus
 - d. Areas of paved surfaces to be constructed for the project; plus
 - e. Areas of new roads constructed or areas of major reconstruction to existing roads (e.g., improvements to two-track surfaces or road widening) for the sole purpose of accessing construction activities or as part of the final project; plus
 - f. Equipment and material storage, staging, and preparation areas (laydown areas) not on paved surfaces; plus
 - g. Construction activities areas outside the surface area of trenches, laterals, and ancillary facilities that will be graded and/or disturbed by the use of construction equipment, vehicles, and machinery during construction activities.
- I.B.2. Stockpiling Areas
- I.B.2.a. Stockpiling areas, borrow areas, and the removal of soils from a linear project shall be included when calculating the area of disturbed soil for a site when:
- i. The area of the base of stockpiled soil on-site or immediately adjacent to a linear project and the stockpile is not on a paved surface.
 - ii. The surface borrow areas that are on-site or immediately adjacent to a linear project.
 - iii. The area of the base of stockpiled soil that is hauled off-site to a location owned or operated by the discharger that is not a paved surface, except when the off-site location is already subject to a separate NPDES permit covering potential discharges to a waters of the United States.
 - iv. The surface area of the borrow pit for soil that is brought to the project from an off-site location owned or operated by the discharger except when the off-site location is already subject to a separate stormwater permit or greater than one fourth mile from the linear project.
- I.B.2.b. Trench spoils on a paved surface that are either returned to the trench or excavation or hauled away from the project daily for disposal or reuse, will not be included in the disturbed area calculation.

I.C. Fees

- I.C.1. A discharger must submit the appropriate fee with its completed Notice of Intent application package. Fees are established through regulations adopted by the State Water Board every year.² Fees are subject to change by regulation.
- I.C.2. Where the fee is calculated based upon the total acreage of land disturbed (opposed to the total acreage of land owned), total acreage includes all areas anticipated to be disturbed throughout the duration of the project (e.g., 10 acres is scheduled to be disturbed the first year and 10 acres for four subsequent; the fees would be based upon 50 acres of total disturbance).
- I.C.3. Dischargers that apply for and satisfy the Small Construction Rainfall Erosivity Wavier requirements shall pay the applicable fee.

I.D. Permit Registration Documents Submittal Prior to Commencement of Construction

- I.D.1. Linear project dischargers proposing to conduct construction activities subject to this General Permit shall certify and submit Permit Registration Documents prior to the commencement of construction activity. Construction activity cannot commence until a Waste Discharge Identification (WDID) number is issued.
- I.D.2. A linear project discharger with coverage under a Programmatic Notice of Intent shall certify and submit a Linear Construction Activity Notification for each non-contiguous linear project site prior to the start of construction.
- I.D.3. In all cases, except public emergencies (e.g., wildfire, flood), Permit Registration Documents must be completed and WDID number issued before construction can commence (refer to Section III.A.3 of the Order of this General Permit).

I.E. Submittal of Complete Permit Registration Documents

All dischargers required to comply with this General Permit shall electronically certify and submit the required Permit Registration Documents, through the Stormwater Multiple Application and Report Tracking System (SMARTS). The discharger shall assure that all information in its Permit Registration Documents complies with the Homeland Security Act and other federal law addressing security in the United States.

The discharger shall submit completed Permit Registration Documents to obtain coverage under this General Permit. If any of the required items are incomplete or missing, the Permit Registration Documents submittal will be rejected.

The State Water Board will process the application package in the order received and assign a WDID number upon receipt of a complete Permit Registration Documents submittal. Permit coverage begins once a WDID number is assigned.

² California Code of Regulations (CCR), Title 23, Division 3, Chapter 9. Waste Discharge Reports and Requirements, Article 1. Fees.

II. STANDARD PERMIT REGISTRATION DOCUMENTS FOR ALL LINEAR PROJECT DISCHARGERS

II.A. Notice of Intent

- II.A.1. A Notice of Intent is a project-specific application to obtain regulatory coverage for discharges of stormwater and authorized non-stormwater from construction activities to waters of the United States. The application includes the entry of site information, contact information, and Permit Registration Document-specific information requirements.
- II.A.2. Per Order, Section III.B.4, a Programmatic Notice of Intent covers all sites, of similar scope, within a Regional Water Board boundary or statewide under a single common SWPPP. A regional programmatic Notice of Intent shall include the common SWPPP and contact information. A statewide programmatic Notice of Intent shall include the common SWPPP, contact information, the estimated total disturbed site acreage for the duration of the project, and an identification of the element of Executive Order N-73-20 directing the project. Disturbed acreage for linear project activities regulated under a separate Notice of Intent is excluded from the statewide programmatic permitting disturbed area.

For regional and statewide programmatic permit coverage, each specific site is required to submit a Linear Construction Activity Notification which shall describe site-specific information including:

- a. Site name and/or reference number;
- b. Site location;
- c. Site-specific SWPPP map detailing pollutant sources and implemented BMPs;
- d. Total disturbed site acreage;
- e. Estimated start and end date;
- f. Risk type determination and supporting documentation; and
- g. Site contact information (name, phone number, address).

II.B. Risk Type Determination

All linear project dischargers are required to conduct a Risk Type Determination, where the site's overall risk is separated into sediment risk and receiving water risk. The discharger must utilize either the Water Board's standard risk determination (provided in SMARTS), a site-specific risk determination, or a combination of the two as described in Attachment E.1 of this General Permit.

- II.B.1. The standard risk determination (Geographic Information Systems (GIS) Map Method) includes utilizing the following:
- a. U.S. EPA Rainfall Erosivity (R) Factor Calculator website;
 - b. Sediment Risk Map tool; and

- c. High-Risk Receiving Watershed Map tool.
- II.B.2. The site-specific risk determination (Individual Method) includes utilizing the following:
 - a. U.S. EPA Rainfall Erosivity (R) Factor Calculator website;
 - b. Manually calculated soil erodibility (K) and length-slope (LS) factors;
 - c. 303(d) list of water bodies impaired for sediment; and
 - d. List of beneficial uses for the receiving water, found in Regional Water Quality Control Board Basin Plans.
- II.B.3. Sites that discharge to an unlisted receiving water that is tributary to a sediment-sensitive waterbody, within the Hydrologic Unit Code 10 (HUC 10) watershed scale, are considered high receiving water risk sites.
- II.B.4. The discharger may use a combination of the standard and site-specific risk determination methods to calculate the soil erodibility (K), length-slope (LS), sediment risk, and receiving water risk.
- II.B.5. The discharger shall calculate the site's sediment risk and receiving water risk during all phases of construction activity (e.g., demolition and pre-development site preparation, grading and land development, streets and utilities, vertical construction, final landscaping, and site stabilization).
- II.B.6. SMARTS will assign the higher Risk Type to the entire site for any site spanning two or more planning watersheds.
- II.B.7. Sites, parcels, or individual lots that are part of a larger plan of development shall include the larger plan of development in Risk Type determination. The discharger shall include this determination in the Permit Registration Documents submittal.
- II.B.8. Dischargers may request that the Regional Water Board revise the site-specific Risk Type determination values in SMARTS by providing the following information to the Regional Water Board:
 - a. A site-specific soils test (ASTM D-422)^{3,4} certified by a California licensed professional engineer or geologist to determine the K factor used in the revised Risk Level determination. The soil testing must include the soil classification method used (e.g., Unified Soil Classification System);
 - b. A site-specific survey of the elevation change to determine the LS factor used in the revised Risk Type determination certified by a professional licensed by

3 ASTM D-422 is the standard test method used for the quantitative determination of the distribution of particle sizes in soils.

4 Environmental Protection Agency, [American Society for Testing and Materials \(ASTM\) Standards](https://www.epa.gov/sites/default/files/2020-01/documents/sedc_2004-2005_append.pdf), <https://www.epa.gov/sites/default/files/2020-01/documents/sedc_2004-2005_append.pdf> [as of July 2022]

the California Board of Professional Engineers, Land Surveyors and Geologists for this work; and

- c. A revised Risk Type determination manually calculated in accordance with Attachment E.1 of this General Permit.

II.C. Site Specific Stormwater Pollution Prevention Plan, Drawings, and Map

The SWPPP (including site-specific drawings and map) is a linear project-specific document developed for implementation of this General Permit. The SWPPP shall be developed by a Qualified SWPPP Developer and certified and submitted by each discharger with the other Permit Registration Documents.

II.D. Additional Permit Registration Document Requirements Related to Specific Projects

- II.D.1. Dischargers who are proposing to implement active treatment systems shall also certify and submit in SMARTS:
 - a. A complete Active Treatment System Plan in accordance with Attachment F at least 14 days prior to the planned operation of the active treatment system, and a copy shall be available on-site during active treatment system operation;
 - b. The system design and supporting documentation; and
 - c. Proof that the system and/or Active Treatment System Plan was designed by a qualified active treatment system professional in accordance with Attachment F.
- II.D.2. Dischargers who are proposing to implement passive treatment shall certify and submit in SMARTS:
 - a. A complete Passive Treatment Plan in accordance with Attachment G at least 14 days prior to the planned operation of the passive treatment system, and a copy shall be available on-site during operation;
 - b. The system design and any supporting documentation; and
 - c. Proof that the Passive Treatment Plan and/or system was designed by an appropriate licensed professional (see Attachment G).
- II.D.3. Dischargers who are proposing an alternate Risk Justification shall include:
 - a. Soil type identification through laboratory analysis, certified by a CBPELSG⁵ license holder; and
 - b. Site slope determination topographic survey certified by a CBPELSG license holder.

⁵ California Board of Professional Engineers, Land Surveyors, and Geologists

- II.D.4. Dischargers with linear projects applying for programmatic permitting shall use SMARTS to apply, manage, submit, and certify Permit Registration Documents.

II.E. Certification of Submitted Documents

The Legally Responsible Person (LRP) shall certify and submit all Permit Registration Documents required by this General Permit through SMARTS. The discharger's LRP shall have a signed original Electronic Authorization Form on file with the State Water Board for each organization in SMARTS.

II.F. Exceptions to Standard Permit Registration Document Requirements

Dischargers with a valid Small Construction Rainfall Erosivity Waiver for a linear project are not required to submit a SWPPP (including site-specific drawings and map).

II.G. Projects and Activities Not Subject to Coverage Under This General Permit

- II.G.1. Coverage under this General Permit is not required where stormwater discharges from the same linear project construction activities are covered by another NPDES permit. Other discharges from construction activities that are covered under this General Permit can be found in the General Permit Order Section II if not specified below.
- II.G.2. Linear project construction activity does not include routine maintenance projects to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. Routine maintenance projects are projects associated with operations and maintenance activities that are conducted on existing lines and facilities and within existing right-of-way, easements, franchise agreements or other legally binding agreements of the discharger. Routine maintenance projects include, but are not limited to projects that are conducted to:
- a. Maintain the original purpose of the facility, or hydraulic capacity.
 - b. Update existing lines⁶ and facilities to comply with applicable codes, standards, and regulations regardless of if such projects result in increased capacity.
 - c. Repairing leaks.
- II.G.3. Routine maintenance does not include:
- a. Construction of new lines⁷ or facilities resulting from compliance with applicable codes, standards, and regulations.

6 Update existing lines includes replacing existing lines with new materials or pipes.

7 New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

- b. Areas of maintenance projects that are outside of an existing right-of-way, franchise, easements, or agreements, or those temporary facilities (e.g., laydown or staging yards) located outside the existing right of way that directly support conductance of maintenance activity. When a linear project acquires new areas, those areas are subject to this General Permit based on the area of construction activity, material storage, vehicle staging, etc., outside the original right of way.
 - c. Temporary facilities (e.g., laydown or staging yards) that are shared between maintenance (i.e., inside the existing right of way) and areas on a maintenance project (i.e., outside the existing right of way) are subject to this General Permit when the new area (staging/maintenance yard and linear project) has one or more acres of construction activity.
- II.G.4. Linear project construction activity does not include field activities associated with the planning and design of a project (e.g., activities associated with route selection).
- II.G.5. Tie-ins conducted immediately adjacent to “energized” or “pressurized” facilities by the discharger are not considered small construction activities where all other linear project construction activities associated with the tie-in are covered by a Notice of Intent and SWPPP of a third party or municipal agency.
- II.G.6. Miscellaneous connections to the linear projects that are conducted after all other soil disturbing activities are completed, and the total construction activity remains less than one acre.

II.H. Assistance

Dischargers and discharger representatives may email the State Water Board, Stormwater Help Desk, at stormwater@waterboards.ca.gov, for assistance with Permit Registration Documents.