

**DRAFT ATTACHMENT A.2****PERMIT REGISTRATION DOCUMENT INSTRUCTIONS FOR APPLICATION OF  
REGULATORY COVERAGE SPECIFIC TO LINEAR UNDERGROUND AND OVERHEAD  
PROJECTS****NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (N P D E S)  
GENERAL PERMIT FOR STORMWATER DISCHARGES  
ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES****A. Who Must Submit Permit Registration Documents (PRDs)**

1. A discharger with construction activities associated with linear underground and overhead projects (LUPs) shall electronically certify and submit PRDs to apply for regulatory coverage under this General Permit in the current Water Board-approved system<sup>1</sup> (the Stormwater Multiple Application and Report Tracking System, or SMARTS) in accordance with Attachment A of this General Permit.
2. LUPs Associated with Private or Public Construction Projects
  - a. A discharger with a LUP with total disturbed land area from construction activities greater than 1 acre shall obtain coverage under this General Permit.<sup>2</sup>
  - b. A discharger must designate a Legally Responsible Person (LRP) for its LUP construction activities and shall obtain coverage under this General Permit where the total disturbed land area of these construction activities is greater than 1 acre.<sup>3</sup>
  - c. A discharger's LRP for LUP construction activities associated with new development and re-development construction projects shall obtain coverage under this General Permit for LUP where the total disturbed land area of the LUP is greater than 1 acre.
3. LUPs not associated with private or municipal pre-development, new development or re-development projects must obtain coverage under this General Permit for its LUP construction activities where the total disturbed land area is greater than 1 acre.

**B. When to Apply for General Permit Coverage**

1. A discharger shall certify and submit PRDs to the State Water Board for each LUP prior to the start of construction activities.

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<sup>1</sup> Currently this is the Stormwater Multiple Application and Report Tracking System (SMARTS). Upon the Water Board notifying the permittee in writing that this Water Board-approved system has changed, the permittee shall use the newly specified system.

<sup>2</sup> Obtaining coverage means certifying and submitting complete PRDs in SMARTS for the LUP project. Dischargers or LRPs shall have a signed original Electronic Authorization Form on file with the State Water Board for each organization in SMARTS.

<sup>3</sup> Obtaining coverage means certifying and submitting complete PRDs in SMARTS for the LUP project. Dischargers or LRPs shall have a signed original Electronic Authorization Form on file with the State Water Board for each organization in SMARTS.

## 2. New and ongoing LUPs

- a. A discharger with new LUPs that commence construction activities after the effective date of this General Permit shall certify and submit PRDs prior to the commencement of construction and implement the SWPPP upon the start of construction.
- b. A discharger with ongoing LUPs that are covered under the Previous Permit (State Water Board Order No. 2009-0009-DWQ as amended by Orders 2010-0014-DWQ and 2012-0006-DWQ) terminates on the effective date of this General Permit. Dischargers with previous permit coverage shall register, through the PRD submittal process for this General Permit, to continue regulatory coverage. Dischargers with the previous permit's Small Construction Rainfall Erosivity Waiver shall either enroll or apply for a waiver (as applicable) by the effective date of this General Permit.
- c. A discharger with regulatory coverage under the previous Permit who submits a Notice of Termination for previous permit termination prior to the effective date of this General Permit, and receives Notice of Termination approval from the Regional Water Board, are not subject to this General Permit (unless the discharger subsequently submits new PRDs).
- d. The State Water Board may administratively terminate any site's coverage under the previous permit 14 days after the effective date of this General Permit for failure to obtain coverage under this General Permit.

### C. Standard PRD Requirements for All LUP Dischargers

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 a waters of the United States. The application includes the entry of site information, contact information, and PRD-specific information requirements.
2. A Site Risk Assessment and corresponding resulting "R Factor," developed using a Water Board-generated Standard Risk Assessment tool, or a Site-Specific Risk Assessment tool, as described below, is required for all construction sites within an application package:
  - a. A Standard Risk Assessment includes utilization of the following:
    - i. Receiving water Risk Assessment interactive map;
    - ii. U.S. EPA Rainfall Erosivity Factor Calculator Website<sup>4</sup>;
    - iii. Sediment Risk interactive map; and,
    - iv. Sediment sensitive water bodies list.

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<sup>4</sup> U.S. EPA, [Rainfall Erosivity Factor Calculator for Small Construction Sites](https://lew.epa.gov/), <https://lew.epa.gov/> [as of June 24, 2019]. Dischargers are required to hand-calculate the R Factor when this website is unavailable.

- b. A Site-Specific Risk Assessment includes the completion of the hand-calculated R Factor.
3. The SWPPP (including site-specific drawings and map) is an LUP-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 PRDs.
4. Application and Annual Fees
  - a. A discharger must submit the appropriate application fee with its completed Notice of Intent application package.
  - b. The Application fee and corresponding Annual fees are calculated based upon the total acreage of land disturbed (opposed to the total acreage of land owned). Total acreage includes all area to be disturbed during the duration of the project. (Example, 10 acres is scheduled to be disturbed the first year and 10 acres for four subsequent; fees are based upon 50 acres of total disturbance.) The Water Boards will evaluate a Change of Information to add acreage to an existing General Permit WDID Number on a case-by-case basis. Any disturbed acreage addition must be contiguous to the permitted land area and the existing SWPPP must be appropriate for the construction activity and topography of the acreage. The Change of Information process enables the applicant to remove acres from inclusion in the annual fee calculation as acreage is built out, stabilized, and/or sold. Fees can be paid by checks made payable to: State Water Board; electronic fund transfers; credit cards.
  - c. The annual fees are established through regulations adopted by the State Water Board<sup>5</sup>. Annual fees are subject to change by regulation.
  - d. Dischargers that apply for and satisfy the Small Construction Rainfall Erosivity Waiver requirements shall pay the applicable fee.
5. The Legally Responsible Person is required to certify all PRDs required by this General Permit. The discharger's LRP shall have a signed original Electronic Authorization Form on file with the State Water Board for each organization in SMARTS.
6. PRDs must be included and completed to obtain coverage under this General Permit. The PRD submittal is considered incomplete and will be rejected if any of the required items are missing. The State Water Board will process the application package in the order received and assign a WDID Number upon receipt of a complete PRD submittal. Permit coverage begins once a WDID Number is assigned.

#### **D. Exceptions to Standard PRD Requirements**

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

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<sup>5</sup> California Code of Regulations (CCR), Title 23, Division 3, Chapter 9. Waste Discharge Reports and Requirements, Article 1. Fees

### **E. Additional PRD Requirements Related to Specific Projects**

1. Dischargers who are proposing to implement active treatment system shall also certify and submit a Change of Information containing:
  - 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. 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.
2. Dischargers who are proposing to implement passive treatment shall certify and submit a Change of Information containing:
  - 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. 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).
3. Dischargers who are proposing an alternate Risk Justification shall include:
  - a. Soil type identification through laboratory analysis, certified by a C B P E L S G<sup>6</sup> license holder; and
  - b. Site slope determination topographic survey certified by a C B P E L S G license holder.
  - c. Dischargers with LUPs applying for programmatic permitting shall use SMARTS to apply, manage, submit, and certify PRDs.

### **F. Projects and Activities Not Defined as Construction Activity**

1. Coverage under this General Permit is not required where the same LUP construction activities are covered by another N P D E S 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.
2. LUP 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,

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<sup>6</sup> California Board of Professional Engineers, Land Surveyors, and Geologists

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 lines<sup>7</sup> and facilities to comply with applicable codes, standards and regulations regardless if such projects result in increased capacity.
  - c. Repairing leaks.
3. Routine maintenance does not include:
- a. Construction of new<sup>8</sup> lines or facilities resulting from compliance with applicable codes, standards and regulations.
  - b. Areas of maintenance projects that are outside of an existing right-of-way, franchise, easements, or agreements (Collectively referred to as “R O Ws”), or those temporary facilities (e.g., laydown or staging yards) located outside the existing ROW that directly support conductance of maintenance activity. When an LUP 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 ROWs.
  - c. Temporary facilities (e.g., laydown or staging yards) that are shared between maintenance (i.e., inside the existing R O W) and areas on a maintenance project (i.e., outside the existing R O W) are subject to this General Permit when the new area (staging/maintenance yard and LUP project) has one or more acres of construction activity.
4. LUP construction activity does not include field activities associated with the planning and design of a project (e.g., activities associated with route selection).
5. Tie-ins conducted immediately adjacent to “energized” or “pressurized” facilities by the discharger are not considered small construction activities where all other LUP construction activities associated with the tie-in are covered by a Notice of Intent and SWPPP of a third party or municipal agency.
6. Miscellaneous connections to the LUPs that are conducted after all other LUP soil disturbing activities are completed and the total construction activity remains less than one acre.

### **G. Calculating Land Disturbance Areas of LUPs**

1. The total land area disturbed for LUPs is the sum of the:

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<sup>7</sup> Update existing lines includes replacing existing lines with new materials or pipes.

<sup>8</sup> New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

- 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 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.
2. Stockpiling Areas
- a. Stockpiling areas, borrow areas, and the removal of soils from an LUP may or may not be included when calculating the area of disturbed soil for a site depending on the following conditions:
    - i. The area of the base of stockpiled soil on-site or immediately adjacent to an LUP and the stockpile is not on a paved surface.
    - ii. The surface borrow areas that are on-site or immediately adjacent to an LUP.
    - 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 N P D E S 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 offsite location is already subject to a separate stormwater permit.
  - 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.

## H. Questions

Email [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov) if you have any questions on completing the PRDs.