



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

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) 341-5584 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

TO: Mr. Scott McGowen
Chief Environmental Engineer
Department of Transportation
Division of Environmental Analysis, MS 27
P.O. Box 942874
Sacramento, CA 94274-0001

Ms. Joyce E. Brenner, Office Chief
Department of Transportation
Division of Environmental Analysis, MS 27
P.O. Box 942874
Sacramento, CA 94274-0001

FROM: 
Bruce Fujimoto
State Water Resources Control Board
DWQ – Storm water

DATE: OCT 29 2009

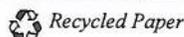
SUBJECT: DEPARTMENT OF TRANSPORTATION (CALTRANS) COMPLIANCE WITH THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES (ORDER NO. 2009-0009-DWQ), CONSTRUCTION GENERAL PERMIT (CGP)

The construction general permit (CGP) was recently adopted by the State Water Resources Control Board (State Water Board) on September 2, 2009 as State Water Board Order No. 2009-0009-DWQ (new CGP Order). We have received a number of inquiries from Caltrans contractors regarding the applicability of the new CGP Order to Caltrans projects.

Because the new CGP Order does not become effective until **July 1, 2010**, the previous CGP permit, State Water Board Order No. 99-08-DWQ remains in effect. Caltrans currently has an MS4 NPDES permit (MS4 permit) that covers discharges of storm water and non-storm water associated with its industrial, construction, and municipal activities (State Water Board Order No. 99-06-DWQ). The purpose of this correspondence is to provide guidance on how Caltrans' storm water discharges associated with construction activities will be regulated during the transition from Order No. 99-08-DWQ to Order No. 2009-0009-DWQ, and how the requirements could change when the MS4 permit is reissued.

The MS4 permit states that Caltrans' "Construction Management Program shall be in compliance with requirements of the NPDES General Permit for Construction Activities not including NOI filing." Therefore, in order to comply with Order No. 99-06-DWQ, Caltrans must satisfy all of the requirements (except filing of NOI and fees) of the current CGP.

California Environmental Protection Agency



Which CGP Applies to Caltrans?

Until July 1, 2010 (the effective date of Order 2009-0009-DWQ), Caltrans is required to satisfy the requirements of Order No. 99-08-DWQ. On July 1, 2010, Order No. 99-08-DWQ will no longer be effective and the active CGP will be Order No. 2009-0009-DWQ. At that time, Caltrans must satisfy the requirements of Order No. 2009-0009-DWQ in order to comply with its current MS4 permit. In other words, construction projects that begin under Order 99-08-DWQ that continue beyond July 1, 2010 must transition to satisfy the requirements of Order 2009-0009-DWQ.

Post-Construction

The new CGP Order specifies post-construction requirements for all sites not covered by an active Phase I or Phase II Municipal Separate Storm Sewer System (MS4) NPDES permit that has an approved Storm Water Management Plan. This provision will take effect three years from the adoption date of the permit, or later at the discretion of the Executive Officer of the Regional Water Board.

Caltrans projects will be exempt from the post-construction requirements in the new CGP Order and must comply with any post-construction requirements in the reissued MS4 permit because its MS4 NPDES permit has an approved Storm Water Management Plan.

Annual Reports

- Caltrans construction projects with Notifications of Construction (NOCs) submitted pursuant to Order 99-06-DWQ shall continue to report on their site BMPs, Storm Water Pollution Prevention Plans (SWPPPs), Pre-Construction Meetings, and Construction Compliance Monitoring in the Storm Water Management Program Annual Report pursuant to that Order.
- Construction projects beginning on or after the effective date of the reissued MS4 permit shall comply with the reporting requirements as specified in that reissued permit. The new CGP Order requires all projects to prepare and electronically submit an Annual Report no later than September 1 of each year using the Storm Water Multi-Application and Report Tracking System (SMARTS). If the reissued MS4 permit no longer covers discharges from construction activity, Caltrans will no longer be required to report its construction activities in the Storm Water Management Program Annual Report and will instead report in accordance with CGP requirements.

Reissuance of Caltrans MS4 Permit

State Water Board staff is currently in the process of revising the MS4 permit and plans to recommend that the reissued MS4 permit exclude coverage of Caltrans' discharges of storm water and non-storm water associated with construction activity.

If staff's recommendation is accepted, staff will send you an updated guidance letter. Regardless of the outcome, construction projects with NOCs or other permit registration documents submitted prior to July 1, 2010 will be exempt from the risk determination

OCT 29 2009

requirements in the new CGP Order until two years after permit adoption and will automatically be granted a Risk Level or Type 1 status.

Also for your information, we are developing a comprehensive Question and Answer document on the new CGP Order (including its applicability to Caltrans) which will be posted on our internet site. We will alert you when it becomes available.

Please direct any questions regarding this matter to:

Jaime Favila for Caltrans: (916) 341-5482, jfavila@waterboards.ca.gov
Annalisa Kihara for CGP: (916) 324-6786, akihara@waterboards.ca.gov

cc: (sent via e-mail)

John Short
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403
JShort@waterboards.ca.gov

Brendan Thompson
1515 Clay Street, # 1400
Oakland, CA 94612
BThompson@waterboards.ca.gov

David Innis
895 Aerovista Place, Suite 101
San Luis Obispo, CA 90013
DBInnis@waterboards.ca.gov

Carlos Santos
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
csantos@waterboards.ca.gov

George Day
415 Knollcrest Drive
Redding, CA 96002
GDay@waterboards.ca.gov

Steve Rosenbaum
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
SRosenbaum@waterboards.ca.gov

Debbi Bates
1685 E Street
Fresno, CA 93706
DBates@waterboards.ca.gov

Alan Miller
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
AEMiller@waterboards.ca.gov

Doug Feay
14440 Civic Drive, Suite 200
Victorville, CA 92392
dfeay@waterboards.ca.gov

Suhas Chakraborty
73-720 Fred Waring Dr., Suite 100
Palm Desert, CA 92260
SChakraborty@waterboards.ca.gov

Michael Adackapara
3737 Main Street, Suite 500
Riverside, CA 92501-3339
MAadackapara@waterboards.ca.gov

Linda Pardy
9174 Sky Park Court, Suite 100
San Diego, CA 92123
LPardy@waterboards.ca.gov

cc: Continued on next page

OCT 29 2009

cc: Charles C Fielder, District Director North Region NPDES Stormwater Coordinator
Caltrans – District 1 Caltrans – District 1
1656 Union St. 1656 Union St.
P.O. Box 3700 P.O. Box 3700
Eureka, CA 95002-3700 Eureka, CA 95002-3700

John Bulinski, District Director District NPDES Stormwater Coordinator
Caltrans – District 2 Caltrans – District 2
1657 Riverside Drive 1657 Riverside Drive
Redding, CA 96001 Redding, CA 96001

Jody Jones, District Director NPDES Stormwater Coordinator
Caltrans – District 3 Caltrans – District 3
703 B Street 703 B Street
P.O. Box 911 P.O. Box 911
Marysville, CA 95901 Marysville, CA 95901

Bijan Startipi, District Director NPDES Stormwater Coordinator
Caltrans – District 4 Caltrans – District 4
111 Grand Avenue 111 Grand Avenue
P.O. Box 23660 P.O. Box 23660
Oakland, CA 94623-0660 Oakland, CA 94623-0660

Rich Krumholz, District Director NPDES Stormwater Coordinator
Caltrans – District 5 Caltrans – District 5
50 Higuera Street 50 Higuera Street
San Luis Obispo, CA 93401-6415 San Luis Obispo, CA 93401-6415

Malcom Dougherty, District Director NPDES Stormwater Coordinator
Caltrans – District 6 Caltrans – District 6
2015 E. Shields Ave. 2015 E. Shields Ave.
Fresno, CA 93728 Fresno, CA 93728

Doug Failing, District Director District Stormwater Manager
Caltrans – District 7 Caltrans – District 7
100 S. Main Street 100 S. Main Street
Los Angeles, CA 90012 Los Angeles, CA 90012

NPDES Stormwater Coordinator Ray Wolfe, District Director
Caltrans – District 7 Caltrans – District 8
100 S. Main Street 464 W. 4th Street
Los Angeles, CA 90012 San Bernardino, CA 92401

NPDES Stormwater Coordinator Tom Hallenbeck, District Director
Caltrans – District 8 Caltrans – District 9
464 W. 4th Street 500 S. Main Street
San Bernardino, CA 92401 Bishop, CA 93514

cc: Continued on next page

Mr. Scott McGowen
Ms. Joyce E. Brenner, Office Chief

-5-

OCT 29 2009

cc: NPDES Stormwater Coordinator Ross Chittenden, District Director
Caltrans – District 9 Caltrans – District 10
500 S. Main Street 1976 E. Dr. Martin Luther King Blvd.
Bishop, CA 93514 Stockton, CA 95205

NPDES Stormwater Coordinator Robert Pieplow, District Director
Caltrans – District 10 Caltrans – District 11
1976 E. Dr. Martin Luther King Blvd. 4050 Taylor Street
Stockton, CA 95205 San Diego, CA 92110

NPDES Program Manager NPDES Stormwater Coordinator
Caltrans – District 11 Caltrans – District 11
4050 Taylor Street 4050 Taylor Street
San Diego, CA 92110 San Diego, CA 92110

Cindy Quon, District Director NPDES Stormwater Coordinator
Caltrans – District 12 Caltrans – District 12
3337 Michelson Drive, Ste. 380 3337 Michelson Drive, Ste. 380
Irvine, CA 92612 Irvine, CA 92612