

Frequently Asked Questions about Caltrans projects and the New Construction General Permit

Based on the Q & A Session for Transitioning Caltrans Projects to the New Construction General Permit , June 22, 2010

This Frequently Asked Questions (FAQ) sheet is intended to provide some basic information about how Caltrans projects will comply with the new Construction General Permit (CGP).

General Questions:

1. Q: Will this presentation be sent to the participants?
A: The presentation and the recorded webcast will be posted on the Caltrans Stormwater Program website <http://www.dot.ca.gov/hq/env/stormwater/>
2. Q: Does Caltrans need to submit a fee with a Notice of Construction (NOC)?
A: No, the fee is covered through the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) permit.
3. Q: What is the difference between NPDES permit and MS4 permit, or is the MS4 permit our NPDES permit?
A: Both terms apply to the Caltrans Statewide NPDES Permit .
4. Q: Who will be signatory authority for each project when submitting the PRDs into SMARTs?
A: This is a non-issue currently for Caltrans projects, and is not necessary at this time. Guidance is being prepared for this issue, which will not apply until the Caltrans NPDES permit is reissued.

Training/Certification Questions:

5. Q: Will Construction Storm Water Coordinators (CSWCs) be allowed Certified Professional in Erosion and Sediment Control (CPESC) training?
A: There are no restrictions on allowing anyone to be CPESC-trained; it is not a requirement. Caltrans is working on a plan to train internal staff to meet qualifications.
6. Q: Have the Storm Water Pollution Prevention Plan (SWPPP) and Water Pollution Control Plan (WPCP) folks that prepare these for contractors been notified of the new requirements of Qualified SWPPP Developer (QSD)?
A: Read the new CGP; realize that it is a requirement of CGP, not Caltrans. Caltrans is allowing a practitioner qualified to prepare the WPCP.
7. Q: When is the training for Risk Level determination available, e.g., Revised Universal Soil Loss Equation (RUSLE)?
A: RUSLE training is offered around the state; additional classes will be offered in the near future. Coordinate with the Storm Water Coordinator (SWC) for dates and times. Module and additional guidance will be posted on website and in revised Project Planning and Design Guide (PPDG).
8. Q: When will the training be ready to roll out to the Resident Engineers (REs)?
A: Working on creating guidance and hope to have it ready in off-season; more electronic versions are being worked on so more people can train online. Specific direction will continue to come out by CPB's. Caltrans is looking at different ways to get information to people, like today's format or online.

9. Q: When is 24-hour training for Caltrans inspectors going to start?
A: Updates to the training will be posted soon.
<http://www.dot.ca.gov/hq/env/stormwater/>
10. Q: Is Caltrans' requirement of WPCP developers to be QSDs to prepare WPCPs not a requirement of the CGP, for consistency?
A: 07-340 WPCP, Caltrans not required.
11. Q: Will Caltrans have trainers of record, and when will it happen?
A: Yes; however, the need for trainers of record will be evaluated as the CGP-related training program is updated.
12. Q: Will the training requirements affect ongoing projects that will be assessed into level 2 or 3?
A: Currently, a QSD has to be a licensed engineer, architect, etc. (there are nine criteria) and have Caltrans 24-hour training. State Water Resources Control Board (SWRCB) training is not needed, and it is not in effect until September 2011.
13. Q: Would a QSD qualify to perform QSP and WPC Manager work?
A: A QSD is trained to prepare the SWPPP and a QSP (Qualified SWPPP Practitioner) is trained to implement the SWPPP. QSD, QSP and the WPC Manager will be required to attend State Water Board approved Training by September 2, 2011.

Technical Questions:

14. Q: Why is 07-340 being revised?
A: To be consistent with language in 345 in regards to water pollution control managers so that sites will be consistently in compliance in storm water program with Caltrans, throughout all of our projects.
15. Q: The instruction of SSP07-340 refer to "R-factor." Who and how to make the calculation of this Rainfall Erosivity Factor? Who will issue the waiver? EPA? or Caltrans internally? Should this R-factor determined/approved before Stormwater sign-off the SWDR?
A: See weblink provided in CGP, use EPA calculator, keep waiver with project file. This will ultimately be part of the SMARTS project submittal.
16. Q: A slide mentioned that Risk Level (RL) would be determined in the planning stage. How early in the planning stage?
A: Risk Level Determination (RLD) will be done in the Storm Water Data Report (SWDR) process, as early as possible. At each phase, evaluate Risk Level so if change from Project Initiation Document (PID) to Plans, Specifications, and Estimates (PS&E) to determine how to estimate for project.
17. Q: What about "Routine Maintenance" projects that have already submitted NOCs?
A: Refers to CGP that has waiver or exception of routine maintenance jobs covered. We will coordinate with the Storm Water Coordinator (SWC) and others to see if it truly meets the intent of the CGP.
18. Q: Should Routine Maintenance projects (with DSA >1 acre) use 07-340 or 07-345? If 07-340, do we still do an NOC (for now)?
A: Has to do with RMA in permit. Any project meeting intent, get concurrence from your SWC, and you will not have to submit an NOC.

19. Q: Small Construction Rainfall Erosivity Waiver -- The CGP discusses completing an electronic NOI. How are we approaching this process, since Caltrans is not required to do electronic reporting?
A: Caltrans is still working with the Board on an appropriate reporting process. Aspects of the permit depend on electronic submittal. We are working with the Board to iron out the details to be able to comply with and receive the Erosivity Waiver. If you meet the waiver requirements, and go to website, put your info in calculator and document in project files. We are not exempt from performing tasks, just from electronic submittal in SMARTs and the NOI process.
20. Q: One slide mentioned that projects that are grandfathered at Risk Level 1 but go beyond the September 2, 2011 date will have a new Risk Level determined based on remaining work. How is this going to be done if the Risk Level calculator is not Disturbed Soil Area (DSA) based?
A: There is method on the SWRCB website to do a RL determination if project is at risk. Information on both methods will be available.
21. Q: When can we expect a Contract Change Order (CCO) Template for RL 2-3?
A: This will happen two weeks after the storm water specifications are posted on the website. Then we will get the Construction Policy Directive (CPD) and template for the change order.
22. Q: Our District OE office needs clarifications for the rainfall erosivity waiver defined in SSP 345. Do we need to submit this information to Environmental Protection Agency (EPA) before project is advertised?
A: No
23. Q: How is the project to be treated after construction and during the plant establishment period, when the plant establishment period extends beyond the September 2011 date?
A: Need RLD based on the remaining work to be done. This type of project would not likely be required to do anything else concerning RLD since the project is all but finished.
24. Q: If projects are requested by the Board to be re-assessed, who will be doing the re-assessment, Construction or Design?
A: Have Designer be involved in re-assessment. Design SWC shall be involved.
25. Q: Would the SWDR be revised so it could be in consistency with the new CGP requirements?
A: Depending on what phase you are in, yes. Pertain to projects with PS&E and SWDR finished. Revision should reflect all changes that would happen in construction.
26. Q: It is mentioned that RLD should occur early in project development -- as early as the PID phase. As it will need more resources, are there any efforts to update the Planning Department also? Will there be any Deputy Directives (DDs)?
A: Yes, a deputy directive will be proposed. Additional resources needed to do a RLD will be minimal, a PID-level RLD. Not that many more resources will be necessary to do it, only when final slopes are done and need to be fine-tuned will that analysis need to be done.
27. Q: Do the contractors need to update and resubmit the current WPCP for approval by the RE?
A: No.
28. Q: What role is seen for CSWC to follow up to ensure REs are incorporating the CPD? Will it be at HQ's direction, or solely at the District's direction?

A: There will be another DD that umbrellas the topic and indicates responsibilities. Construction staff is already directed through the CPB.

29. Q: Are there defined duties for the Qualified SWPPP Practitioner (QSP) other than WPCP duties?

A: Yes, as noted by the CGP, the QSP is responsible for implementation of the SWPPP and the erosion and sediment control requirements of the project.

30. Q: Will there be a master calendar that listing all the relevant classes?

A: Yes, as the CGP-related training is updated, information will be provided through the Caltrans Statewide Stormwater Program website:

<http://www.dot.ca.gov/hq/env/stormwater>

31. Q: Will Construction be required to stabilize a project, including filing the Notice of Completion of Construction (NOCC), before accepting the contract and handing it off to Maintenance?

A: Yes.

32. Q: Will Caltrans staff have to take samples at non-concentrated flow locations if discolored water is observed flowing through a sediment control device and off the ROW?

A: Yes, if sampling is representative of the project discharge and consistent with the Caltrans sampling and monitoring guidance.

33. Q: Can you estimate when the specifications will be posted, so we can add the two weeks for RL 2-3 and pass this information on to the REs?

A: See postings end of June (or sooner).

34. Q: Currently Caltrans files a NOCC and has BMPs for soil stabilization for termination of coverage under the CGP. The new CGP requires RWQCB approval. Will Caltrans need RWQCB approvals to close out projects?

A: The current process of NOCC will continue until the Caltrans NPDES permit is revised.

35. Q: Since the REs are expected to be the QSP/QSD for those projects that are grandfathered in, what specific responsibilities will the REs have to assume that they do not already have, and how will they be notified of these responsibilities?

A: Construction has issued and will issue additional Construction Procedure Bulletins, as is done when there are planned modifications to the Construction Manual. Future planned training will also provide guidance on RE responsibilities as it relates to the new CGP.

36. Q: Who determines Risk Level for design build projects?

A: The agencies (non-Caltrans) are submitting NOIs in design build projects, so they would determine the RL for those types of projects.

37. Q: Will Caltrans be able to terminate coverage of the CGP with outstanding mitigation?

A: Yes, the termination for coverage is for stabilization of the construction project.

38. Q: When will the new SWPPP/WPCP be effectively available? Can the contractors use the old templates after July 1, 2010?

A: Yes for jobs with old specifications, those projects will be grandfathered in at RL 1. For projects where have to specify new requirements, template expected to be available for contractors by early July.

39. Q: Will the reference to rainy seasons, even with projects falling under WPCP, go away?
A: Under the new specifications, rainy reference will go away for WPCP jobs. For jobs ongoing in construction, the reference will remain; there will be no change.
40. Q: Are all in-house Caltrans projects subject to submit a post-construction water balance calculator? If yes, then who would prepare it?
A: No, post-construction water balance calculations is not required for Caltrans projects
41. Q: Request for clarification -- will the rainy season specification change for ongoing projects that are assessed into level 2 or 3?
A: No.
42. Q: It sounds like CSWCs will not be required to verify CGP compliance, since they will not be allowed on SMARTS when the Caltrans NPDES permit is revised. Not having access to the system could affect the ability to continue filing CCEP reports. Is there a conflict?
A: There is no conflict. The public, including Caltrans, can access SMARTs.
43. Q: I am running into issues with legally responsible person (LRP) and transportation agencies that don't own land but are responsible for construction (SANBAG, SANDAG, RCTC, etc.). These projects are on CT ROW or city/county ROW or both. Who would the LRP be for these projects?
A: A representative qualified as the LRP from the agency who is the landowner and /or construction manager will be the LRP.
44. Q: Is NEL only for Risk Level 3 or for all levels?
A: Only for Risk Level 3 projects.
45. Q: When do and who samples for turbidity?
A: Sampling and monitoring requirements need to follow the new CGP. The Contractor is responsible for sampling for turbidity.
46. Q: Will Third Party (i.e., Caltrans Encroachment Permit) Projects be required to submit their SWPPP to SWRCB through the SMARTs database on July 1?
A: Yes.
47. Q: Can weekly site inspections be done by the contractor if implemented by CCO?
A: Yes, but the construction procedure directive would have Caltrans doing the inspections. The blanket approval would need to come through HQ to be approved because you are changing who is authorized.
48. Q: It is my understanding that SWPPPs will now need to be certified by QSDs. Who will act as the QSD and certify the SWPPPs?
A: REs will be acting as QSDs. Currently; we have already approved every SWPPP and amendment. For projects advertised with the new specifications, the contractor will be required to have a QSD prepare the SWPPP and sign on, and the WPCM will have to meet requirements of QSD.
49. Q: Do the QSD/QSP requirements apply to all projects, whether NOI/NOC, filed before July 1 or after July 1, correct?
A: The new CGP takes effect on July 1 2010. Requirements for QSD/QSP apply as of that date. For ongoing projects, since Caltrans is LRP, our REs will act in tradition of QSD/QSP for those projects.
50. Q: Will RL determination be required for projects with plant establishment period past September 2011, even if construction was completed prior to September 2011?
A: Project will have RLD based on work left to be done.

51. Q: Is there an estimate for grandfathered projects to amend the current SWPPP to meet RL 1 requirements?
A: Amend existing projects to meet RL 1 SWPPPs, just attach sheet to front noting changes. Estimates for smaller areas, 14 day vs 21 day or during non-rainy project by project basis estimated by contractor and RE.
52. Q: Must the WPC Manager implementing the SWPPP be qualified as a QSD or QSP?
A: Must be a qualified SWPPP developer (QSD) throughout the project.
53. Q: Do REs need to be QSD, so they can amend the SWPPP, or do we require the Contractor to prepare all amendments?
A: No, REs do not need to be a QSD. The project Water Pollution Control Manager shall meet the requirements for a QSD.
54. Q: Do the ATS NEL/NALs apply to all Risk Level users of ATS, or just Risk Level 2 & Level 3 users?
A: Use of Active Treatment Systems (ATS) is an option, not a requirement. Users will need to comply with the requirements (CGP Attachment F) and discharges will be subject to the Numeric Effluent Limitations (10 NTU daily flow average, or 20 NTU single sample) regardless of Risk Level Determination.
55. Q: Do Risk Level 1 projects need rain gauges on site?
A: Yes.
56. Q: Per paragraph 2 of SSP -- "Do not start work until SWPPP has been reviewed by the RWQCB in spec" and, later in specification "If the RQQCB reviews the accepted SWPPP." Is this an option for the Board to review?
A: In paragraph 2 it is a requirement. We will add specific language to address if possible.
57. Q: Will Caltrans be providing a form letter describing the changes for attachment to existing SWPPPs on grandfathered projects?
A: Amendment issues on front cover. Staff working on making a generic cover.
58. Q: I am on a Risk Level 2 project. If during my (CT) inspection I find a problem, how do I direct the contractor to do the work, scheduling etc.?
A: Need to tell contractor, in writing, how going to correct and give a timeline for completion.
59. Q: What does it mean that RE will act as a QSD for Risk Level 1 projects?
A: What we mean by "acting as the permit requires," if there is a SWPPP amendment or a SWPPP, and because Caltrans is the permit holder, we will be the QSD for that project so as not to have to go back and hire a contractor.
60. Q: Will Caltrans be providing the inputs (e.g., working period) utilized to determine the Risk Level?
A: Caltrans will be providing RLD and will be determining the duration period.
61. Q: Will having RE conducting the weekly inspections be temporary (i.e., just for grandfathered projects), or will this be the approach for all future projects as well?
A: Currently, will be temporary.
62. Q: Is there an MMP for failure to perform monitoring for a qualifying event?
A: Monitoring tasks as required by the CGP will be followed. Enforcement and potential for Minimum Mandatory Penalty (MMP) will be up to the Regional Board.

63. Q: Does the NOI for current projects under construction satisfy the NOC as required by the new permit, or does Caltrans have to submit a NOC for projects currently under construction?
A: If Caltrans has submitted NOC before July 1, do not need to resubmit. If you have filed NOI for dewatering, separate issues but still have NOC. If permit project, need to file with NOI and NOC for that project.
64. Q: The CCO template attached to the Construction Procedure Directive (CPD) is for Risk Level 1. How is that CCO to be modified if an ongoing project is determined to be Risk Level 2?
A: We are preparing CPD with required language.
65. Q: How about the projects that are in plant establishment, are they required to meet CPD 10-4 requirements?
A: Yes, if the activity involves soil disturbance of 1 acre or more.
66. Q: Does Caltrans intend on implementing any QA/QC on sampling done in the field, or will they only review reports submitted online?
A: Caltrans will be doing the QA portion. Currently, Caltrans is not submitting the data online.
67. Q: What are the elements of a Rain Event Action Plan? Where can I see an example of a REAP?
A: A REAP template will be provided; posted on the Caltrans Construction Stormwater website.
68. Q: For grandfathered projects that will be completed after September 1, 2011, who will prepare the new CGP SWDR and BMPs for the rest of the project?
A: May not increase RL at all, depending on project.
69. Q: Can you explain more about the disturbed soil area 14-day criteria? If there is some work in part of a large area, is the whole area considered active?
A: This applies to soil stabilization and sediment control for inactive areas (area not disturbed for 14 days or more). See CGP.
70. Q: On ongoing projects, can you repeat who will perform the role of the QSD, QSP and WPCM. Also, on ongoing projects, will the Contractor or the RE perform the required weekly inspections.
A: For ongoing projects, Caltrans RE will sign for QSD requirement. For QSP requirement, not in effect for a year. Existing projects, WPCM. For new projects with new specifications, contractor to perform bi-weekly inspections during non-rainy season and weekly inspections during rainy season year round. Caltrans staff will perform these inspections for the weekly inspections grandfathered projects.
71. Q: During Plant Establishment with not many BMPs, does the contractor need to change the inspection period to weekly frequency?
A: If there is active soil disturbance (1 acre or more), BMPs need to be in place and CGP inspections apply.
72. Q: Q: Can a Risk Level be revised during construction?
A: Only if a Regional Board requests recalculations. Would have CCO involved. If a project has many enforcement actions, could increase RL evaluations.
73. Q: On one of the slides, I believe it stated that Caltrans would be providing revised 24-hour training for QSD/ QSP for Caltrans projects. Is this accurate?
A: We will be providing increased training on requirements about QSD. Re: certificate

requirement for QSD/QSP, waiting for the Board. Need to find out more about trainer of record issues.

74. Q: Do Risk Level 1 projects need rain gauges on site?

A: Yes as noted in the SSP.

75. Q: is the minimum fine for exceeding the NEL assessed on a daily basis, per rain event, or per discharge location?

A: Daily. The mandatory minimum penalty applies to the NEL exceedence. On the 4th exceedence within 6 months, a fine of \$3,000 must be assessed.

76. Q: What reporting requirements will be required for jobs that are in winter suspension...and under 4 feet of snow...?

A: The General Construction Permit requires annual reporting for the duration of the construction period. The annual report will note if the construction activities are suspended due to winter season suspension (assuming there is no soil disturbance and no stormwater discharge), if no monitoring was conducted or no violations were noted.

Cost Related Questions

77. Q: What is the estimated increase in project costs due to the new CGP?

A: Cost increases are project-specific.

78. Q: How do we estimate the Sampling and Analysis Plan (SAP) bid item? Are we to have a SAP plan during the design phase?

A: Estimate discharge location; will provide a more detailed response to question later.

79. Q: If NELs are exceeding fines additional sampling, etc will be required. Is payment for this additional work covered in updated SSPs?

A: If the approved SWPPP is fully implemented, no maintenance issues, and no exceedance or other issues, then Caltrans should be responsible for making that payment. If the contractor did not install or if they are not maintaining the BMPs, it will be up to contractor

80. Q: Will there be additional funds available for existing projects?

A: Funding is project-specific and should be coordinated with the project RE for existing construction projects. There is not any specific additional funding available for this mandated activity.

81. Q: Do we have a cost estimate for the entire CCO package to meet these requirements for going projects?

A: Cost estimate is project-specific and additional pay items should be based on SSP 07-345.

82. Q: The REAP is be paid by each. It is not possible to anticipate the number of times it will rain during construction. Are tools available to help estimate this? Will additional REAPs be paid as extra work?

A: We will put a number in the contract we bid on to fix the REAP cost so it is non-adjustable, fixed price at a set cost for the Department to pay.

83. Q: Laboratory and test expenses will be above and over the sampling analysis money. If so, when do we have to add that money, how much, and does it have to be in supplemental items?

A: Working on Design Guidance to contain this information.

84. Q: What if the project has no money left for the CCO?
A: Can do a G12 request, delete some contract work, or find another way to minimize contract costs.

Projects by others on Caltrans ROW: Utilities/Local Projects/Permits/Design Build

85. Q: What are the construction projects with both NOC & NOI?
A: Some local agency projects have been issued both, which have included work outside of the state ROW and work inside state ROW.
86. Q: The State SMART System has a Tab for Property Owners, for Encroachment Permit projects, what information should be entered in the SMART System to ensure that the State property is covered?
A: All information as required by SMARTS will be included.
87. Q: Request for clarification on Local Funded projects -- Should Caltrans Construction and Encroachment Permit (EP) staff ensure that owners of Notices of Intent (NOIs) with Encroachment Permits include all references to the disturb soil area in the State rights-of-way (ROWs) in the State Stormwater Multi-Application and Reporting Tracking System (SMARTS)?
A: When a project is entered into SMARTs, project information of the entire project coverage under that NOI will be entered
88. Q: For local projects, who will do the Risk Level Determination (RLD)?
A: The Designer for the Local Agency will prepare the RLD.
89. Q: The CGP allows multiple owners of linear utilities to enter their project information in SMARTs when the relocation activity occurs. Is this the process required prior to the start of construction for the state contract? Does this mean that the common plan of development does not apply to linear projects?
A: Common plan of development applies to utility relocation if part of state contract construction work. If utility relocation is a stand alone project, utility owners are required to follow Caltrans encroachment permit requirements and must comply with the new CGP (soil disturbance 1 acre or more). Utility owners are allowed to be the LRP and can enter project information in SMARTs for utility relocation projects within Caltrans Rights-of-Way.
90. Q: If utility relocations require NOI, do they need to have PRDs?
A: Yes.
91. Q: With respect to Design-Build projects, in the Caltrans ROW, Caltrans is still the owner, so will it be Caltrans or the contractor filing the relevant documents?
A: The contractor will be filing the relevant documents.

Acronyms:

CCEP	Construction Compliance Evaluation Plan
CCO	Contract Change Order
CGP	Construction General Permit

CPD	Construction Policy Directive
CPESC	Certified Professional in Erosion and Sediment Control
CSWC	Construction Storm Water Coordinator
DD	Deputy Directive
DSA	Disturbed Soil Area
EP	Encroachment Permit
EPA	Environmental Protection Agency
HQ	Headquarters
MS4	Municipal Separate Storm Sewer System
NOC	Notice of Construction
NOCC	Notice of Completion of Construction
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
PDD	Project Delivery Directive
PID	Project Initiation Document
PPDG	Project Planning and Design Guide
PRD	Permanent Road Division
PS&E	Plans, Specifications, and Estimates
QSD	Qualified SWPPP Developer
QSP	Qualified SWPPP Practitioner
RE	Resident Engineer
RL	Risk Level
RLD	Risk Level Determination
ROW	Right-of-Way
RUSLE	Revised Universal Soil Loss Equation
RWQCB	Regional Water Quality Control Board
SAP	Sampling and Analysis Plan
SMARTS	Stormwater Multi-Application and Reporting Tracking System
SSP	Standard Special Provisions
SWC	Storm Water Coordinator
SWDR	Storm Water Data Report
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
WPCP	Water Pollution Control Plan