

## Memorandum

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**To:** DEPUTY DISTRICT DIRECTORS ENVIRONMENTAL   **Date:** February 11, 2010  
DEPUTY DISTRICT DIRECTORS DESIGN  
DEPUTY DISTRICT DIRECTORS CONSTRUCTION  
DEPUTY DISTRICT DIRECTORS PROGRAM/PROJECT MANAGEMENT  
DEPUTY DISTRICT DIRECTORS MAINTENANCE  
DEPUTY DISTRICT DIRECTORS OPERATIONS  
DISTRICT STORMWATER COORDINATORS

**From:** MALCOLM DOUGHERTY   
Interim Chief Engineer

**Subject:** Transition to the new Construction General Stormwater Permit for Caltrans Projects

The new National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance (Order No. 2009-0009-DWQ), Construction General Permit (CGP) was adopted by the State Water Resources Control Board (State Water Board) on September 2, 2009, and is effective July 1, 2010.

There are a number of new requirements within the permit, including the categorization of projects into Risk Levels on the basis of potential for sediment yield and proximity to sensitive receiving waters. Each Risk Level (1, 2 or 3) has requirements that become more stringent as the Risk Level increases.

The new CGP includes:

- A project-specific Risk Level assessment
- Preparation for a rain event throughout the year
- Specific numeric discharge limitations for turbidity and pH
- Enhanced requirements for:
  - Housekeeping
  - Waste management
  - Monitoring
  - Enforcement procedures
- Public posting of all project stormwater documents on the State Water Board's Stormwater Multi-application Report Tracking System (SMARTS) web page.

The State Water Board has stated that any project that has submitted a Notice of Construction (NOC) by June 30, 2010 will be "grandfathered" under the new CGP as Risk Level 1. The Risk Level 1 "grandfathering" will expire on September 2, 2011, after which projects must comply with the re-calculated Risk Level. Regional Water Quality Control Board has authority to require re-evaluation of a discharger's self-reported Risk Level, or coverage under an individual NPDES permit.

Caltrans has projects in various phases of development and completion. Attached are instructions for the upcoming transition.

- 1) Transition Tracks for the New Stormwater Construction General Permit in text, and
- 2) Construction General Permit Transition Plan, a graphic representation of these tracks.

These attachments describe the general evaluation procedures for projects with a disturbed soil area equal or greater than 1 acre (SWPPP projects) to determine what steps, if any, are necessary to modify the project design or contract such that it will be in compliance with the requirements of the new CGP by July 1, 2010.

It is critical that we continue to work collaboratively with all functional units and have one voice to statewide stormwater staff as we move forward. The Department has committed to develop and implement this statewide program under the Chief Environmental Engineer as its focal point. The transitions to this new permit will require changes to our stormwater delivery implementation process; we will need to track progress and improvement over time. Therefore, additional statewide and functional guidance will be forthcoming.

Headquarters Division of Environmental Analysis will host a Construction General Permit web page to serve as a clearing house of relevant transition guidance. Check the link below frequently for updated information.

[http://pd.dot.ca.gov/env/stormwater/html/constr\\_gen\\_permit.html](http://pd.dot.ca.gov/env/stormwater/html/constr_gen_permit.html)

If you have any further questions, please contact Scott McGowen, Chief Environmental Engineer, at (916) 653-4446.

#### Attachments

- (1) Transition Tracks for the New Stormwater Construction General Permit
- (2) Construction General Permit Transition Plan

February 4, 2010

## **Transition Tracks for the New Stormwater Construction General Permit (Attachment 1A)**

**Construction Projects with soil disturbance equal to or greater than 1 acre are subject to the new Construction General Permit (CGP) on July 1, 2010.** Except small project (1-5 acres) eligible for the Small Construction Rainfall Erosivity Waiver, see CGP (II)(B)(7).

**Limited “grandfathering” of Risk Level is possible for projects that have submitted Notices of Construction (NOC) prior to July 1, 2010.**

### **Track 1**

**Projects currently in construction with the Construction Contract Acceptance (CCA) date prior to July 1, 2010.**

- Continue under existing Construction General Permit (CGP) provisions.
- File project Notice of Completion with Regional Water Quality Control Board (RWQCB) by July 1, 2010

### **Track 2**

**Projects with NOC submitted prior to July 1, 2010.**

#### **A. Projects with CCA prior to September 2, 2011.**

- Project “Grandfathered” as Risk Level 1 until September 2, 2011, unless if otherwise requested by the RWQCB.
- A Contract Change Order (CCO) will be necessary to revise CGP Order number and new CGP nomenclature.
- File Project Registration Documents (PRDs) by July 1, 2010

#### **B. Projects with CCA after September 2, 2011.**

- Project will be “Grandfathered” as Risk Level 1 until September 2, 2011, unless otherwise determined by the RWQCB.
- A CCO will be necessary to revise CGP Order number and new CGP nomenclature.
- Re-evaluate Risk Level for work to be done after September 2, 2011. CCOs may be necessary if remaining work is Risk Level 2 or 3.
- File PRDs by July 1, 2010

### **Track 3**

**Projects with construction start date on or after July 1, 2010.**

- Incorporate new SSPs or nSSPs as part of contract.
- Projects with submitted NOC’s, that have not reached contract award, will need contract addendums.
- File PRDs when available

Prepared by Division of Environmental Analysis



# Construction General Permit Transition Plan (Attachment 1B)

