

**NPDES No. CAS 000005  
Linear Construction Activity Notification (LCAN)  
For Tier I Small LUPs**

RWQCB Office (Select Only One):  R1  R2  R3  R4  R5F  R5S  R5R  R6V  R6SLT  R7  R8  R9

<b>SECTION I – Discharger Information</b>	
Company Name: _____	Contact Name: _____ Phone Number: _____
Address: _____ _____	
<b>SECTION II: Type of LCAN (check one):</b> <input type="checkbox"/> See below for a single Project; <input type="checkbox"/> See the attached spreadsheet for multiple projects	
<b>SECTION III: Project Information</b>	
Contact Name: _____ Address: _____ _____	Phone Nos. Work: _____ Cell: _____ Fax: _____
Project Name/ Reference: _____	Brief Description of Project and Project Type: _____
Project Location or Location Description:  <input type="checkbox"/> Vicinity map attached.	County: _____
Thomas Brothers Coordinates; and/ or USGS Coordinates or Latitude/Longitude: _____	Anticipated Start Date: _____ Anticipated Completion Date: _____
Total Linear Distance of Project and % Area of project to occur on paved surface (miles/%): _____	Land area (i.e., acres) to be disturbed by small linear construction activities: _____
Does a local agency require an erosion/sediment control plan for this work? Yes _____ No _____	If an erosion/ sediment control plan is required, has it been approved? Yes _____ No _____
Will a SWPPP be prepared for this project prior to construction? Yes _____	Will a Monitoring Plan be developed for this Project prior to construction? Yes _____
Is there a direct discharge to a water body? Yes ___ No ___ Receiving Water Name: _____ Is the Receiving Water on the list in Attachment 7? Yes ___ No ___ If yes, has a sampling and analysis plan been developed for either sediment/siltation or turbidity? Yes _____	
<b>SECTION IV.</b>	
"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.	
Printed Name: _____	
Signature: _____ Date: _____	
Title: _____	

**Table A**  
**LCAN Multiple Project Information Sheet**  
**For Tier I Small LUPs**

Regional Board Office:  R1  R2  R3  R4  R5F  R5S  R5R  R6V  R6SLT  R7  R8  R9

Discharger: \_\_\_\_\_ Project Name or Identifier: \_\_\_\_\_ WDID No.: \_\_\_\_\_

County (list in order of County)	Check that vicinity map is attached	Project Name (or ref #)/ Description of Location/ Brief Project Description	Project Contact Name/ Address/ Phones: Office, Cell, Fax	Total linear distance of project and % area of project to occur on paved surface. (miles/%)	Land area (i.e., acres) to be disturbed by small linear construction activities.	Thomas Bros. Coordinates; or USGS Coordinates or Lat/Long	Estimated start date and end date of construction activity. (MM/DD/YY)	Will runoff from this project discharge directly to a water body? (Y/N)	If yes, what is the name of the water body?	Is this water body listed as an impaired water body on Attachment 7 of this Permit? (Y/N)	Is a local agency erosion and sediment control plan required? (Y/N)	If yes, has an erosion and sediment control plan approved? (Y/N)	Will a SWPPP and monitoring plan be prepared for this project prior to construction? (Y/N)	If this project directly discharges to an impaired water body has a sampling and analysis plan been developed? (Y/N)
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Signature of Person Signing Certification Statement: \_\_\_\_\_

Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**LINEAR CONSTRUCTION ACTIVITY NOTIFICATION (LCAN)  
FOR TIER I SMALL LUPS**

**GENERAL INSTRUCTIONS**

**Who Must Submit**

Dischargers of storm water from construction activities associated with **Tier I** small LUPs may apply for coverage under this Permit by submitting an LCAN to the appropriate RWQCB office. LCANs are applicable to Tier I small LUPs only and may only be submitted after an NOI for coverage under NPDES Order No. CAS 000005 has been submitted to the SWRCB for the RWQCB office that has jurisdictional control in the area the Tier I small LUP will be constructed. Tier I small LUPs are those construction projects where the total land area disturbed is greater than one acre but less than five acres (see calculating land disturbance area below) and:

1. Where 70% or more of the construction activity occurs on a paved surface and where areas disturbed during construction will be returned to preconstruction conditions or equivalent protection established at the end of the construction activities for the day, or
2. Where greater than 30 percent of construction activities occur within the non-paved shoulders or land immediately adjacent to paved surfaces, or where construction occurs on unpaved improved roads, including their shoulders or land immediately adjacent to them where:
  - a. Areas disturbed during construction will be returned to preconstruction conditions or equivalent protection established at the end of the construction activities for the day to minimize the potential for erosion and sediment deposition, and
  - b. Areas where established vegetation was disturbed during construction will be stabilized and revegetated by the end of project. When required, adequate temporary stabilization BMPs will be installed and maintained until final vegetation is established to meet minimum cover requirements established in this Permit.

The discharger<sup>1</sup> or its duly authorized representative must submit an LCAN for coverage under this Permit for Tier I small LUPs if it is determined the construction activities must be subject to an NPDES permit and are not already covered by a separate NOI or NPDES permit, in accordance with the following:

*Tier I Small LUPs associated with Private or Municipal Development Projects*

1. For Tier I small LUPs associated with pre-development and pre-redevelopment construction activities:

The discharger or duly must seek coverage under this General Permit for its pre-development and pre-redevelopment construction activities where the total disturbed land area of these construction activities is greater than 1 acre but is less than 5 acres.

2. For Tier I small LUPs associated with new development and redevelopment construction projects:

The discharger or duly authorized must seek coverage under this General Permit for small LUP construction activities associated with new development and redevelopment projects where the total disturbed land area of the small LUP is greater than 1 acre but is less than 5 acres. Coverage under this permit is not required where the small LUP construction activities are covered by another NPDES permit (e.g., where the NOI and SWPPP of the owner or operator of a new or redevelopment site includes the small LUP activities).

*Tier I Small LUPs not associated with private or municipal new development or redevelopment projects:*

1. The discharger or its duly authorized representative must seek coverage under this General Permit for its small LUP construction activities where the total disturbed land area is greater than 1 acre but is less than 5 acres.

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<sup>1</sup> The term "discharger" means the utility company, municipality or other public or private company or agency that owns or operates the small LUP.

LINEAR CONSTRUCTION ACTIVITY NOTIFICATION (LCAN)  
FOR TIER I SMALL LUPS

GENERAL INSTRUCTIONS (CONTINUED)

**Calculating Land Disturbance Areas of Small LUPs**

*Tier I Small LUPs*

Using the definitions and descriptions provided in the above discussion, the total land area disturbed for Tier I small LUPs is the sum of the:

- Surface areas of trenches and laterals, plus
- Area of the base of stockpiles and laydown areas on unpaved surfaces, plus
- Surface area of the borrow area, plus
- Soil areas outside the surface area of trenches, laterals and ancillary facilities that will be disturbed by the use of construction equipment, vehicles and machinery during construction activities, plus
- Any graded areas, plus
- 25% of the sum of the surface areas of the trench and laterals for electric projects<sup>2</sup> or 5% of the sum of the surface areas of the trench and laterals for all other projects to account for all other ancillary facilities. Alternatively, a discharger may calculate the project specific soil disturbance area for ancillary facilities.

*Definition of Stockpiling Areas*

Stockpiling areas, borrow areas and the removal of soils from a construction site may or may not be included when calculating the area of disturbed soil for a site depending on the following conditions:

- For stockpiling of soils onsite or immediately adjacent to a small LUP site and the stockpile is not on a paved surface, the area of the base of the stockpile is to be included in the disturbed area calculation.
- The surface area of borrow areas that are onsite or immediately adjacent to a project site are to be included in the disturbed area calculation.
- For soil that is hauled offsite to a location owned or operated by the discharger that is not a paved surface, the area of the base of the stockpile is to be included in the disturbed area calculation except when the offsite location is already subject to a separate storm water permit.
- For soil that is brought to the project from an off-site location owned or operated by the discharger the surface area of the borrow pit is to be included in the disturbed area calculation except when the offsite location is already subject to a separate storm water permit.
- 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.

**Temporary Permitting Extension for Small LUPs Associated with Oil and Gas Exploration Construction Activities**

Due to regulations promulgated by USEPA (40 CFR Part 122, [FRL-7464-2], RIN 2040-AC82) on March 5, 2003, oil and gas exploration, production, processing, and treatment operations or transmission facilities (i.e., gathering lines, flow lines, feeder lines and transmission lines) for projects encompassing from one to five acres, are exempt from this permit until March 10, 2005. The construction of water lines, electrical utility lines, etc. as part of the oil and gas exploration, production, processing, treatment, and transmission projects are also included in this exemption. This exemption does not include distribution lines that deliver natural gas to homes, businesses, etc., or those pipelines that transport refined petroleum product and chemicals from refineries and chemical plants.

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<sup>2</sup> Percentage for underground electric projects was provided by an electric company and is an average estimate based on 18 inch and 24 inch trenches.

LINEAR CONSTRUCTION ACTIVITY NOTIFICATION (LCAN)  
FOR TIER I SMALL LUPS

GENERAL INSTRUCTIONS (CONTINUED)

**Projects and Activities Not Defined as Construction Activity**

1. Small LUP construction activity does not include routine maintenance projects. 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 not limited to projects that are conducted to:

- Maintain the original purpose of the facility, or hydraulic capacity.
- Update existing lines<sup>3</sup> and facilities to comply with applicable codes, standards and regulations regardless if such projects result in increased capacity.
- Repairing leaks

Routine maintenance does not include construction of new<sup>4</sup> lines or facilities resulting from compliance with applicable codes, standards and regulations.

Routine maintenance projects do not include those areas of maintenance projects that are outside of an existing right-of-way, franchise, easements, or agreements. When a project must secure new areas, those areas may be subject to this General Permit based on the area of disturbed land outside the original right-of-way, easement or agreement.

2. Small LUPs construction activity does not include field activities associated with the planning and design of a project (e.g., activities associated with route selection).
3. Tie-ins conducted immediately adjacent to “energized” or “pressurized” facilities by the discharger or their authorized representative are not considered small construction activities where all other small LUP construction activities associated with the tie-in are covered by a NOI and SWPPP of a third party or municipal agency.
4. Small LUPs construction activity does not include activities associated with responding to emergencies to protect public health and safety and restoration of public services after natural or manmade disasters.

**Projects Not Covered By This Permit**

This General Permit does not apply to storm water discharges from small LUPs for (1) those areas on Tribal Lands; (2) the Lake Tahoe Hydrologic Unit; (3) small LUPs which disturb less than one acre, unless directed by a RWQCB to obtain coverage under a construction storm water permit; (4) projects covered by another construction storm water general permit or an individual NPDES Permit for storm water discharges associated with construction activity; (5) linear construction projects that exceed five acres of soil disturbance; (6) non-linear construction projects; (7) storm water discharges which are determined ineligible for coverage under this General Permit by a RWQCB.

Storm water discharges in the Lake Tahoe Hydrologic Unit are regulated by a separate permit(s) adopted by the California Regional Water Quality Control Board, Lahontan Region (LRWQCB). Permit applications for storm water discharges that will be conducted in the Lake Tahoe Hydrologic Unit must be submitted directly to the LRWQCB.

USEPA regulates storm water discharges on Tribal Lands.

**NOI Submittal Requirements**

Prior to the start of construction the following must occur for a Tier I small LUP to be covered under this General Permit:

<sup>3</sup> Update existing lines includes replacing existing lines with new materials or pipes.

<sup>4</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.

**LINEAR CONSTRUCTION ACTIVITY NOTIFICATION (LCAN)  
FOR TIER I SMALL LUPS**

**GENERAL INSTRUCTIONS (CONTINUED)**

1. The discharger submits a completed and signed NOI and appropriate fee to the SWRCB for each RWQCB office where construction activities for Tier I small LUPs are planned.
2. Once an NOI for Tier I projects has been submitted, a discharger or its duly authorized representative is then authorized to construct any number of small LUPs within the jurisdictional area of the appropriate RWQCB office provided the discharger or its duly authorized representative submits the LCAN to the appropriate RWQCB office prior to the start of construction for each Tier I small LUP.

*New and Ongoing Small LUPs*

Owners of new Tier I small LUPs that commence construction activities after the adoption date of this General Permit shall file an NOI and LCAN prior to the commencement of construction and implement the SWPPP upon the start of construction.

Owners or operators of ongoing Tier I small LUPs that are currently covered under Order No. 99-08 shall continue coverage under Order 99-08 until the construction activities are complete except where less than 50% of the construction project is complete. When ongoing construction activities are less than 50% complete the operator of the Tier I small LUP may choose to seek coverage under this General Permit by filing the appropriate NOI and/or LCAN, revising its SWPPP if appropriate, and terminating coverage under Order 99-08. Termination of coverage under Order 99-08 is subject to the approval of the Regional Board.

**Where to Apply**

Submit completed LCAN forms to the appropriate RWQCB office. The RWQCB contact list is located at [www.swrcb.ca.gov/stormwtr/contact.html](http://www.swrcb.ca.gov/stormwtr/contact.html) under *Contacts*

**When Permit Coverage Commences**

Coverage under this Permit commences once a complete NOI Package (a complete package includes a signed NOI Form containing all the required information, and the appropriate annual fee) is received and accepted by the SWRCB and an LCAN has been submitted to the appropriate RWQCB for the individual Tier I small LUP. Upon receipt of a complete NOI Package, the SWRCB will send each discharger a receipt letter containing the waste discharger's identification (WDID) number. This WDID number must be provided on all LCANs submitted to the RWQCB as proof that an NOI has been submitted and received by the SWRCB.

**Questions?**

If you have any questions on completing the NOI please call the SWRCB at (916) 341-5537.

**LINEAR CONSTRUCTION ACTIVITY NOTIFICATION (LCAN)  
FOR TIER I SMALL LUPS**

**NOI-LINE-BY-LINE INSTRUCTIONS**

Please type or print when completing the LCAN Form. This form may be used for an individual Tier I small LUP or multiple Tier I small LUPs.

**REGIONAL BOARD OFFICE (for single or multiple projects)**

Mark the appropriate box at the top portion of the LCAN indicating the RWQCB office that has jurisdictional authority in the area the Tier I small LUP will be constructed. Only one RWQCB office may be selected.

**WDID NO. (for single or multiple projects)**

Enter the WDID number assigned to the NOI submitted to the SWRCB for the RWQCB office that has jurisdictional authority in the area where the Tier I small LUP or small LUPs will be constructed. This number must be supplied before the LCAN is accepted by the RWQCB.

**I. DISCHARGER INFORMATION (for single or multiple projects)**

Enter the discharger's official or legal name and address; contact person (if other than discharger), title, and telephone number.

**II. TYPE OF LCAN**

Select if this LCAN is for a single project or for multiple projects within a RWQCB office jurisdiction.

For single projects complete Sections III and IV.

For Multiple Projects complete Table 1, and Section IV.

**III. PROJECT INFORMATION (for single Tier I projects only)**

**Contact Information:**

Enter the name of the contact person, title, and telephone number who is responsible for day to day oversight of the Tier I small LUP and that will be responsible for compliance and oversight of the general permit.

**Project Information**

Provide the project name or other reference.

Provide a brief description of the project and project type (above ground, or below ground and type of utility).

Provide the location of the project or a description of the project location in the absence of a street address. A vicinity map is to be included with the LCAN for each project listed. Please check that a vicinity map is included.

Provide the name of county in which the project is being constructed.

Provide the Thomas Bros. Coordinates; and/or USGS Coordinates or Latitude/longitude of the project

Provide the anticipated start and stop dates of the project.

Enter the total linear distance of the project and the % area of the project that will occur on a paved surface.

Enter the total size in acres of the area to be disturbed by construction activity calculated using the methods described in the General Instructions of the LCAN.

LINEAR CONSTRUCTION ACTIVITY NOTIFICATION (LCAN)  
FOR TIER I SMALL LUPS

LINE-BY-LINE INSTRUCTIONS (CONTINUED)

Indicate if a local agency requires an erosion/sediment control plan. If yes, indicate if a plan as been developed.

Indicate that a SWPPP has been or will be developed for this Project.

Indicate if a monitoring and reporting plan has been or will be developed for this project

Indicate if there is a direct discharge from the construction site into a surface water. If yes, provide the name of the water body and indicate if this water body is listed on Attachment 7 of the Permit. If the project discharges directly to an impaired waterbody listed on Attachment 7 of this Permit, indicate if a sampling and analysis plan will be or has been developed.

**IV. CERTIFICATION (for single or multiple Tier I projects)**

The owner or their signatory agent of the construction site must complete this section<sup>5</sup>. The certification provides assurances that the LCAN are complete and accurate and completed with the knowledge that penalties exist for providing false information. Certification also requires the owner to comply with the provisions in the General Permit.

**TABLE A (for multiple Tier I small LUPs)**

**SECTION I.**

Regional Board Office -Mark the appropriate box at the top portion of the LCAN indicating the RWQCB office that has jurisdictional authority in the area the Tier I small LUP will be constructed. Only one RWQCB office may be selected.

Enter the discharger's official or legal name

Enter the project's name or other reference

Enter the WDID number assigned to the NOI submitted to the SWRCB for the RWQCB office that has jurisdictional authority in the area where the Tier I small LUP or small LUPs will be constructed. This number must be supplied before the LCAN is accepted by the RWQCB.

**SECTION II PROJECT INFORMATION**

**County Information:** Provide the listing of Tier I small LUPs sorted by county name for each project listed.

**Vicinity Map:** Check that a vicinity map has been provided.

**Project Description and Location:** Provide a brief description of the project and project type (above ground, or below ground, and type of utility) and the location of the project or a description of the project location in the absence of a street address.

**Contact Information:** Enter the name of the contact person, title, and telephone number who is responsible for day to day oversight of the Tier I small LUP and that will be responsible for compliance and oversight of the general permit.

Enter the total linear distance of the project and the % area of the project that will occur on a paved surface.

Enter the total size in acres of the area to be disturbed by construction activity calculated using the methods described in the General Instructions of the LCAN.

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<sup>5</sup> For a corporation: a responsible corporate officer (or duly authorized individual). For a partnership or sole proprietorship: a general partner or the proprietor, respectively. For a municipality, State, Federal, or other public agency: either a principal executive officer, ranking elected official, or duly authorized representative.



**LINEAR CONSTRUCTION ACTIVITY NOTIFICATION (LCAN)  
FOR TIER I SMALL LUPS**

**LINE-BY-LINE INSTRUCTIONS (CONTINUED)**

Provide the Thomas Bros. Coordinates; and/or USGS Coordinates or Latitude/longitude of the project

Provide the anticipated start and stop dates of the project.

Indicate if there is a direct discharge from the construction site into a surface water. If yes, provide the name of the water body and indicate if this waterbody is listed on 7 of the Permit.

Indicate if a local agency requires an erosion/sediment control plan. If yes, indicate if a plan as been developed.

Indicate that a SWPPP and monitoring plan has been or will be developed for this Project.

If the project discharges directly to a waterbody listed on Attachment 7 of this Permit, indicate if a sampling and analysis plan has been or will be developed.

**SECTION III – Signature and Date**

The person that has signed the certification statement on the first page of the LCAN must also sign and date the bottom of the multiple Tier I Small LUP LCAN form.