

## ATTACHMENT D.2

### PERMIT REGISTRATION DOCUMENT REQUIREMENTS

#### NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES (GENERAL PERMIT)

#### I. PERMIT REGISTRATION DOCUMENT REQUIREMENTS

All Linear Underground and Overhead Projects shall comply with the Permit Registration Document requirements in Attachments E, E.1, and E.2 of this General Permit. All traditional construction projects shall comply with Permit Registration Document requirements in this General Permit and this Attachment.

#### I.A. General Permit Registration Document Submittal Requirements

Dischargers of stormwater associated with construction activity that result in the disturbance of one acre or more of land area shall apply for and obtain coverage under NPDES General Construction for Stormwater Discharges Associated with Construction and Land Disturbance Activities (General Permit). Any construction activity that is a part of a larger common plan of development or sale must also be covered under this General Permit, regardless of size. For example, if 0.5 acre of a 20-acre subdivision is disturbed by the construction activities of discharger A and the remaining 19.5 acres is to be developed by discharger B, discharger A must obtain this General Permit for the 0.5-acre site.

Other discharges from construction activities that are covered under this General Permit can be found in Section II of the Order of this General Permit.

It is the Legally Responsible Person's responsibility to obtain coverage under this General Permit by electronically certifying and submitting complete Permit Registration Documents.

#### I.B. Fees

I.B.1. A discharger must submit the appropriate fee with its completed Notice of Intent application package. Fees are established through regulations adopted by the State Water Board every year.<sup>1</sup> Fees are subject to change by regulation.

I.B.2. Where the fee is calculated based upon the total area of land disturbed (opposed to the total acreage of land owned), total acreage includes all areas anticipated to be disturbed throughout the duration of the project (e.g., 10 acres are scheduled

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

to be disturbed the first year and 10 acres in each subsequent year for 5 years; the fees would be based upon 50 acres of total disturbance).

- I.B.3. Dischargers that apply for and satisfy the Small Construction Rainfall Erosivity Wavier requirements shall pay the applicable fee.

**I.C. Permit Registration Document Submittal Prior to Commencement of Construction**

Dischargers proposing to conduct construction activities subject to this General Permit shall certify and submit Permit Registration Documents prior to the commencement of construction activity. Construction activity cannot commence until the WDID number is issued.

In all cases, except public emergencies (e.g., wildfire, flood), Permit Registration Documents must be completed and WDID number issued before construction can commence (refer to Section III.A.3 of the Order of this General Permit).

**I.D. Submittal of Complete Permit Registration Documents**

All dischargers required to comply with this General Permit shall electronically certify and submit the required Permit Registration Documents, through the Stormwater Multiple Application and Report Tracking System (SMARTS). The discharger shall assure that all information in its Permit Registration Documents complies with the Homeland Security Act and other federal law addressing security in the United States.

The discharger shall submit completed Permit Registration Documents to obtain coverage under this General Permit. If any of the required items are incomplete or missing, the submittal will be rejected.

The State Water Board will process the application package in the order received and assign a WDID number upon receipt of a complete submittal. Permit coverage begins once a WDID number is assigned.

**II. STANDARD PERMIT REGISTRATION DOCUMENTS**

**II.A. Notice of Intent**

The Notice of Intent is a site-specific application to obtain coverage for discharges of stormwater and authorized non-stormwater from construction and land disturbance activities to waters of the United States. The application includes the entry of site information, contact information, and site-specific requirements.

**II.B. Risk Level Determination**

All dischargers are required to conduct a Risk Level Determination, where the site's overall risk is separated into sediment risk and receiving water risk. The discharger must utilize either the Water Board's standard risk determination (provided in

SMARTS), a site-specific risk determination, or a combination of the two as described in Attachment D.1 of this General Permit.

- II.B.1. A standard risk determination, using the Geographic Information Systems (GIS) map method, includes utilizing the following:
  - i. U.S. EPA Rainfall Erosivity (R) Factor Calculator website;
  - ii. Sediment Risk Map tool; and
  - iii. High-Risk Receiving Watershed Map tool.
- II.B.2. A site-specific risk determination, using the individual method, includes utilizing the following:
  - i. U.S. EPA Rainfall Erosivity (R) Factor Calculator website;
  - ii. Manually calculated soil erodibility (K) and length-slope (LS) factors; and
  - iii. 303(d) list of water bodies impaired for sediment.
- II.B.3. The applicable beneficial uses for the receiving water are listed in the Regional Water Quality Control Board Basin Plan applicable to the site.
- II.B.4. Sites that discharge to an unlisted receiving water that is tributary to a sediment-sensitive waterbody, within the Hydrologic Unit Code 10 (HUC 10) watershed scale, are considered high receiving water risk sites.
- II.B.5. The discharger may use a combination of the standard and site-specific risk determination methods to calculate the soil erodibility (K), length-slope (LS) sediment risk, and receiving water risk factors.
- II.B.6. The discharger shall calculate the site's sediment risk and receiving water risk during all phases of construction activity (e.g., demolition and pre-development site preparation, grading and land development, streets and utilities, vertical construction, final landscaping, and site stabilization). The construction start date begins with initial disturbance to land, including disturbances under previous landowners, and ends with final stabilization of the site.
- II.B.7. SMARTS will assign the higher Risk Level to the entire site for any site spanning two or more planning watersheds.
- II.B.8. Sites, parcels, or individual lots that are part of a larger plan of development shall include the larger plan of development in Risk Level determination. The discharger shall include this determination in the Permit Registration Documents submittal.

- II.B.9. Dischargers may request that the Regional Water Board revise the site-specific Risk Level determination values in SMARTS by providing the following information to the Regional Water Board:
- i. A site-specific soils test (ASTM D-422)<sup>2,3</sup> certified by an accredited Materials Testing Laboratory and reviewed by a QSD to determine the K factor used in the revised Risk Level determination. The soil testing must include the soil classification method used (e.g., Unified Soil Classification System);
  - ii. Review of a site-specific survey or plan by a QSD to determine the LS factor used in the revised Risk Level determination; and
  - iii. A revised Risk Level determination manually calculated in accordance with Attachment D.1 of this General Permit.

### **II.C. Site-Specific Stormwater Pollution Prevention Plan, Drawings, and Map**

The Stormwater Pollution Prevention Plan (SWPPP) (including site-specific drawings and map) is a site-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 Permit Registration Documents.

### **II.D. Additional Requirements**

- II.D.1. All dischargers, other than Linear Underground and Overhead Project dischargers or dischargers subject to the post-construction requirements of an existing NPDES Phase I or II MS4 permit, shall complete the post-construction calculations and upload post-construction plans and other supporting documentation as an attachment in SMARTS.
- II.D.2. All dischargers, other than Linear Underground and Overhead Project dischargers, within a Phase I or II municipal separate storm sewer system permitted area, shall upload the following items in SMARTS:
- II.D.2.a. An attachment or web-source containing the applicable NPDES Phase I or Phase II municipal separate storm sewer system permittee's post-construction requirements; and
  - II.D.2.b. The post-construction plans and calculations submitted to or approved by the applicable NPDES Phase I or Phase II municipal separate storm sewer system permittee.

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2 ASTM D-422 is the standard test method used for the quantitative determination of the distribution of particle sizes in soils.

3 Environmental Protection Agency, [American Society for Testing and Materials \(ASTM\) Standards](https://www.epa.gov/sites/default/files/2020-01/documents/sedc_2004-2005_append.pdf), <[https://www.epa.gov/sites/default/files/2020-01/documents/sedc\\_2004-2005\\_append.pdf](https://www.epa.gov/sites/default/files/2020-01/documents/sedc_2004-2005_append.pdf)> [as of June 22, 2022]

- II.D.3. Dischargers who are proposing to implement an Active Treatment System shall also certify and submit in SMARTS:
- II.D.3.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;
  - II.D.3.b. System design and supporting documentation; and
  - II.D.3.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 of this General Permit.
- II.D.4. Dischargers who are proposing to implement passive treatment shall certify and submit in SMARTS:
- II.D.4.a. Complete Passive Treatment Plan in accordance with Attachment G of this General Permit at least 14 days prior to the planned operation of the passive treatment system and a copy shall be available on-site during operation;
  - II.D.4.b. System design and supporting documentation; and
  - II.D.4.c. Proof that the Passive Treatment Plan and/or system was designed by an appropriate licensed professional (see Attachment G of this General Permit).
- II.D.5. Dischargers who are proposing an alternate Risk Justification shall include:
- II.D.5.a. Soil type identification through an accredited Materials Testing Laboratory analysis and reviewed by a QSD; and
  - II.D.5.b. Review of a site-specific slope survey or plan by a QSD to determine the LS factor used in the revised Risk Level determination.

## **II.E. Certification of Submitted Documents**

The Legally Responsible Person shall certify and submit all Permit Registration Documents required by this General Permit through SMARTS. The discharger's Legally Responsible Person shall have a signed original Electronic Authorization Form on file with the State Water Board for each organization in SMARTS.

## **II.F. Exceptions to Standard Permit Registration Document Requirements**

Construction sites with a valid Small Construction Rainfall Erosivity Wavier are not required to submit a SWPPP (including site-specific drawings and map).

## **II.G. Assistance**

Dischargers and discharger representatives may email the State Water Board, Stormwater Help Desk, at [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov), to answer questions.