

## DRAFT ATTACHMENT B

### GENERAL PERMIT REGISTRATION DOCUMENT INSTRUCTIONS TO COMPLY WITH THE TERMS OF THIS GENERAL PERMIT

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

##### A. Permit Registration Document (PRD) Requirements

All linear underground and overhead projects (LUPs) shall comply with the Permit Registration Document (PRD) requirements in Attachments A, A.1, A.2 of this General Permit. All traditional construction projects shall comply with PRD requirements in this General Permit and this Attachment B.

##### B. Who Must Submit PRDs

Discharges of stormwater associated with construction activity that result in the disturbance of one acre or more of land area shall apply 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 PRDs.

##### C. Annual Fees and Fee Calculation

1. Fees are established through regulations adopted by the State Water Board every year.<sup>1</sup> Fees are subject to change by regulation.
2. Annual fees are calculated based upon the total area of land disturbance not the total size of the acreage owned. However, the calculation includes all

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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

acres to be disturbed during the duration of the project. For example, if 10 acres are scheduled to be disturbed the first year and 10 acres in each subsequent year for 5 years; the annual fees would be based upon 50 acres of total disturbance. The State Water Board will evaluate adding acreage to an existing General Permit Waste Discharge Identification (WDID) number on a case-by-case basis. Any acreage addition must be contiguous (within one-fourth mile) to the permitted land area and the existing SWPPP must be appropriate for the construction activity and topography. The Change of Information process enables the applicant to remove acres from inclusion in the annual fee calculation as acreage is built out, stabilized, and/or sold.

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

#### **D. When to Apply**

Dischargers proposing to conduct construction activities subject to this General Permit shall submit PRDs prior to the commencement of construction activity. Construction activity cannot commence until the Waste Discharge Identification number is issued.

In all cases, except public emergencies (e.g., wildfire, flood), PRDs must be completed and WDID number issued before construction can commence (refer to Section II.B.3-5 of the Order of this General Permit).

#### **E. Requirements for Completing Permit Registration Documents (PRDs)**

All dischargers required to comply with this General Permit shall electronically certify and submit the required PRDs, through the current Water Board-approved system<sup>2</sup> (the Stormwater Multiple Application and Report Tracking System, or SMARTS). The discharger shall assure that all information in its PRDs complies with the Homeland Security Act and other federal law addressing security in the United States.

PRDs shall be included and completed to obtain coverage under this General Permit. If the PRD submittal is considered incomplete and will be rejected if any of the required items are missing.

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<sup>2</sup> Currently this is the Stormwater Multiple Application and Report Tracking System (SMARTS). Upon the Water Board notifying the permittee in writing that this Water Board-approved system has changed, the permittee shall use the newly specified system.

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

## **F. Standard PRD Requirements**

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

### **2. 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 Appendix 1 of this General Permit.

a. The standard risk determination (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.

b. The site-specific risk determination (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;
- iii. 303(d) list of water bodies impaired for sediment;
- iv. List of beneficial uses for the receiving water, found in Regional Water Quality Control Board Basin Plans.

c. Sites that discharge to an unlisted receiving water that is tributary to a sediment-sensitive waterbody, within the Hydrologic Unit Code 10 watershed, are considered high receiving water risk sites.

d. The discharger may use a combination of the standard and site-specific risk determination methods to calculate sediment risk and receiving water risk. However, dischargers must use the same method to calculate the soil erodibility (K) and length-slope (LS) factors.

- e. 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 land owners, and ends with final stabilization of the site.
  - f. SMARTS will assign the higher Risk Level to the entire site for any site spanning two or more planning watersheds.
  - g. 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.
  - h. 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) certified by a California licensed professional engineer or geologist 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. A site-specific survey of the elevation change to determine the LS factor used in the revised Risk Level determination certified by a professional licensed by the California Board of Professional Engineers, Land Surveyors and Geologists for this work; and,
    - iii. A revised Risk Level determination manually calculated in accordance with Appendix 1 of this General Permit.
3. The 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 PRDs.
  4. Annual Fee (as described in Section D above).
  5. The Legally Responsible Person shall certify and submit all PRDs 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.

## **G. Additional PRD Requirements Related to Construction Type**

1. Dischargers in unincorporated areas of the State not covered under adopted Phase I or II MS4 permits with post-construction requirements and/or not a linear underground and overhead project as defined in Attachment A of this General Permit shall also complete the Post-Construction Calculations as part of the Notice of Intent in SMARTS.
2. Dischargers within a Phase I or II permitted area and are not a linear underground and overhead project as defined in Attachment A shall upload the post-construction plan in SMARTS.
3. Dischargers who are proposing to implement active treatment system shall also certify and submit a Change of Information containing:
  - 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;
  - b. System design and supporting documentation; and,
  - 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.
4. Dischargers who are proposing to implement passive treatment shall certify and submit a Change of Information containing:
  - 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;
  - b. System design and any supporting documentation; and,
  - c. Proof that the Passive Treatment Plan and/or system was designed by an appropriate licensed professional (see Attachment G of this General Permit).

5. Dischargers who are proposing an alternate Risk Justification shall include:
  - a. Soil type identification through laboratory analysis certified by a CBPELSG<sup>3</sup> license holder; and,
  - b. Site slope determination topographic survey certified by a CBPELSG license holder.

#### **H. Exceptions to Standard PRD Requirements**

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

#### **I. Questions**

Email [stormwater@waterboards.ca.gov](mailto:stormwater@waterboards.ca.gov) if you have any questions on completing the PRDs.

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<sup>3</sup> California Board of Professional Engineers, Land Surveyors, and Geologists