LINEAR UNDERGROUND/OVERHEAD PROJECT FLOWCHARTS
Chart Number I
Determining if your project qualifies for coverage
State Water Board Order 2009-0009-DWQ

Start

Are the activities to be conducted associated with a construction project that will result in land disturbances?

Yes

Is the project associated with a linear type construction activity*?

Yes

Is this project owned or operated by an entity currently permitted by an MS4 permit?

Yes

The construction project may be subject to a construction permit.

No

STOP
Permit coverage may not be required. Contact your RWQCB if necessary.

No

STOP
This project may Not be subject to this Attachment. It may be subject to traditional construction requirements or an individual NPDES permit.

No

Is the MS4 permit a Phase II permit?

Yes

Does the MS4 permit regulate construction activities in Lieu of a separate NPDES permit?

Yes

STOP
You do not need a separate permit.

No

Contact your RWQCB

Start Over

A

A

MS4 = Municipal Separate Storm Sewer System
RWQCB = Regional Water Quality Control Board
NPDES = National Pollutant Discharge Elimination System

*See Definition of Terms
Chart Number II
Determining if your project qualifies for coverage
State Water Board Order 2009-0009-DWQ

A

Will any or all of the construction occur on Tribal Lands?

Yes

The State of CA does not have authority to permit discharges on sovereign lands - you should contact the tribal EPA or USEPA

No

Will the construction occur in the Lake Tahoe Hydrologic Unit?

Yes

The Lahontan RWQCB has a separate construction stormwater permit for this basin - you should contact the RWQCB to obtain the applicable permit

No

Are these activities considered a maintenance* project?

Yes

Are these activities for the purpose of responding to an emergency*?

No

Are these activities for the purpose of planning/designing * a new project?

Yes

The activities may be exempt from the requirements of this CGP. Contact your RWQCB or SWRCB contact to verify.

No

Are these activities only for a "tie-in"* immediately adjacent to an energized or pressurized facility?

Yes

Are all other Linear construction activities associated with the tie-in covered under the CGP by a 3rd party or municipal agency?

No

No

No

No

No

Yes

No

B

C

These activities are exempt from obtaining coverage under the CGP.

Do the activities comply with the CWA oil & gas SW permit exemption conditions?

Yes

No

No

No

Yes

Are these activities associated with a private or public New Development Project or a Re-Development Project?

Yes

Are these activities to relocate linear facilities prior to construction of a project?

No

Yes

This project is associated with pre-development activities*.

Are these activities for oil or gas exploration, transmission, processing, treatment, or production?

No

Are these activities associated with a private or public New Development Project or a Re-Development Project?

No

Are these activities only for a "tie-in"* immediately adjacent to an energized or pressurized facility?

Yes

No

No

No

*See Definition of Terms

CGP = Construction General Permit
LUP = Linear Underground/Overhead Project
NPDES = National Pollutant Discharge Elimination System
SW = Storm Water
Chart Number III
Determining if your project qualifies for coverage
State Water Board Order 2009-0009-DWQ

B

Is the New Development or Redevelopment* Project SD < 1 acre?

Yes

A construction SW NPDES Permit may be required for the linear activities.

No

Is the developer** covering all of the linear activities under their CGP?

Yes

Coverage under the CGP is not required for the linear activities.

No

Is the developer** covering only the linear activities inside the development under the CGP?

Yes

The developer** is covering none of the linear activities under the CGP

No

Coverage under the CGP is required for all the linear activities.

Determine the area of soil disturbance for the linear activities to be conducted outside the development boundary.

Determine the area of soil disturbance for the linear activities to be conducted by the LUP discharger.

Is the soil disturbance from these linear activities ≥ 1 acre?

Yes

Coverage under the CGP is required;

No

These linear activities do not require coverage under the CGP.

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* See Attachment No. 1 – Definition of Terms
** Note: The “developer” is associated with the New Development Project or Redevelopment Project* and the CGP is the Construction General Permit issued by the State Water Board.

CGP = Construction General Permit
LUP = Linear Underground/Overhead Project
NPDES = National Pollutant Discharge Elimination System
SD = Soil Disturbance
SW = Storm Water
Chart Number IV
Determining if your project qualifies for coverage
State Water Board Order 2009-0009-DWQ

Linear Only Projects
and
Relocations Prior to New Development Projects or
Redevelopment Projects*

C

Is the soil disturbance from these linear activities ≥ 1 acre?

Yes

See Attachment A.1

No

These linear activities do not require coverage under the CGP.

* See Definition of Terms

CGP = Construction General Permit
NPDES = National Pollutant Discharge Elimination System
SW = Storm Water
1. **Emergency Activities** – These are activities associated with responding to emergencies to protect public health and safety and restoration of public services after natural or manmade disasters.

2. **Linear Construction Activity** – Linear construction activity consists of underground/overhead facilities that typically include, but are not limited to, any conveyance, pipe or pipeline for the transportation of any gaseous, liquid (including water, wastewater for domestic municipal services), liquefied, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g., telephone, telegraph, radio or television messages); and associated ancillary facilities. Construction activities associated with LUPs include, but are not limited to, underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/or pavement repair or replacement, and stockpile/borrow locations.

3. **Planning/Designing Activities** – These are field activities associated with the planning and design of a project (e.g., activities associated with route selection). These could include, but are not limited to, potholing, sediment coring, and limited excavations to verify conflicts or contaminated soils.

4. **Pre-Development Activities** – These are construction activities associated with LUPs conducted by a discharger or its authorized representative to remove and/or relocate lines and facilities prior to the start of construction for new development and redevelopment projects that are owned or operated by third parties or municipal agencies. Soil disturbances from preconstruction projects are considered separately from the development or redevelopment projects for the purposes of determining if they meet minimum threshold requirements for areas of soil disturbance that would require coverage by a construction storm water permit.

5. **Redevelopment Projects** – Involve construction activities associated with LUPs constructed by the discharger to relocate lines or convert facilities from overhead to underground as a result of a redevelopment project owned or operated by a third party or municipal agency.

6. **Routine Maintenance Activities** – Activities associated with operations and maintenance activities that are conducted on existing lines and facilities and within existing right-of-ways, easements, franchise agreements, or other legally binding agreements of the discharger. Routine maintenance projects include, but are not limited to projects conducted to:
   a. Maintain the original purpose of the facility or hydraulic capacity.
   b. Update existing lines\(^1\) and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
   c. Repairing leaks

Routine maintenance does not include construction of new\(^2\) lines or facilities resulting from compliance with applicable codes, standards, and regulations. Routine maintenance does not include those areas of maintenance projects that are outside of an existing right-of-way, franchise, easements, or agreements.

7. **Tie-in Activities** – Activities conducted immediately adjacent to “energized” or “pressurized” facilities by the discharger or their authorized representative and are not considered small construction activities where all other LUP construction activities associated with the tie-in are covered by an NOI and SWPPP of a third party or municipal agency.

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\(^1\) Update existing lines includes replacing existing lines with new materials or pipes.

\(^2\) New lines are those not associated with existing facilities and are not part of a project to update or replace existing lines.