



State Water Resources Control Board

CONSTRUCTION GENERAL PERMIT POST-CONSTRUCTION REQUIREMENT NOTIFICATION

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

Dischargers covered under the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity, State Water Resources Control Board Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ (CGP) on or after September 2, 2012, are required to comply with the run-off reduction requirements in Section XIII(A).

Exemption for Dischargers Located in Municipal Separate Storm Sewer Systems (MS4s)
Dischargers with construction sites that are located within a municipality permitted by a Phase I or II municipal separate storm sewer system (MS4) permit with an approved Storm Water Management Plan (SWMP) containing post construction standards are not subject to this provision. However, Dischargers must notify the Water Boards that they qualify for this exemption by submitting and certifying information to support this exemption via the State Water Board's Stormwater Multi-Application, Reporting and Tracking System (SMARTS).

Dischargers Covered on September 2, 2012 (Existing Dischargers)
CGP Section XIII(A)(2) requires Dischargers to submit via SMARTS a map and worksheet in accordance with the instructions of Appendix 2 of the CGP for **all portions of the construction site** by September 2, 2012. In other words, complete the screens in SMARTS for post construction prior to September 2, 2012, for all areas of the site that will be covered on or after September 2, 2012.

CGP Sections XIII(A)(3) and (4) of the CGP require the Discharger to comply with performance-based elements, which will most likely be evaluated for compliance at the point of termination of coverage (either partial or complete) under the CGP. Dischargers may amend the worksheet as often as needed prior to submitting a Notice of Termination (NOT) or Change of Information (COI) that reduces the area of coverage.

To demonstrate compliance with these requirements, all Existing Dischargers must:

- 1) Log into SMARTS at: <https://smarts.waterboards.ca.gov>
- 2) Click "Approved/Terminated NOIs"
- 3) Select the appropriate Application ID number
- 4) Reductions in acreage should be completed through the "COI" tab
- 5) Select the "Post-Construction" tab to complete the Run-off reduction worksheet screens¹

¹ Construction sites located within a municipality permitted by a Phase I or II MS4 permit with an approved SWMP containing post construction standards must only answer "yes" to the first question in the "Post-Construction" tab.

New Dischargers Covered After September 2, 2012 (New Dischargers)

CGP Section XIII(A)(2) requires all new Dischargers seeking permit coverage on or after September 2, 2012, to submit via SMARTS a map and worksheet in accordance with the instructions of Appendix 2 of the CGP for **all portions of the construction site**. In other words, a site seeking CGP coverage on or after September 2, 2012, must complete the screens in SMARTS for post construction as part of their permit registration documents (PRDs).

CGP Sections XIII(A)(3) and (4) of the CGP require the Discharger to comply with performance-based elements, which will most likely be evaluated for compliance at the point of termination (either partial or complete) of coverage under the CGP. Dischargers may amend the worksheet as often as needed prior to submitting a Notice of Termination (NOT) or Change of Information (COI) that reduces the area of coverage.

To demonstrate compliance with these requirements, all New Dischargers must:

- 1) Log into SMARTS at: <https://smarts.waterboards.ca.gov>
- 2) Click "Apply for New Notice of Intent (NOI)"
- 3) Select the Construction Storm Water General Permit permit type
- 4) Complete the process to start an NOI for the new facility
- 5) Select the "Post-Construction" tab to complete the Run-off reduction worksheet screens¹

Please note that failure to comply with any of the requirements in the CGP, including these run-off reduction-related requirements effective September 2, 2012, may result in administrative enforcement by the Water Boards, including, but not limited to, administrative civil liabilities (penalties) up to \$10,000 per day of violation. Failure to comply with the CGP may also result in the potential for enforcement by other entities.

The CGP is available on the State Water Resources Control Board's website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Please contact the Storm Water Help Desk if you have any questions. 1-866-563-3107 or stormwater@waterboards.ca.gov