J.W. DESIGN

STORM WATER POLLUTION PREVENTION PLAN

September 2, 2004

PREPARED FOR:

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PREPARED BY:

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I. INTRODUCTION

This Storm Water Pollution Prevention Plan (SWPPP) follows the necessary procedures to fulfill the requirements as specified by various federal and state government authorities discussed below, and are included within this document. Background information, a brief site and development description, and information on the responsible parties are provided within.

This document was prepared by Coachella Valley Engineers (CVE), who also reviewed the project's grading and drainage plans, street improvement plans, sewer and water plans, the tract map and other development documents.

Storm Water Pollution Prevention Plan

This Storm Water Pollution Prevention Plan has been prepared in accordance with the State Water Resources Control Board (SWRCB) and National Pollutant Discharge Elimination System (NPDES). This SWPPP has been developed and will be amended, when necessary to:

- Identify pollutant sources associated with construction activity that may affect the quality of the storm water runoff from construction sites, and

- Identify, construct, and implement storm water management practices to abate pollutants in storm water discharges from the construction site both during and after construction.

This SWPPP will be implemented prior to commencement of construction activity. The SWPPP shall be kept at the construction site during construction activity and is considered a public document to be made available upon request by a representative of the Regional Water Quality Control Board (RWQCB).

This SWPPP shall be amended whenever there is a change in construction of operations which may affect the quality of the storm water runoff, it is in violation of or does not meet any condition of the general permit, or at the request of the RWQCB or the local municipality (with concurrence from the RWQCB).

If a change of ownership occurs, the new owner shall be informed of the provisions of the general permit and provided a copy of this SWPPP for use until the new owner can develop an SWPPP.

This SWPPP, together with all monitoring information and reports and data records for this construction activity shall be retained for a period of at least three years. This retention period may be extended by request of the SWRCB and/or RWQCB.

A. SITE INFORMATION

The subject site, on which the Notice of Intent was filed, is approximately 21.86 acres on which the project is to be constructed. The general site location and characteristics are best described by illustrations included in the plan as Exhibits "A" and "B". The following is a list and brief discussion of these exhibits.

Exhibit "A-1" **PROJECT LOCATION MAP** – USGS Map indicating location of project site and the one-mile area surrounding the site.

Exhibit "A-2" **AREA DRAINAGE MAP** – USGS Map indicating a ¼ mile area surrounding the site, the area draining into the site and direction of flow of the area roads.

Exhibit "B" **EROSION CONTROL PLAN** – depicts areas of soil disturbance, cut, fill and drainage courses before and after construction of the site, and indicating type and location of Best Management Practices.

- The geotechnical investigation report prepared by Sladden Engineering on the site, is included as Appendix "E". Other plans that are available are the Site Grading Plans, Street, Sewer and Water Plans approved by the City of Palm Desert and used for construction of the site improvements.
- Pre-construction activity shall include the following Control Practices: Set up fencing, construction trailer, maintenance and storage area, site grading, erosion control BMP's, soil stockpile area.

SITE MAP

(Next page should be Site Vicinity Map from Plans)

EXHIBIT "A" - 2

AREA DRAINAGE

→ **DIRECTION OF FLOW**

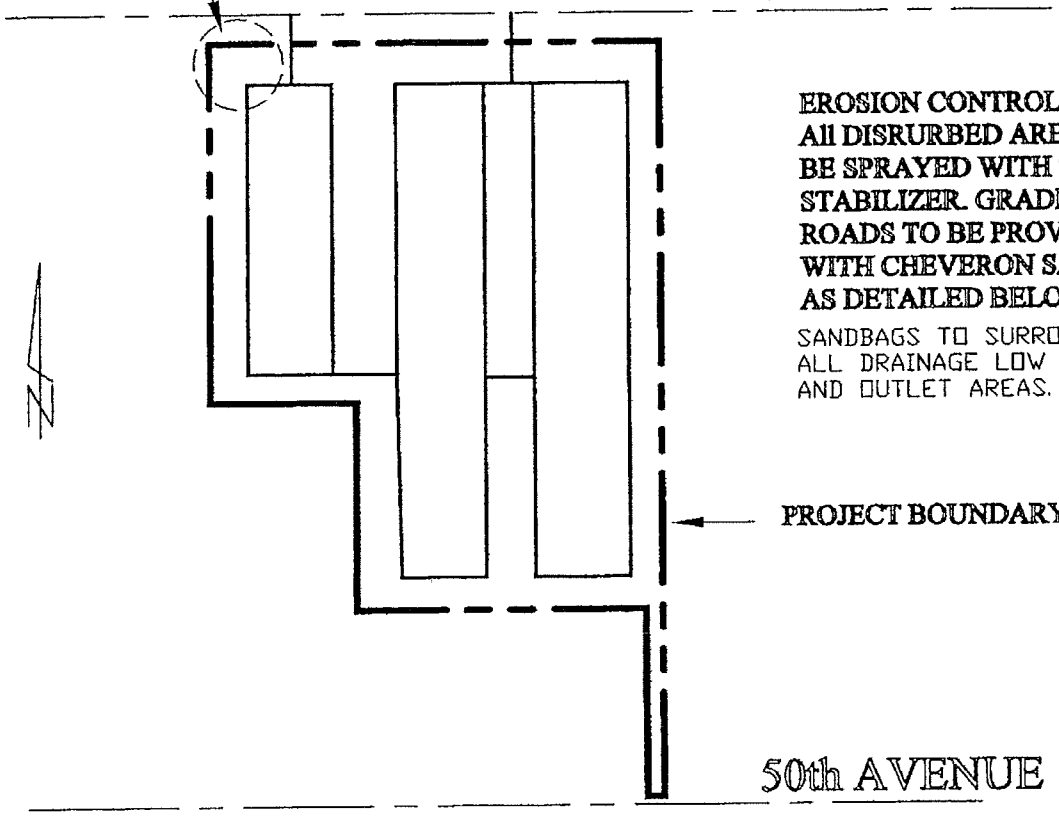
(Insert Vicinity Map with flow arrows)

***No Discharge From Site. Controlled by Retention Basins**

EXHIBIT "B"
EROSION CONTROL PLAN

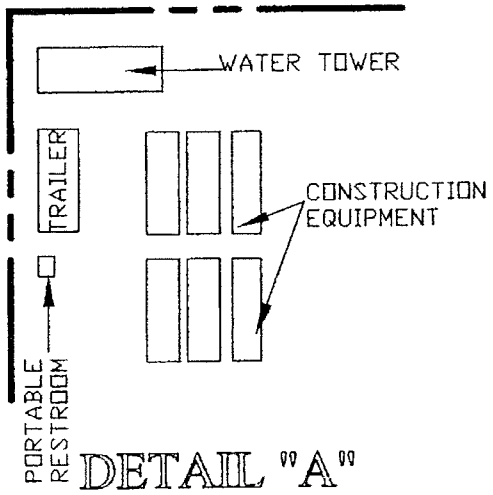
SEE DETAIL "A" FOR CONSTRUCTION STAGING AREA.

SAMPLE ONLY

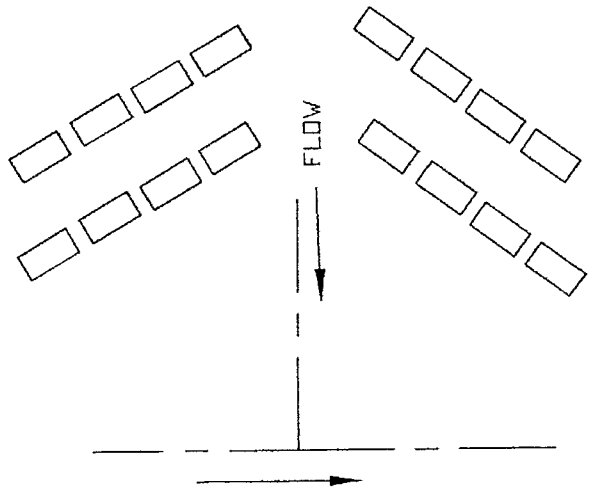


EROSION CONTROL NOTES:
All DISRURBED AREAS TO BE SPRAYED WITH SOIL STABILIZER. GRADED ROADS TO BE PROVIDED WITH CHEVERON SANDBAGS AS DETAILED BELOW

SANDBAGS TO SURROUND ALL DRAINAGE LOW POINTS AND OUTLET AREAS.



DETAIL "A"



SANDBAG DETAILS

We have identified two potential sources that could possibly add significant quantities of pollutants to storm water discharges during the construction as defined in the introduction of the SWPPP.

The first source is sediment that is caused by erosion due to the grading operation performed on the site. The site has been designed to meet with existing and future off-site storm water flows and to minimize flow diversions. The site has minimal tributary off-site storm water flows. However, due to the grading that is being performed on the site, it is necessary to implement erosion control measures to reduce, to the greatest extent possible, the amount of sediment transported off-site. The erosion and sediment control section of the SWPPP describes the erosion control measures to be implemented (see Exhibit "B")

The second potential source of storm water discharge pollutants is the leakage of water, fuel, petroleum-based lubricants and paving process materials from equipment utilized in the grading and construction of improvements.

C. EROSION AND SEDIMENT CONTROL

The grading process is to be conducted in accordance with the grading and drainage plan approved by City of Palm Desert Plan Checking the Geotechnical Investigation performed by Sladden Engineering dated, July 7, 2000, a copy of which is attached hereto as Appendix "E", the Uniform Building Code and all applicable City of Palm Desert Ordinances.

During the grading process, soil stabilization practices to reduce erosion, thereby minimizing sediment transport, shall be implemented. These erosion control measure shall be, at a minimum, in conformance with those show on Exhibit "B".

After the completion of grading, all bare ground will be planted with grass, or ground cover. Coincident with planting shall be the continued implementation of the erosion control measures indicated on Exhibit "B". These erosion control measures are to remain in place until construction of the structures and permanent erosion control facilities, i.e. paving, curb and gutters, storm drains and landscaping are completed and approved by the City of Palm Desert.

Solid Waste: A significant amount of solid waste is not anticipated during the grading of this site. However, any solid waste unearthed during the grading operation or during construction of the building shall be stored and disposed of in approved receptacles provided by Waste Management of the Desert in compliance with Federal, State and City laws, regulations and ordinances.

Human Waste: portable toilets are to be provided on-site in a location as indicated on Exhibit "B".

Hazardous Wastes: Possible hazardous waste sources are mechanical equipment fuel, petroleum based lubricants and paving process materials such as soil sterilant, fog seal and asphaltic paving. Significant leakage, as determined by the site SWPPP monitoring inspector, shall be contained in its entirety by the owner of the equipment and made available for contaminant testing by Riverside County Department of Environmental Health, Hazardous Materials Management Division. Course of disposal of hazardous waste to be at the discretion of the Department of Environmental Health.

E. NON-STORM WATER MANAGEMENT

As defined in the Introduction of this plan, non-storm water discharges are anticipated to be limited to sediment due to erosion, leakage of water, fuel and petroleum based lubricants from construction equipment and paving process materials such as soil sterilants, fog seal and asphaltic concrete. Mitigation measures and control practices for erosion and sediment control are described and illustrated in Section 1-C of this plan. Preventative measures for non-sediment pollutants are described in this section as follows:

Water leakage from construction equipment includes leakage from the temporary water storage tank as indicated on Exhibit "B" and construction water applied to the site deliberately for dust abatement. The resulting pollutant from these sources is sediment from erosion and the preventative measures are listed in Section 1-C of this plan. The leakage of fuel, petroleum based lubricants, paints and paving process materials during operation, storage and maintenance is inevitable. Preventative measures shall include, but not be limited to the following:

1. Limit storage and maintenance areas for all construction equipment to the areas indicated on Exhibit "B". Refer to Construction Activity CA10 "Material Delivery & Storage" and CA11 "Material Use" in the Appendix.

2. All fuels, lubricants and paving process materials shall be stored in manufacturer' approved containers when it is deemed necessary to store materials on-site. "Spill Prevention and Control" is covered in Construction Activity CA12 in the Appendix.

3. All leaks of fuel, petroleum based lubricants, paints and paving process materials shall immediately be contained upon discovery and disposed of as a non-hazardous waste unless it is in an amount suspected to be a hazardous waste by the site monitoring inspector. The Riverside County Department of Environmental Health, Hazardous Materials Management Division, shall make the final determination of identifying the waste as hazardous and its disposition. Also refer to Construction Activity CA20 "Solid Waste Management" and CA22 "Contaminated Soils Management" in the Appendix.

In addition to these preventative measures, the Contractor shall at all times exercise due diligence in preventing contaminants brought on to the site from reaching storm water discharges.

F. MAINTENANCE INSPECTION AND REPAIR

To assure efficient operation of the pollution prevention devices specified in this plan, regular weekly inspections of the site shall be conducted and documented until site improvement construction is complete. After the completion of the site improvements, i.e. pavement, curb and gutters, storm drains and surface drainage facilities, inspections shall take place once per month until the construction of the project is complete. In addition to regularly scheduled inspections, pre and post storm water event inspections shall be conducted and documented. Regular and post event maintenance and repairs shall be conducted at the direction of the site inspector.

A representative for the owners will perform the site inspections. It will be necessary to document the substitution of site inspectors in this plan and shall be made as an attachment hereto. Training of future inspectors shall include meetings at the site to review the plan and its implementing procedures. All contractors and sub-contractors involved with the construction operation on the site shall also be made familiar with the plan and its implementing procedures.

G. POST CONSTRUCTION STORM WATER MANAGEMENT

Site specific conditions involve the use of paved streets with concrete curb & gutter to convey storm water to the retention basin. A concrete cross gutter is also incorporated at the retention basin inlet. Landscaping on the lots minimizes erosion of soils.

Seasonal conditions have minimal variation in this region, with very mild winter conditions and hot dry summers. There are some rainstorms in the spring and fall. This is the rainfall data that is used as a basis of design for storm water control.

Date:
California Construction General Permit

NOI Attached?
[ ] Yes
[ ] No

PROJECT INFORMATION
SWPPP Worksheet 1

Project Name:_____

Project Location: Street Address (or Equivalent):

City: _____ County:_____

Project Owner: _____

Contact Person:_____ Phone No.:_____
Owner's Mailing Address: Street Address (or Equivalent):

City:_____ State _____ Zip Code: _____

Responsible personnel:

- Preparing and revising the **SWPPP**:
- Inspecting Equipment:
- Regular Inspection of BMPs:
- Training Employees about BMPs affecting their job:

List all Contractors and Subcontractors responsible for implementing **SWPPP** for the project:

Name:

Contact Person:

Date Work Begins:

Date Work Ends:

PROJECT SITE MAPS

SWPPP Worksheet 2

Topographic Area Map: Project Location Map (Attached: Exhibit "A" shows the following:

- An area extending one-quarter mile beyond the property boundaries of the construction site
- The boundary of the construction site: Construction Area = 21.86
- Nearby surface water bodies, including water courses, wetlands, springs and wells.
- The location of the source of fill materials.
- Boundary of off-site areas that drain into the construction site.

Site Map: Erosion Control Plan (Attached: Exhibit "B") shows the following:

- The location(s) where storm water drains onto or off of the property.
- Temporary storm water structures used during construction.
- Areas used to store soils and construction waste.
- Areas of cut and fill.
- Drainage patterns and slopes anticipated after major grading activities, including the location of storm water structures to be constructed on the property (e.g. storm drains, detention ponds, and channels).
- Areas of soil disturbance.
- Locations of potential soil erosion requiring BMPs during construction.
- Existing and proposed paved areas and buildings:
  Existing Area: 0 percent of site
  Proposed Area: 80 percent of site
- Estimated runoff coefficient before construction: 60%
  after construction 90%
- Locations where storm water structures and controls will be built to control storm water pollution after construction is completed.
- The boundary of the drainage area upstream of each location where storm water leaves the property.
- Any vehicles storage and service areas.
- Areas of existing vegetation.

INVENTORY OF CONTRACTOR'S ACTIVITIES AND SPECIAL SITE CONDITIONS

SWPPP Worksheet 3

A description of contractor's activities that could result in the discharge of pollutants in the storm water runoff from the site. Also, a description of special site conditions that may impact pollutants in storm water discharges.

CONTRACTOR'S ACTIVITIES

- **Toxic materials that are know to have been stored, disposed, spilled or leaked in significant quantities onto the construction site:** No sources of toxic materials have been identified or revealed through the design phase of the project.

- **Construction materials, equipment and vehicles that come in contact with storm water:** Common materials stored or handled on a construction site include soil, detergents, solvents, petroleum products and various hazardous chemicals. Typical equipment would include grading equipment, trucks, tractors and passenger vehicles. Refer to CA10, CA11 and other applicable BMPs enclosed herewith.

- **Construction material loading, unloading and access areas/activities:** Construction materials handling and related activities should be located near construction entrances and away from waterways. Transport near drainage paths and waterways should be avoided. Where practical, the storage areas should be located in future paved areas. Refer to CA10, CA11 and other applicable BMPs enclosed herewith.

- **Equipment storage, cleaning and maintenance areas/activities:** See BMPs CA30, CA31, CA32 and other that apply enclosed herewith.

- **Storage and disposal of construction materials (on-site and off-site):** See BMPs CA24 and CA32 enclosed herewith.

SPECIAL SITE CONDITIONS

- **Storm water structures and controls on the site prior to construction and how these structure/controls will be integrated in the SWPPP to reduce sediment and other pollutants in storm water discharge**: There are two existing ponding areas on the subject property. The proposed on-site retention basin will have adequate volume to handle the 100 year storm. Erosion control devices will protect the inlets to the retention basin.

- **Materials/waters other than storm water which will flow from the site during dry weather, the approximate amount of flow and methods of preventing other dry weather flows:** During dry weather, the anticipated waters flowing from the property would commonly occur from landscaping irrigation, or other owner activity, and would normally be minor in flow quantity. Future landscaping irrigation will be contained in the future paved areas to a storm drain located at the west side of the property.

BMP'S FOR EROSION AND SEDIMENTATION CONTROL
SWPPP Worksheet 5

The source and composition of the existing soil and fill material (Soils Report Attached)

The site consists of fine to coarse grained silty sands. See soils report for details. Import materials will be required for site grading. The fill soils will be non-expansive, granular soils as specified on Page 17 of the Geotechnical Report.

The Exhibit "B" site maps shows locations where BMP's for erosion and sediment control are placed. This map should be updated when BMP's are revised to meet evolving; construction conditions. A brief description of BMP selected is indicated below. Modified fact sheets or additional information for erosion and sedimentation control BMP's are attached.

x	BMP's SELECTED	DESCRIPTION OF BMP's FOR EROSION AND SEDIMENTATION CONTROL
SITE PLANNING CONSIDERATIONS		
	Scheduling	ESC 1 Sequence the construction project to reduce the amount and duration of soil erosion.
	Preservation of Existing Vegetation	
SOIL STABILIZATION		
	Seeding and Planting	ESC 10 Plant sipes to minimize erosion and stabilize earth
PHYSICAL STABILIZATION		
	Geotextiles and Mats	
	Dust Control	ESC 21 Use dust control to stabilize soil from wind erosion and reduce dust
	Temporary Stream Crossing	
	Construction Road Stabilization	
	Stabilize Construction Entrance	ESC 24

SWPPP Worksheet 7

Exhibit "B" and "C" site maps locate treatment control BMP's which will be constructed as part of this project to reduce storm water pollution after construction is complete. Provided on the worksheet below is the BMP selected, the responsible party for maintenance and operation and source for funding the operation and maintenance.

THESE ARE SUBJECT TO CHANGE TO REFINE IMPLEMENTATION EFFECTIVITY OF THE SWPPP.

- Maintenance/repair efforts to ensure BMP's are in good and effective condition:

x	BMP's SELECTED	MAINTENANCE RESPONSIBILITY	FUNDING SOURCE FOR OPERATION & MAINTENANCE
TREATMENT CONTROL BMP'S (See Chapter 5, Municipal Handbook)			
	Infiltration, TC 1		
	Wet Ponds		
	Constructed Wetlands		
	Vegetated Swales and Stripes		
	Extended Detention Basins		
	Media Filtration		
	Oil/Water Separators and Water Quality Inlets		
	Multiple Systems		
SOURCE CONTROL BMP's See Chapter 4, Municipal Handbook)			

1. Sediment shall be removed from sand bag barriers when sediment depth reaches 1/3 of the total available depth.

2. Any sand bag barriers or slope protection washed out or otherwise disrupted will be replaced or repaired within 24 hours of discovery.

- Inspection procedures and record keeping efforts: See attached Site Monitoring Worksheet.

1. Annual Inspection:
   Inspection will occur when site grading is complete and all ESC measures are installed.
2. Pre-storm Inspection:
   On days before predicted rainfall, a drive-by inspection will be conducted to check for any damage. Inspector will call a crew to immediately repair damage.

3. Post-storm Inspection:
   Each BMP will be closely inspected within 48 hours after each rainfall of 0.5 inches or More. BMP's will be checked for 1) structural integrity; 2) sediment accumulation greater than 1/3 total depth of BMP; 3) evidence of excessive sediment downstream of the site; and 4) evidence of other construction materials washed off-site.

- Training program/material for site personnel responsible for installing, inspection and maintaining BMP's:

1. BMP fact sheets from the SWPPP will be copied and distributed to site personnel engaged in the activity in question and/or installation/maintenance of ESC BMP's.

2. Site inspector observing improper construction measures or pollution caused by ineffective construction pollution management practices will inform site personnel performing these practices of proper BMP's, along with special follow-up inspections for further training.

Storm Water Pollution Prevention Plan (SWPPP)
Site Monitoring Worksheet

[ ] Regular Inspection

[ ] Rainfall Event Inspection (Before)
[ ] Rainfall Event Inspection (After)
Rainfall _____ Inches

Inspected By: _____ Date: _____

PROJECT:

ANSWER:

Yes
No
Does Not Apply

Are the BMPs called for on the SWPPP installed in the proper location and according to the specifications for the SWPPP?

Are all operational storm drain inlets protected from sediment inflow?

Do any structural practices require repair or clean out to maintain adequate function? If yes, indicate which ones:

Are on-site construction traffic routes, parking and storage of equipment and supplies restricted to areas specifically designated for those uses?

Are locations of construction materials in approved areas?

Do any seeded or landscaped areas require maintenance, irrigation, fertilization, seeding or mulching?

Is there any evidence that sediment is leaving the site?

Is there any evidence of erosion of cut or fill slopes?

Does the SWPPP require revisions? If yes, explain:

Please describe all items answered yes and what mitigation was completed to said item.

PREPARATION STATEMENT

I hereby state that this Storm Water Pollution Prevention Plan (SWPPP) was prepared by me, or under my supervision, and is true and accurate to the best of my knowledge.

John Cavin

Principal Engineer
RCE C16802
Expiration: 6/30/05

APPENDIX "A"

NOTICE OF INTENT
RECEIPT OF NOTICE OF INTENT

(Insert Notice of Intent Form – 2 Pages)

APPENDIX "B"

CALIFORNIA STORM WATER PERMIT

STATE OF CALIFORNIA - CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
PETE WILSON, Governor
STATE WATER RESOURCES CONTROL BOARD
PAUL R. BONDERSON BUILDING
901 P STREET
P. O. BOX 100
SACRAMENTO, CALIFORNIA 95812-0100
916/657-0941

FAX: 916/657-0932

TO: Interested Parties

GENERAL CONSTRUCTION ACTIVITY STORM WATER PERMIT

Enclosed is a copy of the General Construction Activity Storm Water Permit (Permit), including the Fact Sheet, Notice of Intent (NOI) form, and NOI instructions, which was adopted by the State Water Resources Control Board (State Water Board) on August 20, 1992.

To be covered by this Permit, the owners of land where a construction activity occurs must submit the completed NOI form, with the appropriate fee, to the State Water Board. Permits are required for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of five or more acres. Storm water discharges from a construction activity that results in a land disturbance of less than five acres, but which is part of a larger common plan of development or sale, also require a permit. Permits are required until the construction is complete.

A permit must be obtained by October 1, 1992 for an ongoing construction activity that satisfies these criteria. For a new construction activity that begins after October 1, 1992, a permit must be obtained before construction starts.

The NOI must be sent to the following address:

State Water Resources Control Board
Division of Water Quality
Attention: Storm Water Permit Unit
P. O. Box 1977
Sacramento, CA 95812-1977

The NOI must be accompanied by the appropriate annual fee. The fee will either be $250.00 or $500.00 depending on the area of the construction activity. The NOI will not be processed if not accompanied by the fee. Enclosure 1 describes those areas in which the $250.00 annual fee applies. Dischargers in all other areas of the State must pay the $500.00 fee.

STATE WATER RESOURCES CONTROL BOARD

901 P Street, Sacramento, CA 95814

FACT SHEET

FOR

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM_((NPDES)

GENERAL PERMIT FOR

STORM WATER DISCHARGES ASSOCIATED WITH

CONSTRUCTION ACTIVITY

BACKGROUND

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA) was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful, unless the discharge is in compliance with a NPDES permit. The 1987 amendments to the CW_A added Section 402(p), which establishes a framework for regulating municipal and industrial storm water discharges under the NPDES program. On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) published fina1 regulations that establish storm water permit application requirements for specified categories of industries. The regulations require that discharges of storm water associated with construction activity (storm water discharges) from soil disturbances of five (5) acres or more must be regulated as an industrial activity and covered by a NPDES permit.

In a recent ruling, the Ninth Circuit Court of Appeals invalidated the exemption granted by USEPA for storm water discharges from soil disturbances of less than five acres but remanded the regulation to USEPA for further action. The State Water Board, at this time, is not requiring storm water discharges from soil disturbances of less than five acres to be covered by this general permit. Instead, the State Water Board will await future USEPA or court action clarifying the types of storm water discharges that must be permitted. If necessary, the State Water Board will reopen the general permit to accommodate such a clarification.

While Federal regulations allow two permitting options for storm water discharges (individual permits and general permits), the State Water Board has elected to adopt only one statewide general permit at this time that will apply to all storm water discharges, except from those on Indian lands and the Lake Tahoe Hydrologic Unit. The State Water Board has previously adopted a separate statewide general permit for all other industrial storm water discharge categories, except for those discharges in Santa Clara County that drain to San Francisco Bay and on Indian Lands.

This general permit requires all owners of land where construction activity occurs (dischargers) to:

1. Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the nation,
2. Develop and implement a storm water pollution prevention plan, and
3. Perform inspections of storm water pollution prevention measures (control practices).

This general permit will be implemented and enforced by the nine California Regional Water Quality Control Boards (Regional Water Boards).

The general permit accompanying this fact sheet is intended to initiate regulation of storm water discharges. Regulating many storm water discharges under one permit will greatly reduce the otherwise overwhelming administrative burden associated with permitting individual storm water discharges. Dischargers must submit a notice of intent (NOI) to obtain coverage under this general permit. It is expected that as the storm water program develops, the Regional Water Boards may issue general permits containing more specific permit provisions. When this occurs, those dischargers will no longer be regulated by this general permit.

TYPES OF CONSTRUCTION ACTIVITY COVERED BY THIS GENERAL PERMIT

Construction activity includes clearing, grading, or excavation that results in soil disturbance of at least five acres of total land area. Construction activity that results in soil disturbances of less than five acres requires a permit if the construction activity is part of a larger. common plan of development or sale. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility, nor does it include emergency construction activities required to protect public health and safety. Dischargers may confirm with the local Regional Water Board that a particular routine maintenance is not subject to this general permit.

Storm water discharges from those portions of a construction project which include dredging and/or filling which are subject to regulation by the U.S. Army Corps of Engineers (Corps), pursuant to Section 10 of the Rivers and Harbors Act and/or Section 404 of the CWA, are excluded from regulation under this general permit. Said portions of the project are, however, subject to the certification requirements of Section 401 of the CWA and must be addressed via the certification process. Storm water discharges from dredge spoil placement which occurs outside of Corps jurisdiction (upland sites) and is part of a construction activity which disturbs five or more acres of land are covered by this general permit.

NOTIFICATION REQUIREMENTS

The owner of the land where the construction activity is occurring is responsible for obtaining coverage under this general permit by filing a NOI and appropriate fee in accordance with the NOI instructions. For construction activity conducted on easements, or on nearby property by agreement or permission, the entity responsible for the construction activity must file a NOI.

A separate NOI must be submitted to the State Water Board for each covered construction activity. Owners of land with ongoing construction activity will be required to submit a NOI by September 30, 1992. Owners of land with construction activity commencing after September 30, 1992 must submit a NOI prior to commencement of construction activity. The NOI requirements of the general permit are intended to establish a mechanism which can be used to clearly identify the responsible parties, locations, and scope of operations of dischargers covered by the general permit.

The NOI must be sent to the following address:

California State Water Resources Control Board Division of
Water Quality
Storm Water Permit Unit
P.O. Box 1977
Sacramento, CA 95812-1'977

The current annual fee for this general permit is either $500 or $250 depending on location. Dischargers who fail to obtain coverage under this general permit and are not otherwise covered by a NPDES permit for storm water discharges will be in violation of the CWA and the California Water Code. When construction is complete or ownership has been transferred, dischargers are required to notify the State Water Board indicating that all State and local requirements have been met in accordance with Special Provision 7 of the general permit.

TYPES OF CONSTRUCTION ACTIVITY NOT COVERED BY THIS GENERAL PERMIT

This general permit does not apply to storm water discharges from those areas on Indian lands and the Lake Tahoe Hydrologic Unit. Storm water discharges in the Lake Tahoe Hydrologic Unit will be regulated by a separate permit(s) adopted by the California Regional Water Quality Control Board, Lahontan Region (Lahontan Regional Water Board). USEPA will regulate storm water discharges on Indian lands. Permit applications for storm water discharges that will be conducted in the Lake Tahoe Hydrologic Unit should be submitted directly to the Lahontan Regional Water Board.

DESCRIPTION OF GENERAL PERMIT CONDITIONS

The following is a brief description of the major provisions of the general permit and the basis for the general permit. Dischargers should read the general permit carefully.

Prohibitions

This general permit authorizes the discharge of storm water associated with construction activity from construction sites. It prohibits the discharge of materials other than storm water and all discharges which contain a hazardous substance in excess of reportable" quantities established at 40 Code of Federal Regulations (CFR) 117.3 or 40 CFR 302.4 unless a separate NPDES permit has been issued to regulate those discharges.

Effluent Limitations

Permits for storm water discharges associated with construction activity must meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants, and any more stringent controls necessary to meet water quality standards

It is not feasible at this time for the State Water Board to establish numeric effluent limitations. The reasons why establishment of numeric effluent limitations is not feasible is discussed in detail in State Water Board Orders Nos. WQ 91-03 and *WQ* 91-04. Therefore, the effluent limitations contained in this general permit are narrative and include the requirement to implement appropriate pollution prevention control practices and/or Best Management Practices (BMPs). The BMPs may include treatment of storm water discharges, along with source reduction, which will constitute BAT and BCT and will achieve compliance with water quality standards. The effluent limitations constitute compliance with the requirements of the CWA. However, if storm water discharges cause water quality standards to be exceeded, this general permit may be amended, or the appropriate Regional Water Board may adopt a general permit, which replaces this general permit to include additional effluent limitations necessary to achieve water quality standards. Elimination or reduction of non-storm water discharges is a major goal of this general permit. Non-storm water discharges include a wide variety of sources, including improper dumping, spills, or leakage from storage tanks or transfer areas. Non-storm water discharges may contribute a significant pollutant load to receiving waters. Measures to control spills, leakage, and dumping and to prevent illicit connections during construction can often be addressed through BMPs. This general permit prohibits the discharge of materials other than storm water. The general permit, however, recognizes that certain non-storm water discharges may be necessary for the practical performance and completion of construction projects. Such discharges include, but are not limited to: landscape irrigation of erosion control measures, pipe flushing and testing, street washing, and dewatering. Such discharges are allowed by this general permit if the discharges are (1) infeasible to eliminate, (2) comply with BMPs as described in the Storm Water Pollution Prevention Plan, (3) do not cause or contribute to a violation of water quality standards, and (4) are not required to be permitted by the local Regional Water Board (e.g.. some Regional Water Boards have adopted general permits for dewatering discharges).

Storm Water Pollution Prevention Plan (SWPPP)

This general permit requires development and implementation of SWPPs emphasizing storm water BMPs. This approach provides flexibility necessary to establish control practices which can appropriately address sources of pollutants at different construction activities.

All dischargers must prepare, retain at the construction site, and implement a SWPPP. The SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of storm water discharges and (2) to describe and ensure the implementation of practices to reduce sediment and other. pollutants in storm water discharges. The SWPPP must include BMPs which address source reduction and, if necessary, should include BMPs which require treatment.

The SWPPs are considered reports available to the public under Section 308(b) of the CWA and will be made available by the Regional Water Board upon request. Required elements of the SWPPs include: (1) site description, (2) erosion and sediment controls, (3) waste disposal, (4) implementation of approved local plans (5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements, and (6) non-storm water management.

Monitoring Program

Another major feature of the general permit is the development and implementation of a monitoring program. Al dischargers are required to conduct inspections of the construction site prior to anticipated storm events and after actual storm events to identify areas contributing to a storm water discharge and to evaluate whether measures to reduce pollutant loadings identified in the SWPP are adequate and properly implemented in accordance with the terms of the general permit or whether additional control practices are needed.

Each discharger must certify annually that its construction activity is in compliance with the requirements of this general permit and its SWPP. Dischargers who cannot annually certify compliance or who have had other instances of noncompliance must notify the appropriate Regional Water Board. A well-developed monitoring program will provide a good method for checking on the effectiveness of the SWPPP.

Retention of Records

The discharger is required to retain records of all monitoring information, copies of all reports required by this general permit, and records of all data used to complete the NOI for the construction activity to be covered by the general permit for a period of at least three years. This period may be extended by request of the State and/or Regional Water Boards. With the exception of noncompliance reporting, dischargers are not required to submit the records, except upon specific request by the Regional Water Board

STATE WATER RESOURCES CONTROL BOARD (STATE WATER BOARD)
Order No. 92-08-DEQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS000002

WASTE DISCHARGE REQUIREMENTS (NPDES) FOR DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH CONSTRUCTION ACTIVITY

The State Water Board finds that:

1. Federal regulations for controlling pollutants in storm water runoff discharges were issued by the U.S. Environmental Protection Agency (USEPA) on November 16, 1990 (40 Code of Federal Regulations (CFR) Parts 122, 123, and 124). The regulations require discharges of storm_ water associated with construction activity including clearing, grading, and excavation activities (except operations that result in disturbance of less than five acres of total land area and which are not part of a larger common plan of development or sale) 1/ to obtain a NPDES permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate storm water pollution.

2. This general permit shall regulate pollutants in discharges of storm water associated with construction activity (storm water discharges) except from those areas on Indian lands, the Lake Tahoe Hydrologic Unit, and where the storm water discharge is determined ineligible for coverage under this general penalty the California Regional Water Quality Control Boards (Regional Water Boards). Attachment 1 contains addresses and telephone numbers of each Regional Water Board office.

3. This general permit does not preempt or supersede the authority of local storm water management agencies to prohibit, restrict, or control storm water discharges co separate storm sewer systems or ocher watercourses within their jurisdiction, as allowed by State and Federal law.

4. To obtain authorization for current and future storm water discharges pursuant to this general permit, the owner of a site where construction activity occurs (discharger) muse submit a Notice of Intent(NOI) and appropriate fee to the State Water Board. Dischargers who submit a NOI and appropriate fee are authorized to discharge storm water under the terms and conditions of this general permit.

5. If an individual NPDES permit is issued to a discharger otherwise subject to this general permit, or an alternative general permit is subsequently adopted which covers storm water discharges regulated by this general permit, the applicability of this general permit to such discharges is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the subsequent general permit.

6. This action to adopt a NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code.

1/ *In a recent ruling, the Ninth Circuit Court of Appeals invalidated the exemption granted by USEPA for storm water discharges from soil disturbances less than five acres but remanded to USEPA for further action. This general permit may be reopened, as necessary, to accommodate a redefinition of the types of storm water discharges that must be permitted.*

7. The Storm Water Board adopted the California Ocean Plan on March 22, 1990 and the California Inland Surface Waters Plan and Enclosed Bays and Estuaries Plan on April 11, 1991. In addition, the Regional Water Boards have adopted and the State Water Board has approved Their Quality Control Plans (Basin Plans). Dischargers regulated by this general permit must comply with the water quality standards in these Plans and subsequent amendments thereto.

8. It is not feasible at this time to establish numeric effluent limitations for pollutants in storm water discharges from construction activities. Instead, the provisions of this general permit that require implementation of Best Management Practices (BMPs) to control and abate the discharge of pollutants in Storm water discharges constitute compliance with BAT/BCT requirements and with requirements to achieve water quality standards.

9. Discharges of non-storm water may be necessary for the practical performance and completion of certain construction projects. Such discharges include, but are not limited to: landscape irrigation of erosion control measures, pipe flushing and testing, street washing, and dewatering. Such discharges are allowed under this general permit so long as they comply with BMPs as described in the Storm Water Pollution Prevention Plan and they do not cause or contribute to violation of any water quality standard.

10. Following adoption of this general permit, the Regional Water Boards shall enforce the provisions of this general permit including the monitoring and reporting requirements.

11. Following public notice in accordance with State and Federal laws and regulations, the State Water Board in a public meeting held May 14, 1992 heard and considered all comments. The State Water Board has prepared written responses to all significant comments.

12. This Order is a NPDES permit in compliance with Section 402 of the Clean Water Act (CWA) and shall take effect_ upon adoption by the State Water Board.

13. This general permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under CWA Section 404 and does not constitute a waiver of water quality certification under CWA Section 401.

IT IS HEREBY ORDERED that all dischargers who file a Notice of Intent (NOI) indicating their intention to be regulated under the provisions of this general permit shall comply with the following:

A. DISCHARGE PROHIBITIONS:

1. Discharges of material other than storm water, which are not otherwise regulated by a NPDES permit, to a separate storm sewer system or waters of the nation are prohibited, except as allowed in Provision C.3.

2. Storm water discharges shall not cause or threaten to cause pollution contamination, or nuisance.

3. Storm water discharges regulated. by this general permit shall not contain a hazardous 8Ubstance equal to or in excess of a reportable quantity listed in 40 in Part 117 and/or 40 in Part 302.

B. RECEIVING WATER LIMITATIONS:

1. Storm water discharges to any surface or ground water shall not adversely impact human health or the environment.

2. Storm water discharges shall not cause or contribute to a violation of any applicable water quality standards contained in the California Ocean Plan, Inland Surface Waters Plan, Enclosed Bays and Estuaries Plan, or the applicable Regional water Board's Basin Plan.

C. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY:

1. All dischargers must file a NOI and appropriate fee for construction activities conducted at each site *as* required by Attachment 2: Notice of Intent--General Instructions.

2. All dischargers must develop and implement a Storm Water Pollution Prevention Plan in accordance with Section A: Storm Water Pollution Prevention Plan (SWPPP).

3. Discharges of non-storm water are allowed only when necessary for performance and completion of construction projects and where they do not cause or contribute to a violation of any water quality standard. Such discharges must be described in the SWPPP, wherever feasible, alternatives which do not result in discharge of non-storm water shall be implemented, in accordance with Section A.7 of the SWPPP requirements.

4. All dischargers must develop and implement a monitoring program and reporting plan in accordance with Section B: Monitoring Program and Reporting Requirements.

5. All dischargers must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to separate storm sewer systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the Regional Water Boards to local agencies.

6. All dischargers must comply with the standard provisions and reporting requirements contained in Section C: Standard Provisions.

7. The discharger may revoke (cancel) coverage under this general permit by submitting to the State Water Board certification, in accordance with the signatory requirements of Section C: Standard Provisions, Items 9 and 10, that construction activity has been completed, that all elements of the SWPPP have been completed, that construction and equipment maintenance waste have been disposed of properly, that the site is in compliance with all local storm water management requirements including erosion/sediment control requirements, policies, and guidelines. In addition, a discharger may revoke (cancel) coverage under this general permit when ownership of all or a portion of the project has been transferred. The new owner must comply with the provisions of Section A(2)(c) and B(3)(b) of this general permit. The revocation should accompany the NOI from the new owner when possible.

8. This general permit will expire on August 20, 1997. Upon reissuance of a NPDES general permit by the State Water Board, dischargers subject to the reissued general permit may be required to file a revised NOI.

D. REGIONAL WATER BOARD AUTHORITIES:

1. Following adoption of this general permit, Regional Water Boards shall:

   a. Implement the provisions of this general permit. Implementation of this general permit may include, but is not limited to, reviewing SWPPs, reviewing monitoring reports, conducting compliance inspections, and taking enforcement actions.

   b. Issue permits as they deem appropriate to individual dischargers, categories of dischargers, or dischargers in a geographic area. Upon issuance of such permits by a Regional Water Board, the affected dischargers shall no longer be regulated by this general permit.

2. Regional Water Boards may provide guidance to dischargers on SWPPP and Monitoring Program implementation.

3. Regional Water Boards may require dischargers to remain records for more than three years.

4. Regional Water Boards may require additional monitoring and reprorcing program requirements.

CERTIFICATION

The undersigned, Administrative Assistance to the State Water Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 20, 1992.

AYE:	W. Don Maughan Eliseo H. Samaniego Marc Del Piero James M. Stubchaer
NO:	None
ABSENT:	John Caffrey
ABSTAIN:	None

Maureen Marche
Administrative Assistant to the Board

Section A: STORM WATER POLLUTION PREVENTION PLAN

1. Objectives

A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for each construction site covered by this general permit. The SWPPP shall be certified in accordance with the signatory requirements of Standard Provision C.9. The SWPPP shall be developed and amended, when necessary, to meet: the following objectives:

a. To identify pollutant: sources that may affect the quality of discharges of storm water associated with construction activity (storm water discharges) from the construction site, and

b. To identify, construct, and implement storm water pollution prevention measures (control practices) to reduce pollutants in storm water discharges from the construction site both during construction and after construction is completed.

2. Implementation Schedule

a. For construction activity commencing on and after October 1, 1992, the SWPPP must be developed and implemented concurrent with commencement of construction activities.

b. For construction activity commencing prior to and continuing beyond October 1, 1992, the SWPPP must be developed and implemented by October 1, 1992.

c. For ongoing construction activity involving a change of ownership of property covered by this general permit, the new owner must accept and maintain the existing SWPPP.

3. Availability

The SWPPP shall be kept on site during construction activity and made available upon request of a representative of the Regional Water Board and/or local agency.

4. Required Changes

a. The discharger shall amend the SWPPP whenever there is a change in construction or operations which may affect the discharge of significant quantities of pollutants to surface waters, ground waters, or a municipal separate storm sewer sY8t:em. The SWPPP should also be amended if it is in violation of any condition of this general permit or has not achieved the general objective of reducing pollutants in storm water discharges.

b. The Regional Water Board, or local agency with the concurrence of the Regional Water Board, may require the discharger to amend the SWPPP.

5. Source Ident1fication

The SWPPP shall provide a description of potential sources which are likely to add significant quantities of pollutants to storm water discharges or which may result in non-storm water discharges from the construction site. The SWPPP shall include, at a minimum, the following items:

a. A map extending approximately one-quarter mile beyond the property boundaries of the construction site showing: the construction site, surface water bodies (including known springs and wetlands 1/), known wells, an outline of off-site drainage areas that discharge into the construction site, general topography, and the anticipated discharge location(s) where the construction site's storm water discharges to a municipal storm sewer system or other water body. The requirements of this paragraph may be included in the site map required under the following paragraph if appropriate.

b. A site map(s) showing:

i Location of control practices used during construction;

ii. Areas used to store soils and wastes;

iii. Areas of cut and fill;

iv. Drainage patterns and slopes anticipated after major grading activities are completed;

v. Areas of soil disturbance;

vi. Surface water locations;

vii. Areas of potential soil erosion where control practices will be used during construction;

viii. Existing and planned paved areas and buildings;

ix. Locations of post-construction control practices;

x. An outline of the drainage area for each on-site storm water discharge point;

xi. Vehicle storage and service areas; and

xii. Areas of existing vegetation.

A narrative description of the following:

i. Toxic materials that are known to have been treated. stored, disposed, spilled, or leaked in significant quantities onto the construction site;

ii. Practices to minimize contact of construction materials, equipment and vehicles with storm water;

iii. Construction material loading, unloading, and access areas;

iv. Preconstruction control practices (if any) to reduce sediment and other pollutants in storm water discharges;

v. Equipment storage. cleaning, and maintenance areas;

1/ *The determination of whether wetlands exist shall be made by the person who prepares the SWPPP and shall be made by the person who prepares the SWPPP and shall not be binding upon any other person.*

vi. Methods of on-site storage and disposal of construction materials; and

vii. The nature of fill material and existing data describing the soil on the construction site.

d. A list of pollutants (other than sediment) that are likely to be present in storm water discharges in significant quantities. Describe the control practices (if different from Item 6 below) appropriate to reduce these pollutants in the storm water discharges.

e. An estimate of the size of the construction site (in acres or square feet), an estimate of the runoff coefficient of the construction site before and after construction, and an estimate of the percentage of the area of the construction site that is impervious (e.g., pavement, buildings, etc.) before and after construction.

f. A copy of the NOI.

6. Erosion and Sediment Control

The SWPPP shall include:

a. A description of soil stabilization practices. These practices shall be designed to preserve existing vegetation where feasible and to revegetate open areas as soon as feasible after grading or construction. In developing these practices, the discharger shall consider: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, or other soil stabilization practices. At a minimum, the operator must implement these practices on all disturbed areas during the rainy season.

b. A description or illustration of control practices which, to the extent feasible, will prevent a net increase of sediment load in storm water discharge. In developing control practices, the discharger shall consider a full range of erosion and sediment controls such as detention basins, straw bale dikes, silt fences, earth dikes, brush barriers, velocity dissipation devices, drainage swales, check dams, subsurface drain, pipe slope drain, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, temporary sediment basins, or other controls. At a minimum, sandbag dikes, silt fences, straw bale dikes, or equivalent controls practices are required for all significant sideslope and downslope boundaries of the construction area. The discharger must consider site-specific and seasonal conditions when designing the control practices.

c. Control practices to reduce the tracking of sediment onto public or private roads. private roads shall be inspected and cleaned as necessary. These public and private roads shall be inspected and cleaned as

d. Control practices to reduce wind erosion.

7. Non-Storm Water Management

The SWPPP shall include provisions which eliminate or reduce to the extent feasible the discharge of materials other than storm water to the storm sewer system and/or receiving waters. Such provisions shall ensure, to the extent feasible, that no materials are discharged in quantities which will have an adverse effect on receiving waters. Materials other than storm water that are discharged shall be listed along with the estimated quantity of the discharged material.

8. Post-Construction Storm Water Management

The SWPPP shall describe the control practices to reduce pollutants in storm water discharges after all construction phases have been completed at the site. These must be consistent with all local post-construction storm water management requirements, policies, and guidelines. The discharger must consider site-specific and seasonal conditions when designing the control practices. Operation and maintenance of control practices after construction is completed shall be addressed, including short- and long-term funding sources and the responsible party.

9. Waste Management and Disposal

All wastes (including equipment maintenance waste) disposed at the site or removed from the site for disposal shall be disposed of in compliance with Federal, State, and local laws, regulations, and ordinances.

10. Maintenance, Inspection, and Repair

The SWPPP shall include maintenance, inspections, and repair procedures to ensure that all grade surfaces, walls, dams and structures, vegetation, erosion and sediment control measures, and other protective devices identified in the site plan are maintained in good and effective condition and are promptly repaired or restored.

11. Training

The SWPPP shall include procedures to ensure that all inspections required in Section B.4 of the Monitoring Program and Reporting Requirements of this general permit and maintenance and repair required in Paragraph 10 of this Section are done by trained personnel.

12. List of Contractors/Subcontractors

The SWPPP shall include a list of all contractors (or subcontractors) responsible for implementing the SWPP.

13. Other Plans

This SWPP may incorporate, by reference, the appropriate elements of other plans required by local, State, or Federal agencies. A copy of any requirements incorporated by reference shall be kept at the construction site.

14. Public Access

The SWPP is considered a report that shall be available to the public under Section 308(b) of the OW!. Upon request by members of the public, the discharger shall make available for review a copy of the S_PP either to the Regional Water Board or directly to the requestor.

15. Preparer

The SWPP shall include the signature and title of the person responsible for preparation of the SWPPP and include the date of initial preparation and each amendment, thereto.

Section B: MONITORING PROGRAM AND REPORTING REQUIREMENTS

1. General

Dischargers are required to conduct inspections before and after storm events and to annually certify that they are in compliance with the general permit and their SWPPP. Other than reporting incidents of noncompliance, dischargers are not required to submit reports or certifications.

2. Required Changes

The Regional Water Board may require the discharger to conduct additional site inspections, submit reports and certifications, or to perform sampling and analysis.

3. Implementation

a. The requirements of this Section shall be implemented by October 1, 1992 or commencement of the construction activity. The discharger is responsible for implementing these requirements until construction activity is complete.

b. For ongoing construction activity involving a change in ownership of property covered by this general permit, the new owner must implement the requirements of this Section concurrent with the change of ownership.

4. Site Inspections

Dischargers shall conduct inspections of the construction site prior to anticipated storm events and after actual storm events to identify areas contributing to a discharge of storm water associated with construction activity and to evaluate whether control practices to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the general permit or whether additional control practices are needed. A record of the inspections must include the date of the inspection, the individual(s) who performed the inspection, and the observations.

5. Compliance Certification

Each discharger must annually certify that its construction activity is in compliance with the requirements of this general permit and its SWPPP. This certification should be based upon the site inspections required in Paragraph 4 of this Section. The first certification must be completed by July I, 1993, and each July 1 thereafter.

6. Noncompliance Reporting

Dischargers who cannot certify compliance, in accordance with Paragraph 5 of this Section and/or who have had other instances of noncompliance, must notify the appropriate Regional Water Board. The notifications shall identify the type(s) of noncompliance, describe the actions necessary to achieve compliance, and include a time schedule, subject to the modifications by the Regional Water Board, indicating when compliance will be achieved. Noncompliance notifications must be submitted within 30 days of identification of noncompliance.

7. Monitoring Records

Records of all inspections, compliance certifications, and noncompliance reporting must be retained for a period of at least three years. With the exception of noncompliance reporting, dischargers are not required to submit these records.

Section C: STANDARD PROVISIONS FOR CONSTRUCTION ACTIVITY

1. Duty co Comply

The discharger must comply with all of the conditions of this general permit. Any permit: noncompliance constitutes a violation of the CWA and the Porter-Cologne Water Quality Control Act: and is grounds for enforcement action and/or removal from general permit: coverage.

The discharger shall comply with effluent: standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that: establish these standards prohibitions, even if this general permit: has not: yet: been modified to incorporate the requirement:.

2. General Permit: Actions

This general permit may be modified, revoked and reissued, or terminated for cause. The filing of a request: by the discharger for a general permit modification, revocation and reissuance, or termination, a notification of planned changes or anticipated noncompliance does not: stay any general permit: condition.,

If any toxic effluent: standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant: which is present: in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this general permit:, this general permit shall be modified or revoked and reissued to conform to the toxic effluent: standard or prohibition; and the dischargers so notified.

3. Need to Halt: or Reduce Activity Not: a Defense

It shall not be a defense for a discharger in an enforcement: action that: it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this general permit.

4. Duty to Mitigate

The discharger shall take all responsible steps to minimize or prevent any discharge in violation of the general permit which has a reasonable likelihood of adversely affecting human health or the environment

5. Proper Operation and Maintenance

The discharger shall ac all times properly operate and maintain any facilities and systems of treatment: and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this general permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate 1aborat:ory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation to backup or auxiliary facilities or similar systems, installed by a discharger when necessary co achieve compliance with the conditions of this general permit:.

6. Property Rights

This general permit does not convey any property rights of any sort:, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement: of Federal, State, or local laws or regulations.

7. Duty to Provide Information

The discharger shall furnish the Regional Water Board, State Water Board, or USEPA, within a reasonable time, any requested information to determine compliance with this general permit. The discharger shall also furnish, upon request, copies of records required co be kept by this general permit.

8. Inspection and Entry

The discharger shall allow the Regional Water Board, State Water Board, USEPA, and/or, in the case of construction sites which discharge through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the discharger's premises at reasonable times where a regulated construction activity is being conducted or where records must be kept under the conditions of this general permit;

b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this general permit;

c. Inspect at reasonable times the construction site and the related erosion/sediment controls; and

d. Sample or monitor at reasonable times for the purpose of ensuring general permit compliance.

9. Signatory Requirements

a. All Notices of Intent submitted co the State Water Board shall be signed as follows:

1. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

3. For a municipality, State, Federal, or other public agency: by either a principal executive officer, ranking elected official, or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA).

b. All storm water pollution prevention plans, reports, certifications, or other information required by the general permit and/or requested by the Regional Water Board, State Water Board, USEPA, or the local storm water management_ agency shall be signed by a person described above or by a duly authorized representative. A person is a duly authorized representative if:

1. The authorization is made in writing by a person described above and retained as part of the SWPPP;

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the construction activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for _he company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

3. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the construction activity, a new authorization must be attached to the SWPPP prior to submittal of any reports, information, or certifications to be signed by the authorized representative.

10. Certification

Any person signing documents under Provision 8 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or 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. 1 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations..

11. Anticipated Noncompliance

The discharger will give advance notice to the Regional Water Board and local storm water management agency of any planned changes in the construction activity which may result in noncompliance with general permit requirements.

12. Penalties for Falsification of Reports.

Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this general permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than two years or by both.

13. Oil and Hazardous Substance Liability

Nothing in this general permit shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject under Section 311 of the CYA.

14. Severability

The provisions of this general permit are severable, and, if any provision of this general permit or the application of any provision of this general permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this general permit shall not be affected thereby.

I5. Reopener Clause

This general permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 CFR 122.62, 122.63. 122.64, and 124.5.

.6. Penalties for Violations of Permit Conditions

a. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this general permit is subject to a civil penalty not to exceed $25,000 per day of such violation, as well as any other appropriate sanction provided by Section. 309 of the CWA.

b. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties which in some cases are greater than those under the CWA.

7. Availability

A copy of this general permit shall be maintained at the construction site during construction activity and be available to operating personnel.

I. Transfers

This general permit is not transferable. A new owner of an ongoing construction activity must submit a NOI in accordance with the requirements of this general permit to be authorized to discharge under this general permit. An owner who sells property covered by this general permit shall inform the new owner of the duty to file a NOI and shall provide the new owner with a copy of this general permit.

Continuation of Expired Permit

This general permit continues in force and effect until a new general permit is issued or the State Water Board rescinds this general permit. Only those dischargers authorized to discharge under the expiring

STATE WATER RESOURCES CONTROL BOARD

P. O. Box 100, Sacramento, CA 95812-0100
Legislative and Public Affairs: (916)657-2390
Clean Water Programs Information: (916) 739-4400
Water Quality Information: (916) 657-0687
Water Rights Information: (916) 657-2170

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARDS

NORTH COAST REGION (1)
5550 Skylane Blvd. Suite A
Santa Rosa, CA 95403
(707) 576-2220

SAN FRANCISCO BAY REGION (2)
2101 Webster Street, Ste. 500
Oakland, CA 94612
(510) 464-1255

CENTRAL COAST REGION (3)
81 Higuera St., Suite 200
San Luis Obispo, CA 93401-5414
(805) 549-3147

LOS ANGELES REGION (4) 101
Centre Plaza Drive Monterey Park,
CA 91754-2156 (213) 266-7500

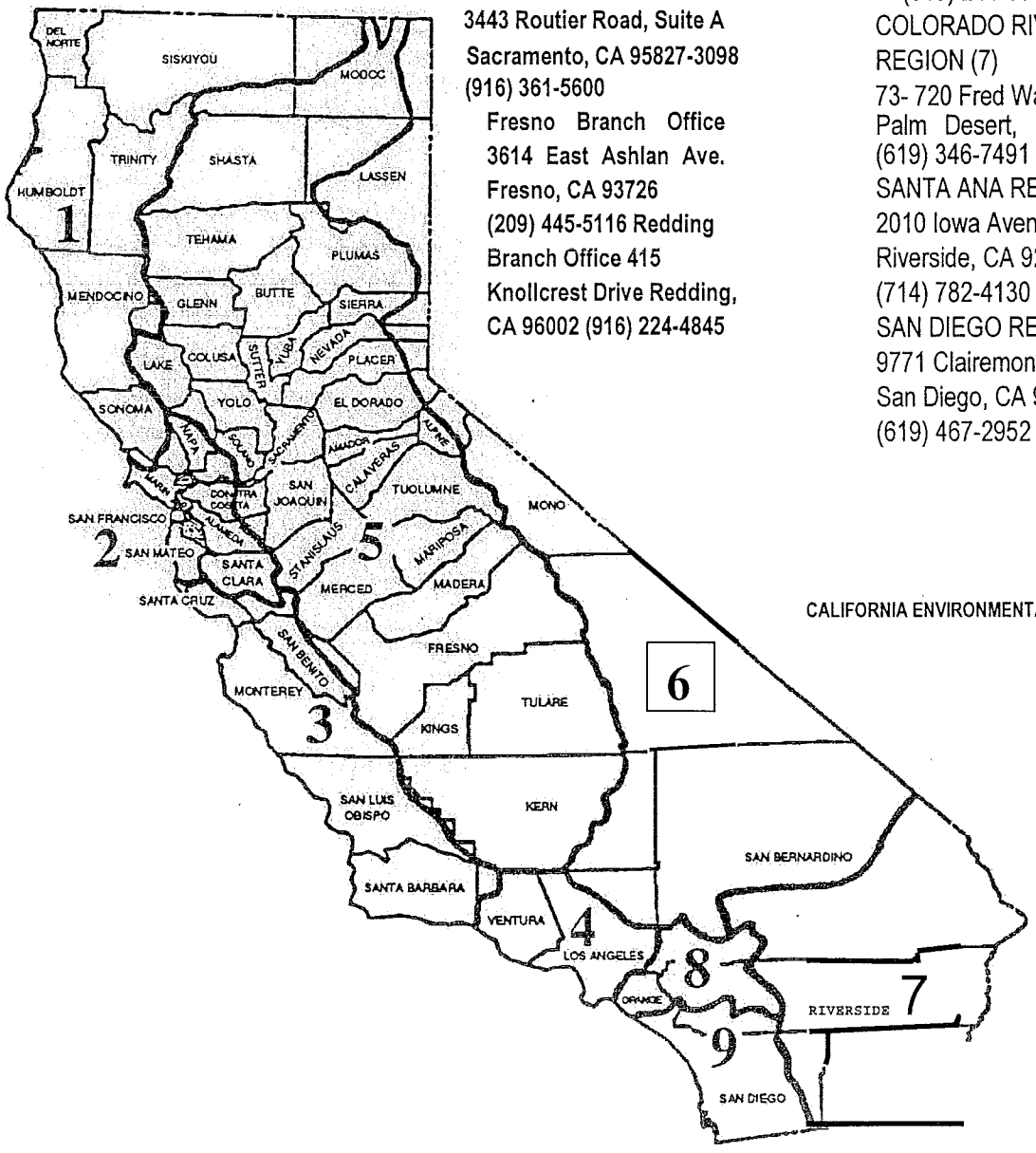
CENTRAL VALLEY REGION (5)
3443 Routier Road, Suite A
Sacramento, CA 95827-3098
(916) 361-5600
Fresno Branch Office
3614 East Ashlan Ave.
Fresno, CA 93726
(209) 445-5116 Redding
Branch Office 415
Knollcrest Drive Redding,
CA 96002 (916) 224-4845

LAHONTAN REGION (6)
2092 Lake Tahoe Boulevard, Suite 2
South Lake Tahoe, CA 96150
(916) 544-3481
Victorville Branch Office
Civic Plaza,
15428 Civic Drive, Suite 100
Victorville, CA 92392-2359
(619) 241-6583

COLORADO RIVER BASIN REGION (7)
73- 720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260 .,..
(619) 346-7491

SANTA ANA REGION (8)
2010 Iowa Avenue, Suite 100
Riverside, CA 92507-2409
(714) 782-4130

SAN DIEGO REGION (9)
9771 Clairemont Mesa Blvd. Ste. B
San Diego, CA 92124
(619) 467-2952



STATE OF CALIFORNIA
Pete Wilson, Governor

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
James M. Strock, Secretary

NOTICE OF INTENT (NOI) TO COMPLY WITH THE TERMS
OF THE GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY

GENERAL INSTRUCTIONS

Who Must Submit

Discharges of storm water associated with construction activity (storm water discharges) that results in the disturbance of one acre or more of total land area or which is pate of a larger common area of development or sale must be permitted. Construction activity includes clearing, grading, excavation, and reconstruction of existing facilities involving removal and replacement. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

The owner of the land where the construction activity is occurring is responsible for obtaining a permit. Owners may obtain coverage under the General Storm Water Permit to Discharge Storm Water Associated with Construction Activity (General Permit) by filing a NOI in accordance with the following instructions. Coverage for construction activity conducted on easements (e.g., pipeline construction), or on nearby properties by agreement or permission. shall be obtained by the entity responsible for the construction activity.

Construction Activities Not Covered by This General Permit

Storm water discharges in the Lake Tahoe Hydrologic Unit will be regulated by a separate permit(s) adopted by the California Regional Water Quality Control Board, Lahonton Region, and may not. seek coverage under the State Water Board's general permit. Storm water discharges on Indian Lands will be regulated by the U.S. Environmental Protection Agency.

Where to Apply

The NOI should be mailed to the State Water Resources Control Board at the following address:

State Water Resources Control Board
Division of Water Quality
Attn: Storm Water Permit Unit
P.O. Box 1977
Sacramento, CA. 95812-1977

When to Apply

Owners of ongoing construction must file a NOI, along with the appropriate annual fee, by September 30,1992. Owners of new construction (those beginning construction after September 30, 1992) must file a NOI prior to the commencement of construction. For ongoing construction activity involving a change of ownership, the new owner must submit a new NOI within 30 days of the date of change of ownership. Preferably, the NOI should be sent with the revocation prepared by the previous owner.

Fees

The current annual fee is $250.00 for each construction site which discharges into a municipal separate storm sewer system regulated by an area wide urban storm water permit and $500.00 for all other construction sites.

Completing the NOI

Completion and submittal of the attached NOI (Form NOI-2) is required to gain coverage under the general permit. It must be completely and accurately filled out. A construction site will be considered to be covered by the general permit upon filing a complete and accurate NOI and submitting the appropriate annual fee. Upon receipt of the NOI and fee, each discharger will be sent a letter containing the discharger's identification number.

Questions?

If you have any questions on completing the NOI after reading the following line-by-line instructions, please call us at (916) 657-1146.

NOI – BY LINE INSTRUCTIONS

The NOI consists of two parts--a NOI Form (Form NOI-2) and a site map. Please type or print when completing.

Mark one of the three boxes at the top portion of the NOI. Check box 1 if the NOI is being completed for ongoing construction, box 2 if the construction site is new (commencing on or after October 1, 1992), and box 3 if the NOI is being submitted to report changes for a construction site already covered by the general permit. An example of a change that warrants a resubmittal of the NOI would be a change of ownership of the construction site. Complete only those portions of the NOI that apply to the changes (the NOI must always be signed). If box 3 is checked, the WDID No. must be included.

SECTION I - OWNER

Enter the owner of the construction site's official or legal name, address, contact person, and contact person's title and telephone number.

SECTION II – CONSTRUCTION SITE INFORMATION

In Part A, enter the name of the developer (or general contractor), official, or legal name, address, contact person and contact person's title and telephone number. The contact person should be the construction site manager completely familiar with the construction site and charged with compliance and oversight of the general permit.

In Part B, enter the address, county, and telephone number (if any) of the construction site. Construction sites that do not have a street address must attach to the NOI a legal description of the construction site.

In Part C, indicate whether the construction site is part of a larger common plan of development or sale. For example, indicate yes if the construction activity is occurring on a two-acre site within an industrial park development of greater than five acres. If the construction site is part of a larger common plan of development or sale, name the common plan (e.g., XYZ Estates, ABC Industrial Park).

In Part D, indicate the construction commencement date (month, day, year). When there is a change in ownership of the property that requires a new NOI, the construction commencement date should be the date of the change in ownership.

In Part E, indicate when the construction is expected to be completed.

SECTION III – BILLING ADDRESS

To continue coverage under the general permit, the annual fee must be paid. Use this section to indicate whether the annual fee invoices should be sent to the owner, developer, or other party (include address).

SECTION IV – RECEIVING WATER INFORMATION

In Part A of this section, the owner is required to indicate whether the construction site's storm water runoff discharges to a separate storm sewer system, directly to waters of the United States, or indirectly to waters of the United States.

Discharges to separate storm sewer systems are those that discharge to a collection system operated by municipalities, flood control districts, utilities, or similar entities. Storm water discharges directly to waters of the United States will typically have an outfall structure directly from the facility to a river, creek, ocean, etc. Indirect discharges are those that may flow over adjacent properties or rights-of-way prior to discharging to waters of the United States.

Regardless of point of discharge, the owner must determine the closest receiving water for the construction site's storm water discharge. If discharge is to a separate storm sewer system, the owner of that system should know the receiving water. The name of the receiving water of a direct discharge should be easily available while the receiving water of an indirect discharge may require some effort to identify.

SECTION V – TYPE OF CONSTRUCTION

Indicate the type of construction taking place. Transportation should be checked for the construction of roads. Utility should be checked for installation of sewer, electric, and telephone systems.

SECTION VI – MATERIAL HANDLING/MANAGEMENT PRACTICES

Part A of this section requires identification of the type(s) of materials stored and handled outdoors. If materials other than those listed are maintained on site, please check "other" and describe the type of material.

Part B of this section requests information on proposed management practices to reduce pollutants in storm water discharges. Check the appropriate categories or list other control measures you will use at your construction site.

SECTION VII – SITE INFORMATION

List the size, in acres, of the facility and the percentage of the site that is impervious before construction and after construction is completed.

SECTION VIII – REGULATORY STATUS

Indicate whether the construction site's erosion/sediment control plan must be reviewed and approved by a local agency. If yes, identify the name of the local agency.

SECTION IX – CERTIFICATION

This section must be completed by the owner of the construction site. The certification provides for assurances that the NOI and site map were completed in an accurate and complete fashion and with the knowledge that penalties exist for providing false information. It also requires the owner to certify that the provisions in the general permit will be complied with.

The NOI must be signed by:

For a corporation: a responsible corporate officer (or 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.

SITE MAP

Provide a "to scale" drawing of the construction site and its immediate surroundings. Include as much detail about the construction site as possible. At a minimum, show existing and proposed build

APPENDIX "C"

CONTRACTOR ACTIVITY BMP's

APPENDIX "D"

EROSION/SEDIMENT CONTROL BMP's

APPENDIX "E"

GEOTECHNICAL INVESTIGATION REPORT

APPENDIX "F"

SWPPP MONITORING WORKSHEET