

# The Monthly Dirt

A Monthly Newsletter on the California Construction General Permit  
By WGR Southwest, Inc.



## Happy Ending

So, you think you are done with your project and ready to terminate the Construction General Permit coverage? **Maybe you are and maybe you are not ...** this month's edition of the *Monthly Dirt* reviews how to have a happy ending at your construction project.

Within 90 days of when construction is complete or ownership has been transferred, the CGP requires the discharger to electronically file a Notice of Termination (NOT), **a final site map**, and photos through the State's SMARTS system. Filing a NOT certifies that all of the permit's requirements have been met. The permit requires the

following conditions to be met in order to terminate the permit coverage:

- For purposes of "final stabilization," the site will not pose any **additional** sediment discharge risk than it did prior to the commencement of construction activity;
- There is no potential for construction-related storm water pollutants to be discharged into site runoff;
- Final stabilization has been reached;
- Construction materials and wastes have been disposed of properly;
- Compliance with the post-construction requirements has been demonstrated and post-construction storm water management measures have been installed and a long-term maintenance plan has been established (*a long-term maintenance plan should be designed for a minimum of five years, and describe the procedures to ensure that the post-construction storm water management measures are adequately maintained*); and
- All construction-related equipment, materials and any temporary BMPs no longer needed are removed from the site.

Final site stabilization can be demonstrated either using the RUSLE equation or the *RUSLE2* computer program to demonstrate that post-construction conditions do not have a higher predicted erosion than the pre-construction conditions. To do this, a calculation using the RUSLE equation ( $A=R*K*LS*C*P$ ) would be performed with pre-construction site conditions; then the same calculation would be performed using the developed conditions. The R value should be held constant. But, as you may know, the R derived for the risk determination was dependent on the starting and ending dates of construction. What dates should you use for the NOT calculation? Although the permit does not specify, we would recommend using an R value for one full year for both pre and post calculations. Typically, the K value would remain constant unless a significant amount of fill dirt was imported to the project. The variables would include possibly LS (if grading was significant), but most likely a new C and P. For projects that have a certain amount of exposed soil remaining, this may be a good alternative to proving final stabilization. However, the most common and accepted approach to proving stabilization has been reached is to take photos of the site and show that 70% final cover has been achieved.

## When to Submit a NOT

A project may be terminated if any one of the following conditions is satisfied:

- ❑ The project is entirely completed **or** the construction activities have been suspended:
  - ✓ All elements of the SWPPP have been completed.
  - ✓ Construction materials and waste have been disposed of properly.
  - ✓ All exposed soil areas are stabilized.
  - ✓ An operation and maintenance plan for temporary erosion and sediment control measures is in place.
  - ✓ The site is in compliance with all local storm water management requirements.
  - ✓ A post-construction storm water operation and management plan is in place.
- ❑ The site cannot discharge to waters of the United States (*must be verified with the Regional Board*):
  - ✓ All storm water is retained on site, or
  - ✓ All storm water is discharged to evaporation or percolation ponds offsite.
- ❑ The project is now subject to another NPDES Permit that includes the CGP requirements:
  - ✓ Must provide WDID
  - ✓ Must provide date of coverage
- ❑ The permitted construction property is sold prior to project completion:
  - ✓ NOT must be filed within 90 days of ownership transfer
  - ✓ Ownership transfer form completed (on SMARTS)
  - ✓ Certify the new owner has been notified of the permit requirements
  - ✓ Provide name, address, telephone number and email address of the new owner
- ❑ Other Basis for Termination
  - ✓ The Water Board leaves open an option for possible anomalies or other unique situations that may require a permit to be terminated. Contact your local Regional Board if you feel this applies to your situation.

## When is an Annual Report Required with the NOT?

Sites filing an NOT with three or more months of active construction after June 30 are required to submit a partial-year annual report covering the period of July 1 to the project termination. For example, if you have four months in the new reporting year (July – October), you will need to prepare a report for this period in addition to the report that was due on September 1 for the previous period of July 1 – June 30.

## Upcoming Training ...

Got SWPPP? Classes coming to Lodi:

- ✓ QSP/QSD Training, January 14-16, 2014
- ✓ CPESC Review, Extra Math Review & Exam – February 2014 (*exact date TBD*); if you are interested contact us

For more information about these classes, go to

[www.gotswppp.com](http://www.gotswppp.com).

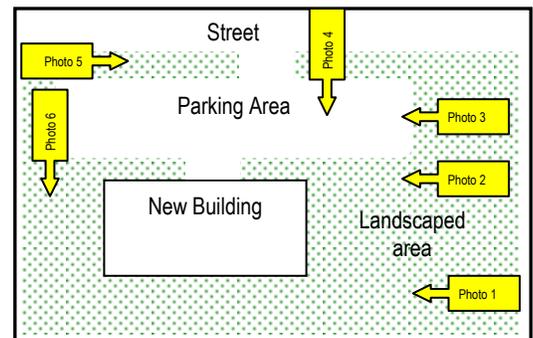
**NEED QSP REFRESHER TRAINING OR JOB SITE TRAINING?**

**WGR WILL COME TO YOUR LOCATION!**

**CALL US TO SET UP YOUR TRAINING EVENT.**

## Bay Area Regional Board's NOT Requirements

We have found that different Regional Boards sometimes have slightly differing implementation requirements when it comes to complying with the CGP. For example, some Regional Boards will allow an NOT to be filed with temporary stabilization BMPs in place (such as a slope that has been hydroseeded with BFM and has biodegradable fiber rolls), while other Regional Boards would like to see more permanent stabilization in place (70% coverage of the germinated hydroseed). The Bay Area Regional Board (Region 2) is now requiring more information to be submitted with the NOT photos. They require a map to be submitted with the photos showing where and what direction each submitted photo was taken.



**Please contact us if you have any questions ...**

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**Technical Questions about Environmental Compliance?**

Call ...

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