

## Lahontan Regional Water Quality Control Board

December 18, 2015

TO ALL INTERESTED PERSONS AND AGENCIES:

### **General Waste Discharge Requirements and National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit, Counties of Alpine, El Dorado, and Placer**

The California Regional Water Quality Control Board, Lahontan Region (Water Board) is considering issuance of updated General Waste Discharge Requirements/NPDES Permit (General Permit) for construction activities in the Lake Tahoe Hydrologic Unit. The current permit (Board Order No. R6T-2011-0019) is set to expire in 2016 and would be replaced by an updated General Permit. The updated General Permit includes some changes, but is not significantly different from the previous permit. A summary of the key changes and tentative General Permit is enclosed with this cover letter.

The Water Board will conduct a public meeting on January 12, 2016 from 10:00 AM to 12:00 PM. The meeting will be held at the Water Board's Annex hearing room at 971 Silver Dollar Avenue, South Lake Tahoe, CA 96150. Water Board staff will discuss the key changes in the permit and be available to answer questions.

The Water Board requests your review and any comments in writing no later than **January 18, 2016**. Comments may be emailed to Bud Amorfini at [bud.amorfini@waterboards.ca.gov](mailto:bud.amorfini@waterboards.ca.gov) or mailed to: Lahontan Regional Water Quality Control Board, 2501 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150 - Attn: Bud Amorfini

Comments received after the date indicated above may not be considered in preparation of the final proposed Order to be presented to the Water Board for consideration at the public meeting to be held on March 9, 2016, at the Water Board's Annex office located at 971 Silver Dollar Avenue, South Lake Tahoe, CA 96150.

Approximately 10 to 15 days prior to each meeting, the Water Board publishes its agenda on the Internet at [http://www.waterboards.ca.gov/lahontan/board\\_info/agenda/upcoming.shtml#top](http://www.waterboards.ca.gov/lahontan/board_info/agenda/upcoming.shtml#top). The Item as presented to the Water Board will be posted to the Water Board's website under links in the agenda. If you prefer to receive a hard copy of the Water Board meeting agenda, please contact Bud Amorfini at (530) 542-5463 or [bud.amorfini@waterboards.ca.gov](mailto:bud.amorfini@waterboards.ca.gov).



Bud Amorfini  
Engineering Geologist

Enclosures: 1) Summary of Key Changes  
2) Tentative General Permit

## **Summary of Key Changes Construction General Permit for Lake Tahoe Hydrologic Unit**

1. Attachment C.IV.C.1.a. - Eliminated the over winter requirement to sample two rain events. Visual inspections are still required as specified in the General Permit.
2. Attachment C, Section I.H. - Eliminated the requirement to collect samples outside of active working/business hours (e.g., holidays, weekends). The requirement to visually inspect during daylight hours on any day is still included.
3. General Permit Section III. and Attachment F - Basin Plan prohibitions and exemptions have been updated. New prohibitions and exemption criteria, including new exempted low threat discharges, were adopted as amendments to the Basin Plan in 2014.
4. General Permit Sections VII.B.5. and IX.C.2. - Added language to require a written Qualified Storm Water Practitioner (QSP) management plan to promote better onsite management by the QSP. There have been problems with QSPs not actively managing SWPPP activities due to lack of attendance at the site or lack of appropriate communication with on-site personnel.
5. General Permit Sections VII.B.5. and IX.C.2. - Strengthened language to require documentation of weekly training of site personnel. Training documentation is necessary to ascertain whether the QSP is providing appropriate storm water training to ensure all personnel operate consistent with the SWPPP.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

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**ORDER NO. R6T-2016-TENT  
NPDES NO. CAG616002**

**GENERAL WASTE DISCHARGE REQUIREMENTS  
AND NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT  
FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY IN  
THE LAKE TAHOE HYDROLOGIC UNIT, COUNTIES OF  
ALPINE, EL DORADO, AND PLACER**

The following Dischargers are subject to waste discharge requirements as set forth in this General Permit (as authorized by the Notice of Applicability):

**Table 1. Discharger Information**

<b>Dischargers</b>	Individuals, public agencies, private businesses, and other legal entities performing construction activities within the Lake Tahoe Hydrologic Unit that result in land disturbances of one acre or greater, or less than one acre if part of a larger common plan of development, or as otherwise defined in section II.D.1. of this General Permit.
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**Table 2. Administrative Information**

This Order was adopted by the Regional Water Quality Control Board on:	<b><u>March 9, 2016</u></b>
This Order shall become effective on:	<b><u>January 1, 2017</u></b>
This NPDES Permit shall expire on:	<b><u>December 31, 2021</u></b>

I, Patty Z. Kouyoumdjian, Executive Officer, do hereby certify that this General Permit with all attachments is a full, true, and correct copy of an General Permit adopted by the California Regional Water Quality Control Board, Lahontan Region, on **March 9, 2016.**

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PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

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Attachment I -	Fact Sheet

## **I. FINDINGS**

The California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) finds:

**A. Background.** In 1972, 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 National Pollutant Discharge Elimination System (NPDES) permit. The 1987 amendments to the CWA 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 United States Environmental Protection Agency (USEPA) published final regulations that established storm water permit application requirements for specified categories of industries. The regulations provide that discharges of storm water to waters of the United States from construction projects that encompass five or more acres of soil disturbance are effectively prohibited unless the discharge is in compliance with an NPDES Permit. Regulations (Phase II Rule) that became final on December 8, 1999, lowered the permitting threshold from five acres to one acre.

While federal regulations allow two permitting options for storm water discharges (Individual Permits and General Permits), the Lahontan Water Board has elected to adopt this General Permit that will apply to most storm water discharges associated with construction activity within the Lake Tahoe Hydrologic Unit.

On April 14, 2011, the Lahontan Water Board reissued the *General Permit for Discharges of Storm Water Runoff Associated with Construction Activity Involving Land Disturbance in the Lake Tahoe Hydrologic Unit* (Board Order No. R6T-2011-0019). That General Permit must be reissued to provide continuous coverage for current enrollees. Dischargers of storm water runoff in the Lake Tahoe Hydrologic Unit to surface waters must obtain authorization under this reissued General Permit for construction-related discharges to waters of the United States. To obtain authorization for continued and new-project discharges to waters of the United States, Dischargers must provide a complete application as described in section II of this General Permit.

**B. Discharge Description.** This General Permit regulates discharges of pollutants in storm water associated with construction activity (storm water discharges) to waters of the United States within the Lake Tahoe Hydrologic Unit from construction sites that disturb one or more acres of land surface, or that are part of a common plan of development or sale that disturbs one or more acres of land surface. Construction activity includes demolition that disturbs the land, clearing, grading, excavation, and other land disturbance activities. Waters as used in this General Permit are defined in section 122.2(a) of title 40 of the Code of Federal Regulations (CFR), and include, but are not limited to, wetlands, rivers and streams, either perennial or ephemeral, which flow in natural or artificial watercourses, lakes and impoundments of waters otherwise defined as waters of the US within the State of

California. Discharges of non-storm water to waters may be necessary for the completion of certain construction projects. Such discharges include those listed in Table 4.1-1 of Attachment F. These discharges are conditionally covered under this General Permit. In some cases, construction activities are coordinated with dredged or fill material discharges regulated separately under CWA sections 401 and 404; these may involve stream diversions on or across a project site, cofferdams and sumps for collecting turbid waters.

**C. Legal Authorities.** This General Permit is issued pursuant to section 402 of the CWA and implementing regulations adopted by the USEPA and chapter 5.5, division 7 of the California Water Code (commencing with WATER CODE section 13370). These waste discharge requirements (WDRs) adopted pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260) shall serve as a NPDES permit for point source discharges of storm water from construction sites disturbing land equal to or in excess of one acre.

Section 122.28 of title 40 of the *Code of Federal Regulations* (40 CFR 122.28) authorizes USEPA and approved states to issue general permits to regulate a point source category if the sources:

1. Involve the same or substantially similar types of operations;
2. Discharge the same type of waste;
3. Require the same type of effluent limitations or operating conditions;
4. Require similar monitoring; and
5. Are more appropriately regulated under a general permit rather than individual permits.

On September 22, 1989, USEPA granted the State of California, through the State Water Resources Control Board (State Water Board) and the nine Regional Water Quality Control Boards, the authority to issue general NPDES permits pursuant to 40 CFR parts 122 and 123. This General Permit meets the criteria 1 through 5 listed above. Regulating many storm water discharges under one permit will greatly reduce the administrative burden associated with permitting individual storm water discharges.

**D. Background and Rationale for Requirements.** The Lahontan Water Board developed the requirements in this General Permit based on readily available information for similar construction-associated discharges, the State-wide General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) and the requirements contained in Order No. R6T-2011-0019. In addition, requirements of this General Permit are consistent with Effluent Limitations Guidelines (ELG) and New Source Performance Standards (NSPS) for the Construction and Development point source category. The Fact Sheet, Attachment I, which contains background information and rationale for General Permit requirements, is hereby incorporated into this General Permit and constitutes part of the Findings for this General Permit. Attachments A through H are also incorporated into this General Permit.

**E. California Environmental Quality Act (CEQA).** This action to adopt a general NPDES permit is exempt from the provisions of chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code section 21100, et seq.), pursuant to section 13389 of the WATER CODE.

**F. Technology-based Effluent Limitations.** Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations (40 CFR 122.44), require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards.

**G. Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category.** The USEPA published a final rule with revised regulations establishing CWA technology-based effluent limitations guidelines (ELGs) and New Source Performance Standards (NSPS) for the Construction and Development (C&D) point source category; the final C&D rule became effective on July 1, 2014. 40 CFR part 450 establishes technology-based effluent limitations based on best practicable technology (BPT), best available technology (BAT), best conventional pollutant control technology (BCT), and NSPS reflecting the best available demonstrated control technology. For each of BPT, BAT, BCT, and NSPS, the ELGs establish requirements for erosion and sediment controls, soil stabilization, dewatering excavations, pollution prevention measures, prohibited discharges, and outlet requirements.

**H. Water Quality-Based Effluent Limitations.** Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in section 122.44(d)(1)(vi). This General Permit does not require effluent limitations more stringent than that required by federal law as it includes effluent limitations for discharges that are specified in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) and carried forward from the prior permit.

**I. Storm Water Benchmark Performance Levels.** This General Permit also contains concentration-based, pollutant-specific benchmark values for pH in effluent. The benchmarks and related monitoring and reporting requirements contained in this General Permit are consistent with the Basin Plan. The purpose of the benchmarks is to provide a measure of whether a facility's BMPs are meeting performance levels protective of water quality and beneficial uses. This General Permit requires Dischargers to take actions to evaluate excursions from objectives, improve BMP performance if needed when benchmarks are exceeded, and to conduct monitoring and documentation of such actions.

**J. Compliance with Effluent Limitations.** For purposes of this General Permit, effluent discharges off project boundaries constitute a discharge to surface waters or tributaries to surface waters. This finding is based on the high degree of surface water connectivity in the Lake Tahoe watershed. Therefore, compliance with effluent limitations is required at specified runoff control points where effluent is discharged off project boundaries or to surface waters, including municipal separate storm sewer systems (MS4s). Effluent limits for the discharge to surface waters or MS4s may not apply if the Discharger can document that effluent leaving the project boundaries does not reach surface waters or MS4s.

**K. Water Quality Control Plans.** The Lahontan Water Board adopted a Basin Plan, which became effective on March 31, 1995 and has been subsequently amended. The Basin Plan designates beneficial uses, establishes water quality objectives (WQOs), and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Lake Tahoe is a water of the state and a traditionally-navigable water of the United States. Designated beneficial uses of surface waters within the Lake Tahoe Hydrologic Unit include municipal and domestic supply (MUN); agricultural supply (AGR); groundwater recharge (GWR); freshwater replenishment (FRSH); water contact recreation (REC-1); non-contact water recreation (REC-2); cold freshwater habitat (COLD); cold spawning, reproduction, and development (SPWN); commercial and sport fishing (COMM); wildlife habitat (WILD); water quality enhancement (WQE); and flood peak attenuation/flood water storage (FLD). Waters at some locations may also be designated for navigation (NAV); preservation of biological habitats of special significance (BIOL); rare, threatened, or endangered species (RARE); and migration of aquatic organisms (MIGR). Table 5.1-1 in the Basin Plan may be consulted for the beneficial use designations for any specific surface water body.

In addition, the Basin Plan implements State Water Board Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for MUN. Requirements of this General Permit implement the Basin Plan.

**L. Alaska Rule.** On March 30, 2000, USEPA revised its regulation that specifies when new and revised state and tribal water quality standards (WQS) become effective for CWA purposes. (40 CFR 131.21; 65 Fed. Reg. 24641 (April 27, 2000).)

Under the revised regulation (also known as the Alaska Rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved by USEPA before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

**M. Stringency of Requirements for Individual Pollutants.** This General Permit contains both technology-based effluent limitations and WQBELs for individual pollutants. The technology-based effluent limitations consist of restrictions on turbidity, pH, nitrogen (total), phosphorus (total), iron (total), and grease and oil. In addition, the provisions of this General Permit require the implementation of Best Available Technologies/Best Control Technologies (BAT/BCT) and Best Management Practices (BMPs) to control and abate the discharge of pollutants in storm water discharges, and achieve the numerical and narrative standards of this General Permit and those contained in the Basin Plan<sup>1</sup>. This General Permit's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements.

**N. Antidegradation Policy.** 40 CFR 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Lake Tahoe is an Outstanding National Resource Water under the federal policy and afforded the highest protections, such that no permanent or long-term reduction in water quality is allowed. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Lahontan Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. Discharges in compliance with this General Permit will not result in water quality less than that prescribed in policies and standards, and are therefore consistent with those policies and standards.

**O. Anti-Backsliding Requirements.** Sections 402(0)(2) and 303(d)(4) of the CWA and federal regulations at title 40, CFR section 122.44(1) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this General Permit are at least as stringent as the effluent limitations in Order No. R6T-2011-0019. Therefore, this General Permit is in compliance with the anti-backsliding provisions of 40 CFR 122.44.

**P. Endangered Species Act.** This General Permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the

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<sup>1</sup> New Source Performance Standards equals the implementation of BAT

Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This General Permit requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

**Q. Monitoring and Reporting.** 40 CFR 122.48 requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the Lahontan Water Board to require technical and monitoring reports. The Construction Site Monitoring and Reporting Program (CSMRP) establishes monitoring and reporting requirements to implement federal and state requirements and is provided in Attachment C.

**R. Standard and Special Provisions.** Standard Provisions, which apply to all NPDES permits in accordance with 40 CFR 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 CFR 122.42, are provided in Attachment D. The Discharger must comply with all standard provisions and with those additional conditions that are applicable under 40 CFR 122.42. The Lahontan Water Board has also included in this General Permit special provisions applicable to authorized Dischargers. A rationale for the special provisions contained in this General Permit is provided in the attached Fact Sheet.

**S. Notification of Interested Parties.** The Lahontan Water Board has notified the Dischargers and interested agencies and persons of its intent to prescribe WDRs for the discharge and has given them an opportunity to provide their written comments and recommendations. Details of notification are provided in the Fact Sheet of this General Permit.

**T. Consideration of Public Comment.** The Lahontan Water Board, in a public meeting, provided an opportunity for a public hearing, and considered all comments pertaining to the discharge. Details are provided in the Fact Sheet of this General Permit.

**IT IS HEREBY ORDERED** that all Dischargers indicating their intention to be regulated under the provisions of this General Permit, and all heirs, successors, or assigns, in order to meet the provisions contained in division 7 of the WATER CODE and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, shall comply with the following:

## **II. CONDITIONS FOR PERMIT COVERAGE AND NOTIFICATION REQUIREMENTS**

### **A. Legally Responsible Person (LRP)**

To obtain authorization for discharges under this General Permit, the project must meet the eligibility requirements specified in section II.D of this General Permit, and the legally responsible person (LRP) or LRP's Approved Signatory (see definition in Attachment B – Glossary) must certify and file Permit Registration Documents (PRDs). Applicants must provide PRDs, an appropriate filing fee, and any additional information, as specified in section II.D.4 as application for issuance of NPDES permit requirements. PRDs must be provided electronically through the State Water Resources Control Board's (State Water Board's) Storm Water Multi-Application and Report Tracking System (SMARTS) at: <https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.jsp>.

### **B. Permit Effective Date**

This General Permit is effective on January 1, 2017.

- 1. Dischargers Obtaining Coverage On or After January 1, 2017:** All Dischargers seeking coverage under this General Permit on or after January 1, 2017, shall file the required PRDs and filing fee and, prior to commencing land-disturbing activities, must receive a notice through SMARTS indicating the date that coverage begins under the General Permit and the Waste Discharge Identification (WDID) number issued for the project.
- 2. Dischargers Previously Covered Under Order No. R6T-2011-0019:** Dischargers previously subject to Order No. R6T-2011-0019 must comply with Order No. R6T-2011-0019 until the Discharger re-enrolls and receives coverage under this General Permit, a Notice of Termination (NOT) for the project is filed and processed, or January 1, 2017, whichever occurs first. On and after January 1, 2017, all coverage under Order No. R6T-2011-0019 is terminated. Previously enrolled Dischargers failing to file PRDs or other information required to complete an application to renew coverage under this General Permit will lose permit coverage on January 1, 2017, and may be subject to enforcement remedies and liability for construction-related discharges without an NPDES permit.

### **C. General Permit Coverage**

1. Dischargers shall be subject to the requirements of and covered by this General Permit only after a WDID number has been issued through SMARTS. In order to demonstrate compliance with coverage requirements for this General Permit, Dischargers must be able to present documentation of a valid WDID number upon request.
2. All Dischargers must implement their Storm Water Pollution Prevention Plan (SWPPP), including their Construction Site Monitoring and Reporting Plan (CSMRP) prior to commencement of construction.
3. This General Permit does not pre-empt or supersede the authority of other agencies to prohibit, restrict, or control storm water discharges to MS4s or other watercourses within their jurisdictions.
4. This General Permit does not authorize discharges of fill or dredged material regulated by the US Army Corps of Engineers under section 404 of the CWA and does not constitute water quality certification under section 401 of the CWA.
5. This General Permit does not authorize land-disturbing activities in 100-year floodplains or stream environment zones (SEZ) unless an exemption to applicable waste discharge prohibitions is granted in writing.
6. Lahontan Water Board staff is authorized to issue a single WDID number to a Discharger proposing multiple discharges at multiple locations within the Lake Tahoe Hydrologic Unit, provided that the nature of the discharges and the locations are reported and included in the application information provided with the PRDs for this General Permit.

### **D. Eligibility Criteria**

1. Discharges covered by this General Permit are limited to storm water and authorized non-storm water discharges to surface waters and to land that are associated with construction activities in the Lake Tahoe Hydrologic Unit (Department of Water Resources Hydrologic Unit No. 634.00) as described in any one of the categories listed below:
  - a. Construction activity including clearing, grading and excavation activities, except operations that result in land disturbance of less than one acre of total land area, and which are not part of a larger common plan of development or sale.
  - b. Construction activity that results in land disturbance of less than one acre if the construction activity is part of a larger common plan of development or sale that disturbs one or more acres.

- c. Construction activity that results in land disturbance of one or more acres related to residential, commercial, or industrial development on lands currently used for agriculture or silviculture including, but not limited to, the construction of roads and buildings related to agriculture or silviculture that are considered industrial pursuant to USEPA regulations, such as dairy barns or food processing facilities.
  - d. Construction activity that results in land disturbance of one or more acres associated with linear underground/overhead utility projects (LUP) including, but not limited to, those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities), underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or welding, concrete and/or pavement repair or replacement, and stockpile/borrow locations.
  - e. Discharges from construction activities that result in land disturbance of equal to or greater than one acre associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities
2. Activities specifically not required or eligible to be covered under this General Permit include:
- a. Disturbance to land associated with municipal facilities under an approved NPDES Storm Water Management Program for routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facilities.
  - b. Disturbances to land surfaces solely related to agricultural operations such as disking, harrowing, terracing and leveling, and soil preparation.
  - c. Discharges of storm water from areas on tribal lands; construction on tribal lands is regulated by a separate federal permit.
  - d. Construction activity that disturbs less than one acre of land, and that is not part of a larger common plan of development or sale.
  - e. Construction activity covered by an individual NPDES Permit for storm water discharges.

3. Upon receipt of the appropriate PRDs, Lahontan Water Board staff will determine if such a discharge satisfies all of the following conditions:
  - a. The discharge will be generated from construction activity that does not include any other waste discharge activities, except for those described for authorized non-storm water discharges in section II.D.4., below.
  - b. The project does not include permanent disturbance to lands classified as SEZs as defined in the Basin Plan, unless the Lahontan Water Board grants an exemption to applicable discharge prohibitions explicitly in writing.
  - c. The project incorporates appropriate BMPs and low impact development (LID) techniques, as feasible, to infiltrate and/or treat storm water runoff from existing and proposed impervious surfaces on the site as required in this General Permit.
  - d. The project plans include a SWPPP that proposes specific temporary and permanent measures to prevent the discharge of pollutants from the site.
  - e. The project plans include projected dates for:
    - i. Completion of construction;
    - ii. Completion of storm water infiltration and/or treatment facilities; and
    - iii. Completion of any necessary restabilization and revegetation.
4. Discharges of non-storm water may be necessary for certain construction projects. Such discharges include, but are not limited to, irrigation of vegetation, erosion control measures, pipe flushing and testing, and construction dewatering. These discharges are authorized under the following conditions:
  - a. The discharge does not violate any other provision of this General Permit.
  - b. The discharge is not prohibited by the Basin Plan or, if required by the Basin Plan, a prohibition exemption from the Lahontan Water Board has been granted in writing for discharge prohibitions contained in the Basin Plan.
  - c. The Discharger has included and implemented specific BMPs required by this General Permit to prevent or reduce the contact of the non-storm water discharge with construction materials or equipment. For dewatering waste, the Discharger has prepared and provided for review a detailed dewatering and monitoring plan that meets the conditions for an Exempted Low Threat discharge (Attachment F) prior to start of dewatering activities.
  - d. The discharge does not contain toxic constituents in toxic amounts.

5. Dischargers are eligible for coverage under this General Permit provided that the Discharger provides PRDs and the proper fee to the State Water Board before starting construction activities. Dischargers previously covered under Order No. R6T-2011-0019 must submit their PRDs and receive approval before continuing construction activities after January 1, 2017. PRDs shall include the Notice of Intent (NOI), site maps, and SWPPP. If an Active Treatment System (ATS) is proposed to be used, information required in Attachment E must also be provided as part of the PRDs. An ATS is distinct from other BMPs in that they include the use of chemical coagulation, chemical flocculation, or electro-coagulation to aid in the reduction of turbidity. For proposed construction activity on easements or on nearby property by agreement or permission, the entity responsible for the construction activity must provide the PRDs and filing fee, and shall be responsible for development of the SWPPP. The NOI must be signed in accordance with the signatory requirements of the Standard Provisions (Attachment D).

The filing fee shall be provided to:

SWRCB  
Storm Water Section  
P.O. Box 1977  
Sacramento, CA 95812

Or hand delivered to:

SWRCB  
Storm Water Section  
1001 I Street – 15<sup>th</sup> Floor  
Sacramento, CA 95814

6. Construction activities that involve alteration of a lake-bed or stream channel may require prior written agreement with the California Department of Fish and Wildlife. A copy of the application, and any written agreement or agreement waiver must be provided with the NOI.
7. The Discharger, upon written request, provides additional information necessary to ascertain whether the discharge meets the criteria for coverage under this General Permit.
8. No discharge under this General Permit is authorized until a written WDID number is issued.
9. Notwithstanding the provisions of this section, the Lahontan Water Board may consider adoption of an individual NPDES permit for any discharge, after due notice and a public meeting, when desirable or necessary.

## E. Termination of Coverage

1. The Discharger will retain coverage under this General Permit and be billed annually until a NOT is requested through SMARTS and approved by Lahontan Water Board staff. Permit coverage may be terminated based on the following:
  - a. Construction is complete or suspended – For NOT approval, the Discharger must certify in the NOT request that:
    - i. The construction project is complete and there is no potential for construction-related storm water pollution or pollutant discharges;
    - ii. All construction materials and waste have been removed from the project site and disposed of properly;
    - iii. All elements of the SWPPP have been completed;
    - iv. Permanent BMPs have been installed and all disturbed soil areas (DSA) are stabilized to prevent and control erosion; and
    - v. Post-construction storm water control requirements have been met.
  - b. The site cannot discharge storm water to waters of the United States – For NOT approval, the Discharger must certify that all storm water is either retained on site or all storm water is discharged to off-site evaporation or percolation ponds.
  - c. Storm water discharge from the site is now subject to another NPDES general or individual permit – For NOT approval, the Discharger must certify the NPDES permit number and date of coverage.
  - d. The site was transferred to another operator/owner – For NOT approval the Discharger must certify the date of transfer, notify the new operator/owner, and provide the new operator/ owner contact information. If the project lands are transferred to new ownership before construction is complete, the Discharger must temporarily stabilize the site such that it remains stable until construction activity resumes. The new owner must also apply for coverage under this General Permit, as described above, and may be liable for construction related discharges without an NPDES permit for any period when the project discharge is not covered under this General Permit.
2. As part of the NOT request, the Discharger must provide site photographs and a written narrative describing how the site has been and will remain stabilized. Site-specific evaluation of stability may include parameters such as slope and aspect, percent total cover, percent vegetative cover, vegetation type, soil nutrient and organic matter content, and soil infiltration rate.

3. For sites where final stabilization relies on the establishment of mature vegetation, the Discharger must describe and certify that a plan is in place to monitor and maintain stable conditions until the site is self-sustaining.
4. The Discharger is required to pay the annual fee (as specified in the annual billing received from the State Water Board) until the permit coverage is officially terminated in writing by Lahontan Water Board staff. Lahontan Water Board staff may inspect the site, as necessary, to determine if the project qualifies for permit termination. If Lahontan Water Board staff denies termination of coverage under the General Permit, written notification with the reasons for denial will be provided through SMARTS.

### **III. DISCHARGE PROHIBITIONS**

The Basin Plan contains certain waste discharge prohibitions that are applicable region-wide or specifically to the Lake Tahoe Hydrologic Unit and are listed below. Waste discharge prohibitions listed below do not apply to discharges of storm water when wastes in the discharge are controlled through the application of management practices or other means and the discharge does not cause a violation of WQO. Additionally, the Lahontan Water Board has determined non-storm water discharges, such as construction dewatering and other construction-related discharges, may qualify as low threat discharges that are exempt from applicable region-wide and hydrologic unit/area waste discharge prohibitions under certain conditions. Waste discharge prohibition exemptions allowed under the Basin Plan are presented in Attachment F and, except for discharges listed in Attachment F, Table 4.1-1, must be specifically granted in writing by the Lahontan Water Board.

#### **Region-wide Prohibitions**

- A. The discharge of waste that causes violation of any narrative or numeric WQO contained in the Basin Plan is prohibited.
- B. Where any numeric or narrative WQO contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution is prohibited.
- C. The discharge of waste that could affect the quality of waters of the state that is not authorized by the State or Regional Board through waste discharge requirements, waiver of waste discharge requirements, NPDES permit, cease and desist order, certification of water quality compliance pursuant to CWA section 401, or other appropriate regulatory mechanism is prohibited.
- D. The discharge of untreated sewage, garbage, or other solid wastes into surface waters of the Region is prohibited.
- E. The discharge of pesticides to surface waters or ground waters is prohibited.

### Lake Tahoe Hydrologic Unit Prohibitions

- F. The discharge attributable to human activities of any waste or deleterious material to surface waters of the Lake Tahoe Hydrologic Unit is prohibited.
- G. The discharge attributable to human activities of any waste or deleterious material to land below the highwater rim of Lake Tahoe or within the 100-year floodplain of any tributary to Lake Tahoe is prohibited.
- H. The discharge attributable to human activities of any waste or deleterious material to SEZs in the Lake Tahoe Hydrologic Unit is prohibited.
- I. The discharge or threatened discharge attributable to new pier construction of wastes to significant spawning habitats or to areas immediately offshore of stream inlets in Lake Tahoe is prohibited.
- J. The discharge of garbage or other solid waste to lands within the Lake Tahoe Basin is prohibited.
- K. The discharge of industrial waste within the Lake Tahoe Basin is prohibited. Industrial waste is defined as any waste resulting from any process or activity of manufacturing or construction.

## **IV. EFFLUENT LIMITATIONS**

Storm water runoff generated from land disturbing activities should be infiltrated to the greatest extent possible. Waters infiltrated into soils should not contain excessive concentrations of nutrients that may not be effectively filtered out by soils and vegetation.

Runoff that is allowed to discharge off the project boundaries must meet the following effluent limitations.

- A. All storm water runoff generated within the project area that is discharged to surface waters, MS4s, or other storm water conveyances must not contain constituents in excess of the following numeric effluent limitations (NEL):

**Table 3. Storm Water Effluent Limitations**

Parameter	Units	Maximum Daily Effluent Limitations For Discharge
Total Nitrogen (as N)	mg/L	0.5
Total Phosphorus (as P)	mg/L	0.1
Total Iron	mg/L	0.5
Turbidity	NTU	20*
Grease and Oil	mg/L	2
Note* - For ATS use, 10 NTU as daily average and 20 NTU for any single sample.		

B. All waters generated within the project area, or as a result of the development of the project, that are discharged to surface waters, MS4s, or other storm water conveyances must not contain the following:

1. Substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, or animal life; and
2. Coliform organisms attributable to human wastes.

C. For protection of receiving waters the pH of effluent samples should not fall outside of the range of 6.0 to 9.0. This range is set as a numeric benchmark level. If the pH of effluent is outside of the benchmark, the Discharger must investigate the cause of the excursion and implement appropriate corrective measures. If the pH levels are determined to be from natural causes, the Discharger must provide data (e.g., from run-on) to demonstrate this condition.

## V. RECEIVING WATER LIMITATIONS

The following objectives apply to all surface waters within the Lake Tahoe Hydrologic Unit and include both region-wide receiving water limits and receiving water limits established for specific water bodies within the Lake Tahoe Hydrologic Unit. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the Federal CWA or amendments thereto, the Lahontan Water Board may revise and modify this General Permit accordingly. The discharge of waste must not cause or contribute to a violation of the following objectives.

### A. Receiving Water Limits for Surface Waters – Region-wide

#### 1. Ammonia

The neutral, unionized ammonia species ( $\text{NH}_3$ ) is highly toxic to freshwater fish. The fraction of toxic  $\text{NH}_3$  to total ammonia species ( $\text{NH}_4^+ + \text{NH}_3$ ) is a function of temperature and pH. Basin Plan Tables 5.1-5 and 5.1-6 were derived from USEPA ammonia criteria for freshwater. Ammonia concentrations shall not exceed the values listed for the corresponding conditions in these tables. For temperature and pH values not explicitly identified in these tables, the most conservative value

neighboring the actual value may be used or criteria can be calculated from numerical formulas developed by the USEPA.

## **2. Bacteria, Coliform**

Waters shall not contain concentrations of coliform organisms attributable to anthropogenic sources, including human and livestock wastes.

The fecal coliform concentration during any 30-day period shall not exceed a log mean of 20/100 ml, nor shall more than 10 percent of all samples collected during any 30-day period exceed 40/100 ml. *The log mean shall ideally be based on a minimum of not less than five samples collected as evenly spaced as practicable during any 30-day period. However, a log mean concentration exceeding 20/100 ml for any 30-day period shall indicate violation of this objective even if fewer than five samples were collected.*

## **3. Biostimulatory Substances**

Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect the water for beneficial uses.

## **4. Chemical Constituents**

Waters designated as MUN shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs) or secondary maximum contaminant levels (SMCLs) based upon drinking water standards specified in the following provisions of title 22 of the California Code of Regulations (CCR) which are incorporated by reference into this General Permit: Table 64431-A of section 64431 (Inorganic Chemicals), Table 64431-B of section 64431 (Fluoride), Table 64444-A of Section 64444 (Organic Chemicals), Table 64449-A of section 64449 (SMCLs-Consumer Acceptance Limits), and Table 64449-B of section 64449 (SMCLs-Ranges). This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

Waters designated as AGR shall not contain concentrations of chemical constituents in amounts that adversely affect the water for beneficial uses (i.e., agricultural purposes).

Waters shall not contain concentrations of chemical constituents in amounts that adversely affect the water for beneficial uses.

## **5. Chlorine, Total Residual**

For the protection of aquatic life, total chlorine residual shall not exceed either a median value of 0.002 mg/L or a maximum value of 0.003 mg/L. Median values shall be based on daily measurements taken within any six-month period.

## **6. Color**

Waters shall be free of coloration that causes nuisance or adversely affects the water for beneficial uses.

## **7. Dissolved Oxygen**

The dissolved oxygen concentration, as percent saturation, shall not be depressed by more than 10 percent, nor shall the minimum dissolved oxygen concentration be less than 80 percent of saturation.

For waters with the beneficial uses of COLD, COLD with SPWN, WARM, and WARM with SPWN, the minimum dissolved oxygen concentration shall not be less than that specified in Basin Plan Table 5.1-8.

## **8. Floating Materials**

Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect the water for beneficial uses.

For natural high quality waters, the concentrations of floating material shall not be altered to the extent that such alterations are discernable at the 10 percent significance level.

## **9. Oil and Grease**

Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the water for beneficial uses.

For natural high quality waters, the concentration of oils, greases, or other film or coat generating substances shall not be altered.

## **10. Nondegradation of Aquatic Communities and Populations**

All wetlands shall be free from substances attributable to wastewater or other discharges that produce adverse physiological responses in humans, animals, or plants; or which lead to the presence of undesirable or nuisance aquatic life.

All wetlands shall be free from activities that would substantially impair the biological community as it naturally occurs due to physical, chemical and hydrologic processes.

## **11. pH**

In fresh waters with designated beneficial uses of COLD, changes in normal ambient pH levels shall not exceed 0.5 pH units. For all other waters, the pH shall not be depressed below 6.5 nor raised above 8.5.

*The Regional Board recognizes that some waters of the Region may have natural pH levels outside of the 6.5 to 8.5 range. Compliance with the pH objective for these waters will be determined on a case-by-case basis.*

## **12. Radioactivity**

Radionuclides shall not be present in concentrations which are deleterious to human, plant, animal, or aquatic life, nor which result in the accumulation of

radionuclides in the food web to an extent which presents a hazard to human, plant, animal, or aquatic life.

Waters designated as MUN shall not contain concentrations of radionuclides in excess of the limits specified in Table 4 of section 64443 (Radioactivity) of title 22 of the CCR which is incorporated by reference into this General Permit. This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

**13. Sediment**

The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect the water for beneficial uses.

**14. Settleable Materials**

Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or that adversely affects the water for beneficial uses. For natural high quality waters, the concentration of settleable materials shall not be raised by more than 0.1 milliliter per liter.

**15. Suspended Materials**

Waters shall not contain suspended materials in concentrations that cause nuisance or that adversely affects the water for beneficial uses.

For natural high quality waters, the concentration of total suspended materials shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

**16. Suspended Sediment**

Suspended sediment concentrations in streams tributary to Lake Tahoe shall not exceed a 90<sup>th</sup> percentile value of 60 mg/L. (This objective is equivalent to the Tahoe Regional Planning Agency's regional "environmental threshold carrying capacity" standard for suspended sediment in tributaries.)

**17. Taste and Odor**

Waters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish or other edible products of aquatic origin, that cause nuisance, or that adversely affect the water for beneficial uses. For naturally high quality waters, the taste and odor shall not be altered.

**18. Temperature**

The natural receiving water temperature of all waters shall not be altered unless it can be demonstrated to the satisfaction of the Lahontan Water Board that such an alteration in temperature does not adversely affect the water for beneficial uses.

For waters designated COLD, the temperature shall not be altered.

Temperature objectives for COLD interstate waters and WARM interstate waters are as specified in the "Water Quality Control Plan for Control of Temperature in

the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California” including any revisions. This plan is summarized in Basin Plan Chapter 6 (Plans and Policies) and included in Basin Plan Appendix B.

### **19. Toxicity**

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. *Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration and/or other appropriate methods as specified by the Lahontan Water Board.*

The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary, for other control water that is consistent with the requirements for “experimental water” as defined in *Standard Methods for the Examination of Water and Wastewater* (American Public Health Association, et al. 1998).

### **20. Turbidity**

Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. Increases in turbidity shall not exceed natural levels by more than 10 percent.

## **B. Receiving Water Limits for Surface Waters - Certain Water Bodies**

The following objectives (listed alphabetically) and the objectives listed in Attachment G are in addition to the region-wide objectives specified above and supersede the region-wide objectives in the event of any conflict. These objectives apply to certain surface waters of the Lake Tahoe Hydrologic Unit. The discharge of waste must not cause or contribute to a violation of these objectives.

### **1. Algal Growth Potential**

For Lake Tahoe, the mean algal growth potential at any point in the Lake shall not be greater than twice the mean annual algal growth potential at the limnetic reference station. *The limnetic reference station is located in the north central portion of Lake Tahoe. It is shown on maps in annual reports of the Lake Tahoe Interagency Monitoring Program. Exact coordinates can be obtained from the U.C. Davis Tahoe Research Group.*

### **2. Biological Indicators**

For Lake Tahoe, algal productivity and the biomass of phytoplankton, zooplankton, and periphyton shall not be increased beyond the levels recorded in 1967-71, based on statistical comparison of seasonal and annual means. *The “1967-71 levels” are reported in the annual summary reports of the “California-Nevada-Federal Joint Water Quality Investigation of Lake Tahoe” published by the California Department of Water Resources.*

**3. Clarity**

For Lake Tahoe, the vertical extinction coefficient shall be less than 0.08 per meter when measured below the first meter. When water is too shallow to determine a reliable extinction coefficient, the turbidity shall not exceed 3 Nephelometric Turbidity Units (NTU). In addition, turbidity shall not exceed 1 NTU in shallow waters not directly influenced by stream discharges. *The Lahontan Water Board will determine when water is too shallow to determine a reliable vertical extinction coefficient based upon its review of standard limnological methods and on advice from the U.C. Davis Tahoe Research Group.*

**4. Conductivity, Electrical**

In Lake Tahoe, the mean annual electrical conductivity shall not exceed 95 umhos/cm at 25°C at any location in the Lake.

**5. pH**

In Lake Tahoe, the pH shall not be depressed below 7.0 nor raised above 8.4.

**6. Plankton Counts**

For Lake Tahoe, the mean seasonal concentration of plankton organisms shall not be greater than 100 per ml and the maximum concentration shall not be greater than 500 per ml at any point in the Lake.

**7. Suspended Sediment**

Suspended sediment concentrations in streams tributary to Lake Tahoe shall not exceed a 90th percentile value of 60 mg/L. (This objective is equivalent to the Tahoe Regional Planning Agency's regional "environmental threshold carrying capacity" standard for suspended sediment in tributaries.)

**8. Transparency**

For Lake Tahoe, the annual average Secchi disk deep water transparency shall not be decreased below 29.7 meters, the levels recorded in 1967-71.

The discharge shall not cause or contribute to a violation of any applicable water quality standard for receiving water adopted by the Lahontan Water Board or State Water Board as required by the Federal Water Pollution Control Act and regulations adopted thereunder. Discharges shall not cause or contribute to the receiving WQOs listed in Attachment G to be exceeded for the specified surface waters and tributaries thereto. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the Federal CWA or amendments thereto, the Lahontan Water Board may revise and modify this General Permit in accordance with such more stringent standards.

**C. Receiving Water Limits for Ground Waters – Regionwide**

The Dischargers shall not cause or contribute to a violation of the following objectives, which apply to all ground waters of the Lahontan Region, including the Lake Tahoe Basin:

**1. Bacteria, Coliform**

In ground waters designated as MUN, the median concentration of coliform organisms over any seven-day period shall be less than 1.1/100 milliliters.

**2. Chemical Constituents**

Ground waters designated as MUN shall not contain concentrations of chemical constituents in excess of the MCLs or SMCLs based upon drinking water standards specified in the following provisions of title 22 of the CCR which are incorporated by reference into this General Permit: Table 64431-A of section 64431 (Inorganic Chemicals), Table 64431-B of section 64431 (Fluoride), Table 64444-A of Section 64444 (Organic Chemicals), Table 64449-A of section 64449 (SMCLs-Consumer Acceptance Limits), and Table 64449-B of section 64449 (SMCLs-Ranges). This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

Waters designated as AGR shall not contain concentrations of chemical constituents in amounts that adversely affect the water for beneficial uses (i.e., agricultural purposes).

Ground waters shall not contain concentrations of chemical constituents that adversely affect the water for beneficial uses.

**3. Radioactivity**

Ground waters designated as MUN shall not contain concentrations of radionuclides in excess of the limits specified in Table 4 of section 64443 (Radioactivity) of Title 22 of the CCR which is incorporated by reference into this General Permit. This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

**4. Taste and Odor**

Ground waters shall not contain taste or odor-producing substances in concentrations that cause nuisance or that adversely affect beneficial uses. For ground waters designated as MUN, at a minimum, concentrations shall not exceed adopted SMCLs specified in Table 64449-A of section 64449 (SMCLs-Consumer Acceptance Limits), and Table 64449-B of section 64449 (SMCLs-Ranges) of title 22 of the CCR which is incorporated by reference into this General Permit. This incorporation-by-reference is prospective including future changes to the incorporated provisions as the changes take effect.

**VI. PROVISIONS**

**A. Standard Provisions**

1. Dischargers shall comply with all Standard Provisions included in Attachment D, which are made part of this General Permit.

## **B. Reopener Provisions**

1. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the Federal Water Pollution Control Act or amendments thereto, the Lahontan Water Board may revise and modify this General Permit in accordance with such standards.
2. The Lahontan Water Board may reopen this General Permit to establish new conditions or effluent limitations should monitoring data or other new information indicate that a constituent is discharged at a level that will do any of the following:
  - a. Cause, have reasonable potential to cause, or contribute to an in-stream excursion above any water quality criteria or objective; or
  - b. Cause, have reasonable potential to cause, or contribute to a violation of any WQO in the Basin Plan.
3. The Lahontan Water Board may reopen this General Permit to reflect any site-specific objectives established for the waterbody or changes to beneficial uses for the waterbody resulting from a use attainability analysis or Basin Plan amendment.
4. The Lahontan Water Board may reopen this General Permit to reflect any changes to implement amendments to the Basin Plan.

## **B. Provisions for Administrative Continuance**

This General Permit continues in force and effect until a new General Permit is issued or the Lahontan Water Board rescinds this General Permit.

## **C. Additional Provisions**

1. Dischargers shall comply with the following additional provisions:
  - a. Failure to comply with this permit may constitute a violation of the WATER CODE and or the CWA, and is grounds for enforcement action or for permit termination, revocation and re-issuance, or modification.
  - b. The WATER CODE and the CWA provide for civil liability and criminal penalties for violations of the permit limits including imposition of civil liability or referral to the Attorney General.
  - c. Provisions of the permit are severable. If any provision of the requirements is found invalid, the remainder of the requirements shall not be affected.
  - d. Pursuant to WATER CODE section 13263(g), no discharge of waste into the waters of the state, whether or not the discharge is made pursuant to

- waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights.
- e. Pursuant to WATER CODE section 13260(c), any change in the ownership and/or operation of property subject to the permit shall be reported to the Lahontan Water Board. Notification of applicable permit requirements shall be furnished in writing to the new owners and/or operators, and a copy of such notification shall be sent to the Lahontan Water Board.
  - f. If a Discharger becomes aware that any information provided to the Lahontan Water Board is incorrect, the Discharger shall immediately notify the Lahontan Water Board, in writing, and correct that information.
  - g. Pursuant to WATER CODE section 13267 and/or section 13383, Dischargers shall comply with the CSMRP, and future revisions thereto, in Attachment C of this General Permit, and any additional monitoring requirements as specified by the Lahontan Water Board Executive Officer.
2. Unless specifically granted in writing by the Lahontan Water Board, authorization pursuant to this General Permit does not constitute an exemption to applicable discharge prohibitions prescribed in the Basin Plan.
  3. Dischargers must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to drainage systems or other water courses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES General Permits issued to local agencies by the Lahontan Water Board.
  4. Dischargers shall at all times fully comply with engineering plans, specifications, and technical reports provided with the PRDs.
  5. Dischargers shall at all times fully comply with the SWPPP and Rain Event Action Plan (REAP).
  6. In accordance with section 13260 of the WATER CODE, Dischargers shall file a report with the Lahontan Water Board of any material change or proposed change in the character, location, or volume of the discharge. Any proposed material change in the operation shall be reported to the Lahontan Water Board at least 30 days in advance of implementation of any such proposal. This shall include, but not be limited to, all significant new soil disturbances, all proposed expansion of development, and increase in impervious surface coverage, or any change in drainage characteristics at the project site.

7. Order No. R6T-2011-0019 is rescinded on November 30, 2016, except for enforcement purposes.

## **VII. TRAINING QUALIFICATIONS AND CERTIFICATIONS REQUIREMENTS**

### **A. General**

Dischargers shall ensure that persons responsible for developing and implementing storm water pollution controls specified by this General Permit shall be appropriately trained and certified in accordance with the requirements below. Additionally, project SWPPP requirements shall be communicated by training all contractor and subcontractor personnel conducting activities that could affect storm water runoff quality. Training may be both formal and informal, as appropriate, and shall at a minimum be provided during pre-construction meetings and regular onsite meetings conducted during the course of the project. Training shall be documented and kept as part of the SWPPP records.

Dischargers shall certify in the Annual Report that persons responsible for implementing the requirements of this General Permit have the required qualifications and training.

### **B. SWPPP Certification Requirements**

1. Qualified SWPPP Developer: Dischargers shall ensure that SWPPPs are written, amended and certified by a Qualified SWPPP Developer (QSD). A QSD shall have one of the following registrations or certifications, and appropriate experience, as required for:
  - a. A California Board of Professional Engineers, Land Surveyors, and Geologist (CBPELSG) license in good standing as a professional civil engineer, professional geologist, and/or professional engineering geologist;
  - b. A professional hydrologist registered through the American Institute of Hydrology;
  - c. A Certified Professional in Erosion and Sediment Control (CPESC)<sup>™</sup> registered through EnviroCert International, Inc.;
  - d. A Certified Professional in Storm Water Quality (CPSWQ)<sup>™</sup> registered through EnviroCert International, Inc.; or

- e. A professional in erosion and sediment control registered through the National Institute for Certification in Engineering Technologies (NICET).
2. Required QSD Training: A QSD shall have attended a State Water Board-sponsored or -approved QSD training course and pass a required examination covering the course material or meet the State Water Board requirements for a California Board of Professional Engineer, Land Surveyors and Geologists (CBPELSG) licensee.
3. Qualified SWPPP Practitioner: Dischargers shall ensure that implementation of all BMPs required by this General Permit and all other SWPPP elements are overseen and managed by a Qualified SWPPP Practitioner (QSP). A QSP shall be either a QSD or have one of the following certifications:
  - a. A certified erosion, sediment and storm water inspector registered through EnviroCert International, Inc.; or
  - b. A certified inspector of sediment and erosion control registered through Certified Inspector of Sediment and Erosion Control, Inc.
4. Required QSP Training: A QSP shall have attended a State Water Board-sponsored or -approved QSP training course and pass a required examination covering the course material.
5. QSP Responsibilities: The project QSP is responsible for assisting the Discharger to comply with the General Permit through the proper implementation, management, and monitoring of the SWPPP elements and other General Permit requirements. The QSP must directly manage these activities by being present at the site and/or through a communication plan that allows the QSP to actively and effectively manage trained personnel conducting the SWPPP activities. The SWPPP must include a written plan describing how the QSP will oversee and manage all SWPPP activities and the Discharger must maintain written records documenting the QSP's plan implementation and effectiveness.

## **VIII. BEST MANAGEMENT PRACTICES (BMPS)**

Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants. Storm water controls and control locations must be described in the SWPPP for the project site. At a minimum,

the following types of storm water control measure BMPs must be described in the SWPPP and implemented for the project.

#### **A. Site Management**

Dischargers shall implement appropriate site management measures to control pollutants in site runoff for construction materials that are potential threats to water quality if discharged. The control measures shall include, but are not limited to, the following items.

1. Conduct an inventory of the products used and/or expected to be used and the end products that are produced and/or expected to be produced. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e., poles, equipment pads, cabinets, conductors, insulators, bricks, etc.).
2. Identify potential pollutant sources and areas of the site where BMPs are necessary to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. This potential pollutant source list shall identify all non-visible pollutants which are known, or should be known, to occur on the construction site. At a minimum, when developing BMPs, the Discharger shall:
  - a. Consider the quantity, physical characteristics (e.g., liquid, powder, solid), and locations of each potential pollutant source handled, produced, stored, recycled, or disposed of at the site.
  - b. Consider the degree to which pollutants associated with those materials may be exposed to and mobilized by contact with storm water.
  - c. Consider the direct and indirect pathways that pollutants may be exposed to storm water or authorized non-storm water discharges. This shall include an assessment of past spills or leaks, non-storm water discharges, and discharges from adjoining areas.
3. Schedule land-disturbing activities to minimize the duration that bare soils are exposed to erosion. Schedule BMP implementation to coincide with land-disturbing activities - avoid installing BMPs when and where they are not needed.

4. Store chemicals in watertight containers with appropriate secondary containment to prevent any spillage or leakage, and protect from precipitation and surface run-on. For hazardous liquids used in active work areas, place in appropriate temporary secondary containment when not in use.
5. Separate snow storage and disposal areas from surface waters to prevent direct discharge and avoid surface runoff. Treatment and retention capacity of storm water basins and similar facilities on the land surface must not be compromised by snow storage/management activities. Treatment facilities shall be designed to accommodate snowmelt runoff from designated snow storage and disposal areas.
6. Protect permanent infiltration facilities from receiving turbid discharges or other polluted storm water runoff. If permanent infiltration facilities are used as temporary BMPs, the capacity and functionality of the facilities shall be maintained and/or renovated as needed to ensure pre-project capacity and function prior to requesting General Permit termination.
7. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.
8. Prevent the discharge of pollutants from sanitation facilities (e.g., portable toilets) to the storm water drainage system or receiving water. Sanitation facilities shall be cleaned/replaced as necessary, and inspected regularly for leaks and spills.
9. Cover waste disposal containers at the end of every business day and during a rain event.
10. Contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
11. Protect all loose piles of soil, silt, clay, sand, debris, or other earthen materials such that sediment is prevented from leaving the site.
12. Prevent ground compaction and disturbance activities in unpaved areas not subject to construction. All non-construction areas shall be identified and protected by fencing or other means to limit access. These control measures shall be inspected periodically and shall be repaired when necessary to maintain effectiveness.
13. Develop a spill response plan prior to commencement of construction activities. The plan shall include:

- a. Descriptions of equipment and materials required to be on site for cleanup of spills/leaks; and
  - b. Descriptions of appropriate spill response procedures, the responsible personnel, and the training records of such personnel. Include provisions to respond to potentially large spills that are beyond the capacity of the contractor to respond.
13. Ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.
14. Prevent the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters.
15. Conduct equipment and vehicle fueling, maintenance and repair activities only in designated areas with appropriate BMPs and containment for spills.
16. Activities such as grading, filling, and clearing of vegetation that disturb soil are prohibited during periods of inclement weather that cause saturated, muddy, or unstable soil conditions. Additionally, by October 15 of each year all disturbed areas must be permanently stabilized or temporarily winterized to prevent excess sediment and other pollutants from discharging off the project site, and land-disturbing activities must cease from October 16 to April 30 of the following year. Winterized means to implement appropriate BMPs to prevent and minimize erosion and soil movement from the site in storm water in a manner that will remain effective until May 1 of the following year.

Special regulations apply to construction activities occurring between October 16 and April 30, as follows:

- a. All areas of the project site must be adequately winterized by October 15 as a condition for continued work on the site.
- b. The Lahontan Water Board Executive Officer may grant variances to allow limited grading and land disturbance during this period when finding in writing that controls are in place to protect water quality.

## **B. Sediment and Erosion/Stabilization Controls**

Dischargers shall implement a combination of sediment and erosion controls to prevent or minimize sediment discharges from the site. Control measures shall include, but are not limited to, the following items.

1. Install temporary sediment controls for the down-gradient perimeter of the project site, and/or any location where storm water may discharge from the project site, prior to the initiation of any construction-related activities.
2. Install temporary gravel bag dikes, fiber rolls, filter fabric fence, or other equivalent measures as necessary to control erosion and runoff.
3. Install temporary check dams such as gravel bag dikes in concentrated flow lines to slow and detain water flows and retain sediment.
4. Protect drain inlets and outfall structures with appropriate controls to minimize and control erosion and sediment discharges.
5. Prevent off-site tracking of earthen materials from the construction site onto adjacent roads and public ways. Dischargers shall control access points, install stabilized entrances/exits for vehicle and equipment traffic operating on the site, and implement sweeping as necessary where tracking prevention is not complete.
6. Provide and maintain natural buffers around surface waters and direct storm water runoff to vegetated areas, unless infeasible.
7. If used, sediment basins must be designed according to the methods provided in California Storm Water Quality Association's (CASQA's) Construction BMP Guidance Handbook or equivalent methods certified by a CBPELSG.
8. Control storm water volume and velocity within the site to minimize soil erosion and offsite discharges.
9. Direct all run-on surface flows from offsite, to the maximum extent possible, away from all disturbed areas.
10. Surface flows from the project site shall be controlled to prevent downstream erosion at any point.
11. Minimize the disturbance of steep slopes and control the amount of soil exposed to erosion at any particular time during construction activity.
12. Control soil compaction and preserve topsoil as feasible.
13. Implement an effective combination of temporary sediment and erosion controls on DSA prior to the onset of precipitation events.
14. Remove all temporary BMPs and permanently stabilize or vegetate all finished graded areas. Revegetated areas shall be completed using

specifications necessary for successful growth and soil cover, and maintained as needed to ensure adequate growth and root development until vegetation becomes established. If mulch cover only is used for stabilization from erosion, Dischargers must demonstrate the mulch will provide ongoing effectiveness in preventing soil erosion. The following measures are recommended:

- a. Depending on the level of disturbance and site conditions, wood chip mulch, pine needle mulch, rock, or other suitable materials may be applied on disturbed surfaces in lieu of vegetation;
  - b. Whenever practical, seeds collected from the project site area should be added to the seed mix being applied during revegetation;
  - c. Whenever practical, natural revegetation and native mulch will be the preferred method of stabilization; and
  - d. Limit the use of plastic materials contained in permanent BMPs.
15. Wind erosion shall be controlled to prevent nuisance and to prevent the transport of dust and soil particles into the air, off the project site, into any surface waters, or into any drainage course.

### **C. Construction Site Dewatering or Diversions**

Construction site dewatering waste must not be discharged to surface waters or tributaries thereto, including MS4s, unless the discharge meets the criteria for a low threat discharge, or meets the criteria for other exemptions presented in Attachment F.

Prior to conducting dewatering activities on a site covered by this General Permit, Dischargers must prepare a dewatering plan as part of the SWPPP. Lahontan Water Board staff will require Dischargers to provide the dewatering plan as part of the project PRDs or upon determining dewatering is necessary.

The dewatering/diversion plan shall, at a minimum, include the following:

1. An explanation of alternatives considered for discharges to land, and why alternatives to discharging to surface waters are infeasible.
2. An assessment of whether soil and/or groundwater contaminated by foreign waste material is present in the dewatering area.
3. The location of the discharge area or outfall and name of receiving water.
4. A description of the discharge or diversion method and plan drawings as necessary.
5. The frequency and estimated volume and rate of discharge.

6. Expected pollutants and concentrations in discharge, and control measures to be applied and maintained to ensure that the discharge will not cause a violation of a water quality objective.
7. A monitoring plan for effluent and/or receiving waters. Monitoring may include visual observations and/or sample collection and analysis.

#### **D. Inspection, Maintenance and Repair**

Dischargers shall conduct inspections of sites and BMPs in accordance with the requirements of the CSMRP described in Attachment C. Dischargers shall ensure that all inspection, maintenance and repair work is performed or supervised by a QSP representing the Discharger. The QSP may delegate any or all of these activities to an employee appropriately trained to do the tasks. Training must be documented and records kept with the SWPPP. Training documentation must be made available to Lahontan Water Board staff upon request.

Dischargers shall conduct maintenance or repair of failed or inadequate BMPs within 72 hours of identification by a QSP or other trained personnel, or before the next predicted rain event, whichever is sooner.

#### **E. Rain Event Action Plan (REAP)**

From the dates of May 1 through October 15 of each year, and during periods in which construction activity is conducted under a variance to the BMP requirements of this General Permit (section VIII.A.16.), Dischargers shall ensure a QSP develops a REAP no later than the calendar day 24 hours prior to any anticipated precipitation event. An anticipated precipitation event is any weather pattern that is forecast to have a 30 percent or greater chance of producing 0.1 inch of precipitation as rainfall in the project area. During periods when thunderstorm activity is anticipated, the Discharger shall monitor weather conditions during the course of the day, and prepare and implement a REAP if the chance of thunderstorms becomes 30 percent or greater, or when visual observations indicate imminent precipitation. The QSP shall obtain, for each day of construction operations, a printed copy of precipitation forecast information from the National Weather Service (NWS) Forecast Office and keep the copy with the SWPPP monitoring records. Dischargers may access the daily forecasts by entering the city or zip code of the project's location at the following website: <http://www.srh.noaa.gov/forecast>. Intensity of predicted precipitation may be found at the link for the "Forecast Weather Table Interface."

The REAP shall be available onsite, and a QSP shall implement the REAP prior to the onset of an actual precipitation event. The REAP must be checked and updated daily for storms expected to last over a period of several days.

The REAP shall be developed for all phases of construction until the permit coverage is terminated by Lahontan Water Board staff. A REAP, at a minimum, shall include:

1. QSP name and contact number;
2. The date(s) rain is predicted to occur, and predicted chance of rain;
3. A description of all DSAs, material storage areas, stockpiles, vehicle and equipment storage and maintenance areas, and waste management areas to be protected.
4. For each area described above, list specific items to review and actions to perform prior to the rain event;
5. A description of the labor required or to be provided to complete the protective actions required.
6. A certification by the QSP that the REAP will be carried out as required by this General Permit; and
7. A printout of the NWS weather forecast.

#### **F. Active Treatment Systems (ATS)**

Dischargers choosing to implement an ATS on a project site shall comply with all of the requirements in Attachment E of this General Permit.

#### **G. Post-Construction Storm Water Control Requirements**

All disturbed soils areas must be stabilized to control sediment and other pollutants from entering surface waters. All permanent BMPs used for erosion and sediment control must not contain non-photo/biodegradable materials. Additionally, post-construction storm water controls must meet the criteria below for minimizing and reducing storm water runoff.

##### Municipal and Public Roadway Storm Water Treatment Requirements:

Municipal jurisdictions and state highway departments must design projects to meet requirements in the respective municipal storm water NPDES permits.

##### New Development, Redevelopment, and Existing Development Storm Water

Treatment Requirements: For new development, re-development, and existing development retrofit projects, Dischargers shall implement low-impact development (LID) techniques and infiltrate stormwater runoff from impervious surfaces and other developed areas where natural percolation of precipitation is impeded following completion of construction. At a minimum, permanent storm water infiltration facilities must be designed and constructed

to infiltrate runoff generated by the 20 year, 1-hour storm which equates to approximately one inch of runoff during a 1-hour period.

Where conditions permit, project proponents are encouraged to consider designing post-construction runoff controls in accordance with LID techniques and infiltration facilities to accommodate runoff volumes in excess of the 20 year, 1-hour storm to provide additional storm water treatment. Additional information on LID can be found at the National LID Clearinghouse website: <http://www.lid-stormwater.net/clearinghouse/index.html>.

Runoff from parking lots, retail and commercial fueling stations, and other similar land uses may contain oil, grease, and other hydrocarbon pollutants. Project proponents designing treatment facilities for these areas must include pre-treatment devices to remove hydrocarbon pollutants prior to infiltration or discharge and contingency plans to prevent spills from polluting groundwater.

Infiltrating runoff volumes generated by the 20 year, 1-hour storm may not be possible in some locations due to shallow depth to seasonal groundwater levels, unfavorable soil conditions, or other site constraints such as existing infrastructure or rock outcroppings. In the event that site conditions do not provide opportunities to infiltrate the runoff volume generated by a 20 year, 1-hour storm, project proponents must either (1) provide information showing how treatment facilities are expected to meet the numeric effluent limits in Table 5.6-1 of the Basin Plan, or (2) document written acceptance by the local municipality or state highway department to demonstrate that the publicly-owned or municipal storm water treatment facilities treating private property storm water discharges are sufficient to provide adequate treatment to meet any average annual fine sediment and/or nutrient load reduction requirements that may be established by the Lahontan Water Board for the municipality.

## **IX. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

Dischargers must develop and implement a SWPPP to meet the objectives specified below. This General Permit establishes the following requirements for the development and implementation of a SWPPP. Lahontan Water Board staff may require additional information to be added in a SWPPP depending on the nature or complexity of a project. A checklist for developing the SWPPP is provided in Attachment H.

### **A. OBJECTIVES**

A SWPPP shall be developed and implemented for each construction site covered by this General Permit. The SWPPP shall be designed to comply with requirements to implement BMPs to achieve compliance with effluent limits and receiving water objectives. The SWPPP shall be developed and amended, when necessary, to meet the following objectives:

1. Identify pollutant sources including sediment sources that may affect the quality of storm water discharges associated with construction activity.
2. Identify non-storm water discharges.
3. Identify, construct, implement, and maintain BMPs to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges from the construction site.
4. Identify all effluent discharge outfall locations, sampling and analysis strategy and protocols, and a sampling schedule for discharges from the identified outfalls for the project area.

#### **B. PERMIT REGISTRATION DOCUMENTS (PRDs)**

The SWPPP shall include a copy of the NOI.

#### **C. SWPPP CERTIFICATION AND TRAINING REQUIREMENTS**

1. The SWPPP shall be prepared, signed, and certified by a QSD, who meets the requirements as described in section VII.B. of this General Permit. The SWPPP must also identify the QSP, as defined in section VII.B. of this General Permit.
2. The SWPPP shall include procedures to ensure that all required inspections, maintenance, and repair activities are consistent with the requirements of this General Permit. These procedures shall include identification of specific personnel and the training required to perform inspections, maintenance, and repair. The SWPPP must include a written description of how the QSP will oversee and manage the SWPPP activities. The QSP must be present at the site to oversee SWPPP implementation unless a written communication plan is developed to allow the QSP to manage the site from an off-site location. Any QSP communication plan and all records must be retained in accordance with the record-keeping requirements of this General Permit.

A QSP must also provide weekly training on storm water pollution control topics. Training activities must be documented and kept with the SWPPP. Training records must include the date, a description of the topics covered by training, copies of any training materials, the trainer's name, and a list of the training participants with printed names and signatures.

#### **D. AVAILABILITY AND PUBLIC RECORDS ACCESS**

The SWPPP and any amendments shall be kept on site during construction activity and made available upon request of a representative of the Lahontan

Regional Water Board or any local storm water management agency which receives the storm water discharge.

The SWPPP is considered a report that shall be available to the public under section 308(b) of the CWA. Upon request by members of the public, Dischargers shall make available for review a copy of the SWPPP directly to the requestor.

#### **E. LIST OF CONTRACTORS/SUBCONTRACTORS**

The SWPPP shall contain a list of all contractors and subcontractors responsible for implementing the SWPPP. This information shall be added to the SWPPP once the contractors and subcontractors selected to implement the SWPPP are determined

#### **F. REQUIRED CHANGES**

1. Dischargers shall amend the SWPPP whenever there is a change in construction, or operations, which may affect the discharge or pollutants to surface waters, ground waters, or a municipal or other storm drain system. Lahontan Water Board staff may require SWPPP amendments to be provided for review and may require modifications.
2. Dischargers shall maintain the SWPPP such that it reflects the actual site conditions for the duration of the project, including keeping DSA maps current as the project progresses. Changes in BMP implementation features or activities shall be documented and included as amendments to the SWPPP. An amendment log shall be maintained in the SWPPP that summarizes all changes to the SWPPP for the duration of the project.
3. Lahontan Water Board staff, or a local agency with the concurrence of the Lahontan Water Board staff, may require Dischargers to amend the SWPPP if it is in violation of any condition of this General Permit.

#### **G. PROJECT INFORMATION**

The SWPPP shall include the following information:

1. A copy of this General Permit shall be kept and maintained by Dischargers and be available at all times to operating personnel.
2. Project description;
3. WDID number;
4. Site address and driving directions;

5. Emergency contact person and 24-hour phone number; and
6. Potential construction site pollutants of concern and sources.

## **H. MAPPING REQUIREMENTS**

The SWPPP shall include the following maps:

1. Project Location Map: A topographic map extending one-quarter mile beyond the property boundaries of the construction site, clearly showing: the construction site perimeter and surface water boundaries (including drainage channels, springs, SEZs, 100-year floodplain areas, and wetlands), and the designated discharge locations where the effluent will be controlled and monitored. The requirements of this paragraph may be included in the site map required under the following paragraph if appropriate.
2. Map(s) of a scale sufficient to clearly show:
  - a. The project's construction limit boundaries;
  - b. Areas used to store construction materials, equipment, stockpiles, spoils and wastes, including concrete mixing and washout areas;
  - c. Vehicle and equipment access, fueling, cleaning, storage and service areas;
  - d. Existing and planned paved areas and buildings;
  - e. Areas of existing vegetation to be preserved;
  - f. Surface water locations, including SEZ boundaries mapped according to the criteria in the Basin Plan, section 5.7; 100-year floodplain boundaries; ephemeral and intermittent waterways, springs, and wetlands;
  - g. BMPs: Specific locations of storm water structures and controls to be used during construction. Each control structure shall be represented by a standard symbol as indicated in the site map legend;
  - h. Existing or pre-construction storm water structures and controls to reduce sediment and other pollutants in storm water discharges;
  - i. DSAs: All active DSAs shall be delineated on a map as the project progresses. DSA maps must be kept updated to reflect site conditions. Once an area is stabilized or winterized, it should be hatched out or otherwise notated to indicate it is no longer disturbed;
  - j. Drainage patterns and slopes anticipated after major grading activities;

- k. Post-construction storm water structures and controls;
  - l. The locations designated for storm water discharge sampling. See Attachment C for additional detail regarding sampling requirements.
3. Information shown on all maps must be legible (i.e., avoid showing too much information on one map). All maps must include a north arrow, scale (either bar or text format), and a legend with symbols legible in black and white print for all required information. Standard symbols for pollution control structures must be included in the legend of applicable maps.

#### **I. CONSTRUCTION AND BMP IMPLEMENTATION SCHEDULE**

The SWPPP shall include:

1. The anticipated start and end dates of construction as well as phases of significant grading activities and work in or near drainages or receiving waters.
2. The schedule for deployment of BMPs. BMPs must be implemented, modified, and maintained appropriately for the site and weather conditions encountered during the project.

#### **J. SITE MANAGEMENT**

The SWPPP shall include:

1. A description of the control measures and management practices to meet the requirements of section VIII of this General Permit.
2. The location of site management controls, shown on a map as described in the Mapping Requirements (section IX.H.).
3. Standard specifications (including engineered drawings if applicable) for construction and installation of such controls.

#### **K. SEDIMENT AND EROSION/STABILIZATION CONTROLS**

The SWPPP shall include:

1. A description of control measures and management practices to meet the requirements of section VIII of this General Permit.
2. The location of all sediment and erosion/stabilization controls shown on a map as described in the Mapping Requirements (section IX.H.).

3. Standard specifications (including engineered drawings if applicable) for construction and installation of such controls.

#### **L. NON-STORM WATER MANAGEMENT**

The SWPPP shall include:

1. A description of control measures and management practices to meet the requirements of section VIII of this General Permit.
2. The location of all non-storm water management controls shown on a map as described in the Mapping Requirements (section IX.H.).
3. Standard specifications (including engineered drawings if applicable) for construction and installation of such controls.

#### **M. SPILL PREVENTION AND RESPONSE**

The SWPPP shall include procedures for preventing and responding to spills. All vehicles with refueling capability must have an emergency spill kit on the vehicle. The SWPPP must describe the response procedures and contact information needed to respond to small, medium, and large spill events. The SWPPP must identify the entity that can respond to large spills that are beyond the capacity of the contractor.

#### **N. DEWATERING AND DIVERSIONS**

The SWPPP shall include a Dewatering and/or Diversion Plan to meet the requirements of section VIII of this Permit if the Discharger will utilize surface water diversions to bypass natural stream flows, or pumps or siphons for removal or ground water from excavations (dewatering) during construction. A Dewatering and/or Diversion Plan, as required, shall be developed as an attachment to the SWPPP.

#### **O. ACTIVE TREATMENT SYSTEM (ATS) PLAN**

If an ATS is used, Dischargers shall develop an ATS Plan in compliance with Attachment E of this General Permit. The ATS Plan shall be included in the SWPPP.

#### **P. POST-CONSTRUCTION STORM WATER MANAGEMENT**

The SWPPP shall include:

1. A description of post-construction storm water management structures and controls to meet the requirements of section VIII of this General Permit.
2. The location of all post-construction storm water controls shown on a map as described in the Mapping Requirements (section IX.H.).
3. Standard specifications (including engineered drawings if applicable) for construction and installation of such controls.
4. The operations and maintenance requirements needed to maintain the effectiveness of storm water controls and the responsible party for ensuring that appropriate maintenance is completed.

**P. RAIN EVENT ACTION PLAN (REAP)**

The SWPPP shall include records of NWS forecasts and a REAP prior to predicted storm events to meet the requirements of section VIII of this General Permit.

**Q. CONSTRUCTION SITE MONITORING AND REPORTING PLAN (CSMRP)**

The SWPPP shall include a CSMRP to meet the requirements of Attachment C.

**R. BMP MAINTENANCE AND REPAIR**

The SWPPP shall include procedures for conducting maintenance or repair of failed or inadequate BMPs within 72 hours of identification, or before the next predicted rain event, whichever is sooner.

**S. OTHER PLANS**

This SWPPP 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.

**X. COMPLIANCE DETERMINATION**

Compliance with the effluent limitations contained in section IV of this General Permit will be determined as specified below:

**A. Compliance with Effluent Limitations**

Dischargers must identify all runoff control points where effluent may be discharged off the project boundaries. Monitoring for compliance with effluent limitations is not required if there is no discharge off the project boundaries (e.g., all precipitation is infiltrated on the project site). Compliance with the NELs in

section IV of this General Permit is required for any discharge at designated runoff control points that is generated by non-storm water discharges or storm events that do not exceed the rainfall associated with a 20-year, 1-hour storm, which, for purposes of this General Permit, is equal to an intensity of 1 inch of rainfall in a 1-hour period (compliance storm event).

If constituent concentrations of waters entering the project area (run-on) exceed the numerical limitations specified above, there must be no increase in the constituent concentrations in the waters that are discharged from the project area.

Discharge monitoring results shall not be used by Lahontan Water Board staff for determining compliance with NELs for storms with intensities in excess of the compliance storm event or where run-on exceeds the NELs and the discharge does not increase the level of the exceedance. Dischargers are required to provide supporting documentation such as run-on monitoring data, on-site rain gauge data, and/or rainfall data provided by the National Oceanic and Atmospheric Administration (NOAA) to the Lahontan Water Board for any claims that an effluent limit excursion or exceedance occurred due to these circumstances. The supporting information shall clearly show when the sample was collected relative to the occurrence of the compliance storm event (i.e., the time of rainfall relative to the time of sample collection must be documented). The information will be evaluated for the merits of any claim for relief from compliance requirements for the NELs.

Additionally, Dischargers must provide documentation for any claim that effluent leaving the project boundaries does not reach receiving waters or MS4s for relief from the NELs for discharges to surface waters.

## **B. Multiple Sample Data**

The NELs in this General Permit are evaluated as a maximum daily effluent limitation (MDEL). Pursuant to NPDES regulations (40 CFR part 122.2), *maximum daily discharge* limitation means the highest allowable “daily discharge.” *Daily* discharge means the “discharge of a pollutant” measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of measurement other than mass, the daily discharge is calculated as the average measurement of the pollutant over the day. For purposes of this General Permit, the daily average effluent value is defined as the arithmetic mean of the daily effluent data. When determining compliance when more than one sample result is available due to collection at multiple discharge points and/or multiple times during the calendar day, the Discharger shall compute the arithmetic mean concentration for each day of discharge.

Samples must be representative of the volume and quality of runoff from the site. Sample collection must not be manipulated in such a way as to skew the average

daily effluent value. However, Dischargers must provide monitoring data to indicate estimates of the proportional area or flow that each discharge point from the site represents when reporting the data.

**C. Maximum Daily Effluent Limitation (MDEL)**

If the average daily concentration exceeds the MDEL for a given parameter, the Discharger will be considered out of compliance for that parameter for that one day only within the reporting period.

**D. Sampling by Other Parties**

Sampling may be conducted by persons other than the Discharger. Lahontan Water Board staff, operators of MS4s, or others may analyze storm samples. Samples collected by others may be used with other data to determine MDELs and to conduct compliance determinations, as provided above.