

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

BOARD ORDER NO. R6T-2003-0004

GENERAL WASTE DISCHARGE REQUIREMENTS
FOR

**SMALL CONSTRUCTION PROJECTS, INCLUDING UTILITY, PUBLIC WORKS, AND
MINOR STREAMBED/LAKEBED ALTERATION PROJECTS
IN THE LAHONTAN REGION
EXCLUDING THE LAKE TAHOE HYDROLOGIC UNIT**

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

1. In accordance with Section 13260 of the California Water Code, the discharge of storm water runoff and products of erosion from small construction projects, including utility, public works, within certain sensitive watersheds in the Lahontan Region, and discharges associated with minor streambed/lakebed alteration projects in the Lahontan Region is considered to be a discharge of waste that could affect the quality of waters of the State.
2. The Regional Board may prescribe requirements for any proposed discharge, in accordance with Section 13263 of the California Water Code.
3. Implementation of temporary best management practices (BMPs) is an effective and economical means of preventing or minimizing the discharge of the products of erosion, sediment-laden storm water, and minor waste material spills from small construction projects.
4. Implementation of permanent best management practices (BMPs) after construction is an effective means of treating storm water runoff from impervious surfaces and of preventing erosion following construction of small sites.
5. This General Permit regulates: 1) discharges associated with minor streambed/lakebed alteration projects in the Lahontan Region; and 2) storm water discharges from small construction activity that enter surface waters either directly or indirectly through drainage conveyances or municipal separate storm sewer facilities within the following Hydrologic Units/Areas in the Lahontan Region (see Attachments "A", "B", and "C"):
 - a. Little Truckee River Hydrologic Unit (HU No. 636.00)
 - b. Truckee River Hydrologic Area (HU No. 635.20)
 - c. West Fork Carson River Hydrologic Unit (HU No. 633.00)
 - d. East Fork Carson River Hydrologic Unit (HU No. 632.00)
 - e. Mono Hydrologic Unit (HU No. 601.00)
 - f. Long Hydrologic Area (HU No. 603.10)

6. Small construction projects located within the jurisdiction of local agencies that have entered into a Memorandum of Understanding (MOU) with the Regional Board to implement a storm water construction pollution control program in accordance with the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) are not subject to this General Permit. The Town of Mammoth Lakes has entered into such an MOU with the Regional Board and upon adoption of this Permit the Regional Board waives requirements for submitting Reports of Waste Discharge for small construction activity, as defined in Finding 9, within the Mammoth Lakes jurisdiction. Subsequent to the adoption of this Order, other jurisdictions may enter into MOUs with the Regional Board and qualify for a similar waiver.
7. Discharges of storm water runoff and products of erosion from certain construction projects in the Lake Tahoe Hydrologic Unit are regulated under separate General Waste Discharge Requirements and are not covered under this permit.
8. This General Permit does not preempt or supersede the authority of local storm water management agencies to prohibit, restrict, or control storm water discharges to separate storm sewer systems or other watercourses within their jurisdiction, as allowed by State and Federal law.
9. For purposes of this Order, a “small construction project” includes construction activity that results in land disturbance of 10,000 square feet or more and is not covered under the State Water Resources Control Board (SWRCB) Water Quality Order 99-08-DWQ (Statewide Construction General Permit). Land disturbance is clearing, grading, or disturbances to the ground, including excavation and stockpiling, within the footprint of the structure to be constructed, and any staging and access areas that disturb native soil conditions. Only the actual area of land disturbance is considered when determining whether a project must be covered under this Permit. For example, if a 1-acre parcel (43,560 square feet) is to be developed, but only 9,000 square feet of soil will be disturbed within the project site, coverage under this Permit is not required. Small construction projects also include utility projects proposed by a public or private utility and public works projects proposed by a public entity that involve 10,000 square feet or more of land disturbance.

The Statewide Construction General Permit currently covers projects involving one acre or more of land disturbance. Small construction activity that results in land disturbances of less than 10,000 square feet is subject to this General Permit if the construction activity is part of a larger common plan of development that, as a whole, encompasses 10,000 square feet, but less than 1 acre of soil disturbance. For example, a single development that is completed in two separate phases, with each phase disturbing 8,000 square feet, would require coverage under this Permit because the total land disturbance associated with the project as a whole is 16,000 square feet. For purposes of this Order, Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility, nor does it include emergency construction activities required to protect public health and safety.

10. For purposes of this order, a “minor streambed/lakebed alteration project” is one that includes soil disturbing work, including maintenance dredging, within the high water mark of any water body in the Lahontan Region or the 100-year floodplain in the Truckee and Little Truckee River Hydrologic Units, and is not regulated by the Army Corps of Engineers under Clean Water Act (CWA) Section 404.
11. This General Permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under CWA Section 404 and does not constitute a state water quality certification under CWA Section 401.

12. To obtain authorization for proposed storm water discharges associated with land disturbing activities to ground and/or surface waters pursuant to this General Permit, the Discharger must submit a Notice of Intent (NOI – Attachment “D”) to comply with the General Permit and a filing fee to the Regional Board prior to commencement of construction activities. The NOI must include a description of specific temporary and permanent Best Management Practices (BMPs) to be implemented to prevent or minimize the discharge of waste from the project site during and after construction (see Attachment “E”). For proposed construction activity on easements or on nearby property by agreement or permission, the entity responsible for the construction activity must submit the NOI and filing fee and shall be responsible for development and implementation of the BMPs. Coverage under the General Permit shall begin upon written notification from the Regional Board or 30 days following Regional Board receipt of an NOI if the applicant receives no response from the Regional Board.
13. If an individual National Pollutant Discharge Elimination System (NPDES) Permit is issued to a discharger for activities otherwise subject to this General Permit, or if an alternative general or individual permit is subsequently adopted which covers storm water discharges regulated by this General Permit, the applicability of this General Permit to such discharges is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the subsequent General Permit.
14. Potential pollutant discharges from projects covered under this General Permit consist of products of erosion, construction waste materials, dewatering waste, turbid water and waste earthen materials from work within surface waters, and small amounts of petroleum products from construction equipment.
15. The Regional Board adopted and the State Water Resources Control Board (SWRCB) approved the *Water Quality Control Plan for the Lahontan Region* (Basin Plan). This General Permit implements the Basin Plan. Dischargers regulated by this General Permit must comply with the water quality standards, guidelines, and prohibitions in the Basin Plan, and subsequent amendments thereto.
16. Runoff from the project sites will potentially enter either ground or surface waters of the Hydrologic Units/Areas listed in Finding 5.
17. The beneficial uses of ground and surface waters within the Hydrologic Units/Areas listed in Finding 5 are provided in Chapter 2 of the Basin Plan. There are a variety of designated beneficial uses for individual water bodies that are too numerous to list in this General Permit. The pertinent information is available from the Basin Plan at the Regional Board offices and may be found at the following website - <http://www.swrcb.ca.gov/rwqcb6/files.htm>
18. A Negative Declaration for the adoption of this General Permit was certified by the Regional Board on January 8, 2003 (Resolution No. R6T-2003-0004) in accordance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).
19. The projects regulated by this General Permit are typically nonrecurring and short-term construction projects that will normally be completed within two construction seasons. The applicability of these requirements to the specific project may be revoked pursuant to Administrative Provisions – Section IV.D.
20. The Regional Board has notified the interested agencies and persons of its intent to adopt general waste discharge requirements for small construction projects and has provided them with an opportunity to submit their written views and recommendations.

21. The Regional Board in a public meeting heard and considered all comments pertaining to the requirements.

IT IS HEREBY ORDERED that all dischargers submitting an NOI, applicable fee, and BMP plan in accordance with this permit shall comply with the following:

I. DISCHARGE PROHIBITIONS

- A. The discharge of waste¹, including but not limited to, waste earthen materials (such as soil, silt, sand, clay, rock, or other organic or mineral material) that causes violation of any narrative water quality objective contained in the Basin Plan, including the Nondegradation Objective, is prohibited.
- B. The discharge of waste that causes violation of any numeric water quality objective contained in the Basin Plan is prohibited.
- C. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution is prohibited.
- D. The discharge, attributable to human activities, of solid or liquid waste materials, including but not limited to soil, silt, clay, sand, or other organic or earthen material, to surface waters of the Truckee River and Little Truckee River Hydrologic Units, is prohibited.
- E. The discharge or threatened discharge, attributable to human activities, of solid or liquid waste materials, including but not limited to soil, silt, clay, sand, or other organic or earthen material, to lands within the 100-year floodplain of the Little Truckee River and Truckee River, or any tributary to the Little Truckee and Truckee Rivers, is prohibited. A summary of the waste discharge prohibitions and exception criteria is presented in Attachment "F."
- F. Unless specifically granted, authorization pursuant to this General Permit does not constitute an exemption to applicable discharge prohibitions prescribed in the Basin Plan.
- G. Unless otherwise authorized by a separate waste discharge permit, discharges of material other than storm water, including dewatering waste, to a separate storm sewer system or waters of the state are prohibited. Discharge of dewatering waste to land is covered under this General Permit providing that there are no pollutants present that could degrade groundwater quality. If no land disposal alternatives exist for dewatering waste, the Discharger may seek coverage to discharge dewatering waste to surface waters under a separate NPDES permit by submitting a separate Report of Waste Discharge.
- H. Discharges of non-storm water are allowed only when necessary for performance and completion of construction projects and where they do not cause or contribute to a violation of any water quality standard. Such discharges must be described in the BMP plan (see Provision III – Best Management Practices). Wherever feasible, alternatives that do not result in the discharge of non-storm water, or that discharge any non-storm water to land, shall be implemented.

¹ CWC Section 13050(d): "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

- I. Storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
- J. Except under emergency conditions, land disturbance between October 15 of any year and May 1 of the following year is prohibited in the Little Truckee River and Truckee River Hydrologic Units. Where it can be shown that granting a variance would not cause or contribute to the degradation of water quality, an exception to the dates stated above may be granted in writing by the Executive Officer.
- K. The discharge of fresh concrete or grout to surface waters is prohibited, unless the discharge is confined to the work area and isolated from flowing streams or water bodies.
- L. The discharge of oil, gasoline, diesel fuel, any petroleum derivative, any toxic chemical, or hazardous waste is prohibited.
- M. The discharge of waste, including wastes contained in storm water, shall not cause a pollution, threatened pollution, or nuisance as defined in Section 13050 of the California Water Code.

II. RECEIVING WATER LIMITATIONS

- A. Storm water discharges and authorized nonstorm water discharges to any ground water or surface water shall not adversely impact human health or the environment.
- B. The discharge of storm water from the project area to surface waters shall not cause or contribute to a violation of any narrative or numeric water quality objective contained in the Basin Plan. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste that causes further degradation or pollution is prohibited. A complete listing of water quality objectives is presented in the Basin Plan, Chapter 3 and can be found at the following website - <http://www.swrcb.ca.gov/rwqcb6/files.htm>

Water quality objectives that apply to all surface waters within the Lahontan Region include, but are not limited to, the following construction-related pollutants.

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.

pH

In fresh waters with designated beneficial uses of COLD or WARM, changes in normal ambient pH levels shall not exceed 0.5 pH units. For all other waters of the Region, 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.

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.

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.

Turbidity

Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. For all waters, increases in turbidity shall not exceed natural levels by more than 10 percent. Additionally for the Little Truckee Hydrologic Unit and Truckee River Hydrologic Area, turbidity shall not be raised above 3 Nephelometric Turbidity Units (NTU) mean of monthly means. Additionally for the West Fork Carson River Hydrologic Unit, the turbidity shall not be raised above a mean of monthly means value of 2 NTU.

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.

- C. Should it be determined by the Discharger or Regional Board staff that storm water discharges and/or authorized nonstorm water discharges are causing or contributing to a violation of an applicable water quality standard, the Discharger shall:
1. Implement corrective measures immediately following discovery that water quality standards were violated, followed by notification to the Regional Board by telephone as soon as possible but no later than 48 hours after the discharge has been discovered. This notification shall be followed by a report within 14 calendar days to the Regional Board, unless otherwise directed by the Regional Board, describing (1) the nature and cause of the water quality standard violation; (2) the BMPs currently being implemented; (3) any additional BMPs which will be implemented to prevent or reduce pollutants that are causing or contributing to the violation of water quality standards; and (4) any maintenance or repair of BMPs. This report shall include an implementation schedule for corrective actions and shall describe the actions taken to reduce the pollutants causing or contributing to the violation.
 2. The Discharger shall revise storm water pollution control measures and monitoring procedures to incorporate: 1) the additional BMPs that have been, and will be implemented; 2) the implementation schedule; and 3) any additional monitoring needed.
 3. Nothing in this section shall prevent the Regional Board from enforcing any provisions of this General Permit while the Discharger prepares and implements the above report.

III. BEST MANAGEMENT PRACTICES (BMPs)

- A. Prior to the initiation of any construction related activities, the Discharger shall develop a BMP implementation plan and install temporary erosion control facilities to prevent transport of earthen materials and other wastes off the property. Guidance for developing the BMP plan is provided in Attachment "E."
- B. All land disturbing activities shall be conducted in accordance with the Lahontan Region Project Guidelines for Erosion Control (Attachment "G").
- C. If the Regional Board determines that the proposed BMPs will not achieve the applicable standards and receiving water objectives, the Discharger may be required to implement additional or alternative BMPs.

IV. ADMINISTRATIVE PROVISIONS

- A. Applicability and Timing
 1. Upon receipt of the applicable filing fee, an NOI to comply with the provisions of this General Permit, and an adequate BMP plan, the Discharger will be issued a written Notice of Applicability (NOA). The Regional Board reserves the right to request additional information if the NOI and/or BMP plan is deemed inadequate.
 2. The Discharger shall submit a NOI, a BMP plan, and the appropriate fee at least 30 days prior to the proposed date of construction. Additional time (up to 120 days) will be required for projects that propose disturbance to flood plains or waters of the state. Construction may not begin until a written NOA is received from the Regional Board or 30 days have elapsed from the date the NOI was received by the Regional Board. If the Discharger is notified in writing that the NOI and/or BMP plan is incomplete, the Discharger must provide the additional information requested in the notice and the Regional Board may take up to 30 days to respond with an NOA or request for additional information.
 3. All Dischargers must implement the BMP plan and the Monitoring and Reporting Program upon commencement of construction.
 4. Projects may be brought to the Regional Board for consideration of adoption of an individual WDR when the Executive Officer deems it necessary to achieve water quality protection.
 5. The conditions of this General Permit do not exempt the Discharger from compliance with any other laws, regulations, or ordinances which may be applicable, do not legalize land treatment and disposal facilities, and leave unaffected any further restraints on those facilities which may be contained in other statutes or required by other regulatory agencies.
- B. Provisions
 1. All 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.

2. The Discharger shall at all times fully comply with the engineering plans, specifications, and technical reports developed for the project and/or submitted with the NOI. The Discharger shall at all times fully comply with the BMP Plan.
3. The Discharger must comply with the Standard Provisions for Waste Discharge Requirements contained in Attachment "H", which is made part of this General Permit.
4. Pursuant to California Water Code Section 13267, the Discharger shall comply with Monitoring and Reporting Program No. **R6T-2003-0004** hereby made a part of this General Permit.
5. The owners of property subject to this General Permit shall have a continuing responsibility for ensuring compliance with the General Permit. The Discharger identified in the NOA shall remain liable for General Permit violations until an NOI is received from the new owner/operator. Notification of applicable General Permit requirements shall be furnished to the new owners and/or operators and a copy of such notification shall be sent to the Regional Board. This General Permit is transferable to the new owner. Any change in the ownership and/or operation of property subject to this General Permit shall be reported to the Regional Board. The new owner must comply with the General Permit, including the Monitoring and Reporting Program.

C. Revocation Procedures

Coverage under the General Permit shall continue until revoked in writing by the Regional Board staff. The Discharger is responsible for notifying the Regional Board in writing that the project is complete, certifying that the required conditions are met, and requesting revocation of coverage under the General Permit. The General Permit for the specific project will be revoked provided the following conditions are met: 1) the construction project is complete and soil stabilization measures are in place and functioning; 2) permanent BMPs have been installed and are functional; 3) information required by the attached Monitoring and Reporting Program has been submitted; and 4) Regional Board staff have inspected the site, if deemed necessary.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on January 8, 2003.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachment A: Map of Little Truckee River Hydrologic Unit and Truckee River Hydrologic Area

Attachment B: Map of West and East Forks Carson River Hydrologic Units

Attachment C: Map of Mono Hydrologic Unit and Long Hydrologic Area

Attachment D: Notice of Intent Form

Attachment E: Best Management Practices Plan

Attachment F: Waste Discharge Prohibitions and Exception Criteria for Projects within the Truckee River Hydrologic Unit

Attachment G: Lahontan Region Project Guidelines for Erosion Control

Attachment H: Standard Provision for Waste Discharge Requirements

BA/cgT: Small Construction General Permit WDR