

## Memorandum

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To: DEPUTY DISTRICT DIRECTORS, Construction  
DEPUTY DIVISION CHIEF, Structure Construction  
CONSTRUCTION MANAGERS  
SENIOR CONSTRUCTION ENGINEERS  
RESIDENT ENGINEERS  
CONSTRUCTION STORMWATER COORDINATORS

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File: Division of Construction  
CPD 10-4

From: MARK LEJA   
*for* Chief  
Division of Construction

Subject: Implementation of New Construction General Permit

The National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated With Construction and Land Disturbance Activities (Order No 2009-0009-DWQ, NPDES No. CAS000002), commonly referred to as Construction General Permit (CGP), was adopted on September 9, 2009, by the State Water Resources Control Board. The new CGP supersedes the existing Construction General Permit (Order No. 99-08-DWQ) and is effective July 1, 2010. This construction policy directive (CPD) provides instructions on how to implement the new CGP for ongoing projects with Storm Water Pollution Prevention Plans (SWPPP).

Major changes the CGP requires include updating references to the permit, renaming the Sampling and Analysis Plan to "Construction Site Monitoring Program," year-round installation of soil stabilization and sediment controls on inactive areas of construction, if the area is not scheduled to be re-disturbed for at least 14 days, and new site inspection requirements and annual project reporting.

Ongoing projects with a SWPPP and Notice of Construction (NOC), except any project in the Lake Tahoe Hydrologic Unit, must implement the new CGP by July 1, 2010. Application of the CGP to projects in the Lake Tahoe Hydrologic Unit is subject to specific requirements and not addressed in the CPD. Also, the new CGP does not apply to projects with less than one acre of soil disturbance or to one- to five-acre projects with approved Rainfall Erosivity Waiver.

The new CGP allows projects to operate under the Risk Level 1 requirements until September 2, 2011, unless directed otherwise by a Regional Water Quality Control Board (RWQCB). Projects should implement the new CGP at Risk Level 1, and a future CPD will provide instructions for projects directed by a RWQCB to perform a risk-level analysis and implement higher-risk requirements and for projects that will not be completed by September 1, 2011.

To comply with the Risk Level 1 requirements, issue a contract change order and attach updated information to the project SWPPP. The contract change order will compensate contractors for additional mobilizations of crews and equipment for installation of soil stabilization and sediment control best management practices. The contract change order may also include contract item price adjustments of compensation because of the need to apply soil stabilization and sediment controls

to smaller areas now required by the CGP versus the previously larger areas allowed when there was a rainy season requirement in the special provisions. The updated project SWPPP information must have a page attached to the cover that changes:

1. The existing permit reference to the new CGP.
2. The existing 21-day requirement to a 14-day requirement for soil stabilization and sediment controls to be installed on inactive areas.
3. The year-round requirement for soil stabilization, sediment control for disturbed soils, and stockpiles.
4. "Sampling and Analysis Plan" to "Construction Site Monitoring Program."

This CPD serves as delegation of authority from both the Division of Construction and the Federal Highway Administration for approval of contract change orders implemented under this CPD. It has a sample contract change order and contract change order memorandum attached for reference.

For Risk Level 1 projects, Caltrans stormwater site inspectors will be required weekly to perform site inspections and to complete Attachment H, "Stormwater Quality Construction Site Inspection Checklist," of the *SWPPP/WPCP Preparation Manual*. The Division of Construction will issue a construction policy bulletin to address project annual stormwater reporting requirements.

Ongoing local agency projects with a SWPPP and an NOC must implement this CPD. Ongoing local agency projects with a SWPPP and both an NOC and a Notice of Intent (NOI) must submit a request for a new NOI to the state board by July 1, 2010. Local agencies with an existing NOI will receive directions from the state board on how to implement the new CGP. New local agency projects must submit an NOI to the state board. Caltrans oversight engineers should ask the local agency for copies of their NOI and SWPPP, so they can provide independent quality assurance for the implementation. Oversight engineers should place copies of the NOI and SWPPP in their project files.

For additional information or assistance, please contact:

District Construction Stormwater Coordinator

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Attachments: Contract Change Order Memorandum—CGP Implementation  
Contract Change Order—CGP Implementation  
FHWA—Record of Blanket Prior Approval for Major Contract Change Order