

# Memorandum

**To:** DISTRICT DIRECTORS  
DEPUTY DISTRICT DIRECTORS  
DIVISION CHIEFS  
DISTRICT NPDES COORDINATORS

**Date:** December 8, 2022

**From:** JEREMY KETCHUM  
Chief *Jeremy Ketchum*  
Division of Environmental Analysis

**Subject: STORMWATER TREATMENT BEST MANAGEMENT PRACTICES (TBMPs) CERTIFICATION**

The Caltrans National Pollutant Discharge Elimination System (NPDES) Permit and Section 404 and 401 certifications of the Clean Water Act (CWA) require implementation of storm water treatment best management practices (TBMPs) within Caltrans right of way to capture pollutants from roadway runoff.

The Division of Environmental Analysis (DEA) has created certification forms to promote accountability in implementing mandated TBMPs in transportation projects, track, and document regular progress, and ensure Caltrans meets its obligations related to the NPDES, 401, and 404 Permits. DEA has updated the Caltrans Standard Environmental Reference (SER) to include TBMP certification forms. Link to the certification forms in the SER is as follows:

<https://dot.ca.gov/programs/environmental-analysis/standard-environmental-reference-ser/forms-templates>

Beginning January 1, 2023, TBMP certification forms are required to be filled out at Ready to List (M460), Construction Contract Acceptance (M600), and Project Closeout (M800) phases. Completion of TBMPs must also be documented in the Environmental Commitments Record (ECR) for projects. District NPDES Coordinators are responsible to populate TBMP certification forms at various project delivery phases.

Please note that past memos issued in 2001 and 2002 regarding stormwater NPDES Permit requirements (attached herein) are no longer relevant to current regulations and mandates.

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December 8, 2022  
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For any questions, please contact Jagjiwan Grewal, Office Chief, Stormwater Program Implementation, Division of Environmental Analysis at (916) 956-3829 or by email at jagjiwan.grewal@dot. ca.gov.

Enclosures:

1. Stormwater TBMP Certification M460 (2022)
2. Stormwater TBMP Certification M600 (2022)
3. Stormwater TBMP Certification M800 (2022)
4. Environmental Commitment Record Form (ECR)
5. Environmental Certification
6. 2001 and 2002 Stormwater NPDES Permit Requirements Memos (Superseded)

c: Donna Berry, Chief Engineer  
Project Delivery Division Chiefs  
Shaila Chowdhury, Chief Environmental Engineer



**PERMANENT STORMWATER TREATMENT BEST MANAGEMENT  
PRACTICE (TBMP) OR ALTERNATIVE COMPLIANCE CERTIFICATION AT  
READY TO LIST (MILESTONE 460)**

**PROJECT INFORMATION**

**Project Name:** Enter project nickname

**DIST-CO-RTE:** \_\_\_\_\_

**PM/PM:** \_\_\_\_\_

**EA:** \_\_\_\_\_

**EFIS:** \_\_\_\_\_

No.	Criteria	YES or NO	Supplemental Information for Evaluation
1	Has the PS&E SWDR been uploaded to the Stormwater Portal, and all required data entered?	Click here	If <b>YES</b> , print out and attach the Stormwater Portal Project EA Compliance Data Sheet and go to line 2, if <b>NO</b> , STOP, cannot certify for M460 until criteria completed.
2	Is the project required to incorporate TBMPs to address the Caltrans NPDES Permit, CWA 401 Certifications, and/or other agency permit requirements?	Click here	If <b>YES</b> , continue to line 3, if <b>NO</b> go to line 5.
3	Does the project PS&E meet TBMP requirements?	Click here	If <b>YES</b> , go to line 5, if <b>NO</b> continue to line 4.
4	Has an Alternative Compliance Plan (ACP) been developed or a timeline to develop an ACP been approved by the Water Board and uploaded to the Stormwater Portal?	Click here	If <b>YES</b> , attach the Alternative Compliance Plan approval sheet and go to line 5, if <b>NO</b> , STOP, cannot certify for M460 until criteria met.
5	Project certified for RTL.	Click here	Sign for M460.

\_\_\_\_\_  
**NPDES Coordinator-Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**Attachments:**

- Stormwater Portal Project EA Compliance Data Sheet (Create using Print Page in edit/view Project EA)
- Alternative Compliance Plan Water Board Approval Sheet (if applicable)



## PERMANENT STORMWATER TREATMENT BEST MANAGEMENT PRACTICE (TBMP) OR ALTERNATIVE COMPLIANCE CERTIFICATION AT CONSTRUCTION CONTRACT ACCEPTANCE (MILESTONE 600)

### PROJECT INFORMATION

**Project Name:** Enter project nickname

**Contract Number:** \_\_\_\_\_

**Contractor Name:** \_\_\_\_\_

**DIST-CO-RTE:** \_\_\_\_\_

**PM/PM:** \_\_\_\_\_

**EA:** \_\_\_\_\_

**EFIS:** \_\_\_\_\_

No.	Criteria	YES or NO	Supplemental Information for Evaluation
1	Was the signed MTCE-0023 loaded to the Stormwater Portal (Portal)?	Click here	If <b>YES</b> , continue to line 2. If <b>NO</b> , STOP, signed MTCE-0023 form is required.
2	Were the TBMPs (if required) to address the Caltrans NPDES Permit, CWA 401, and/or other agency permits, constructed and accepted by Maintenance?	Click here	If <b>YES or N/A</b> , go to line 9. If <b>NO</b> , continue to line 3.
3	Has a Contract Change Order (CCO) been made to a TBMP?	Click here	If <b>YES</b> , continue to line 4. If <b>NO</b> , go to line 5.
4	Have all CCOs been uploaded to the Portal (with signed and stamped calculations for significant design changes) and compliance data updated in the Portal?	Click here	If <b>YES</b> , continue to line 5. If <b>NO</b> , STOP, you must upload all CCOs and update the TBMP compliance data in the Portal.
5	Were all TBMPs accepted by Maintenance?	Click here	If <b>YES</b> , go to line 7. If <b>NO</b> , continue to line 6.
6	Was TBMP compliance data updated in the Portal?	Click here	If <b>YES</b> , go to line 7. If <b>NO</b> , update compliance data and continue to line 7.
7	Does the Project meet TBMP requirements?	Click here	If <b>YES</b> , go to line 9. If <b>NO</b> , continue to line 8.
8	Has an Alternative Compliance Plan (ACP) been developed or a timeline to develop an ACP (this could incorporate a child EA) been approved by the Water Board and uploaded to the Portal?	Click here	If <b>YES</b> , attach the Alternative Compliance Plan approval sheet, sign for M600 and continue to line 9. If <b>NO</b> , cannot certify M600 until a Water Board approved ACP or timeline to develop one has been uploaded to the Portal.
9	TBMPs are certified for M600 milestone.	Click here	Print out and attach the Post Construction Stormwater Portal Project Compliance Data sheet and sign for M600.

**PERMANENT STORMWATER TBMP OR ACP CERTIFICATION-M600**

\_\_\_\_\_  
**NPDES Coordinator-Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**Attachments:**

- Stormwater Portal Project EA Compliance Data Sheet
- Alternative Compliance Plan Water Board Approval Sheet (if applicable)
- M460 Certification (Required)



## PERMANENT STORMWATER TBMP OR ACP CERTIFICATION-M800

- 2) The Caltrans National Pollution Discharge Elimination (NPDES) Multiple Separate Sewer System (MS4) Permit requires all TBMPs to be represented in the Stormwater Portal and IMMS. Data in both databases should match the information on the final MTCE-0023 form. Work with Maintenance to resolve discrepancies in IMMS.

### **Attachments:**

- Stormwater Portal Project EA Compliance Data Sheet
- Alternative Compliance Plan Water Board Approval Sheet (if applicable)
- M600 Certification (Required)



## Environmental Commitments Record (ECR)

**DIST-CO-RTE:**                      **PM/PM:**                      **EA/Project ID.:**  
**Project Description:**  
**Date (Last modification):**  
**Environmental Planner:**                      **Phone No.:**  
**Construction Liaison:**                      **Phone No.:**  
**Resident Engineer:**                      **Phone No.:**

**Instructions / Notes (remove prior to finalizing):**

- Enter the EA/Project ID and Federal-Aid Project Number (if applicable) in the footer and the project title in the header beginning on page 2.
- Enter information in the following tables as appropriate for the project. If additional rows are needed, copy and paste in new rows.
- In the “Task and Brief Description” column, it is recommended to list the resource and number the task (e.g., BIO-1, CUL-3, HAZ-5, Visual-4, etc.).
- In the Source column, identify the page number(s) from the environmental document, or resource agency decision document, permit, or mitigation plan, where the commitment is most thoroughly described and identified. Update as the commitment definition is refined.
- In the “Included in the PS&E package” column, select “yes” if the task should be (or has been) included in the PS&E package. Identify the appropriate SSP or NSSP in the Action to Comply Column.
- In the “Action to Comply” column, describe the action that must be taken by the responsible party in order to comply with the commitment (e.g. establish an ESA, include delineation on the Plans).
- If an MND or EIR was prepared, select “yes” in the “Mitigation for Significant Impacts Under CEQA?” column for those measures that were proposed specifically to address a significant impact under CEQA.
- Upon completion of the PA&ED phase, the ECR will be used by the Project Team as a detailed reference throughout all project phases (Final Design and Construction), both to identify and track commitments and to locate the most current, detailed source of information. This is a living document that should be updated as commitments are made and completed through each key milestone (and potential phases of a project).

### PERMITS

Permit	Agency	Application Submitted	Permit Received	Permit Expiration	Permit Requirement Completed by:	Permit Requirement Completed on:	Comments
Enter permit	Enter agency	Enter date	Enter date	Enter date	Enter Name	Enter date	Enter comments
Enter permit	Enter agency	Enter date	Enter date	Enter date	Enter Name	Enter date	Enter comments
Enter permit	Enter agency	Enter date	Enter date	Enter date	Enter Name	Enter date	Enter comments
Enter permit	Enter agency	Enter date	Enter date	Enter date	Enter Name	Enter date	Enter comments
Enter permit	Enter agency	Enter date	Enter date	Enter date	Enter Name	Enter date	Enter comments
Enter permit	Enter agency	Enter date	Enter date	Enter date	Enter Name	Enter date	Enter comments

### ENVIRONMENTAL COMMITMENTS

#### PA&ED

Category	Task and Brief Description	Source	Included in PS&E package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA?
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response

Environmental Commitment Record for [\[enter project title\]](#)

**PS&E/BEFORE RTL**

Category	Task and Brief Description	Source	Included in PS&E package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA?
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response

**ROW/PURCHASING**

Category	Task and Brief Description	Source	Included in PS&E package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA?
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
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Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response

**PRE-CONSTRUCTION**

Category	Task and Brief Description	Source	Included in PS&E package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA?
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
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Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response

**CONSTRUCTION**

Category	Task and Brief Description	Source	Included in PS&E package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA?
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response

**POST-CONSTRUCTION**

Category	Task and Brief Description	Source	Included in PS&E package	Responsible Branch/Staff	Action to Comply	Due Date	Task Completed by	Task Completed on	Remarks	Mitigation for significant impacts under CEQA?
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response
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Select a category	Enter task and brief description	Enter source	Select a response	Enter name	Enter action	Enter date	Enter Name	Enter date	Enter remarks	Select a response



## Memorandum

**To:** DISTRICT DIRECTORS  
DISTRICT DEPUTY DIRECTORS  
NPDES COORDINATORS

**Date:** November 21, 2001

**File:**

**From:** DEPARTMENT OF TRANSPORTATION  
DIRECTOR'S OFFICE - MS 49

**Subject:** Storm Water NPDES Permit Compliance

As you are aware, the Department obtained a statewide NPDES permit in July 1999 to govern its management of storm water activities (the "Permit"). The Permit required the Department to develop a Storm Water Management Plan (SWMP) which is the implementation plan for the Permit. The SWRCB approved the SWMP in May 2001.

The Permit requires that the Department annually review the SWMP and modify it as necessary to ensure implementation of an effective storm water program. In addition, the Department must develop and annually review and revise regional workplans with each Regional Water Quality Control Board (RWQCB) to address specific regional issues ("Workplans"). The Permit is enforced primarily by the RWQCBs rather than the SWRCB.

While the Department's Storm Water Program has not been delegated to the Districts, the Districts are responsible for addressing storm water issues within each of their jurisdictions. As you know, storm water issues arise in a variety of situations where the Department requires RWQCB approval of a proposed action (e.g. Workplan revisions, applications for 401 Certifications, implementation of Storm Water Pollution Prevention Plans (SWPPPs) and resolution of enforcement actions issued to the Department as a result of maintenance or construction activities.)

As the new workplans are being developed and discussed with the Regional Water Quality Control Boards (RWQCB) we are seeing a push from the individual Boards to expand the requirements of the workplans and subsequently the SWMP. The SWMP was negotiated with the SWQRCB with the intent of developing consistency statewide on how the Department handles its storm water issues. It is important that the Department adheres to the philosophy of consistent responses in its storm water program.

DISTRICT DIRECTORS, DISTRICT DEPUTY DIRECTORS,  
NPDES COORDINATORS

November 21, 2001

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When dealing with the RWQCB, please do not make any commitments which exceed the Department's Statewide NPDES permit requirements, approved 2001 SWMP requirements, requirements of the State Board approved SWMP Guidelines or which exceed the technical ability of the Districts or the District's allocated resources.

In cases where the Regional Boards are requesting actions in excess of the above noted conditions, the Districts shall elevate the requests to Gary Winters the Chief, Division of Environmental Analysis (916) 656-7136, for consideration prior to any action.

If you have any questions regarding this memorandum, please contact Gary Winters at (916) 656-7136.



BRENT FELKER  
Chief Engineer

c: Gary Winters



*Flex your power!  
Be energy efficient!*

## Memorandum

To: DISTRICT DIRECTORS  
DEPUTY DISTRICT DIRECTORS

Date: August 9, 2002

File: SW File

From: DEPARTMENT OF TRANSPORTATION  
DIRECTOR'S OFFICE - MS 49

Subject: Storm Water NPDES Permit - Attempts to Revise Requirements

This memorandum is a follow-up to my previous November 21, 2001, memo (attached) on the same subject.

Previously, I discussed attempts by Regional Water Quality Control Boards (RWQCB) to expand or revise the requirements of the Department's National Pollutant Discharge Elimination System Storm Water Permit (NPDES Permit) through various processes (e.g., regional workplans, 401 certifications, SWPPP's, etc.). These attempts are still being made. In addition, other agencies, including the California Coastal Commission (CCC) are also trying to add to or revise our NPDES Permit by including conditions for storm water discharge in their own permits (e.g., a coastal permit may include a condition that the SWPPP may not be revised without the approval of CCC).

Please note that the Department's NPDES Permit is a point source permit issued under the National Clean Water Act and compliance with the NPDES Permit constitutes compliance with the Clean Water Act. The NPDES Permit includes requirements to satisfy applicable water quality standards and may NOT be modified at will, only for cause under certain specified circumstances as specified in federal regulations.

States are authorized to issue 401 Certifications whenever a federal agency issues a permit (e.g., a 404 Permit) addressing waters of the United States. A 401 Certification is the State's vehicle to ensure a federally permitted project satisfies State water quality standards. A single discharge is only legally subject to a single Clean Water Act permit. While a construction project may in fact require a 404 Permit/401 Certification to disturb wetlands, discharges of storm water are not to be regulated by both a 404 Permit/401 Certification and the Department's NPDES Permit. Since storm water discharges are covered by the Department's NPDES Permit, 401's should not include any conditions that attempt to alter the NPDES Permit. The same analysis should be applied to other permits that attempt to alter our NPDES Permit.

DISTRICT DIRECTORS, et. al.  
August 9, 2002  
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If you or your staff experience any permitting agency attempting to modify the terms of the Department's NPDES permit through any other permit or mechanism, you need to request the agency document their authority in writing. In these instances, or if you have any questions, please contact Mark Rayback, Chief of Environmental Engineering, at (916) 653-4446, or via e-mail. Mark has established a process utilizing Legal, and the State Water Resources Control Board to work through these issues. Keep in mind that the time to challenge agency actions is generally very short. For example, the Department has only 30 days from issuance to challenge regarding Regional/State Water Quality Board actions.



**BRENT FELKER**  
Chief Engineer

Attachment