

406 ENCROACHMENT PERMITS STORMWATER MANAGEMENT

Introduction

The Caltrans Headquarters and District Encroachment Permits (District EP) Offices administer encroachment projects managed under the Encroachment Permits Office Process (EPOP) within highway right-of-way. One of the primary goals is to regulate the discharge of pollutants in both stormwater and non-stormwater runoff entering and exiting the State highway right-of-way associated with these encroachment projects. This section constitutes the quality assurance program for the Caltrans Encroachment Permits (EP) Program to ensure statewide consistency and compliance with the 2022 Caltrans Statewide Stormwater National Pollutant Discharge Elimination System Permit (Caltrans NPDES Permit) (Order 2022-0033 DWQ), the 2024 Caltrans Statewide Stormwater Management Plan (SWMP), the 2022 Statewide Construction General Permit (CGP) (Order WQ 2022-0057-DWQ, NPDES No. CAS000002), the Lake Tahoe Construction General Permit (LTCGP), the Statewide Industrial General Permit (IGP) and other applicable NPDES Permits.

Section 406 does not encompass all water quality laws and regulations but provides guidance on the processes used by the Encroachment Permits Program to review and inspect stormwater elements associated with projects approved using the Encroachment Permits Office Process (EPOP). Projects not approved using EPOP, such as Project Delivery Quality Management Assessment Process (QMAP) projects (previously oversight projects, see Section 108, 202.3 & 500.10), utilize the procedures outlined in the Caltrans' Project Planning and Design Guide (2023 PPDG or latest version) to assess the necessity and feasibility of incorporating Best Management Practices (BMPs) into projects within the State highway right-of-way. This section does not relieve the project sponsor or contractor from their responsibility to comply with all federal, state, and local laws, regulations, and policies that apply to their project.

The SWMP identifies permanent and temporary BMPs that are used to control, prevent, remove or reduce pollution, and minimize potential impacts to receiving waters. The term BMPs refers to both structural and non-structural (institutional) controls that have direct effects on the release, transport, or discharge of pollutants. This section discusses requirements to design, document, use, and maintain BMPs on encroachment permit projects.

There are three types of BMPs generally applicable to Encroachment Permit projects: Construction Site BMPs, Design Pollution Prevention (DPP) BMPs, and Treatment BMPs (TBMPs).

Construction Site BMPs are temporary controls used to reduce or eliminate pollutant discharges during construction activities as described in Section 406.3 of this document.

DPP BMPs are permanent measures to prevent pollution discharges (e.g., reduce erosion, manage non-stormwater discharges, etc.) after construction is completed. All projects that disturb soil must incorporate DPP BMPs as appropriate to minimize runoff, maximize infiltration, maximize vegetation, and reduce erosion.

TBMPs are permanent measures deployed to treat pollutants from storm discharges to Waters of the United States and/or Waters of the State which are subject to pollution control requirements (ASBS, TMDL watershed and STGA). They can be either vegetated or unvegetated. They are required on any project that meets the following criteria per Caltrans NPDES Permit:

Table 1. Threshold for Consideration of Structural Treatment BMPs

| Project Category | Threshold: New Impervious Surface (NIS) |
|--|--|
| Non-Highway State Facilities Projects (Rest areas and vista points, park and ride lots, maintenance and support facilities) | 5,000 square feet or more |
| Highway Projects | 10,000 square feet or more |

1. The New Impervious Surface (NIS) is the addition of the Net New Impervious (NNI) and the Replaced Impervious Surface (RIS) with the Excluded Impervious Area (EIA) subtracted. For determining NIS, see the 2023 PPDG Section 4.
2. The Caltrans NPDES Permit allows a reduction to threshold. See the 2023 PPDG Table 4-1, Excluded Impervious Areas.
3. If the net new impervious area constitutes fifty (50) percent or more of the total post-project impervious area within the project limits, post-construction BMPs will be designed for the entire project impervious area.
4. Emergency projects under Force Account are exempt from Treatment BMPs based on the immediate need to provide service and protection for the public.
5. Routine maintenance activities are not required to incorporate Treatment BMPs. (See 2023 PPDG Section 4.2 Step 6).

The applicant can determine whether TBMPs are required by completing the 2023 PPDG (or latest version) Appendix E Evaluation Document Form (EDF). If TBMPs are required, then the project will move from the EPOP to the QMAP process as a Caltrans oversight project (see Sections 108, 202.3 & 500.10).

All BMPs must be Caltrans-approved. The 2023 PPDG (or latest version) provides the overall process for selecting, designing and incorporating BMPs into the appropriate projects.

The following table lists the BMPs that have been approved for Caltrans use within the State highway right-of-way.

Table 2. Caltrans Approved BMPs

| BMP Type | Description | Caltrans Stormwater Quality Handbook (Manual) |
|--|---|---|
| Construction Site BMPs | Temporary soil stabilization, temporary sediment control, wind erosion control, tracking control, non-stormwater management, waste management and materials pollution control. | 2023 PPDG Appendix C |
| Design Pollution Prevention (DPP) BMPs | Consideration of downstream effects related to potentially increased flow, preservation of existing vegetation, concentrated flow conveyance systems, and slope/surface protection systems. | 2023 PPDG Appendix A |
| Treatment BMPs | Traction Sand Traps, Infiltration Devices, Detention Devices, Biofiltration Systems, Dry Weather Flow Diversion, Media Filters, Multi-Chamber Treatment Trains, Wet Basins, Full Trash Capture Devices, Open Grade Friction Course (OGFC), and Design Pollution Prevention Infiltration Areas (DPPIAs). | 2023 PPDG Appendix B |
| Maintenance BMPs | Litter Pickup, Drainage Cleaning, Street Sweeping, Maintenance Vehicle Pullouts, Drainage Inlet Stenciling, Call Boxes, or TBMP Markers, etc. | 2023 PPDG Section 3.3.4 |

406.1 Applicable NPDES Regulations and Permits

Federal regulations for controlling discharges of pollutants from Municipal Separate Storm Sewer Systems (MS4s), construction sites, and industrial activities were incorporated into the NPDES permit process by the 1987 amendments to the Federal Clean Water Act (CWA) and by the subsequent 1990 promulgation of federal stormwater regulations issued by the U.S. Environmental Protection Agency (US EPA). The US EPA regulations require municipal, construction, and industrial stormwater discharges to comply with an NPDES permit. In California, the US EPA delegated its authority to the State Water Resources Control Board (SWRCB) to issue NPDES permits.

406.1.A Caltrans NPDES Permit and its Statewide Stormwater Management Plan

The SWRCB issued a Statewide NPDES Permit to Caltrans in 2022 ([Order 2022-0033-DWQ, NPDES No. CAS000003](#)), to regulate stormwater discharges from Caltrans facilities.

The Caltrans NPDES Permit contains three basic requirements:

1. Caltrans' construction program must comply with the requirements of the CGP. Other CGPs that may apply but are less common include the US Environmental Protection Agency CGP that applies to tribal or federal lands and the Lake Tahoe CGP that applies to the Lake Tahoe Hydrologic Unit (i.e., watershed).
2. Caltrans must implement a year-round program in all parts of the State to effectively control stormwater and non-stormwater discharges.
3. Caltrans stormwater discharges must meet water quality standards through implementation of permanent and temporary construction BMPs and other measures.

Part of the requirements of the Caltrans NPDES Permit is to ensure that all activities within the State highway right-of-way follow the Caltrans NPDES Permit as well as the SWMP. Table 3 lists the Caltrans NPDES Permit requirements for all projects including District EP (non-departmental) projects:

Table 3. Caltrans NPDES Permit as it applies to non-departmental activities

| Section | Permit Text |
|----------------|--|
| C3.10.2.2 | <p>For non-Department[al] projects within the State highway right-of-way, the Department shall:</p> <ol style="list-style-type: none">(1) Exercise control or oversight on non-Department projects through encroachment permits or other means.(2) Ensure the new development or redevelopment projects comply with the same post-construction treatment control requirements as Department projects.(3) Review and approve the design of post-construction treatment controls and best management practices prior to implementation for all non-Department projects that trigger post-construction treatment control requirements. |
| C3.6 | <p>The Department shall address non-departmental activities for the following requirements:</p> <ol style="list-style-type: none">(1) Summary of the Department's control over all non-departmental (e.g., third party) activities performed in the State highway right-of-way. The summary shall describe how the Department is going to ensure compliance with this Order in all non-departmental activities.(2) Description of the Department's process to refuse grants or renew encroachment permits or easements for any third party that is required to obtain coverage under the CGP, LTCGP, or the IGP unless the party has obtained coverage under the appropriate general permit.(3) In all leases, rental agreements, and all other contracts with third parties conducting activities within the State highway right-of-way, the Department shall require the third party to comply with applicable requirements of this Order, the CGP, the LTCGP, and the IGP. The Department is ultimately responsible for stormwater and non-stormwater discharges from leased sites, including sites addressed by Executive Order N-23-20. |

To comply with Caltrans NPDES Permit, Caltrans has developed the SWMP. The SWMP is Caltrans' policy document that describes how Caltrans conducts its stormwater management procedures and practices, provides descriptions of each of the major management program elements, discusses the processes used to evaluate and select appropriate BMPs, and presents key implementation responsibilities and schedules. All projects within the State highway right-of-way, regardless of who funds or administers the project, are required to comply with the SWMP.

Caltrans uses the encroachment permit process as a quality assurance program to ensure encroachment permit applicants comply with stormwater laws and regulations. For a glossary of terms used in this section, refer to Attachment B of the Caltrans NPDES Permit, and Attachment B of the CGP.

406.1A.1 Trash Control Requirements

Discharge of trash to surface waters of the State is prohibited by the NPDES Permit Statewide Trash Provisions. Caltrans has developed a Statewide Trash Implementation Plan to ensure compliance with the Statewide Trash Provisions. The Statewide Trash Implementation Plan delineates Significant Trash Generation Areas (STGAs) within Caltrans jurisdiction. STGAs include all locations or facilities where trash accumulates in substantial amounts, such as:

- Highway on-ramps and off-ramps in high density residential, commercial, and industrial land uses
- Rest areas and park-and-rides
- State highways in commercial and industrial land uses
- Mainline highway segments to be identified by the Department through pilot studies and/or surveys
- Areas identified by the State Water Board Executive Director in consultation with the appropriate Regional Board

STGAs are listed on maps in the Statewide Trash Implementation Plan. You can access the [Statewide Trash Generation Rates and Reassessment Area Draft Webmap](#) by click on this link.

Projects developed within an STGA must install Caltrans approved full-capture trash devices. Approved Full-Capture Trash Devices include Gross Solids Removal Devices, Trash Nets, Capture Housing, and Multi Benefit Trash Treatment Systems. Multi Benefit Trash Treatment Systems should be prioritized due to their ability to remove other pollutants from stormwater in addition to trash. Refer to Section 5.3.1 of the 2023 PPDG for full-capture trash devices and Attachment E – Trash Implementation Requirements of the Caltrans NPDES Permit.

406.1.B Construction General Permit

The Caltrans NPDES Permit requires that Caltrans’ construction program and Encroachment Permit Program comply with the requirements of the “NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities” (CGP) (Order WQ 2022-0057-DWQ, NPDES No. CAS000002) issued by the SWRCB in 2022. The CGP applies to projects that disturb one or more acres of soil.

Projects covered under the [2009 CGP \(Order WQ 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ\)](#) can maintain their coverage until August 31, 2025, when the regulatory transition concludes.

The CGP is a risk-based permit that establishes three levels of environmental risk possible for a construction site. The CGP Risk Level (RL) determination quantifies sediment and receiving water characteristics and uses these results to determine the project’s overall RL. Highly erodible soils, in higher rainfall areas, on steep slopes increase the ‘sediment risk’. Monitoring and reporting requirements increase as the RL goes from 1 to 3. The RL determination can be calculated by using Attachment D.1 of the CGP.

Table 4. Combined Risk Level Matrix

| Receiving Water Risk | Sediment Risk | | |
|----------------------|---------------|---------|---------|
| | Low | Medium | High |
| Low | Level 1 | Level 2 | Level 2 |
| High | Level 2 | Level 2 | Level 3 |

- Risk Level 1 projects are subject to minimum BMP and visual monitoring requirements.
- Risk Level 2 projects are subject to minimum BMPs, visual monitoring requirements, Numeric Action Levels (NALs), and some additional monitoring requirements.
- Risk Level 3 projects are subject to minimum BMPs, visual monitoring requirements, and more rigorous monitoring requirements such as receiving water monitoring.

The CGP requires that all applicable projects upload the site specific SWPPP and all other relevant documents to the State Water Board’s Stormwater Multiple Application and Report Tracking System (SMARTS). The Legally Responsible Party (LRP) will be determined based on the following criteria:

- 1) If the project is entirely within State highway right-of-way, Caltrans is the LRP.
- 2) If the project is partially within State highway right-of-way, the Permittee is the LRP.

The Permittee as the LRP must ensure that the District EP Office receives copies of applicable notifications (sampling data, SWPPP amendments, Change Of Information (COI), and any other applicable submittal). The LRP must meet the requirements of the CGP or Lake Tahoe Hydrologic Unit Construction (LTCGP) and is ultimately responsible for complying with all the permit requirements both within and outside the State highway right-of-way. Definitions of the LRP are included in the CGP and LTCGP. The Permittee as the LRP may authorize a

representative and signatory for any documents required by the CGP. The project superintendent or resident engineer or any other authorized public employee with managerial responsibility can sign and certify documents required by the CGP. Any person given such signatory authority must be individually linked to the project in SMARTS by the registered LRP.

406.1.B.1 Linear Underground/Overhead Projects

The CGP also applies to Linear Underground/Overhead Projects (LUP) requirements (Attachment E of the CGP). A LUP, commonly referred to as an utility type project, is defined under the CGP as any conveyance, pipe, or pipeline for the transportation of any gaseous, liquid (including water and wastewater for domestic municipal services), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g., telephone, telegraph, radio, or television messages); and associated ancillary facilities.

Construction activities include, but are 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). These can include 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 foundations, pole and tower installations, pipeline installations, welding, concrete and/ or pavement repair or replacement, and stockpile/borrow locations.

Linear project dischargers shall provide and maintain natural buffers and/or equivalent erosion and sediment controls when a water of the United States is located within 50 feet of the site's earth disturbances, unless infeasible (Attachment E of the CGP).

To assess the project area or segment area for LUP project determination, refer to the [CGP Attachment E.1](#).

Here are a few example scenarios:

Table 5. LUP Applicability

| Scenario | Need CGP LUP coverage (Y/N) | Note |
|---|-----------------------------|--|
| LUP activities to be conducted are associated with a construction project that has or will seek coverage under CGP | No | LUP activities will fall under the main CGP SWPPP |
| LUP Construction Activities occur in the Lake Tahoe Hydrologic Unit | No | LUP activities will fall under the main LTCGP SWPPP |
| A utility project is the initial phase for a development project and overall project covers this phase | No | Utility project is to be covered under the main overall project as shown |
| A utility project is the initial phase for a development project. The development project is not covering utility work | Yes | LUP SWPPP is required, LRP will seek coverage and upload in SMARTS |
| Field activities associated with the planning and design of a project (e.g., activities associated with route selection). | No | |
| Utility company is updating (replacing existing lines with new materials or pipes) part of their system | No | Considered routine maintenance activity |

LUP projects could have an erosivity waiver, see 406.3.D to determine applicability. If waiver applies, then LUP project needs to prepare a WPCP.

In addition to individual project-based permitting, Caltrans has introduced programmatic permitting approaches for linear and the Middle Mile Broadband Network (MMBN) projects (see Appendix L). Programmatic permitting streamlines the CGP process for multiple similar projects or activities under a single permit, reducing administrative burden and expediting Caltrans for MMBN projects. The programmatic permitting option allows Caltrans to submit a single Notice of Intent (NOI) to obtain CGP coverage for multiple, non-contiguous linear underground and overhead and broadband projects.

Regional programmatic permitting encompasses a broader geographical area and covers multiple projects within a specific region or district. It allows for consistent application of permit conditions and streamlined review processes for similar projects, such as highway maintenance activities or utility installations, across the region.

Under the CGP , dischargers may cover multiple, non-contiguous LUPs under a regional programmatic permit if the projects:

- Are located within one Regional Water Board jurisdiction;
- Are a group of projects of similar scopes with common construction activities; and
- Have the same Legally Responsible Person.

406.1.C Federal Agencies and Sovereign Land

If an applicant is a Federal entity or part of the work is within an Indian sovereign nation, the applicant is subject to United States Environmental Protection Agency (US EPA) jurisdiction; the Statewide CGP is not applicable. The applicant would need coverage under the [2022 US EPA CGP](#) and likely would need coverage from the NPDES permitting authority(ies) like Tribes that have jurisdiction over the applicable portions of the project. In addition, based on the circumstances involving each tribe, the applicant should verify coverage under the US EPA CGP following confirmation from the Municipal Permittee adjacent to the tribal land in question. EPA has prepared a flowchart to help construction operators determine if and from whom they need to get [NPDES Permit coverage for their construction activities](#).

406.1.D Lake Tahoe CGP

The Lahontan Regional Water Quality Control Board has adopted the Lake Tahoe Hydrologic Unit Construction General Permit, Board Order No. R6T-2016-0010; NPDES No. CAG616002 (LTCGP) for projects that are one acre or greater, or less than one acre if part of a larger plan of development. LTCGP projects don't have risk levels and all LTCGP projects are considered the same in terms of sediment and receiving water risk. The applicant can review [a map of the Regional Water Quality Control Boards \(RWQCBs\) to determine which regional board their project falls under](#).

406.1.E Dewatering Operations/Permits

Dewatering effluent that is discharged from the construction site to a storm drain or receiving water is subject to the requirements of the Construction General Permit and is also often regulated under a 401 Certification, or Waste Discharge Requirements (WDRs) administered by the RWQCB. The Construction General Permit requires sampling within the first hour of discharge and daily sampling thereafter for continuous dewatering discharges.

Caltrans has developed a [Dewatering Manual](#) that should be referenced to determine appropriate requirements for the individual construction site.

Previously, many dewatering activities required a separate WDR or 401 permit, but these activities are now covered under the CGP.

Dewatering discharge requirements vary around the State. Table 1-1 of the Dewatering Manual presents the different RWQCB dewatering permits that should be consulted to determine if there are any discharge requirements that apply for the proposed dewatering operation based on the EP Application operations.

406.2 Roles and Responsibilities

This subsection delineates the roles and responsibilities of key positions at both the headquarters and district levels within the Encroachment Permits Program.

The role of the HQ Division of Traffic Operations, Office of Encroachment and Outdoor Advertising Permits includes:

- **Coordination:** In coordination with the Department of Environmental Analysis (DEA) Water Quality Program, HQ Encroachment permit program provides support and guidance to the District Encroachment Permit offices on the implementation of water quality management associated with encroachment activities.
- **Reporting:** The HQ Encroachment permit program assists the DEA Water Quality Program in the preparation of the Annual Report to the SWRCB, as it relates to District encroachment permit activities.
- The **HQ Division of Traffic Operations, Chief** is responsible for statewide policies and procedures for encroachment permit projects. This includes ensuring compliance with all elements of the SWMP that require implementation by Encroachment Permits personnel.
- **Deputy District Directors** ensure that District personnel comply with statewide policies and procedures. The Deputy District Directors are responsible for implementation of policies and procedures, and management of staff within their region or District.
- **District Permit Engineer (DPE) (or Senior Encroachment Permit Engineer):** The DPE authorizes encroachment permit activities and manages personnel. The DPE may suspend or revoke a permit if the Permittee or contractor does not comply with the permit conditions. This includes implementation of SWMP or CGP elements relevant to construction activities, such as ensuring active CGP or erosivity waiver coverage and the training is implemented. In addition, the DPE or their representative verifies that the LRP for a privately funded project is also the applicant or the LRP or operator for the construction activity.
- **Encroachment Permit Stormwater Coordinator (EPSWC):** The EPSWC reviews stormwater documents, conducts routine stormwater compliance field inspections, coordinates Permittee and contractor meetings, and provides training evaluation and development support to HQEP. The EPSWC has District-wide stormwater review responsibility for encroachment permit activities. The EPSWC reports incidents of non-compliance to the DPE (or supervisor), District NPDES Coordinator, and Permit Inspector. The EPSWC provides guidance to Permit Writers, Permit Inspectors, and the Permittees. The EPSWC is responsible for submitting the Annual Report elements to the

District NPDES Coordinator and for contacting the District Maintenance Stormwater Coordinator to conduct the Construction to Maintenance Treatment BMP Walkthrough.

- **Permit Writer:** The Permit Writer coordinates with the applicant and permit inspector through the entire permitting process: submittal, review, inspection, acceptance, closure, and archiving. The Permit Writer also coordinates with other Caltrans functional units to ensure the proposed activity conforms to policies and standards.
- **Permit Inspector:** The Permit Inspector is responsible for providing quality assurance that the Permittee implements and maintains stormwater BMPs according to the accepted stormwater documents.
- **District NPDES Coordinator:** The District NPDES Coordinator is the lead functional unit on stormwater quality issues within a District. The role of the District NPDES Coordinator is to facilitate implementation of the Caltrans NPDES Permit and serve as liaison to the Stormwater Program for other functional units. District NPDES Coordinator activities include conducting meetings related to stormwater management issues with EPSWC, Permit Inspector and applicants to discuss problems and concerns. Liaison activities also include regular communications with representatives of the Regional Water Quality Control Board.
- **Encroachment Permit Stormwater Advisory Team (EP-SWAT):** The EP-SWAT is composed of EPSWCs and Headquarters representatives. The EP-SWAT reviews existing procedures to ensure they integrate the appropriate stormwater BMPs into encroachment permits.
- **Quality Control (QC), Quality Assurance (QA) and Independent Quality Assurance (IQA):** The QC process for EP construction activities is implemented by the Permittee's or their contractor's QSD and QSP as required by the encroachment permit and CGP. The QA process is provided by the EPSWC/Permit Inspector that is not directly responsible for performing the work. The DEA Water Quality Program is responsible for implementing the IQA process. IQA reviews are performed to fulfill the Caltrans NPDES Permit's requirement to perform a self-audit of field activities.
- **Encroachment Permittee (Municipality, Private Owner, Utility, Tribal Organization):** The Permittee is responsible for reducing discharges from their activities within the State highway right-of-way as required by the Caltrans NPDES Permit and CGP. The Permittee ensures that their contractor personnel responsible for the implementation of stormwater management measures are properly trained and certified, and that they receive training during construction. The permittee is responsible for or authorizes their consultant/contractor to enter monitoring and reporting findings into SMARTS and implement the Enforcement Response Program. The Permittee's or their contractor's QSD and QSP are responsible for ensuring that stormwater BMPs are implemented, inspected, and maintained as specified in the accepted SWPPP or WPCP.

406.2.A Caltrans Stormwater Manuals

Caltrans has developed various stormwater manuals to assist engineers, landscape architects, contractors, and others conducting work or any operations within the State highway right-of-way in selecting, implementing, and maintaining approved BMPs. The following table lists some of the principal stormwater manuals/documents that should be used by the applicant in preparing and selecting appropriate BMPs for the EP activity in the State highway right-of-way.

Table 6. Relevant Caltrans Stormwater Documents, Manuals, and their Purpose

| Document | Purpose |
|--|--|
| 2024 Caltrans Stormwater Management Plan (SWMP) | Describes how Caltrans implements the Caltrans NPDES Permit requirements. The SWMP describes the Caltrans’ program and addresses stormwater pollution control related to various activities, including planning, design, construction, maintenance, and operation of roadways and facilities. |
| Stormwater Quality Handbooks: 2023 Project Planning and Design Guide (2023 PPDG) | Guides project planning and design staff in preparing and selecting appropriate BMPs for inclusion in Contract Plans. Includes step-by-step guidance for documenting the selection and implementation of BMPs. Serves as the reference for any Permittee required to implement Treatment BMPs (TBMPs) and provides an overview of the other types of BMPs (Construction, Maintenance, etc.) |
| PPDG, Section 6, and Appendix E-Stormwater Data Report | Document prepared by the Project Engineer or Landscape Architect. The SWDR documents the relevant stormwater design decisions made regarding project compliance with the Caltrans NPDES Permit, the CGP, and additional stormwater quality requirements. Documents SWPPP/WPCP applicability based on DSA and BMP line items included as part of the Contract Plans. |
| Construction Site Best Management Practices (CS BMP) | Describes the available temporary BMPs that should be implemented in the field for construction projects (including encroachment permits). The Manual includes BMPs covering all six categories, soil stabilization, sediment control, wind erosion, tracking controls, non-stormwater management and waste management and materials pollution control |
| Stormwater Quality Handbooks: Stormwater Pollution Prevention Plan (SWPPP) and Water Pollution Control Program (WPCP) Preparation Manual | Guides contractors and Caltrans staff through preparing a SWPPP and WPCP. This manual provides detailed step-by-step procedures, instructions, sample text and a template that contractors must use to prepare the SWPPP/WPCP for submission to Caltrans. Templates conform to CGP requirements based on RL, LTCGP requirements including deviations from CGP language, and Caltrans requirements for preparing WPCPs. |
| Construction Site Monitoring Program Guidance Manual | This manual presents guidance for Caltrans staff and contractors to use in the planning and implementation of stormwater monitoring programs at construction sites. Describes and provides guidance on developing Sampling and Analysis Plans, standard operating procedures for pH and turbidity sampling and other requirements of the CGP and LTCGP. |
| Caltrans SWPPP and WPCP templates | Link to the MS Access based SWPPP and WPCP templates to prepare by QSD/QSP prior to start of construction. |
| Field Guide to Construction Site Dewatering | The Dewatering Guide is to inform, and guide intended users in selecting, implementing, and monitoring construction site dewatering operations. |
| Erosion Prediction Procedure Manual | Describes the method established and approved by the Office of Hydraulics and Stormwater Design for the prediction of erosion rates before, during, and after construction of Caltrans projects to meet the erosion and sediment control requirements identified in the Caltrans NPDES Permit and CGP. |

In addition to the above-listed manuals and documents, Caltrans Standard Specifications 13-Water Pollution Control - provides information and requirements related to controlling water pollution during construction activities and outlines measures to prevent the discharge of pollutants into water bodies, including sediment and other contaminants. Additionally, Caltrans Standard Specifications 62 - Stormwater Treatment - includes specifications for TBMPs.

406.3 BMPs and Stormwater Document Selection and Preparation

This section assists the applicant in selecting the appropriate BMPs and preparing the appropriate stormwater document to submit with the encroachment permit application. Depending on the amount of Disturbed Soil Area (DSA) and other project conditions, the applicant provides an Erosion and Sediment Control Plan (ESCP), Water Pollution Control Program (WPCP), Stormwater Pollution Prevention Plan (SWPPP), and authorizing documents for dewatering activities if needed.

All projects that disturb soil must incorporate DPP BMPs. The applicant must submit a completed DPP-1 Checklist to document BMP consideration. For a full description of BMPs and the DPP-1 Checklist, refer to the 2023 PPDG.

The applicant is responsible for controlling discharges of stormwater and non-stormwater from the construction site during construction operations. The applicant shall prevent discharges from flowing through areas disturbed by construction unless appropriate conveyance systems are in place. The applicant must use Caltrans-approved DPP, Construction Site, and Treatment BMPs. For a list of BMPs, see Tables 3-3, 3-4 and 3-5 in the 2023 PPDG.

406.3A Stormwater Document Selection

The type of stormwater document required depends on the amount of total DSA¹ and specific project elements such as dewatering, new impervious surface area, and proximity to an Environmentally Sensitive Area (ESA²).

¹ DSA is an area of exposed, erodible soil within the construction limits because of construction activities. The total DSA may include DSA inside and outside the State highway right-of-way. The DSA calculation must be documented in the appropriate stormwater document.

² ESA is an area “in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments” (California Public Resources Code § 30107.5). Areas subject to stormwater mitigation requirements are: an area designated as an Area of Special Biological Significance (ASBS) by the State Water Resources Control Board, an area designated as a significant resource by the California Natural Resources Agency, or an area identified by the Discharger as environmentally sensitive for water quality purposes, based on the Regional Board Basin Plan and Clean Water Act Section 303(d) Impaired Waterbodies list.

The [Caltrans' Environmental GIS Viewer](#) includes data on critical habitats, conservation easements, and other environmentally sensitive areas. The GIS tool incorporates not only Caltrans environmental data but also environmental data from external agencies, providing a more complete picture of sensitive areas. It assists in spatial analysis and provides crucial information about resources located within the boundaries of planned projects and helps in early identification and protection of ESAs during the project planning stages.

As required at the discretion of the permit engineer, the EP Applicant as part of the initial EP application may need to submit a completed DPP-1 checklist (parts 1 through 5) to document DPP BMP consideration if they are changing line or grade, hydraulic capacity or if there is runoff coming onto Caltrans conveyance from their proposed operations. The checklist is in the 2023 PPDG, Appendix A. The EP Application Package needs to show the selected DPP BMPs and their locations. If the Permit Applicant is submitting a grading/building application to their municipality due to the municipality MS4 permit and the project is subject to BMPs, the EP Applicant can submit their grading/building submittal as approved by the municipality so long as it clearly depicts BMP implementation.

In addition, during the project planning and design phase of the proposed project, the EP Applicant is responsible for evaluating the need to incorporate post-construction treatment BMPs for all projects subject to the Caltrans NPDES Permit (or other MS4 Permit) and implementing the new criteria (Table 9) for Treatment BMP consideration.

For Linear Underground and Overhead Projects (LUPs), the DSA calculation must be documented in the stormwater document and must account for all ground disturbances, not just the trenching activity itself. Examples of DSA to include are grading activities, truck tracks, stockpile locations, access roads, etc. The applicant should refer to Attachment E of the CGP for DSA calculations.

Where discrete construction projects within a larger common plan of development are located at least one-quarter (1/4) mile apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development provided any interconnecting road, pipeline or utility project that is part of the same “common plan of development” is not concurrently being disturbed. For information on non-contiguous projects refer to the [US EPA CGP Frequent Questions](#) webpage.

The following flowchart has been developed to aid in the determination of the required construction stormwater documents (based on DSA and other factors), with step-by-step instructions. Additional specifics on the stormwater documents follow this section.

The flowchart is designed to ensure that the level of stormwater requirements is proportional to the extent of the proposed application.

The following flowchart can be used to determine stormwater management document submittal required based on Total Disturbed Soil Area and other activities that may result in potential pollutant discharge to the storm drain system.

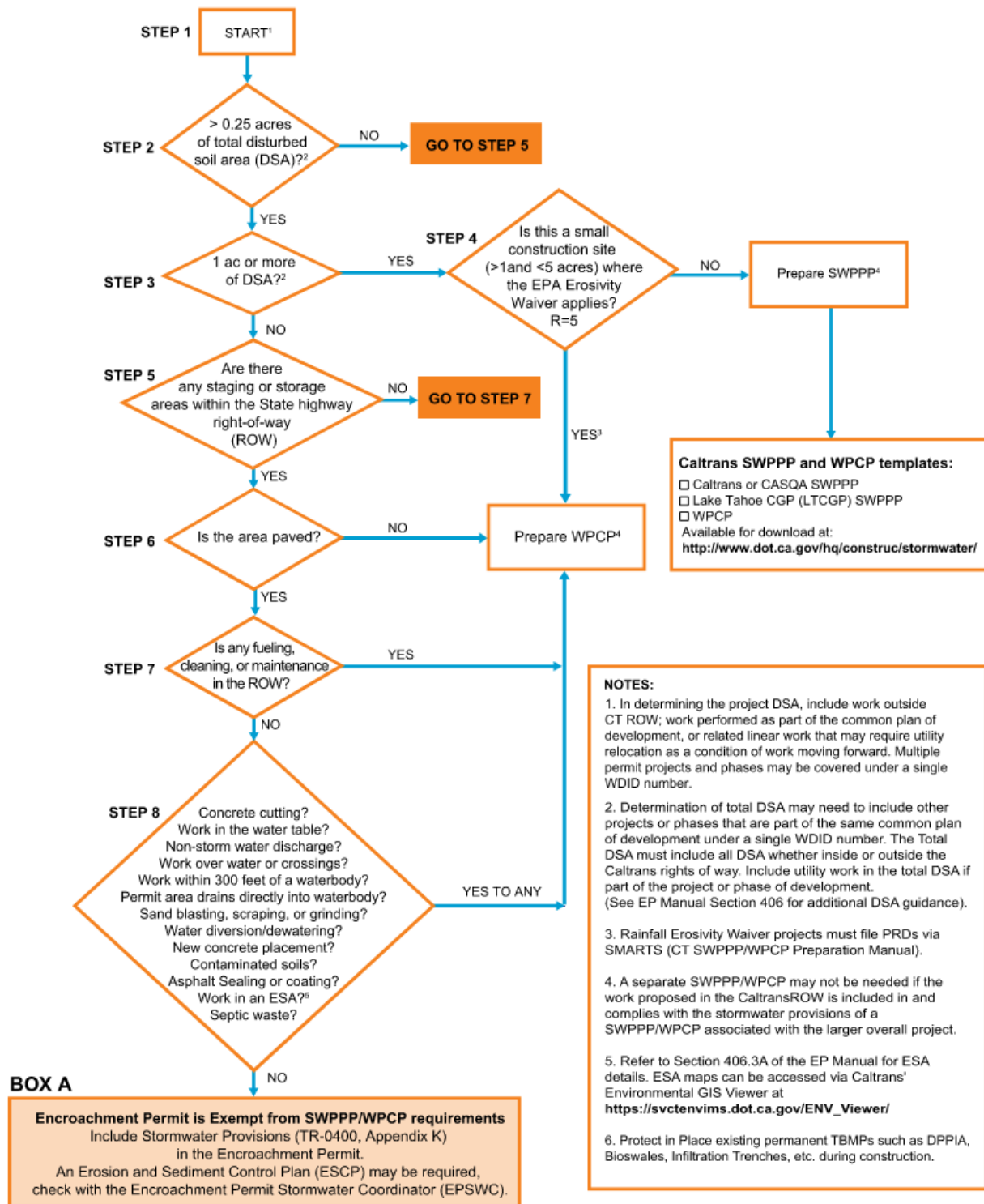


Figure 1. Construction-Related Stormwater Document Determination Flowchart

STEP-BY-STEP INSTRUCTIONS:

The Steps 1-8 described below correspond to the steps shown in Figure 1.

Step 1 - Start

The EP Applicant should use Figure 1 and the guidance provided in this section to determine the project's construction document requirements and applicability for the duration of the construction phase.

When calculating the EP Project total estimated total disturbed soil area (DSA), all proposed work (including trenching, construction haul roads, spoil areas, staging areas) are included in the total.

Step 2 - Is the proposed encroachment permit impacting more than 0.25 acres of total DSA?

If the EP Applicant is proposing to disturb 0.25 acres or more, then continue to Step 3.

If no, go to Step 5.

Step 3 - Will the proposed encroachment project create one acre or more of DSA?

If the proposed EP will disturb more than one acre of soil, go to Step 4

If no, go to Step 5.

Step 4 - Does the proposed encroachment project qualify for a Rainfall Erosivity Waiver?

If the EP project will be a short duration and involves a total of one acre or more but less than five acres, it may qualify for an EPA rainfall erosivity waiver, see [Rainfall Erosivity Factor Calculator for Small Construction](#) or Section 1.4.2 of the Caltrans SWPPP/WPCP Preparation Manual.

If yes, the project does not need coverage under the CGP but it still requires documentation to be filed in SMARTS. In addition, a WPCP must be prepared by a QSP, and must be implemented for the entire duration of the EP Project.

If no, then the encroachment permit is subject to the CGP requirements and subject to either the CGP, LTCGP, or US EPA CGP depending on location and must prepare and maintain an up-to-date SWPPP for the entire duration of the project.

Step 5 - Are any storage of materials or equipment being proposed within the State highway right-of-way?

If the proposed EP includes any storage of materials or vehicles within the State highway right-of-way, then continue to Step 6.

If no, go to Box A.

Step 6 - Is the work area or material/equipment being stored in paved areas only?

If the proposed EP includes any work areas or storage of materials within the State highway right-of-way in unpaved areas, then a WPCP is required.

If yes, go to Step 7.

Step 7 - Is fueling, cleaning, or maintenance of vehicles or equipment proposed within the State highway right-of-way?

If the proposed EP includes any vehicles or equipment fueling, cleaning, or maintenance conducted within the State highway right-of-way, then a WPCP is required.

If no, go to Step 8

Step 8 - Any work listed below occurring within the State highway right-of-way?

If the proposed encroachment permit includes any of the following work: concrete cutting, work in the water table, any potential for non-stormwater discharges, work over water or crossings, work within 300 feet of waterbody, any sand blasting, scraping, or grinding, any water diversion/dewatering, new concrete placement, working with or near contaminated soils, any sealing or coating, working near or around ESA, or work near septic waste within the State highway right-of-way, then a WPCP is required.

If no to all, go to Box A

Box A: The encroachment permit is exempt, no SWPPP or WPCP required.

The District EP Office will include minimum stormwater compliance provisions (TR-0400) which must be adhered to during the term of the encroachment permit. In addition, an Erosion and Sediment Control Plan (ESCP) may be required to detail onsite and offsite conveyances, direction of flow, and location for BMP deployment (contact the Encroachment Permit Stormwater Coordinator, EPSWC, to determine applicability).

An applicant's questions pertaining to DSA, discharge exemption, permit coverage, and general stormwater requirements should be addressed to the EPSWC or Permit Writer. Final determinations regarding CGP coverage are made by the local Regional Water Quality Control Board (RWQCB). The applicant must submit a letter of concurrence from the local RWQCB concerning the determination on whether discharges from a part of a larger common plan or DSA may be exempted from coverage under the CGP.

All stormwater documents should provide a simple narrative and diagram that locates the construction site, identifies potential pollutant sources on site, and shows the locations of all BMPs. The stormwater documents should also describe measures which eliminate or reduce pollution of stormwater runoff by any chemicals and materials used during construction. The level of detail will vary with the intensity, size, and type of construction.

406.3B No Disturbed Soil Area and No Construction Site

The applicant is not required to submit a stormwater document if the project does not disturb any soil and does not have a construction site (e.g., projects such as hanging banners or conducting traffic counts).

406.3C Erosion and Sediment Control Plan (ESCP)

The applicant must submit an ESCP if the construction site meets *all* the following conditions:

1. Total DSA is less than one-quarter (1/4) acre;
2. Construction site *does not* discharge directly³ to receiving waters⁴; and
3. Construction site is not within an ESA nor discharges to an ESA.

The applicant must submit six (6) copies of the ESCP with the encroachment permit application package. The applicant must refer to the local entity (city or county) or local Municipal Stormwater System owner for guidance on preparing this stormwater document. The applicant must also incorporate any local requirements.

The ESCP must provide the name and contact information for the construction superintendent or property owner and must show on a construction site layout sheet the location of selected BMPs, concentrated flows, project entry and exit, material storage, and stockpiles.

406.3D Water Pollution Control Program (WPCP)

When the project does not require a SWPPP, the applicant must submit an ESCP or WPCP as applicable. The applicant must submit an electronic copy for Caltrans Encroachment Permit System (CEPS) and two (2) copies of the WPCPs, the Qualified SWPPP Practitioner (QSP) certification and contact information, and if applicable, the Small Construction Rainfall Erosivity Waiver (REW) certification. The REW allows permitting authorities to waive stormwater permitting requirements for small construction sites disturbing less than 5 acres if the rainfall erosivity factor (R factor) is less than 5 during the construction period. For projects with REWs, the applicants must submit the Notice of Intent (NOI), the Sediment Risk form, and other appropriate documents through the [SWRCB Stormwater Multiple Application and Report Tracking System \(SMARTS\)](#) database.

Refer to this web link for instructions on how to submit a [REW](#) in SMARTS.

The WPCP must be prepared by a QSP. The QSP may consult with the Caltrans District NPDES Coordinator to find which [WPCP template](#) to use. Please also refer to Section 4 of the Caltrans [WPCP Preparation Manual](#).

³ Any discharge from the MS4 that does not meet the definition of an indirect discharge (Caltrans NPDES Permit).

⁴ It means waters of the U.S., as defined under the Federal Clean Water Act (Caltrans NPDES Permit).

Construction sites under the REW seeking Time Extension Rider: The Permit Writer or Permit Inspector cannot issue a time extension rider until the applicant submits a revised REW certification to SMARTS and the Permit Writer or Permit Inspector verifies the submission of the revised REW in SMARTS. If the new construction times do not qualify for REW, the applicant is required to submit a SWPPP and a Waste Discharge Identification (WDID) number as a condition of the encroachment permit time extension rider.

406.3E Stormwater Pollution Prevention Plan (SWPPP)

The applicant must submit a SWPPP if the construction site meets *one* of the following conditions:

1. Total DSA is one (1) acre or more of contiguous (less than 1/4 mile apart) soil disturbances;
2. The RWQCB designates in writing that the project requires a SWPPP based upon water quality concerns, even if the project does not meet the preceding condition; or
3. The REW expires and permit rider is needed to continue construction.

See the 2023 PPDG Section 6.4.4.3 for exceptions.

When applying for project design approval, the applicant can provide the Construction Site BMP Consideration Form (refer to 2023 PPDG Appendix C) in lieu of the SWPPP. For permanent BMPs, the applicant can refer to 2023 PPDG Appendices A, B and E, and provide the associated checklists and reports.

The QSD must submit a detailed cost estimate of the proposed BMPs with the SWPPP. The estimate must include consideration of the following items: DPP, Treatment, and Construction Site BMPs; Preparation of SWPPP; and right-of-way acquisition.

When applying for an encroachment permit for construction, the applicant must use the current Caltrans or CASQA SWPPP template. The SWPPP must be submitted to Caltrans for review/approval, including the QSD's certification and contact information. The approved SWPPP is to be included in the NOI to request a WDID number from the SWRCB through SMARTS.

The SWPPP must be prepared by a QSD. As there is no QA on Stormwater for Oversight projects prior to the issuance of the Encroachment Permit for construction in CEPS, the Caltrans Encroachment Permit for Oversight project may be issued without including the electronic Caltrans SWDR or BMP commitment form from the Permit Sponsor. At a minimum for Caltrans IQA, the Caltrans PM should submit to the Permit Writer the electronic copy of the Caltrans SWDR SMART sheet from the public agency if post-construction BMPs are deployed, the electronic copy of the SWPPP and Permit Reporting Documents (PRDs) at the time the Local Public Agency submits the record of Contractor (Form TR 0429).

CEPS should include a Permit Rider request by the Contractor during COI to report the amendment to the existing SWPPP and training refresher for Contractor field staff. The QSD must include the state SWDR SMART sheet in the post-construction section of the SWPPP if post-construction treatment BMPs are deployed. The QSD must approve and certify the SWPPP and ensure it is uploaded correctly into the Stormwater Multiple Application and Report Tracking System (SMARTS). The SWRCB has created SMARTS, a database that requires all projects subject to the CGP or the LTCGP to have the site-specific SWPPP, Notice Of Intent (NOI), and other Permit Related Documents (PRDs) uploaded before soil disturbance occurs. SMARTS requires the applicant to ensure that not only appropriate documentation is prepared but that the required monitoring documentation is uploaded.

SMARTS uploading requirements apply before any soil disturbance occurs and ends when the applicable Regional Water Quality Control Board (RWQCB) has approved the Notice Of Termination (NOT).

Copies of the inspection reports, sampling data, SWPPP, and other documents uploaded to SMARTS must be submitted to the District EP Office.

In addition, the SWPPP specifically delineates the State highway right-of-way and/or BMPs to be implemented within the State highway right-of-way.

If needed the SWPPP will be amended to show the required information. If the applicant is using a CASQA SWPPP template, the applicant must provide a copy of the PRD log or the Caltrans SWPPP Template Amendment Log. Either submitted template should contain:

- SWPPP Schedule: must clearly reflect the start of construction activities under the Caltrans Encroachment Permits Application. SWPPP Amendments are required to ensure the project schedule matches field implementation and SMARTS uploaded PRDs.
- Electronic notification and submittal of changes to PRDs (Log of Updated PRDs form-CASQA or Amendment Log- Caltrans SWPPP template) to CGP SMARTS and to the District EP Office for the increase in covered acreage under the Caltrans EP Project.
- Modify SWPPP Schedule to reflect the end of construction activities under the Caltrans EP Application if different from original certified SWPPP.
- Electronic notification and submittal of changes to PRDs (Log of Updated PRDs form or SWPPP Amendment Log) to CGP SMARTS and to the District EP Office for the decreased acreage under the Caltrans EP Project.

The SWPPP must address all areas that are directly related to the construction site, including but not limited to staging areas, storage yards, material borrow areas, existing treatment BMPs, water sampling sites, and access roads, etc.

The applicant must ensure that their SWPPP includes a Quality Control/Quality Assurance (QC/QA) Plan that describes roles, responsibilities and actions that will be implemented by the Legally Responsible Person (LRP)'s or contractor's QSP to ensure the project activities comply with the SWPPP.

The QSD can prepare the SWPPP using templates developed by Caltrans or the California Stormwater Quality Association (CASQA). Caltrans will also accept SWPPPs developed using templates that may be required by utility districts or local agencies. The templates must contain the elements required by Caltrans and the CGP.

[For the Caltrans SWPPP and WPCP Preparation Manual and SWPPP click on this link.](#)

[For the CASQA BMP Handbooks and SWPPP template click on this link.](#)

406.3F Dewatering Plan

For projects involving dewatering, the applicant must conform to Section 13-8 of the Caltrans Standard Specifications. The applicant must submit:

1. A dewatering plan and a separate Dewatering Permit from the RWQCB, or
2. Dewatering waiver acknowledgement from the RWQCB, or
3. A letter of authorization from local sewer district where the effluent will be discharged.
4. Dewatering requirements in the SWPPP as allowed under the CGP.

Dewatering activities must comply with the local RWQCB requirements. The applicant must submit the required documents including the Dewatering Permit number before an encroachment permit is issued. The dewatering activities must conform to Section 13-4.03G of the Caltrans Standard Specifications. The dewatering plan may involve designing, installing, operating, maintaining, and removing a temporary active treatment system for the accumulated water, groundwater or surface water from excavation or temporary containment facilities. Active treatment systems must conform to Attachment F of the CGP.

406.4 Encroachment Permit Application Review

The encroachment permit applicant is responsible for documenting which BMPs were considered, incorporating the appropriate BMPs, and preparing the appropriate storm water document. The District Encroachment Permits Office determines if the applicant has submitted the appropriate documentation.

The submittal will be reviewed for compliance by EPSWC, permit engineers and other experts in Caltrans as applicable. Using the "Encroachment Permit Application Review" (form TR-0110), they will approve, deny, or request further clarification on the documents submitted.

The District Encroachment Permits Office should review the stormwater document and notify the applicant concerning possible amendments to the ESCP, WPCP, or SWPPP document.

Issuing an encroachment permit (or rider) without the appropriate storm water document is a non-compliance action of the Caltrans NPDES Permit. If this occurs, the District Encroachment Permits Office must fill out a “Notification of Non-Compliance” (form TR-0134) and submit it to the District NPDES Coordinator within three (3) business days of the finding of non-compliance.

For projects covered under the CGP, Caltrans is responsible for reviewing the qualifications of proposed field staff including the QSD and QSP working for the contractor. [Click here to verify QSD and QSP certification.](#)

This same website has a link to report a QSD or QSP problem to the SWRCB.

The plans and total DSA will be reviewed by the District EPSWC and/or District Environmental Branch. To determine proximity to an ESA, the District EPSWC and/or District Environmental Branch will review the Environmental Documents using [Caltrans’ Environmental GIS Viewer.](#)

The encroachment permit will include “Storm Water Special Provisions for Minimal or No Impact” (TR-0400, Appendix K) for all projects that do not require a WPCP or SWPPP.

406.4A Erosion and Sediment Control Plan (ESCP)

The District Encroachment Permits Office verifies that all BMPs are Caltrans-approved. The District Encroachment Permits Office includes “Storm Water Special Provisions for Minimal or No Impact” (TR-0400, Appendix K) and the “Storm Water Inspection Form” (form TR-0135) with the encroachment permit.

406.4B Water Pollution Control Program (WPCP)

The District Encroachment Permits Office ensures the current version of the Caltrans-approved WPCP template is used, a QSP has prepared it, and that Caltrans-approved BMPs are used. The District Encroachment Permits Office attaches “Storm Water Special Provisions for Minimal or No Impact” (TR-0400, Appendix K) for US EPA REW projects. The District Encroachment Permits Office obtains acceptance from the District EPSWC via the “Encroachment Permit Application Review” (form TR-0110).

The District Encroachment Permits Office verifies that the WPCP and drawings follow the guidance in the Caltrans SWPPP and WPCP Preparation Manual. For REW projects, the District Encroachment Permits Office verifies SMARTS entries.

For high-risk projects, the District Encroachment Permits Office informs the District EPSWC that an independent, third party QSD will be required for the project. The District EPSWC will contract for services with the QSD. The District Encroachment Permits Office verifies the QSD certification, and “Storm Water Inspection Form” (form TR-0135) is signed by the QSD.

406.4C Stormwater Multiple Application and Report Tracking System (SMARTS)

The SWRCB has created SMARTS, a database that requires all projects subject to the CGP or the LTCGP to have the site-specific SWPPP, Notice of Intent (NOI), and other Permit Related Documents (PRDs) uploaded before soil disturbance occurs. SMARTS requires the EP Applicant to ensure that not only appropriate documentation is prepared but that the required monitoring documentation is uploaded. SMARTS uploading requirements apply before any soil disturbance occurs and ends when the applicable RWQCB has approved the Notice of Termination (NOT).

Copies of the inspection reports, including REAPs, sampling data, SWPPP, and other documents uploaded to SMARTS must be submitted to the District EP Permits Office (upon request).

In addition, the SWPPP must be amended and submitted to the Caltrans EP Office if it does not specifically delineate State highway right-of-way and/or BMPs to be implemented within the State highway right-of-way. If the EP applicant is using a CASQA SWPPP template, the EP Applicant must provide a copy of the PRD log or the Caltrans SWPPP Template Amendment Log. Either template used should reflect:

- SWPPP Schedule
- Must clearly reflect the start of construction activities under the Caltrans EP Application. SWPPP Amendments are required to ensure the project schedule matches field implementation and SMARTS uploaded PRDs.
- Electronic notification and submittal of changes to PRDs (Log of Updated PRDs form- CASQA or Amendment Log- Caltrans SWPPP template) to CGP SMARTS and to the District EP Office for the increase in covered acreage under the Caltrans EP Project.
- Modify SWPPP Schedule
- To reflect the end of construction activities under the Caltrans EP Application if different from original certified SWPPP.
- Electronic notification and submittal of changes to PRDs (Log of Updated PRDs form or SWPPP Amendment Log) to CGP SMARTS and to the District EP Office for the decrease acreage under the Caltrans EP Project.
- The CASQA SWPPP implemented must be amended to be as stringent as the Caltrans SWPPP template.

406.4D Stormwater Pollution Prevention Plan (SWPPP)

The LRP or authorized signatory must submit the SWPPP through the SMARTS to obtain a WDID number. The LRP is typically the project sponsor or applicant.

The WDID number and a copy of the NOI must be included with the SWPPP. LUP projects that span RWQCB boundaries may require more than one WDID. The WDID(s) must be submitted to the District Encroachment Permits Office before construction begins.

Caltrans requires the LRP or authorized signatory to hire a QSD for quality assurance. The LRP may also retain the services of a QSP and/or a QSP Trained Delegate to conduct inspections which they are qualified to do so as specified in the CGP. The QSD/QSP certifications must be uploaded into the SMARTS prior to the start of the encroachment permit activities. The QSD must work with the State representative to report on the contractor’s reportable discharge or the failure to submit a notice of discharge to the RWCQB.

Table 7a provides the requirements that must be implemented in the field with direct control by the QSD/QSP for all areas within State highway right-of-way.

Table 7a. QSD/QSP Requirements

| Requirements | Responsibilities/Authority to |
|---|--|
| Caltrans requires the QSD/QSP to be the primary contact responsible for BMP work including: | <ul style="list-style-type: none"> ▪ Maintenance of BMPs ▪ Inspections of BMPs identified in the SWPPP or WPCP ▪ Inspections and reports for visual monitoring ▪ Preparation and implementation of the rain event action plans ▪ Sampling and analysis ▪ NAL exceedance reports ▪ Violation reports for the receiving water monitoring trigger ▪ Oversee and enforce hazardous waste management practices, including spill prevention and control measures |
| QSD/QSP have the authority to: | <ul style="list-style-type: none"> ▪ Mobilize crews to make immediate repairs to BMPs ▪ Stop construction activities damaging BMPs or causing water pollution ▪ Ensure that all employees have current BMPs training and provide training if collecting water quality samples is delegated ▪ Implement the signed SWPPP or WPCP ▪ Revise the SWPPP or WPCP if required ▪ Be at the job site within 2 hours of being contacted |

Table 7b outlines who is authorized to perform inspections under the CGP.

Table 7b. QSD/QSP Inspection Requirements

| Inspection Type | QSD | QSP | Trained Delegate |
|--|-----|-----|------------------|
| Weekly | X | X | X |
| Pre-Precipitation Event | X | X | |
| During Precipitation Event | X | X | X |
| Post-Precipitation Event | X | X | X |
| Inactive Projects (14 days after COI approval) | X | | |
| Inactive projects (Monthly Inspection and Pre-Precipitation Event) | X | X | X |
| Active Projects (Monthly Inspection) | X | X | |
| Twice Annual Site Inspection | X | | |
| Within 30 days of construction commencing or replacing QSD | X | | |
| Within 14 days of NAL exceedance | X | X | |
| Prior to NOT and COI submission(s) | X | X | |

The District Encroachment Permits Office will verify that the Caltrans SWPPP and drawings follow the guidance in the Caltrans SWPPP/WPCP Preparation Manual. The District Encroachment Permits Office will obtain acceptance from the District EPSWC or Permit Writer via the “Encroachment Permit Application Review” (form TR-0110).

The District Encroachment Permits Office will verify that the QSD certification is in the SMARTS. An encroachment permit to construct cannot be issued until Caltrans receives the WDID number from the applicant.

406.4E Dewatering Plan

Prior to issuing an encroachment permit for dewatering, the District Encroachment Permits Office submits a copy of the encroachment permit application package to the District EPSWC for their acceptance. The package may also need concurrence from District Hydraulics, District Maintenance, and District NPDES reviewers. An encroachment permit for dewatering activities cannot be issued until Caltrans receives the Dewatering Permit number from the applicant.

406.5 Construction Site Inspection

The permittee and contractor are responsible for implementing and maintaining appropriate BMPs inside and outside the State highway right-of-way that will meet the conditions of the most recent CGP or the 2009 CGP during the regulatory transition period ending August 31, 2025.

Construction related to soil disturbance cannot begin until the required BMPs are in place.

The permittee must ensure the stormwater documents are always available to the Permit Inspector, regulatory personnel, and the QSD.

The Permit Inspector records the following in the encroachment permit file:

- SWPPP/WPCP acceptance date
- Date of pre-construction meeting with WPCM
- Start and End Construction Date
- Results of SWPPP/WPCP inspections
- Review WPCM's visual monitoring reports
- Dates of notices of discharge/non-compliance
- Dates of QSD inspections and report submittals
- Dates of RWQCB inspections, Notice of Violations (NOVs), Notice of Completions (NOCs), etc.
- Verification of contractor training records in SWPPP

406.5A Erosion and Sediment Control Plan (ESCP)

The permittee and contractor are responsible for implementing and maintaining the appropriate Construction Site BMPs as described in the ESCP. The permittee must ensure that the appropriate BMPs are installed, maintained, and effective.

406.5B Water Pollution Control Program (WPCP)

Work cannot begin on the site until the WPCP has been accepted by the Permit Inspector and the District EPSWC. The contractor and contractor's WPC Manager (WPCM) are required to follow the Caltrans Standard Specifications for developing and implementing the WPCP (Caltrans Standard Specifications Section 13-2). The contractor is responsible for implementing and maintaining the BMPs as described in the WPCP.

The contractor must comply with the requirements described under "[WPC Manager Training](#)", including obtaining a certificate by completing the 8-hour training (refer to Caltrans Standard Specifications Section 13-1.01D(4)(b)). The contractor is required to hire a QSP for the construction site. If the QSP is not appointed, the WPCM or QSD shall perform the

responsibilities of the QSP. The contractor’s WPCM must be at least a QSP if not a QSD to implement the WPCP.

The contractor must ensure that employees receive water pollution control training before starting work at the job site. If the BMPs identified in the WPCP are not effectively controlling discharges, the QSP must amend the WPCP and place effective BMPs. If an amendment is required, work must stop until the Permit Inspector has accepted the WPCP amendment. The District Permit Engineer can require a QSD for WPCP projects.

The QC/QA Plan applies to all WPCP projects (see Section 406.5). The following table summarizes WPCP inspection requirements:

Table 8. WPCP Inspection Requirements

| Caltrans NPDES Permit | Visual Inspections | | | Sample Collection |
|-----------------------|--------------------|--------------------|------------------|-----------------------|
| | Pre-storm Event | During Storm Event | Post-storm Event | Non-Visible Pollutant |
| WPCP | X | X | X | X |

406.5C Stormwater Pollution Prevention Plan (SWPPP)

Work cannot begin on the site until the SWPPP has been accepted by the Permit Inspector and the District EPSWC. The contractor and contractor’s WPCM are responsible for implementing the BMPs as described in the SWPPP. The WPCM must be a QSD (not a QSP) if the project requires a SWPPP (Caltrans Standard Specifications Section 13-1.01D(4)). The contractor must ensure that employees receive water pollution control training before starting work at the job site. If the BMPs identified in the SWPPP are not effectively controlling discharges, the QSD must amend the SWPPP and place effective BMPs. If an amendment is required, work must stop until the Permit Inspector has accepted the SWPPP amendment. The LRP must retain inspection records for three (3) years from the date they are generated.

Refer to the Caltrans Standard Specifications Section 13-1.01B for definitions of storm event, Inactive Project, etc. For assistant WPC Manager’s (or QSP Delegate in the CGP) responsibilities, refer to Caltrans Standard Specifications Section 13-1.01D(4)(a). Caltrans Standard Specifications Section 13-3 includes SWPPP specifications, which includes Surface Water Buffer, QSP Delegate assignment, plan requirement for inactive projects, site specific inspection reports for QSD and QSP, submittal requirements, etc.

The QC/QA Plan also applies to all SWPPP projects (see Section 406.5). The following table summarizes SWPPP inspection requirements:

Table 9. CGP and LTCGP Inspection Requirements

| Construction Permit | Risk Level | Visual Inspections | | | | | Sample Collection | | |
|---------------------|------------|--------------------|-----------------|-------|--------------------|------------------|-----------------------|----------------------|-----------------|
| | | Weekly | Pre-storm Event | REAP* | During Storm Event | Post-storm Event | Non-Visible Pollutant | Stormwater Discharge | Receiving Water |
| CGP | 1 | X | X | | X | X | X | | |
| | 2 | X | X | | X | X | X | X | |
| | 3 | X | X | | X | X | X | X | X |
| LTCGP | N/A | X | X | X | X | X | X | X | X |

* Rain Event Action Plans (REAPs) are still relevant to the 2009 CGP and LTCGP; however, they are no longer required with the most recent CGP.

Table 10. LUP Summary of Monitoring Requirements

| LUP Type | Visual Inspections | | | | Sample Collection | | |
|----------|--------------------|-----------------|--------------------|------------------|-----------------------|----------------------|-----------------|
| | Weekly | Pre-storm Event | During Storm Event | Post-storm Event | Non-Visible Pollutant | Stormwater Discharge | Receiving Water |
| 1 | X | X | X | | X | | |
| 2 | X | X | X | X | X | X | |
| 3 | X | X | X | X | X | X | X |

406.5D Notice of Termination

Prior to electronically filing the Notice of Termination (NOT) into the SMARTS, the contractor’s WPCM must notify the Permit Inspector, as well as the project QSD/P, when the project site meets soil stabilization requirements per the CGP and is ready for inspection. The Permit Inspector will coordinate with District Landscape Architecture, District Maintenance, and the District EPSWC to ensure the soil is stabilized. All DSA must be stabilized before closing the site. Per the CGP Section III.H.4.h, permit coverage termination can be achieved by 70 percent final cover method, Revised Universal Soil Loss Equation (RUSLE or RUSLE2) method, or Custom method. After the RWQCB representative has certified that construction activities have been completed, the LRP or authorized signatory can process the NOT in the SMARTS database.

The Local Resident Engineer is responsible for preparing and submitting NOT when construction is completed for projects covered by the Construction General Permit.

The QSP is required to complete the Final Stormwater Inspection Report (Form DOT CEM-2090SW) per the CGP and the Local RE must complete Stormwater Notice of Termination as part of the NOT process. The Local RE must coordinate with the District Permit Engineer (DPE) throughout the NOT process.

The DPE verifies that the Notice of Termination has been approved by the Regional Water Quality Control Board (RWQCB) when construction is completed for projects covered by the Construction General Permit. The DPE is responsible for verifying that all required project documentation, including the NOT, is properly filed and archived with the district's Construction document coordinator.

406.6 Construction Site QC/QA Plan

The project owner, contractor, and the State all participate in the QC/QA Plan which consists of three levels:

1. Quality Control (QC) (contractor)
2. Quality Assurance (QA) (Permit Inspector and EPSWC)
3. Independent Quality Assurance (IQA)

406.6A Quality Control

The contractor's WPCM must implement a QC/QA Plan as described in Section 13-1.01D of the Caltrans Standard Specifications. The WPCM must use and maintain visual monitoring reports to document visual inspections of Construction Site BMPs on a weekly basis and daily during rain events. These reports must remain at the construction site as part of the SWPPP. Section 13-3.01B (5) of the Caltrans Standard Specifications must be used in preparing the visual monitoring reports.

The WPCM's visual inspection must include:

- Verifying adequacy of trash receptacles
- Verifying waste disposal practices (e.g., recycle vs. hazardous waste bins)
- Examining integrity and use of containment structures
- Verifying use of employee education programs for the various activities
- Noting the location of activity (e.g., outdoor vs. indoor, concrete vs. grass)
- BMPs for any chemicals or fuels not addressed in the SWPPP (must be developed via amendment)
- Effectiveness of BMPs

The WPCM typically meets with Permit Inspector and District EPSWC at the pre-construction meeting.

406.6B Quality Assurance

Quality Assurance (QA) provides the LRP and the contractor's WPCM the opportunity to correct non-compliance in a timely manner to avoid reporting to the RWQCB(s). The LRP may delegate its QA responsibilities to an authorized signatory for SMARTS submittals.

The Permit Inspector verifies that the QSD/QSP or Alternate QSD/QSP conducts inspections to verify that the required BMPs are installed and maintained according to the approved stormwater document. For projects with planting, the Permit Inspector coordinates with District Landscape Architecture, District EPSWC, and others to verify plant establishment before the project is accepted.

The District EPSWC conducts routine field inspections as part of the QA plan. The District EPSWC also acts as liaison with the HQ EPSWC and District NPDES Coordinator.

If after notification of non-compliance (see Section 406.5D), the WPCM fails to correct the non-compliance, the Permit Inspector takes the following progressive actions:

1. Issue and document a verbal warning
2. Notify the LRP and contractor's WPCM in writing
3. Suspend the encroachment permit and notify the QSD

Action One – The Permit Inspector will provide clear reasons for the non-compliance and corrective actions that are required. The instructions to the contractor are recorded in the encroachment permit files.

Action Two – The Permit Inspector or District EPSWC prepares a written report of the non-compliance that specifies the required corrective actions. The report is submitted to the LRP and contractor's WPCM. The project LRP must direct the contractor's WPCM to meet with the Permit Inspector and the QSD. The contractor's WPCM documents all communication with the Permit Inspector and the QSD, then takes the necessary steps to comply with the terms of the non-compliance.

Action Three – The Permit Inspector notifies the QSD. The QSD will complete the "Notification of Non-Compliance" (form TR-0134) and submit it to the District NPDES Coordinator with copies to the Permit Inspector and LRP or permittee. The LRP or permittee and the QSD must meet to develop a plan that will correct the non-compliance. No work can be done, except for corrective actions, until the encroachment permit suspension is lifted.

The Permit Inspector removes the suspension after receiving written notification from the QSD that the site is in compliance.

The LRP may be required to secure bonds for future work within the State highway right-of-way.

406.6C Independent Quality Assurance (IQA)

The Construction Compliance Evaluation Plan (CCEP) (CTSW-PL-24-999, dated February 2024) describes the IQA portion of the self-audit program implemented by Caltrans for evaluating construction activities at construction sites. Audits serve as a QA mechanism to determine the adequacy of stormwater activities being implemented.

The CCEP is designed to accomplish the following objectives:

- Review construction projects for compliance with the requirements of the Caltrans NPDES Permit, the SWMP, the CGP, and applicable Lahontan RWQCB permit provisions.
- Review construction projects for compliance with relevant sections of the Caltrans Standard Specifications and Standard Plans.
- Identify sources and causes of observed findings.
- Provide a process for evaluating trends.
- Evaluate the adequacy of guidance documents and contract specifications.
- Evaluate the adequacy of the stormwater program for construction and Caltrans issued encroachment permits for construction oversight and encroachment permit projects.
- Recommend program improvements, including SWMP improvements, training, research, updates to guidance documents, updates to specifications and updates to the CCEP.
- Report compliance status to Caltrans management including the Enforcement Response Plan (ERP) as required by the SWMP.
- Evaluate BMP implementation and suggest areas for improvement and new BMP implementation methodologies.

Construction IQA reviews are documented using the Project Construction Stormwater Review Report Form. The form documents the individual findings (deficiencies), noting each instance of non-compliance in the implementation of contract specification, deployed construction site BMPs, and SWPPP.

The complete report will consist of project site general information, a summary of the number and types of findings (deficiencies) observed including both administrative and field, corrective actions implemented, and certification by both the IQA reviewer and the individual responsible for documenting the corrective actions of the findings.

The LRP must provide the QSD for SWPPP projects. In case of any non-compliance, the QSD coordinates with the LRP to develop a corrective action plan and implementation timeline that the WPCM uses to bring the site into compliance. After concurrence by the LRP, the QSD submits the corrective action plan to the WPCM for implementation. The WPCM will contact the QSD when the site is ready for inspection. The QSD will coordinate a site meeting with the WPCM, Permit Inspector, and District EPSWC. The QSD issues written notification to the Permit Inspector when the site is in compliance. The encroachment permit remains suspended

until the site is brought into compliance. The QSD is responsible for decisions concerning SWPPP/WPCP amendments.

406.6D Notification of Non-Compliance

For projects subject to the CGP, the QSD and the Permit Inspector or EPSWC will conduct a field inspection to prepare the report. The following are triggers for the preparation of the “Notification of Non-Compliance” (form TR-0134):

1. Failure to report sudden, unexpected, unpreventable incidents that threaten public health, public safety, property, or the environment that pose a clear and imminent danger requiring immediate action to prevent or mitigate the damage or threat, and that result in a discharge or potential discharge.
2. Failure to meet any non-administrative requirement of the Caltrans NPDES Permit or SWMP or to meet any applicable water quality standard.
3. Failure to meet any administrative or procedural requirement of the Caltrans NPDES Permit or SWMP including submission of required reports, notifications, and certifications.

The following documents are gathered by the QSD for submittal to the District NPDES Coordinator during the implementation of Section 406.6B’s Action Three:

1. A copy of the Encroachment Permit.
2. Signed (QSD and Permit Inspector) “Notification of Non-Compliance” (form TR-0134).
3. Photos describing the time and extent of the discharge.
4. A copy of the project’s vicinity map indicating approximate location of storm drain or receiving waters.
5. A copy of the ESCP or site plan to indicate the location of discharge and failed Construction Site BMPs.
6. Documentation of verbal or written communication with the contractor’s WPCM.

The “Notification of Non-Compliance” (form TR-0134) describes when reporting is required.

For projects not subject to the CGP, non-compliance reporting will be performed in accordance with District policy and detailed in the encroachment permit.

406.7 Record Keeping and Archiving

The LRP or authorized signatory must maintain all monitoring and reporting records for a period of at least three (3) years from the generation or submittal date or longer if required by the RWQCB. Anything beyond that should only include basic information such as project scope and duration, NOI/WDID, LRP or authorized signatory certification, discharge reports, names of contractor, QSD, QSP, QSD Alternate, QSP Alternate and field staff responsible for installation and maintenance of BMPs.

For Stormwater Annual Report elements and requirements refer to Caltrans Standard Specifications Section 13-3.01C(4). In addition, Water Quality Annual Reports may be required (refer to Caltrans Standard Specifications Section 13-11.01C(4)).

The HQ and District EPSWCs compile and prepare materials for the Encroachment Permits Program's portion of the Caltrans Stormwater Management Program Annual Report to the SWRCB. A form M460 or M600 (TBMP certification form) and form MTCE-0023 (Construction to Maintenance 90% BMP Completion Walkthrough) or equivalent type of form which certifies that TBMP have been installed and inventories as per plans shall be filled out and signed. Said forms shall be provided to the RE prior to NOT submittal.

406.8 Illicit Connection Illegal Discharge

Section 10.3 of the SWMP outlines procedures for Illicit Connection/Illicit Discharge (IC/ID) and Illicit Dumping Response Plan. This plan includes BMPs for:

- Investigating reports or discoveries of IC/IDs or incidents of illegal dumping
- For remediating or eliminating the IC/IDs, and for clean-up of illegal sites
- For prevention of illegal dumping at sites subject to repeat or chronic incidents of illegal dumping
- For educating the public, raising awareness, changing behaviors, and encouraging the public to contact the appropriate authority if they witness illegal dumping

The applicant, as part of its stormwater inspection and monitoring program, is required to inspect and report any instance of potential IC/IDs. In addition, any accidental spills during the encroachment permit are reported by the field staff to the District Hazardous Waste Coordinator, the District NPDES Coordinator, and/or the District Hazardous Material Manager, as appropriate. Upon notification, the District Hazardous Waste Coordinator will assess the situation and will take appropriate action(s). The Encroachment Permits staff shall follow Standard Specification 13-4.03E(2) IC/ID Detection and Reporting. IC/IDs identified by the applicant should be communicated to the field staff or the EPSWC who then notifies the District Maintenance Stormwater Coordinator and the District NPDES coordinator.

Progressive enforcement for IC/IDs is handled by the District NPDES Coordinator and includes:

- Written warning
- Removal of connection/discharge
- Other enforcement actions
- Legal action

District Encroachment Permits staff will coordinate as needed for investigation and resolution of an IC/ID.

406.9 Encroachment Permits Stormwater Training

Construction Site BMP training is required of all staff involved in the EP stormwater management process. The training should cover responsibilities for BMP implementation, how to implement BMPs, general good housekeeping, and protection of BMPs in place. The LRP must certify in the SWPPP document that the contractor's QSP has delivered Construction Site BMP training to all staff involved in SWPPP implementation. The HQ and District EPSWCs, and District Permit Engineers will assist the Department in assuring staff receive the required training and refresher courses to enable them to carry out the quality assurance aspects of the Encroachment Permits Program. The Permit Inspectors will log the date of QSP refresher training of trained personnel and date of verification of corrective actions in CEPS.