

## **Appendix L – Middle-Mile Broadband Network (MMBN) Projects Stormwater Guidance** (Rev. 07/2025)

Caltrans has been tasked to support the California Department of Technology (CDT) to construct the MMBN across California. In addition to Caltrans constructing segments of the network (i.e., Caltrans-delivered MMBN projects), CDT is partnering with private entities, including private broadband providers, to install broadband infrastructure within the State highway right-of-way as part of the MMBN infrastructure. The projects where CDT and the private entities are partnering to install MMBN infrastructure are known as MMBN Joint Build projects.

This guidance is to help administer Stormwater compliance in MMBN joint build projects administered through Middle Mile Broadband Network Infrastructure Encroachment Permit Process.

On MMBN Joint Build projects, the private entity will work with Caltrans to obtain an encroachment permit and/or Right of Way Use Agreement (RUA), as applicable, to install MMBN infrastructure within the State highway right-of-way. Caltrans will provide inspection oversight for joint build projects, while the construction of Caltrans-delivered MMBN projects will be inspected by Caltrans like it inspects a Caltrans-delivered construction project.

Some MMBN projects require California Construction General Permit (CGP) coverage, as follows:

1. MMBN joint build encroachment permit applications that include only non-linear/non-ancillary facilities (e.g., projects that only include replacement of vaults, pull boxes or handholes):
  - a. CGP coverage is not required for projects that involve less than  $\frac{1}{4}$  acre of soil disturbance. However, the applicant must comply with Caltrans 2022 NPDES Permit's construction requirements and follow the Stormwater Special Provisions for Minimal or No Impact (SWSP), available at
  - b. <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/20240917-ep-sw-app-k-a11y.pdf>
  - c. CGP coverage is not required for projects that involve more than  $\frac{1}{4}$  acre but less than one acre of soil disturbance. However, the applicant must comply with Caltrans 2022 NPDES Permit's construction requirements to prepare and follow the Standard

Specifications' Water Pollution Control Program (WPCP).  
requirements available in Section 13 of the Standard Specifications.

- d. CGP coverage is required for projects that involve one or more acres of soil disturbance.
2. MMBN encroachment permit applications that include linear underground/overhead work, including ancillary facilities (e.g., projects installing linear conduit): CGP coverage is required for any amount of soil disturbance.

MMBN projects required to obtain CGP coverage must work under a Waste Discharge Identification (WDID) number issued by the State Water Resourced Control Board (SWRCB) prior to commencement of construction activities. The SWRCB's CGP is available at:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)

### **Caltrans MMBN Programmatic Permit Coverage (Statewide Construction General Permit):**

The Joint Builder can choose to work under the Caltrans' MMBN Programmatic Permit for work within Caltrans right of way:

1. **Caltrans Programmatic Coverage under the 2009 CGP (valid until August 31, 2025):** Caltrans' MMBN Programmatic Permit was obtained on December 17, 2022, under WDID number SWBPP000001. Caltrans is the Legally Responsible Person (LRP) for this programmatic permit. MMBN projects working under this programmatic permit are covered under the 2009 CGP through August 31, 2025, when the regulatory transition (i.e., grandfather period) ends. All projects working under this Programmatic Permit will need to submit a new Linear Construction Activity Notification (LCAN) and site specific plan under the 2022 CGP to continue work after September 1, 2025.
2. **Caltrans Programmatic Coverage under the 2022 CGP (effective July 2, 2025):** Caltrans MMBN Programmatic Permit was obtained on July 2, 2025, under WDID number SWBPP000002. Caltrans is the LRP for this programmatic permit. MMBN projects working under the 2009 CGP programmatic permit will need to submit a new LCAN under this 2022 CGP programmatic permit prior to August 31, 2025.
3. **The Caltrans MMBN Programmatic Permit option only applies where the CGP has jurisdiction, this does not include projects located within the Lake Tahoe Hydrologic Unit or on Federal Tribal Lands.**

## **Common SWPPP:**

Permittees choosing to obtain coverage under a Caltrans MMBN Programmatic Permit will work under the applicable Caltrans Common SWPPP, developed under the 2009 or 2022 CGP. The Common SWPPP addresses all LUP types, construction activities and potential pollutant sources relevant to MMBN projects. Common SWPPP includes fillable Linear Construction Activity Notification (LCAN) & Site-Specific Plan templates.

To request to work under the Caltrans MMBN Programmatic Permit, the permittee will provide a LCAN and Site Specific Plan as part of the encroachment permit application process. A Qualified SWPPP Developer (QSD), as defined in the CGP, will prepare LCAN & Site-Specific Plan, including the project's Linear Overhead/Underground Project (LUP) type, site-specific details and Best Management Practices (BMPs), and Water Pollution Control Drawings. Upon approval, Caltrans submits LCAN to the SWRCB's SMARTS. An LCAN ID number is required as proof of CGP coverage to work under the Caltrans MMBN Programmatic Permit. Construction cannot begin before the LCAN ID is issued. The permittee will also prepare all necessary stormwater submittals (e.g., annual reports), as required in the CGP for Caltrans review and approval before Caltrans will upload it to the SWRCB's SMARTS.

Upon completion of the project, the Permittee prepares the final annual report and Linear Construction Termination Notification (LCTN) and submits these documents to Caltrans for review and approval for permit termination. Upon approval, Caltrans will upload the Annual Report and LCTN to the SWRCB's SMARTS. The Permittee remains responsible for compliance with the CGP and all stormwater related activities until the LCTN has been approved by the SWRCB.

The Caltrans MMBN Programmatic Permit only covers Middle-Mile Broadband Network projects and does not cover Last-Mile projects. MMBN Projects which are not covered under the programmatic permit may still be subject to CGP.

The Caltrans MMBN Programmatic Permit coverage applies to projects when only MMBN work is included in the project (conduit, vaults, Maintenance Vehicle Pullouts and Network Hub Shelters). To be eligible for the programmatic permit, projects must exclusively support the MMBN program, they cannot be combined with any other non-MMBN construction activities. The SWRCB categorizes MMBN projects as LUPs which have unique stormwater requirements to streamline regulations for long, linear, utility type projects. If other project work is included, then the MMBN project will no longer meet the LUP definition and will not be eligible for programmatic permit coverage.

The Caltrans Common SWPPPs, LCAN templates, Site Specific Plan templates and an Overview Guide are available at:

<https://dot.ca.gov/programs/construction/storm-water-and-water-pollution-control>

Permittees opting to not work under the Caltrans MMBN Programmatic Permit must obtain their own CGP coverage as the LRP. The Joint Builder operator can also opt to obtain its own Programmatic Permit under 2022 CGP.

Requirements for CGP coverage outside of the Caltrans programmatic permit include a separate project Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP) and permit fee submittals to obtain a traditional project-specific WDID number prior to commencement of construction activities, with the permittee as the LRP. Permittee will provide the SWPPP with the encroachment permit application process for Caltrans review for work within the State highway right-of-way. Encroachment Permit will be issued only after the applicant provides the WDID number to the Encroachment Permit office.

If a joint build project is located both inside and outside State highway right-of-way, the project may be broken into two parts for CGP coverage (1) the Caltrans MMBN Programmatic Permit may be utilized to obtain coverage under the CGP for the portion of the project located within Caltrans right-of-way, and (2) the MMBN partner must obtain their own CGP coverage as an LRP for the portion of the project located outside Caltrans right-of-way.

The following table identifies the CGP permit requirements applicable to CGP permitting options for MMBN Joint Build projects.

**Table 1. MMBN Joint-Build Project CGP Permitting Options**

<b>CGP Permit Requirements</b>	<b>Projects obtaining individual CGP coverage</b>	<b>Projects working under the Caltrans MMBN Programmatic Permit</b>
Unique number documenting CGP coverage	Project-Specific WDID number	Linear Construction Activity Notification (LCAN) ID number
Permit Fees	Annual CGP fees	n/a
Permit Application Type	Notice Of Intent (NOI)	LCAN
Required Site-Specific Document	SWPPP	Common SWPPP and Site-Specific Plan
Site-Specific Risk to Receiving Waters	Risk Level 1, 2 or 3 or LUP Type 1, 2 or 3	LUP Type 1, 2 or 3
Annual Report	Annual Report	Annual Report
Permit Termination Application Type	Notice Of Termination (NOT)	Linear Construction Termination Notification (LCTN)

Refer to the 2022 MMBN Stormwater Implementation Memo (accessible to Caltrans staff only, applicants can request a copy from the District Encroachment Permits Office) for additional information.

**MS4 Treatment Requirements:** MMBN projects fall under the 2022 Caltrans MS4 NPDES Permit. Most MMBN components have been exempt from post-construction treatment requirements by the SWRCB as non-contiguous non-highway facilities. This includes trenching and resurfacing associated with utility work, fiber optic conduits, vaults, Maintenance Vehicle Pullouts (MVPs), and network hub shelters with new impervious surface (NIS) less than 5,000 square feet (sf).

Network hub shelters are considered Non-Highway Facilities and must be analyzed to determine if the NIS is equal to or greater than 5,000 sf. The NIS determination for network hub shelters encompasses not only the shelter itself but also any associated impervious parking areas and access roads.

Refer to the 2023 Project Planning and Design Guide available at:

<https://dot.ca.gov/programs/design/manual-project-planning-design-guide>

For guidance to calculate NIS for a list of approved post-construction Treatment BMPs for those projects with a treatment requirement (i.e., NIS equal to or

greater than 5,000 sf). A copy of the Caltrans MS4 NPDES Permit is available from the SWRCB at:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/caltrans.html](https://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.html)