



# **CONSTRUCTION STORMWATER REGULATIONS MANUAL**

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Prepared for:

City of Eureka California  
Public Works Department  
531 K Street  
Eureka, CA 95501

Prepared by:



633 Third Street  
Eureka, California 95501-0417



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## 1.0 REGULATORY BACKGROUND

### 1.1 INTRODUCTION

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) published final regulations that establish stormwater permit application requirements for specified categories of industries.

On December 8, 1999 Federal regulations promulgated by USEPA (40CFR Parts 9, 122, 123, and 124) expanded the NPDES stormwater program to include stormwater discharges from municipal separate storm sewer systems (MS4s) and construction sites that were smaller than those previously included in the program. Federal regulation 40 CFR § 122.26(b)(15) defines construction activity as including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres or is part of a larger common plan of development or sale. Permit applications for small construction activities are required for any project meeting those requirements, which is begun after March 10, 2003.

While Federal regulations allow two permitting options for stormwater discharges (individual permits and General Permits), the California State Water Resources Control Board (SWRCB) has elected to adopt a statewide General Permit that will apply to all stormwater discharges associated with construction activity. Most construction projects are permitted through the General Permit; however, the SWRCB may require an individual permit for any project at their discretion. A Stormwater Pollution Prevention Plan (SWPPP) must be prepared for projects fitting the above description and need to be based on the State of California's General Permit for Construction Activities, Water Quality Order 99-08-DWQ (General Permit No. CAS000002) (See Appendix D for a copy of the General Permit).

This Permit was modified in 2001 by Resolution No. 2001-046, *Modification of Water Quality Order 99-08-DWQ State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit For Stormwater Discharges Associated With Construction Activity (CGP)*. The modifications to the Construction General Permit (CGP) require that a sampling and analysis strategy and sampling schedule for certain discharges from construction activity be developed and kept with the project's Stormwater Pollution Prevention Plan. The sampling and analysis requirements are found in Section B, paragraphs 7 and 8, of the CGP. Paragraph 7 concerns monitoring for sedimentation/siltation or turbidity and Paragraph 8 concerns monitoring for pollutants that are not visually detectable in stormwater. Where required, a sampling and analysis strategy and sampling schedule must be developed regardless of the time of the year that construction occurs.

The North Coast Regional Water Quality Control Board (RWQCB) has jurisdiction over activities within the City of Eureka and may inspect projects at any time. Written correspondence, however, may be requested by and sent to either the State Water Resource Control Board (SWRCB) or the RWQCB, depending on the information being provided. The

General Permit does not preempt or supersede the authority of local stormwater management agencies to prohibit, restrict, or control stormwater discharges to separate storm sewer systems or other watercourses within their jurisdiction, as allowed by State and Federal law.

## **1.2 STORMWATER POLLUTION PREVENTION PLANS (SWPPP)**

The State Water Resources Control Board requires contractors to prepare and implement a program to control water pollution on construction projects that result in 1 acre (ac) or more of soil disturbance. For these construction projects, contractors are required to submit a Notice of Intent (NOI) to the State Water Resource Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP). When the project is complete, a Notice of Termination (NOT) must be submitted to the SWRCB.

If two (2) or more small projects incorporate less than one (1) ac of soil disturbance in the same corridor and are part of a larger common plan of development that incorporates one (1) ac or more, then these small projects are also subject to the requirements of the General Permit and need to develop and implement a SWPPP.

For construction projects submitting a NOI, the City of Eureka requires that a copy of the SWPPP also be submitted as part of the City of Eureka's application for an Erosion Control Permit. Detailed step-by-step procedures, instructions and templates to prepare a SWPPP can be found at <http://cfpub.epa.gov/npdes/stormwater/swppp.cfm>.

## **2.0 LOCAL AND STATE REQUIREMENTS**

### **2.1 STORMWATER MANAGEMENT PLAN**

Urban runoff and other “non-point source” discharges are regulated by the 1972 Federal Clean Water Act (CWA) through the National Pollutant Discharge Elimination System (NPDES) permit program. The federal Clean Water Act mandates that the City of Eureka be issued a NPDES Phase II Permit because Eureka’s stormwater system discharges into Elk River and Humboldt Bay, which are 303(d) listed water bodies, and the City is designated a high population urban cluster with a population less than 100,000. The City of Eureka Stormwater Management Plan (SWMP) has been developed to comply with the NPDES Phase II permit. Other municipalities in Humboldt County including the City of Arcata, the City of Fortuna and the McKinleyville Community Services District/Humboldt County are also required to comply with Phase II regulations.

The complete City of Eureka SWMP can be found at <http://www.eurekastormwater.com>.

### **2.2 STORMWATER MANAGEMENT AND DISCHARGE CONTROL ORDINANCE**

The purpose and intent of the City of Eureka Stormwater Management and Discharge Control Ordinance is to protect and promote the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. 1251 et seq.) and the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the storm drainage facilities. The complete Stormwater Management and Discharge Control Ordinance can be found at the City of Eureka’s website at <http://www.eurekastormwater.com>.

The following sections outline the requirements of the City’s Construction Site Erosion Control Ordinance as well as the State and Federal regulations that contractors/landowners must comply with. See Table 1 for a summary of contractor/landowner responsibilities.

### **2.3 CONSTRUCTION SITE EROSION CONTROL ORDINANCE**

The Construction Site Erosion Control Ordinance (Eureka Municipal Code Title 15, Chapter 150, Sections 150.200 through 150.217) regulates erosion/sediment control requirements for construction sites within the City of Eureka. The purpose and intent of the ordinance is to protect and enhance the water quality of watercourses, water bodies and wetlands pursuant to and consistent with the Federal Clean Water Act and the Porter-Cologne Water Quality Control Act by minimizing, to the maximum extent practicable, the discharge of sediment into the storm drainage system as a result of construction related activities.

**Table 1: City of Eureka Regulatory Requirements for Stormwater**

Type of Project	Enforcing Agency	Regulation	Required Action	Resources	
Stormwater discharges related to construction activities individually or combined as a part of a larger development resulting in 1 acre or more of soil disturbance	California State Water Resources Control Board (SWRCB); City of Eureka (City)	City Stormwater Ordinance	Discharger to comply with National Pollutant Discharge Elimination System (NPDES) General Permit requirements	City Stormwater Ordinance: <a href="http://www.eurekastormwater.com">http://www.eurekastormwater.com</a>	
		NPDES General Permit No. CAS000002 (typical) or an Individual Permit may be required at the discretion of the enforcing agency	Landowner to file a Notice of Intent (NOI)	NOI Application and Fee Schedule (Appendix C)	
			Landowner to file a New Owner Information and Change of Information Form (COI) to terminate coverage for a portion of a project given that ownership of this portion has been transferred or when a phase within a multi-phase project has been completed.	Attachment 4 of the General Permit available at: <a href="http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf">http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf</a>	
			Construction contractor to prepare a Stormwater Pollution Prevention Plan (SWPPP).	SWPPP requirements are given in Section A of the General Permit available at: <a href="http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf">http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf</a>	
			Individuals to be responsible for creating, revising, overseeing, and implementing the SWPPP to attend SWPPP training programs.	Section A., No. 12. Training of the General Permit available at: <a href="http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf">http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf</a>	
			Discharger to conduct construction site inspections.	Section B, No. 1. Required Changes General Permit available at: <a href="http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf">http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf</a>	
			Discharger to coordinate pollutant monitoring, in particular to avoid impacting 303(d) listed waterbodies, to be performed by personnel trained in water quality sampling procedures.	General Permit Figure 1.2.3 available at: <a href="http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf">http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf</a> ; Listing of 303(d) listed water bodies and associated pollutant issues: <a href="http://www.swrcb.ca.gov/water_issues/programs/tmdl/docs/2002reg1303dlist.pdf">http://www.swrcb.ca.gov/water_issues/programs/tmdl/docs/2002reg1303dlist.pdf</a>	
			Landowner to submit a Notice of Termination (NOT) upon project completion.	NOT Application (Appendix D)	
			Project inspections conducted by North Coast Regional Water Quality Control Board (RWQCB) or City	Discharger to address issues identified by project inspections.	General Permit is available at: <a href="http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf">http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/finalconstpermit.pdf</a>
			City Building Department	City Construction Site Erosion Control Ordinance	Landowner/construction contractor to obtain an Erosion Control Permit (ECP). Provide a copy of the SWPPP with the ECP application.
Construction sites clearing, grading, excavating or filling any property within City limits	City Building Department	City Construction Site Erosion Control Ordinance	Landowner/construction contractor to obtain an ECP.	City Construction Site Erosion Control Ordinance (Appendix A); City Erosion Control Permit application (Appendix B)	

The ordinance states that it shall be unlawful for any entity to clear, grade, excavate or fill any property within the City limits without having first obtained an erosion control permit (ECP). Construction sites greater than fifty feet (50') away from the edge of a delineated wetland, stream, or stream channel and disturbing less than 2,500 square feet of land are exempt from the provisions of this ordinance. The ECP application requires the following information:

- The name, address and telephone number of the applicant for the ECP.
- The name, address, and telephone number of the contractor performing work.
- The building site location (Assessor's Parcel Number and address).
- Total area to be cleared, graded, excavated or filled.
- General description of work to be performed.
- The specific erosion/sediment control devices or practices proposed.
- All plans to scale.

For construction sites equaling one acre or more of ground disturbance requiring a SWPPP from the State Water Resources Control Board, a copy of the SWPPP has to also be submitted as part of the application for the ECP.

ECP applications are submitted to the City of Eureka Building Department. No building permits will be issued for projects/lots until the ECP application is reviewed and approved by the Building Official. ECP plan review and application fees are set by resolution of the City Council.

Obtaining an ECP is required year around. However, the implementation of the ECP is not required during the dry season (April 15<sup>th</sup> through October 15<sup>th</sup>) unless there is a 72 hour forecast of rain (40% chance or greater).

Please see Appendix A for the City of Eureka Construction Site Erosion Control Ordinance.

Please see Appendix B for the Erosion Control Permit application.

## **2.4 SWPPP PREPARATION**

All dischargers need to submit a NOI (see Section 2.5) and prepare a SWPPP prior to disturbing a site equal to or greater than one acre in size. The SWPPP must be implemented to protect water quality at all times throughout the life of the project. The SWPPP must remain on the site while the site is under construction, commencing with the initial mobilization and ending with the termination of coverage under the permit.

The SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of stormwater discharges and (2) to describe and ensure the implementation of Best Management Practices (BMPs) to reduce or eliminate sediment and other pollutants in stormwater as well as non-stormwater discharges.

To ensure that the preparation, implementation, and oversight of the SWPPP is sufficient for effective pollution prevention, individuals responsible for creating, revising, overseeing, and

implementing the SWPPP must participate in applicable training programs and document such training in the SWPPP.

Section A of the General Permit (See Appendix D) details the requirements of a SWPPP. The general requirements include: (a) project information and (b) pollutant source identification combined with an itemization of those BMPs specifically chosen to control the pollutants. Specific information needed includes:

- 1) A vicinity map locating the project site and show the construction site perimeter, the geographic features surrounding the site, and the general topography.
- 2) A site map(s) which shows the construction project in detail, including the construction site perimeter; existing and proposed buildings, lots, roadways, stormwater collection and discharge points; general topography both before and after construction; and the anticipated discharge location(s) where the stormwater from the construction site discharges to a municipal storm sewer system or other water body.
- 3) A description of potential sources which are likely to add pollutants to stormwater discharges or which may result in non-stormwater discharges from the construction site.
- 4) Drainage patterns and slopes anticipated after major grading activities are completed. Runoff from off-site areas should be prevented from flowing through areas that have been disturbed by construction unless appropriate conveyance systems are in place. Show all calculations for anticipated stormwater run-on, and describe all BMPs implemented to divert off-site drainage around or through the construction project.
- 5) Drainage patterns into each on-site stormwater inlet point or receiving water. Show or describe the BMPs that will protect operational stormwater inlets or receiving waters from contaminated discharges other than sediment discharges, such as, but not limited to: stormwater with elevated pH levels from contact with soil amendments such as lime or gypsum; slurry from saw cutting of concrete or asphalt; washing of exposed aggregate concrete; concrete rinse water; building washing operations; equipment washing operations; minor street washing associated with street delineation; and/or sealing and paving activities occurring during rains.
- 6) Existing site features that, as a result of known past usage, may contribute pollutants to stormwater, (e.g., toxic materials that are known to have been treated, stored, disposed, spilled, or leaked onto the construction site). Show or describe the BMPs implemented to minimize the exposure of stormwater to contaminated soil or toxic materials.
- 7) Areas designated for the (a) storage of soil or waste, (b) vehicle storage and service areas, (c) construction material loading, unloading, and access areas, (d) equipment storage, cleaning, and maintenance areas.

- 8) Describe the BMPs for control of discharges from waste handling and disposal areas and methods of on-site storage and disposal of construction materials and construction waste. Describe the BMPs designed to minimize or eliminate the exposure of stormwater to construction materials, equipment, vehicles, waste storage areas, or service areas.
- 9) Describe all post-construction BMPs for the project, and show the location of each BMP on the map. (Post-construction BMPs consist of permanent features designed to minimize pollutant discharges, including sediment, from the site after construction has been completed.) Also, describe the agency or parties to be the responsible party for long-term maintenance of these BMPs.
- 10) Show the locations of direct discharge from the construction site into a Section 303(d) listed water body. Show the designated sampling locations in the receiving waters, which represent the prevailing conditions of the water bodies upstream of the construction site discharge and immediately downstream from the last point of discharge.
- 11) A narrative description of pollutant sources and BMPs that cannot be adequately communicated or identified on the site map. In addition, a narrative description of preconstruction control practices (if any) to reduce sediment and other pollutants in stormwater.
- 12) An inventory of all materials used and activities performed during construction that has the potential to contribute to the discharge of pollutants other than sediment in stormwater. Describe the BMPs selected and the basis for their selection to eliminate or reduce these pollutants in the stormwater discharges.
- 13) Include the following information regarding the construction site surface area: the size (in acres or square feet), the runoff coefficient before and after construction, and the percentage that is impervious (e.g., paved, roofed, etc.) before and after construction. Include a copy of the NOI, and the Waste Discharge Identification (WDID) number. If a WDID number not be received from the SWRCB at the time construction commences, the Contractor needs to include proof of mailing of the NOI, e.g., certified mail receipt, copy of check, express mail receipt, etc.
- 14) A construction activity schedule which describes all major activities such as mass grading, paving, lot or parcel improvements at the site and the proposed time frame to conduct those activities.
- 15) The name and telephone number of the qualified person(s) who have been assigned responsibility for pre-storm, post-storm and storm event BMP inspections; and the qualified person(s) assigned responsibility to ensure full compliance with the permit and implementation of all elements of the SWPPP, including the preparation of the annual compliance evaluation and the elimination of all unauthorized discharges.

SWPPPs are reports that are available to the public under Section 308(b) of the CWA and need to be made available to the City or the RWQCB upon request.

## **2.5 FILING A NOTICE OF INTENT/NOTICE OF TERMINATION**

It is the responsibility of the landowner to obtain coverage under the General Permit prior to commencement of construction activities. To obtain coverage, the landowner must file a NOI with a vicinity map and the appropriate fee. In addition, coverage under the permit does not occur until the applicant develops an adequate SWPPP for the project. Upon project completion, the landowner must submit a Notice of Termination (NOT).

A separate NOI/NOT needs to be submitted to the SWRCB for each construction site.

The NOI/NOT must be sent to the following address:

State Water Resources Control Board  
Division of Water Quality  
Stormwater Permit Unit  
P.O. Box 1977  
Sacramento, CA 95812-1977

The applicable fees and the Notice of Intent for the SWRCB can be found in Appendix C. The Notice of Termination for the SWRCB can be found in Appendix D.

## **2.6 INSPECTIONS, MAINTENANCE, MONITORING, AND SAMPLING REQUIREMENT**

A major feature of the General Permit is the development and implementation of a monitoring program. All dischargers are required to conduct inspections of the construction site at the following times:

- Prior to anticipated storm events
- At 24-hour intervals during extended storm events
- After actual storm events that causes runoff from the construction site
- As specified in the project Special Provisions and/or SWPPP
- Every two weeks during the non-rainy season
- Weekly during the rainy season
- As directed by BMP inspection requirements or the City of Eureka

The goals of these inspections are (1) to identify areas contributing to a stormwater discharge; (2) to evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly installed and functioning in accordance with the terms of the General Permit; and (3) whether additional control practices or corrective maintenance activities are needed.

### **2.6.1 INSPECTIONS**

Equipment, materials, and workers must be available for rapid response to failures and emergencies. All corrective maintenance to BMPs should be performed as soon as possible, depending upon worker safety. Each discharger should certify annually that the construction activities are in compliance with the requirements of this General Permit.

Qualified personnel should conduct inspections of the construction site prior to anticipated storm events, during extended storm events, and after actual storm events to identify areas contributing to a discharge of stormwater associated with construction activity. Pre-storm inspections are to ensure that BMPs are properly installed and maintained. Post-storm inspections are to assure that the BMPs have functioned adequately.

In general, all slopes, drainage ditches, drainage pipes, discharge points, silt fences, and other site erodible features must be inspected. These areas must be actively maintained (e.g., remove built-up sediment behind silt fences, etc.). Any erosion of berms, drainage pipes, ditches, or discharge points, and any damage or problems with BMPs must be recorded on an inspection form. Taking a picture of the occurrence before and then after it has been fixed is recommended. The recommendations for correcting or improving the BMP should be implemented as soon as it is feasible. Any damage should be repaired in a timely and safe manner to help mitigate and avoid any further problems.

### **2.6.2 MONITORING**

A sampling and analysis program must be conducted for pollutants that are not visually detectable in stormwater discharges, and which are or should be known to occur on the construction site. Examples of construction sites that may require sampling and analysis include: sites that are known to have contaminants spilled or spread on the ground; sites where construction practices include the application of soil amendments, such as gypsum, which can increase the pH of the runoff; or sites having uncovered stockpiles of material exposed to stormwater.

Observations made during and after storm events may trigger the requirement to collect samples. Any breach, malfunction, leakage, or spill observed which could result in the discharge of pollutants to surface waters that would not be visually detectable in stormwater triggers the collection of a sample of discharge. During the course of visual observations, an inspector may be looking for “Any breach, malfunction, leakage, or spill which could result in the discharge of pollutants to surface waters that would not be visually detectable in stormwater.” This could include items such as a solvent container that was left uncovered in the open and has spilled or become over filled with rainwater; a portable lavatory that has tipped over due to wind during a rain event; stormwater contacting soil that was just treated with lime, gypsum, or other soil amendments. Any such observations should be noted on the inspection form, and further contact between the potential pollutant and stormwater should be prevented if it can be done so safely. If such an observation is made, samples need be collected of the impacted stormwater and un-impacted stormwater. Sampling should be performed by personnel trained in water quality sampling procedures.

All field and/or analytical data should be kept onsite in the SWPPP document, which is to remain at the construction site at all times until a Notice of Termination (NOT) has been submitted and approved.

Records of all inspections, compliance certifications, and noncompliance reporting must be retained for a period of at least three years from the date generated. With the exception of noncompliance reporting, dischargers are not required to submit these records.

**Dischargers of stormwater associated with construction activity that directly enters a 303(d) listed water body are required to conduct a sampling and analysis program for the pollutants causing the impairment.** Please review the General Permit in Appendix D and Figure 1.2.3 of the General Permit to determine if additional sampling is required at a specific construction site that discharges to a 303(d) listed water body. Humboldt Bay and Elk River are 303(d) listed water bodies. For a listing of 303(d) water bodies and the pollutants they are listed for please see: [http://www.swrcb.ca.gov/water\\_issues/programs/tmdl/docs/2002reg1303dlist.pdf](http://www.swrcb.ca.gov/water_issues/programs/tmdl/docs/2002reg1303dlist.pdf)

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**Appendix A**  
**City of Eureka Construction Site Erosion Control Ordinance**



**AN ORDINANCE OF THE CITY OF EUREKA AMENDING EUREKA  
MUNICIPAL CODE TITLE 15, CHAPTER 150, ADDING NEW SECTIONS  
150.200 through 150.217 PERTAINING CONSTRUCTION SITE EROSION  
CONTROL**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:**

**Section 1.**

Title XV, Chapter 150, entitled “Building Regulations” is hereby amended by adding new Sections 150.200 through 150.217 “Construction Site Erosion Control Ordinance” to read as follows:

**Construction Site Erosion Control Ordinance**

**§ 150.200 Purpose and Intent.**

The purpose and intent of this Chapter is to protect and enhance the water quality of watercourses, water bodies and wetlands pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) and the Porter Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) by minimizing, to the maximum extent practicable, the discharge of sediment into the storm drainage system as a result of construction related activities.

**§ 150.201 Definitions.**

The terms used in this chapter shall have the following meanings:

- A. City:** The City of Eureka.
- B. Clear:** Any activity which removes the vegetative ground cover and/or trees including, but not limited to, root mat removal and/or top soil removal.
- C. Construction Site:** All areas where soil is disturbed related to a project, including but not limited to, soil disturbed for construction, staging area, ingress, egress and any temporary dumping areas.
- D. Entity:** Any property owner, lessee, contractor, utility company, person, firm, corporation, or any legal entity, and their employees and agents. The term “entity” shall include all entities with authority or control over the property in issue.
- E. Erosion:** The wearing away of the ground surface, and the detachment of soil particles resulting from the movement of water, wind or mechanical causes.

- F. Excavate:** Any digging, scraping or other methods of removing earth materials.
- G. Fill:** Any depositing or stockpiling of earth materials.
- H. Grade:** Any excavating or filling of earth materials or any combination thereof, including land in its excavated or filled condition.
- I. Illicit Discharge:** Any direct or indirect sediment discharge to the storm drainage system and either in violation of an approved erosion control permit or in the absence of an approved erosion control permit.
- J. Pollutants:** Any agent, material or substance that may cause or contribute to the degradation of water quality.
- K. Sediment:** Eroded earth material, such as rock, sand, silt, soil, or combination thereof, which threatens to be transported by runoff and/or deposited in a stream, drainage course, tidal slough or other area.
- L. Soil:** Unconsolidated mineral and organic material.
- M. Storm Drainage System:** Any inlet, pipe, conduit, swale, channel or waterway designed or used for the disposal of stormwater and non-stormwater, excluding any sanitary sewer system.
- N. Stormwater:** Runoff discharges originating from precipitation events.
- O. Waterway:** Natural or artificial body of water, or system of interconnected bodies of water.

**§ 150.202 Applicability.**

The regulations set forth in this chapter shall apply to all property within the jurisdiction of the City of Eureka.

**§ 150.203 Exemptions.**

Any construction site greater than 50 feet away from the edge of a delineated wetland, stream, or stream channel and disturbing less than 2,500 square feet, is exempt from the provisions of this chapter.

**§ 150.204 Responsibility for Administration.**

The Building Official or designee of the City shall administer, implement and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Building Official may be delegated in writing by the Building Official to the designee.

**§ 150.205 Severability:**

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

**§ 150.206 Regulatory Consistency:**

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and any acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.

**§ 150.207 Ultimate Responsibility of Discharger:**

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards. Greater erosion and pollution control measures may be necessary to comply with other applicable local, state and federal laws. This Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the State and/or U.S. caused by said person. This Chapter shall not create liability on the part of the City of Eureka, or any agent or employee thereof for any damages that result from any discharger's reliance on this Chapter or any administrative decision lawfully made there under.

**§ 150.208 Clearing, Grading, Excavating, Filling:**

It shall be unlawful for any entity to clear, grade, excavate or fill (hereinafter “work”) any property within the city limits without having first obtained an erosion control permit (“ECP”) from the City. The ECP applications shall contain the following information:

- A. The name, address and telephone number of the applicant for the ECP.
- B. The name, address, and telephone number of the contractor who will perform the work.
- C. The building site location.
- D. Total area to be cleared, graded, excavated or filled.
- E. General description of work to be performed.
- F. The specific erosion/sediment control devices or practices proposed, as specified herein below.

**G.** All plans drawn to scale.

The State Water Resources Control Board General Permit for Discharges of Stormwater Associated with Construction Activity requires a Stormwater Pollution Prevention Plan (SWPPP) for construction sites that are larger than an acre. If an application for an ECP involves a construction site larger than an acre, a copy of the SWPPP shall also be submitted as part of the application for the ECP.

**§ 150.209 Submission of Erosion Control Permit:**

ECP applications shall be submitted to the Building Department. No building permits shall be issued for projects/lots until the ECP application has been reviewed and approved by the Building Official. ECP plan review and application fees shall be set by resolution of the City Council. However, the implementation of the ECP will not be required during the dry season (April 15<sup>th</sup> through October 15<sup>th</sup>) unless there is a 72 hour forecast of rain (40% chance or greater). No building permit will be issued for any property on which indebtedness to the city exists by reason of an order of abatement costs or liens associated with this chapter.

**§ 150.210 Erosion/Sediment Control Devices:**

**A.** The ECP shall require, and the entity shall install specific erosion/sediment control devices, which shall be maintained in proper working condition for so long as work is being conducted on the property or for so long as an active permit of any nature is issued for the project. Erosion/sediment control devices required by the ECP may include, but are not limited to, silt fences, straw bales, retention ponds, mulch, sod, rip-rap, vegetation barriers, hydro-seeding, erosion blankets and any other measures which will adequately prevent soil from being eroded and transported onto adjoining property.

**B.** The ECP shall always require a stabilized construction site access for any sites where sediment can be tracked onto public roads by construction vehicles.

**C.** The responsibility of the property owner and its agents shall be joint and severable with the entity performing the work for the maintenance of all erosion control devices, which shall be maintained in a condition so as to prevent soil erosion on the property and transport of sediment off the property.

**§ 150.211 Violations:**

**A. Municipal Property**

- i. It shall be unlawful for any entity to cause, permit or allow any sediment to be deposited upon any municipal property within the city unless otherwise approved in an erosion control permit. In the event any entity shall allow such sediment to be deposited upon municipal property, such entity shall immediately remove such sediment from said municipal property.

**B. Private Property**

- i. It shall be unlawful for any entity to cause, permit or allow any sediment to be deposited upon any private property within the city unless otherwise approved in an erosion control permit. In the event any entity shall allow such sediment to be deposited upon private property, such entity shall immediately remove such sediment from said property, upon notice by and with consent of the property owner.

**§ 150.212 Authority to Inspect:**

Whenever necessary to make an inspection to enforce any provision of this Chapter or whenever the Building Official has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Building Official may enter such premises at all reasonable times to inspect the same and to inspect and record stormwater compliance issues. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**§ 150.213 Notice of Violation:**

Whenever the Building Official finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Building Official may order compliance by written notice of violation to the responsible person. Such notice may require without limitation and in addition to penalties or any other remedies available under law:

- A. The elimination of illicit discharges or practices and operations contributing to illicit discharges;
- B. The immediate placement of erosion/sediment control devices or practices;
- C. The abatement or remediation of the illicit discharge
- D. The restoration of any affected property ; and
- E. Payment of any administrative and remediation costs incurred by the City for abatement

**§ 150.214 Appeal:**

Notwithstanding the provisions of Section 150.215 below, any person receiving a Notice of Violation under Section 150.213 above may appeal the determination of the Building Official to the City Manager. The notice of appeal must be received by the City Manager within 5 days from the date of the Notice of Violation. Hearing on the appeal before the City Manager or his/her designee shall take place within 15 days from the date of City's receipt of the notice of appeal. The decision of the City Manager or designee shall be final.

**§ 150.215 Abatement by City:**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under Section 150.214, within 10 days of the decision of the City Manager upholding the decision of the Building Official, then the City or a contractor designated by the Building Official may enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

**§ 150.216 Charging Costs of Abatements/Liens:**

Within 30 days after abatement of the illicit discharge by the City, the Building Official shall notify the property owner of the abatement cost, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be set forth by resolution and shall be final.

If the amount due is not paid within 10 days of the decision of the City Council or the expiration of the time in which to file an appeal under this Section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

**§ 150.217 Acts Potentially Resulting in a Violation of the Clean Water Act and/or California Porter-Cologne Act**

Any person who violates any provision of this Chapter or any provision of any requirement issued pursuant to this Chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Water Quality Control Act and may be subject to the sanctions of those acts including civil and criminal penalties.

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**Appendix B**  
**City of Eureka**  
**Erosion Control Permit Application**





City of Eureka  
Building Department  
**Erosion Control Permit Application**  
531 K Street  
Eureka, CA 95501-1146  
Phone (707)441-4155 ~ Fax (707)441-4202

---

Permit # \_\_\_\_\_

Applicant: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

Phone # \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Project Address: \_\_\_\_\_ Subdivision/APN: \_\_\_\_\_

Contractor: \_\_\_\_\_ Phone# \_\_\_\_\_

Contractor's License # \_\_\_\_\_ Date Work To Begin: \_\_\_\_\_

The APPLICANT shall be the party responsible for the work and to whom all communications are to be directed. ALL work under this permit requires a 24 hour notice prior to work. For Erosion Control Permit requirements, refer to Ordinance **724-C.S.**

AREA TO BE CLEARED, GRADED, EXCAVATED OR FILLED: \_\_\_\_\_

PROJECT DESCRIPTION: \_\_\_\_\_

EROSION/SEDIMENT CONTROL BEST MANAGEMENT PRACTICES PROPOSED: \_\_\_\_\_

CHECK ALL THAT APPLY TO ENSURE COMPLIANCE WITH THE CITY OF EUREKA EROSION CONTROL ORDINANCE:

- Project is exempt (site is greater than 50 feet away from the edge of a delineated wetland, stream, or stream channel and disturbing less than 2,500 square feet)
- Trap sediment-laden runoff water in basins or silt traps to allow soil particles to settle out before flows are released.
- Silt fencing and/or wattles will be installed at downhill locations, five feet from the toe of stockpiles, and as necessary to retain all sediment on site.
- All temporary stockpiles will be covered and anchored suitably to prevent disruption during high wind and rain events.

**PLEASE CONTINUE AND SIGN BACK OF PAGE**

- Drainage courses will be installed to control surface water flow over cut and fill slopes and direct surface water away from stockpiles.
- Drainage courses will contain check dams to reduce drainage flow velocities, and drainage outlets will have energy dissipaters.
- All construction site entrance/exits will be stabilized so as to prevent sediment tracking offsite.
- All exposed bare ground will have appropriate best management practices in place to prevent erosion.
- Disturbed vegetated areas will be re-vegetated.
- All erosion control measures shall be onsite or readily accessible prior to construction for instillation due to untimely weather (applicable during the dry season from April 15<sup>th</sup> through October 1<sup>st</sup>)
- Detail plans to scale (if required)
- Notice of Intent (NOI) submitted to the State Water Resource Control Board and SWPPP attached
- Other : \_\_\_\_\_

Notations and/or Conditions of Approval: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

By signing this application, applicant agrees to comply with all State and Federal Laws and the City of Eureka Construction Standards and Ordinances. Furthermore, site monitoring will be conducted to ensure that the erosion control measures are satisfactory.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Building Department:**

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

---

A SIGNED COPY OF THIS PERMIT APPLICATION MUST BE AVAILABLE AT THE JOB SITE

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**Appendix C**  
**Notice of Intent and Fee Schedule**





State Water Resources Control Board

### NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF THE  
GENERAL PERMIT TO DISCHARGE STORM WATER  
ASSOCIATED WITH CONSTRUCTION ACTIVITY (WQ ORDER No. 99-08-DWQ)



#### I. NOI STATUS (SEE INSTRUCTIONS)

MARK ONLY ONE ITEM	1. <input type="checkbox"/> New Construction	2. <input type="checkbox"/> Change of Information for WDID#	<input type="text"/>
--------------------	--	---	----------------------

#### II. PROPERTY OWNER

Name		Contact Person		
Mailing Address		Title		
City	State	Zip	Phone	
Owner Type (check one) 1. <input type="checkbox"/> Private Individual    2. <input type="checkbox"/> Business    3. <input type="checkbox"/> Municipal    4. <input type="checkbox"/> State    5. <input type="checkbox"/> Federal    6. <input type="checkbox"/> Other				

#### III. DEVELOPER/CONTRACTOR INFORMATION

Developer/Contractor		Contact Person		
Mailing Address		Title		
City	State	Zip	Phone	

#### IV. CONSTRUCTION PROJECT INFORMATION

Site/Project Name		Site Contact Person		
Physical Address/Location		Latitude _____°	Longitude _____°	County
City (or nearest City)		Zip	Site Phone Number	Emergency Phone Number
A. Total size of construction site area: _____ Acres	C. Percent of site imperviousness (including rooftops): Before Construction: _____% After Construction: _____%		D. Tract Number(s): _____, _____	
B. Total area to be disturbed: _____ Acres (% of total _____)			E. Mile Post Marker: _____	
F. Is the construction site part of a larger common plan of development or sale? <input type="checkbox"/> YES <input type="checkbox"/> NO		G. Name of plan or development:		
H. Construction commencement date: ____/____/____		J. Projected construction dates: Complete grading: ____/____/____    Complete project: ____/____/____		
I. % of site to be mass graded: _____				
K. Type of Construction (Check all that apply): 1. <input type="checkbox"/> Residential    2. <input type="checkbox"/> Commercial    3. <input type="checkbox"/> Industrial    4. <input type="checkbox"/> Reconstruction    5. <input type="checkbox"/> Transportation 6. <input type="checkbox"/> Utility    Description: _____    7. <input type="checkbox"/> Other (Please List): _____				

#### V. BILLING INFORMATION

SEND BILL TO: <input type="checkbox"/> OWNER (as in II. above)	Name	Contact Person	
<input type="checkbox"/> DEVELOPER (as in III. above)	Mailing Address	Phone/Fax	
<input type="checkbox"/> OTHER (enter information at right)	City	State	Zip

**VI. REGULATORY STATUS**

A. Has a local agency approved a required erosion/sediment control plan?.....  YES  NO  
Does the erosion/sediment control plan address construction activities such as infrastructure and structures?.....  YES  NO  
Name of local agency: \_\_\_\_\_ Phone: \_\_\_\_\_

B. Is this project or any part thereof, subject to conditions imposed under a CWA Section 404 permit of 401 Water Quality Certification?.....  YES  No  
If yes, provide details: \_\_\_\_\_

**VII. RECEIVING WATER INFORMATION**

A. Does the storm water runoff from the construction site discharge to (Check all that apply):  
1.  Indirectly to waters of the U.S.  
2.  Storm drain system - Enter owner's name: \_\_\_\_\_  
3.  Directly to waters of U.S. (e.g. , river, lake, creek, stream, bay, ocean, etc.)

B. Name of receiving water: (river, lake, creek, stream, bay, ocean): \_\_\_\_\_

**VIII. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS**

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (check one)  
 A SWPPP has been prepared for this facility and is available for review: Date Prepared: \_\_\_/\_\_\_/\_\_\_ Date Amended: \_\_\_/\_\_\_/\_\_\_  
 A SWPPP will be prepared and ready for review by (enter date): \_\_\_/\_\_\_/\_\_\_  
 A tentative schedule has been included in the SWPPP for activities such as grading, street construction, home construction, etc.

B. MONITORING PROGRAM  
 A monitoring and maintenance schedule has been developed that includes inspection of the construction BMPs before anticipated storm events and after actual storm events and is available for review.  
If checked above: A qualified person has been assigned responsibility for pre-storm and post-storm BMP inspections to identify effectiveness and necessary repairs or design changes.....  YES  NO  
Name: \_\_\_\_\_ Phone: \_\_\_\_\_

C. PERMIT COMPLIANCE RESPONSIBILITY  
A qualified person has been assigned responsibility to ensure full compliance with the Permit, and to implement all elements of the Storm Water Pollution Prevention Plan including:  
1. Preparing an annual compliance evaluation.....  YES  NO  
Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
2. Eliminating all unauthorized discharges.....  YES  NO

**IX. VICINITY MAP AND FEE (must show site location in relation to nearest named streets, intersections, etc.)**

Have you included a vicinity map with this submittal? .....  YES  NO  
Have you included payment of the annual fee with this submittal?.....  YES  NO

**X. CERTIFICATIONS**

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that I have read the entire General Permit, including all attachments, and agree to comply with and be bound by all of the provisions, requirements, and prohibitions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be complied with."

Printed Name: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Title: \_\_\_\_\_

<u>Acres</u>	<u>Fee</u>	<u>18.5% Surcharge</u>	<u>Total Fee</u>	<u>Acres</u>	<u>Fee</u>	<u>18.5% Surcharge</u>	<u>Total Fee</u>
0	\$200.00	\$37	\$237	51	\$1,220.00	\$226	\$1,446
1	\$220.00	\$41	\$261	52	\$1,240.00	\$229	\$1,469
2	\$240.00	\$44	\$284	53	\$1,260.00	\$233	\$1,493
3	\$260.00	\$48	\$308	54	\$1,280.00	\$237	\$1,517
4	\$280.00	\$52	\$332	55	\$1,300.00	\$241	\$1,541
5	\$300.00	\$56	\$356	56	\$1,320.00	\$244	\$1,564
6	\$320.00	\$59	\$379	57	\$1,340.00	\$248	\$1,588
7	\$340.00	\$63	\$403	58	\$1,360.00	\$252	\$1,612
8	\$360.00	\$67	\$427	59	\$1,380.00	\$255	\$1,635
9	\$380.00	\$70	\$450	60	\$1,400.00	\$259	\$1,659
10	\$400.00	\$74	\$474	61	\$1,420.00	\$263	\$1,683
11	\$420.00	\$78	\$498	62	\$1,440.00	\$266	\$1,706
12	\$440.00	\$81	\$521	63	\$1,460.00	\$270	\$1,730
13	\$460.00	\$85	\$545	64	\$1,480.00	\$274	\$1,754
14	\$480.00	\$89	\$569	65	\$1,500.00	\$278	\$1,778
15	\$500.00	\$93	\$593	66	\$1,520.00	\$281	\$1,801
16	\$520.00	\$96	\$616	67	\$1,540.00	\$285	\$1,825
17	\$540.00	\$100	\$640	68	\$1,560.00	\$289	\$1,849
18	\$560.00	\$104	\$664	69	\$1,580.00	\$292	\$1,872
19	\$580.00	\$107	\$687	70	\$1,600.00	\$296	\$1,896
20	\$600.00	\$111	\$711	71	\$1,620.00	\$300	\$1,920
21	\$620.00	\$115	\$735	72	\$1,640.00	\$303	\$1,943
22	\$640.00	\$118	\$758	73	\$1,660.00	\$307	\$1,967
23	\$660.00	\$122	\$782	74	\$1,680.00	\$311	\$1,991
24	\$680.00	\$126	\$806	75	\$1,700.00	\$315	\$2,015
25	\$700.00	\$130	\$830	76	\$1,720.00	\$318	\$2,038
26	\$720.00	\$133	\$853	77	\$1,740.00	\$322	\$2,062
27	\$740.00	\$137	\$877	78	\$1,760.00	\$326	\$2,086
28	\$760.00	\$141	\$901	79	\$1,780.00	\$329	\$2,109
29	\$780.00	\$144	\$924	80	\$1,800.00	\$333	\$2,133
30	\$800.00	\$148	\$948	81	\$1,820.00	\$337	\$2,157
31	\$820.00	\$152	\$972	82	\$1,840.00	\$340	\$2,180
32	\$840.00	\$155	\$995	83	\$1,860.00	\$344	\$2,204
33	\$860.00	\$159	\$1,019	84	\$1,880.00	\$348	\$2,228
34	\$880.00	\$163	\$1,043	85	\$1,900.00	\$352	\$2,252
35	\$900.00	\$167	\$1,067	86	\$1,920.00	\$355	\$2,275
36	\$920.00	\$170	\$1,090	87	\$1,940.00	\$359	\$2,299
37	\$940.00	\$174	\$1,114	88	\$1,960.00	\$363	\$2,323
38	\$960.00	\$178	\$1,138	89	\$1,980.00	\$366	\$2,346
39	\$980.00	\$181	\$1,161	90	\$2,000.00	\$370	\$2,370
40	\$1,000.00	\$185	\$1,185	91	\$2,020.00	\$374	\$2,394
41	\$1,020.00	\$189	\$1,209	92	\$2,040.00	\$377	\$2,417
42	\$1,040.00	\$192	\$1,232	93	\$2,060.00	\$381	\$2,441
43	\$1,060.00	\$196	\$1,256	94	\$2,080.00	\$385	\$2,465
44	\$1,080.00	\$200	\$1,280	95	\$2,100.00	\$389	\$2,489
45	\$1,100.00	\$204	\$1,304	96	\$2,120.00	\$392	\$2,512
46	\$1,120.00	\$207	\$1,327	97	\$2,140.00	\$396	\$2,536
47	\$1,140.00	\$211	\$1,351	98	\$2,160.00	\$400	\$2,560
48	\$1,160.00	\$215	\$1,375	99	\$2,180.00	\$403	\$2,583
49	\$1,180.00	\$218	\$1,398	>100	\$2,200.00	\$407	\$2,607
50	\$1,200.00	\$222	\$1,422				

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**Appendix D**  
**Notice of Termination**





**Linda S. Adams**  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5537  
Mailing Address: P.O. Box 1977 • Sacramento, California • 95812-1977  
FAX (916) 341-5543 • Internet Address: <http://www.waterboards.ca.gov/stormwtr/index.html>



**Arnold Schwarzenegger**  
Governor

To: Storm Water Permit Holder

**RE: NOTICE OF TERMINATION OF COVERAGE UNDER THE GENERAL  
CONSTRUCTION STORM WATER PERMIT (GENERAL PERMIT)**

In order for us to terminate your coverage under the General Permit, please complete and submit the enclosed Notice of Termination (NOT) your local Regional Water Quality Control Board (RWQCB). Refer to the last page of the NOT packet for RWQCB locations.

Submittal of a NOT does not guarantee termination and outstanding invoices are still valid. If your NOT is denied, you will be required to continue complying with the requirements of the General Permit and all outstanding invoice(s) are due. You will be notified of your NOT status by the RWQCB or State Water Resources Control Board. Approval of your Notice of Termination does not relieve you from paying any applicable outstanding invoices.

Should you have any questions regarding this matter, please contact your local RWQCB at the number listed on the back page of the NOT package, or the Storm Water Unit at (916) 341-5537.

Sincerely,

Storm Water Unit  
Division of Water Quality

Enclosure

SEND TO YOUR LOCAL RWQCB FOR APPROVAL

State of California  
State Water Resources Control Board

**NOTICE OF TERMINATION**

OF COVERAGE UNDER THE NPDES GENERAL PERMIT NO. CAS000002  
FOR DISCHARGES OF STORM WATER  
ASSOCIATED WITH CONSTRUCTION ACTIVITY

Submission of this Notice of Termination constitutes notice that the owner (and his/her agent) of the site identified on this form is no longer authorized to discharge storm water associated with construction activity by NPDES General Permit No. CAS000002.

**I. WDID NO.**

**II. OWNER**

COMPANY NAME \_\_\_\_\_ CONTACT PERSON \_\_\_\_\_  
STREET ADDRESS \_\_\_\_\_ TITLE \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

**III. CONSTRUCTION SITE INFORMATION**

A. DEVELOPER NAME \_\_\_\_\_ CONTACT PERSON \_\_\_\_\_  
STREET ADDRESS \_\_\_\_\_ TITLE \_\_\_\_\_  
CITY \_\_\_\_\_ CA \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

B. SITE ADDRESS \_\_\_\_\_ COUNTY \_\_\_\_\_  
CITY \_\_\_\_\_ CA \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

**IV. BASIS OF TERMINATION**

\_\_\_\_\_ 1. The construction project is complete and the following conditions have been met.  
- All elements of the Storm Water Pollution Prevention Plan have been completed.  
- Construction materials and waste have been disposed of properly.  
- The site is in compliance with all local storm water management requirements.  
- A post-construction storm water operation and management plan is in place.

Date of project completion \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_ 2. Construction activities have been suspended, either temporarily \_\_\_\_\_ or indefinitely \_\_\_\_\_ and the following conditions have been met.  
- All elements of the Storm Water Pollution Prevention Plan have been completed.  
- Construction materials and waste have been disposed of properly.  
- All denuded areas and other areas of potential erosion are stabilized.  
- An operation and maintenance plan for erosion and sediment control is in place.  
- The site is in compliance with all local storm water management requirements.

**SEND TO YOUR LOCAL RWQCB FOR APPROVAL**

Date of suspension \_\_\_\_/\_\_\_\_/\_\_\_\_ Expected start up date \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_ 3. Site can not discharge storm water to waters of the United States (check one).

\_\_\_\_ All storm water is retained on site.

\_\_\_\_ All storm water is discharged to evaporation or percolation ponds offsite.

\_\_\_\_ 4. Discharge of storm water from the site is now subject to another NPDES general permit or an individual NPDES permit.

NPDES Permit No. \_\_\_\_\_ Date coverage began \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_ 5. There is a new owner of the identified site. Date of owner transfer \_\_\_\_/\_\_\_\_/\_\_\_\_

Was the new owner notified of the General Permit requirements? YES \_\_\_\_ NO \_\_\_\_

**NEW OWNER INFORMATION**

COMPANY NAME \_\_\_\_\_ CONTACT PERSON \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_ TITLE \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

**V. EXPLANATION OF BASIS OF TERMINATION (Attach site photographs - see instructions).**

**VI. CERTIFICATION:**

I certify under penalty of law that all storm water discharges associated with construction activity from the identified site that are authorized by NPDES General Permit No. CAS000002 have been eliminated or that I am no longer the owner of the site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with construction activity under the general permit, and that discharging pollutants in storm water associated with construction activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner from liability for any violations of the general permit or the Clean Water Act.

PRINTED NAME \_\_\_\_\_ TITLE \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

**REGIONAL WATER BOARD USE ONLY**

This Notice of Termination has been reviewed, and I recommend termination of coverage under the subject NPDES general permit.

Printed Name \_\_\_\_\_ Region No. \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

NOT effective date:  
Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**INSTRUCTIONS FOR COMPLETING  
NOTICE OF TERMINATION  
FOR CONSTRUCTION ACTIVITY**

Who May File

Dischargers who are presently covered under NPDES General Permit No. CAS000002 for discharge of storm water associated with construction activity may submit a Notice of Termination when they meet one of the following criteria.

1. The construction project has been completed and the following conditions have been met: all elements of the Stormwater Pollution Prevention Plan have been completed; construction materials and equipment maintenance waste have been disposed of properly; the site is in compliance with all local storm water management requirements including erosion/sediment control requirements and the appropriate use permits have been obtained; and a post-construction storm water operation and management plan is in place.
2. Construction activities have been suspended, either temporarily or indefinitely and the following conditions have been: all elements of the Stormwater Pollution Prevention Plan have been completed; construction materials and equipment maintenance waste have been disposed of properly; all denuded areas and other areas of potential erosion are stabilized; an operation and maintenance plan for erosion and sediment control is in place; and the site is in compliance with all local storm water management requirements including erosion/sediment control requirements.  
The date construction activities were suspended, and the expected date construction activities will start up again should be provided.
3. Construction site can not discharge storm water to waters of the United States. Please indicate if all storm water is retained on site or if storm water is collected offsite.
4. Discharge of construction storm water from the site is now subject to another NPDES general permit or an individual NPDES permit. The general permit or individual permit NPDES number and date coverage began should be provided.
5. There is a new owner of the identified site. If ownership or operation of the facility has been transferred then the previous owner must submit a Notice of Termination and the new owner must submit a Notice of Intent for coverage under the general permit. The date of transfer and information on the new owner should be provided. Note that the previous owner may be liable for discharge from the site until the new owner files a Notice of Intent for coverage under the general permit.

Where to File

Submit the Notice of Termination to the Executive Officer of the Regional Water Quality Control Board responsible for the area in which the facility is located. See attached. Submittal of a NOT does not guarantee termination and outstanding invoices are still valid. If the Executive Officer, or his designated staff, agrees with the basis of termination, the Notice of Termination will be transmitted to the State Water Board for processing at which time it will be determined if any outstanding invoices are still valid. Approval of your Notice of Termination does not relieve you from paying any applicable outstanding invoices. If the Executive Officer, or his designated staff, does not agree with the basis of termination, the Notice of Termination will be returned. The Regional Water Board may also inspect your site prior to accepting the basis of termination.

## **LINE-BY-LINE INSTRUCTIONS**

All necessary information must be provided on the form. Type or print in the appropriate areas only. Submit additional information, if necessary, on a separate sheet of paper.

### **SECTION I--WDID NO.**

The WDID No. is a number assigned to each discharger covered under the General Permit. If you do not know your WDID No., please call the State Water Board or Regional Water Board and request it prior to submittal of the Notice of Termination.

### **SECTION II--OWNER**

Enter the owner of the construction site's official or legal name (This should correspond with the name on the Notice of Intent submitted for the site), address of the owner, contact person, and contact person's title and telephone number.

### **SECTION III--CONSTRUCTION SITE INFORMATION**

In Part A, enter the name of the developer (or general contractor), address, contact person, and contact person's title and telephone number. The contact person should be the construction site manager completely familiar with the construction site and charged with compliance and oversight of the general permit. This information should correspond with information on the Notice of Intent submitted for the site.

In Part B, enter the address, county, and telephone number (if any) of the construction site. Construction sites that do not have a street address must attach a legal description of the site.

### **SECTION IV--BASIS OF TERMINATION**

Check the category which best defines the basis of your termination request. See the discussion of the criteria in the Who May File section of these instructions. Provide dates and other information requested. Use the space under Explanation of Basis of Termination heading.

### **SECTION V--EXPLANATION OF BASIS OF TERMINATION**

Please explain the basis or reasons why you believe your construction site is not required to comply with the General Permit. To support your explanation, provide a site map and photograph of your site.

### **SECTION VI--CERTIFICATION**

This section must be completed by the owner of the site.

The Notice of Termination must be signed by:

For a Corporation: a responsible corporate officer

For a Partnership or Sole Proprietorship: a general partner or the proprietor, respectively.

For a Municipality, State, or other Non-Federal Public Agency: either a principal executive officer or ranking elected official.

For a Federal Agency: either the chief or senior executive officer of the agency.

