



## Construction General Permit (CGP) Compliance Guidance Document

This form documents and determines if you need CGP coverage so you may obtain as necessary.

All construction projects that *disturb*  $\geq 1$  acre of land, or are part of a larger common plan of development or sale that has total disturbance of  $\geq 1$  acre of land, must file for coverage under NPDES Construction General Permit (CGP) – Order No. 2009-0009-DWQ as most recently amended (Order No. 2012-0006-DWQ, as of July 17, 2012).

The designated Legally Responsible Party (LRP) files a Notice of Intent (NOI) to obtain CGP coverage or Low Erosivity Waiver. **LRP is either Rajani Nair (THS) or Jan Palajac (CFAS).**

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### Steps to determine if your project needs CGP coverage:

1) Check boxes based on project land disturbance that falls under the following descriptions:

- A. routine maintenance to maintain the original purpose or original hydraulic capacity of the facility (no daylighting of soil or expansion of capacity).
- B. solely related to agricultural operations.
- C. on a project site between 1 and 5 acres.
- D. None of the above apply.

A and/or B – Your project does not need coverage under CGP; prepare and implement erosion control plan. Skip to step 7.

C – Determine if your site has erosivity factor  $R < 5$  (use <http://water.epa.gov/polwaste/npdes/stormwater/Rainfall-Erosivity-Factor-Calculator.cfm> to calculate). If so, contact LRP to file for Small Construction Rainfall Erosivity Waiver and skip to step 7. If not, proceed to step 2.

D – Proceed to step 2.

2) Determine total number of acres of soil disturbed by the project or by the larger common plan of development or sale:

**\*\*\*DO NOT DOUBLE COUNT SURFACE AREA\*\*\***

<i>Total Disturbed area calculation</i> → include all surface area of soil disturbed by activities related to construction and do not double count surface area!		
Area to be excavated	<b>Unpaved surfaces</b> used for storage, staging area, and construction zone*	<b>TOTAL DISTURBED AREA</b>
<input type="text"/>	+	<input type="text"/>
		=
		<input type="text"/>

\*For more information on how to calculate land disturbance areas of LUPs, please refer to Attachment A.2 of CGP ([http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/docs/constpermits/wqo\\_2009\\_0009\\_att\\_a2.pdf](http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/constpermits/wqo_2009_0009_att_a2.pdf)).

CGP STORMWATER DATA FORM

3) Is the project Total Disturbed Area  $\geq 1$  acre of land (choose one side of the box and follow through)?

<input type="checkbox"/> Yes, Total Disturbed Area $\geq 1$ acre. Your project needs coverage under CGP.  If your project requires work within a Caltrans right-of-way, Caltrans requires you to fill out the Long Form.  Proceed to step 4 for instructions on obtaining coverage.	<input type="checkbox"/> No, Total Disturbed Area $< 1$ acre. Your project does not need coverage under CGP; submit erosion control plan.  If your project requires work within a Caltrans right-of-way, Caltrans requires you to fill out the Short Form and develop a Water Pollution Control Plan (WPCP).  Skip to step 5 to fill out Conclusion.
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4) Prepare the following *prior to Plans and Specifications approval*:

- Prepare fully developed project-specific SWPPP (according to Risk Level/Type, according to CGP II.J)
- Contact LRP (Legally Responsible Person) to File Notice of Intent and SWPPP
- Submit permit annual fee per Fee Schedule.  
([http://www.swrcb.ca.gov/water\\_issues/programs/stormwater/docs/sw\\_feeschedules.pdf](http://www.swrcb.ca.gov/water_issues/programs/stormwater/docs/sw_feeschedules.pdf))

5) Conclusion: On Project Information page (title page of Stormwater Data Form), check one of three boxes according to the results of this document:

- NA – Project does not need CGP coverage: submit erosion control plan.
- Project is eligible for the Low Erosivity Waiver: contact LRP.
- Project needs CGP coverage: check SWPPP box and contact LRP.

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

## Municipal Regional Permit (MRP) Provision C.3 Compliance Document

This form documents and determines if (and how) your project is regulated under Provision C.3.

The goal of Provision C.3 is to include appropriate source control, site design, and stormwater treatment measures in all projects to address stormwater runoff pollutant discharges and prevent increases in runoff flows from these projects via low impact development (LID) techniques<sup>1</sup>.

### Steps to determine if your project is regulated by MRP Provision C.3:

1) Provision C.3 does NOT regulate your project if it is any of the following (mark if true):

Specific Exclusion (see table below to determine)

<b>Projects Excluded from Provision C.3 Requirements – Specific Exclusions</b> (C.3.b.ii.(1)(b), C.3.b.ii.(3), C.3.b.ii.(4))	
Residential	<ul style="list-style-type: none"> <li>▪ A detached single-family home project that is not part of a larger plan of development.</li> </ul>
Road projects	<ul style="list-style-type: none"> <li>▪ Roadway reconstruction within the existing footprint;</li> <li>▪ Widening of a roadway that does NOT add one or more new lanes of travel;</li> <li>▪ Impervious trails with a width of 10 feet or less and located more than 50 feet from top of creek banks;</li> <li>▪ Sidewalks, bicycle lanes, and trails that are not built as part of new roadways or are constructed with permeable surfaces;</li> <li>▪ Bicycle lanes hydraulically separated from a new roadway;</li> <li>▪ Sidewalks, bicycle lanes, and impermeable trails that drain runoff to adjacent vegetated areas, preferably away from creeks; and</li> <li>▪ Caltrans highway projects and associated facilities.</li> </ul>
Remodeling, repair, or maintenance projects	<ul style="list-style-type: none"> <li>▪ Interior remodels;</li> <li>▪ Routine maintenance or repair, such as roof or exterior wall surface replacement; or</li> <li>▪ Pavement resurfacing within the existing footprint.</li> </ul>
Source: San Francisco Bay Regional Water Quality Control Board, October 2009	

- Special Project (C.3.e.ii): incorporates smart growth, high density, and transit-oriented development

If you think your project could be a Special Project, check with Jani/Jan. If it is a Special Project, fill out form at <http://stormwater.sanjoseca.gov/planning/stormwater/> (search for and click “Special Projects Worksheet”) and submit to Jani/Jan.

- Green Streets Project (C.3.b.iii)

If any of the above applies to your project, skip directly to step 4 (Conclusion) and fill out appropriately.

If not, proceed to step 2 on the next page.

<sup>1</sup>LID techniques reduce water quality impacts by preserving and re-creating natural landscape features, minimizing imperviousness, and then infiltrating, storing, detaining, evapotranspiring (evaporating stormwater into the air directly or through plant transpiration), and/or biotreating stormwater runoff close to its source, or onsite.

2) Project Size

\*\*\*DO NOT DOUBLE COUNT SURFACE AREA\*\*\*

ISA=Impervious Surface Area	Pre-project/ Existing ISA (ft <sup>2</sup> )	Proposed ISA (ft <sup>2</sup> )		New Pervious Area <sup>1</sup> (ft <sup>2</sup> )	50% Rule <sup>2</sup> : B.5=(B.2/B.1)*100	Altered ISA B.6= B.2+B.3	Post-project ISA B.7=B.1- B.4 +B.3
	Existing	Replaced	NEW <sup>3</sup>				
Roof, Roadway							
Parking							
Sidewalks, Driveways, etc.							
Other (e.g., tennis court)							
<b>Total ISA (ft<sup>2</sup>)</b>	<b>B.1:</b>	<b>B.2:</b>	<b>B.3:</b>	<b>B.4:</b>	<b>B.5 (%):</b>	<b>B.6:</b>	<b>B.7:</b>

3) Project Determination: choose a pathway (A-E) according to your final project category and follow through.

Note: If B.6 ≥ 10,000 ft<sup>2</sup>, you cannot select none of the above.

Category	Condition	Stormwater runoff treatment requirements (IF DETERMINED TO BE REGULATED)
	<b>Y= Regulated; N= Not regulated</b>	B.5 < 50%      B.5 ≥ 50%
A. <input type="checkbox"/> Roadway/Trail:	Creates ≥ 10,000 ft <sup>2</sup> of <u>contiguous</u> ISA? <input type="checkbox"/> Y <input type="checkbox"/> N	50% Rule <sup>2</sup> : <input type="checkbox"/> Altered portion OR <input type="checkbox"/> Entire site
B. <input type="checkbox"/> Special Land Use <sup>4</sup> :	B.6 ≥ 5,000 ft <sup>2</sup> ? <input type="checkbox"/> Y <input type="checkbox"/> N	50% Rule <sup>2</sup> : <input type="checkbox"/> Altered portion OR <input type="checkbox"/> Entire site
C. <input type="checkbox"/> Redevelopment:	B.6 ≥ 10,000 ft <sup>2</sup> ? <input type="checkbox"/> Y <input type="checkbox"/> N	50% Rule <sup>2</sup> : <input type="checkbox"/> Altered portion OR <input type="checkbox"/> Entire site
D. <input type="checkbox"/> New Development:	B.6 ≥ 10,000 ft <sup>2</sup> ? <input type="checkbox"/> Y <input type="checkbox"/> N	Treat stormwater runoff from entire site
E. <input type="checkbox"/> None of the above: If B.6 ≥ 10,000, you cannot select this category.	2,500 ≤ B.6 < 10,000 ft <sup>2</sup> ? <input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> It is a regulated Small Project (C.3.i.i): Install 1 or more of the following <i>site design measures</i> : <input type="checkbox"/> Direct roof runoff into cisterns for reuse <input type="checkbox"/> Direct roof runoff onto vegetated areas <input type="checkbox"/> Direct runoff from sidewalks, walkways, driveways, uncovered parking lots, and/or patios onto vegetated areas <input type="checkbox"/> Construct sidewalks, walkways, driveways, uncovered parking lots, bike lanes, and/or patios with permeable surfaces

**Now proceed to step 4 (next page) to fill out the Conclusion.**

<sup>1</sup>New Pervious Area is the total pre-project/existing impervious surface area that was changed to pervious surface area.

<sup>2</sup>50% Rule: If the project results in an alteration of less than 50 percent of the impervious surface of a previously existing development that was not subject to C.3 (i.e., B.5 < 50%), treat stormwater runoff from **altered portion** only. If B.5 ≥ 50% or new development, treat stormwater runoff from **entire site**.

<sup>3</sup>New ISA is the total pre-project/existing pervious area that was changed to ISA + any ISA that is newly added to pre-existing project (i.e., any ISA not in B.1)

<sup>4</sup>Special Land Use includes auto service facilities (SICs 5013, 5014, 5541, 7532-7534, 7536-7539), retail gasoline outlets, restaurants (SIC 5812), or uncovered parking lots (C.3.b.ii.(1)).

4) Conclusion: mark the boxes according to the results of step 1 or step 3.

- NOT REGULATED: Do not fill out parts C-G
  - Specific Exclusion
  - Special Project
  - Green Streets Project
  - Impervious Surface Area (ISA) conditions not satisfied, according to project category:
    - Roadway/Trails Project: does not create  $\geq 10,000$  ft<sup>2</sup> contiguous ISA
    - Special Land Use: does not create or alter  $\geq 5,000$  ft<sup>2</sup> ISA
    - Other redevelopment or new development: does not create or alter  $\geq 10,000$  ft<sup>2</sup> ISA
    - Small Project: does not create or alter between 2,500 and 10,000 ft<sup>2</sup> ISA
- REGULATED: You must fill out parts C-G (next two pages)
  - Roadway/Trails Project
  - Special Land Use
  - Other redevelopment or new development
  - Small Project

On Project Information page (title page of Stormwater data form), check the boxes according to this conclusion.

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

**C. Selection of Specific Stormwater Control Measures (Check all that apply):**

**Site Design Measures**

- Protect existing trees, vegetation, and soil.
- Preserve open space and natural drainage patterns.
- Reduce existing impervious surfaces.
- Create new pervious areas:
  - Landscaping.
  - Parking stalls.
  - Walkways and patios.
  - Emergency vehicle access.
  - Private streets and sidewalks.
- Direct runoff from roofs, sidewalks, patios to landscaped areas.
- Cluster structures/pavement.
- Plant trees adjacent to and in parking areas and adjacent to other impervious areas.
- Parking:
  - On top of or under buildings.
  - Not provided in excess of Code.
- Rainwater harvesting and use (e.g., rain barrel, cistern connected to roof drains).<sup>1</sup>
- Install a Green Roof on all or a portion of the roof.
- Protected riparian and wetland areas/ buffers.
- Other: \_\_\_\_\_

**Source Control Measures**

- Connect the following features to sanitary sewer:<sup>2</sup>
  - Covered trash/ recycling enclosures.
  - Interior parking structures.
  - Wash area/ racks.
  - Pools, spas, fountains.
  - Covered loading docks and maintenance bays.
  - Pumped groundwater.
- Service stations/ fueling areas (must include all four below):

Grade fueling areas to prevent ponding.	Use concrete for the fuel area surface.
Separate the fueling area from the rest of the site by a grade breaks that prevent run-on.	Cover the fueling areas with a canopy extending a minimum of ten feet from each pump.

- Industrial, outdoor material storage, and recycling facilities (must include all four below):

Stockpile material on an impervious surface or under permanent roof or covering, as appropriate.	Direct ponded water to the sanitary sewer, <sup>2</sup> onsite treatment system(s), or to offsite disposal.
Install berms or curbing to prevent runoff from the storage/ processing areas.	Segregate pollutant generating activities into a distinct drainage management area(s) and provide treatment.

- Beneficial landscaping.<sup>3</sup>
- Use of water efficient irrigation systems.

***Source Control Measures (continued)***

- Maintenance (pavement sweeping, catch basin cleaning, good housekeeping).
- Storm drain labeling.
- Other: \_\_\_\_\_

**Treatment Systems**

***LID Treatment***

- Impervious surface(s) drains to a self-retaining area(s) that is sized per the design criteria listed in the SCVURPPP C.3 Stormwater Handbook.
- Rainwater harvest and use (e.g., cistern or rain barrel sized for C.3.d treatment).
- Infiltration basin.
- Infiltration trench.
- Exfiltration trench.
- Underground detention and infiltration system (e.g. pervious pavement drain rock, large diameter pipe).

***Biotreatment***<sup>4</sup>

- Bioretention area.
- Flow-through planter.
- Tree box w/ bioretention soil.<sup>5</sup>
- Other: \_\_\_\_\_

***Other Treatment Methods***

- Proprietary tree box filter.<sup>6</sup>
- Media filter (sand, compost, or proprietary media).<sup>6</sup>
- Vegetated filter strip.<sup>7</sup>
- Dry detention basin.<sup>7</sup>
- Other: \_\_\_\_\_

<sup>1</sup> As a site design measure, it does not have to be sized to comply with Provision C.3.d treatment requirements.

<sup>2</sup> Subject to sanitary sewer authority requirements.

<sup>3</sup> Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, and minimizes the use of pesticides and fertilizers.

<sup>4</sup> BIOTREATMENT MEASURES are allowed only with completed screening worksheets (see <http://stormwater.sanjoseca.gov/planning/stormwater>).

<sup>5</sup> Bioretention soils shall infiltrate runoff at a minimum of 5 inches per hour during the life of the facility and sustain healthy, vigorous plant growth.

<sup>6</sup> These treatment measures are only allowed if the project qualifies as a Special Project.

<sup>7</sup> These treatment measures are only allowed as part of a multi-step treatment process.

**D. Treatment System Sizing for Projects with Treatment Requirements:**

Indicate the hydraulic sizing criteria used and provide the calculated design flow or volume to be treated (Complete the table below, and then continue to part E):

Treatment System Component	Hydraulic Sizing Criteria Used <sup>8</sup>	Design Flow or Volume (cfs or cu.ft.)

- <sup>8</sup>Key: C.3.d.i.(1)a: Volume – WEF Method  
 (1)b: Volume – CASQA BMP Handbook Method  
 (2)a: Flow – Factored Flood Flow Method  
 (2)b: Flow – CASQA BMP Handbook Method  
 (2)c: Flow – Uniform Intensity Method  
 (3): Combination Flow and Volume Design Basis

**E. Hydromodification Management (HM) Applicability:**

- a. Does project create and/or replace one acre or more of impervious surface AND create an increase in total impervious surface from the pre-project condition  
 i.e., is  $B.6 \geq 1$  acre AND  $B.7 > B.1$  (values from step 2, page 6 of Stormwater Data Form)?
  - Yes, continue to part E.b.
  - No, exempt from HM. Continue to part G.
- b. Is the project located in an area of HM applicability (green area) on the HM Applicability Map ([http://scvurppp-w2k.com/HMP\\_app\\_maps/San\\_Jose\\_HMP\\_Map.pdf](http://scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf))?
  - Yes, project must implement HM requirements. Continue to part F.
  - No, project is exempt from HM requirements. Continue to part G.

**F. Selection of Specific Flow Duration Controls for Hydromodification Management (HM):**

- Detention basin       Underground tank or vault       Bioretention with outlet control       Other: \_\_\_\_\_

**G. Operation & Maintenance (O&M) Information:**

- a. Property Owner’s Information:
  - 1. Name: \_\_\_\_\_
  - 2. Company: \_\_\_\_\_
  - 3. Address: \_\_\_\_\_
  - 4. Phone/E-mail: \_\_\_\_\_
- b. Responsible Party (if different from the Property Owner) for Stormwater Treatment/Hydromodification Control O&M:
  - 1. Name: \_\_\_\_\_
  - 2. Company: \_\_\_\_\_
  - 3. Address: \_\_\_\_\_
  - 4. Phone/E-mail: \_\_\_\_\_