



## **Fact Sheet on Storm Water Pollution Prevention Requirements Related to Construction Projects**

### **Introduction**

Regulations have been in effect for many years that require owners or operators of construction sites, regardless of the size of the project, to implement measures to prevent contamination of stormwater runoff from their sites. In addition to this general requirement, owners and operators of construction projects, including underground and aboveground pipeline installation projects, that involve land disturbance of 1 acre or more are required to complete and submit forms to the State Water Resources Control Board (SWRCB) notifying them of the project and to prepare a site-specific Storm Water Pollution Prevention Plan (SWPPP) identifying the potential sources of stormwater runoff contamination and the measures that will be implemented on the project site to minimize stormwater pollution.

### **Why is the District Concerned?**

#### For All Projects

The District is concerned that applicants comply with stormwater regulations and implement measures to prevent soil-disturbing activities from causing stormwater pollution because illegal discharges and environmental harm can result if such measures are not in place. Since installing new services or mains on development sites necessarily involves soil-disturbance, the District will not work on sites without stormwater controls to avoid contributing to a non-compliant discharge from the site.

#### For Sites $\geq$ 1 Acre

The District is concerned with the compliance of applicants with these requirements because the regulations specify that construction activity that results in soil disturbance of less than one acre is subject to the regulations if the construction activity is part of a larger common plan of development that encompasses one or more acres of soil disturbance. So, while the work the District does on a site may involve disturbance of well under one acre, this work is subject to the regulations if the whole site involves disturbance of an acre or more of soil. Under this scenario, if the applicant has not already obtained coverage under the regulations, the District would be forced to seek coverage independently before any work is initiated to avoid violating State law. For this reason, the District needs to verify that the applicant is in compliance with these regulations to ensure District compliance.

## Applicant Requirements

### For All Projects

Applicants are required to assess the total area of land disturbance for projects that require EBMUD forces to install services or mains (not just the area where the District will be installing services or mains) and indicate on the application form whether that area is one acre or larger.

**Before the District will begin work on any construction site, regardless of size, the applicant must ensure that adequate stormwater pollution prevention measures are in place at the site.** Resources that describe accepted stormwater pollution prevention measures are provided at the end of this Fact Sheet. In addition, applicants may call the Region 2 (San Francisco Bay Region) of the California Regional Water Quality Control Board or the local city or county agency that enforces stormwater pollution prevention programs for guidance.

### For Sites $\geq$ 1 Acre

**Before the District will begin work on a construction site one acre or larger, the applicant must submit proof that the appropriate forms have been filed with the SWRCB and Regional Water Quality Control Board (RWQCB).** Submitting a copy of the Receipt of Notice of Intent from the SWRCB fulfills this requirement.

## Calculating Disturbed Area

The regulations provide guidance on how to calculate the area of land that will be disturbed during a project. See the Resources section below for a list of the applicable regulations and the websites where the regulations are available. In general, areas of soil disturbance to be incorporated into the total include but are not limited to:

- Areas where land is cleared both for access (i.e. access roads) to the site as well as preparing the site for constructing the project,
- Areas where access roads to the site are constructed,
- Graded areas,
- Materials and equipment storage, staging, prep, or maintenance areas, and construction easements not on paved surfaces which have not been included in the calculation for area of soil disturbance,
- Materials and/or soil stockpiles not on paved surfaces,
- Areas of asphalt or concrete pavement removal if they are removed entirely to the soil surface,
- Areas that are related to demolition and removal of existing structures if that demolition and removal is to the soil surface,
- Concrete truck clean-out areas if on a soil surface,
- Areas of excavation or borrow areas, and
- Areas that are not paved where equipment or vehicles travel or are parked

## **Resources**

General Permit for Storm Water Discharges Associated With Construction Activity (State)

[http://www.waterboards.ca.gov/stormwtr/gen\\_const.html#const\\_permit](http://www.waterboards.ca.gov/stormwtr/gen_const.html#const_permit)

General Permit for Storm Water Discharges Associated with Construction Activities from Small Linear Underground/Overhead Projects (State)

[http://www.waterboards.ca.gov/stormwtr/linear\\_const.html#lup](http://www.waterboards.ca.gov/stormwtr/linear_const.html#lup)

California Stormwater Quality Association Stormwater Program

<http://www.cabmphandbooks.com/Construction.asp>

California Department of Transportation (CalTRANS) Stormwater Quality Program

<http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm>