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## CONTRACT BULLETIN - DESIGN-BUILD CONTRACTS

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*Bulletin No.* **2022 – 002**

*Bulletin Topic:* **Construction General Storm Water Permit**

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### **GENERAL:**

This Contract Bulletin revises the storm water provisions of the General Conditions of the Design -Build Contract and Specification Section 01575 of the General Requirements for Los Angeles Community College District (LACCD) construction projects. This bulletin affects active construction projects that currently have coverage (or are required to have coverage) under the State Water Resources Control Board (SWRCB) Construction General Permit Order 2009-0009-DWQ (As amended by 2010-0014-DWQ and 2012-006-DWQ) or current SWRCB Construction General Permit with a corresponding WDID (Waste Discharger Identification) number from the SWRCB and have not submitted a valid Notice of Termination (NOT) with the SWRCB.

This bulletin should be read in conjunction with the SWRCB Construction General Permit Order 2009-0009-DWQ (As amended by 2010-0014-DWQ and 2012-006-DWQ) or current SWRCB Construction General Permit...

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

### **BACKGROUND:**

On September 2, 2009, the California State Water Resources Control Board (SWRCB) adopted the Statewide Construction General Permit, Order No. 2009 -0009 -DWQ (CGP, or permit). The CGP replaces Order No. 99-08-DWQ, which expired in 2004, but was administratively extended. It was designed to provide increased water quality protection and also incorporates several new concepts to construction storm water permits.

Starting July 1, 2010, the CGP became effective and required that all new projects or existing projects (without final stabilization and filing of a Notice of Termination (NOT) with the State Water Board) apply for coverage 14 days prior to the start of construction. The CGP was subsequently amended by State Water Board Orders 2010-0014-DWQ and 2012-006-DWQ. The amended CGP can be downloaded at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

SWRCB Construction Storm Water Program website should be checked to see if a new permit has been adopted and what the effective date is. The SWRCB Construction Storm water Program website can be found at:

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

## APPLICATION:

All construction projects that result in a disturbance of one ( 1) acre or more of land must apply for the CGP coverage . Please reference the Construction General Permit Order 2009- 0009-DWQ (As amended by 2010-0014-DWQ and 2012-006-DWQ) or current SWRCB Construction General Permit for all construction activities affected by the CGP to assure conformance.

Permit Registration Documents (PRD) must be electronically filed for all new projects using the Storm Water Multiple Application and Report Tracking System (SMARTS) and must include: Notice of Intent, Risk Assessment, Site Map, a Storm Water Pollution Prevention Plan (SWPPP), and Post-Construction calculations. All information submitted through SMARTS will be available to the public for review and comment, with the exception of documents restricted for public access by Homeland Security regulations.

## BULLETIN CONTENTS:

### SUMMARY

Summary of revisions are as follows:

- 1 - General Conditions of Design-Build Contract
- 2 - Specification Section 01575 - Storm Water Pollution Prevention Plan

### CONTENT

- 1 - General Conditions of Design-Build Contract

- A. Replaces the basic definition **Storm Water Permit** with **Construction General Storm Water Permit** of the General Conditions with the following:

#### 1.1 BASIC DEFINITIONS

**Construction General Storm Water Permit** means the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (Order No. 2009-009-DWQ as amended by 2010-0014-DWQ and 2012-006-DWQ) or current SWRCB Construction General Permit issued by the State Water Resources Board for the State of California.

- B. Replace article 3.23 of the General Conditions with the following:

### 3.23 STORM WATER PERMITTING

**3.23.1 Design-Builder's Responsibility.** If and to the extent storm water permitting, control, mitigation or discharge control is required by Applicable Laws, the Design-Builder shall ( 1) Perform a Risk Analysis for the site using the SWRCB methodology identified in the Water Quality Order 2009-0009-DWQ(As amended by 2010-0014-DWQ and 2012-006-DWQ) or current SWRCB Construction General Permit and prepare all Permit Registration Documents including but not limited to a Storm Water Pollution Prevention Plan; (2) file the Notice of Intent on SMARTS and coordinate certification of

the NOI by the Legally Responsible Person (LRP) and obtain a Waste Discharge Identification (WDID) number under the Construction General Storm Water Permit prior to beginning construction activities; (3) furnish all notices required under the Construction General Storm Water Permit; and (4) take all necessary steps to monitor, inspect, report, enforce and otherwise implement and comply with the requirements of the Construction General Storm Water Permit, the District Storm Water Management Plan and the Storm Water Pollution Prevention Plan and all Applicable Laws pertaining to the elimination or mitigation of storm water pollutant discharge to separate storm sewer systems or other watercourses, including without limitation, applicable requirements of the State Water Resources Control Board and Los Angeles Region Water Quality Control Board.

**3.23.2 Copies of Reports.** The Design-Builder shall provide copies of all reports, inspection records, and monitoring information to the Legally Responsible Person (LRP) and the College Project Manager within one day of being developed.

**3.23.3 Violations.** The Design-Builder recognizes and understands that failure to comply with the requirements of the Construction General Storm Water Permit is a violation of federal and state law.

**3.23.4 Condition of Payment.** Compliance by the Design-Builder with the requirements of this Section 3.23 shall be a condition to the Design-Builder's right to payment under its Applications for Payment.

**3.23.5. Costs of Compliance.** The Design-Builder represents and warrants that it has included in the Contract Sum all costs of compliance with the requirements of this Section 3.23.

**Refer to Specification Section 01575 Storm Water Pollution Prevention Plan**

END OF BULLETIN 2022 -002