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State Water Resources Control Board Extends Grace Period to Obtain Coverage Under New California Storm Water Construction General Permit

Author: [Dana P. Palmer](#)

If you are presently constructing a project involving the disturbance of more than one acre of soil in California, your project needs coverage under California's new statewide storm water construction general permit. The new permit was adopted in September 2009 and came into force on July 1, 2010.

Many developers who began constructing a project under the old 1999 construction general permit are not aware of the new permit or have mistakenly assumed that the initial coverage obtained under the old permit is sufficient. In fact, a recent State Water Resources Control Board ("State Board") notice indicates that, as of September 2, 2010, more than 7,000 properties that had coverage under the old permit had not yet transitioned to coverage under the new permit. Click [here](#) to see a list of these properties sorted by city. While not all of the listed projects are still actually under construction, a great many remain under construction and will soon not be protected by permit coverage.

Following adoption of the new permit last fall, the State Board created an electronic system that was to allow developers to easily transition coverage from the old permit to the new permit. Because there were problems with this system, the State Board initially provided for a grace period through September to make the transition. Due to additional problems with the system, the grace period has now been extended through October 18, 2010.

If you have a project that is still under construction but has not yet



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[Roger Grable](#)
Partner
rgrable@manatt.com
714.371.2537

obtained coverage under the new permit, take a moment to “recertify” and activate the project under the new permit. The steps are as follows:

- 1) The Legally Responsible Person (LRP) must create an account and log into the State Board’s [SMARTS](#) system.
- 2) From the Main Menu Screen, the LRP clicks on “Recertify an Existing NOI.”
- 3) The LRP enters the project’s former WDID number and a Secret Code Number obtained by contacting the State Board’s [Storm Water Help Desk](#) or 1-866-563-3107.
- 4) The LRP uploads the Storm Water Pollution Prevention Plan and presses the “Recertify” button.
- 5) The LRP contacts the State Board’s Storm Water Help Desk to reactivate the WDID number.

If the recertification process is not complete by October 18, 2010, and construction activities are still ongoing, developers must file a new application package via SMARTS with a new application fee.

Developers who fail to obtain coverage under the new permit could face fines of up to \$10,000 per day, in addition to fines based on the volume of polluted discharges and other civil or criminal sanctions.

For additional information on this issue, contact:



[Dana P. Palmer's](#) practice involves a broad array of energy and environmental issues, with a special focus on climate change, water quality, and land use.

[Bryan C. LeRoy](#)
Partner
bleroy@manatt.com
310.312.4191

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