

Completing the Notice of Intent Submittal to Obtain Coverage under the NPDES Construction Stormwater General Permit

Use this guidance to complete the electronic Notice of Intent (eNOI) to apply for coverage under the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (CSWGP or permit) issued by the Department of Ecology (Ecology).

This guidance includes four sections, the first section is applicable to all projects while the other sections are applicable based on site-specific risks, which may trigger additional permitting, planning or construction requirements:

- **Section 1: General eNOI Guidance** (applicable to all projects)
- **Section 2: Existing Contamination** (applicability dependent on existing contamination within project boundaries, including off-site support areas)
- **Section 3: Impaired Surface Waters** (applicability dependent on discharge outfall locations)
- **Section 4: Common Issues**

This guidance has been developed to help WSDOT projects prepare for and avoid issues that can lead to permitting delays. This guidance is not intended to provide technical support for Ecology's eNOI system, the Water Quality Permitting WebPortal or Secure Access Washington (SAW) Accounts.

The following links complement all sections of this guidance:

External Links:

- Ecology's [CSWGP website](#) (general information and contamination guidance)
- Ecology's [Stormwater Management Manuals](#) (see Volume II for construction)
- Ecology's [Water Quality Atlas](#) (to verify water quality impairments)
- [Ecology's Water Quality Permitting WebPortal](#)
- [Secure Access Washington](#)

WSDOT Links:

- [Stormwater & Water Quality webpage](#)
- [Temporary Erosion and Sediment Control Manual](#) (TESCM)

Background:

To prevent permitting delays, it is very important projects determine early in the planning process if the project has the potential to:

- Disturb and/or potentially discharge existing contamination.
- Discharge to impaired surface waters.

These risk factors will trigger additional steps during the eNOI process and may extend the time needed to incorporate pollution prevention management strategies into project documents and obtain permit coverage. Existing site contamination has historically been the primary cause of permit delays, however; similar challenges for projects that may discharge to an impaired waterbody are increasingly being reported. **Therefore, prioritizing the steps and recommendations detailed within this guidance is highly encouraged to avoid preventable and costly delays.**

Permitting Timeline: The site-specific risks will determine how early a project should begin preparing for additional requirements and coordinating with Ecology. Pollution prevention strategies for identified risks must be included in project documents before Ecology will issue permit coverage for a project. Sharing this information with Ecology as soon as possible prior to the eNOI submittal can help avoid permitting delays in high-risk scenarios, particularly when existing contamination will be disturbed and potentially discharged during construction.

Pollution prevention strategies are commonly incorporated into project documents such as:

- Temporary Erosion Sediment Control (TESC) plans
- Spill Prevention Control and Countermeasure (SPCC) plans
- Dewatering plans or Concrete Management plans
- Contract language developed to manage project specific environmental risks

The CSWGP requires the eNOI be submitted at least 60 days before discharging construction stormwater. The public notice must be published after the eNOI has been submitted. After the eNOI submittal, additional correspondence between project and the regional Ecology Permit Administrator may become required if Ecology determines the eNOI submittal is incomplete or does not fully address

known environmental risks. Therefore, it is highly recommended that **projects with complex risks submit the eNOI at least 90 days before the project is expected to go to advertisement.** This should allow adequate time to address the most common issues that may arise during the eNOI permitting process. Ecology staff are likely unfamiliar with WSDOT's various project delivery methods and procedures, so organized submittals with thoughtful explanations in reference to permit requirements will help streamline their case-by-case review and approval.

If existing site contamination will be disturbed and potentially discharged, it is highly recommended that early coordination (before the eNOI submittal) occurs with WSDOT's Hazardous Materials Program and the Ecology Regional Inspector or Contamination Review Specialist to avoid:

- Incomplete eNOI submittal (CSWGP S2.A.1.e)
- Permitting delays due to insufficient pollution prevention planning
- Administrative Orders (AO) where feasible

Similarly, early coordination with WSDOT's Statewide Total Maximum Daily Load (TMDL) Lead is recommended for sites that have the potential to discharge to impaired waterbodies.

SECTION 1: GENERAL eNOI GUIDANCE

Start procedure: Region Design Office determines that a CSWGP permit is required for a
*design-bid-build (DB) project.

End procedure: Ecology receives the eNOI submittal.

Background:

A [Secure Access Washington](#) (SAW) account is required to access the eNOI system. The person who starts the eNOI must finish the eNOI. However, the person filling out the eNOI will not likely be the person that must sign the eNOI (see the final step). Progress can be saved within the eNOI system, but incomplete eNOIs are automatically deleted within 60 days of being started. Contact Ecology’s [Web Portal Specialist](#) for technical questions related to the SAW, Web Portal, and eNOI systems

***The transfer of coverage (TOC) process and guidance at WSDOT was designed for design-bid-build (DBB) projects.** The TOC process was incorporated prior to design-build (DB) becoming a common project delivery method at WSDOT. It is standard practice for WSDOT to obtain CSWGP coverage (submit eNOI) and then transfer coverage to the Contractor prior to construction on DBB only (unless the Assistant State Construction Engineer (ASCE) approves a project to forgo TOC and WSDOT retains permit coverage). Using the TOC process is not the standard practice for design-build (DB) projects. It is standard practice for the Contractor to obtain permit coverage (submit eNOI) on DB projects (unless the ASCE approves WSDOT to obtain coverage and use TOC).

eNOI Section	Guidance
<p>Contact Information</p> <p>NOTE: If permit coverage will be transferred to the contractor follow the TOC form guidance to prevent common errors (section 4). The TOC form is legally binding as soon as it is signed by all parties and submitted to Ecology.</p>	<p>Permittee: The Project Engineer. If permit coverage will be transferred to the contractor follow the TOC form guidance. This form is legally binding as soon as they are signed by all parties and submitted to Ecology.</p> <p>Site Contact: The Project Engineer or, if WSDOT will retain permit coverage during construction, use the WSDOT inspector.</p> <p>Site Owner: The Project Engineer or Regional Environmental Manager depending on regional procedures.</p>

eNOI Section	Guidance
Facility/Site	Facility/Site Name: The project name should be 40 characters or less or Ecology staff will shorten the name when adding it to their electronic systems. If WSDOT will retain permit coverage on a DBB project throughout the life of the project (as conditionally approved by WSDOT’s Assistant State Construction Engineer to forgo transfer of coverage), add “WA DOT” as a prefix to the name. Do not include the WA DOT prefix if the permit will be transferred to the contractor.
Site/Project Info	Site Conditions: If either question about site contamination is answered “yes” an additional question will pop-up. If the pop-up question is answered “yes” additional information will be required by Ecology before the permit will be issued (See Section S2.A.1.e of the CSWGP). The system provides an opportunity to attach additional information at the end once all eNOI sections are completed (see Section 2).
<p>Discharge Location</p> <p>NOTE: Outfalls in impaired 303(d) listed water bodies or approved TMDLs for: fine sediment, turbidity, high pH, or phosphorus will trigger the requirement to submit a Proposed New Discharge to an impaired Water Body (PNDIWB) form to Ecology before the permit will be issued (section 3). The eNOI system provides an opportunity to attach this form. Environmental commitments made in this form must be incorporated into the TESC plan or contract documents.</p>	<p>Only the surface water outfalls identified in the eNOI and in public notice will be permitted to receive discharges during construction. If new outfalls are identified a new eNOI submittal and public notice will be required. Therefore, it is important to identify all potential outfall locations in the original eNOI and public notice.</p> <p>Outfalls to ground should be added for locations where construction impacted waters will leave the project boundary and infiltrate offsite (must be monitored, sampled, reported in accordance with the CSWGP).</p> <p>If you are unfamiliar with how to identify construction outfall locations contact your Regional Environmental Office or the Stormwater & water quality program. Contact the local jurisdiction (e.g., city, county) if construction waters will discharge to their system prior to entering surface waters.</p>

eNOI Section	Guidance
<p>NOI Information</p> <p>NOTE: The CSWGP gives Ecology the authority to regulate SWPPP content, therefore it may be required to label the TESC and SPCC plans with a cover page labeling the documents as a SWPPP.</p>	<p>SWPPP: WSDOT uses Temporary Erosion and Sediment Control (TESC) plans and Spill Prevention, Control, and Countermeasures (SPCC) plans to meet the permit SWPPP requirements. Refer to the TESC Manual for more information about TESC and SPCC plan requirements.</p> <p>Best Management Practices (BMPs): BMPs can be used from:</p> <ul style="list-style-type: none"> • WSDOT’s TESC Manual • Ecology’s Stormwater Management Manuals
<p>DMR</p>	<p>Monthly Discharge Monitoring Report (DMR) requirements begin the first full month following coverage issuance, even if construction has not started yet or discharge has occurred. Failure to submit pre-construction DMRs is a permit violation. Project offices must submit preconstruction DMRs in Ecology’s WebDMR system (accessible through SAW) until permit coverage is transferred to the contractor or throughout construction if the permit is not transferred.</p>
<p>SEPA</p>	<p>Fill in required fields. The system provides an opportunity to attach SEPA exemptions at the end when all eNOI sections are completed.</p>
<p>Public Notice</p>	<p>Public notice requirements are found in S2.B of the CSWGP. Use the public notice template within the eNOI system. The applicant must confirm the public notice dates and locations (local news publications) in the eNOI.</p>
<p>Questions</p>	<p>This section of the eNOI simply provides the contact information for Ecology Permit Administrators.</p>
<p>NOI Signature and Submittal</p> <p>NOTE: Applicants can establish an e-signature account and can submit the eNOI electronically to avoid having to send in a signed 1-page paper</p>	<p>The person signing the eNOI must meet the signatory requirements in General Condition 2 of the permit (principal executive officer) unless signature authority has been formally delegated within the region. Follow regional procedures to prevent inconsistent signatures and permitting delays.</p> <p>The person filling out the eNOI will not likely be the person that must sign the eNOI. Therefore, it is recommended that the eNOI drafter:</p>

eNOI Section	Guidance
<p>certification. Not many applicants use this option because there is an identity verification process that can be difficult because the person with signature authority is often not the same person who fills out the eNOI.</p>	<ol style="list-style-type: none"> 1. Print a copy of the completed eNOI so it can be reviewed by the signer. 2. Make edits to the eNOI if needed. 3. Use the “Print and Sign” option so the signer can certify the eNOI. Ecology requires emailed and paper copies of the 1-page paper certification to be sent to the appropriate Ecology Permit Administrator. <p>Additional details: The ‘print and sign’ button will submit the eNOI (notify Ecology that an application was submitted and is ‘awaiting paper cert’) but the eNOI is still not considered complete. Clicking this button generates the 1-page paper certification form that must be signed, scanned, and emailed to the resource mailbox for processing. The original signed paper copy must be mailed to Ecology’s PO box for the hard-copy permit file. Ecology does not need the full eNOI scanned or mailed in – just the signed 1-page paper certification.</p>

SECTION 2: EXISTING CONTAMINATION

Use this guidance during the project design phase, once the location and extent of earthwork is known (e.g., excavation, dewatering, shaft drilling, installation of foundations or footings). This guidance will help prepare projects for the eNOI questions related to existing contamination. This guidance supplements [Ecology's guidance](#) for contaminated sites. This guidance will help projects:

- Understand how existing site contamination might impact the permitting process.
- Determine when to coordinate with Ecology prior to eNOI submittal.
- Prepare for additional information requests from Ecology.
- Reduce potential permitting delays and Administrative Orders (AOs).
- Ensure the eNOI is filled out correctly and completely.

While project specific strategies for permit compliance are expected, WSDOT staff should use this guidance as a reference during project planning and permitting to help ensure the permitting process and compliance expectations are appropriate. If early coordination with Ecology is needed for complex contamination risks, contact WSDOT's headquarters (HQ) Environmental Services Office (ESO), Hazardous Materials (HazMat) Program.

Background:

As part of the eNOI submittal, projects must disclose "known" site contamination. Known site contamination is interpreted to mean existing contamination within the project boundaries, including off-site construction support areas, for which data is readily available (i.e., existing data - additional testing is not required for permitting). WSDOT projects must perform due diligence to disclose information about known contamination. For this purpose, "contaminated" and "contamination" means any hazardous substance (defined in WAC 173-340-200) that does not occur naturally or occurs at greater than natural background levels. Ecology requires detailed information (as known and readily available) be provided during the eNOI process about known site contamination as well as the management strategies that will be used to control polluted discharges. This requirement to provide additional information can cause permitting delays if projects have not prepared adequately. For optional management strategies allowed by the CSWGP to control contaminated stormwater and dewatering water discharges, see Section S9.D.10.c. (i-iv).

For sites that will encounter contaminated soil or groundwater, another potential outcome of the permitting process is an Administrative Order (AO), when a discharge to surface water is unavoidable. Ecology issues AOs as companions to CSWGP coverage to ensure protection of

water quality (it is not typical for Ecology to issue an Individual CSWGP to address contamination). The AO may add additional project specific requirements that could affect project planning, cost, schedule, and work. Delays in construction can occur if there is not enough lead-time to incorporate the additional requirements from an AO into the contract or project pollution prevention management plans (e.g., TESC plans, SPCC plans, dewatering plans, enhanced stormwater treatment plans, etc.).

Steps for Identifying Risks Prior to the eNOI and Preparing for the eNOI

Step 1. Identify Known Existing Site Contamination Risks

Use the below resources to identify existing information (as known and readily available) about known site contamination. Use the information identified when assessing contamination risks and developing project specific pollution prevention management plans (e.g., see CSWGP S2.A.1). Compile existing information about known site contamination for the eNOI submittal and provide Ecology the supplemental planning documents developed to manage the identified contamination risks. Sources for data on known existing site contamination may include:

- **Department of Ecology (Ecology) Facility/Site Database (ISIS).** Ecology maintains a database that contains information about contaminated sites that are part of various Ecology cleanup programs. If a contamination location is included in the ISIS database, it should be included and existing information regardless of clean-up status.
- **WSDOT Hazardous Materials Analysis (Hazmat Analysis).** WSDOT prepares a HazMat Analysis when warranted by a project's environmental requirements and site conditions.
- **WSDOT Environmental Review Summary (ERS) and Environmental Classification Summary (ECS).** The ERS or ECS contains a section with an informal review of known contamination within or near the project boundary. Permitting and construction requirements do not apply to known contamination outside project boundaries (unless required in an AO for groundwater contamination migration concerns for example). However, if known contamination only exists adjacent to project boundaries, inadvertent discovery language should be included in the contract.

The information in the above sources may be hard to access or may not reflect the most recent information (e.g., project scope or design changes may not be reflected in ERS/ECS), when in doubt, contact a HazMat Specialist for assistance with this step.

Step 2. Review the eNOI Questions to Determine if Early Coordination is Needed

This step is intended to help a project determine if early coordination should be initiated with Ecology prior to submitting the eNOI. Using the existing information identified in Step 1,

determine how the questions in the “Site/Project Info” section of the eNOI regarding site contamination will need to be answered.

Review the three questions from the “Site/Project Info” section of the eNOI (shown below):

1. *Are you aware of contaminated soils present on the site?*
2. *Are you aware of groundwater contamination located within the site boundary (i.e., parcel boundary or larger project area including off-site support areas)?*
3. *If you answered yes to questions 1 or 2, will any contaminated soils be disturbed or will any contaminated groundwater be discharged due to the proposed construction activity?*

Projects that answer “yes” to any questions may be required to provide additional information based on Ecology’s review. **Projects that answer “yes” to the third question** are required to submit additional information and are at higher risk for being issued an AO. Early coordination with Ecology may prevent the need for an AO, however Ecology may determine an AO is necessary regardless of early coordination efforts. Early coordination is always worth-while as it helps inform Ecology and will help ensure our projects can plan accordingly to meet compliance requirements.

Incorporate inadvertent discovery requirements into the project contract if the project:

- Is aware of contamination within the site boundaries but will not disturb or discharge it due to work activities or contract requirements. This scenario will result in a “yes” answer to either of the first two questions and a “no” answer to the third question.
- Has reason to expect contamination may be encountered during construction due to proximity of known contamination to project boundaries or work activity. This scenario will result in a “no” answer to all questions.

Step 3. Providing Ecology Additional Information and Early Coordination

Failure to submit additional information, as required by the CSWGP Special Condition 2.A.1.f, can lead to permitting delays.

Special Condition 2.A.1.f of the CSWGP includes examples of the types of additional information Ecology is interested in during the permitting process:

- **List of known contaminants with laboratory test results** showing concentration and depth; Phase I and/or II Environmental Site Assessments or additional environmental reports must accompany any information provided.

- **Relevant portions of project plans used to address contamination risks**, such as the Temporary Erosion and Sediment Control (TESC) plan and Spill Prevention Control and Countermeasures (SPCC) plan. The specific BMPs that will be used to manage contamination risks based on the work activity are most relevant. **Note:** While the TESC and SPCC plans in combination are considered equivalent to Ecology’s Stormwater Pollution Prevention Plan (SWPPP) requirements, the CSWGP gives Ecology the authority to regulate the content of a SWPPP for permitting purposes. Therefore, if a project is requested to revise a TESC or SPCC plan for purposes of meeting contamination requirements, Ecology will likely request projects label the TESC and SPCC plans as a SWPPP (or add a cover page labeling the plans as the SWPPP). This does not mean a separate SWPPP document is needed – this is simply a regulatory nuance that must be accommodated.
- **Site map** that shows the area of contamination and ground disturbing activities which may include onsite and offsite staging areas, stockpile locations, stormwater ponds, discharge points, dewatering tanks, excavations and BMPs.
- **Sample locations** including depth of samples (this could be on the site map)
- **A contingency plan** for inadvertent discovery of additional contaminated soil and/or groundwater. This should also include information on how stormwater will be managed if BMPs in the contaminated area fail to keep up with a storm event.
- **Dewatering plan and/or dewatering contingency plan** if your project will dewater groundwater or stormwater from trenches or excavations. Show the location of any tanks on drawings and/or plans and on the site map.

Work with a HazMat Specialist prior to early coordination efforts with Ecology. If the project has additional information (not listed above) that demonstrates the contamination management strategy, that information could also be provided to Ecology during the early coordination efforts. Ecology will review the information provided by the project and determine if environmental risks are adequately managed under the proposed plans and contract language. There will likely be some back and forth with Ecology during this step. Ecology’s determination as to whether an AO is necessary will depend on the following:

- The type, extent, and location of the known site contamination.
- The proposed construction work (e.g., depth and extent of excavation, wet season work).
- The methods and controls being proposed to control the contamination (e.g., can the project avoid a discharge to surface water). See Section S9.D.10.c. (i-iv) of the CSWGP for optional management strategies to control contaminated stormwater and dewatering water discharges.
- Coordination with the project prior to issuing the CSWGP.

If Ecology determines an AO is necessary, the AO applies to the entire project. Please notify your HazMat Specialist if an AO is issued. Ecology may cover the entire site or large sections of the project by the AO.

Step 4. Preparing for an Administrative Order (AO)

AOs will likely contain the following requirements, some of which may require submittals to Ecology prior to beginning certain aspects of construction (e.g., excavation, dewatering, discharge from the site or from a treatment system):

- Contaminated stormwater and dewatering containment systems.
- Pre-treatment and treatment system design information prior to installation (flow-through treatment systems are optional, but if used, design information and an engineering report will be required prior to installation).
- A Request for Chemical Treatment Form prior to use of chemical treatment.
- Indicator Levels (sampling thresholds for known pollutants) that must be met prior to a discharge.
- Sampling and reporting requirements for monthly Discharge Monitoring Reports (DMRs).
- Use of registered or accredited laboratory to test samples.
- Contingency plans if Indicator Levels cannot be met (e.g., sanitary sewer or off-site disposal).
- Contaminated soil and sediment segregation or direct haul to off-site disposal facility.
- Accounting for off-site contamination (e.g., contaminated groundwater plumes that migrate toward the project area).

Incorporating AO requirements into the project design and contract can be time-consuming. The two biggest challenges for WSDOT have been related to unclear submittal review timelines and the treatment system design documentation expectations. Ecology is working to improve the guidance available to help projects determine what treatment to use for specific contaminants and how the treatment systems must be designed.

Step 5. Completing the eNOI

Known contamination in soil or groundwater must be disclosed in the “Site/Project Info” section of the eNOI. Ecology does not consider the eNOI submittal to be complete until they have received all additionally requested information about known existing contamination.

SECTION 3: IMPAIRED SURFACE WATERS

Use this guidance when completing the eNOI questions related to impaired discharge outfall locations (locations in receiving surface water where project discharges will ultimately end up) identified by the applicant in the eNOI. Additional planning and permitting requirements are only triggered for discharge outfall locations with impairments for the pollutants regulated by the CSWGP (S8.A.1) referred to as “construction pollutants” in this guidance:

- Turbidity
- Fine Sediment
- pH
- Phosphorus

Background:

Internal guidance is available to help projects identify impaired surface waters. Using Ecology’s Water Quality Atlas (link provided at the beginning of this guidance) is the most assured method as there is a delay in updating the data layers in WSDOT’s GIS Workbench when the EPA approves Ecology’s Water Quality Assessments every few years. Impaired surface waters are categorized in the Water Quality Assessment as:

- Category 5 (water segments on the 303(d) list)
- Category 4a or 4b (waters covered by an approved TMDL boundary or other approved plan respectively)

Ecology will not grant permit coverage for discharges to a waterbody impaired by construction pollutant(s) if the discharge(s) will cause or contribute to a violation of water quality standards. For Ecology to determine whether permit coverage is allowable, the permit applicant must select one of three options on the Proposed New Discharge to an Impaired Waterbody (PNDIW) form, provide the required documentation to Ecology. If the project did not plan as required, this form submittal process may result in a need to update applicable project pollution prevention planning document(s) (e.g., TESC plans).

PNDIW Form Part 1: Site Information

This section may be pre-filled out by the Ecology Permit Administrator during their eNOI review. If this section has not been pre-filled out and the project wants to submit the form ahead of the Permit Administrator’s eNOI review, fill in the section details and ensure they match the eNOI details. Should questions arise, work with the Ecology Permit Administrator or Inspector for assistance, as incorrect information in this section could result in Ecology requiring a new eNOI to be completed.

Sections 1a and 1b: Provide accurate site and contact information that matches the information provided on the eNOI. Inconsistent site and contact information may result in permitting delays.

Section 1c: Provide the receiving surface waterbody name(s) as identified in the eNOI that are impaired (Categories 5, 4a, 4b) for construction pollutants only (turbidity, pH, fine sediment, phosphorus).

Section 1d: For each impaired outfall (identified by surface waterbody name above) list all construction pollutants (turbidity, fine sediment, pH, and/or phosphorus) for which the waterbody is impaired.

NOTE: The information needed for sections 1c and 1d above should be available in the project's Environmental Review Summary or Environmental Classification Summary (ERS/ECS) but verifying the accuracy of previously compiled information is good practice because the categorization of surface waters can change over-time due to Ecology's [Water Quality Assessments](#).

PNDIW Form Part 2: Selecting an Option and Planning Requirements:

Option 2a: The construction pollutant(s) for which the waterbody is impaired is/are not present onsite. Documentation of this finding must be contained in the TESC plan (labeled as SWPPP for Ecology review). If the waterbody is impaired for more than one construction pollutant, check this box only if NONE of the impairment pollutants are present onsite.

Option 2b: Stormwater will not be exposed to the construction pollutant(s) for which the waterbody is impaired. Documentation of the procedures that will be used to achieve this claim must be included in the TESC plan. This statement must be true for all construction pollutants for which the waterbody is impaired. If any impairment pollutant does not meet 2a or 2b, the applicant must select option 2c.

Option 2c: The applicant does not expect the discharge to cause or contribute to an exceedance of a water quality standard. Provide Ecology with data to support this statement and retain such data onsite with the TESC plan. The applicant must provide information to Ecology during the eNOI process that sufficiently demonstrates one of the following:

- i. For discharges to waters without an EPA-approved or established TMDL (or other approved plan), the discharge of the impairment pollutant(s) will meet in-stream [water quality criteria](#) at the point of discharge to the water body.

ii. For discharges to waters with an EPA-approved or established TMDL, there is sufficient remaining wasteload allocation in the TMDL to allow the construction stormwater discharge and that existing dischargers to the water body are subject to compliance schedules designed to bring the water body into attainment with water quality standards.

SECTION 4: COMMON ISSUES

Most of the issues reported by projects during the eNOI process are a result of the complex nature of WSDOT's projects and administrative procedures, factors such as:

- Linear project boundaries (narrow right of way, off-site support areas, multiple drainage basins, local jurisdictional requirements, or utilities work).
- Existing contamination
- Use of recycled concrete material or aggregate
- Phased projects or multiple contracts (or contractors)
- Administrative complexities (regional variation, multiple authorized signatories, transfer of coverage, variation in process for design-build vs design-bid-build)

1. **Staff turnover and resource limitations:** Staff turnover and resource limitations can also lead to permitting challenges. Ecology staff will likely not be familiar with the complexities of WSDOT's work and internal procedures. Project staff must understand environmental risks, project details, and our internal procedures so our approach for compliance can be clearly communicated to Ecology during the permitting process. Early coordination, clear and concise communication with Ecology, and submitting the eNOI *at least* 90 days before going to advertisement will help prevent permitting delays on large complex projects.
2. **Incorrect and/or incomplete answers to eNOI questions:** Incorrect and/or incomplete answers to eNOI questions can lead to project delays. For example, a scenario in which Ecology identifies a risk factor such as the potential for the project to discharge to an impaired surface water, or existing site contamination that the project did not identify or plan for. In such scenarios, unexpected planning and permitting requirements will be triggered. Ecology would likely not consider the eNOI to be incomplete, and the 31-day automatic coverage timeline would not begin (CSWGP S2.A.1.c).
3. **Project details do not match:** Another common permitting delay occurs when project details do not match on the various CSWGP-related forms, such as when the names and signatures of identified personnel do not match. The eNOI is the primary submittal in order of importance; the eNOI must be updated if it is incorrect, and other related forms (e.g., the Proposed New Discharge to an Impaired Water Body form or the Transfer of Coverage form), must match the details provided on the eNOI.

4. **SWPPP vs TESC/SPCC Plans:** WSDOT uses a Temporary Erosion and Sediment Control (TESC) Plan and Spill Prevention Control and Countermeasures (SPCC) Plan in combination to meet the Ecology’s SWPPP requirements. Because the CSWGP uses the term “SWPPP” to grant regulatory authority over planning documents for permitting purposes, some Ecology representatives may not recognize the combined TESC and SPCC Plans as the SWPPP. In this scenario, projects should simply make a SWPPP cover page to label the TESC and SPCC Plans. The development of a new and separate document is not necessary.

5. **Submitting the eNOI on Design-Build vs. Design-Bid Build:** The transfer of coverage (TOC) process and guidance at WSDOT was designed to be used for design-bid-build (DBB) projects and was incorporated prior to design-build (DB) becoming a common project delivery method. It is standard practice for WSDOT to submit the eNOI to obtain CSWGP coverage and then transfer coverage to the Contractor prior to construction on DBB only (unless the Assistant State Construction Engineer (ASCE) approves a project to forgo TOC and WSDOT retains permit coverage). This is not the standard practice for design-build (DB) projects. It is standard practice for the Contractor to submit the eNOI to obtain permit coverage on DB projects (unless the ASCE approves WSDOT to obtain coverage and use TOC).

6. **Submitting the eNOI before developing preliminary TESC Plan:** It is standard practice for WSDOT to develop the preliminary TESC Plan prior to submitting the eNOI. In addition to helping develop the engineer’s TESC budget estimate, preliminary TESC plan development is critical for identifying and creating a framework to mitigate project-specific risks. Submitting the eNOI prior to developing the initial TESC Plan opens the project up to permitting delays, as important risk factors may be overlooked, and potential liability.

7. **Small Projects (<1 acre) with known contamination:** While small projects (i.e., <1 acre in size) with known contamination are not required to apply for coverage under the current CSWGP, Ecology often requires coverage on such projects and may impose additional requirements through the issuance of an AO. This is particularly common for projects discharging within MS4 jurisdictions. Ecology recommends early consultation for such projects and is in the process of developing further clarification and guidance.

8. **Ecology's broad authority:** The CSWGP requires compliance with standards such as surface water quality standards (Chapter 173-201A WAC), groundwater quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), and the Federal Water Quality Criteria applicable to Washington State (40 CFR Part 131.45). Additionally, Ecology has broad authority under Chapter 90.48 RCW to protect Waters of the State. To meet these standards, Ecology may impose requirements above and beyond what is stipulated in the CSWGP (e.g., applying permitting requirements for contamination fully outside of project boundaries).
9. **Individual Permit:** The CSWGP permit does not include sampling thresholds for the constituents often found on contaminated sites, and a companion Administrative Order (AO) is the most common way to provide reasonable assurance that discharges will not violate water quality standards. In cases where there is concern that the CSWGP and AO may not be protective enough, Ecology may, on rare occasions, consider the issuance of an individual permit. Ecology continues to clarify and standardize procedures and guidance to help ensure projects can prepare for requirements prior to the eNOI submittal thereby preventing permitting delays.

If your project has an experience that diverges substantially from this guidance, please contact the HQ ESO Stormwater Branch.