

John Kosco

EPA's 2012 Construction General Permit or CPG. This webinar is sponsored by EPA's Office of Wastewater Management Stormwater Program. My name is John Kosco with Tetra Tech and I will be moderating the webinar. Thank you all for joining us today. We will start by going over a few housekeeping items. The materials in today's webcast have been reviewed by EPA staff for technical accuracy. However, webinar participants should be aware that if EPA statements differ slightly from the language in the permit, the language of the permit takes precedence. Mention of a commercial enterprise, product, or publication does not mean that EPA endorses them. If you have any technical difficulties or need technical support there is a phone number you can call. You can call 800-263-6317. Again, that is 800-263-6317.

I would also like to briefly summarize some of the features of today's webinar. We encourage you to submit questions at any time to our speakers during this webinar. To ask a question, simply type it in the questions pane in the attendee control panel and click send. If you have any technical issues you can let us know by entering it in the questions pane and then clicking on the send button. We'll do our best to respond to your issue by posting an answer in that same questions box. Again, you can also call the technical support number at 800-263-6317. This is essentially a repeat of the webcast we gave last Thursday. The slides are largely the same and we have our same two EPA speakers here today. So if you signed up for that webinar last week, the materials will essentially be the same.

We have also posted a copy of the slides from last week's presentation and there is a copy of the slides we will be using today up on EPA's website. And that website is www.epa.gov/npdes/stormwater/cgp. Again, that is www.epa.gov/npdes/stormwater/cgp and we'll send out the link -- the direct link to that presentation here in a minute. This webinar will be recorded and archived so you can access it in a few weeks after today's live presentation. The archived webinar will be posted on the EPA's NPDES training page at www.epa.gov/npdes/training.

It is now my pleasure to introduce our speakers. Greg Schaner has been an attorney adviser with EPA for the last nine years. In addition to leading the EPA team that issued the 2012 CGP, Greg led the re-issuance of the final MSGP or Industrial Stormwater permit in 2008 and worked on EPA's Construction General Permits that were issued in 2003 and 2008. Prior to joining EPA, Greg worked for the state of Maryland's Chesapeake Bay Critical Area Commission, the National Association of Clean Water Agencies, and an intergovernmental consulting firm. He has a law degree from the University of Maryland and a master's degree from Duke University's Nicholas School of the Environment.

Erika Farris will be our other speaker today and she works in EPA's Office of Wastewater Management and is an Environmental Scientist. Erika supported the

re-issuance of EPA's 2012 Construction General Permit and also works on the EPA's stormwater rulemaking effort. Erika graduated with her M.A. degree in Urban Affairs and Public Policy in 2009 from the University of Delaware and also holds a B.S. degree in Natural Resources Management.

One final note before we get started with our first speaker, we will answer as many questions in possible throughout the webinar. However, due to the high number of participants not all your questions will be answered. Please view the permit fact sheet and additional guidance about the Construction General Permit on EPA's website at www.EPA.gov/NPDES/stormwater/CGP. If you have any questions you can e-mail CGP@EPA.gov. Now I will turn it over to Greg to start the presentation.

Greg Schaner

Thanks, John, and welcome everyone online and on the phones. So today we are going to go over the 2012 Construction General Permit and in general we would like to give you a quick survey of everything from how to obtain permit coverage as well as a good highlight of the new requirements of the permit and also how to terminate permit coverage at the end. So hopefully this presentation is useful if you are perspective permittee or a member of the public permitting authority, this is a good overview of the permit. And in the same way it is not a substitute for reading the actual permit. There is certainly going to be some of the details and some of the specific provisions we just won't have enough of an opportunities to go over. So to start off with a little background to construction permitting in general just to give everyone a good starting point. You all probably are aware that the EPA regulation requires permit coverage and that is in the National Pollutant Discharge Elimination System or NPDES permit for land disturbances of one or more acres of land. It is also -- a permit is also required for those smaller disturbances that are part of a common plan of development or sale typically in a residential type of project where those add up to more than 1 acre. They will also require permit coverage.

The typical way that construction projects are covered, and again this is for stormwater discharges from those construction projects, is to obtain coverage under what is called a CGP or Construction General Permit. And getting permit coverage is typically a matter of submitting what is called a Notice of Intent or NOI and we will going over that in a little bit. CGPs, whether they are issued by EPA or the states, typically follow somewhat of a standard format. The requirement for the construction operator is to implement and maintain stormwater controls or what are called best management practices to prepare a site-specific stormwater pollution prevention plan or SWPPP where the specific controls are described as well as other aspects of the site are described. Also, to conduct self-inspections of the site and to perform maintenance on those BMPs and lastly, to include documentation in your records as to compliance with

the permit.

Recently in February 2010, EPA finalized the set of effluent limits for that construction and development industry referred to as the C&D rule. These rules became effective again in February 1st, 2010 and after this date, any EPA or state issued construction stormwater permit will need to incorporate those C&D rule requirements. And so I think from an overview standpoint it is useful to go into a little bit of detail on what the C&D rule is. When the rule was first issued it consisted of two components. The first component was a set of nonnumeric requirements that apply to all construction sites. And there was also a numeric component that applied to sites that disturbed 10 or more acres. So for that specific -- the numeric limit, this was a limit on turbidity. You may be familiar with the 280 NTU limit. On January 4th of 2011, EPA after finding that there was underlying errors in the interpretation of data stated the limit. In other words, it definitely pulled the limit out of the rule so it was no longer required to be incorporated into EPA's or state permits.

This past January, EPA requested additional data on the effectiveness of different controls relating to turbidity from construction sites and the purpose of this is to look into more current data that might support a numeric limit down the road and EPA thanks those of you who submitted comments and data and other information and we will be evaluating that data moving forward.

So now just to focus on the first component of the C&D rule, the nonnumeric effluent limits. These again, are the components of the C&D rule that is effective and required to be implemented in permits. There is first, a set of erosion and sediment controls that are included in those limits and several of them require that aspects of stormwater discharges be minimized and those include minimizing sediment discharge, minimizing soil exposed, minimizing steep slope disturbances and soil compaction. And what is unique about these requirements is that EPA intentionally left the specific details as to what the permitting authority might mean by minimizing sediment discharge say to the permitting authority, and for that reason as we will be talking about later, EPA took what the language from the C&D rule and elaborated in the permit on what kinds of measures, what kinds of procedures should be implemented to comply with that limit. The C&D rule also required that state or EPA permits control volume to minimize erosion to also provide natural buffers around surface waters if less than feasible and Erica is going to be going over that in greater detail in a little bit. The rule also included a requirement that if you are using sediment basins or ponds that outlet structures be used to withdraw water from the surface so that the last sediment laden -- less turbid waters be discharged instead of the waters from the bottom where most of the sediment is.

In addition, the nonnumeric effluent limits require that state and EPA permits include state stabilization requirements and here the requirement is that stabilization be initiated immediately if construction work temporarily or permanently ceases. And in the regulation it defines a temporary stop of work in an area as one that lasts 14 or more days. So if there is a temporary stop of work in that area for 14 or more days, stabilization would be to be initiated immediately.

The rule also directs permitting authorities to establish deadlines for when stabilization needs to be completed and also establish some recognition that alternative requirements may be necessary for arid, semi-arid and drought stricken areas. And then lastly in the C&D rule there is a set of requirements related to pollution prevention. And here the requirements are geared towards minimizing stormwater exposure to construction materials, products, and wastes. In addition, there is a set of pollution sources that are prohibited. Or discharges from those pollution sources are prohibited such as fuels and oils from vehicle and equipment O&W.

Okay, so that is the C&D rule. And again, that became effective in February of 2010. So states and EPA need to incorporate those limits as their existing permits that were issued before that date expire. And EPA's permit, as we will be talking about it, expired recently so there was a requirement on EPA that incorporates these new requirements. EPA's new CGP which was issued February 16th only applies to those areas of the country where -- that do not have NPDES permitting authority and we have listed these here but they include Idaho, Massachusetts, New Hampshire, New Mexico, DC, Puerto Rico and all other US territories. It also includes most Indian lands as well. States that have their own permitting authority are required to issue their own CGPs and many of the states that issue CGPs follow or appear to follow a similar format and content as EPA's CGPs. So by going over EPA's permit today it is likely that you will be informed -- for those of you that are in other states will be informed about some of the provisions that your state may be looking at. So just a little bit more background on the 2012 CGPs. It replaces its predecessor which was the 2008 CGP which expired February 15th. The new CGP went final February 16th of this year and will expire in five years in 2017. It provides coverage for all new and existing construction projects. There is a few -- there are several modifications, most notably in this permit as compared to the previous permits, the new C&D rule requirements have been incorporated and we will be getting into that in a little bit. There are also new protections for impaired and sensitive waters as well as enhancements that we believe have made the permit more readable and clear.

Okay, so in this section we are going to start by getting into the requirements of

the 2012 CGP and starting with how to obtain permit coverage and for a lot of you out there that are construction operators this will be your first significant interaction with the permit is obviously how to get covered under the permit.

So we have broken this down into a series of steps which we think makes sense. The very first is obviously to determine if you are eligible for permit coverage and so to be covered by the CGP you need to meet some of these initial eligibility requirements.

The first requirement is that you are an operator of a construction project and the operator includes both the traditional general contractor as well as the owner of the project and the owner being someone who has control over the project design and specification. Both entities and sometimes they may be the same entity but often are different will be required to apply for coverage.

So the first thing is if you are an operator of a construction project your project is disturbing one or more acres of land or you are part of one of these residential subdivision projects that are less than an acre but add up to -- the whole project adds up to more than an acre. In addition, you are in one of these areas that I summarized before where EPA is the permitting authority and then there's also a set of eligibility requirements that apply in addition to the first three. For instance, -- pardon me -- the requirement to meet endangered and threatened species requirements, historic property requirements as well as to have -- if you are going to be using treatment chemicals of a type called cationic treatment chemicals you are subject to additional requirements.

I also wanted to note that the CGP -- the new CGP did not affect in any way the underlying statutory and regulatory requirements affecting who needs permit coverage. So for instance, we received a number of questions from the oil and gas industry about whether the exemption that's in the regulation still applies. And the answer is yes, that the CGP issued did not affect in any way those requirements.

I wanted to spend a little bit of time on a few of the eligibility requirements. First, the endangered and threatened species eligibility requirements. Here EPA is affected by the Endangered Species Act and there is a section in that act that requires that whenever the federal government takes an action which includes something like issuing the Construction General Permit, we need to comply with the ESA. We have done that by establishing a process that operators need to go through is kind of a screening process to determine whether, first of all there is any species or critical habitat in their action area and the action area is pretty much defined as the discharge itself of stormwater as well as the site itself and to find out information on whether species exist in your county, there are two links

here that link into both the Fish and Wildlife Service's endangered species list as well as the National Marine Fisheries Service list of endangered and threatened fish habitat. So if you have gone through that and you've determined that you don't have any species in your county there is a way to certify that but if there are then the permit asks you to determine whether it can be concluded that the site's discharges or related activities are not likely to adversely affect the species. And there are six eligibility criteria that you can pick from. I won't go into that but if you refer to appendix D of the CGP there is detailed instructions on how to do that. When you get to filling out your NOI form it asks for additional information to support the conclusion. So for instance, if you indicate that there are species or habitat on your sites or near your site that you are not likely to adversely affect them, the NOI form asks you to include the basis for your conclusion, what species or critical habitat exists and the distance between your site and the species or critical habitat.

I also mentioned historic properties as a requirement in the -- for obtaining permit coverage and here, EPA is affected in a similar way to the ESA to something that is called the National Historic Preservation Act and in complying with that act, EPA has established a screening process in appendix E of the permit that focuses on those kind of earth disturbing activities that could potentially affect historic properties and we have narrowed the focus of the requirement so that operators would only need to look into potential historic property impacts if they are installing stormwater controls such as a pond or culvert or channel that cause subsurface earth disturbance. If that is the case you would follow the screening process in the appendix E which asks, among other things, will the installation of controls have an effect on those historic properties. You could answer no by looking into various sources in your area where if the site in general has already gone a historic screening process for some other reason that would be a valid basis. But you would be able to indicate in your NOI that there are no historic properties present. Alternatively, if there were and there are -- potential effects that could exist, you would need to contact the state or tribal historic preservation program and provide them a minimum of 15 days to take a look at the information you have provided them and we have spelled that out in the appendix E and then indicate after those 15 days what the nature of their response was whether they got back to you and indicated no problem. Whether they provided recommendations on mitigation measures or whether they didn't respond. So that's the historic property requirements. I think I will take a quick break and see if we have any questions on the first set of material.

John Kosco

We do, Greg. One question was if an owner -- if the owner and operator are separate entities, do both the owner and operator need to submit an NOI for permit coverage?

Greg Schaner

Good question. And the answer in this case would be, yes, that both entities would require permit coverage and this relates to our definition of what a "operator" is in appendix A of the permit so I would suggest people look at that definition. We also include that same definition in part one of the permit right up front that indicates that both entities would require permit coverage.

John Kosco

And I guess a related question on that if they are separate entities, the owner and operator, do they need to develop separate SWPPS or can they develop one SWPPP?

Greg Schaner

Right. So they would both require permit coverage but there would not -- there is a great deal of flexibility on developing a joint SWPPP. I will be getting into the requirements for the Stormwater Pollution Prevention Plan but that kind of coordination is actually encouraged as long as the different responsibilities that might shake out between the owner and the operator is spelled out in the SWPPP and it's pretty clear.

John Kosco

Let's just take one more question since you were just touching on them. The ESA and historic properties requirements are those unique to EPA's CGP or do those also apply to state issued permits?

Greg Schaner

This is unique to EPA as a federal agency requirement. There are a few -- a select few states that have their own requirements that affect their own list of endangered or threatened species under state requirements but it is not a requirement of ESA that that would be incorporated like it is for the CGP. I'm not aware that there are state CGPs out there that deal with historic property requirements though.

Okay, so thanks for the questions. So carrying on with how to obtain permit coverage and we dealt with step one which is a consideration of whether you are eligible for permit coverage. And assuming you are, the next step would be to develop the stormwater pollution prevention plan or SWPPP which we were just talking about. SWPPS are required to be developed prior to the Notice of Intent being submitted for permit coverage so for that reason this is the next step here. The SWPPP in general includes information on the sequence and estimated dates of construction activities, the requirement to develop a site map that details various features of the construction disturbance, nearby surface

waters, and nearby sewer inlets and similar information. Also, the SWPPP is required to include a description of the stormwater controls that will be used and document pollution prevention procedures that comply with the permit and to also document procedures for inspecting, maintaining, and maintaining stormwater controls as well as taking corrective action.

So just to give you a little bit more information on the SWPPP. We have a variety of tools that we have developed over the years and updated recently to help you develop a SWPPP. We -- just last week we updated the SWPPP template that's available online and this is a snapshot of where to find that. This is our SWPPP page. But the template is a useful tool because it is a Word document that can be customized and it complies with all the SWPPP requirements in part five of the Construction General Permit. We are also going to be updating our SWPPP guide which is pictured to the right here. The top document there. The SWPPP guide needs to be updated with some references. It still can be used by the way, as a good overall tool for an overview of construction stormwater as well as tips on BMPs and how to develop a SWPPP in general. We will also be putting out some sample SWPPP's as good visual examples of what EPA considers to be exemplary SWPPP's for different kinds of construction projects and in the next month or two we will be putting out sample inspection and corrective action reporting forms. So hopefully that will be useful. And with respect to the inspection and corrective action reporting forms, if you know of any out there that you have developed yourself or that you are aware of that you think work well in the field we would be interested in seeing them. So I would encourage you to e-mail us copies at the CGP e-mail box which is CGP@EPA.gov.

Okay, so we have developed the SWPPP and now it is -- the next up here is to submit the NOI to get permit coverage. And here is a table from the permit showing what the different deadlines are for submitting the NOI. And those basically break down to whether you are a new project, existing project or emergency related project.

For a new project and those are any that began after February 16th. The basic requirement is to submit your NOI at least 14 days prior to commencing construction. The 14 days arises from this whole process we were going over with the Endangered Species Act, and here where you submitted your NOI, the Fish and Wildlife Service and National Marine Fisheries Service will be able to look at your NOI and ask questions to us or to the operator. But if nothing else happens in that 14 day waiting period your project is automatically authorized. If you are one of the existing projects that is -- was covered under the previous permit and will continue under the new permit, and it will continue past May 16th we wanted to give 90 days to existing projects to submit NOIs. So if your project

will continue after May 16th the requirement is to submit the NOI by no later than that date.

We have also created a category of projects that are emergency related. And these are defined in the permit as those that cause -- that are the result of severe catastrophic events or some other communitywide disaster where construction needs to begin immediately to provide community services and for that reason the permit provides immediate coverage to those construction projects without the need to submit an NOI. However, after commencing construction within 30 days they need to submit an NOI.

The majority -- the vast majority of NOIs that we handle come in through our electronic system which is referred to as the eNOI system. The eNOI system is something that we require to be used in the permit however, we have allowed regions to, on a case-by-case basis, enable operators to use the paper form if they are having difficulties with the electronic form. Basically where we have found the operator will get coverage sooner if they use the electronic process and enable that 14 day waiting doing to begin immediately.

Just to give you a little bit of background and for those of you permittees out there or potential permittees you may want to print some of these pages out later and have at the ready when you apply for coverage but you would -- to start using the NOI system you will need to go to the eNOI website and click on the eNOI icon that is pictured here to the right. And then you will need to create an account using EPA's CDX system which is an acronym for Central Data Exchange but it basically is giving you an account within our system to apply for coverage using the eNOI system. If you have already done this for a previous project it will just be logging into your existing account.

Now here is where it gets a little bit tricky in that the process differs just a little bit between whether you have already created an account or not. And so for operators that have already submitted an eNOI under the 2008 CGP you will log on to your existing account. And then you will no longer be able to use the SW eNOI or stormwater eNOI program as that has been disabled so you will need to add what is now called the electronic NOI to your account profile. And there is a process you will go through to do that. There is also a tutorial on our eNOI page which I would recommend you opening up and paging through which it kind of walks you through the different procedures here. After you've done this you will be able to apply for coverage under the new permit.

If you are a brand-new operator that has never used the system you will need to create a CDX account and similarly you will need to add the electronic NOI function to your account profile and then you will be ready to apply for coverage.

So again, sorry to hit you with this very process oriented information but for those of you who are going to be using it you might want to print this out and have this kind of a tip sheet to use.

And then lastly, so you are on the system, you are filling out your NOI. What is basically required in the NOI is -- can be viewed in paper form in the permit itself. There is a paper NOI. But once you go through the eNOI system it takes you to the same information by asking for information that identifies you as the operator, where your project and site is, where you're discharging to and here we are specifically interested in finding out what surface waters you are discharging to and if there is any surface waters on or near your site. There is a tool that will be available shortly in the eNOI system that enables you to map this yourself. There is also if you Google 'my waters' you can find a tool that is on EPA's own website that you can use as well for this information. We will also be asking information on whether you are going to be using chemicals or not on your site. And also information about the SWPPPs, endangered species, and historic preservation.

Okay, so you have now gone through the NOI process. You have gotten coverage -- the last thing to go over is prior to actually commencing construction there is requirements in the permit that any personnel on your site that will be at all involved in complying with the permit will need to have a somewhat basic understanding of the permit requirements and their specific responsibilities. And this will likely be spelled out in the SWPPP. Anyone who is involved in compliance with the permit should be identified in the SWPPP and their responsibilities also identified.

But a minimum, those personnel need to have a basic understanding of where the stormwater controls are and how to maintain them. The procedures that are in effect for pollution prevention and also the procedures for conducting inspections, recording findings of those inspections and taking corrective action.

And with that I think we are going to take some questions.

John Kosco

Thanks, Greg. We will take two or three real quick question so we can get back into the slides. Greg, we got a couple of people asking when the 2012 CGP will be in effect for Idaho. That is one of the four states that EPA issues the CGP in and I believe that is not in effective there yet.

Greg Schaner

Right. All of the states that we issue permits for required to undergo what is called a Clean Water Act 401 certification process where they are essentially

looking at how protective our permit is related to their water quality standards and Idaho has not yet completed their 401 cert process so we are not able to provide coverage for Idaho but from what I hear they will be -- they will be up and running sometime in early May.

John Kosco

Okay, thank you.

Another question is can you describe the process for an existing project that had coverage under either the 2003 or 2008 CGP to attain coverage under this current CGP? Do they need to submit in an NOT or an NOI?

Greg Schaner

Yes, the answer to that question is that if you are shifting over from a 2008 permit to the 2012 permit you would only need to submit the NOI for the new permit. You would not need to submit an NOT. And just to go back for a second to that Idaho question because I want to make sure I got that right. I may be wrong about that. It maybe mid-April, but I need to check in with that state again and just to clarify, EPA will be establishing permit coverage for facilities in Idaho almost instantaneously we are able to get that permit live when we hear back from the states.

John Kosco

All right, let's turn it over to Erica to talk about the erosion sediment control issues in the permit.

Erika Farris

Thank you, John. So the next area as John mentioned is the erosion sediment control requirements and this is a major chunk of the permit where we have implemented many of the C&D rule requirements that Greg mentioned earlier. And in this section we are really highlighting some of the major new requirements so you will want to go through and read the permit to get the details about all of these requirements.

So first of all, I will touch on the installation and maintenance requirements for erosion and sediment control. The permit requires that you install all of your stormwater controls to treat disturbance at the time or before those disturbance occurs for each phase of construction disturbance. You are required to install stormwater controls along all perimeter areas of the site that will receive stormwater from your disturbances and these are typically going to be your silt fences. And then as construction progresses in each phase you will need to install your remaining stormwater controls to treat the disturbances that are occurring -- that occur.

To ensure that your controls remain effective throughout your period of permit coverage, the permit requires that stormwater controls be maintained. So if at any time you discover through an inspection or otherwise that the stormwater control needs to be repaired or replaced you are required to immediately start work to fix the problem if that can be easily fixed such as the picture you see here, the silt fence has been blown down and then you are required to complete work to fix easy fixes by the end of the next workday and the permit actually includes specific maintenance triggers for certain controls. For inlet protection you are required to remove accumulated sediment and for perimeter controls you are required to move sediment once it's reached the height of perimeter control and for more significant repairs such as needing to replace or repair a stormwater control, a significant repair, the permit has more flexibility. You are required to complete work to repair or replace the control within seven days. However, if it's not feasible to do it within seven days because you are not able to get the person on-site to fix the control or it is taking more time to have a new control installed, you have flexibility beyond the seven days, but you are required to provide documentation in your SWPPP for the reason why you can't meet the seven day time frame and what your new time frame is.

So next I am going to get into new requirements in the permit for providing and maintaining natural buffers. This is a significant new requirement that you may have questions about it implements the C&D rule requirement which stated that permits must have requirements for permittees to provide and maintain natural buffers around surface waters unless unfeasible and we spent a lot of time implementing this requirement of the permit in figuring out whether we need to add specificity to this. So I will go over how we ended up implementing this into the permit.

So in coming up with the buffer provisions in the permit, we've looked at several different issues so that we could come up with the requirement that was both environmentally protective and implementable by permittees. So we looked at how effective buffers are in removing sediment and nutrients and what a minimum size is necessary to achieve high levels of pollutant removal. We also looked at what states and local regulations already say about buffer widths in areas where we are the permitting authority. Then we looked at whether a uniform buffer width would be an appropriate requirement or whether flexibility would be needed. We ultimately found that 50 foot is an effective width at removing high-level sediment and also is a width that is commonly implemented in many states and local regulations. So in the permit we determined that the buffer requirements would apply for any sites that have disturbances within 50 feet of a surface water. So here is just a picture of an example of where the buffer requirements would apply and this example -- because the site is

disturbing within 30 feet of the surface waters the buffer requirements would apply to them.

We did recognize that there is need of flexibility for sites because not all sites would be able to provide a 50-foot setback between their disturbance and surface waters. And because of this we came up with three compliance alternatives for meeting the buffer requirements in the permit. The first compliance alternative simply requires that if you are subject to the buffer requirements you can meet their requirements by providing a 50-foot setback between your disturbance in the surface water. However, if for whatever reason you can't provide the full 50-foot buffer you can provide a compliance alternative too you can provide a buffer of less than 50 feet but you must provide supplemental erosion and sediment controls that meet the equivalent sediment removal as the 50-foot buffer would achieve. And the third compliance alternative allows sites that aren't able to implement a buffer of any size to comply with the requirements by providing exclusively erosion and sediment controls that would achieve the equivalent sediment protection as the 50-foot buffer. And just a note, the second and third compliance alternatives the requirement to implement supplemental erosion and sediment controls are additional controls to the controls that you would normally implement in the permit such as your permanent controls. I will be providing an example in a couple of slides of how you would go about determining your equivalency.

We did in coming up with the buffer requirements we recognize there are certain exceptions in which it would not make sense for the buffer requirements to apply. The first exception is situations in which there is no discharges from water from the disturbance to the surface water. So this would be an example of a site where due to the natural topography, all stormwater flows away from the surface water or it may all be channelized and flow into the storm sewer system. Or it could include a situation where the operator actually constructs a berm or some other control that would eliminate the chance of stormwater discharging to the surface water.

Another exception is situations in which there is no natural buffer on the site at the time you obtain permit coverage. So this would be a site where the buffer has been eliminated from impervious surfaces such as a concrete walkway that has just removed any natural buffer area.

The third exception is disturbances related to water dependent structures such as a pier or a boat ramp could also include something like a marina. And also construction approved under Clean Water Act 404 permits.

We also have special provisions that provide flexibility for certain types of

development. For small residential lots which in the permit are defined as residential disturbances of less than an acre but are part of a common plan of development though would be subject to the permit and for these types of disturbances we developed in our buffer of appendix which is appendix G easy to implement compliance alternatives for when a 50-foot buffer is not practicable. And for linear disturbances we have special flexibility where if site constraints would limit the ability for you to comply with any of the compliance alternatives. You can achieve compliance by providing a buffer with that are practicable and additional controls as practicable.

So I would like to now go through an example of how a site would achieve compliance with the compliance alternative to 2 and 3 which require that you achieve the equivalent sediment removal as the 50-foot buffer. In our buffer guidance, which I mentioned was appendix G; we have detailed information about how you comply with these compliance alternatives.

So here we have a hypothetical example. In this example, a site in New Mexico with a 1.5-acre disturbance that occurs within 50 feet of the surface water finds that they can only provide a 28-foot buffer. And so therefore, they would need to choose compliance alternative 2 which allows you to provide a buffer of less than 50 feet that must be supplemented with additional erosion and sediment controls to achieve the equivalent of a 50-foot buffer.

So the permit requires that you demonstrate how you achieve the equivalency. And in our buffer guidance we provide tables that help you figure out what the sediment removal of a 50-foot buffer is. But they're certain site-specific information needed to figure out what this number would be including the predominant vegetation in the buffer and your predominant soil type. So in this example, the operator determines that their predominant vegetation is prairie grass and the predominant soil type is silt. So the first step would be to first estimate the sediment removal that would be achieved if you did provide a 50-foot buffer on the site. And in our buffer appendix we have several tables that apply to each of the states and areas where this permit is in effect that provide the estimated sediment removal achieved by a 50-foot buffer based on various soil types and vegetation types. And just to note, these tables are provided to help permittees make this determination but we would also accept calculations that you make on the site-specific basis if you find that the tables don't apply to your site or if you want to use your own site-specific information.

So in this example the operator previously determined that they have silt soil type and prairie grass vegetation so looking at the table they would determine that a 50-foot buffer on their site would achieve a 50 percent sediment removal.

Step two would require the operator to next design controls that would meet the equivalent removal of a 50-foot buffer which in this example was 50%. In our buffer appendix we used the revised urban -- revised universal soil loss equation model which is called RUSLE2, that is RUSL2 or RUSLE2 model what controls would achieve the same as a 50-foot buffer for this site. And here you see a picture. We ended up modeling that a 28-foot buffer in combination with the sites proven or controlled silt fence and the addition of a fiber rolled barrier would achieve an 84% sediment removal which exceeds the required 50% removal. There are other models that can be used whether you use the RUSLE2 model or another calculator; you are required as the last step to provide documentation of your slip -- in your slip of the calculations used to achieve the equivalent removal of the 50-foot buffer.

Next, I would like to go through an example of the flexibility we provide to small lots in appendix G. We actually developed two small residential lot alternatives in our appendix. The first is a straightforward approach that simply specifies the controls that a small residential lot would need to implement based on the sediment with or the buffer with that they are retaining on their site. The second is a risk based approach that specifies the specific controls that would need to be implemented based on the buffer with retained and the sites risk of sediment discharge. And so I would like to go through an example of how a site would comply with this compliance alternative. So here we have an example of a half-acre site in Massachusetts that is only able to provide a 20-foot buffer. The small residential lot compliance alternative requires site-specific information as well. You would need to find out what your average site slope is and your predominant soil type. In this example the operator determines that the average site slope is 3% and the predominant soil type is silt.

So in appendix G our buffer appendix, we developed several tables that provide the relative sediment discharge based on the site average slope and soil type. So the example of this site in Massachusetts they would, in appendix G, refer to the table that applies to their average slope. So here they are referring to the table for slopes of less than or equal to 3%. They see that because they are in Massachusetts and that their predominant soil type is silt; their sediment discharge risk is moderate.

The next step would be to refer to the table -- the next table in our appendix which describes the specific requirements that apply to the site based on their sediment discharge risk and the buffer width that they are retaining. So here because the site is a moderate risk and because they are retaining a 20-foot buffer, they determined that their additional requirements would be to implement double perimeter controls and in the appendix we provide specificity regarding what it means to have to implement a double perimeter control.

So now I think we will do a Q&A break.

John Kosco

All right, thanks, Erika. Erika, the first question asks about the buffer requirements. They ask does the buffer requirement apply to disturbance in proximated waters of the US and not to normally dry drainage ditches, etc. And I guess that also gets into the definition of the water of the US then.

Erika Farris

Good question. In the permit we say that the buffer requirements apply to surface waters but in our definition in the appendix, surface waters are defined as waters of the US. So the answer is, you are required to comply with the requirement if there is a water of the US within 50 feet of your earth disturbance. I know there might be some questions out there about whether certain waters meet the definition of a water of the US and EPA is actively trying to come up with guidance on waters of the US. So for any questions you might have whether a specific surface water on your site is indeed a water of the US I would recommend you to refer to your state agency or EPA region for additional guidance on that.

John Kosco

Erika, one example you gave I believe in the site in New Mexico, the 1.5-acre, do you know what percent vegetative cover you assumed that you would have in this example with the prairie grass on silt?

Greg Schaner

Yeah, that's a good question. The assumption is that on all those numbers in those tables that the buffer is 100% vegetated so what we were looking at is the behavior of a fully vegetative 50-foot buffer to set kind of the standard for what the equivalent -- what you would need to meet as an equivalent with a combination of natural buffer and controls or with all controls. I hope that answers the question.

John Kosco

The next question has to deal with the deadline for maintenance or for fixing repairs. They ask what is that deadline when you do identify a BMP that needs repair or maintenance? Is that the next day or is it within a seven day period or what is that specific deadline?

Erika Farris

For quick things, things that can be repaired pretty much on the spot the requirement is that you immediately start the repair and then finish that repair by

the end of the next day. But for things where you may need to have people come on-site to fix it or you may need to actually install something new, the permit requires that be done within seven days and then if seven days isn't possible there is additional flexibility for situations in which seven days is not feasible.

John Kosco

We have a question going back to the NOI form. Where do we get information on whether the receiving water body is impaired? This is asked in the new NOI form. Is there a tool on the EPA website for impaired water information?

Erika Farris

The eNOI system in the eNOI system we are working on implementing this tool that will help you make that determination based on where your site is located. That is currently not available. So another source that you could use until that does become available is the EPA My Waters Tool. It is an interactive website you can find by Googling 'My Waters'. And in this tool it provides comprehensive information on impaired waters. You can zoom to your location and look up what impaired waters exist around your site. And also if you have any questions if you can't find that information through online tools you can always talk to your state agency if you have any questions.

John Kosco

Erika, another buffer question. Is the 50-foot buffer requirement applicable if you divert stormwater flows and do not discharge directly to the surface water?

Erika Farris

In a situation in which there is no discharge to the surface water that is within 50 feet of your disturbance, no the buffer requirements would not apply. You would qualify for the exception. I think it was the first exception that I listed in the presentation. So no, the answer is no.

John Kosco

Great. We will take probably one more question before we get back into the presentation. A question about training. Can you clarify or explain who needs to be trained on the site and define what type of training they need to receive?

Greg Schaner

Right. The requirement in the permit is spelled out. This is part six of the permit. And there is a list of personnel who we include in that. For the purposes of the webinar I was using shorthand for that. But the list of people includes personnel responsible for the design installation, maintenance, and/or repair of stormwater controls, personnel responsible for the application and

storage of treatment chemicals, and personnel responsible for conducting inspections or corrective action.

The training itself is fairly general. What we are asking rather than specifying a certain certification or classroom hours is just to ensure that the personnel that I just went over have a working understanding of the permit requirements so that before things get going on the site there is an understanding of everyone's individual responsibilities and what the permit requires them to do.

John Kosco

Okay. Greg I think we will turn it back to you to start talking about sediment discharge controls.

Greg Schaner

Okay, thanks, John. So picking up again with erosion and sediment control requirements in the permit. And Erika went over the probably largest -- or the biggest single change from the current permit, the buffer requirements but also in the C&D rule requirements that the federal standards included are a requirement to minimize sediment discharge as well as minimize erosion on the site. So there are a set of requirements in the CGP that speak specifically to minimizing sediment discharges that minimize erosion. So I will go over a few of these. There are several more than the ones I will be listing but one of the more significant ones is the requirement to minimize sediment track out. And here the goal is to try to minimize the sediment that is shaken loose from construction vehicles that leave the construction site and onto public road surfaces. So here the permit requires that vehicles be restricted to designated exit points. So that they are not using, you know, an abundance of exit points that aren't necessary. Also, to use appropriate stabilization techniques. And here to the right is a picture from our SWPPP guide showing one technique. There are multiple techniques out there that are very effective at removing sediment from vehicle tires and preventing or minimizing sediment track out.

Where track out does occur, of course, these things aren't 100% foolproof but where sediment track out does occur the requirement is to remove that sediment through whatever means, vacuuming or sweeping by the end of the work day.

In addition to this requirement geared towards minimizing sediment discharge where soil stockpiles are used on the site and here the requirements are geared at protecting those piles from contact with stormwater runoff. So creating some kind of barrier so that the runoff is either diverted or prevented from coming into contact and to provide cover or appropriate temporary stabilization where practicable. So that direct rainfall onto those stockpiles isn't causing sediment runoff.

In addition, there are requirements that relate to immediately adjacent sewer inlets and these are storm sewer inlets that will be adjacent to the site and here we are looking at minimizing, to the greatest extent, sediment that is discharged in becoming a very direct discharge to nearby surface waters. And where you can access those inlets there is a requirement to install protection measures that remove sediment prior to entering the drain. And the exception to this is that if that specific drain -- sewer is connected to some other device like a stormwater pond where -- which is designed to treat water that goes into the sewer inlets. We did receive a number of concerns about this requirement from commenters that noted that some of these at grade controls can cause flooding conditions and for that reason there is a note in the permit that authorizes people to take these controls down if there are flood conditions that are likely to be caused by a rain event.

In addition, there are requirements in the permit affecting the use of sediment basins or sediment ponds. These are requirement that appeared in the last permit that relate to sizing of storm ponds. We include the same requirements that are the two-year, 24 hour storm -- designed storm or the 3600 cubic feet per acre drain standard.

What is new is the C&D rule requirement to utilize outlet structures that withdraw less turbid water from the surface unless feasible and here those are fairly pervasive and it's unlikely that they are unfeasible and we certainly allow in the permit for that to be documented and not to use them if it is infeasible.

Some other related requirements that affect the discharge of sediment and minimizing soil erosion are the requirement to minimize the amount of soil exposed at any one time. And here we don't specify a number that we are thinking about in terms of the maximum amount of acres that can be disturbed. It's a general requirement but also permittees should keep in mind that any area that has opened up and isn't worked on for 14 or more days is affected by the stabilization requirements that I will be talking about in a minute. There are also requirements to minimize steep slope disturbances and soil compaction and these are similarly general requirement so where there are steep slopes on the site the requirement is to minimize but not eliminate disturbances so it is left to the professional judgments of the operator how to minimize those disturbances and with respect to soil compaction where you are expected to use vegetative stabilization after construction to avoid compacting the soil and thereby impacting the ability for vegetation to become established.

And lastly there's a requirement to direct stormwater on your site to the extent that it exists to areas of natural vegetation as kind of taking advantage of their

natural ability to filter stormwater.

The next area of erosion and sediment controls that are significant in this permit are requirements affecting the use of treatment chemicals and if you are going to be using treatment chemicals which is not uncommon out there and certainly EPA has seen a rise in the use of these chemicals. And in past permits we have not included requirements other than to store them in a safe way so it minimizes discharges themselves. But here we have added to the requirements so that we have a better sense of how those are being managed. So at a minimum if you are using some of these chemicals you will be subject to the requirement to use the site's erosion and sediment controls both prior to and after applying the chemicals. And that is to not only minimize the use of the chemical but also to help ensure that chemical bound up with the sediment is filtered out prior to discharge.

In addition, the chemicals need to be selected that are suited to the soil type and expected turbidity, pH, and flow rate. And this is information that site operators can get advice on from vendors out there and this is typical information that will be available for our most chemicals. Also, that chemicals being stored on the site need to be stored in such a way that the discharge risk is minimized by using proper cover, containerizing the chemicals and/or using secondary containment.

The chemicals also need to be applied in a consistent manner with state and local requirements with good engineering practices and if the chemicals supplier has dosage recommendations to apply consistent with those recommendations. And lastly, to ensure that the personnel who is using and applying those chemicals on site has the appropriate training.

Now I mentioned earlier on that there is a set of chemicals referred to as cationic treatment chemicals that are treated differently under the permit. And if a site intends to use one of these chemicals and we've include a common example of chitosan and cationic PAM and PAM is quite pervasive out there in the market. There can be cationic PAM or anionic PAM and we are only talking about the cationic version of it. But here we have found in studies that these cationic polymers which are used again, to reduce turbidity in stormwater and they are very effective at doing that. The way they work is to chemically bond to the negative charge of the sediment particle. The issue is also where the chemical is released in some residual form into the aquatic environment it also has a very strong affinity to fish gills and so studies have showed that our rainbow trout are highly affected -- are affected at low levels of these chemicals and therefore -- for that reason EPA was concerned not only in the proposed permit but in the final permit with how to handle the use of these chemicals. And what we came up with in the final permit was to not outlaw or prohibit the use of these cationic

chemicals. Again, they are very effective and what we are really getting at is how to ensure that they are being used and managed effectively and safely is that the use of cationic chemicals under our permit is now allowed unless the operator specifically gets approval from EPA. And how this would work is if they intend to use cationic treatment chemicals they would contact the EPA Regional Office and they will have a list of information that is required of you. And if they authorize the use of cationic chemicals you would likely be subject to additional requirements such as maximum dosage rates or residual testing. And those will become part of your permit coverage where necessary. So that is for cationic treatment chemicals.

Lastly, there's a set of controls affecting site stabilization and these are also under the heading of erosion and sediment controls. And the C&D rule you may recall included requirements affecting when stabilization needs to be initiated and it also instructed permitting authorities to establish deadlines for completing stabilization.

And in our permit, similarly we have adopted the requirement that by no later than the end of the next workday after construction work in an area of the site has stopped either permanently or temporarily which is defined as a stoppage of 14 or more days that stabilization be initiated by the end of the next workday.

Also, we have defined when -- we have established when stabilization must be completed and that is if you are using vegetative stabilization by no later than 14 days after initiating stabilization, the operator needs to have seeded or planted the area and provided temporary cover to protect the planted area from erosion. And so within 14 days those steps need to be taken. It is not EPA's expectation that within 14 days there is vegetative establishment but just that these initial steps be completed.

Once established -- once the vegetation has grown, it needs to meet the requirement and the permit that it has 70% -- that it covers 70% of the stabilized area based on vegetative density.

If the site chooses to use non-vegetative controls, the deadline is by no later than the 14th day after initiating the stabilization that the areas that had been disturbed have non-vegetative measures already installed or applied and that all areas of the exposed soil will be covered.

Also, in the C&D rule there was language acknowledging that arid, semi-arid, or drought stricken areas be subject to potentially more flexible or alternative requirements. And in the CGP we have established alternative requirements that within 14 days of stopping construction work that the area -- that this applies

if you are doing vegetative stabilization. So if you are doing vegetative stabilization in one of these areas where water is scarce and obviously there is different vegetation that predominates there and is affected by the shortage of water, that within 14 days that you put down non-vegetative stabilization measures so at least from an erosion standpoint you have got some basic erosion controls down. And then as soon as conditions allow it on the site to initiate the planting or seeding of the area and to document whatever schedule -- the schedule you are following for initiating and completing vegetative stabilization. The requirement in the permit is that the area be seeded so that within three years the 70% cover requirement is met.

So those are the collective requirements which EPA has established in a manner that is consistent with the C&D rule. There is also some exceptions for areas that are affected that are not in one of these dry areas, but they are affected by severe storm events or other uncontrollable or unforeseen circumstances such as for instance, severe storm where there is just no way to begin to initiate stabilization yet because of muddy conditions or flooding conditions or if there has been some unexpected problem in the delivery of materials in which case the flexibility in the permit is to follow basically the first three bullets above that require putting down non-vegetative stabilization measures and then initiating vegetative stabilization as soon as conditions allow.

And I think we are going to take some questions.

John Kosco

Okay, thanks, Greg. Since we just talked about it, can you just clarify on the stabilization question, Greg, that the 70% stabilization or cover requirements, what does that entail? Is that the existing vegetation on-site or the example a very arid area, what would that 70% look like?

Greg Schaner

Right. So the 70% requirement applies to the density of vegetation that exists generally in that area. So it would not be expected that it would be -- it would look like some area which does not support that kind of vegetation that you would be after such as a lawn or a forest. If the density of vegetation is kind of typically -- whatever it is, you would be trying to create 70% of that amount if that makes sense.

John Kosco

Okay. We got a couple of questions we might as well take them now on more of again, the application requirements. So Greg in terms of Idaho, you mentioned earlier that the permit won't be effective there until late April or May. What are sites supposed to be doing now if they are establishing a project in Idaho under

the 2012 CGP?

Greg Schaner

Right. So Idaho is located in EPA's region 10. And as a result they are closer to the issue. And they've been -- I would encourage the questioner to get in touch with region 10 and go onto our website and find the way to contact them. But essentially the situation that people find themselves in is that there is no permit to apply to. So what they need to do -- the only appropriate -- the only available vehicle is an individual permit. So the region is likely to advise that an individual application be filed. And when the permit becomes effective in Idaho they will be able to submit an NOI and hopefully that -- we are just a matter of a month away or so.

John Kosco

Okay, thanks, Greg. Another question came up when Erika was talking about her example and I believe Massachusetts on the half-acre project. The question is I thought the permit only applied to sites greater than 1 acre. Why are smaller lots regulated under the permit?

Erika Farris

That's a good question. The permit does only apply to disturbances of an acre or more. But that also can include disturbances that are less than an acre but that are part of a common plan of development. So this could be an example of a residential subdivision where the individual lots may be less than an acre, but collectively because the entire disturbance is more than an acre that whole subdivision including individual lots would be subject to the permit. So for the buffer compliance alternative when we talk about the small residential lot compliance alternative that would only apply to those small residential lot less than an acre but that are subject to permit because they are part of the common plan of development of greater than an acre.

John Kosco

Thanks, Erika. The next question is for Greg. Greg, does EPA plan to amend the permit at a later date with a numeric turbidity limit and this specifically applies to the C&D discussion you had earlier.

Greg Schaner

Right. So you will recall that the numeric limit that was originally issued in the C&D rule has been stayed. So therefore, there is no limit that exists for EPA to incorporate in its permit. So when we issued our permit in February it does not include a numeric limit. Hypothetically, if EPA takes action to finalize a numeric limit in the next five years I think the question is asking would we open up the permit and modify it to include the numeric limit. And I am not aware of any

plans to do that. And our plan is to allow this permit to last its full five-year cycle. If a numeric limit comes up in the middle of that we would include it obviously in the next permit but we don't have any plan to open up the current permit.

John Kosco

Okay, thanks, Greg. A somewhat related question. When states issue their own Construction General Permits they need to be or they need to include the construction development effluent guideline requirements but when do they need to update their permits to include those non-numeric effluent limits the EPA just included in its permit?

Greg Schaner

Right. So states that have a permit that was issued prior to February 2010 that are still kind of living out their five-year permit cycle and so the latest we should be seeing those reissued is February 2015. So between now and then there will be states whose permits are expiring. And as a result they will be reissuing their CGP is likely and then the requirements to incorporate the C&D rule requirements would apply.

John Kosco

Okay, thanks, Greg. The next one we will ask Erika. Erika, for the inlet protection measures can these be eliminated if the inlets drained to a sediment pond which is contained on-site? In other words, can they use the sediment basin as their control rather than putting inlet protection on each of the individual inlets?

Erika Farris

Yes, the permit does provide flexibility where if you are discharging to an inlet that is first directed to where the water is first directed to a sediment basin, a trap, or other control you would not need to comply with the requirements to provide inlet protection.

John Kosco

Okay, thank you. I have a question on filling out the NOI or the eNOI, the electronic system. Can a consultant fill out the eNOI form for an operator client? And I will repeat that real quick again. Erika, can a consultant go in and fill out the eNOI application for an operator client?

Erika Farris

Yes. A certifier can fill out the NOI application for their client. However, the form does need to be signed by a certifier which would be the operator. So for the paper form, the consultant can fill it out, but must physically give it to the certifier to actually sign with their signature in ink. For the electronic form the

consultant can fill it out electronically but the system actually will then send it to the certifier electronically to electronically certify.

John Kosco

Okay, thank you. Let's take one more question. For when erosion sediment control BMPs need to be installed on site, can you describe when those need to be in place? Is it at the time initial swell of disturbance or is it some other point in time? When do they need to have erosion and sediment controls in place?

Erika Farris

The permit requires that at the time you are conducting a disturbance in any portion of your site, any down gradient controls need to be installed. So you are opening up first a half acre of disturbance you would need to have those controls installed at the time that that happens and then as you expand your disturbance to other parts of the site those controls would need to be installed as that construction proceeds.

John Kosco

Okay, great. I think we will turn it back for the last of the slides. We do have one more Q&A break and again, we encourage everyone to keep submitting their questions. We will get to as many as we can. We do have a longer Q&A break at the end. I will turn it back to Erika.

Erika Farris

Thanks, John. So the next area of the permit I will be discussing are the pollution prevention requirements. These also implement many of the new C&D rule requirements that we talked about earlier. The C&D rule included several prohibitions on certain discharges from certain pollutant generating activities and we have implemented these in the permit so the permit prohibits certain discharges which are wastewater from washout of concrete unless managed by an appropriate control, wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other materials unless they are managed by an appropriate control. Discharges of fuels, oils or other pollutants used in the operation and maintenance of vehicles and equipment, discharges of soaps or solvents that are used in vehicle or equipment washing and any toxic or hazardous substances from a spill or other release.

The permit also includes specific standards for minimizing pollutant discharges from certain pollutant-generating activities that are common on construction sites and these standards are also consistent with the new C&D rule pollution prevention requirement. So the permit includes standards for fueling, maintenance, and washing of equipment and vehicles, storage handling and disposal of construction product materials and wastes and washing applicators

and containers using for paint, concrete, and other materials. And the standards in the permit are primarily related to design and location requirements. The permit requires that you use an effective means to prevent discharges from pollution sources so this would entail minimizing the exposure by covering or having them over roofed or using secondary containment or other measures and providing spill kits to prevent discharges from spills. So the permit also requires that for all chemicals you must use leak-proof containers. Chemicals must be located away from surface waters or other inlets such as stormwater and drainage ways which was could end up in surface waters. And then for any spills that do occur you must clean them up immediately and they cannot be cleaned by being hosed down.

The next part of the permit we will be discussing are the new water quality requirements and these are the new requirements that apply only to sites that are discharging to sensitive waters which are both waters that are impaired and also waters that are considered to be high-quality. And these requirements in the permit are to ensure that discharges to sensitive waters do not cause an exceedance in water quality standards.

So the water quality requirements only apply if the site discharges to a sensitive water. So the first step to determine if these requirements apply is to determine if you discharge to sensitive water. For discharges to impaired waters which are waters that are either on the 303(d) list or waters that have a completed total maximum daily load or TMDL. As we mentioned earlier, we are developing a tool in the eNOI system that will help you determine if you discharge to an impaired water. There is also, as we mentioned, the My Waters Tool and again, you could consult with your state agency if you are not sure. The permit – the water quality requirement permit also applies to high-quality waters which are waters that have been designated as a tier 2, tier 2.5, or tier 3 water and to determine if you discharge to one of these waters we created an appendix in our permit, appendix F, which has a comprehensive list of all high-quality waters in all the areas that the permit covers.

The water quality requirements for discharges to sensitive waters include more stringent requirements for stabilization and for inspection. For stabilization to minimize the amount of exposed soil that could potentially be discharged in stormwater, the permit requires that you complete your stabilization activities within seven days of stopping construction work instead of the 14 which applies to sites not discharging to sensitive waters. And the more frequent inspection requirements are to ensure that any problems that could lead to a pollutant discharge are identified as soon as possible. So the permit requires that inspections be conducted once every seven days and within 24 hours of a storm event of a quarter inch or greater which is more stringent than the regular

inspection requirements which I will discuss in just a bit which provides the choice between inspection frequencies.

And just to note that these stricter requirements only apply to any area of the site that discharges to a sensitive water. So if you have a project that crosses over multiple watersheds and only one part of the site is discharging to sensitive water these requirements only apply to that portion of the site.

So now I will get into the inspection and corrective actions requirements of the permits. These correspond to parts five -- four and five of the permit.

The inspection frequency in the new permit, the 2012 permit, are very similar to the inspection frequency requirements from the 2008 permit. There is an option of inspecting either once every seven calendar days or once every 14 calendar days and within 24 hours of a quarter inch storm event. The difference in this permit is the quarter inch storm trigger would reduce from a half inch and the reason for reducing it was we did an analysis to determine that a half-inch did not cover an adequate number of storm events in the areas where the permit was in effect.

And some notes on the inspection frequency requirements. Inspections are only required during your site's normal working hours. So if your working hours are Monday through Friday from 9:00 a.m. until 5:00 p.m. and you are conducting your inspection once every seven calendar days so every Monday -- or if you are conducting your inspection frequency according to the schedule where you need to conduct it after a quarter storm event and if the storm event occurs on your Saturday you would not be required to conduct that inspection within 24 hours of Saturday. You would wait until your normal working day which would be Monday to conduct the inspection.

You are not required to conduct an inspection if it is unsafe to do so. So if there is extreme weather going on we would not expect you to be out on the site conducting your inspection. And if you are conducting your inspection according to the schedule of once every 14 days and within 24 hours of a quarter inch storm event you must have a method of measuring the rainfall that is occurring so you would either need to keep a properly maintained rain gauge on your site or you could obtain weather or rainfall data from a weather station that is representative of your location. Regardless of which method you choose you need to keep a log of all rainfall data.

The permit does have several allowances for reductions in inspection frequency. For any areas of the site that have been stabilized, inspections can be reduced to once per month. For arid, semi-arid, and drought stricken areas where there is

a reduced possibility of pollutant-generating storm events if your construction is occurring during the seasonally dry period or during the period during which drought is expected to occur your inspections can be reduced to once per month but you also would need to inspect within 24 hours if there is a quarter inch storm event during these times.

And then for frozen conditions, if construction is actively occurring and there are frozen conditions on your site you can reduce your inspections to once per month or if you have temporarily suspended your construction activities you can temporarily suspend your inspections up until the point in which thawing conditions start to occur.

The areas of your site that you need to inspect during your inspection are any areas of the site that have been disturbed. All controls for stormwater and all pollution prevention measures are implemented. Any areas that you have implemented stabilization measures. All material waste, borrow, or equipment storage and maintenance areas. Any areas where stormwater is flowing and all points of discharge from your site.

During your inspection you will want to check for several different things. When you are checking your stormwater controls you want to make sure that they are properly installed, are operating and are working as they are intended to work. You want to check to see, if you will need to install a new or modified control. You want to check to make sure that there aren't any conditions that could lead to a spill or a leak. And at all points of discharge you want to be looking for any visual signs of erosion or sedimentation that could be attributed to your discharge. And if during your inspection there is a discharge occurring, you will want to actually examine the quality and characteristics of the discharge including the color, the odor; whether there is any film or oil, and you will want to make sure that your controls are operating effectively during the discharge conditions.

And if you determine that there are any conditions that could require corrective action you will need to take corrective action and those requirements will be discussed in just a few slides.

The permit requires that you complete an inspection report which documents all of your inspections. Within 24 hours of conducting an inspection you must complete your report and must include the date and the name and the title of the inspector, any of your findings. If you are conducting your inspections after a quarter inch storm event you will want to note the rainfall amount that triggered your inspection. And if you weren't able to inspect your site or a portion of the site because it was not safe to do so you would need to document this. You

would need to have your inspection report signed in accordance with the signatory requirements of the permit. And you will need to keep current copies of all inspection reports at your site or have it be easily accessible.

So as I mentioned that the permit includes new corrective action requirements. And these requirements are triggered after certain triggering conditions which include situations in which a stormwater control was never installed or was not correctly installed. Situations in which you are not meeting water quality standards and any time a prohibited discharge occurs.

So for any of these triggering conditions you are required to take corrective action. You are required to immediately take all steps to prevent pollutant discharges so you can implement a permanent solution. And if you find that you need to install a new or modified control, you must do so within seven calendar days from the time you discover the corrective action condition. However, if you can't do this within seven days, you can do so -- you are allotted more time but you have to provide documentation in your SWPPP of your schedule for completing the repair.

So you are also required to complete a corrective action report similar to the inspection report. For any corrective action triggering the condition occurring you are required to, within 24 hours, to document in a report the condition that you identified that your site, the nature of the condition, and the date and time of the condition and how you identified it. Within seven days of the triggering condition occurring you must complete a report that says -- or that documents any follow-up actions to review the design, installation and maintenance of controls. A summary of stormwater control modifications taken or to be taken including the schedule for implementing the changes. And you must take note of whether any SWPPP modifications are required. The corrective action reports must be signed according to the signatory requirements and you must also keep a copy of this report at your site or at an easily accessible location.

Greg Schaner

Okay, now we are going to -- Erika has completed going through the requirements that are imposed on permittees for inspections and corrective actions. When the site gets to a certain point in its development where construction activities have been completed and final stabilization has been met this is a triggering event for terminating permit coverage and the permittee would have 30 days after stabilizing the site to actually terminate permit coverage and I will go over the ways to do that. There are some other criteria for when terminating permit coverage is required. One of the more common ones is when a project is transferred from one operator to another. And also when coverage under an individual permit is obtained. And this would be a construction site that

becomes subject to an alternative permit other than the CGP.

In the case of the transfer, the requirement would be for the existing operator to submit the NOT and for the new operator, 14 days prior to the transfer to submit an NOI for coverage.

So what EPA will eventually have is an NOI system that will allow people to submit notices of termination under the new permit. We are still getting that up and running but there is a paper NOT form that can be used and that is found in the CGP website. It is a very basic form that requires that the NPDES tracking number that was provided to you when your project was permitted be provided as well as the bases. One of those three triggering events that requires an NOT be indicated and then the operator identify him or herself, provide a project address and a certification statement and at that point it can be submitted.

Just to go back for second. The paper NOT form can be used at this point without regional approver until we get the NOI system up and running to accept NOTs.

So I think what that I think we will take some additional questions.

John Kosco

Yes, we got a number of additional questions, Greg. And if you don't mind, Greg, can you go to the next slide and we'll put of the website and contact information.

Okay, before I ask the first question and again, this is the main website if you need copies of the permit, any of the additional guidance, fact sheets, there are copies of the two presentations from today and last week. And also we will post the video and audio of these webcasts up on the same pages. So basically for anything related to EPA's Construction General Permit that is your main website. And if you have any questions feel free to e-mail the CGP -- or e-mail the site right there at CGP@EPA.gov. And we will leave this up for a couple of minutes while we ask questions.

So let's see here. What about in terms of again, going back to some of the initial application requirements. How does someone find out if a site is a historic site? Are there resources for them to find out about historic properties?

Greg Schaner

Right. There is -- I would direct people to the appendix in our permit which kind of lays out the historic properties screening process that is in appendix E. And I would also suggest that people refer to -- there is an organization that is actually

a federal agency called the Advisory Council on Historic Preservation and there is a list of registered historic properties, but also in every state and most Indian Tribes there are officials that are designated as historic preservation leads and those people can be contacted for requests for information based on your address and they will have that information to help you. I would start with those programs first.

John Kosco

Okay, we have a couple of questions, Erika, about the inspection requirements. What if you do get a quarter inch of rain or more but you don't have a discharge from the site? There is no runoff from your site. Do you still have to do the inspection?

Erika Farris

Yes, the inspection requirements apply regardless of the quarter inch producing a discharge or not. We feel that it is important to conduct an inspection both during discharge conditions and during other times. It's important that you identify any problems with this site before the discharge occurs. So there is still utility in conducting your inspection and you would be required to do so anytime there is a quarter inch or more in excess the inspection frequency you are complying with.

John Kosco

Okay. We also have a question from our friends down in Puerto Rico. What happens if you do live in a high rainfall area? How do you comply with the 2.5 inches of rain requirement? Do you need to do an inspection after every 2.5-inch rain event which could occur on a daily basis?

Erika Farris

There is the option -- the frequency of inspection requirements provide you with the option to either comply with -- conduct one inspection every seven days or once every 14 days and within 24 hours of a quarter inch storm event. So if the concern is that in your area, a quarter inch storm event will require you to be doing too many inspections you could choose the other inspection frequency. Also, I should note that the permit requires that if there is a quarter inch storm event occurring daily, you would not be required to inspect daily that you would need to be conducting an inspection -- let me see here -- within 24 hours of the first day of the quarter inch storm event occurring and within 24 hours of the end of the storm.

John Kosco

Okay, thanks, Erika. What about in terms of documenting the inspection and signatures? Are they allowed to use of electronic signatures on inspection

reports now?

Greg Schaner

The answer to that question is, yes. We make provision in the permit for using electronic signatures and electronic record-keeping and a discussion of those requirements are in the appendix, I want to say is it appendix C that is the standard conditions. I'm sorry it is appendix I. I apologize. In appendix I there is -- in the signatory requirements there is a specific provision for electronic signatures.

John Kosco

Okay, thank you.

We will go back to some of the control requirements now. Specifically someone asked on paint washout waters, these are prohibited but where can they actually be then cleaned on-site? How can contractors manage paint washout waters at their construction site? And we are looking at the exact requirement now.

Erika Farris

So it is part 2334 of the permit which specifies what an appropriate control would be to handle paint washout. The permit requires that all washout from paint, concrete or other materials be directed into a leak-proof container or leak-proof pit and the pit would need to be designed so that no overflows could occur from storm events occurring.

John Kosco

Okay, thanks, Erika.

A question about the stabilization requirements, specifically for those sites that are part of the larger common plan of development or sale. Typically your subdivision developments. Whether the stabilization requirements for these subdivisions where the individual lots will be undergoing construction and when does that stabilization requirements start for individual lots?

Greg Schaner

Right so it is common for there to be a handoff from the developer of a residential lot to the purchaser of the lot and there are very different ways of handling how vegetation or landscaping is established. So I'm not sure if the question was getting at that versus kind of the triggering event. But regardless of the type of construction project, the requirement immediately initiated would be triggered whenever construction permanently stopped for that lot or if there was a temporary stoppage of work for 14 or more days. And I would say if the question is getting at what should be done in terms of the vegetation or

landscaping I would refer to that permittee to the use of non-vegetative controls to at least put down non-vegetative erosion controls on the area and there is an explanation of what those requirements are in the permit.

John Kosco

Okay, Greg, can you go to the last slide? We are going to -- we still have a couple more minutes for questions but we do want to give people the participation certificate if you need that. And we are also going to send out a chat with the actual URL link that you can then copy and paste into your browser. So don't forget to download this certificate for participating in today's webinar if you need it. You can copy that link in the chat window into your browser's access bar -- address bar and then type in your name in print out a PDF of the certificate. So we do have a couple more minutes for some more questions.

Greg or Erika, what's the best method to transfer permit coverage to another operator. For example, transferring to a residential owner or another operator that is taking over part of the coverage.

Greg Schaner

So the transfer from one operator to the next -- this is distinguished from when a permittee -- an operator is covered under the permit and is done with their project in terminating coverage and they have sold off the project. We are now talking about that here. I am gathering from the question that how you transfer from one general contractor or company to another. There is actually a switch in there. So that is one of the triggers for the existing contractor to terminate coverage so they would actually submit a notice of termination that the new operator would need to submit an NOI, a Notice of Intent, 14 days prior to the transfer. So there is an ability in the NOI form to indicate that and prior to them actually beginning work on the site they would need to have permit coverage.

John Kosco

Greg, we also had a question asking about impaired waters. Are these only for sediment and nutrients or can impaired water before other pollutants? Or Erica can answer that.

Erika Farris

I should have mentioned that earlier when I was discussing the requirements. The water quality requirements only apply to sites discharging to waters that are impaired for sediment or sediment related parameters or for nutrients including nitrogen or phosphorus. So if you are discharging to a water that is only impaired for something that is not sediment or nutrient related the water quality requirements would not apply.

John Kosco

Great thanks. What about -- how does the 2012 CGP apply to linear or utility projects and how are these requirements modified?

Greg Schaner

Okay, maybe Erika and I can do a joint one here. But we received a lot of comments from operators that conduct linear projects and these can range from highway projects to -- I'm sorry -- electrical utilities and the like but these are different from the standard box like construction so they are kind of unique in what requirements apply. We tried to address these comments in a few areas by establishing somewhat -- some flexibility in the requirements and the requirement to install perimeter controls. We have also established alternative -- or we came up with flexibility for how the storage of building products and materials are protected and specifically in linear projects where they could have quite substantial amounts of material that is actually not leeching any stormwater contaminants that they are typically stored outside and we have noted in the permit that where there is no stormwater contamination that can happen with exposure that they would not be covered by the requirement -- the pollution prevention requirements. So without getting into the specifics I would direct people to the buffer requirements where we specifically have exceptions for linear projects as well as the language for perimeter controls.

John Kosco

Great. A question about projects that were covered under the 2008 CGP. Do they need to update their SWPPP in order to be covered under the 2012 CGP? And what do they need to do?

Greg Schaner

Right. Good question. What I would say is don't scrap the old SWPPP. If you need coverage under the new permit you would want to start with that existing SWPPP, especially if the project basically remains the same. A lot of the requirements related to the site plan and the description of stormwater controls are very similar to what they used to be. And what I would suggest is especially if you have that in an electric format is to examine the requirements in part seven which is the SWPPP requirements of the permit and update your SWPPP where necessary. I would also direct people to the SWPPP template which is on our SWPPP site. You can get there by starting off at the CGP website and looking for the SWPPP link. But the template would be a good place to look for areas that you don't have and can easily add those areas in. We have also added in some flexibility for existing projects that are moving over from the current permit where they find it infeasible to comply with something like the buffer requirement. They're able to document that infeasibility because they have already begun construction they have kind of ruled out by just the nature of where construction

occurs, compliance with the buffer requirements so they are able to document that in the SWPPP. So I would take a look at part seven SWPPP requirements in the permit, look at the SWPPP template, and you should be good to go.

John Kosco

Thank you everyone. That does conclude our webcast. We wanted to remind you to fill out the webinar evaluation survey which should soon appear on your screen. Please complete this survey and let us know your thoughts. We do appreciate your feedback as we work to improve these webinars. The archived webcast will be available in a few weeks on the EPA Construction General Permit website. Again, thank you very much for joining us.