

Federal Stormwater Requirements that Apply to Construction and Development Projects

Guam Stormwater Workshop
July 27, 2011

Session Objectives

- Provide an overview of the Construction General Storm Water Permit (CGP)
- Provide an overview of the Permit Requirements
 - Storm Water Pollution Prevention Plan
 - Protection of Endangered Species



Construction General Permit

Does my project require Permit Coverage?

- Am I conducting soil disturbing activities including, clearing, grading, excavating, and stockpiling?
- Will my construction activities disturb 1 or more acres or is my project part of a larger common plan of development?

YES - All construction projects over 1 acre must have permit coverage!

- * Does not apply to post-construction discharges.



Construction General Permit

Current Permit for Active Construction Sites:

- Guam construction activities are currently regulated under EPA's 2008 CGP (GUR100000).
- The 2008 CGP applies only to discharges that commenced activity on or after the effective date of the permit (07/01/2008).
- 2008 CGP has been extended from June 30, 2011 and will now expire on February 15, 2012, by which time the new CGP should be issued.

Construction General Permit

Who Applies for Permit Coverage?

You must apply if you have **operational control** over either:

- the **construction plans and specifications**, including the ability to make modifications to those plans and specifications (e.g., owner or developer of project),
- OR you **have day-to-day operational control** of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., general contractor).

Construction General Permit

Before You Submit for Permit Coverage

- **Determine eligibility - Do your homework**
 - Any impaired waters?
 - Established TMDL's?
 - Endangered Species Act Review?
- **Prepare a Storm Water Pollution Prevention Plan (SWPPP)**
 - A SWPPP is a site specific plan which describes how the permit holder will implement stormwater controls to prevent sediment and other pollutants associated with construction sites from being discharged in stormwater runoff



Construction General Permits

- Coverage
- Authorizations for discharge
 - NOI
- Effluent Limits
 - Consistency with TMDLS
 - Maintenance of Controls
 - Training of Employees
- Inspections
- SWPPP
- Termination of Coverage
- Retention of Records
- Standard Conditions
- Specific requirements for States, Indian Country and Territories

Construction General Permit

SWPPP Expectations:

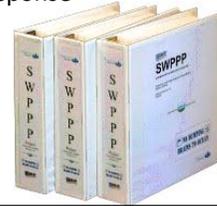
- Must be prepared [prior to submittal of Notice of Intent \(NOI\)](#)
- [Site specific](#)
- Maintain a copy on construction site
- Must be routinely updated to reflect site conditions
- Critical document during compliance inspections



Construction General Permit

SWPPP Required Information:

- Site map
- Design details for BMPs
- Procedures for installing, operating and maintaining BMPs (For both visible and non-visible pollutants)
- Documentation of measures taken to minimize disturbed areas
- Records including date and methods used to stabilize disturbed areas
- Records of when activity ceased on disturbed areas
- Records of rainfall and storm water discharge
- Inspection schedules, procedures, and inspection logs
- Training records for persons responsible for implementing the SWPPP and conducting related inspections
- Emergency spill response procedures



Construction General Permit

Inspections:

- At least every 14 days and within 24 hours of the end of a storm event of 0.5 inches or greater, or
- At least every 7 days
- You may reduce your inspection frequency to at least once per month if the entire site is temporarily stabilized
- No inspections are required for areas that have been permanently stabilized

Endangered Species Act (ESA) Considerations



To Comply Operators Must Ensure:

- No federally listed threatened or endangered species or critical habitat in project area; or
 - Consult with Fish and Wildlife Service and/or National Marine Fisheries Service per section 7 of ESA; or
 - Show that construction activities are authorized through issuance of a permit under section 10 of the ESA.
- * You are not eligible to discharge storm water if it is determined that your discharge will cause or contribute to an exceedance of water quality standards or jeopardize a listed or endangered species, unless your project is authorized under Sections 7 and 10 of the ESA.

Guam's Listed Endangered Species

- Mammals
 - Little Mariana Fruit Bat
 - Mariana Fruit Bat (a.k.a. Mariana Flying Fox)
- Birds
 - Swiftlet, Mariana Gray
 - Crow, Mariana
 - Moorhen, Mariana common
 - Kingfisher, Guam Micronesian
 - Rail, Guam
 - White-eye, bridled
- Plants
 - (Iagu, Hayun=Guam) (Tronkon guafi=Rota)

Summary Points

- Permit coverage is required for all sites disturbing 1 or more acres of land, regardless of the size of any of the individually-owned or developed sites.
- SWPPPs are meant to be living documents
 - Must be site specific
 - Must be prepared prior to submittal of Notice of Intent (NOI)
 - Maintain copy on construction site
 - Must be Routinely updated to reflect site conditions
- The New CGP is slated to become effective February 15, 2012
 - It is expected that ongoing construction activities will need to submit the new NOI and a revised SWPPP to obtain coverage under the new CGP.

Resources

- EPA Website
<http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>
- EPA website regarding CGP permit and authorization for Guam
<http://cfpub1.epa.gov/npdes/stormwater/authorizationstatus.cfm>
- EPA NOI Submittal Website
www.epa.gov/npdes/eNOI
- Construction Industry Compliance Assistance Center (CICA) Website
www.cicacenter.org

