

How Do I Get Stormwater Permit Coverage for My Construction Site?

A Construction Site Operator's Guide to EPA's Stormwater Permit Program



Who needs permit coverage?

If the construction project disturbs 1 or more acres of land, including activities like clearing, grading, excavating, or stockpiling of fill material, it needs a permit. Count the acreage of the entire project even if you are responsible for only a small portion.



Rock used to stabilize road

EPA Region 10 Storm Water Assistance

Permits Unit: 206-553-1746

Compliance Unit: 206-553-0140

<http://yosemite.epa.gov/r10/water.nsf/Stormwater/home>

Why do I have to get permit coverage?

The U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) program regulates stormwater runoff from construction sites. The Construction General Permit (CGP) is for construction sites that disturb 1 or more acres, including smaller sites that are part of a larger plan of development (for example, building a house on a half-acre lot in a 10-acre development). Construction site operators need to submit an application called a Notice of Intent (NOI) to be covered under EPA's CGP.

In the four states of EPA Region 10, EPA's permit applies to the following areas:

- **Alaska:** Metlakatla Reservation & Denali National Park
- **Idaho:** Everywhere
- **Oregon:** Indian Country lands
- **Washington:** Federal operators & Indian Country lands

All other areas in AK, OR, and WA are regulated by the respective state agencies. More information at <http://yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/Region+10+CGP+resources/>

Why is stormwater runoff bad?

Runoff from rainstorms and snowmelt picks up pollutants like sediment, oil and grease, nitrogen and phosphorus, and other chemicals and carries them into storm drains or directly into waterbodies. The EPA permit works to prevent contaminated stormwater from being discharged untreated into the water we use for swimming, fishing, and drinking.

Why is sediment harmful to a waterbody?

Too much sediment in a waterbody clouds the water and makes it difficult or impossible for aquatic plants to receive the sunlight they need to grow. Excess sediment smothers aquatic habitat, clogs fish gills, and impedes navigation in our waterways, which can lead to expensive dredging.



Silt fence failure



50 foot buffer or equivalent is required for work next to water of the U.S.



Plan for concrete washout & other materials management

I need permit coverage. Where do I start?

1. Read EPA's Construction General Permit (CGP)

Download a copy of EPA's permit at www.epa.gov/npdes/stormwater/cgp. Read the permit carefully; operators are legally responsible for complying with all its provisions.

► Who is an "operator"?

You are an operator if at least one of the following criteria are met: (1) you have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; and/or (2) you have day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions, including implementing the Storm Water Pollution Prevention Plan (SWPPP) (see below). On some sites, several entities may meet the definition of operator; if so, each must file a NOI. Operators may include owners, general contractors, and subcontractors. Operators at the same site may share a SWPPP.

2. Develop a storm water pollution prevention plan (SWPPP)

The SWPPP is a plan for how you will control stormwater runoff from your construction site. It is broader and more complicated than an erosion and sediment control plan; the assistance of a professional may save you time. Operator(s) are responsible for developing and implementing a SWPPP, and for maintaining all best management practices (BMPs) during each stage of the project. BMPs are the techniques (buffers, silt fences, detention ponds, swales, etc.), schedules of activities, prohibitions of practices, and maintenance procedures to prevent or reduce the discharge of pollutants. *If you plan to use cationic chemicals to reduce turbidity in your discharge, you need approval from EPA Region 10 before you can submit your NOI.*

The SWPPP must be completed before you file an NOI to apply for coverage under EPA's permit. The plan must be available on-site for review during inspection. Use the permit guidance to determine how to maintain a 50-foot buffer of natural vegetation or the technical equivalent.

Because every site is unique, every SWPPP is unique. The SWPPP needs to be updated as your work progresses.

Please visit www.epa.gov/npdes/stormwater/cgp for more information on how to develop your SWPPP.

► Basic SWPPP Principles

- Divert stormwater away from disturbed or exposed areas of the construction site.
- Control erosion and sediment and manage stormwater.
- Inspect the site regularly and properly maintain BMPs, especially after rainstorms.
- Revise the SWPPP as site conditions change during construction and improve the SWPPP if BMPs are not effectively controlling erosion and sediment.
- Minimize exposure of bare soils to precipitation.
- Keep the construction site clean by putting trash in trash cans, keeping storage bins covered, and sweeping up excess sediment on roads and other impervious surfaces.

3. Complete an endangered species determination for the project site

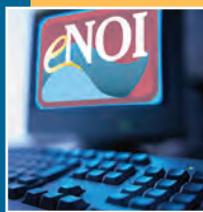
Assess the potential effects of stormwater runoff on federally listed endangered and threatened species and any designated critical habitat on or near the site. Consider areas beyond the immediate footprint of the construction activity and beyond the property line—areas that could be affected directly or indirectly by stormwater discharges.

The local offices of U.S. Fish and Wildlife Service, National Marine Fisheries Service, and State or Tribal Heritage Centers often maintain lists of federally listed endangered or threatened species on their Web sites. Visit www.epa.gov/npdes/stormwater/esa for more information.

4. File a Notice of Intent (NOI)

The NOI form tells EPA you are filing for permit coverage and that you have read, understood, and implemented the requirements of EPA's permit. There is a 14-day waiting period after EPA sends an acknowledgement of a complete application. EPA's eNOI system (www.epa.gov/npdes/enoi) is the fastest way to begin this process. Mailing a paper NOI can add 2 or more weeks processing time.

During the waiting period, NOIs are reviewed for endangered species impacts and other concerns. Permit coverage begins at the end of the 14-day period unless you are notified otherwise. Post your completed NOI at the construction site in a place accessible to the public.



Using EPA's new eNOI system (www.epa.gov/npdes/enoi) can save you 2 weeks or more.

5. Implement all BMPs outlined in your SWPPP

All BMPs must be inspected and maintained regularly. Inspections are required either (1) at least once every 7 days or (2) at least once every 14 days and within 24 hours of the end of a rain event of 1/4-inch or more. (Sites discharging to sensitive waters must inspect more frequently.) You must update the plan as site conditions and BMPs change. Keep records of your maintenance activities and any SWPPP modifications for review during inspection. *Are you in Idaho? Read Part 9.7.1 carefully. You may need to conduct daily turbidity monitoring.*

6. File an electronic Notice of Termination

Terminate permit coverage when your project is completed (generally, when 70% of the density of the original vegetation is reestablished on unpaved areas), when the property has been stabilized, or ownership or physical control over the site has been transferred (new operators need to file an NOI and meet the requirements of EPA's permit). The Notice of Termination form informs EPA that your construction project is complete and ends your responsibilities under the permit. The form can be completed and filed at www.epa.gov/npdes/enoi.

