



Does Your Construction Site Need a Stormwater Permit?

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

Why should we be concerned about stormwater runoff?

As stormwater flows over a construction site, it picks up pollutants like sediment, debris, oil, grease and other pollutants and carries them to storm drains or directly to nearby waterbodies. Because most storm drain systems do not provide any treatment to the water they collect, preventing contamination of stormwater is crucial, or polluted runoff will be discharged, untreated, into the waterbodies we use for swimming, fishing, and drinking water.

So what's being done to reduce these pollutants from construction activities?

Under the Clean Water Act, regulations require many construction sites to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for stormwater runoff. These permits require operators of these sites to implement steps to prevent sediment and other pollutants from washing into nearby streams, rivers, lakes, and coastal waters.

What activities need stormwater permit coverage?

All land-disturbing activities, including clearing, grading, and excavation, that disturb 1 or more acres of land are required to be covered under a NPDES construction stormwater permit prior to land disturbance. Small construction activities that disturb less than 1 acre but are part of a larger common plan of development or sale, such as a single lot within a larger subdivision, are also required to obtain permit coverage.

I need a permit... What do I need to do?

1. Read the Construction General Permit (CGP)

You can download a copy of the Construction General Permit from the EPA Construction Stormwater website at <https://www.epa.gov/npdes/2017-construction-general-permit-cgp>. Please read the permit carefully and remember site operators are legally responsible for complying with all of its provisions.

2. Develop a Stormwater Pollution Prevention Plan (SWPPP)

The SWPPP is a plan for how you will control stormwater runoff from your construction site and helps assure compliance with the terms and conditions of the CGP. It is more detailed than a typical erosion and sediment control plan. It must be completed before you file an NOI to apply for coverage under the NPDES construction permit and be available on-site once permit coverage is obtained.

3. File a Notice of Intent (NOI)

The "operator" must submit a Notice of Intent (NOI) form before beginning any land disturbance on the site. The operator is the entity that has operational control over the construction plans or day-to-day activities that are necessary to implement the SWPPP. On some sites, several entities may meet the definition of operator and all must file NOIs. Operators may include companies, owners, general contractors, and subcontractors.

The NOI form lets EPA know you are filing for permit coverage. It is also your certification that you have read, understood, and implemented the requirements of the permit. The Guidelines for the NOI contents can be found in the General Permit.

4. Implement and Maintain all Best Management Practices (BMPs) outlined in your SWPPP

Remember to follow your SWPPP. It is the responsibility of the operator(s) to implement and maintain all 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.

All BMPs must be inspected, maintained regularly and repaired when necessary, and the plan must be updated as site conditions and BMPs change. Specific inspection requirements, and who must conduct the inspections, can be found in the General Permit. Remember to keep records of maintenance activities, inspections and any SWPPP modifications.

5. File a Notice of Termination (NOT)

You should terminate permit coverage when your project is completed and the property has been stabilized or when another operator has assumed control over the site (new operators will need to file a NOI and meet the requirements of EPA's permit). The NOT form informs EPA your construction project is complete and ends your responsibilities under the permit.

Construction sites that discharge unpermitted stormwater are in violation of the Clean Water Act and may be subject to fines.

An ounce of prevention is worth a pound of cure! It's far more efficient and cost effective to prevent pollution than it is to try to correct problems later.

SILT FENCING



GOOD



BAD

References

EPA Stormwater Outreach Materials and Reference Documents

<https://www.epa.gov/npdes/2017-construction-general-permit-cgp>

How Do I Get Stormwater Permit Coverage for My Construction Site? A Construction Site Operator's Guide to EPA's Stormwater Permit Program
EPA 833-F-04-002

The Role of Local Governments in Implementing the NPDES Stormwater Program for Construction Sites EPA 833-F-06-0022

Stormwater and the Construction Industry Poster EPA 833-H-03-001

Contacts

FEDERAL ~ U.S. Environmental Protection Agency
www.epa.gov/nps
www.epa.gov/npdes/stormwater

Do You Need a Construction Stormwater Permit?



All construction sites disturbing 1 or more acres (with few exceptions) need stormwater permit coverage!

- Will your construction project disturb 1 or more acres of land?
- Will your construction project disturb less than 1 acre but is part of a larger plan of development or sale, such as a single lot within a larger subdivision?

If you answered “yes” to either of these questions...

YOU NEED PERMIT COVERAGE!

If you need a permit, here's where you start...

1. Read the Construction General Permit
2. Develop a Stormwater Pollution Prevention Plan
3. File a Notice of Intent
4. Implement and Maintain all Best Management Practices outlined in your Stormwater Pollution Prevention Plan