

Summary of National Pollution Discharge Elimination System (NPDES) Storm Water Permitting Requirements for Construction Activity

Requirements for Construction Sites

Any construction activity that includes clearing, grading, excavation, stockpiling, or reconstruction of existing facilities involving removal and replacement, resulting in land disturbance of 5 acres or greater, must be conducted in accordance with the NPDES General permit for Discharges of Storm Water Runoff Associated with Construction Activity (referred to as the Construction Activities Storm Water General Permit). Sites less than 5 acres are also required to obtain a permit if the project is part of a "larger common plan of development" that will exceed five acres. In March 2003, a Phase 2 rule for "Small Construction Activity" will take effect, requiring permits for all construction sites 1 acre or larger.

This general permit is issued by the State Water Resources Control Board (SWRCB) and enforced locally by the Central Valley Regional Water Quality Control Board (RWQCB).

General Storm Water Permit for Construction Activities

The provisions of the Construction Site General Permit are summarized below.

Prohibitions. The permit prohibits the discharge of materials other than storm water and states that storm water discharges shall not cause pollution. In addition, storm water discharges shall not contain a hazardous substance in excess of "reportable quantities" established by 40 Code of Federal Regulations (CFR) 117.3 or 40 CFR 302.4.

Elimination or reduction of non-storm water discharges is a major goal of the general permit. Non-storm water discharges include a wide variety of sources including improper dumping, spills, or leakage from storage tanks, or transfer areas. The program recognizes, however, that certain non-storm water discharges (e.g., landscape irrigation of erosion control measures, pipe flushing and testing, street washing, and dewatering), may be necessary for the practical performance and completion of construction projects. The Non-storm water discharges are allowed only if they:

1. do not contribute to a violation of a water quality standard
2. are controlled through implementation of Best Management Practices
3. are infeasible to eliminate

Effluent Limits. Sections 301 and 402 of the federal Clean Water Act require controls of pollutant discharges to use "best available technology economically achievable" (BAT) and "best conventional pollutant control technology" (BCT) to

reduce pollutants, and any more stringent controls necessary to meet water quality standards. The SWRCB has determined that it is not feasible to establish numeric effluent limits. Therefore, the permit contains narrative effluent limits only, including the requirement to implement appropriate Best Management Practices (BMPs). The BMPs emphasize erosion control and pollution prevention methods and may also include structural controls to manage sediment.

Receiving Water Limits. The permit requires that construction related activities that cause or contribute to exceedance of a water quality standard must be corrected immediately and a report made to the RWQCB within 14 days.

Storm Water Pollution Prevention Plan (Site Specific). Each permitted construction site must prepare a site specific SWPPP prior to disturbing the site. The major objectives of the SWPPP are to:

1. help identify the sources of sediment and other pollutants that affect the quality of storm water discharges, and
2. describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges.

The SWPPP must include a site description and identify BMPs that address erosion and sediment controls and management of construction waste. The SWPPP must also include post-construction controls and management of non-storm water.

Monitoring Program. Under the permit, dischargers are required to conduct inspections before and after storm events to identify areas contributing to storm water discharge and to evaluate the effectiveness of pollutant control measures. Equipment, materials and personnel must be available to respond to any maintenance needs identified in the inspections. If corrective measures are warranted, they must be performed as soon as possible.

Retention of Records. The SWPPP must be retained, monitoring results, and any associated data for at least three years. Records do not need to be submitted to the SWRCB or RWQCB, other than the Notice of Intent and reports of non-compliance.

The owner of the land where the construction takes place is responsible for filing the Notice of Intent (NOI) and fee, complying with the terms of the General Permit, and seeing that all contractors comply with the General Permit as well.

Notice of Intent

An NOI must be filed for each permitted site. A blank NOI and instructions can be obtained from the SWRCB web page at: <http://www.swrcb.ca.gov/stormwtr/construction.html>. The NOI form includes information about how the permit requirements will be implemented, including preparation of a SWPPP, statements about a monitoring program, and identification of the individual responsible for permit compliance. The landowner is responsible for ensuring that an

NOI is filed when appropriate and a SWPPP developed in accordance with Section A of the General Permit, prior to the start of any construction activity. The NOI form can be filled out by a consultant or contractor, but should be submitted to the SWRCB by the landowner or his/her representative. A \$500 annual fee must accompany the NOI.

When construction is complete, a Notice of Termination (NOT) needs to be filed to revoke coverage under the Construction Site General permit. The NOT form should be completed and submitted for filing with the SWRCB. The NOT certifies that:

1. construction activity has been completed,
2. all elements of the site specific SWPPP have been completed,
3. construction materials and waste have been disposed of properly,
4. the site is in compliance with all local storm water management requirements,
5. a post-construction storm water operation and management plan is in place.

Who should I contact if I have questions?

If you have questions concerning the general Permit, please e-mail the State Water Resources Control Board at stormwater@swrcb.ca.gov or call (916) 341-5537.