

EPA's 2017 Construction General Permit and Common Construction Stormwater Inspection Findings

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NICE TO MEET YOU

- Engineer with EPA's Region 8 office in Denver
- Inspector and enforcement officer in R8 NPDES Enforcement Unit
 - Construction stormwater POC, liaison to UDWQ
- Goal: facilitate communication between regulators and regulated to inform both parties and increase compliance



Part I: EPA's New 2017 Construction General Permit (CGP)

(Akash Johnson on behalf of)

Amy Clark

U.S. EPA Region 8



Stormwater Coordinator



THIS PRESENTATION

- Permit background (abridged)
 - Overview of the 2017 CGP and New Requirements
 - Using the NPDES eReporting Tool (NeT)
-

Construction Stormwater Regulatory Background

- February 1, 2010**
- The 2009 Effluent Limitations Guidelines and New Source Performance Standards (technology-based effluent limits) for the construction and development industry became effective; **prior to the “C&D rule”, effluent limits in CGPs were based on the permit writer’s “best professional judgement”**.
 - The initial C&D rule included a suite of non-numeric requirements for erosion and sediment control and pollution prevention, as well as a **numeric turbidity limit**.
- 
- 2012**
- EPA entered into a **settlement agreement** with industry petitioners who challenged technical aspects of the rule.
- 
- February 2014**
- EPA **finalized changes** to the ELGs pursuant to the settlement agreement:
 - **Removed the numeric turbidity limit** from the regulations
 - Made minor clarifications to the applicability of the non-numeric limits
 - All reissued construction stormwater permits must include the revised technology-based effluent limits from the C&D rule.

EPA's 2017 CGP

- Effective February 16, 2017 for (at least) five years
- Replaced the 2012 CGP, which expired on February 16, 2017
- Similar to 2012 CGP and contains requirements for:

Part 1: Eligibility Requirements

Part 2: Technology-Based Effluent Limits (based on C&D rule)

Erosion and sediment control requirements

Site stabilization criteria and deadlines

Dewatering requirements

Pollution prevention measures

Part 3: Water Quality-Based Effluent Limits

Includes a narrative limit (i.e., discharges must be controlled as necessary to meet WQS) and more stringent requirements for site inspections and stabilization for discharges to sensitive waters

Part 4: Inspections

Part 5: Corrective Actions

Part 6: Staff Training

Part 7: Stormwater Pollution Prevention Plans (SWPPP)

Part 8: How to Terminate Coverage

OVERVIEW OF 2017 CGP NEW REQUIREMENTS

- Eligibility requirements & discharge authorization
 - Non-numeric effluent limits
 - Notice of Intent (NOI) form
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WHAT'S NEW:

Eligibility requirements &
discharge authorization

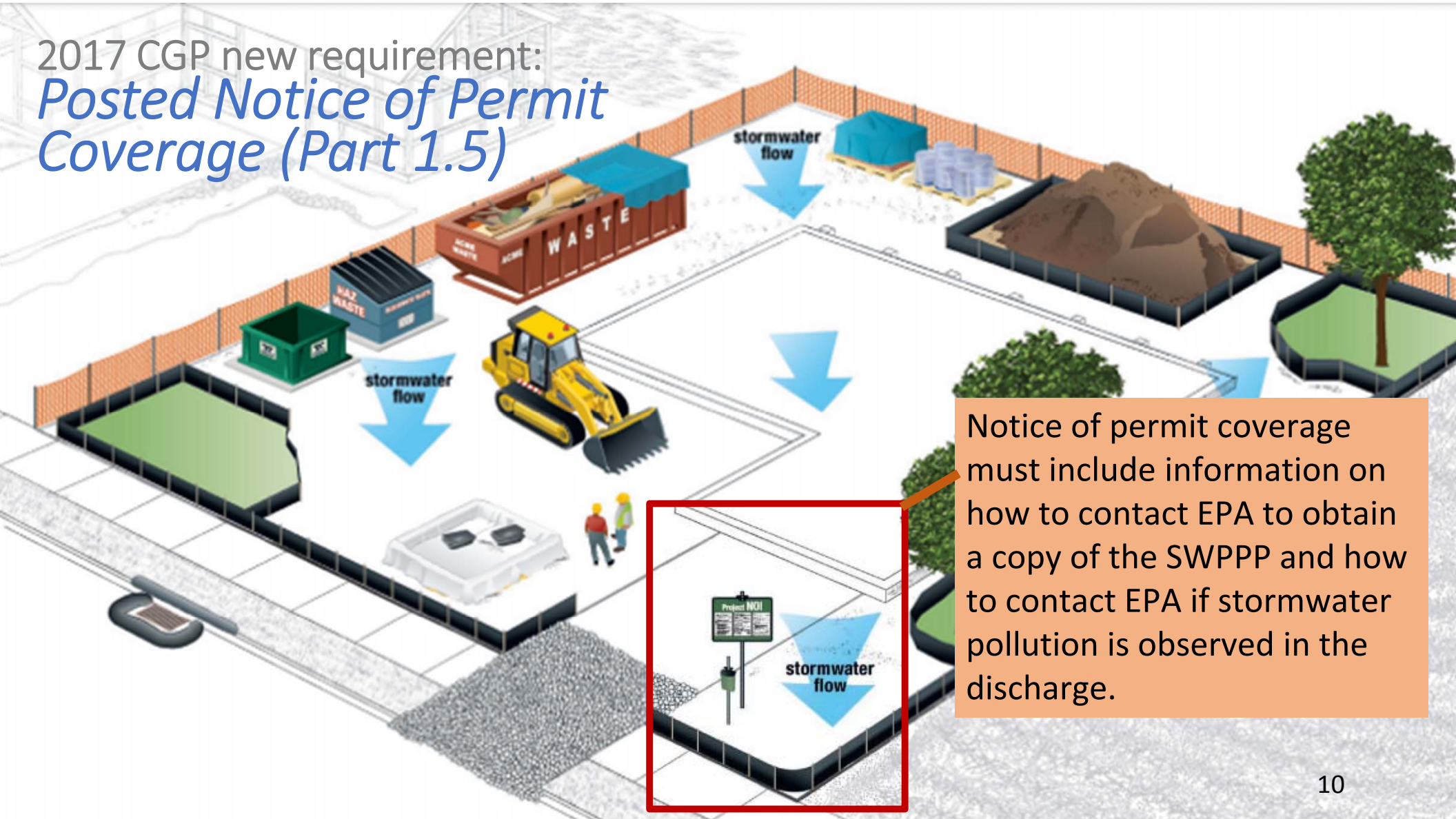
2017 CGP new requirement:

Authorized non-stormwater discharges (Part 1.2.2)

- External building washdown waters are authorized, provided that external surfaces [that would come in contact with those wash waters] do not contain hazardous substances, such as paint or caulk containing polychlorinated biphenyls (PCBs)



2017 CGP new requirement:
Posted Notice of Permit Coverage (Part 1.5)

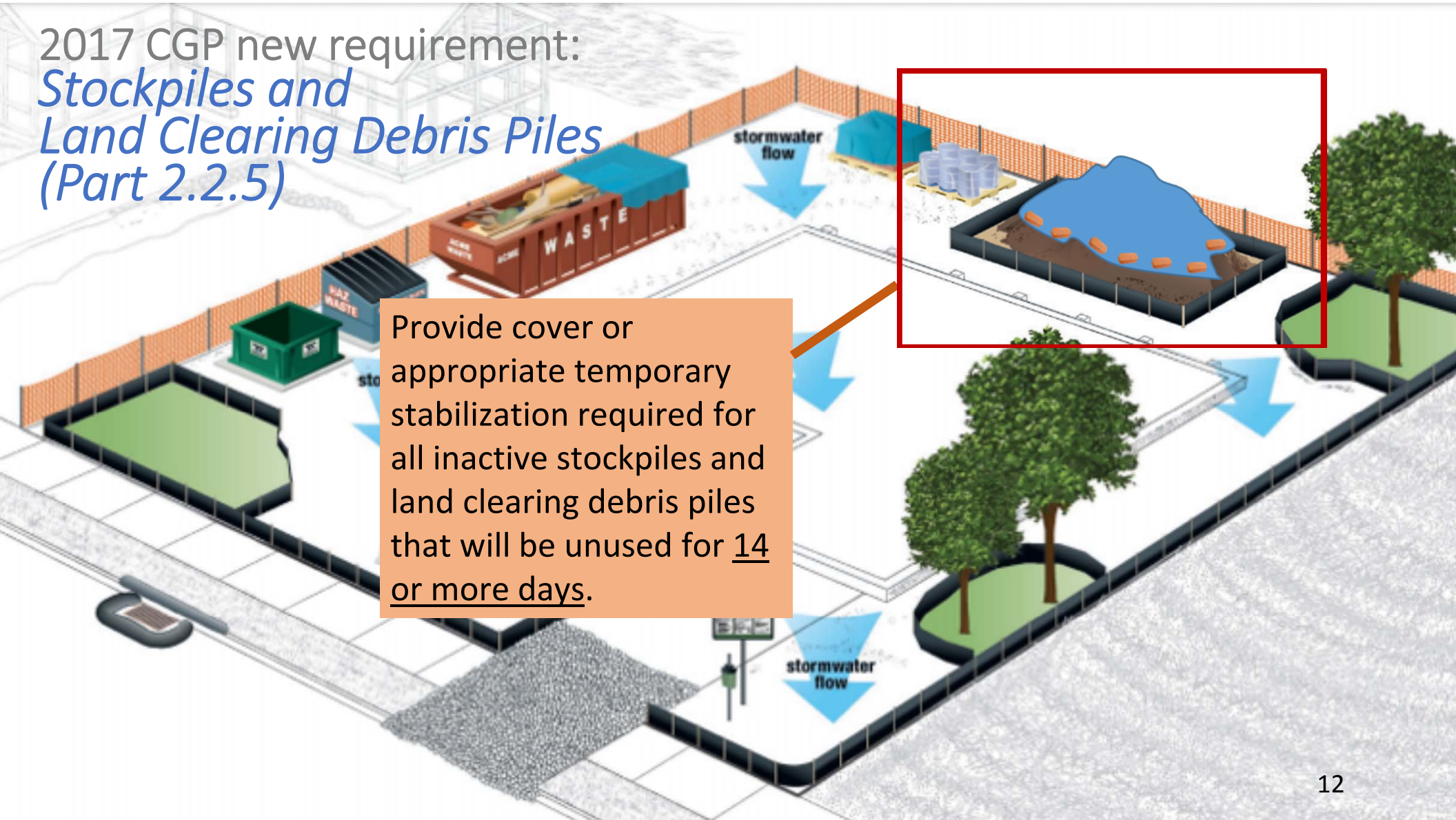


WHAT'S NEW:

Non-Numeric Effluent limits

2017 CGP new requirement:
*Stockpiles and
Land Clearing Debris Piles*
(Part 2.2.5)

Provide cover or appropriate temporary stabilization required for all inactive stockpiles and land clearing debris piles that will be unused for 14 or more days.



2017 CGP new requirement: *Stabilization deadlines* (Part 2.2.14)

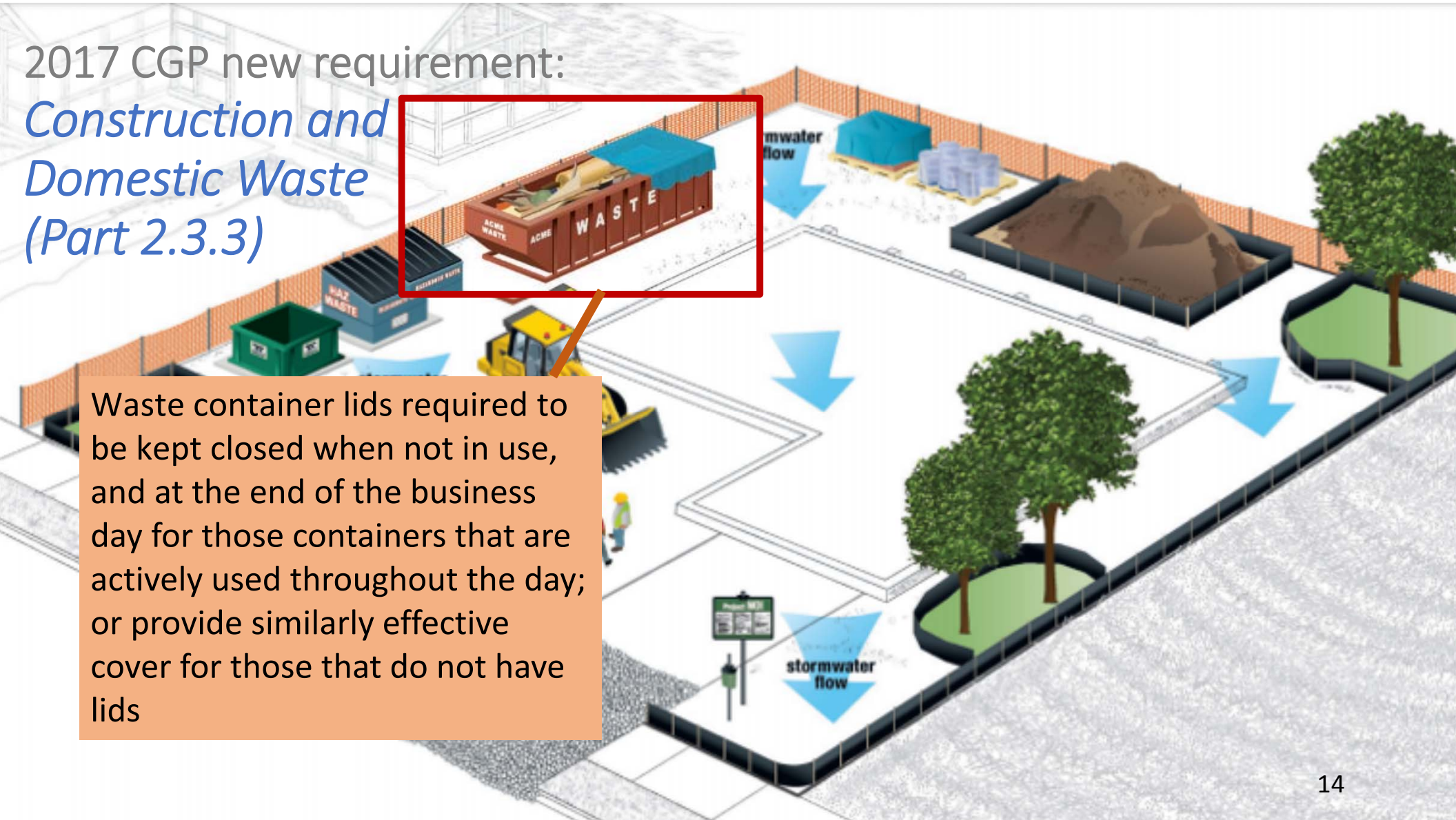
- *Modification from 2012 CGP*
 - Deadline to complete stabilization will remain at 14 calendar days for sites that disturb 5 acres or less at any one time
 - For sites that disturb more than 5 acres total, operators can choose between:
 - Complete stabilization within 14 calendar days if they limit disturbances to 5 acres or less at any one time, or
 - Complete stabilization within 7 calendar days
- *Unchanged from 2012 CGP*
 - Deadline for sites discharging to sensitive waters (within 7 calendar days)
 - Exceptions for sites in arid, semi-arid, and drought-stricken areas and for operators affected by circumstances



2017 CGP new requirement:

*Construction and
Domestic Waste
(Part 2.3.3)*

Waste container lids required to be kept closed when not in use, and at the end of the business day for those containers that are actively used throughout the day; or provide similarly effective cover for those that do not have lids



2017 CGP new requirement:

Controls during demolition activities (Part 3.2)

- Implement stormwater controls that minimize stormwater exposure to PCB-containing building materials (e.g., paint, caulk, fluorescent lighting fixtures)
- Only applies to:
 - Sites discharging to waters impaired for PCBs
 - Demolition of structures with 10,000 sq. ft. of floor space built or renovated before Jan 1, 1980



WHAT'S NEW:

Notice of Intent (NOI) form and
using the NPDES eReporting Tool
(NeT)

2017 CGP new requirement:

Reporting information on construction activities

New questions on the NOI form:

- 1) The type of construction site (select one or more of 9 options);
- 2) A yes/no question asking if there is demolition of a structure with at least 10,000 square feet of floor space that was built or renovated before January 1, 1980; and
- 3) A yes/no question asking whether the predevelopment land use was used for agriculture



Submit your NOI through the NPDES eReporting Tool

- 2012 CGP “eNOI” system replaced for the 2017 CGP by the “NPDES eReporting Tool” (NeT)
- NeT uses EPA’s Central Data Exchange (CDX) to register
 - If you already have a CDX account, you just add NeT service to your account
 - If you do not have a CDX account, you can register for one
- Operators with ongoing projects under the 2012 CGP had until May 17, 2017 to submit a new NOI under the 2017 CGP using NeT
- Quick start guide, online tutorials and trainings are available at <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>

Implementation Assistance

- NeT guidance
- SWPPP template
- Small Lot SWPPP template
- Inspection and corrective action report forms



Questions?

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Copies of the Permit, Appendices, and Factsheet can be found at

<https://www.epa.gov/npdes/stormwater-discharges-construction-activities#overview>

All supporting documentation can be found on Docket ID: EPA-HQ-OW-2015-0828 on Regulations.gov <https://www.regulations.gov/docket?D=EPA-HQ-OW-2015-0828>

PART II: COMMON CONSTRUCTION STORMWATER NONCOMPLIANCE FINDINGS

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DISCLAIMER: CHECK YOUR PERMIT



RECORDS FINDINGS

MISSING PERMITTEE AND/OR DELEGATION

- GENERALLY, BOTH GENERAL CONTRACTOR AND OWNER NEED TO SUBMIT A NOI OR ACKNOWLEDGE PERMIT COVERAGE
 - OWNERS ARE NOT ALWAYS AWARE OF THIS
- OWNERS ARE PERMITTEES AND SHARE RESPONSIBILITY FOR PERMIT COMPLIANCE



RECORDS FINDINGS

MISSED INSPECTIONS

- DURING ACTIVE CONSTRUCTION
 - SCHEDULED (WEEKLY OR BI-WEEKLY+)
 - AFTER PRECIPITATION EVENTS, IF APPLICABLE
- STABILIZED AREAS
 - MAY BE ABLE TO REDUCE FREQUENCY
 - GENERALLY NEED TO CONTINUE UNTIL NOTICE OF TERMINATION
 - MAY BE EXCEPTIONS (EX. LINEAR PROJECTS)
 - CHECK YOUR PERMIT



RECORDS FINDINGS



INCOMPLETE/NON-UPDATED SWPPP, INSPECTION REPORTS, AND CORRECTIVE ACTION LOGS

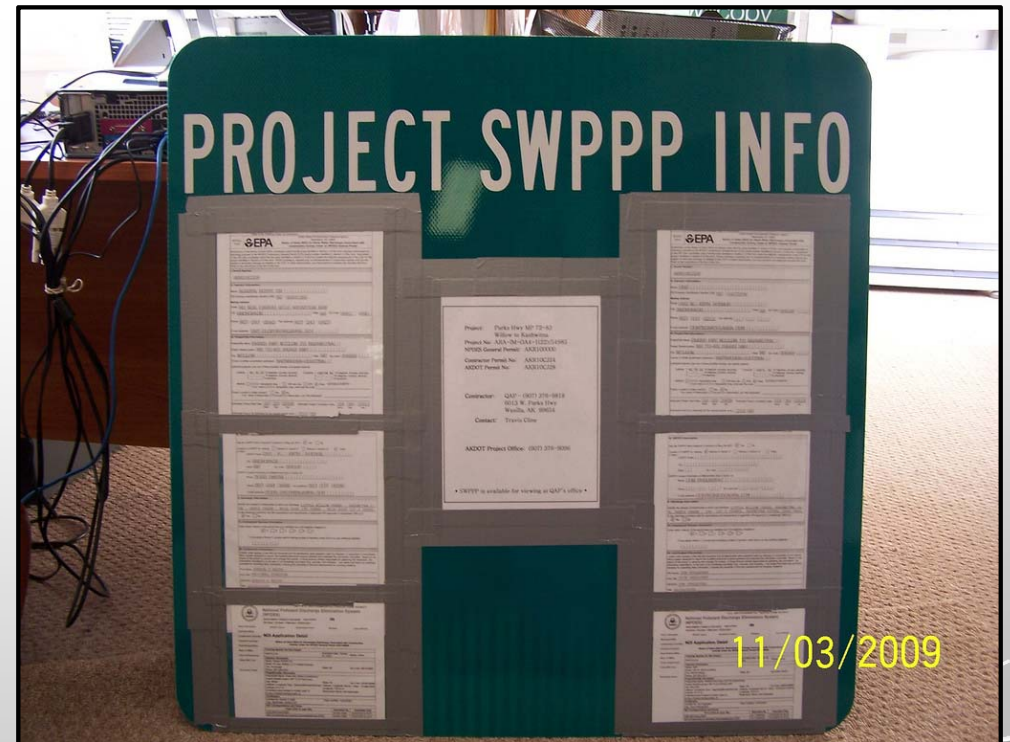
- PAPERWORK IS TEDIOUS, BUT REQUIRED
- SWPPP
 - TEMPLATES ARE GUIDELINES, NOT ALWAYS COMPLETE
 - ELECTRONIC OR HARD-COPY, SWPPP IS A LIVING DOCUMENT
- INSPECTION REPORTS AND CORRECTIVE ACTION LOGS
 - ENSURES CONTRACTOR FOLLOW-UP
 - ONLY WAY FOR INSPECTORS TO VERIFY CORRECTIVE ACTIONS ARE BEING IDENTIFIED AND COMPLETED
- “IF IT IS NOT DOCUMENTED, IT DID NOT HAPPEN”

RECORDS FINDINGS

MISSING OR INCOMPLETE

POSTED NOTICE OF PERMIT COVERAGE

- GENERALLY REQUIRED SIGNAGE CONTENT
 - PERMIT NUMBER
 - OPERATOR/SWPPP CONTACT INFO
 - REGULATORY AGENCY CONTACT INFO



MISSING BMPS



NO INLET PROTECTION DEVICES

- PAY PARTICULAR ATTENTION TO OFFSITE, DOWNGRADIENT LOCATIONS
- REMOVED FOR MAINTENANCE AND NEVER REPLACED
- NEWLY INSTALLED INLETS

MISSING BMPS



CONSTRUCTION FENCE \neq SILT FENCE

- FINE FOR BULK MATERIAL CONTROL, NOT SUFFICIENT TO CONTAIN PRECIPITATION RUNOFF

MISSING BMPS

INCOMPLETE STOCKPILE CONTROL

- NEW CGP IMPLEMENTS STRICTER REQUIREMENTS
- COVER OR STABILIZE IF UNUSED FOR CERTAIN PERIOD
- LOCATE AWAY FROM STORMWATER CONVEYANCES, INLETS, BUFFERS, ETC.
- INSTALL SEDIMENT BARRIER AROUND DOWNGRAIDENT PERIMETER



MAINTENANCE OF EXISTING BMPS

INLET PROTECTION DEVICES



MAINTENANCE OF EXISTING BMPS

INLET PROTECTION DEVICES



MAINTENANCE OF EXISTING BMPS

SILT FENCE



MAINTENANCE OF EXISTING BMPS

SILT FENCE



MAINTENANCE OF EXISTING BMPS

CONCRETE WASHOUT



MAINTENANCE OF EXISTING BMPS

STABILIZATION

- TEMPORARY
 - INACTIVE FOR CERTAIN PERIOD
 - INITIATED ASAP
 - COMPLETED WITHIN X DAYS OF INITIATION
- FINAL
 - VEG AND NON-VEG REQUIREMENTS ARE USUALLY IN PERMIT
 - MS4 REQUIREMENTS MAY BE MORE STRINGENT
 - LIKELY NEED TO CONTINUE INSPECTIONS



THANK YOU



- CONSTRUCTION OPERATORS: BE AWARE OF YOUR COMPLIANCE RESPONSIBILITY AND COMMON PITFALLS
- STATES AND MS4S: EXERCISE YOUR AUTHORITY
 - BETTER FOR EVERYONE
- QUESTIONS? GIVE US A CALL!
- THANK YOU

QUESTIONS ?

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