



## Planning a Construction Project? You May Need a NPDES Permit!



The Clean Water Act (CWA) prohibits the discharge of any pollutant to navigable waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Efforts to improve water quality under the NPDES program traditionally have focused on reducing pollutants in industrial process wastewater and municipal sewage treatment plant discharges. Over time, it has become evident that more diffuse sources of water pollution, such as storm water runoff from construction sites, are also significant contributors to water quality problems.

Sediment runoff rates from construction sites are typically 10 to 20 times greater than those from agricultural lands, and 1,000 to 2,000 times greater than those of forest lands. During a short period of time, construction activity can contribute more sediment to streams than can be deposited over several decades, causing physical and biological harm to our Nation's waters.

In 1990, EPA promulgated rules establishing Phase I of the NPDES storm water program. Phase I addresses, among other discharges, discharges from large construction activities disturbing 5 acres or more of land. Phase II of the NPDES storm water program covers small construction activities disturbing between 1 and 5 acres. Beginning March 10, 2003, small construction permit applications are **required** for sites disturbing between 1 and 5 acres.

### Who Is Covered Under the Phase II Construction Rule?

#### *Sites Between One and Five Acres*

The Storm Water Phase II Rule automatically designates, as small construction activity under the NPDES storm water permitting program, all operators of construction site activities that result in a land disturbance of equal to or greater than 1 and less than 5 acres.

#### *Sites Less Than One Acre*

Site activities disturbing less than 1 acre are also regulated as small construction activity if they are part of a larger common plan of development or sale with a planned disturbance of equal to or greater than 1 acre and less than 5 acres, or if they are designated by the NPDES permitting authority. The NPDES permitting authority or EPA Region may designate construction activities disturbing less than 1 acre based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States.

### What Does the Phase II Construction Program Require?

The Phase II Final Rule requires operators of Phase II small construction sites, nationally, to obtain an NPDES permit and implement practices to minimize pollutant runoff.

- \_ Submission of a *Notice of Intent* (NOI) that includes general information and a certification that the activity will not impact endangered or threatened species.
- \_ The development and implementation of a *Storm Water Pollution Prevention Plan* (SWPPP) with appropriate BMPs to minimize the discharge of pollutants from the site; and
- \_ Submission of a *Notice of Termination* (NOT) when final stabilization of the site has been achieved as defined in the permit or when another operator has assumed control of the site.

## **What are Some Recommended BMPs for Small Construction Sites?**

### **Non-Structural BMPs**

- Minimizing Disturbance
- Preserving Natural Vegetation
- Good Housekeeping

### **Structural BMPs**

#### *Erosion Controls*

- Mulch
- Grass
- Stockpile Covers

#### *Sediment Controls*

- Silt Fence
- Inlet Protection
- Check Dams
- Stabilized Construction Entrances
- Sediment Traps

Most erosion and sediment controls require regular maintenance to operate correctly. Accumulated sediments should be removed frequently and materials should be checked periodically for wear. Regular inspections by qualified personnel, which can allow problem areas to be addressed, should be performed after major rain events.

## **How do I obtain a permit application for small construction activity in Portage County?**

Ohio EPA Northeast District Office  
2110 E. Aurora Road  
Twinsburg OH 44087  
Bill Zawiski 330-963-1134  
Pete Killmer 330-963-1135

## **How can I receive assistance in developing my SWPPP for my construction project?**

Portage Soil & Water Conservation District  
330-297-7633 x101  
6970 State Route 88  
Ravenna OH 44266  
[www.portageswcd.org](http://www.portageswcd.org)

### **For More Information**

U.S. EPA Office of Wastewater Management  
202-564-9545  
[www.epa.gov/npdes/stormwater](http://www.epa.gov/npdes/stormwater)

Storm Water Phase II Final Rule Fact Sheet Series - [cfpub.epa.gov/npdes/stormwater/swfinal.cfm](http://cfpub.epa.gov/npdes/stormwater/swfinal.cfm)

Storm Water Phase II Final Rule (64 FR 68722) - [www.epa.gov/npdes/regulations/phase2.pdf](http://www.epa.gov/npdes/regulations/phase2.pdf)

*Agricultural Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)* - [www.epa.gov/npdes/pubs/ruslech2.pdf](http://www.epa.gov/npdes/pubs/ruslech2.pdf)