

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

A Construction Site Operator's Guide to Your State's Stormwater Permit Program



Who needs permit coverage?

If your construction project disturbs 1 or more acres of land through clearing, grading, excavating, or stockpiling of fill material, you may need permit coverage. Remember to count the acreage of the entire project even if you are responsible for only a small portion.



Why do I have to get permit coverage?

All construction sites that disturb 1 or more acres, with limited exceptions, require a National Pollutant Discharge Elimination System (NPDES) stormwater permit. Most States have been authorized to issue NPDES permits (except for Alaska, Idaho, Massachusetts, New Mexico, New Hampshire, and some Federal facilities and Indian lands where EPA still issues NPDES permits). To find out who issues NPDES permits in your area, visit the Construction Industry Compliance Assistance (CICA) Center at <http://www.cicacenter.org/swrl.html>.



States and EPA Regions have issued Construction General Permits (CGPs) that describe the practices construction operators must follow to protect water quality. Download a copy of the CGP for your State at the CICA Center web site above. Construction activity less than one acre may need to apply for a stormwater permit if the site is part of a large common plan of development. For example, if you are building a house on a half-acre lot in a 10-acre planned development, you may need permit coverage.

Consult your state's general permit for more information.

Why is stormwater runoff so 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. Because most storm drain systems do not provide any treatment to the water they collect, preventing contamination of stormwater is critically important or polluted runoff will be discharged untreated into the waterbodies we use for swimming, fishing, and drinking water.



Why is sediment harmful to a waterbody?

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

I need permit coverage. Where do I start?

1. Read Your State's Construction General Permit (CGP)

Read your state's permit carefully, and remember that you are legally responsible for complying with all its provisions.

Who submits an NOI?

In most states, the "operator" submits a Notice of Intent (NOI) form. The operator is the entity (generally a company, corporation, etc.) that has operational control over the construction plans or day-to-day activities that are necessary to implement the Stormwater Pollution Prevention Plan (SWPPP) (see below). On some sites, several entities may meet the definition of operator and all must file NOIs. Operators may include owners, general contractors, and subcontractors.

It is the responsibility of the operator(s) to develop and implement a SWPPP and maintain all best management practices (BMPs) during each stage of the project. Best management practices 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.

2. Develop a stormwater 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 a typical erosion and sediment control plan, so operators might want to enlist the assistance of a professional to save time. The SWPPP must be completed before you file an NOI to apply for coverage under your state's permit. You generally don't have to submit the SWPPP with your NOI to obtain permit coverage, but the plan must be available on-site for review during inspection.

Each state CGP has slightly different requirements, but in general a SWPPP should address the following:

Basic SWPPP Principles

- Divert stormwater away from disturbed or exposed areas of the construction site.
- Install BMPs to 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 to the extent practicable.
- 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 any additional information your state may need before submitting your NOI

For example, some states require the operator to assess the potential effects of stormwater runoff on federally listed endangered and threatened species and any designated critical habitat on or near the site.

4. File a Notice of Intent (NOI)

The Notice of Intent (NOI) form (called an "application" in some states) lets your state know that you are filing for permit coverage. It is also your certification that you have read, understood, and implemented the requirements of your state's permit. Make sure your NOI is filed with the state according to the timeframes specified in your state's CGP before construction activity starts.

5. Implement all BMPs outlined in your SWPPP

Remember to follow your SWPPP. All BMPs must be inspected and maintained regularly to make sure that they are functioning as designed. The plan must also be updated as site conditions and BMPs change. Remember to keep records of your inspections and maintenance activities and any SWPPP modifications for review during inspection.

6. File a Notice of Termination

Your state may require you to notify them when the project is complete and the site is stabilized, when ownership has been transferred to the homeowner (residential projects only), or when another operator has assumed control over the site (new operators will need to file an NOI and meet the requirements of your state's permit).

How to get a stormwater permit