Stormwater and the Construction Industry

Protect Natural Features

Bad

Good

- Minimize clearing.
- Minimize the amount of exposed soil.
- Identify and protect areas where existing vegetation, such as trees, will not be disturbed by construction activity.
- Protect streams, stream buffers, wild woodlands, wetlands, or other sensitive areas from any disturbance or construction activity by fencing or otherwise clearly marking these areas.

Construction Phasing

Bad

Good

- Sequence construction activities so that the soil is not exposed for long periods of time.
- Schedule or limit grading to small areas.
- Install key sediment control practices before site grading begins.
- Schedule site stabilization activities, such as landscaping, to be completed immediately after the land has been graded to its final contour.

Vegetative Buffers

Bad

Good

- Protect and install vegetative buffers along waterbodies to slow and filter stormwater runoff.
- Maintain buffers by mowing or replanting periodically to ensure their effectiveness.

Silt Fencing

Bad

Good

- Inspect and maintain silt fences after each rainstorm.
- Make sure the bottom of the silt fence is buried in the ground.
- Securely attach the material to the stakes.
- Don't place silt fences in the middle of a waterway or use them as a check dam.
- Make sure stormwater is not flowing around the silt fence.

Maintain your BMPs!

www.epa.gov/npdes/menuofbmps

Site Stabilization

Bad

Good

- Vegetate, mulch, or otherwise stabilize all exposed areas as soon as land alterations have been completed.

Construction Entrances

Bad

Good

- Remove mud and dirt from the tires of construction vehicles before they enter a paved roadway.
- Properly size entrance BMPs for all anticipated vehicles.
- Make sure that the construction entrance does not become buried in soil.

Slopes

Bad

Good

- Rough grade or terrace slopes.
- Break up long slopes with sediment barriers, or under drain, or divert stormwater away from slopes.

Dirt Stockpiles

Bad

Good

- Cover or seed all dirt stockpiles.

Storm Drain Inlet Protection

Bad

Good

- Use rock or other appropriate material to cover the storm drain inlet to filter out trash and debris.
- Make sure the rock size is appropriate (usually 1 to 2 inches in diameter).
- If you use inlet filters, maintain them regularly.

Stormwater and the Construction Industry

Planning and Implementing Erosion and Sediment Control Practices

The construction industry is a critical participant in the nation's efforts to protect streams, rivers, lakes, wetlands, and oceans. Through the use of best management practices (BMPs), construction site operators are the key defense against erosion and sedimentation.

As stormwater flows over a construction site, it picks up pollutants like sediment, debris, and chemicals. High volumes of stormwater can also cause stream bank erosion, and destroy downstream aquatic habitat. Preventing soil erosion and sedimentation is an important responsibility at all construction sites.

In addition to the environmental impact, uncontrolled erosion can have a significant financial impact on a construction project. It costs money and time to repair gullies, replace vegetation, clean sediment-clogged storm drains, replace poorly installed BMPs, and mitigate damage to other people's property or to natural resources.

Best Management Practice (BMP)

A BMP is a method used to prevent or control stormwater runoff and the discharge of pollutants, including sediment, into local waterbodies. Silt fences, inlet protection, and site-stabilization techniques are typical BMPs on a construction site.

Operator

An operator is someone who has control over and the ability to modify construction plans and specifications (e.g. owner, general contractor)

or

Someone who has control over the day-to-day operations at a site (e.g., owner, general contractor) that are necessary to ensure compliance with the permit requirements. It is the responsibility of a construction site owner or operator to contain stormwater runoff and prevent erosion during **all** stages of a project.

There may be more than one person at a site who meets these definitions and must apply for permit coverage. (States may have different definitions of the term "operator.")

So what's being done about polluted runoff?

The Clean Water Act includes the National Pollutant Discharge Elimination System (NPDES) permitting program. As of January 2003, 44 states and territories are authorized to issue NPDES stormwater permits. If your state isn't authorized to operate the NPDES stormwater permit program, EPA issues the permits. Permits vary from state to state, so contact your state or EPA for specific information. Your permitting authority has specific information on your state's NPDES stormwater permit program. In general, construction permits require construction operators to do all of the following:

- Develop and implement a stormwater pollution prevention plan
- Submit a permit application or notice of intent (NOI)
- Comply with the permit, including maintaining BMPs and inspecting the site

Under the NPDES program, construction activities that disturb 1 or more acres are required to obtain stormwater permit coverage. States have different names for the plans that construction operators must develop, such as

- Stormwater pollution prevention plan
- Erosion and sediment control plan
- Erosion control and stormwater management plan
- Stormwater management plan
- Water pollution control plan
- Pollution prevention plan

This document uses the term "*Plan*."

I think I need a permit... Where do I start?

All land-disturbing activities, including clearing, grading, and excavation, that disturb **1 or more acres** are required to be covered under a state or EPA-issued NPDES construction stormwater permit **prior to land disturbance**. Permit requirements vary by state. Begin by researching the specific requirements in your state. You might already be subject to local erosion and sediment control requirements, but that doesn't release you from the requirements of the NPDES program at the state or EPA level. Although you must comply with both sets of requirements, in most cases they have been designed to be complementary. Contact your permitting authority to find out exactly what you need to do. A good place to start your search is the Construction Industry Compliance Assistance web site at http://www.envcap.org/cica.

The NPDES permit requirements include small construction activities that are part of a larger common plan of development or sale, such as a single lot within a larger subdivision. For developments with multiple operators, all operators must have permit coverage for their individual parts of the larger development, no matter how large or small each operation happens to be. When there are multiple operators at one site, they're encouraged to develop and share one comprehensive Plan and obtain permit coverage as co-permitees.

The **owner or operator** of the construction site is responsible for complying with the requirements of the permit. Responsibilities include developing a Plan, obtaining permit coverage, implementing BMPs, and stabilizing the site at the end of the construction activity.

Construction sites that discharge unpermitted stormwater are in violation of the Clean Water Act and may be subject to fines of up to $27,500 a day per violation.

Determine your eligibility

All construction activity that disturbs 1 or more acres of land, as well as activity that disturbs less than 1 acre but is part of a larger common plan of development, must obtain permit coverage.

Read and understand your stormwater permit requirements

Get a copy of the permit for construction activities and a permit application (or notice of intent form) from your state or EPA permitting authority.

Develop a Plan

Most states do not require you to submit your Plan. However, you do need to keep the Plan on site. If that's impractical, you may post a notice that tells where the Plan is kept so it can be accessed by the permitting authority and other interested parties.

You'll need to post a copy of your completed application on site. Put it in a place where the public can see it so they'll know your site is covered by an NPDES permit!

Apply for permit coverage

Once you understand your permit requirements and have developed a Plan, you can submit a stormwater permit application (or notice of intent) to your permitting authority. This must be done before beginning any land disturbance on the site. Some states require a few days of lead time, so check with your permitting authority. Once you've submitted the application, you must satisfy the conditions of the permit.

Implement the Plan

Be prepared to implement the BMPs in your Plan before construction begins. Ensure that BMPs are properly maintained, and upgrade and repair them as necessary.

Developing and Implementing a Plan

You must have a Plan that includes erosion and sediment control and pollution prevention BMPs. These Plans require

- Advance planning and training to ensure proper implementation of the BMPs
- Erosion and sediment control BMPs in place until the area is permanently stabilized
- Pollution prevention BMPs to keep the construction site "clean"
- Regular inspection of the construction site to ensure proper installation and maintenance of BMPs

Fortunately, the practices and measures that must be included in your Plan are already part of the standard operating procedures at many construction sites.

Six steps are associated with developing and implementing a stormwater Plan. There's a wealth of information available on developing pollution prevention plans. Please contact your permitting authority for help in finding additional guidance materials, or visit www.epa.gov/npdes/stormwater. A sample construction plan is available at www.epa.gov/npdes/pubs/sample_swppp.pdf.

1. Site Evaluation and Design Development

- **Collect site information**
- **Develop site plan design**
- **Prepare pollution prevention site map**

The first step in preparing a Plan is to define the characteristics of the site and the type of construction that will occur. This involves collecting site information, identifying natural features that should be protected, developing a site plan design, describing the nature of the construction activity, and preparing a pollution prevention site map.

2. Assessment

- **Measure the site area**
- **Determine the drainage areas**
- **Calculate the runoff coefficient**

The next step is assessing the impact the project will have on stormwater runoff. Determine the drainage areas and estimate the runoff amounts and velocities. For more information on calculating the runoff coefficient, go to www.epa.gov/npdes/pubs/chap02_conguide.pdf, page 11.

3. Control Selection and Plan Design

- **Review and incorporate state or local requirements**
- **Select erosion and sediment controls**
- **Select other controls**
- **Select stormwater management controls**
- **Indicate the location of controls on the site map**
- **Prepare an inspection and maintenance plan**
- **Coordinate controls with construction activity**
- **Prepare sequence of major activities**

In the third step you'll actually document your procedures to prevent and control polluted stormwater runoff. You must delineate areas that will not be disturbed, including critical natural areas like streamside areas, floodplains, and trees. You must also identify the measures (or BMPs) you'll use to protect these areas.

Phasing your project to minimize the amount of exposed soil at any given time is a highly effective way to prevent erosion. Erosion control measures designed to prevent soil from being mobilized include diversions to route stormwater away from exposed soils and stabilization with vegetation, mulch, and geotextiles. Sedimentation control measures designed to remove sediment from stormwater or prevent it from leaving the site include silt fences, sediment traps, and diversions.

You'll need to select erosion and sediment controls—including stabilization measures for protecting disturbed areas and structural controls for diverting runoff and removing sediment—that are appropriate for your particular site. The appropriateness of the control measures will depend on several factors, but will be influenced most directly by the site characteristics. Some stabilization measures you might consider are temporary seeding, permanent seeding, and mulching. Structural control measures include earth dikes, silt fences, and sediment traps. No single BMP will meet all of the erosion and sedimentation control needs of a construction site. A combination of BMPs is necessary. For more information on the types of BMPs appropriate for your construction site, see the BMP fact sheet series available at www.epa.gov/npdes/menuofbmps.

Soil erosion control tips...

- Design the site to infiltrate stormwater into the ground and to keep it out of storm drains. Eliminate or minimize the use of stormwater collection and conveyance systems while maximizing the use of stormwater infiltration and bioretention techniques.
- Minimize the amount of exposed soil on site.
  - To the extent possible, plan the project in stages to minimize the amount of area that is bare and subject to erosion. The less soil exposed, the easier and cheaper it will be to control erosion.
  - Vegetate disturbed areas with permanent or temporary seeding immediately upon reaching final grade.
  - Vegetate or cover stockpiles that will not be used immediately.
- Reduce the velocity of stormwater both onto and away from the project area.
  - Interceptors, diversions, vegetated buffers, and check dams are a few of the BMPs that can be used to slow down stormwater as it travels across and away from the project site.
  - Diversion measures can also be used to direct flow away from exposed areas toward stable portions of the site.
  - Silt fences and other types of perimeter filters should never be used to reduce the velocity of runoff.
- Protect defined channels immediately with measures adequate to handle the storm flows expected.
  - Sod, geotextile, natural fiber, riprap, or other stabilization measures should be used to allow the channels to carry water without causing erosion. Use softer measures like geotextile or vegetation where possible to prevent downstream impacts.
- Keep sediment on site.
  - Place aggregate or stone at construction site vehicle exits to accommodate at least two tire revolutions of large construction vehicles. Much of the dirt on the tires will fall off before the vehicle gets to the street.
  - Regular street sweeping at the construction entrance will prevent dirt from entering storm drains. Do not hose paved areas.
  - Sediment traps and basins are temporary structures and should be used in conjunction with other measures to reduce the amount of erosion.
- Maintaining all BMPs is critical to ensure their effectiveness during the life of the project.
  - Regularly remove collected sediment from silt fences, berms, traps, and other BMPs.
  - Ensure that geotextiles and mulch remain in place until vegetation is well established.
  - Maintain fences that protect sensitive areas, silt fences, diversion structures, and other BMPs.

Other BMPs and Activities to Control Polluted Runoff

You'll need to select other controls to address potential pollutant sources on your site. Construction materials, debris, trash, fuel, paint, and stockpiles become pollution sources when it rains. Basic pollution prevention practices can significantly reduce the amount of pollution leaving construction sites. The following are some simple practices that should be included in the Plan and implemented on site:

- Keep potential sources of pollution out of the rain as practicable (e.g., inside a building, covered with plastic or tarps, or sealed tightly in a leak-proof container).
- Clearly identify a protected, lined area for concrete truck washouts. This area should be located away from streams, storm drain inlets, or ditches and should be cleaned out periodically.
- Park, refuel, and maintain vehicles and equipment in one area of the site to minimize the area exposed to possible spills and fuel storage. This area should be well away from streams, storm drain inlets, or ditches. Keep spill kits close by and clean up any spills or leaks immediately, including spills on pavement or earthen surfaces.
- Practice good housekeeping. Keep the construction site free of litter, construction debris, and leaking containers. Keep all waste in one area to minimize cleaning.
- Never hose down paved surfaces to clean dust, debris, or trash. This water could wash directly into storm drains or streams. Sweep up materials and dispose of them in the trash. Never bury trash or debris!
- Dispose of hazardous materials properly.

4. Certification and Notification

- **Certify the Plan**
- **Submit permit application or notice of intent**

Once the Plan has been developed, an authorized representative must sign it. Now is the time to submit the permit application or notice of intent. Your permit might require that the Plan be kept on site, so be sure to keep it available for the staff implementing the Plan.

Erosion and sedimentation control practices are only as good as their installation and maintenance.

5. Implementing and Maintaining a Plan

- **Implement controls**
- **Inspect and maintain controls**
- **Update/change the Plan**
- **Report releases of hazardous materials**

A Plan describes the practices and activities you'll use to prevent stormwater contamination and meet the NPDES permit requirements. Make sure that the Plan is implemented and that the Plan is updated as necessary to reflect changes on the site.

Erosion and sedimentation control practices are only as good as their installation and maintenance. Train the contractors that will install the BMPs and inspect immediately to ensure that the BMPs have been installed correctly.

Regularly inspect the BMPs (especially before and after rain events) and perform any necessary repairs or maintenance immediately. Many BMPs are designed to handle a limited amount of sediment. If not maintained, they'll become ineffective and a source of sediment pollution.

It's also important to keep records of BMP installation, implementation, and maintenance. Keep track of major grading activities that occur on the site, when construction activities cease (temporarily or permanently), and when a site is temporarily or permanently stabilized.

If construction plans change at any time, or if more appropriate BMPs are chosen for the site, update the Plan accordingly.

6. Completing the Project: Final Stabilization and Termination of the Permit

- **Final stabilization**
- **Notice of Termination**
- **Record retention**

Many states and EPA require a Notice of Termination (NOT) or other notification signifying that the construction activity is completed. An NOT is required when

- Final stabilization has been achieved on all portions of the site for which the permittee is responsible.
- Another operator has assumed control over all areas of the site that have not been finally stabilized. That operator would need to submit a new permit application to the permitting authority.
- For residential construction only, temporary stabilization of a lot has been completed prior to transference of ownership to the homeowner, with the homeowner being made aware of the need to perform final stabilization.

Permittees must keep a copy of their permit application and their Plan for at least 3 years following final stabilization. This period may be longer depending on state and local requirements.

Preconstruction Checklist

- A site description, including
  - Nature of the activity
  - Intended sequence of major construction activities
  - Total area of the site
  - Existing soil type and rainfall runoff data
  - A site map with:
    - Drainage patterns
    - Approximate slopes after major grading
    - Area of soil disturbance
    - Outline of areas which will not be disturbed
    - Location of major structural and nonstructural soil erosion controls
    - Areas where stabilization practices are expected to occur
    - Surface waters
    - Stormwater discharge locations
  - Name of the receiving water(s)
- A description of controls:
  - Erosion and sediment controls, including
    - Stabilization practices for all areas disturbed by construction
    - Structural practices for all drainage/discharge locations
  - Stormwater management controls, including
    - Measures used to control pollutants occurring in stormwater discharges after construction activities are complete
    - Velocity dissipation devices to provide nonerosive flow conditions from the discharge point along the length of any outfall channel
  - Other controls, including
    - Waste disposal practices that prevent discharge of solid materials
    - Measures to minimize offset tracking of sediments by construction vehicles
    - Measures to ensure compliance with state or local waste disposal, sanitary sewer, or septic system regulations
  - Description of the timing during the construction when measures will be implemented
- State or local requirements incorporated into the Plan
- Inspection and maintenance procedures for control measures identified in the Plan
- Contractor certification and Plan certification

Implementation Checklist

- Maintain records of construction activities, including
  - Dates when major grading activities occur
  - Dates when construction activities temporarily cease on the site or a portion of the site
  - Dates when construction activities permanently cease on the site or a portion of the site
  - Dates when stabilization measures are completed on the site
- Prepare inspection reports summarizing
  - Name of person conducting BMP inspections
  - Qualifications of person conducting BMP inspections
  - BMPs/areas inspected
  - Observed conditions
  - Necessary changes to the Plan
- Report releases of reportable quantities of oil or hazardous materials
  - Notify the National Response Center at 800-424-8802 immediately
  - Report releases to your permitting authority immediately, or as specified in your permit. You must also provide a written report within 14 days.
  - Modify the Plan to include
    - The date of release
    - Circumstances leading to the release
    - Steps taken to prevent reoccurrence of the release
- Modify Plan as necessary
  - Incorporate requests of the permitting authority to bring the Plan into compliance
  - Address changes in design, construction operation, or maintenance that affect the potential for discharge of pollutants

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. Installing and maintaining simple BMPs and pollution prevention techniques on site can greatly reduce the potential for stormwater pollution and can also save you money!

Visit www.epa.gov/npdes/stormwater for more information.

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Celebration & Recommitment