

# NPDES PERMIT for CONSTRUCTION COMPLIANCE GUIDANCE

Managing your construction site as a stormwater treatment system is key to understanding compliance with your NPDES General Permit and/or local Land Disturbing Activity (LDA) permit. When stormwater picks up sediment from your construction site and attempts to take it down to surrounding creeks, rivers and lakes; it requires a properly designed, installed and maintained treatment system to keep it on site and away from damaging property and fish habitat downstream. When an inspector arrives to perform an inspection, the first place they are trained to look is the permit box or site trailer. Unfortunately, it's been discovered that Usually, this is as far as they need to go to find significant permit violations. Record keeping violations continually rank among the top offenses on construction sites around the nation, which in Georgia can result in Stop Work Orders & significant fines.

This purpose of this guide is to take some of the mystery out of what it means to be in compliance with the NPDES General Permit for construction sites. The 8 steps below are from Georgia's construction permit rules however, the basic principles of ensuring your site has the most recent "approved" SWPPP onsite at all times, and inspection records show BMPs are installed and maintained, will serve well for any NPDES Permittee in the country. By simply reading the permit, a permittee can determine what is necessary to have readily available **on site** when the inevitable rain event causes others to look upstream for the source of their concern.

In Georgia, Part IV.F.1, GAR 100003 NPDES General Permit states: *"The Primary permittee shall retain the following records at the construction site or the records shall be readily available at a designated alternate location from commencement of construction until such time as a NOT is submitted in accordance with Part VI."*

## 1. Notice of Intent (NOI) & Proof of Submittal

Once completed, the signed NOI must be filed with Georgia's Environmental Protection Divisions (GAEPD) District Office via certified mail with return receipt at least 14 days prior to any type of construction activity on the project site. The NOI form can be found at [www.npdestraining.com](http://www.npdestraining.com) or ([www.gaepd.org](http://www.gaepd.org)) under the Stormwater section. Once completed, the permittee will need to keep a signed copy of the NOI and the Erosion Sedimentation & Pollution Control (ES&PC) Plan along with the proof of submittal and any applicable fee forms on site. Again, make sure you have a signed copy. A NOI without the appropriate signature will not be accepted.

## 2. Copy of the Erosion Sedimentation & Pollution Control (ES&PC) Plan

Every construction site in Georgia that meets the conditions requiring coverage under the NPDES General Permit calls for implementation of an ES&PC Plan and associated NOI. The ES&PC Plan is commonly referred to as a Stormwater Pollution Prevention Plan (SWPPP) in many other states around the country, but can have different names. Both, a signed statement by the projects Design Professional that a site visit was performed prior to the development with the ES&PC Plan must be on site at all times. If you prefer to keep a copy in your truck, make sure you have an additional approved copy that can stay on the job site. Both compliance inspectors (Level 1A Fundamentals, blue card) and enforcement inspectors (Level 1B Advanced Fundamentals, red card), should be able to access the ES&PC plan during non-working hours, holidays, and rain days as well. Also, make sure you redline (adjust your plans) as stormwater presents different challenges not addressed by the current plan. For example, if you move a stockpile of dirt from one area of the site to another, make sure these changes are reflected on the plan. Use a red pen to show the new location of the stockpile, sign and date the plan to complete the update. Remember, any time you are making changes to the approved Best Management Practices (BMPs) that have a hydraulic capacity (ponds, inlets, etc.) only the Designer of Record can make those changes. The Designer of Record is the Level II Certified Design Professional (Tan Card) responsible for the original ES&PC Plan.

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### **3. Design Professional Inspection Report (also known as the 7-Day Letter)**

Once all perimeter control BMPs are installed (i.e. construction exits, construction roads, temporary initial sediment basins, etc.), the Permittee shall contact the Designer of Record who has seven (7) to inspect and confirm the installed BMPs are in accordance with the ES&PC Plan. Afterwards, the Permittee must retain a copy of this inspection in their site records. This NPDES General Permit requirement is easy to overlook, but critical for the permittee to demonstrate their compliance with the NPDES General Permit.

### **4. Water Quality Monitoring Information**

Now that the permittee is moving forward, the stormwater treatment system must be sampled a minimum of two different times until the project is: 1) at the completion of clearing and grubbing, and 2) after all mass grading is complete or within 90 days after the first sample was taken.

When sample analysis results are in excess of water quality turbidity limits for the site (as observed in the NOI), the permittee should continue sampling after each 0.5" rain event until analysis results indicate permit compliance. These results will need to be submitted to the designated EPD District Office by the 15<sup>th</sup> of the following month via certified mail with return receipt, and retained on site or a readily available location. Be sure to keep signed copies of the sampling along with your receipts from the postal service.

### **5. Site Inspection Reports**

All inspection reports must be kept on site at all times or a designated location that is readily available. Remember, there are three different types of inspections that occur at any given site. In summary, Part IV of the NPDES General Permit requires the following:

- 1) **Daily Inspections:** These will cover fuel storage areas, construction exits, and measurement of the daily rainfall.
- 2) **Weekly/Post Rainfall Inspections:** These inspections will look at all vegetative and structural BMPs in areas that have not been finally stabilized.
- 3) **Monthly Inspections:** This inspection focuses on areas of the site that have been finally stabilized, prior to filing the projects NOT.

### **6. Violation Summary**

When an inspection of any kind results in the discovery of a violation, you are required to make note of it in two separate places, 1) in the inspection report that revealed the violation, and 2) in the Violation Summary section of your site records. The NPDES permit also requires violations be reported to the EPD District Office is reported to them within 14 days of discovery. Keep in mind that not every deficiency on site is a violation, but that deficiency's if not addressed can turn into violations. You should contact your EPD District office and ask them what constitutes a violation.

### **7. Rainfall Data**

It's essential to be aware of how much rain you receive on your project site. GAEPD requires the permittee to measure rainfall in 24-hour periods and keep the data in site records. The Primary Permittee or appropriate Tertiary Permittee should check the rain gauge at the same time every day in order to get an accurate representation of the projects rain events. The Permittee shall make it part of their daily routine to record rainfall.

### **8. Records Retention**

The NPDES General Permit requires that all records related to compliance with the NPDES General Permit be retained at the permittees primary place of business for at least three (3) years from the date of the post marked submittal of the NOT. This period may also be extended by request of the Georgia EPD at any time.

In closing, keeping your site in compliance with your permit(s) is not just a requirement; it's common courtesy to people downstream and our limited water resources. Remember, the permit box is the first place the inspector is trained to go when they enter your site. In their eyes, well-kept permit compliance records means a well-kept construction site.

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