

GEOS Updated Guidance for NPDES PERMIT CONSTRUCTION COMPLIANCE

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 and/or site trailer. Record keeping violations continually rank among the top offenses on construction sites around the nation, which 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, of the 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 the state through the Georgia EPD Online Reporting System (GEOS) through the designated Responsible Official (RO) for the project. Approval from the Georgia EPD will verify the project can move forward. GEOS contains the NOI form and online procedures for completion. Once completed, the permittee will need to have access for their GA EPD approved copy online, as well as the Erosion Sedimentation & Pollution Control (ES&PC) Plan and the proof of submittal with any applicable fee forms, on site. A NOI without GAEPD approval online, is not acceptable.

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

Every construction site in Georgia meeting the conditions that require NPDES General Permit coverage calls for implementation of an ES&PC Plan. 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. A signed statement by the projects registered Design Professional for each project, must be readily available on site that a site visit was performed prior to the development of the ES&PC Plan, as well as 7-days after the installation of the first (clearing) phase of BMPs on the ES&PC Plan must be readily available. If you prefer to keep a copy in your truck, make sure you have an additional most recent 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 approved Best Management Practices (BMPs) on the ES&PC Plan that have associated hydraulic components (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.

The purpose of this stormwater permit guidance is to be a helpful tool for permittees in their effort to comply with the NPDES General Permit for their site. As Permits expire and regulations change, it's up to the Permittee to adjust their compliance efforts outside the language provided herein and always refer to their respective NPDES General Permit.

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

As mentioned earlier, 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) days to inspect and confirm the installed BMPs are in accordance with the ES&PC Plan. 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 intent to comply with their 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 15th of the following month via the GEOS account established by the Responsible Official for the project. As is required of the NOI, be sure to have access to your proof of monitoring record submittal.

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 AND Post ½ Inch 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 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 if you are unclear about the text NPDES General Permit language.

7. Rainfall Data

It's essential to be aware of how much rain you receive on your project site. GAEPD requires the permittee measures rainfall every 24-hours and then keeps the data on site or readily available for review. 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 should make it part of their daily routine to record rainfall. Secondary Permittees are not required to measure ½ rainfall events, but must keep a record of their inspections after ½ rain events as conducted by the Primary Permittee. Tertiary Permittees must keep daily rainfall records.

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 the NOT is submitted in accordance with Part VI of the permit. This period may also be extended by request of the Georgia EPD at any time upon written notification to the permittee.

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 stressed aquatic habitat and water resources. Remember, in the eyes of a regulatory inspector, well-kept permit compliance records that are readily available upon request, usually means a well-kept construction site.

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