

CONSTRUCTION SITE STORM WATER PERMITTING

Introduction:

This checklist is designed as a tool for project engineers, contracting officers, contracting officer representatives, construction agents, quality assurance evaluators and others involved with construction activities at Air Force installations. This checklist is based on the Federal Construction General Permit issued by the Environmental Protection Agency (EPA). The EPA has delegated authority for administering construction site storm water permitting to many state regulatory agencies. Authorized state programs must be at least as stringent as the federal requirements and may contain additional requirements. Installations are encouraged to modify this checklist to incorporate state and local specific requirements. This checklist is divided into three parts. The first part pertains to obtaining permit coverage for regulated construction sites. The second part covers the contents of the site specific Storm Water Pollution Prevention Plan, while the final part discusses terminating permit coverage.

PROJECT OVERVIEW

Project Description:

Project Location (street address or intersection):

Project Number:

Construction Contractor:

Contracting Agency:

Contracting Officer:

Construction Quality Assurance Evaluator:

STORM WATER PERMIT CHECKLIST

1. National Pollutant Discharge Elimination System (NPDES) permit required: Identify if NPDES permit coverage is required for construction project.

The project area of the proposed construction project described above will disturb a total of _____ acres.

The proposed construction activity will disturb one acre or more of land and requires a NPDES permit for stormwater discharges. Proceed to Question 2.

The proposed construction project is not anticipated to disturb more than one acre and NPDES permit coverage is not required at this time for this project. This construction project will be monitored by _____. If construction activities change and the change(s) result in additional land disturbance that will exceed one acre in total land disturbance, NPDES permit coverage will be obtained.

The proposed construction activity will disturb between one and five acres (small construction project) in size and an approved waiver (Rainfall erosivity factor, TMDL analysis, or an equivalent analysis) has been obtained. If the waiver expires or becomes invalid, NPDES permit coverage will be obtained.

2. NPDES Permit coverage: Identify how permit coverage will be obtained for this project

Federal Construction General Permit

Other permit or waiver, please explain: _____

3. Permittees: Identify who must obtain permit coverage

Under the Federal Construction General Permit, all operators at a regulated construction site must obtain permit coverage. An operator means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of storm water associated with construction activity.

Under these definitions, more than one entity maybe required to get a permit for a single project. Under the first definition, the Air Force will typically need to obtain permit coverage because the installation controls the specifications and modifications as well as oversees the construction project. In cases where an outside party (contractor) is performing the construction project, that party would meet the second definition and be required to get their own permit coverage for the same project. For MILCON projects in which the Army Corps of Engineers or Navy Facilities Command serve as the construction agent (controls the construction plans, specifications and modifications), that construction agent will meet the definition of an operator as defined in Item 1 and be required to obtain permit coverage.

Identify all operators associated with this construction project:

- Air Force Installation
- MILCON Construction Agent, identify: _____
- Construction contractor, identify: _____

4. Obtaining permit coverage

All operators must complete and file a Notice of Intent (NOI) form with the EPA at least sever days prior to the commencement of construction activity (start of clearing activities, stockpiling of materials, etc.). The Federal Construction General Permit requires one of the following individuals to sign the NOI:

1. For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Under these definitions, installation commanders are required to sign the NOI. Installations may also want to ensure that construction contractors have the appropriate level of signature for permits. Under the Federal permit, signatory requirement/authority for NOIs cannot be delegated down to lower levels.

- The NOI has been signed by the appropriate individual
- The NOI has been filed with the appropriate regulatory agency. The NOI was filed on _____.

STORM WATER POLLUTION PREVENTION PLAN CHECKLIST

The Federal Construction General Permit requires the construction site operators to develop and implement a site specific Storm Water Pollution Prevention Plan (SWPPP) that details how storm water pollution will be managed and how permit conditions will be maintained during the life cycle of the construction project. The SWPPP identifies potential storm water pollutants on the site and how those pollutants will be managed to reduce or eliminate movement to a receiving water body. The measures taken at the site to protect the storm water are known as Best Management Practices (BMPs). The primary contaminant of concern at construction sites is sediment, however there are many other contaminants to be considered (e.g., fuel, paint, solvents, etc.). The SWPPP identifies site characteristics, sources of storm water pollutants, BMPs that will be implemented on site, inspection and maintenance requirements, and any other site activities required to meet the permit conditions. In accordance with the Federal Construction General Permit, the following items must be included in the SWPPP (developed from EPA Region 10 checklist).

Project and Activity Description

- Describe the nature/function of the construction project.
- Describe the intended sequence of major construction activities.
- Indicate the total site area (in acres) that is expected to be disturbed (including off-site borrow & fill areas).
- Include a general location map identifying site location and any waters of the U.S. within one mile of the site.
- Indicate the location of any storm water discharges associated with industrial activity other than at the site (e.g., dedicated asphalt or concrete plants).

Site Map

- Include a legible site map, complete to scale, of the entire site. Indicate the following items on that map:
 - Direction of storm water flow/drainage patterns, and approximate slopes after major grading activities;
 - Areas to be disturbed and areas that will not be disturbed;
 - Locations of off-site material, waste, borrow or equipment storage areas used solely for the project;
 - Locations of major structural and non-structural erosion and sedimentation controls;
 - Name and location of all waters of the U.S., including wetlands;
 - Locations where storm water discharges to a surface water or to a municipal storm sewer system;

- Areas where final stabilization has occurred and no further construction will be done.

Controls to Reduce Pollutants

- For each major activity identified in the project description, describe all control measures, the timing during the construction when measures will be installed, and the operator responsible for accomplishing the installation.
- Describe all interim and permanent stabilization practices, including installation schedule. Preserve vegetation where possible, and avoid the use of impervious surfaces.
- Maintain a record of the dates when major grading activity occurs, when construction activity has been temporarily or permanently ceased on a portion of the site, and when stabilization measures are initiated.
- Describe any structural practices used to divert flows from exposed soils, retain/detain flows, or otherwise limit runoff/pollutants from exposed areas.
- Describe any post-construction storm water management controls to be installed at the site, and identify any applicable federal/state/local/tribal requirements for design or installation.
- Describe all measures/waste disposal practices to prevent discharge of solid material, including building materials, to waters of the U.S.
- Describe measures to minimize off-site tracking of sediments to paved surfaces and the generation of dust.
- Describe any waste or construction materials to be stored onsite, and list all measures to limit exposure, including storage, spill prevention and response practices.
- Describe controls to minimize pollutants from sources other than construction (e.g, dedicated asphalt or concrete plants).

Non-Storm Water Discharge Management

- Identify & list pollution prevention measures for any allowable non-storm water discharges.

Documentation of Permit Eligibility Related to Endangered Species

- Document your project's eligibility for permit coverage with regard to endangered species. Applicants must follow the procedures in Appendix C of the CGP to assess the potential effects of the project's storm water on endangered species and critical habitat.

Documentation of Permit Eligibility Related to Total Maximum Daily Loads

- Document your project's eligibility for permit coverage with regard to discharging to water bodies with an approved TMDL. State TMDL information can be found through EPA's website, www.epa.gov/npdes/stormwater/cgp. Also check Part 9 of the permit for any applicable state/tribal requirements.

Copy of Permit Requirements

- Include a copy of the permit with the SWPPP.

Applicable State, Tribal or Local Programs and Requirements

- Describe your project's compliance with any applicable state, local or tribal requirements for soil and erosion control and storm water management.

Inspections

- Describe routine inspection schedules and procedures to ensure control measures are operating effectively.
- Indicate if the inspection frequency is to be at least once every seven days, or at least once every 14 days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- Indicate who the qualified personnel will be to perform inspections and describe the person's qualifications.
- Describe the format for the inspection reports documenting each inspection, including documentation of incidents of noncompliance or certifying full compliance, and indicating who will be authorized to sign the report.

Signature, Plan Review, and Making Plans Available

- Post a sign or other notice near the main entrance of the construction site. The sign must contain a copy of the NOI, name and phone number of contact person for scheduling SWPPP viewing time, and the location of the SWPPP.
- The operator, or duly authorized representative must sign and certif. the SWPPP.

PROJECT COMPLETION CHECKLIST

Once the construction activity has been completed, the site must be stabilized with vegetative cover, asphalt, etc. Final stabilization conditions will be defined in the permit. Once the site, or all portions of the site for which the permit holder has control, meets the definition of "final stabilization," the operator (permit holder) must submit a Notice of Termination (NOT). Like the NOI in which the operator applies for permit coverage, the NOT ends permit coverage for the site. The NOT requires the same signatory levels as the NOI. Under the Federal Construction General Permit, the NOT must be filed within 30 days of final stabilization.

- The NOT has been signed by the appropriate individual
- The NOT has been filed with the appropriate regulatory agency. The NOT was filed on _____.