

# APPENDIX A - NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONSTRUCTION SITE STORM WATER DISCHARGES

## INTRODUCTION

This appendix contains information on the National Pollutant Discharge Elimination System (NPDES) permits for construction site storm water discharges in the state of Illinois. It contains a general overview of the program, the NPDES Permit No. ILR10 Construction Site Activities, the Notice of Intent (NOI) form, the Incidence of Non-Compliance (ION) form, and the Notice of Termination (NOT) form.

These materials have been provided by the Illinois Environmental Protection Agency (EPA) who is responsible for administering the program in Illinois. Questions about the program should be directed to the Illinois EPA-Division of Water Pollution Control - Permit Section #15, Bureau of Water, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, IL 62794-9276, phone 217-782-0610, fax 217-782-9891.

The Permit Section website contains information on when a permit is needed, forms, and a list of contacts at Illinois EPA: <http://www.epa.state.il.us/water/permits/waste-water/index.html>

The NPDES Permit No. ILR10, and the NOI, ION, and NOT forms are in a read-only format.

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# **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONSTRUCTION SITE STORM WATER DISCHARGES**

## **General**

Under the provisions of the Clean Water Act Amendments of 1987 and the federal regulations at 40 CFR Part 122.26(b)(14)(x), operators of construction sites are required to have NPDES permits for the discharge of storm water except "...operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale." The following are the definitions that the United States Environmental Protection Agency (USEPA) uses for "operators" and "part of a larger common plan of development or sale".

- The operator is determined by who has day to day supervision and control of the activities occurring at a site. In some cases, the operator may be the owner or the developer; at other sites the operator may be the general contractor. The operator is responsible for applying for the permit. In the case of construction, the owner may submit an application for a construction activity if the operators have not yet been identified. However, once the operators have been identified, they must become either sole permittees or co-permittees with the owner.
- A "larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan. For example, if a developer buys a 20 acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometime in the near future, this would be considered a common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than five acres by separate, independent builders, this activity still would be subject to storm water permitting requirements because USEPA considers it to be part of a larger plan of development (please note that the homes must have been included on the original site plan in order to trigger permit application requirements).

## **The Illinois General Permit for Construction Site Storm Water Discharges**

The Illinois Environmental Protection Agency has issued an NPDES general permit for discharges from construction site activities. The major features of the Illinois permit are the following:

- The permit can authorize all discharges of storm water from construction sites anywhere in Illinois regardless of the size of the site.
- Part II of the permit contains detailed instructions on how to apply for coverage under the permit.
- The permit requires each construction site to have a storm water pollution prevention plan prior to the start of construction. Part IV of the permit contains information on how to develop a plan, what elements must be included in the plan, and what the periodic inspection requirements are.

- A copy of the storm water pollution prevention plan must be retained at the construction site from the date of project initiation to the date of final stabilization.
- The permittee is required to have qualified personnel inspect the disturbed areas of the construction site that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches of rain or greater or an equivalent snowfall.
- The permittee is required to submit within 5 days an "Incidence of Noncompliance" (ION) report for any violation of the storm water pollution prevention plan observed during an inspection conducted, including those not required by the Plan. The submission is required to be on an ION form and must include specific information on the cause of noncompliance, actions which were taken to prevent any further incidents of noncompliance, and a statement detailing any environmental impact which may have resulted from the noncompliance
- The storm water pollution prevention plan, inspection records and other information must be retained for a period of at least three years from the date that the site is finally stabilized.
- The permit expires on May 31, 2003, but site operators covered by the permit do not have to apply for coverage under the reissued permit since discharges covered under the expiring permit are automatically covered under the reissued permit.

### **The Phase II Storm Water Program**

On December 8, 1999 USEPA published final regulations for Phase II of the NPDES storm water program. The new regulations reduce the size of sites that are required to have permits from five acres or more to one acre or more. The larger common plan of development or sale requirement remains unchanged, so a construction project that is less than one acre would need a permit if it was part of a larger common plan of development or sale that would ultimately result in the disturbance of one acre or more. The one acre requirement is effective as of March 10, 2003, and operators of construction sites that result in a total land disturbance of one acre or more must apply for permit coverage on or before March 10, 2003.

### **How to Obtain Coverage Under the Permit**

To obtain coverage under the permit the operator must complete the one-page Notice of Intent (NOI) form, sign it, and send the original signed copy to the Illinois EPA. Unless notified by the Agency to the contrary, coverage under the permit is automatic, and operators are authorized to discharge storm water from construction sites under the terms and conditions of the permit either:

- 48 hours after the date the NOI is postmarked, if the project had established compliance with Illinois law regarding historic preservation and endangered species prior to submittal of the NOI;

or

- 30 days after the date the NOI is postmarked, if the project had not established compliance with Illinois historic preservation and endangered species requirements prior to submittal of the NOI.

The Agency will confirm the permit coverage and the project's permit number by letter approximately one week after the automatic coverage takes effect.

### **Termination of Coverage Under the Permit**

After the land disturbing activities are complete and the site has been finally stabilized the operator should terminate his coverage under the permit by completing a Notice of Termination form and submitting it to the Agency. USEPA considers that a site has been finally stabilized when all land disturbing activities are complete and a uniform perennial vegetative cover with a density of 70 percent of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures have been used.