

PHASE I STORM WATER REQUIREMENTS FOR LARGE CONSTRUCTION ACTIVITIES

This document contains background information on the U.S. Environmental Protection Agency's (EPA) Phase I storm water requirements for large construction activities and a checklist for the Phase I storm water requirements in the EPA Construction General Permit (CGP) for large construction activities. The current CGP was issued in 1998 by EPA Headquarters, and applies to construction activities in the areas listed in Attachment A. EPA published Phase II storm water requirements in December 1999, but has not issued a general permit that includes the Phase II requirements. When the Phase II general permit is issued, the checklist in this document will be updated to reflect the Phase II requirements.

Large construction activities in areas not listed in Attachment A may be subject to state or local requirements that are different from the CGP requirements. Check with the EPA Region or State in which the construction activity is located to obtain the storm water requirements that apply.

Operators of large construction activities can use the checklist in this document to conduct a self-audit of their construction site. The checklist also can be used by compliance inspectors to conduct an inspection of a large construction activity.

BACKGROUND

DEFINITIONS

- Plan.** Any announcement or piece of documentation (e.g., sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design) or physical demarcation (e.g., boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.
- Larger Common Plan of Development or Sale.** A contiguous area where multiple separate and distinct construction activities occur under one plan (e.g., construction is being done on 10 one-half acre lots in a six acre development).
- Operator.** The party (ies) that has: (1) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specification, or (2) day-to-day operational control of those activities necessary to ensure compliance with a storm water pollution prevention plan .

APPLICABILITY

EPA's CGP for a large construction activity applies to storm water discharges from:¹

- , A construction activity that disturbs five or more acres of land.
- , A construction activity that disturbs less than five acres of land, but is part of a larger common plan of development or sale that disturbs five or more acres of land.
- , Construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, and material storage areas) for a local project an operator currently is involved with (e.g., a concrete batch plant providing concrete to several different highway projects in the same county) if: (1) the support activity is not a commercial operation serving multiple, unrelated construction projects and does not operate beyond the completion of the last related construction project it serves and (2) appropriate controls are identified in a Storm Water Pollution Control Plan for the storm water discharges from the construction support activities.

CGP PHASE I STORM WATER REQUIREMENTS

- , The CGP requires, among other things, an operator to submit a Notice of Intent (**NOI**) to be covered by the permit for a large construction activity, to prepare a Storm Water Pollution Prevention Plan (**SWPPP**) for the construction activity, and to submit a Notice of Termination (**NOT**) when the construction activity is completed.
- , If a party is an operator because of their control over construction plans and specifications, they must submit a **NOI** to the permitting authority at least two days prior to the commencement of construction activities (i.e., the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities).
- , If a party is an operator because of their day-to-day operational control over activities necessary to ensure compliance with a **SWPPP** or other permit conditions, they must submit a **NOI** to the permitting authority at least two days before commencing work on-site.

¹Except when the storm water discharges associated with a large construction activity are covered by either an individual permit or an alternative general permit.

Operators must submit a **NOT** to the permitting authority within 30 days after one or more of the following:

- Final stabilization has been achieved on all portions of the site for which the permittee is responsible.
- Another operator/permittee assumes control over all areas of the site that have not been received final stabilization.
- For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

**CHECKLIST FOR EPA'S CONSTRUCTION GENERAL PERMIT REQUIREMENTS
FOR LARGE CONSTRUCTION AREAS**

BACKGROUND INFORMATION

Name of Auditor: _____ **Date of Audit:** _____

Name of Project/Site: _____

NOTICE OF INTENT (NOI)

Yes	No	Assign To:
'	'	Does the NOI have the name, address, and telephone number of the operator who submitted the NOI? _____
'	'	Does the NOI indicate whether the operator is a Federal, State, Tribal, other public, or private entity? _____
'	'	Does the NOI contain the name (or other identifier), address, county, and latitude/longitude of the construction project or site? _____
'	'	Does the NOI indicate whether the project or site is located on Indian Country lands? _____
'	'	Does the NOI confirm that a SWPPP was developed or will be developed prior to commencing construction activities? _____
'	'	Does the NOI confirm that the SWPPP complies with applicable local sediment and erosion control plans? _____
'	'	Does the NOI indicate where the SWPPP can be reviewed and provide the name and telephone number of a the contact person who can schedule a review? (This is an optional requirement.) _____
'	'	Does the NOI contain the name of the stream that receives storm water runoff from the construction site? _____
'	'	Does the NOI contain the estimated start and completion dates for the project? _____
'	'	Does the NOI contain the estimated number of acres on the site on which soil will be disturbed? _____

<u>Yes</u>	<u>No</u>	<u>Assign To:</u>
‘ ‘	Does the NOI indicate whether any listed or proposed threatened or endangered species or designated critical habitat are in proximity to the storm water discharges or storm water discharge-related activities covered by the permit?	_____
‘ ‘	Does the NOI contain information concerning preservation of historic properties? (This is an optional requirement)	_____
‘ ‘	Was the NOI signed by the appropriate person (e.g., for a partnership by a general partner)?	_____

NOTES: _____

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

<u>Yes</u>	<u>No</u>	<u>Assign To:</u>
‘ ‘	Did the permittee post a notice with the following information near the main entrance of the construction site?	_____
	<ul style="list-style-type: none"> • The permit number for the project or a copy of the NOI if a permit number has not been assigned. • The name and telephone number of a local contact person. • A brief description of the project. • The location of the SWPPP if the site is inactive or does not have an on-site location to store the plan. 	_____
‘ ‘	Does the SWPPP identify the name and NPDES permit number of the operator who has control over construction plans and specifications (including the ability to make modifications in the plans and specifications) and indicate the areas of the project for which the operator has control?	_____
‘ ‘	Does the SWPPP contain measures to ensure all other permittees impacted by a modification to the plans and specifications are notified of the modification in a timely manner?	_____

<u>Yes</u>	<u>No</u>	<u>Assign To:</u>
'	' Does the SWPPP indicate the portions of a project for which each operator has control over day-to-day activities?	_____
'	' For each portion of a project, does the SWPPP indicate the name and permit number of the parties with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions?	_____
'	' Did the permittee modify the SWPPP within 14 days of knowledge of a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity to include the following information?	_____
	<ul style="list-style-type: none"> • The date of the release. • A description of the release. • The circumstances leading to the release. 	
'	' Was the modified SWPPP reviewed to ensure it contains measures to prevent the reoccurrence of a release and to respond to a release?	_____

<u>Yes</u>	<u>No</u>	<u>Assign To:</u>
'	'	Does the SWPPP contain the following information? <ul style="list-style-type: none"> • A description of the potential sources of pollutants. • A description of the nature of the construction activity. • A description of the intended sequence of major activities that disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities, and infrastructure installation). • Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities including use of off-site borrow and fill areas. • An estimate of the runoff coefficient of the site for both the pre-construction and post-construction conditions and data describing the soil or the quality of any discharge from the site. • A general location map and a site map that indicate the following: <ul style="list-style-type: none"> < Drainage patterns and approximate slopes anticipated after major grading activities. < Areas of soil disturbance. < Areas that will not be disturbed. < Locations of major structural and nonstructural controls identified in the SWPPP. < Locations where stabilization practices are expected to occur. < Locations of off-site material, waste, borrow, or equipment storage areas. < Surface waters (including wetlands). < Locations where storm water discharges to a surface water.

<u>Yes</u>	<u>No</u>	<u>Assign To:</u>
	<ul style="list-style-type: none"> • Location and description of any discharge associated with industrial activity other than construction, including storm water discharges from dedicated asphalt plants and dedicated concrete plants covered by the CGP. • The name of the receiving water(s) and the areal extent and description of wetlands or other special aquatic sites at or near the site that will be disturbed or that will receive discharges from disturbed areas of the project. • A copy of the permit requirements. • Information on whether listed endangered or threatened species, or critical habitat are found in proximity to the construction activity and whether such species may be affected by the applicant's storm water discharges or storm water discharge-related activities. 	
	<p>Does the SWPPP contain the following information for the major activities (e.g., grubbing) that disturb soils for major portions of the site?</p> <hr/> <ul style="list-style-type: none"> • A description of the appropriate measures to control pollutants in storm water discharges (e.g., best management practices) and the general timing (sequence) during the construction process for implementing the control measures. • The permittee responsible for implementing the control measures. 	
	<p>Does the description in the SWPPP of the appropriate measures to control pollutants in storm water discharges address the following with respect to erosion and sediment?</p> <hr/> <ul style="list-style-type: none"> • Designing the construction-phase erosion and sediment controls to retain sediment on site to the extent practicable? 	

<u>Yes</u>	<u>No</u>	<u>Assign To:</u>
	<ul style="list-style-type: none"> • Properly selecting control measures, and installing and maintaining the measures in accordance with the manufacturer's specifications and good engineering practices. • Removing off-site accumulations of sediment that escape the construction site at a frequency sufficient to minimize the impact of the accumulations (e.g., fugitive sediment in a street could be washed into storm sewers by the next rain or pose a safety hazard to users of a public street). • Removing sediment in sediment traps or sedimentation ponds when design capacity is reduced by 50 percent. • Preventing litter, construction debris, and construction chemicals exposed to storm water from becoming a pollutant source for the storm water. • Including offsite material storage areas (e.g., stockpiles of dirt and borrow areas) used solely for the permitted project in the SWPPP. 	
‘	‘ Does the SWPPP include a description of the interim and permanent stabilization practices for a site (e.g., sod stabilization and vegetative buffer strips) and an implementation schedule for the practices?	_____
‘	‘ Does the SWPPP indicate the date when major grading activities will occur, the dates when construction activity on each portion of a site will temporarily or permanently cease, and the date when stabilization measures will be initiated?	_____
‘	‘ Does the SWPPP include a description of the structural practices (e.g., earth dikes and drainage swales) used to divert flows from exposed soils, to store flows, or to otherwise limit runoff and the discharge of pollutants from exposed areas of the site?	_____

<u>Yes</u>	<u>No</u>	<u>Assign To:</u>
	For common drainage locations that serve an area with 10 or more acres of disturbed land, does the SWPPP require the use of a temporary or permanent sediment basin with a capacity to store either 3,600 cubic feet of runoff per acre drained or the volume of runoff from a 2-year, 24 hour storm from each disturbed acre drained until final stabilization of the site?	_____
	For drainage locations serving less than 10 acres, does the SWPPP require the use of silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (and side slope boundaries, as appropriate) of the construction area unless a sediment basin with a capacity to store either 3,600 cubic feet of runoff per acre drained or the volume of runoff from a 2 year, 24 hour storm per acre drained is provided?	_____
	Does the SWPPP include a description of the measures that will be used to manage storm water during the construction activity and explain why a particular measure was selected? Example measures include storm water detention structures, storm retention structures, and velocity dissipation devices placed at discharge locations and along the length of any outfall channel?	_____
	Does the SWPPP describe how solid material, including building materials, is prevented from being discharged to waters of the United States, except as authorized in a permit issued under Section 404 of the CWA?	_____
	Does the SWPPP describe how off-site vehicle tracking of sediments and generation of dust is minimized?	_____
	Does the SWPPP indicate that the SWPPP is consistent with applicable State, Tribal, and local waste disposal, sanitary sewer and septic tank system regulations to the extent these are located within the permitted area?	_____
	Does the SWPPP include a description of construction and waste materials expected to be stored on-site; a description of controls to reduce the discharge of pollutants from these materials, including storage practices to minimize exposure of the materials to storm water; and a description of spill prevention and response measures?	_____

<u>Yes</u>	<u>No</u>	<u>Assign To:</u>
‘ ‘	Does the SWPPP include a description of pollutant sources from areas other than construction sites (including storm water discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures implemented at those areas to minimize pollutant discharges?	_____
‘ ‘	Does the SWPPP include a description of measures necessary to protect listed endangered or threatened species, or critical habitat?	_____
‘ ‘	Is the SWPPP consistent with the requirements in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permit approved by State, Tribal, or local officials?	_____
‘ ‘	Does the SWPPP identify the sources of non-storm water that are combined with storm water discharges associated with construction activities, and does the SWPPP identify and ensure implementation of pollution prevention measures for the non-storm water component of a discharge from the construction site?	_____
‘ ‘	Was the SWPPP signed by the appropriate official (e.g., the responsible officer for a corporation)?	_____
‘ ‘	Did the permittee amend the SWPPP whenever: <ul style="list-style-type: none"> • There was a change in the project design, construction, operation, or maintenance that had a significant effect on the discharge of pollutants to waters of the United States? • Results of inspections or investigations indicated that the SWPPP is not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activities? 	_____

NOTES: _____

NOTICE OF TERMINATION (NOT)

<u>Yes</u>	<u>No</u>	<u>Assign To:</u>
'	' Does the NOT contain the permit number for the storm water discharge?	_____
'	' Does the NOT indicate whether the storm water discharges associated with the construction activity have been eliminated or the permittee is no longer an operator at the site?	_____
'	' Does the NOT contain the name, address, and telephone number of the permittee submitting the NOT?	_____
'	' Does the NOT contain the name of the project and street address (or description of the location if no street address is available) for the construction site for which the NOT is submitted?	_____
'	' Does the NOT contain the latitude and longitude of the construction site?	_____
'	' Does the NOT contain the following certification? "I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that authorized by a general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act."	_____
'	' Was the NOT signed by the appropriate official (e.g., for a State, the principal executive officer or ranking elected official)?	_____

Yes No

Assign To:

' ' Was the NOT submitted to the address on the NOT form?

NOTES:

AREAS TO WHICH THE EPA HEADQUARTERS CONSTRUCTION GENERAL PERMIT FOR LARGE CONSTRUCTION ACTIVITIES APPLY

1. Indian Country lands in the State of Connecticut,
2. Commonwealth of Massachusetts,
3. Indian Country lands in the State of Maine,
4. State of New Hampshire,
5. Indian Country lands in the State of Rhode Island,
6. Federal facilities in the State of Vermont,
7. Indian Country lands in the State of New York,
8. The Commonwealth of Puerto Rico,
9. The District of Columbia,
10. Federal facilities in the State of Delaware,
11. Indian Country lands in the State of Iowa,
12. Indian Country lands in the State of Kansas,
13. Indian Country lands in the State of Nebraska, except Pine Ridge Reservation lands,
14. Federal facilities in the State of Colorado, except those located on Indian Country lands,
15. Indian Country lands in the State of Colorado, including the portion of the Ute Mountain Reservation located in New Mexico,
16. Indian Country lands in the State of Montana,
17. Indian Country lands in the State of North Dakota, including that portion of the Standing Rock Reservation located in South Dakota (except the Lake Traverse Reservation),
18. Indian Country lands in the State of South Dakota, including the portion of the Pine Ridge Reservation located in Nebraska and the portion of the Lake Traverse Reservation located in North Dakota (except the Standing Rock Reservation),
19. Indian Country lands in the State of Utah, except Goshute and Navajo Reservation lands,
20. Indian Country lands in the State of Wyoming,
21. The Island of American Samoa,
22. The State of Arizona,
23. Indian Country lands in the State of Arizona, including Navajo Reservation lands in New Mexico and Utah,
24. Indian Country lands in the State of California, (21) the Island of Guam,
25. Johnston Atoll,
26. Midway Island and Wake Island,
27. Commonwealth of the Northern Mariana Islands,
28. Indian Country lands in the State of Nevada, including the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon, and the Goshure Reservation in Utah,

**AREAS TO WHICH THE EPA HEADQUARTERS CONSTRUCTION GENERAL
PERMIT FOR LARGE CONSTRUCTION ACTIVITIES APPLY**

29. The State of Alaska,
30. Indian Country lands in the State of Alaska,
31. The State of Idaho,
32. Indian Country lands in the State of Idaho, except Duck Valley Reservation lands,
33. Indian Country lands in the State of Oregon, except Fort McDermitt Reservation lands,
34. Federal facilities in the State of Washington, and
35. Indian Country lands in the State of Washington.