

A Construction Site Operator's Guide to Ohio's Construction General Permit (CGP)

April 2015

Does Your Construction Site Need a Construction Stormwater Permit?

All construction sites disturbing one or more acres (with a few exceptions) need stormwater permit coverage!

- **Does your construction project disturb zero (0) to one (1) acre or greater than one acre of land** through performing activities such as clearing, grubbing, grading, excavating, or stockpiling of soil materials? *(Remember to include the acreage of the entire project, even if you are responsible for only a small portion.)*
- **Is there potential that stormwater could run off from your site?** If yes, then a storm water pollution prevention plan is required. *(If No, then you must document/demonstrate zero discharge from your project site).*



Should you answer “yes” to both of these questions then you need **permit coverage**. Also, **Note:** If the project does not require a construction general permit, a storm water management plan is required that demonstrates management of your site's storm water runoff.

Why get permit coverage?

Permit coverage is required for all construction sites that disturb greater than one acre as addressed in the Ohio Environmental Protection Agency's (OEPA's) CPG and the City of Newark's Storm water ordinance. The permit provides information on coverage applicability, limitations, temporary erosion and sediment controls and post- construction BMPs that project engineers and construction contractors/operators must address at a minimum to protect water quality. The permit also requires coverage if the site is part of a larger common plan of development or sale. Construction activities less than one acre are also required to obtain a permit per the City of Newark's storm water ordinance (see section 17, item e).

What happens if I do not obtain a permit? If you do not obtain a permit, this would be a violation of OEPA's construction general permit that could result in Ohio EPA issuing Administrative Orders that include the following fines and penalties:

- ✓ Max is \$11,000 /day with a total of up to \$32,500 for Class I offense. For a Class I offense OEPA shall provide written notice to the violator that a fine is being levied.
- ✓ Up to \$157,500 for Class II violation. For a class II violation, OEPA shall provide the violator written notice and an opportunity for a full adjudicatory hearing prior to assessment of penalties.



The OEPA's CPG provides guidance on developing storm water pollution prevention plans and conducting site inspections can be accessed at the following website:

Ohio Environmental Protection Agency: <http://www.epa.ohio.gov/dsw/storm/index.aspx>
(See “Construction Activities” tab)

Why is there concern for stormwater runoff leaving a construction site?

Stormwater runoff from precipitation and/or snowmelt picks up pollutants such as sediment, oil and grease, nitrogen and phosphorus, and other chemicals and transports them into storm drains or directly into waterbodies. Most storm water drainage systems do not provide any treatment to the water collected prior to discharges into receiving waters downstream. Preventing, reducing or eliminating pollution of stormwater runoff is key as there are risks that polluted runoff will be discharged untreated into the waterbodies that are used for swimming, fishing, and drinking water.



Why is sediment harmful to a waterbody?

Sediment being discharged into receiving waters can cloud the water and make it difficult or impossible for aquatic plants to receive the sunlight they need to grow. Excess sediment also smothers aquatic habitat, clogs fish gills, and impedes navigation in our waterways, which can lead to expensive dredging.

What are the practices to mitigate the impacts?

Best management practices (BMPs) are controls installed to address construction site stormwater runoff. The following are typical examples of temporary erosion and sediment controls:

Erosion controls – Ditch checks, slope drains, phasing/sequencing, construction entrances, rock channel protection, seeding and mulching.

Sediment controls – Sediment basin, inlet protection, silt fence/filter fabric.

Maintaining these controls are important to the success associated with managing project site storm water runoff. The professional who will be designing the storm water pollution prevention plan shall incorporate project grading and sequencing of construction activities in order to ensure proper controls are installed or removed at the proper time to ensure Storm Water Pollution Prevention Plan (SWPPP) effectiveness for the duration of the project. The project engineer shall address project post-construction water quality requirements by selecting appropriate post-construction BMPs that are applicable for the project. For more information on temporary erosion and sediment controls and post-construction BMPs please refer to the Ohio Department of Natural Resources (ODNR) *Rainwater and Land Development Manual* through the following link:

ODNR Stormwater Management: <http://soilandwater.ohiodnr.gov/water-conservation/stormwater-management>

I need a permit. Where do I start?

1. Review OEPA's Construction General Permit

Read the permit carefully, and remember that you are legally responsible for complying with all its provisions.

2. Develop a Stormwater Pollution Prevention Plan (SWPPP)

The SWPPP is a plan for how you will control stormwater runoff from your construction site from the identified potential sources of pollution and must be a standalone document. SWPPP must be developed for each site covered under the permit. The SWPPP must be completed before you file an NOI to apply for coverage under Ohio's permit. You shall submit the SWPPP with your NOI to the City of Newark and OEPA respectively to obtain permit coverage. The SWPPP must be retained and available on-site for review during inspection. The SWPPP must contain all information required within Part III.G of the permit, but in general a SWPPP should address the following principals:



- Divert stormwater away from disturbed or exposed areas of the construction site
- Install BMPs to control erosion and sediment and manage stormwater
- Inspect the site regularly and properly maintain BMPs, especially after rainstorms
- Revise the SWPPP as site conditions change during construction and improve the SWPPP if BMPs are not effectively controlling erosion and sediment
- Minimize exposure of bare soils to precipitation to the extent practicable
- Keep the construction site clean (put away trash in covered bins, keep storage bins covered, sweep up excess sediment on roads / other impervious surfaces, etc.).

3. Complete any additional information before submitting your NOI

Coverage under the GCP does not relieve the permittee of other regulations. It is the responsibility of the permittee to know which regulations are applicable to the project and the site location. Such regulations may pertain to endangered species, spills and unintended releases, etc.

4. File a Notice of Intent (NOI)

The Notice of Intent (NOI) form lets Ohio EPA know that you are filing for permit coverage. It is also your certification that you have read, understood, and implemented the requirements of the CPG.

The operator submits the NOI form, which must be submitted at least 21 days prior to initiation of construction activities. The operator is the entity (generally a company, corporation, etc.) that has operational control over the construction plans or day-to-day activities that are necessary to implement the SWPPP.

A separate NOI must be submitted for multi-phase construction projects when a separate SWPPP will be prepared for consecutive phases.



5. Implement all BMPs outlined in your SWPPP

Remember to follow your SWPPP. All BMPs must be inspected and maintained regularly to make sure that they are functioning as designed. The plan must also be updated as site conditions and BMPs change. Remember to keep records of your inspections and maintenance activities and any SWPPP modifications for review during inspection.

6. File a Notice of Termination (NOT)

It is required that a Notice of Termination (NOT) be completed within 45 days of the project site being stabilized over 80% of the project's disturbed area. Should a NOT form not be submitted, then you are in violation of the construction general permit and may affect the ability to obtain permit coverage in the future.

7. Submit a Copy of Your NOI, SWPPP, and NOT to the City of Newark

The City of Newark requires you to submit a copy of your NOI, SWPPP, and NOT for any construction activity within City boundaries when you file with Ohio EPA.



Submit a copy of NOI, SWPPP and NOT to:

Stormwater Utility, 40 West Main Street, Newark, Ohio 43055.

For information on local requirements, refer to the City of Newark Stormwater Utility Web Site: www.newarkohiowater.net/city-services/stormwater