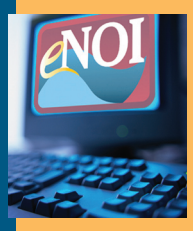
4. File a Notice of Intent (NOI)

The Notice of Intent (NOI) form lets EPA know that you are filing for permit coverage. It is also your certification that you have read, understood, and implemented the requirements of EPA's permit. The fastest and easiest way to obtain permit coverage is through EPA's new online permit application system (www.epa.gov/npdes/enoi). EPA's permit requires a 7-day waiting period after an NOI is filed and posted on EPA's Web site (www.epa.gov/npdes/noisearch). Using EPA's eNOI system is the fastest way to begin this process. Mailing a paper NOI to EPA can add 2 or more weeks to your processing time. During the waiting period, NOIs are reviewed for endangered species impacts and other concerns. Permit coverage begins at the conclusion of the 7-day period unless you are notified otherwise. Your completed NOI should be posted at the construction site in a place accessible to the public.



Using EPA's new eNOI system (www.epa.gov/npdes/enoi) can save you 2 weeks or more.

5. Implement all BMPs outlined in your SWPPP

Remember to follow your SWPPP. All BMPs must be inspected and maintained regularly. Inspections are required either (1) at least once every 7 days or (2) at least once every 14 days and within 24 hours of the end of a rain event of 1/2-inch or more. The plan must also be updated as site conditions and BMPs change. Remember to keep records of your maintenance activities and any SWPPP modifications for review during inspection.

6. File an electronic Notice of Termination

You should terminate permit coverage when your project is completed (generally, when 70% of the density of the original vegetation is reestablished on unpaved areas), when the property has been stabilized and ownership has been transferred to the homeowner (residential projects only), or when another operator has assumed control over the site (new operators will need to file an NOI and meet the requirements of EPA's permit). The electronic Notice of Termination form informs EPA that your construction project is complete and ends your responsibilities under the permit. The form can be completed and filed using the eNOI system at www.epa.gov/npdes/enoi.

Printed with vegetable-based ink on paper that contains a minimum of 50% post-consumer fiber content processed chlorine-free.
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EPA
United States
Environmental Protection
Agency

Does Your Construction Site Need a Stormwater Permit?

A Construction Site Operator's Guide to EPA's Stormwater Permit Program

All construction sites disturbing 1 or more acres (with few exceptions) need stormwater permit coverage!

- Does your construction project disturb 1 or more acres of land through clearing, grading, excavating, or stockpiling of fill material? Remember to count the acreage of the entire project, even if you are responsible for only a small portion.
- Is there any possibility that stormwater could run off of your site? (In almost every case, the answer to this question is yes. However, if the topography of your site is such that there is no possibility that rainfall or snow melt could leave the site or enter a waterway under any condition, you would not need permit coverage.)

If you answered "yes" to both of these questions, YOU NEED PERMIT COVERAGE! If you don't have permit coverage, you could be fined up to $32,500 per day!

Why do I have to get permit coverage?

EPA's National Pollutant Discharge Elimination System (NPDES) program regulates stormwater runoff from construction sites. On July 1, 2003, EPA reissued the Construction General Permit (CGP) to extend coverage to construction sites that disturb 1 or more acres, including smaller sites that are part of a larger plan of development. For example, if you are building a house on a half-acre lot in a 10-acre development, you need permit coverage. Construction site operators need to submit an application called a Notice of Intent (NOI) to be covered under EPA's CGP.

This brochure describes how to meet the requirements of EPA's permit which applies to construction sites in several states and territories (see list below). Most states, however, are authorized to implement the NPDES stormwater program. Authorized states have similar requirements for construction sites. If your construction project is not in one of the areas listed below, you will need to obtain permit coverage from the appropriate state authority. A list of state permitting authorities can be found at www.epa.gov/npdes/stormwater.

EPA's Construction General Permit applies to the following areas:

- Alaska
- District of Columbia
- Idaho
- Massachusetts
- New Hampshire
- New Mexico
- Puerto Rico
- Most Indian Country lands
- Federal facilities in Vermont, Colorado, Delaware, and Washington
- Oil and gas operations and other activities in Texas and Oklahoma.
- U.S. Territories (e.g., Guam, American Samoa), except the Virgin Islands

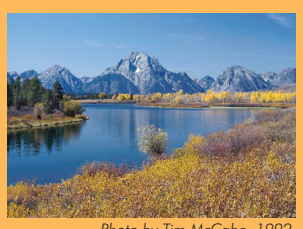

Photo by Tim McCabe, 1992.

Visit www.epa.gov/npdes/pubs/cgp_appendixb.pdf for a detailed list of the areas under EPA's jurisdiction.

Why is stormwater runoff so bad?

Runoff from rainstorms and snowmelt picks up pollutants like sediment, oil and grease, nitrogen and phosphorus, and other chemicals and carries them into storm drains or directly into waterbodies. Because most storm drain systems do not provide any treatment to the water they collect, preventing contamination of stormwater is critically important or polluted runoff will be discharged untreated into the waterbodies we use for swimming, fishing, and drinking water.

Why is sediment harmful to a waterbody?

Too much sediment in a waterbody 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.

I need permit coverage. Where do I start?

1. Read EPA's Construction General Permit (CGP)

You can download a copy of EPA's permit at www.epa.gov/npdes/stormwater/cgp. Read EPA's permit carefully, and remember that operators are legally responsible for complying with all its provisions.

Who submits an NOI?

The "operator" submits a Notice of Intent (NOI) form. The operator is the entity (generally company, corporation, etc.) that has operational control over the construction plans or day-to-day activities that are necessary to implement the Stormwater Pollution Prevention Plan (SWPPP) (see below). On some sites, several entities may meet the definition of operator and all must file NOIs. Operators may include owners, general contractors, and subcontractors.

It is the responsibility of the operator(s) to develop and implement a SWPPP and maintain all best management practices (BMPs) during each stage of the project. Best management practices are the techniques (buffers, silt fences, detention ponds, swales, etc.), schedules of activities, prohibitions of practices, and maintenance procedures to prevent or reduce the discharge of pollutants.

2. Develop a stormwater pollution prevention plan (SWPPP)

The SWPPP is a plan for how you will control stormwater runoff from your construction site. It is broader and more complicated than a typical erosion and sediment control plan, so operators might want to enlist the assistance of a professional to save time. The SWPPP must be completed before you file an NOI to apply for coverage under EPA's permit. You don't have to submit the SWPPP with your NOI to obtain permit coverage, but the plan must be available on-site for review during inspection.

Because every site is unique, every SWPPP is unique. The SWPPP needs to be updated as your work progresses. Please visit www.epa.gov/npdes/stormwater/cgp for more information on how to develop your SWPPP.

Basic SWPPP Principles

- 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 by putting trash in trash cans, keeping storage bins covered, and sweeping up excess sediment on roads and other impervious surfaces.

3. Complete an endangered species determination for the project site

The operator must assess the potential effects of stormwater runoff on federally listed endangered and threatened species and any designated critical habitat on or near the site. In making this determination, the operator needs to consider areas beyond the immediate footprint of the construction activity and beyond the property line—areas that could be affected directly or indirectly by stormwater discharges.

The local offices of U.S. Fish and Wildlife Service, National Marine Fisheries Service, and State or Tribal Heritage Centers often maintain lists of federally listed endangered or threatened species on their Web sites. Visit www.epa.gov/npdes/stormwater/esa for more information.

How to get a stormwater permit