

CONSTRUCTION GENERAL PERMIT

Casper, Wyoming
February 20, 2013

Topics Covered Today

- ▣ Introduction-General Information

- ▣ Construction General Permit
 - Notice of Intent (NOI)
 - Storm Water Pollution Prevention Plan (SWPPP)
 - Notice of Termination (NOT) and Notice of Termination and Transfer (NOTA)

- ▣ Bad BMPs

Acronyms

- ▣ BMP-Best management practice(s)
- ▣ IGP-Industrial General Permit
- ▣ LCGP-Large Construction General Permit
- ▣ LOA-Letter of Authorization
- ▣ MMGP-Mineral Mining General Permit
- ▣ NOI-Notice of Intent
- ▣ NPDES-National Pollutant Discharge Elimination System
- ▣ NTU-Nephelometric Turbidity Unit

Acronyms

- ▣ SCGP-Small Construction General Permit
- ▣ SGCA-Sage Grouse Core Area
- ▣ SIC-Standard Industrial Code
- ▣ SWPPP-Storm Water Pollution Prevention Plan
- ▣ TMDL-Total Maximum Daily Load
- ▣ WDEQ-Wyoming Department of Environmental Quality
- ▣ WYPDES-Wyoming Pollutant Discharge Elimination System

WY Storm Water Program Authority

- ▣ Federal Clean Water Act
 - NPDES (National Pollutant Discharge Elimination System) for storm water was established in 1987.
 - The Wyoming Pollutant Discharge Elimination System (WYPDES) program was established in 1990.
 - The WYPDES Storm Water Program began issuing permits in 1992.

Permit Fee Changes

- ▣ The Wyoming Legislature is working on a bill that would change the fee system for permits obtained under the Wyoming Pollutant Discharge Elimination System (WYPDES).
- ▣ Instead of receiving a yearly \$100 invoice, fee would be sent in with the Notice of Intent.
- ▣ Fee amount would be based on the length of the general permit.

Permit Fee Changes

- ▣ What if your project will be finally stabilized and completed before the general permit expiration date?
- ▣ You can specify a shorter expiration date and calculate your permit fee based on that date.
- ▣ WDEQ is working on a fee calculator.

Fee Example

- ▣ A construction project is planned that will disturb 15 acres.
- ▣ The project is anticipated to begin on May 15, 2013.
- ▣ The ending date of the project is anticipated to be September 30, 2015.
- ▣ What is the permit fee amount? **\$300**

Permit Fee Changes

Keep in mind that if you specify a shorter expiration date and your project is not completed by that date, you will have to resubmit a new Notice of Intent and additional permit fee.



FEE Changes

Note: These upcoming changes are to the fee schedule only. The permit fee amount is still \$100 per year. Fees will now be paid up front for the life of the permit instead on invoices being sent out for the previous year of permit coverage.



Update – Numeric Effluent Limit for Construction

- ▣ EPA issued a numeric limit of 280 NTU for turbidity in December 2009.
- ▣ Numeric limit validity was challenged by the Small Business Administration and Nat'l Assoc. of Home Builders.
- ▣ EPA stayed the numeric limitation of 280 NTU on January 4, 2011 and requested more data.
- ▣ EPA is currently launching a new rulemaking that will formally strip the numeric limit for turbidity from the construction sector.

The Construction General Permit



Construction General Permit

- ▣ There are 2 types of CGPs:
 - Small Construction General Permit (SCGP) – this permit covers construction activities that will disturb between 1 acre to under 5 acres.
 - Large Construction General Permit (LCGP) – this permit covers construction activities that will disturb 5 acres or greater

Construction General Permit

2 Types:

Small Construction General Permit covers projects that disturb 1 acre to under 5 acres. The no NOI option on this permit may change during the next renewal. EPA has been pushing for a requirement that a NOI be submitted for permit coverage. There would likely be a SWPPP submittal requirement just like the Large Construction General Permit. This permit expired on 3/15/2011 and has been indefinitely extended.



Construction General Permit

The Large Construction General Permit covers construction activities that will disturb 5 acres or greater. This general permit was renewed May 9, 2011 and will expire on March 15, 2016. A storm water pollution prevention plan (SWPPP) must now be submitted along with the Notice of Intent (NOI).



Large Construction General Permit

- ▣ Notice of Intent (NOI)

- ▣ 3 new sections were added to the Notice of Intent form during the 2011 renewal
 - Sage-Grouse Core Area (Part 1)

 - Expanded contacts section (Part 2)

 - Impaired waters/TMDL section (Part 5)

Notice of Intent (LCGP)

3 new sections were added to the NOI form during the 2011 renewal

Sage-Grouse Core Area (Part 1)

Expanded contacts section (Part 2)

Impaired waters/TMDL section (Part 5)



CGP – Notice of Intent Revisions



Notice of Intent Revisions

- ▣ Sage-Grouse Core Area Certification Section
 - Sage-Grouse Core Area Certification Section-this part was added to the NOI in response to the Governor's Executive Order 2011-5 Greater Sage Grouse Core Area Protection.
 - A permittee can determine if any part of a project is within a Sage-Grouse Core Area (SGCA) by going to http://deq.state.wy.us/wqd/wypdes_storm_water/stormwater.asp. A map and information is available at this site.

Notice of Intent Revisions

- ▣ Check off one of the three options in Part 1 of the NOI concerning Sage-Grouse.

- ▣ If your project does fall within a SGCA, the Wyoming Game & Fish Dept. (WGFD) must be contacted in order to obtain a letter confirming consistency with the Executive Order. WGFD has a website with information on this process. Obtaining this letter may take time so keep this in mind if a specific start up date is planned for your project.

NOTICE OF INTENT

**TO REQUEST
DISCHARGE AUTHORIZATION
FOR STORM WATER FROM
LARGE CONSTRUCTION ACTIVITIES**
(Under Large Construction General Permit WYR10-0000)



Official Use Only
Date received:

- ✓ Please print or type.
- ✓ All items must be completed accurately and in their entirety or the NOI will be deemed incomplete and will be returned. A complete SWPPP must be submitted before the NOI will be processed.
- ✓ Storm water discharges are covered under the large construction general permit when the Administrator provides a letter of authorization (LOA) to the applicant (see Part 1.2.4 of the permit).
- ✓ Authorizations issued under the general permit are subject to an annual \$100 permit fee for as long as the authorization is active. See the permit for more information. There is no need to pay the fee with the application. Permit fees are invoiced after the end of the year.
- ✓ An original signature of the applicant is required. Faxes or emails cannot be accepted.

1. Sage Grouse Core Area Determination

Pursuant to the requirements of the Governor's Executive Order 2011-5, Greater Sage-Grouse Core Area Protection, the Wyoming Department of Environmental Quality (WDEQ) is working with the Wyoming Game and Fish Department (WGFD) to minimize the impact of development on the Greater Sage-Grouse population in Wyoming. To that end, operators of large construction projects must determine if any part of the project falls within a Greater Sage-Grouse Core Area (SGCA) before applying for coverage under the Large Construction General Permit (LCGP). If any part of your project falls within a SGCA, the first point of contact for addressing sage-grouse issues is the WGFD. Coordinate with the WGFD and obtain a letter confirming consistency with the Executive Order prior to applying for coverage under the LCGP. Additional information and a map of SCGAs are available at http://deq.state.wy.us/wgad/wyodes_permitting/wyodes_storm_water/stormwater.asp.

- Some part of my project does fall within a SGCA → Contact WGFD for a consultation to address sage-grouse issues and obtain a letter confirming consistency with the Executive Order. (Note that your NOI will be returned without processing until you have consulted with the WGFD and obtained a letter confirming consistency with the Executive Order.)
- Some part of my project does fall within a SGCA, and I have contacted the WGFD for a consultation. A letter from the WGFD confirming consistency with the Executive Order is attached.
- No part of my project falls within a SGCA → No additional requirements. Complete and submit your Notice of Intent.

2. Contact Information:

Permit Applicant	
Company Name:	
Legally Responsible Person: (See Item 6 below for description)	<input type="radio"/> Mr. <input type="radio"/> Ms.
Title:	
Mailing Address:	
City, State, ZIP Code:	
Telephone:	Fax:
E-mail Address:	

Notice of Intent Revisions

- ▣ Additional contact information (Part 2)
 - Legal contact
 - Local contact (familiar with the project or facility)
 - Fee contact (receive annual invoice for permit fee)
 - Authorized representative (optional)

Notice of Intent Revisions

- ▣ Identify impaired/TMDL waters from sediment (Part 5) if
 - Located within 2000' of a project with the potential to receive runoff from the project or runoff will enter a storm drain that goes to an impaired/TMDL water of the state.
 - A map listing surface waters impaired for sediment, total suspended solids, or turbidity can be found at the storm water web page;
 - http://deq.state.wy.us/wqd/wypdes_storm_water/stormwater.asp (currently a pdf map)

Notice of Intent

The storm water program can no longer accept old versions of the Notice of Intent. This is mainly due to the Sage-Grouse Core Area Executive Order requirement



Storm Water Pollution Prevention Plan (SWPPP)



SWPPP Submission

- (LCGP only) SWPPPs must now be submitted with the NOI
- Electronic submission is preferred
 - CD, DVD or e-mail
 - deq-stormwater@wyo.gov
- Applications can be processed with eSWPPPs but the NOI is mailed in (still need original signature). EPA has to approve an electronic signature procedure we devise.

SWPPP Template

- ▣ A SWPPP template is now available on the WDEQ Storm Water website. (Fill in format)
- ▣ This template contains all the required section contents found in Part 8.2 of the Large Construction General Permit.
- ▣ Use of the template is optional but if your draft your own SWPPP it must follow the same format and order or it will be returned.
- ▣ If you have problems with the fillable format or downloading the form contact us.

SWPPP - Approval

- ▣ Please Note
- ▣ The fact that a Letter of Authorization (LOA) has been issued does not mean that the WDEQ Storm water Program has approved the storm water pollution prevention plan (SWPPP). It is the responsibility of the permittee to make sure that the SWPPP meets all general permit requirements.

Purpose of the SWPPP

- ▣ Keep pollutants on site and out of “*surface waters of the state*” from first disturbance to final stabilization
- ▣ Pollutants include but are not limited to;
 - Sediment
 - Concrete washout
 - Trash and construction debris
 - Sanitary waste
 - Any paint, chemicals or fertilizers used at the site

Surface Waters of the State

This means all perennial, intermittent, and ephemeral defined drainages, lakes, reservoirs, and wetlands which are not man-made retention ponds used for the treatment of municipal, agricultural or industrial waste; and all other bodies of surface water, either public or private which are wholly or partially within the boundaries of the state.



Best Management Practices

- ▣ The SWPPP should contain a section describing the combination of structural and non-structural controls and measures that will be implemented at the site.
- ▣ Structural BMPs must be properly installed and maintained.

Erosion Control Vs Sediment Control

- ▣ Erosion control BMPs are used to prevent the movement and transport of sediment.
- ▣ Sediment control BMPs are used to contain sediment laden storm water and allow the sediment to settle out.
- ▣ Erosion control BMPs are used along with sediment control BMPs.

Windy Wyoming

Part 7.19 of the LCGP now requires that portable toilets be secured to the ground or trailer mounted.



Appendix C

- ▣ Appendix C was added to the permit to provide guidance and set minimum standards for BMPs in response to problems we have seen in past years.

Inlet Protection

- ▣ Part 7.6 Was added to the permit during the 2011 renewal due to concerns and problems seen in the field.
- ▣ Part 7.6 Sets minimum standards for inlet protect.

No BMPs



Not Maintained



Not Maintained



Why Inlet Protection?

- ▣ Sediment in municipal storm sewer systems impacts the system by;
 - Running up system maintenance costs
 - Increased wear and tear on the equipment such as vac trucks
 - Decreases the efficiency of the storm water drain system
 - Results in sedimentation that impacts the ecology of the receiving water
 - May result in the receiving water being listed as impaired like Crow Creek in Cheyenne.

Violation



Addressed in
Appendix C
Alternatives?

BMP Maintenance



Wrong BMP & Installed Wrong



Wrong BMP & Installed Wrong



Wrong BMP



End Result



Temporary Stabilization

- ▣ Temporary stabilization was revised in the Large Construction General Permit (LCGP) in the 2011 renewal.
- ▣ Any area of a permitted site not under active construction for 14 days or more must have temporary stabilization. Used to be 28 days but revised to meet federal requirement.

No Stabilization



No Stabilization



No Stabilization



Inadequate BMP



Adjacent Property



No Temporary Stabilization



No Temporary Stabilization



End Result



North
Platte River

Summary of Construction General Permit Main Requirements

- ▣ Notice Of Intent (NOI) Submittal (LCGP only)
- ▣ Draft a storm water pollution prevention plan (SWPPP). LCGP requires SWPPP submittal
- ▣ Conduct and document inspections
 - **Include certification statement**
- ▣ Permit transfer or termination
 - Termination can only be submitted when the site has reached final stabilization.

Wrong BMP



Good Housekeeping



Concrete Washout No Containment



Sediment in Street



Ends up in storm
sewer system

No BMP Maintenance



Inadequate BMPs Upgradient



Contact Information

PERMIT WRITERS

- ▣ Barb Sahl
- ▣ 307-777-7570
- ▣ barb.sahl@wyo.gov

- ▣ John Gorman
- ▣ 307-777-5622
- ▣ john.gorman@wyo.gov

WYOMING INSPECTIONS

- ▣ Kathie Mulkey
- ▣ 307-352-2559
- ▣ kathie.mulkey@wyo.gov

- ▣ Brad Kniss
- ▣ 307-777-2457
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Questions?

