

**Stormwater Construction General Permit  
CGP-2013**


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*Stormwater Construction General Permit (CGP)*

Pima Association of Governments  
2013 Seminar on Stormwater

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**Stormwater CGP**

**Today's Discussion:**

- Program overview / history
- CGP-2013
  1. Coverage / eligibility
  2. NOI / NOT
  3. Effluent Limitation (control measures / BMPs)
  4. Inspections
  5. Corrective Actions
  6. SWPPP
  7. Monitoring
  8. Fees
- Questions




**CGP Regulatory Overview**

**Regulated Construction Activities –  
What Projects Need Permit Coverage:**


- Large construction (>5 acres), 40 CFR 122.26(b)(14)(x) of industrial activity (Phase I, 1990).
- Small construction activity (1-5 acres), 40 CFR 122.26(B)(15), (Phase II, 1999).

A Construction activity that will disturb one or more acres is subject to permitting.




**CGP Regulatory Overview**

- ADEQ got primacy for the National Pollutant Discharge Elimination System (NPDES) program in December 2002.
- ADEQ issued first CGP in February 2003.
- ADEQ re-issued CGP in February 2008.
- CGP-2013 will be third ADEQ CGP.
- State and federal rules specify AZPDES/NPDES permits are to be re-issued every 5 years.



**CGP Regulatory Overview**

- EPA finalized its rule on Construction and Development Effluent Limitation Guidelines (ELGs) on December 1, 2009.
- Part 450.21 establishes 6 Best Practicable Technology (BPT) criteria.



**CGP Regulatory Overview**

1. Erosion and sediment control;
2. Soil stabilization;
3. Dewatering;
4. Pollution prevention measures;
5. Prohibited discharges;
6. Surface outlets.



### CGP Regulatory Overview

- Part 450.22 established a numeric turbidity limit that was to be phased in (280 NTUs);
- EPA was challenged on this number and it was suspended by the court.
- Ultimately withdrawn.
- Future of numeric limit....



### CGP Regulatory Overview

#### Senate Bill 1289:

Amended A.R.S 49-255.01 signed into law April, 2012

Requires reduced controls for sites that retain stormwater (except in extreme events) if the following conditions are met:



### CGP Regulatory Overview

- Nearest downstream receiving water is ephemeral and is sufficient distance away (2.5 miles);
- Stormwater is directed to retention basin(s) that has a capacity to retain stormwater from a local 100-year, 2-hour storm event;
- The operator complies with good housekeeping measures; and
- The operator maintains the basin capacity.



### CGP Regulatory Overview

#### SB-1289 (cont'd):

Paragraph (M) Allows new operators to obtain coverage under an expired permit if the director (ADEQ) has commenced the proceedings to re-issue the general permit.



### CGP-2013 Stakeholder Process

- ADEQ initiated stakeholder process in November 2011.
- Draft permit published in AAR November 2012. Public comment closed on January 11, 2013.
- Stakeholders consisted of: homebuilders, cities, counties, utility companies, ADOT, and contractors.



### Construction Activities

#### What Are Construction Activities?

- Clearing
- Grading
- Excavating



**Part 1 of CGP-2013:**

- Specifies permit area (Arizona, except Indian Country);
- Permit covers construction activities 1 acre and larger, including off site support activities (such a batch plants, must be exclusive to project), and common plans of development.

**Common Plan:**

- Includes activities that may be on smaller parcels (i.e., 1 acre) of land but are part of a larger, common plan of development or sale
  - A common plan includes drawings, plans, advertising materials, subdivision plans, etc.
  - A common plan may describe activities that will occur on different schedules



- In addition to authorizing stormwater discharges, CGP-2013 also “allows” certain non-stormwater discharges (Part 1.3(2)).
- These allowable non-stormwater discharges must also be managed with control measures, just as with stormwater discharges.

- The permit establishes limits on certain discharges (Part 1.5).
- Operators of sites that are located within ¼ mile of an impaired water or Outstanding Arizona Water (OAW) must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP, Part 6) to ADEQ review.
- SWPPP must include monitoring plan or rationale as to why monitoring is not necessary for impaired waters (Part 1.5(3)).

**Erosivity Wavier:**

Construction activities that meet the following criteria are eligible for a wavier:

1. Must be obtained via the SMART NOI;
2. Less than 5 acres disturbed;
3. Erosivity value less than 5 (calc by SMART NOI);
4. Site cannot be located within 1/4 mile of an impaired water or OAW;
5. Wavier does not extend beyond calculated end date; and
6. Must e-sign wavier form on SMART NOI.



**Notice of Intent (NOI):**

- ◆ Must be signed by a responsible corporate officer
- ◆ Send copy to the municipality if potential to discharge to municipal separate storm sewer system (MS4)
- ◆ Include applicable fee when submitting the NOI
- ◆ Two ways to file NOI
  - "Paper NOI": fill out and sign and mail or deliver to ADEQ (check or money order):  
[http://www.azdeq.gov/environ/water/permits/download/construction\\_noi.pdf](http://www.azdeq.gov/environ/water/permits/download/construction_noi.pdf)
  - On-line "SMART NOI" (credit card only):  
<https://az.gov/app/smartnoi/>



**Who must obtain coverage (Part 2.1):**

- Any person that meets the definition of "operator" must submit their own NOI;
- Many sites will have more than one operator;



EPA provided clarification regarding permitting responsibilities in their *NPDES Stormwater Program Question and Answer Document, Volume II* (July 1993) as follows:

Who must apply for permit coverage?

EPA clarified that the operator of a construction activity is the party or parties that either individually or taken together meet the following two criteria: (1) they have operational control over the site specifications (including the ability to make modifications in specifications and (2) they have day-to-day operational control of those activities at the site necessary to ensure compliance with plan requirements and permit conditions (September 9, 1992, Federal Register, p. 41190). If more than one party meets the above criteria, then each party involved must become a co-permittee with any other operators. For example, if the site owner has operational control over site specifications and a general contractor has day-to-day operational control of site activities, then both parties will be co-permittees.

When two or more parties meet the EPA's definition of operator, each operator must submit an NOI, and either includes a photocopy of the other operator's NOIs or the general permit number that was assigned for that project.



**Permit coverage begins:**

- ◆ 7 days after ADEQ receives "paper NOI" (or sooner)
- ◆ Immediately if using "SMART NOI" system and using electronic signature

**Unless:**

- ◆ site is within ¼ mile of impaired or Outstanding Arizona Water (OAW), then 30 calendar days (often sooner) while ADEQ reviews SWPPP:
  - ◆ Impaired waters – identified as "polluted"
  - ◆ Outstanding Arizona Waters – identified as "high quality"



**Notice of Termination:**

To close out permit coverage, a NOT must be filed, either electronically via SMART NOI or paper form. Must meet one of the following criteria to submit NOT:

1. Project complete, stabilization established;
2. Another operator has permit coverage;
3. Homeowner has take possession of property;
4. Construction activity never initiated;
5. Coverage obtained under another permit; and
6. Qualifies for alternative stabilization (new, see Part 3.1.2.3).



Change of Operator Request (COR) due to Foreclosure or Bankruptcy (form provided by ADEQ). Must include the following:

1. Date of the loss of control;
2. Person who took control (e.g., bank information);
3. Reason unable to submit NOT;
4. Provide copy of SWPPP to ADEQ (review fee);
5. Condition of site to be documented in SWPPP;
6. Documentation that the new operator was informed; and
7. Documentation the MS4 was notified.



CGP-2013, Part 3 – Controls

**Effluent Limits:** these are the control measures (or BMPs) implemented at the site to reduce pollutants in stormwater and non-stormwater discharges. These are the federal ELG requirements (40 CFR 450.21).

**Ongoing projects:** projects that obtained coverage under CGP-2008 do not have to comply with the effluent limits in CGP-2013 if it is infeasible.



CGP-2013, Part 3 – Controls

Erosion and sediment control **Best Management Practices** (BMPs) are used to reduce or minimize sediment (dirt) leaving the site.

- Erosion Control is the **primary** means of preventing stormwater pollution.
- Sediment Control provides a **secondary** line of defense to properly designed and installed erosion controls.



CGP-2013, Part 3 – Controls

**Erosion Control:**

- Covers surface to prevent erosion
- **“Stabilization”**
  - ◆ Vegetation
  - ◆ Mulch
  - ◆ Erosion blanket
  - ◆ Rock/rip-rap
  - ◆ Soil binders
  - ◆ Decomposed granite

**Sediment Control:**

- Captures sediment that erosion control has failed to keep in place
- Typically at perimeter
  - ◆ Silt fence
  - ◆ Berms
  - ◆ Sediment basins/traps
  - ◆ Fiber rolls



CGP-2013, Part 3 – Controls

**Erosion and Sediment Control Measures:**

- Run-on management;
- Sediment basin and traps;
- Preserve natural vegetation;
- Perimeter control (for sites where stormwater is conveyed to a retention basin, the operator is not required to utilize perimeter control, 100yr/2hr event capacity).
- Controls for stockpiles of sediment or soils;
- Inlet protection, as necessary; and
- Maintain 50 ft natural buffer adjacent to river or lake.



CGP-2013, Part 3 – Controls

**Stabilization:**

- Temporary – for disturbed areas of the site that will not be worked for 14 or more days. Timeframe for areas within 50 feet of impaired water or OAW is 7 days.
- Final – where construction activities are complete and before NOT is submitted.
- Exception for areas that are intended not to be stabilized...unimproved lots, access roads, utility pole pads, etc.



CGP-2013, Part 3 – Controls

**Stabilization Alternatives (new to CGP-2013):**

1. Sites with additional retention capacity:
  - Not within 2.5 miles of perennial water;
  - Stormwater directed to basin(s);
  - Maintain good housekeeping;
  - Maintain basin capacity;
  - Operator determines temp/final stabilization to meet Part 3.2



**CGP-2013, Part 3 – Controls**

**Stabilization Alternatives (new to CGP-2013):**

- 2. Sites returned to pre-construction discharge conditions:  
Must provide demonstration with Notice of Termination that a professional registered with Arizona Board of Technical Registration (BTR) determined that post construction discharges from the site are less than or equal to pre-construction site discharges (in volume and pollutant load).



**CGP-2013, Part 3 – Controls**

**Pollution Prevention:**

- 1. Implement effective PP control measures to minimize the discharge of pollutants;
- 2. Minimize discharge of pollutants – concrete washout, equipment and vehicle washing;
- 3. Washing of applicators and containers;
- 4. Equipment fueling and maintenance;
- 5. Construction site egress / trackout; and
- 6. Good housekeeping measures.



**CGP-2013, Part 3 – Controls**

**Dewatering Controls for Stormwater and Allowable Non-Stormwater Discharges**

- Dewatering must be controlled as necessary to reduce the discharge of pollutants.
- Permit allows dewatering of basins, trenches, excavations, tanks, and other features.



**CGP-2013, Part 4 - Inspections**

**Site Inspections:**

- 1. Routine inspections (weekly, once every 14 calendar days, or once per month);
- 2. Reduced inspections (if site is stabilized, once per month and before and after a storm event);
- 3. Inspections for sites located within 1/4 mile of impaired water or OAW (once every 7 days);
- 4. Inspections for inactive and unstaffed sites (new), once every 6 mos., and 24 hrs after storm event.



**CGP-2013, Part 4 - Inspections**

**Scope of Site Inspections:**

- Must be conducted by a qualified person, as defined in the permit, no certification or license is required;
- Inspect control measures,
- Non-structural control effectiveness;
- Areas with temporary stabilization;
- Location where vehicles and equipment enter and exit the site;



**CGP-2013, Part 4 - Inspections**

**Scope of Site Inspections (cont'd):**

- Site conditions for evidence, or potential, for pollutants to enter the MS4;
- Site discharge locations for evidence of pollutants;
- Required only during normal business hours;
- Not required during adverse conditions. If inspection is suspended due to adverse conditions, inspection must resume as soon as practicable.



### CGP-2013, Part 4 - Inspections

#### Inspection Report Form:

- Inspections must be documented on a report form, either ADEQ form, or form prepared by operator (must be equivalent to ADEQ form).
- Completed inspection report forms must be kept with the SWPPP (can be electronic format also).



### CGP-2013, Part 4 - Inspections

#### Inspection Follow-up:

- Based on the findings of the inspection, the operator is to implement any changes necessary to meet the effluent limitations in Part 3.
- Determine if Corrective Actions (Part 5) are required.



### CGP-2013, Part 5 – Corrective Action

#### Corrective Actions:

- Not routine maintenance;
- Actions taken to modify or replace a Control Measures that failed to meet effluent limit requirements (Part 3), including:
- A necessary CM was never installed (Part 3);
- A prohibited discharge occurred (Part 1.4);
- ADEQ or USEPA determines modifications are necessary to meet Part 3 requirements.



### CGP-2013, Part 5 – Corrective Action

#### Corrective Action Deadlines:

- Complete CA within 7 days.
- If not feasible, document why and establish schedule to complete.

#### Corrective Action Report:

- CA must be documented in the inspection report form.
- Sites located within 1/4 mile of impaired water or OAW must submit CA report to ADEQ.



### CGP-2013, Part 6 - SWPPP

#### What is a SWPPP?

A **Stormwater Pollution Prevention Plan** is a detailed plan that:

- Identifies potential sources of sediment and stormwater pollution at the construction site
- Describes practices to reduce pollutant runoff from the site
- Identifies procedures the operator will implement to comply with the terms and conditions of the stormwater permit



### CGP-2013, Part 6 - SWPPP

#### SWPPP Components:

- Operator and stormwater team personnel and operator(s);
- Description of construction activities;
- Estimated dates;
- Site description;
- Site map(s);
- Description of control measures;
- Receiving waters;
- Inspection program;
- Pollution prevention procedures; and
- Monitoring (if required)



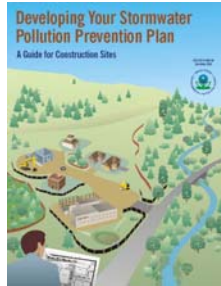
This is *not* a SWPPP



### CGP-2013, Part 6 - SWPPP

#### Recommended SWPPP Resources:

- Current ADEQ CGP;
- EPA's SWPPP Guidance document;
- ADEQ's SWPPP Checklist.



### CGP-2013, Part 6 - SWPPP

#### Other SWPPP Requirements:

SWPPP must be kept on-site while construction activities are underway.

- SWPPP is a "living document" and must be updated as site conditions change.
- SWPPP must include a copy of the permit, NOI, authorization certificate, inspection records, and other relevant information.
- SWPPP must be made available to ADEQ and EPA.



### CGP-2013, Part 6 - SWPPP

#### Updates and Modification Requirements:

- Within 7 calendar days whenever:
- Change in design at the construction site;
- ADEQ or USEPA determine there is or was an exceedance of a water quality standard;
- Change in stormwater team;
- See permit (Part 6.5) for additional requirements.



### CGP-2013, Part 7 - Monitoring

#### Monitoring:

- If the construction site is located within 1/4 mile of an impaired water or OAW (SWPPP submitted to ADEQ for review, Parts 1.5(3) and (4)), or
- If otherwise notified by ADEQ.



### CGP-2013, Part 7 - Monitoring

#### Exception to Monitoring:

- Operators of construction sites that are located within 1/4 of an impaired water can provide a justification as to why monitoring is not necessary (typically because the construction activity is not expected to be an additional source of the pollutant), Part 7.1.
- Must be included in SWPPP submitted to ADEQ for evaluation and approval.



### CGP-2013, Part 7 - Monitoring

#### What to Monitor:

- Impaired waters – sample for the pollutant(s) the water is listed.
- OAW – sample for turbidity and pollutants known to be present at the site (e.g., oil and grease, metals, etc.).





### CGP-2013, Part 7 - Monitoring

#### Include Sampling and Analysis Plan in the SWPPP (Part 7.3(5)):

- Locations,
- Monitoring team,
- Map showing receiving waters,
- Analytical parameters and methods,
- Sampling protocols, and
- Identification of pollutants and sources.



### CGP-2013, Part 7 - Monitoring

#### Monitoring Requirements:

- Sample 2x per wet season (summer/winter);
- Sample at locations observed or suspected of containing highest concentration of pollutant(s);

Number of Samples	Number of Samples
1 to 4	1
5 to 19	2
20 or more	10% of total



### CGP-2013, Part 7 - Monitoring

#### Where to Collect Samples:

- Collect samples from where the discharge leaves the site;
- If the site discharges directly to an impaired water or OAW, sample turbidity upstream and downstream of the discharge location and compare results;
- For lakes, submit a site-specific proposal.



### CGP-2013, Part 8 - Fees

#### Effective July 1, 2011 AZPDES permits are subject to fees.

- Less than or equal to 1 acre = \$250\*
- 1 acre to 50 acres = \$350\*
- Greater than 50 acres = \$500\*
- Waiver = \$750
- SWPPP review = \$1,000

\* Billed annually until NOT is submitted



### Construction Site Stormwater



#### Questions?



### Stormwater Contact

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