

August 2007

Small Construction Projects Require Storm Water Permits

Small construction projects are required to comply with the storm water permitting requirements. This fact sheet will help you determine if your construction project needs a storm water permit and how to apply for a storm water permit under the National Pollutant Discharge Elimination System (NPDES) program.

Why do construction projects require a storm water permit?

During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally over several decades. Sediment runoff from construction sites is typically 10 to 20 times greater than from agricultural activities.

The silt and other pollutants from construction sites can harm Ohio's waters. For example, excessive sedimentation from sites can quickly fill rivers and lakes, destroy aquatic habitats and require dredging. Storm water can also become contaminated from fuel or chemical spills and equipment cleaning at construction sites.

To help prevent soil erosion and control the amount of sediment and other pollutants that leave construction sites, Ohio EPA requires storm water management permits for construction projects.

How do these regulations affect construction activities?

Initially a storm water permit was required for any construction activity disturbing five acres or more of land. Since 2003, a permit is required for any construction activity that disturbs one acre or more of land.

Even construction activities disturbing less than one acre must have permit coverage, if they are part of a larger common plan of development or sale. A larger common plan of development or sale is a contiguous area where multiple separate and distinct construction activities are occurring under one plan (for example, building on three half-acre lots in a six-acre development). The "plan" in a common plan of development or sale is broadly defined as any announcement, piece of documentation or physical demarcation indicating construction activities may occur on a specific plot.

Some examples of activities covered under the regulations include road building, construction of residential houses, office buildings, industrial sites and demolition.

**** IMPORTANT ****

You must wait until you receive the Ohio EPA approval letter stating that you are covered under the general permit before you begin construction activity!



Poorly managed construction sites, even small ones, can contribute to environmental contamination.

Who is required to apply for the permit?

The operator who is responsible for the construction plans and specifications or has the day-to-day operational control of the site needs to get the permit. For small commercial, industrial or residential development, the permit applicant is usually the developer. For individual home building sites, the home building company is commonly the permit applicant.

Why is there more than one construction storm water permit?

One construction storm water permit was initially developed for every construction activity in the state. However, some watersheds need additional protection than what the standard permit provides. Therefore, Ohio EPA has developed specific storm water permits for construction activities in certain watersheds. These permits have

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additional requirements beyond those in the standard construction storm water permit. You can see if your construction project is located in a watershed that has a specific construction storm water permit on Ohio EPA's Division of Surface Water Web site at www.epa.state.oh.us/dsw/storm/construction_index.html or by contacting your local Ohio EPA district office.

How do I get a permit for a construction project?

To get a storm water permit, you need to submit an application form called a Notice of Intent (NOI) and NOI fee to Ohio EPA. The NOI must be submitted, either 21 days for the baseline permit or 45 days for watershed specific permits, **before** initiating construction activities (including ground disturbing activities). The NOI fee for small (one to five acres) construction activities is \$200.

In response to your NOI submission, Ohio EPA will notify you, in writing, that you either have been granted coverage under the permit or must apply for an individual storm water permit. Timely and complete NOIs are processed so that project start dates are not delayed.

**** IMPORTANT ****

Carefully read through the permit to understand what activities are authorized. The storm water permit does not authorize on-site wastewater discharges from activities such as cleaning your painting equipment or cement trucks.

What are my responsibilities if I sell/buy all or a portion of my permitted construction site?

If an entire development is bought or sold, the new operator must notify Ohio EPA that he will assume responsibility for the storm water permit requirements. This is done by submitting a permit transfer application.

If a portion of a development is bought/sold, the permit requirements will still apply to the individual lot, regardless of the size of the lot. The original permittee may retain responsibility or the new operator may take responsibility. If the new operator takes responsibility, then they need to submit an Individual Lot NOI at least seven days prior to the date they take responsibility for the permit requirements applicable to their lot.

What will the permit allow me to do?

The permit allows you to discharge storm water from your construction activities. It also allows, under certain conditions, storm water discharges from support activities such as trench dewatering, on-site concrete and asphalt batch plants, equipment storage areas, excavated material disposal areas and borrow areas.

The permit may also allow for some non-storm water-related discharges. Check with your local Ohio EPA district office, Division of Surface Water, if you have any questions about what discharges are allowed under the permit.



A sediment pond is effective in helping to control contaminated runoff.

In addition to submitting the NOI, is there anything else I need to do?

By submitting the NOI, you have committed to comply with the permit and should have already developed a storm water pollution prevention plan (SWP3) for the site. The SWP3 must be implemented upon the initial ground disturbing activities. All contractors and subcontractors involved in the SWP3's implementation must be informed of the SWP3.

You are expected to have read and understood the storm water general permit conditions before applying for permit coverage. This includes developing a SWP3 and going over the plan with your general contractor. You can get a copy of the general construction storm water permit and information on SWP3s from Ohio EPA's Division of Surface Water Web site at www.epa.state.oh.us/dsw/storm/construction_index.html or by contacting your local Ohio EPA district office.

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What goes into a storm water pollution prevention plan (SWP3)?

In the SWP3, you must identify the potential sources of pollution that may affect the quality of storm water discharges at the site. In addition, the plan must include a description of the best management practices that you will use to minimize the amount of pollution in your storm water discharges during construction as well as after development (post construction).

Erosion and sediment controls must be incorporated into your SWP3. And once you submit an NOI, these control requirements become enforceable under the general permit.

The erosion, sediment and storm water management controls in your SWP3 must meet the standards and specifications in Ohio's Rain Water and Land Development manual. This manual is available from the Ohio Department of Natural Resources, Division of Soil & Water Conservation's Web site (www.dnr.state.oh.us/water/rainwater/default/tabid/9186/Default.aspx). There may also be local sediment and erosion control requirements.

You are also required to perform regular inspections of your SWP3 controls every seven days and within 24 hours of a half inch or more rain event. You need to keep these inspection results in a log, which becomes part of your SWP3.

Most erosion and sediment controls require regular maintenance to operate properly. You should remove accumulated sediments



A silt fence can help keep sediment from running into nearby waterways.

frequently and check equipment or materials periodically for wear. If you need to repair your controls, the permit requires you to complete the repairs within three days or within ten days for sediment settling ponds.

Additional guidance on developing your SWP3 is available from Ohio EPA's Web site at www.epa.state.oh.us/dsw/storm/construction_index.html.

What are some recommended erosion and sediment controls for small construction sites?

The following practices and controls can be effective for small construction sites:

Non-Structural Controls

- Minimizing Disturbances
- Preserving Natural Vegetation
- Good Housekeeping

Structural Erosion Controls

- Mulch
- Grass
- Stockpile Covers

Structural Sediment Controls

- Silt Fence
- Inlet Protection
- Check Dams
- Stabilized Construction Entrances
- Sediment Traps

Post-Construction Controls

- Vegetated Swales and Filter Strips
- Extended Detention Basins (Dry Basins)
- Retention Basins (Wet Basins)
- Low Impact Development
- Infiltration Areas

Are there additional best management practices to consider on construction sites?

In addition to the above, there are additional steps you can take on your construction sites to avoid environmental contamination:

- **Do** collect and properly dispose of trash and debris. Remember that open waste burning is illegal!
- **Do** cover trash bins to prevent leaks.
- **Do** store fuel, chemicals and paints within a diked area or indoors.
- **Do** maintain material storage piles behind silt fences.



Natural vegetation or grass cover can be effective in controlling erosion.

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- Do require delivery trucks to use a rock construction entrance.
- Don't apply used oil to roadways or land parcels to control dust.

What happens when my construction activity is done?

Once all of the soil disturbing activities are complete and the site has met the permit requirements for final stabilization, you need to submit a Notice of Termination (NOT) form to Ohio EPA's Division of Surface Water within 45 days.

You can get a copy of the NOT from Ohio EPA's Division of Surface Water Web site at www.epa.state.oh.us/dsw/storm/construction_index.html. Or, contact your local Ohio EPA district office for a copy.

Are there any exemptions from the permitting requirements?

There are two permit waivers for small (one to five acres) construction sites. However the conditions under which these waivers can be granted do not occur very often. One waiver, based on the universal soil loss equations, is for situations where little or no rainfall is expected during the construction activity. The other waiver is for situations where a specific analysis (called a total maximum daily load analysis) indicates that sediment controls on construction sites are not needed to protect water quality.

If you have questions about whether a site you are working at qualifies for a permit exemption, contact the Division of Surface Water at your local Ohio EPA district office.

Where can I get more help?

Understanding and complying with the storm water permitting requirements is important to help you avoid violations and penalties. If you have any questions about the storm water regulations or permit requirements, contact your local Ohio EPA district office, Division of Surface Water (DSW), for assistance. See the map to find your local district office. You can also contact DSW's central office storm water program staff at (614) 644-2001.



OhioEPA District Offices

- CDO Central District Office**
50 W. Town St. Suite 700
Columbus, OH 43215
(614) 728-3778
- NEDO Northeast District Office**
2110 E. Auroa Rd.
Twinsburg, OH 44087
(330) 963-1200
- NWDO Northwest District Office**
347 N. Dunbridge Rd.
Bowling Green, OH 43402
(419) 352-8461
- SEDO Southeast District Office**
2195 Front St.
Logan, OH 43138
(740) 385-8501
- SWDO Southwest District Office**
401 E. Fifth St.
Dayton, OH 45402-6357
(937) 285-6357