

Compliance Tips

Planning and Preparation

- Disturb the smallest area possible.
- Avoid steep or unstable slopes and areas with soils susceptible to erosion.
- Time construction activities to limit the impact from seasonal climate changes or severe weather events.
- Don't mix other waste streams (wash waters, dewatering) with storm water.
- Prepare a storm water pollution prevention plan prior to submitting a Notice of Intent (NOI).
- Incorporate all applicable local and/or state sediment and erosion controls (storm water management) into your pollution prevention plan.
- Install a sediment basin at sites with common drainage areas that serve ten or more disturbed acres. The basin should provide at least 3,600 cubic feet of storage for every acre drained.

Notice of Intent

- Owner, developer, or general contractor should submit the initial NOI to EPA with a copy sent to BWSC at least 7 days prior to clearing, grading or grubbing activities. All other parties involved in the activities should submit a NOI as a co-permitted as necessary.
- Submit a copy of the pollution prevention plan to BWSC.

During Construction

- Stabilize disturbed areas that will not be re-disturbed for 21 days or more within 14 days of the last disturbance.
- Install sediment basins, traps, or silt fences along the down slope and side slope perimeter for drainage areas less than 10 acres.
- Conduct site inspections every 7 days within 24 hours of a storm of 0.5 inches or greater. All disturbed areas, material and equipment storage areas, site entrances and exists, and erosion and sediment controls must be inspected. Deficiencies should be corrected within 7 days of the inspection.
- Keep your pollution prevention plan on site during construction and until final stabilization.

Terminating Coverage

- Retain the plan and all reports for 3 years after final stabilization. Final stabilization means all soil disturbing activities are complete and that a uniform perennial vegetative cover (i.e. density of 70 percent of the cover for unpaved areas not covered by permanent structures) has been established or that equivalent permanent stabilization measures have been employed (e.g.,) riprap, gabions, or geotextiles).
- Submit Notice of Termination to EPA with a copy sent to BWSC upon final stabilization.



For More Information

For copies of EPA's General Permit for Construction Activities or any questions you may have, contact EPA Region 1, Thelma Murphy at Tel.:(617) 918-1615 or e-mail at Murphy.thelma@epa.gov.

For questions concerning the Boston Water and Sewer Commission's requirements for construction related discharges and for new and reactivated service connections, contact the Commission's Engineering Customer Services Division at (617) 989-7000 or view the Commission's website at www.bwsc.org.

Available Documents and Guidance:

- *Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices* (EPA-833-R-92-005, October 1992) can be found at: <http://www.epa.gov/npdes/pubs/owm0307.pdf>
- *NPDES General Permit for Storm Water Discharges from Construction Activities - Fact Sheet* can be found at: http://www.epa.gov/npdes/pubs/cgp2003_fs.pdf
- EPA New England Fact Sheet: Storm Water Permit Basics: The Federal (EPA) Storm Water Permit for Large and Small Construction Projects and EPA New England Guidance: Storm Water at Construction Sites - A Guide to Federal Requirements can be found at <http://www.epa.gov/npdes/stormwater> under "Construction Activities".
- *Federal Register*, August 4, 2003 (68 FR 45817) -Final Reissuance of the NPDES Storm Water Construction General Permit for the Commonwealth of Massachusetts and Indian Country in Massachusetts.
- Boston Water and Sewer Commission's *Regulations Governing the Use of Sanitary and Combined Sewers and Storm Drains, the Requirements for Site Plans* and information concerning Drainage Discharge Permits can be obtained by contacting the Engineering Customer Services Division of the Commission at (617) 989-7000, or at <http://www.bwsc.org>.

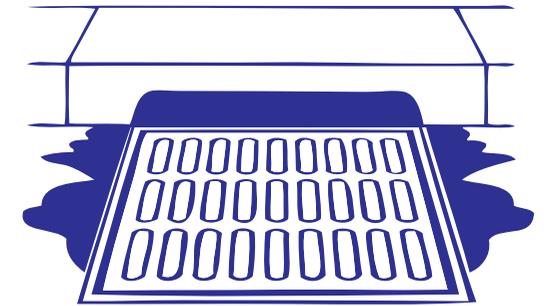
For additional copies of this brochure, contact



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Storm Water Permits at Construction Sites

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This brochure by the Boston Water and Sewer Commission is based on the fact sheet "Storm Water Permits at Construction Sites" dated July 1995 prepared by New England Interstate Water Pollution Control Commission (NEIWPCC) with funding provided through a grant from EPA-New England (CP001748).

What is Storm Water?

Storm water runoff is precipitation (rain or snow melt) that cannot be absorbed by the soil and, instead, washes off the surface of the land. As stormwater flows over a construction site, it picks up pollutants that may be transported into nearby surface waters by the runoff and can impair sport and commercial fishing, restrict swimming, and affect the navigability of many of our nation's waters. Preventing soil erosion and sedimentation is an important responsibility at all construction sites.

In addition to the environmental impact, uncontrolled erosion can have a significant financial impact on a construction project. It costs money and time to repair gullies, replace vegetation, clean sediment-clogged storm drains, replace poorly installed best management practices (BMPs) and mitigate damage to other people's property or to natural resources.

History of Storm Water Regulations

To address storm water runoff, Congress directed the U.S. Environmental Protection Agency (EPA) to develop a federal program to regulate certain high priority storm water discharges. One such high priority source of pollutant loading is construction activity. EPA requires permits for storm water discharges from "large construction activities" as defined at 40 CFR 122.26(b)(14)(x) including clearing, grading, and excavating activities that result in the disturbance of equal to or greater than five (5) acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Also, effective July 1, 2003 EPA now requires permits for storm water discharges from "small construction activities" as defined at 40 CFR 122.26(b)(15) including clearing, grading, and excavating activities that result in the disturbance of equal to or greater than one (1) acre and less than five (5) acres or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre or less than five (5) acres.

Do I Need a Storm Water Permit?

How do you determine if you need a storm water discharge permit for your construction activity? First, examine the planned activity. If you answer "yes" to all of the following questions, you will need a storm water permit for your construction activity.

- Is the total site one (1) acre or more?
- Is the total planned disturbance one (1) acre or more?
- Is the storm water conveyed through a pipe, ditch, or swale?
- Is the storm water discharged to waters of the United States (river, pond, brook, stream [perennial or intermittent], or wetland) or to a Municipal Separate Storm Sewer (storm drain)?

In short, if a construction activity (clearing, grading, or excavation) disturbs one (1) acre or more and has a point source discharge of storm water to waters of the United States, it needs a storm water discharge permit.

Other Permits

Don't confuse the EPA storm water discharge permit with other federal, state, or local programs or permits. You will still need a permit from EPA, or a delegated state, for a storm water discharge even if you have a valid Clean Water Act (CARS) SSE permit from the U.S. Army Corps of Engineers. You may also need approval from state or local agencies (conservation commissions, soil and erosion control agencies (conservation commissions, soil and erosion control agencies or districts) to discharge to, or perform construction activities near, a watercourse, wetland, floodplain, or a Municipal Storm Sewer (storm drain).

In Boston, authorization from the Boston Water and Sewer Commission is required for construction of a new or reactivated service connection to the water, sewer or drainage system. The BWSC also requires a Drainage Discharge Permit for the discharge of construction site dewatering to the Commission's sewer or storm drain system.

What To Do If You Need a Permit

If you need a permit, the simplest thing to do is seek coverage under the existing general permit for storm water discharges from construction activities. For Massachusetts, it can be found in the July 1, 2003 Federal Register (68 FR 39087) and August 4, 2003 Federal Register (68 FR 45817). A general permit means "What you see is what you get." To get coverage under the general permit, all you have to do is:

- Determine if you are eligible.
- Make sure you understand and are willing to comply with the conditions of the general permit.
- Develop a [storm water pollution prevention plan](#) prior to submitting the Notice of Intent to EPA. (Retain the pollution prevention plan on site and submit a copy to BWSC. You don't have to submit it to EPA.)
- Submit a Notice of Intent to EPA with a copy sent to BWSC at least 2 days prior to the intended construction activity (clearing, grading, or grubbing).

Compliance with the general permit means that you have a pollution prevention plan which addresses all the permit requirements, that you maintain the plan on site, log all inspections and results, and update the plan as necessary. When you have achieved final stabilization at the site, submit a Notice of Termination for the construction activity. The final product should be reviewed to determine if a post-consumption permit is required.

Who Should Apply for a Permit?

The owner, developer, or general contractor can apply for the permit. All parties with day-to-day responsibility for site operations should submit a Notice of Intent as co-permittees following the initial permit application.

Storm Water Pollution Prevention Plans

- Site Evaluation and Design Development
- Collect Site Information.
 - Develop site plan design.
 - Provide a narrative description of the construction activity.
 - Prepare a pollution prevention plan site map.

Assessment

- Measure the site area.
- Determine the drainage area.
- Calculate the runoff coefficient.

Control Selection/Plan Design

- Measure the site area.
- Determine the drainage area.

Terminating Coverage

- Review and incorporate state and/or local requirements.
- Select erosion and sediment controls.
- Select storm water management controls.
- Indicate location of controls on the site map.
- Prepare an inspection and maintenance plan.
- Coordinate controls with construction activities.
- Prepare sequence of major activities.

Certification and Notification

- Have an authorized representative (president, vice president, general partner) certify the plan.
- Submit Notice of Intent to EPA with a copy sent to BWSC - EPA Form 3510-9 included in Appendix E of the "NPDES General Permit for Storm Water Discharges from Construction Activities" and can be found at: <http://www.epa.gov/npdes/stormwater/cgp>
- Keep the plan on site and submit a copy to BWSC.

Construction/Implementation

- Implement controls.
- Inspect and maintain controls.
- Update/change the plan as **necessary**.
- **Report releases of reportable quantities.**

Final Stabilization/Termination

- Complete final stabilization (see Tips for Compliance).
- Submit Notice of Termination-EPA Form 3510-13 included in Appendix F of the "NPDES General Permit for Storm Water Discharges from Construction Activities" and can be found at: <http://www.epa.gov/npdes/stormwater/cgp>
- Retain records 3 years after final stabilization.

