

CONSTRUCTION STORMWATER GENERAL PERMIT GUIDANCE **(4/19/2016)**

This document is intended to serve as guidance and a summary of the basic requirements of the Construction Stormwater General Permit (CSWGP) issued by the Washington Department of Ecology and the City of Walla Walla Municipal Code (WWMC) Chapter 13.16 relating to construction stormwater requirements. It is not intended to be a complete or thorough compilation of all CSWGP requirements and it does not replace or substitute for the terms and conditions of the CSWGP or WWMC currently in effect.

The complete version of the CSWGP may be found at:

<http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>.

The complete version of the WWMC Chapter 13.16 may be found at:

<http://www.codepublishing.com/WA/WallaWalla/>.

For additional information, also refer to “How to Meet Ecology’s Construction Stormwater General Permit Requirements: A Guide for Construction Sites” (DOE Publ. No. 99-37, rev. March 2010)

<https://fortress.wa.gov/ecy/publications/documents/9937.pdf>.

Construction Stormwater General Permit (CSWGP)

A CSWGP is required for:

- any construction project disturbing one acre or more, and all projects of any size that are part of a common plan of development or sale that is one acre or more, AND
- there is a potential for stormwater discharges to surface waters or storm drain systems that discharge to surface waters.

A CSWGP is not required if:

- the activity will disturb less than one acre (cannot split project into segments to avoid one acre threshold), OR
- all stormwater will discharge only to the ground and there is NO potential for stormwater discharges to surface waters or storm drain systems that discharge to surface waters, OR
- covered by the Erosivity Waiver (activity must occur only between June 15 and Oct 15 AND the erosivity factor calculated to be less than 5), OR
- routine maintenance with no change in original line and grade, hydraulic capacity, or original purpose of facility.

Area of Disturbance

Area of disturbance includes all areas affected by construction activity. Construction activity means clearing, grading, excavation, and any other activity that disturbs the surface of the land, including ingress/egress from the site. (Footnote Page 15, CSWGP, eff. 1/1/2016)

Area of disturbance does not include areas proposed for overlay of asphalt, or areas that will be milled provided you are not going below the asphalt or concrete surface into the base course. If excavating down into the base course that is counted as area of disturbance. Staging areas and ingress/egress routes on pervious surfaces are included in area of disturbance. Staging areas and ingress/egress routes on impervious surfaces are not included in area of disturbance (Jeremy Ryf, Ecology, telephone 3/26/2014).

Requirements for Smaller Projects (< 1 acre of disturbance and for which CSWGP is not required or obtained)

- Must prepare and submit a Temporary Erosion and Sediment Control Plan (TESCP) to the City for review and approval prior to the start of ground disturbing activity describing what Best

Management Practices (BMPs) and other measures are proposed to prevent sediment and other pollutants from leaving project site during construction including final stabilization measures.

- Must implement the approved TESCP, request inspection and approval of BMPs by the City Engineer prior to start of ground disturbing activity and maintain BMPs until site has undergone final stabilization.

City of Walla Walla Municipal Code Requirements

- Chapter 13.16.060.E. requires CSWGP for any construction activity (or part of a common plan of development or sale) that will disturb one acre or more.
- Must comply with requirements of the Stormwater Management Manual for Eastern Washington (DOE Publ. No. 04-10-076, September 2004).
- Must prepare and submit a Stormwater Site Plan and Stormwater Pollution Prevention Plan (SWPPP) to the City Engineer for review and approval.
- Must control all waste and implement and maintain erosion and sediment control BMPs at construction sites to prevent contamination of ground and surface waters.

Construction Stormwater General Permit Requirements

If CSWGP is required, then you have to:

- submit Notice of Intent (NOI) to Ecology at least 60 days before start of construction AND on or before date of first public notice, AND
- publish two public notices in local newspaper at least seven days apart and at least 30 days prior to start of construction, AND
- prepare SWPPP, AND
- inspect project site at least once each calendar week AND within 24 hours of any discharge from the site, AND
- submit monthly Discharge Monitoring Reports as required by Special Condition S4, and S5 of CSWGP.

Coverage under CSWGP needs to be obtained prior to discharge to surface waters or the City's storm drain system. Notice of Coverage letter cannot be issued until 30 days after second public notice. Unless Ecology responds to application in writing, coverage automatically begins on day 31 after second public notice.

Ecology NOI Application website has a system generated public notice document to use as a template.

For projects that are part of a common plan of development or sale that will disturb one acre or more, either:

- each individual project needs to obtain its own coverage under the CSWGP, OR
- a single entity can obtain coverage under the CSWGP and retain coverage until the project site has undergone final stabilization and the permit coverage can be terminated, OR
- a single entity can obtain coverage under the CSWGP and then transfer a portion of the coverage to each individual project operator. Permittee must submit Transfer of Coverage Form but new public notice is not required. However, a SWPPP is required for each individual project that addresses the specific erosion and sediment control measures to be implemented for their specific project (Jeremy Ryf, Ecology). For example, this approach could be used when a developer proposes to build a larger commercial development under a binding site plan, constructs the necessary infrastructure (i.e., roads, utilities, etc.) and then sells off portions of the site to individual businesses to develop as they choose.

Applying for Coverage under CSWGP

1. NOI must be submitted on-line to Ecology at least 60 days before start of construction AND on or before date of first public notice.
2. Applicants unable to submit NOI on-line (e.g., do not have an internet connection), must contact Ecology to request waiver.
3. Secure Access Washington (SAW) account required.
 - If you already have a SAW account, skip to Step 4.
 - If you already have an approved WQWebPortal account, skip to Step 5.
 - Go to: <https://secureaccess.wa.gov/ecy/wqwebportal/> or enter “secure access” into your search engine.
 - Click on “Create one” and complete six-part sign-up process.
 - You will receive email confirmation of account set-up. Click the link in the email and follow instructions.
4. Add service for WQWebPortal
 - Login to your SAW account.
 - Under “Add a new Service”, click “Department of Ecology.”
 - Look for “Water Quality Permitting Portal (WQWebPortal)” and click “Apply” in the left column.
5. Establish an Electronic Signature Account
 - In the WQWebPortal, click on My Signature Account, then click “Create one” and follow instructions.
6. Complete NOI
 - Under the My Services tab, click “WQWebPortal.”
 - Click “Permit Coverage-Notice of Intent (NOI)” link on the portal home page.
 - Fill out the entire application.
7. Sign and submit NOI.
 - Must be signed electronically by the responsible corporate officer (corporations), proprietor (sole proprietorship), general partner (partnership) or principal executive officer/ranking elected official. Alternatively, last page must be signed and hard copy of NOI with signature mailed to Ecology.

Stormwater Pollution Prevention Plan (SWPPP)

The trigger for preparation of a SWPPP is the Construction Stormwater General Permit (CSWGP). In other words, a SWPPP is only required if a CSWGP is required. **Therefore, it is critical to first determine if a CSWGP is required. If no CSWGP, no SWPPP.**

WW Municipal Code Chapter 13.16.080 requires SWPPP be submitted for review and approval of the City Engineer for any land-disturbing activity (or part of a common plan of development) that will disturb one acre or more.

A SWPPP is a document containing a narrative, drawings and details that:

- lists the parties responsible for the project, including the Certified Erosion and Sedimentation Control Lead (CESCL);
- describes the potential for pollution problems on a construction project;
- explains, illustrates, and justifies the measures to be taken on the construction site to control those problems;
- contains concise information about existing site conditions, construction schedules, and other pertinent items that are not contained on the drawings;
- includes a site plan showing where the proposed BMPs will be installed; and
- describes when the various BMPs should be installed, the performance the BMPs are expected to achieve, and actions to be taken if the performance goals are not achieved.

NOTE: If the construction schedule or other site specific information is not available or unknown during initial SWPPP preparation, the information can be added to the SWPPP at a later date.

SWPPP Template:

<http://www.ecy.wa.gov/programs/wq/stormwater/construction/resourcesguidance.html>

The twelve elements listed below must be considered in the development of the SWPPP unless site conditions render the element unnecessary. If an element is considered unnecessary, the SWPPP must provide the justification. These elements cover the general water quality protection strategies of limiting site impacts, preventing erosion and sedimentation, and managing activities and sources. The twelve elements are:

1. Mark Clearing Limits
2. Establish Construction Access
3. Control Flow Rates
4. Install Sediment Controls
5. Stabilize Soils
6. Protect Slopes
7. Protect Drain Inlets
8. Stabilize Channels and Outlets
9. Control Pollutants
10. Control De-Watering
11. Maintain BMPs
12. Manage the Project

A complete description of each element and associated BMPs is given in the Stormwater Management Manual for Eastern Washington in Section 7.2.2, under Step 3 of developing a SWPPP.

The SWPPP must be located on the construction site or within reasonable access to the site for construction and inspection personnel. As site work progresses, the plan must be modified to reflect changing site conditions, subject to the rules for plan modification by the jurisdiction. The owner or lessee of the land being developed has the responsibility for SWPPP preparation and submission to the City. The owner or lessee may designate someone (i.e., an engineer, architect, contractor, etc.) to prepare the SWPPP, but the owner/lessee retains the ultimate responsibility.

Inspection, Monitoring and Reporting

The project must be inspected by a CESCL at least once each calendar week AND within 24 hours of any discharge from the site.

Monitoring and sampling of discharges for turbidity and pH (under certain conditions) must be conducted weekly during discharge periods.

Discharge Monitoring Reports must be submitted monthly to Ecology.

A list of CESCL training and certification programs can be found at <http://www.ecy.wa.gov/programs/wq/stormwater/cescl.html> or contact the Building Industry Association of Washington https://biaw.com/Education_ClassSchedule.aspx.

Transfer of Permit

To transfer coverage under CSWGP, a Transfer of Coverage Form (hard copy) signed by both the original and new Permittees and mailed to Ecology (cannot be done on-line). Transfer of Coverage Form can be

found at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. If a portion of the permit area is being retained by the original Permittee, an updated NOI must be submitted to Ecology indicating the remaining permitted acreage under the original Permittee's control after the transfer. Unless notified otherwise by Ecology, permit coverage transfers are effective on the date specified on the Transfer of Coverage Form. Once permit coverage is transferred, the new Permittee is responsible for preparing and submitting the SWPPP and compliance with all CSWGP inspection, sampling and reporting requirements.

Notice of Termination

The site is eligible for termination of coverage under the permit when:

- the site has undergone final stabilization, all temporary BMPs have been removed (except biodegradable BMPs intended by manufacturer to remain), and all stormwater discharges have been eliminated; OR
- portions of site not stabilized have been sold and/or transferred and no longer under Permittee's operational control; OR
- for residential construction, temporary stabilization has been completed and homeowners have taken possession of residence.

May submit Notice of Termination (NOT) through WQWebPortal or submit hardcopy as provided for under Special Condition S10. <http://www.ecy.wa.gov/programs/wq/stormwater/construction/permit.html>. *Ecology will continue to assess permit fees until permit coverage is terminated.*

Common Areas of Concern

- Erosion control measures (i.e., silt fence, inlet protection, construction access) not installed prior to first ground disturbing activity.
- Silt fence not properly installed and/or maintained. Silt fence must be toe-in, not laid on surface with dirt piled up at base of fence.
- Track-out of sediment from construction site. Construction access points must be stabilized.
- Multiple unprotected construction access areas. All vehicles must use stabilized construction access areas.
- On-site concrete washout. Concrete trucks, tools, and equipment must be washed-out off-site, in formed areas awaiting installation of concrete or asphalt, or in designated lined washout areas.
- Stockpiles of erodible material and disturbed soil areas left unprotected from erosion. Disturbed soils must not be left exposed and unworked for more than ten days (July-September) and five days (October-June).
- Leakage of muddy water from trucks hauling wet, unsuitable material from project. Material needs to be dewatered before it is hauled off.
- Inlet protection not installed correctly or properly maintained. Inlet protection devices must be cleaned or removed and replaced as specified by manufacturer.

For more information on construction site BMPs to prevent erosion, refer to Chapter 7 of the Stormwater Management Manual for Eastern Washington (DOE Publ. No. 04-10-076, September 2004) <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/StrmwtrMan.html>.

Questions?

For more information, contact:

Brad Daly, City of Walla Walla Stormwater Coordinator at 509-524-4669 or bdaly@wallawallawa.gov, OR

Jay Peninger, City of Walla Walla Development Engineer at 509-524-4514 or jpeninger@wallawallawa.gov.