

Pesticides: Stormwater

5-Minute Talk

Overview of Topic

In an effort to address some of the problems associated with diffuse or nonpoint pollution sources, Congress passed the Water Quality Act of 1987. The Act required the Environmental Protection Agency (EPA) to establish regulations setting forth phased National Pollutant Discharge Elimination System (NPDES) stormwater permit requirements. The stormwater program consists of two phases. The Phase I and Phase II requirements that affect construction jobsites are:

- **Phase I**—Stormwater discharges associated with construction activities such as clearing, grading, and excavations, EXCEPT operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale.
- **Phase II**—Discharges associated with construction activities that disturb equal to or greater than 1 and less than 5 acres of land.

Construction sites (disturbing less than 1 acre of land) may be brought into the NPDES stormwater program by the permitting authority case-by-case. Waivers from coverage are available.

Permit application

Facilities engaging in construction activities may either apply for an individual or general stormwater permit.

- **Individual permits** are for facilities that choose to file individually or have been disqualified from a group permit.
- **General permits** will be the most common permit option and will apply to a particular class of dischargers.

EPA has set forth distinct individual permit application requirements for construction activities at 40 CFR, Part 122.26(c)(1), to be used where general permits are inapplicable. Facilities applying for an individual permit are required to provide a map indicating the site's location, the name of the receiving water, and a narrative description of:

- The nature of the construction activity.
- The total area of the site and the area of the site expected to undergo excavation during the life of the permit.





- Proposed measures, including best management practices, to control pollutants in stormwater discharges during construction, including a description of applicable federal, state, and/or local requirements.
- Proposed measures to control pollutants in stormwater discharges that will occur after construction is done.
- An estimate of the runoff coefficient (fraction of total rainfall that will appear as runoff) of the site and the increase in impervious area after the construction addressed in the permit application is completed
- A description of the nature of fill material, and existing data describing the soil or the quality of the discharge.

Individual permit application requirements for construction activities do not include the submission of quantitative data.

The application deadline for stormwater discharge permits for construction activities is at least 90 days prior to the date the construction is to commence.

Notice of intent

Regulations for general permits require industrial dischargers eligible for a general permit to submit a Notice of Intent (NOI) with the regional EPA administrator or, if the state has a state NPDES program, the state director.

The general permit will specify when a discharger is authorized to discharge, either upon filing the NOI, after a specified waiting period, on a specified date, or upon receipt of notification of inclusion by the Director.

Monitoring

The regulation provides for monitoring reports for discharges to be required on a case-by-case basis with frequency dependent upon the nature and effect of the discharge. At a minimum, a permit for stormwater discharges associated with industrial activity must require:

- The discharger to conduct an annual inspection of the facility site to identify areas contributing to a stormwater discharge and to evaluate whether measures to reduce pollutant loadings are adequate and properly implemented or whether additional control measures are needed.
- The discharger to maintain records, for a period of three years, summarizing the inspection results, certifying the facility is in compliance with the permit and the stormwater pollution prevention plan, and identifying any incidents of noncompliance.





Best management practices

In addition to applying for permits, covered operators must also implement stormwater discharge management controls (often referred to as best management practices or BMPs), as applicable, that effectively reduce or prevent the discharge of pollutants into receiving waters.

Employee training

There are no training requirements for construction employees; this 5-Minute Talk is an awareness tool.

Training tips

Make employees aware of the company's efforts to meet environmental requirements.





Where to go for more information

EPA regulatory text: 40 CFR, Part 122—EPA Administered Permit Programs: The National Pollutant Discharge Elimination System

