Do You Need an NPDES Stormwater Discharge Permit for Your Construction Activities?

In most cases, yes. Coverage under a General Stormwater Permit is required whenever there is construction activity that disturbs a land area one acre or greater, or tracts of less than one acre that are part of a larger overall development with a combined disturbance of one acre or greater.

What is a General Stormwater Permit?
A General Stormwater Permit is issued by Georgia's Environmental Protection Division (EPD) for stormwater discharges associated with construction activities, including clearing, grading, and excavation of at least one acre. There are three permits, each covering different levels of disturbance:

- Level 1: Less than 7 acres
- Level 2: 7 to 100 acres
- Level 3: More than 100 acres

Any person initiating or making arrangements for land disturbing activities must begin any land disturbing activity, read the applicable General Permit and become familiar with all its requirements.

Who may be Required to Apply for Coverage under the General Stormwater Permit?
Anyone conducting construction activities may be required to apply for coverage, including, for example, the owner, operator, general contractor, individual builder and/or utility company/contractor.

What are the Basic Permit Requirements?

- Notice of Intent (NOI) - Submit to EPD Regional Office and, if applicable, to the Local Issuing Authority (LIA) at least 14 days prior to commencement of construction.
- Erosion, Sedimentation and Pollution Control Plan (ESPCP) - Submit plan outlining Best Management Practices (BMPs), prepared by a design professional and approved by LIA and/or EPD.
- Monitoring and Inspections - Sampling is required on several occasions, including rain events following clearing and grubbing, mass grading, and after any BMP failures. Mandatory inspections of the construction site are detailed in the permit. In some cases, reporting to EPD may also be required.
- User Fees - $80 per disturbed acre must be included with NOI, with $40 going to EPD and $40 to LIA.
- Notice of Termination - File with EPD when final stabilization of the site is achieved (all soil disturbing activities have been completed and unpaved areas 100% covered with vegetation with a 70% density).

Who Regulates Activities under the General Permit?
Georgia EPD administers the General Permit. EPD may certify a county or municipality as a Local Issuing Authority (LIA) if a county or municipality has enacted an ordinance that meets all applicable requirements. The Local Issuing Authority (LIA) is responsible for enforcing the permit. Certain construction activities may also require a permit from the U.S. Army Corps of Engineers (COE).

What are Some Typical Permit Violations?

- Failure to submit an NOI
- Failure to properly identify waterways
- Failure to properly design, install or maintain BMPs
- Encroaching in the buffer zone
- Discharges of sediment into waterways
- Failure to monitor, sample or report
- Failure to pay fees

What Are the Enforcement Penalties + Fines for Non-Compliance?
Failure to comply with the General Permit can result in Stop Work Orders and/or Fines as high as $32,500 per day per violation. Affected citizens may also bring a lawsuit and obtain fines for violations and recover for property damage.
How to Protect Our Waters and Stay Out of Trouble!

3-Step Guide to Understanding General Permit Requirements + Reducing Risk

1. IDENTIFY + PLAN TO PROTECT

- Proper delineation of all water features may require an Aquatic Resource Specialist. All waterways must be shown on the ESPP. Georgia law requires a protected vegetative buffer along all State Waters, 25 feet for waterway and 50 feet for Trout Waters. Refer to the General Permit and applicable state law for information.

- Completes Requires Planning - Your certified design professional must visit the construction site and develop an Aquatic Resource Specialist to ensure proper delineation and management of the developent.

- Take these Steps to Protect Water Quality: promote infiltration, reduce water velocity, divert flows from exposed areas, and protect wetland and riparian areas.

- Identify a Contact Person - Establish a clear chain of communication for your project site - know whom to contact in the event of a waterway violation.

- Meet with local government officials to identify all existing project plans and requirements.

2. OBTAIN PERMITS

- You may need to obtain a variety of permits in order to comply with all applicable laws and regulations. Make sure to check with local, state, and federal government agencies to ensure proper compliance.

- Local governments and the LA generally issue any building or land development permits and may also have additional requirements. For example, many counties and cities require special buffer areas and special requirements under state law and may require additional permits.

- Georgia EPD administers the General Stormwater Permit, and strict rules must be followed through the EPD prior to any development activity.

- The U.S. Army Corps of Engineers (COE) regulates the discharge of dredged or fill material to U.S. Waters. Before discharging fill material into U.S. Waters, one must either obtain a Coastal Section 404 permit OR comply with the terms of an applicable Nationwide Permit (NP), which is a type of general permit. Fill material must be disposed or relocated at the bottom elevation of any waterway, as well as any structures placed or contributed to a waterway. In addition, all contact the COE before your project may result in any discharge into U.S. Waters.

3. INSTALL + MAINTAIN BMPS

- Install all control measures - vegetative, structural, sediment basins, high-performance BMPs (polymer, trenches, seep berms) plus the project’s erosion and sediment control plans. The ESPCP must include a Phased Erosion Control Plan utilizing BMPs that promote a good site design and management approach specific to that site.

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Developers: Your certified design team must evaluate, design and develop your project by evaluating the need to control design, plans, and techniques for installation measures in compliance with the General Permit.

Local Governments: Protect local waterways and drinking water supplies from sediment contamination. Ensure adequate enforcement to reduce costs to county residents, including missed excises and drinking water, or diminished property values due to development.

RESOURCE LINKS

- Trout Water Designations: http://www.epd.state.ga.us/dnr/environ/troutgallery/charts/state.html

Developers: Obtain all appropriate permits. Anyone discharging pollutants into a waterway without a permit or violation of a valid permit is breaching.

Local Governments: Create and implement better land use plans, storm water protection, erosion control and waterway addresses. Verify that all approved waterways are protected and that water is properly designated in the applicable waterways and impaired and dedicated remote waters.

RESOURCE LINKS

- General Permit - General Rules: http://www.epd.state.ga.us/gp/gp.html
- General Permit - Stormwater: http://www.epd.state.ga.us/dnr/environ/stormwater.html
- Army Corps of Engineers Regulations: http://www.pacific.usace.army.mil/permits.txt

Developers: Design and develop an ESPCP that protects waterways and reduces water quality impairment and sediment from the project site.

Local Governments: Know your inventory of all project plans. Visit the EPD to keep an inventory of wetlands and all downstream property line delineation and management plans.

RESOURCE LINKS

- Get the Dirt Out Program: http://www.getthedirtout.org

3. SPECIFY BEST MANAGEMENT PRACTICES (BMPs) that WORK and Not VICE VERSA

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RESOURCE LINKS

- General Permit - Stormwater: http://www.epd.state.ga.us/dnr/environ/stormwater.html
- Program for EPA and EPD: http://www.epd.state.ga.us/dnr/environ/reports/epd.html

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