

# CONSTRUCTION AND POST-CONSTRUCTION REQUIREMENTS

Prepared by INCOG for Stormwater 101:  
Basics of Permits and Regulations,  
September 10, 2013

# OKR04 Limitations

## Part I.C Limitations On Coverage states

“This permit does not authorize:”

3. Storm Water Discharges Associated with Construction Activity
4. Storm Water Discharges Currently Covered under Another Permit

# Part IV.C Minimum Control Measures

“The six minimum control measures that **must** be included in your storm water management program are listed below.”

Minimum control measure number 4 is:

“Construction Site Storm Water Runoff Control”

Minimum control measure number 5 is:

“Post-Construction Management in New Development and Redevelopment”

# Construction Site Stormwater Control Program

Your Construction Site Stormwater Control Program must address:

- Individual BMPs
- Measurable Goals
- Responsible Persons



# Disturbance Size Requirement

- “You must develop, implement, and enforce a program to reduce pollutants in any storm water runoff to your MS4 from construction activities that result in a land disturbance of greater than or equal to one acre.”
- “Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.”

# Authority To Enforce

You must have:

“An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;”

- Stop work orders
- Fines
- Legal action, etc.

# Authority To Enforce

Proposed language for new permit:

“Review and revise your existing ordinance to meet the permit requirements. If you lack legal authority for direct enforcement action, you must include procedures to --notify the DEQ in your program if a construction site operator fails to comply with the permit. You may rely on DEQ for assistance in enforcement of this provision of the permit in these cases.”

# Implement Erosion Control

You must have:

“Requirements for construction site operators to implement appropriate erosion and sediment control best management practices.”

Erosion - The wearing away of rocks and other deposits on the earth's surface by the action of water, ice, wind, etc.

Sediment - Matter that settles to the bottom of a liquid.

# Implement Erosion Control

Proposed language for new permit:

“Your program must include requirements for construction site operators to implement appropriate BMPs for erosion and sediment controls best management practices;”

A recommendation is to develop an outreach program for the local development community, including incentives for developers/builders, such as “green developer” recognitions.



# Bad Erosion Control





# Good Erosion Control





# Best Erosion Control





# Good Inlet Protection



# Construction Site Waste

You must have:

“Requirements for construction site operators to control waste at the construction site that may cause adverse impacts to water quality such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste;”



# Site Plan Review

You must have:

“Procedures for site plan review which incorporate consideration of potential water quality impacts including erosion and sediment control, control of other wastes, and any other impacts that must be examined according to the requirements of the local ordinance or other regulatory mechanism;”

# Terrible Waste Management



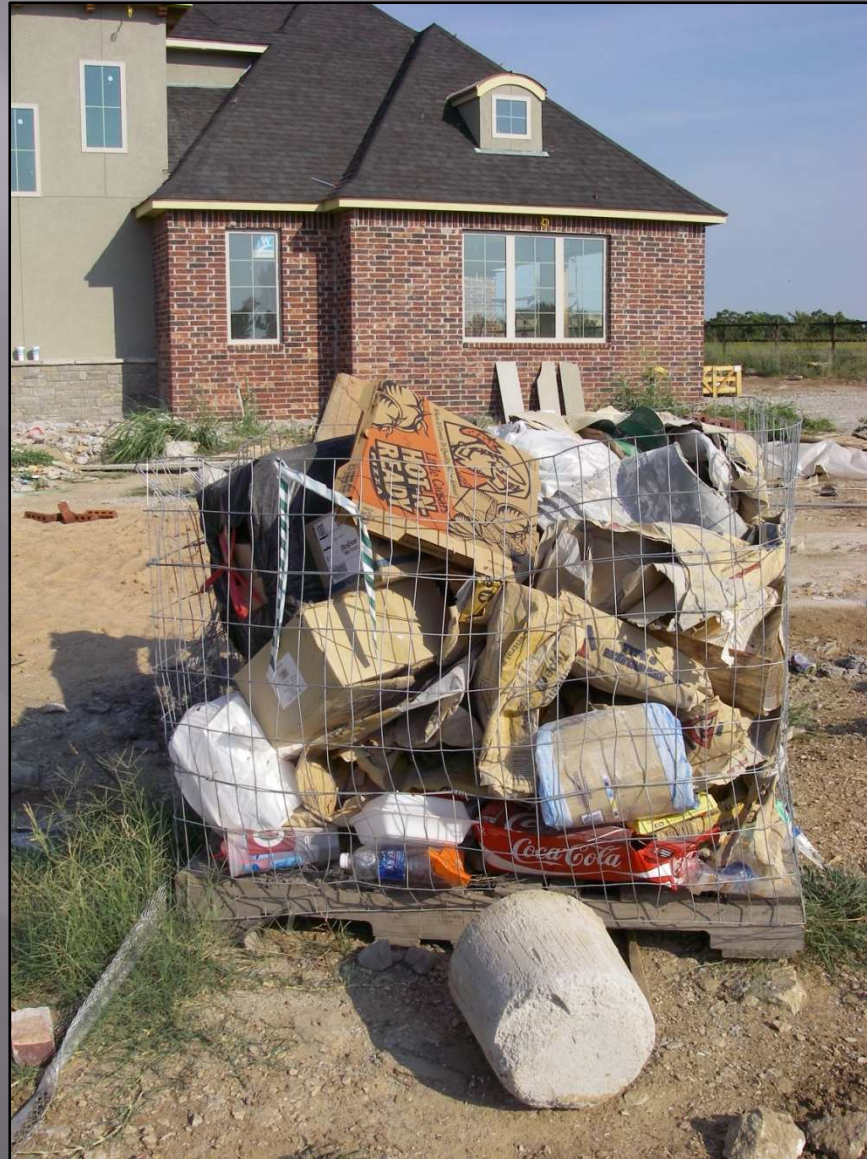


# Bad Waste Management





# Better Waste Management





# Best Waste Management





# Public Input

You must have:

“Procedures for receipt and consideration of information submitted by the public;”

Proposed language for new permit:

“You must develop and maintain procedures for receipt and consideration of information submitted by the public;”

# Site Inspection & Enforcement

You must have:

“Procedures for site inspection and enforcement of control measures including enforcement escalation procedures for recalcitrant or repeat offenders.

Where the permittee lacks legal authority for direct enforcement action, the program must include procedures to notify the DEQ if a construction site operator fails to comply with procedures or policies established by the permittee. The permittee may rely on DEQ for assistance in enforcement of this provision of the permit in these cases.”

# List and Define BMPs

Proposed language for new permit:

“You must list and define the BMPs that you or another entity will implement in the program. You must include, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action. Also you must identify who will be responsible for implementation or coordinating the BMPs in your program.”

# List and Define BMPs

Proposed recommendation language for new permit:

“Evaluate the appropriateness of your identified BMPs for this minimum measure. Your evaluation shall verify compliance with permit requirement and, more importantly, documents that tangible efforts have been made towards achieving your identified measurable goals and reducing the impacts of stormwater runoff from the SMS4.”

# Post-Construction Management in New Development and Redevelopment



# Develop, Implement & Enforce

## Permit Requirement:

- “Develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre.”
- “Your program must ensure that controls are in place that would prevent or minimize water quality impacts;”

# Develop, Implement & Enforce

Proposed language for new permit:

“Your program must ensure that controls are in place that would prevent or minimize water quality impacts and attempt to maintain pre-development runoff conditions:”

# Develop, Implement & Enforce

Proposed recommendation language for new permit:

“Promote non-structural/structural BMPs which are appropriate for the local community, minimize water quality impacts and attempt to maintain pre-development runoff condition in your program. These BMPs include, but are not limited to, post-construction plan review, green roofs, green parking, narrower residential streets, open space design, protection of natural feature, riparian/forested buffer, street design and patterns, grassed swales, infiltration basin/trench, porous pavement, bioretention/rain gardens, catch basin inserts, vegetated filters, and stormwater wetland/wet ponds.”

# BMPs

## Permit Requirement:

“Develop and implement strategies which include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your community;”

# BMPs

Proposed recommendation language for new permit:

“Consider requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation, encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure. You shall also consider adopting and implementing low impact development (LID) strategies through the ordinance or other regulatory mechanism.”



# Ordinances and Codes

## Permit Requirement:

“Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extend allowable under State or local law;”

# Ordinances and Codes

Proposed Requirement for New Permit:

“You must review local ordinances and regulations, and identify the barriers to Low Impact Development (LID). Develop a schedule to remove those barriers that prohibit LID practices in the permit term;”

# Maintenance of BMPs

## Permit Requirement:

“Ensure adequate long-term operation and maintenance of BMPs.”

## Proposed Requirement for New Permit:

“You must develop and implement procedures to ensure adequate long-term operation and maintenance of BMPs that are put in place after the completion of a construction project.”

# Education

## Proposed Requirement for New Permit:

“You must include an education component for developers and the public about project designs that minimize water quality impacts, including LID strategies. This would coordinate with your public education minimum measure and your pollution prevention and good housekeeping minimum measure programs.”

# BMP List

## Proposed Requirement for New Permit:

“You must list and define the BMPs that you or another entity will implement in the program. You must include, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action. Also you must identify who will be responsible for implementing or coordinating the BMPs in your program.”



A wide-angle photograph of a large, flat construction site. The ground is dark brown and uneven, with numerous tire tracks crisscrossing it. In the background, a dense line of green trees stretches across the horizon under a clear blue sky. Three pieces of heavy machinery are visible: a red tractor on the left, a white and yellow skid steer loader in the center, and a yellow Caterpillar bulldozer on the right.

# Questions?