



# Focus on **Construction**

# **Stormwater General Permit**

from Ecology's Water Quality Program

## **Issue**

The Washington State Department of Ecology (Ecology) is updating and reissuing the Construction Stormwater General Permit for construction activities that result in the disturbance of land areas equal to or greater than five acres. Ecology is also developing a new general permit for small construction activities that disturb one to five acres of land area.

Ecology expects to issue both permits in the fall of 2003. When the permits are issued, the current permit will be revoked and companies that currently have permits will be automatically transferred to the appropriate new permit, depending on the acreage of the construction site.

## **Background**

Ecology issued the current Construction Stormwater General Permit on October 4, 2000. The permit was appealed by a coalition of environmental groups who charged that the permit did not meet the intent of the federal Clean Water Act and the Washington State Water Pollution Control Law. The Washington State Department of Transportation and the Association of Washington Business later intervened on behalf of Ecology.

The parties to the case have entered into a settlement agreement that requires Ecology to reissue the general permit with assistance from a public advisory committee. The advisory committee includes representatives from the construction industry, environmental organizations, cities, counties, tribes, and other government agencies.

The settlement agreement requires that the following issues be addressed in the new permit:

- Compliance with water quality standards
- Monitoring and reporting, including sampling and analysis
- Discharges to impaired waters, listed under Section 303(d) of the Clean Water Act
- Consistency with water cleanup plans (TMDLs)

## **Phase II Small Construction Permit for one-to-five acre sites**

Ecology is developing a new stormwater general permit for "small construction" activity (sites from one to five acres in size), as required by the Environmental Protection Agency's (EPA) Phase II Stormwater Rule.

Ecology intends to issue the Small Construction Permit for one to five-acre construction sites in the fall of 2003. Operators of these sites who would like coverage under a general permit prior to the effective date of the new one to five-acre permit may seek coverage under the current construction stormwater general permit. When the new permit is issued, they will automatically be transferred to the new permit.

As provided by EPA’s Phase II Rule, Ecology’s Draft Small Construction General Permit will propose a low rainfall “erosivity waiver” option that would allow certain qualifying small construction (1-5 acre) sites to be exempt from permit coverage. To qualify for the waiver, the operator must follow specific procedures that will be set forth in the permit to certify that construction activity will occur only when the rainfall erosivity factor (“R”) is less than five during the period of construction activity.

To determine if a project has an erosivity factor less than five, use one of the following methods:

- a. The “Erosivity Index Calculator for Construction Sites” which can be found on the following web site: <http://srph.brc.tamus.edu/epa/index.html>. Enter the project location and the anticipated project start and final stabilization dates to determine whether the erosivity factor is less than 5; OR
- b. The EPA Fact Sheet, Low Rainfall Erosivity Waiver – Fact Sheet 3.1: [www.epa.gov/npdes/pubs/fact3-1.pdf](http://www.epa.gov/npdes/pubs/fact3-1.pdf)

## Current Schedule

<b>Schedule for issuing new construction stormwater general permits:</b>	
Final advisory committee meeting at Dept. of Ecology in Lacey, WA	July, 2003
Release final draft permits for public comment	September, 2003
Conduct public workshops/hearings	October, 2003
Issue permits	November, 2003
Permits effective	December, 2003

## For more information, please contact:

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Visit Ecology’s Construction Stormwater web site:  
[www.ecy.wa.gov/programs/wq/stormwater/construction](http://www.ecy.wa.gov/programs/wq/stormwater/construction)

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