



# 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 one acre.

Ecology expects to issue the permit in November 2005. When the permit is issued, the current permit will be revoked and current permittees who reapplied will be covered under the new permit.

## **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 entered into a settlement agreement that required Ecology to reissue the general permit. This is the re-issuance of the 2000 permit.

In 2003, the Washington State Legislature amended Chapter RCW 90.48 RCW requiring construction stormwater general permits to include stormwater monitoring that will verify that erosion and sediment controls are preventing water pollution.

## **Phase II Construction Permit for sites with greater than one acre disturbed**

Ecology has drafted the new stormwater general permit as required by the Environmental Protection Agency's (EPA) Phase II Stormwater Rule. The draft permit differs from the existing permit in a number of ways.

- Sites with 1 to 5 acres of disturbed soils will require permit coverage. This is a requirement of EPA's Phase II Stormwater Rule. Previously only sites with greater than 5 acres of disturbed soils were required to be permitted.
- Monitoring (both visual inspections and sampling) are required to verify proper implementation of the Stormwater Pollution Prevention Plan (SWPPP) as required in RCW 90.48.555.

- The draft permit establishes a benchmark for turbidity of 25 Nephelometric Turbidity Units (NTUs), similar to the benchmark established in the Industrial Stormwater General Permit.
- The draft permit allows benchmarks for smaller sites to be measured using a less expensive transparency tube.
- The SWPPP must be prepared at the time of application for permit coverage and must be made available for public review, upon request during the application period.

As provided by EPA’s Phase II Rule, Ecology’s Draft Construction Stormwater 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 in eastern Washington must ensure that the construction will be completed within a window of low rainfall and certify that construction activity will occur only when the rainfall erosivity factor (“R”) is less than 5 during the period of construction activity

### Schedule for issuing new construction stormwater general permit

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Release draft permit for public comment	July 6, 2005
Conduct public workshops/hearings	August 9 – 17, 2005
Public comment ends	August 26, 2005
Issue permit	November 2005
Permit effective	December 2005

### For more information, please contact:

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Visit Ecology’s Construction Stormwater Website:

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

*If you need this information in an alternate format, please contact us at 360-407-6401. If you are a person with a speech or hearing impairment, call 711 or 800-833-6388 for TTY.*