Chapter 17: Erosion Control/Water Quality

(NPDES Phase II Requirements)

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1. NPDES Construction Storm Water General Permit (CGP) Requirements

The CGP requires an SWP3 to be completed prior to the submittal of a Notice of Intent (NOI) application to obtain coverage under the CGP. The SWP3 contents are described in Part III of the CGP. The City of Delaware requires that the SWP3 and a sediment and erosion control plan be approved by the City prior to initiation of construction activities. The SWP3 does not need to be submitted to Ohio EPA to obtain coverage under the CGP. However, it must be retained at the construction site at all times during the construction activity.

2. Minimum Standards

The City of Delaware, Ohio has developed a Storm Water Management Plan that identifies Best Management Practices (BMPs) which satisfy the Phase II of the National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit which is overseen by the Ohio Environmental Protection Agency (OEPA).

The Public Works Department staff is responsible for administration of the Phase II NPDES Storm Water Program as related to Commercial and Residential Land Development as well as Capital Improvement Projects. The staff inspects the drainage and erosion control on construction projects throughout the City of Delaware to ensure that surface waters are not contaminated by sediment and runoff from construction sites. The department coordinates waterway and stormwater permits for the construction activity done by other city departments.

A Storm Water Pollution Prevention Plan (SWP3) must be submitted to the Public Works Department for all construction projects in the City of Delaware as a part of the plan approval process. A SWP3 must address all minimum components of the NPDES Construction Storm Water General Permit and conform to the specifications of the latest edition of the Rainwater and Land Development Manual. This manual describes Ohio's standards for storm water management, land development, and urban stream protection. To obtain a copy of this manual, contact the Ohio Department of Natural Resources (ODNR), Division of Soil and Water Conservation at (614) 265-6610.

The OEPA checklist is another resource to help ensure that the SWP3 is complete can be found at the OEPA, Division of Surface Water, Storm Water's website:
http://www.epa.state.oh.us/dsw/storm/swp3_cgp_checklist2.pdf

3. Storm Water Pollution Prevention Plan

The SWP3 shall contain the following items:

- A Plan Narrative (the instruction boxes as well as any non-applicable sections should be deleted from the template)
- Calculations for sediment settling ponds (Sediment settling ponds are required for all land disturbances of 10 acres or greater or where the design capacity of silt fence or inlet protection has been exceeded.)
- Settlement pond outlet structures and details.
- General Location Map
- Site Maps / Erosion Control Plan and Detail Sheets showing location and design of BMPs
- A Copy of the State of Ohio Construction General Permit (downloadable from the OEPA website)
- Signed Notice of Intent (NOI) and Acknowledgement Letter from OEPA
- Blank Notice of Termination form (NOT)
- Inspection Reports issued by the City of Delaware and OEPA
- Corrective Action Log
- SWP3 Amendment Log or Modification Report
- Designation of Signatory Authorization
- Delegation of Authority Form
- General Contractor Certification
- Subcontractor Certifications/Agreements
- BMP Implementation Schedule
- Project Stabilization Schedule
- Grading and Stabilization Activities Log
- Training Log
- Project Rainfall Logs
- Construction Site Notice
- Reportable Quantity Release Form
- Any additional pertinent information (i.e., Endangered Species and Historic Preservation Documentation)
- Final Stabilization / Termination Checklist

4. Sublots

For residential or commercial developments with sublots, NPDES permit coverage must be continued on every lot until the lot achieves final stabilization as defined in Part VII of the CGP. For developments with a centralized control (i.e., sediment settling ponds or inlet protection), which receives drainage from multiple lots, the developer may be required to maintain the centralized control until all of the homes are built with the land temporarily stabilized.

- If a developer either decides or is required to maintain permit responsibility on lots where structures are being built, the developer's SWP3 must include a detailed drawing of a typical sublot showing standard best management practices (BMPs) with notes specifying measures for critical areas that must be included in the SWP3.
- If a developer opts to transfer permit responsibility to the new lot owner or operator building the structure (homebuilder) once the lot is sold, the new lot owner must submit an Individual Lot Notice of Intent (Individual Lot NOI) application at least 7 days prior to initiating construction activities. The developer must allow the new lot owner access to the developer's SWP3. The new owner must then maintain and/or install any lot specific sediment controls and develop a site map indicating the location of the BMPs. Once the Individual Lot NOI is processed, the new lot owner is responsible for complying with the CGP on his or her lot.

5. Final Stabilization

Once a construction site reaches final stabilization, a permittee must submit a Notice of Termination (NOT) form to Ohio EPA within 45 days of completion of all permitted land disturbance activities. A NOT form can only be submitted when one or more of the following conditions are met:

- Final stabilization (as defined in Part VII of the CGP) has been achieved on all portions of the site for which the permittee is responsible (including, if applicable, returning agricultural land to its pre-construction agricultural use);
- Another operator(s) has assumed control over all areas of the site that have not been finally stabilized;
- For residential construction only, temporary stabilization has been completed and the lot, which includes a home, has been transferred to the homeowner. (Note: individual lots without housing which are sold by the developer must undergo final stabilization prior to termination of permit coverage.); or
- An exception has been granted under Part III.G.4 of the CGP.