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The “Dirt” on the New NCG01 Permit

April 2019

Department of Environmental Quality
Agenda: The “Dirt” on the New NCG01 Permit

1. What has changed?
2. Highlights of the new permit
3. Tools to help the permittee
4. Common Q&As

Web site alias: deq.nc.gov/NCG01
Technical requirements for Construction Projects have *not* changed.

Main goal: Better Organization

State requirements for E&SC Plan in the NCG01 permit

More tables, less text

All timeframes in calendar days
What is Changing?
The Old NCG01 Permitting Process

- Previously, DEMLR granted “automatic coverage” under the NCG01 upon approval of the E&SC Plan.
- DEMLR and the local delegated communities sent a copy of the NCG01 permit with the approval documentation.
Why we can’t issue permits this way . . .

1. “Automatic permit coverage” is not legal per EPA.

2. EPA requires us to collect data (such as location, size, owner, water body), and now we can do that efficiently.

3. Owners/operators of construction activities are not always aware of BOTH state and federal requirements for construction activities (resulting in noncompliance).
Highlights of the New Permit

The New Application Process

e-NOI: Electronic Notice of Intent, and on-line NCG01 application form that takes about 20 minutes to complete.

COC: Certificate of Coverage, an approval issued specifically to YOUR project that indicates that you are covered under the NCG01.

It’s Simple: After your E&SC Plan is approved, complete and submit an e-NOI. You may begin land disturbance after submittal of the e-NOI. DEMLR will email you a COC in three business day or less.
What is Changing?
How did we make these decisions?

Six stakeholder meetings: 4/9/18, 4/23/18, 8/3/18, 8/9/18, 9/10/18, 2/11/19

Two draft permits out to public notice:
  • Jun 15 - Jul 16: First draft permit out to public notice
  • Sep 4 - Oct 5: Second draft permit out to public notice

Countless meetings and conversations between DEMLR Sediment staff, SW staff and EPA.
PART I  NCG01 Permit Coverage

PART II  Stormwater Pollution Prevention Plan

PART III  Self-Inspection, Record-Keeping and Reporting

PART IV  Standard Conditions

PART V  Definitions

Department of Environmental Quality
Highlights of the New Permit
Part I: Permit Coverage

This permit applies to:
Projects that disturb > 1 acre and are subject to the NC SPCA*

This permit does not apply to:
• Projects that disturb < 1 acre (even if subject to a local E&SC program)
• Projects covered under the NCG02 (Mining) or the NCG12 (Landfill) permits
• Projects that are NOT subject to the NC SPCA

* NOTE: There is a new draft NCG25 permit that applies to projects that disturb > 1 acre but are not subject to the SPCA.)
Highlights of the New Permit
Part II: SWPPP Organization

A. Required Components
B. Design & Construction Standards
C. Additional Standards for HQW Zones
D. Construction Activity Buffers
E. Ground Stabilization
F. Materials Handling
G. Operation & Maintenance
<table>
<thead>
<tr>
<th>Site Area Description</th>
<th>Stabilize within this many calendar days after ceasing land disturbance</th>
<th>Timeframe Variations</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Perimeter dikes, swales, ditches, and perimeter slopes</td>
<td>7</td>
<td>None</td>
</tr>
<tr>
<td>(b) High Quality Water (HQW) Zones</td>
<td>7</td>
<td>None</td>
</tr>
<tr>
<td>(c) Slopes steeper than 3:1</td>
<td>7</td>
<td>• If slopes are 10’ or less in length and are not steeper than 2:1, 14 days are allowed</td>
</tr>
<tr>
<td>(d) Slopes 3:1 to 4:1</td>
<td>14</td>
<td>• 7 days for slopes greater than 50’ in length and with slopes steeper than 4:1 • 7 days for perimeter dikes, swales, ditches, perimeter slopes, and HQW Zones • 10 days for the Falls Lake Watershed</td>
</tr>
<tr>
<td>(e) Areas with slopes flatter than 4:1</td>
<td>14</td>
<td>• 7 days for perimeter dikes, swales, ditches, perimeter slopes, and HQW Zones • 10 days for the Falls Lake Watershed unless there is zero slope.</td>
</tr>
</tbody>
</table>
Highlights of the New Permit
Part II-F  Materials Handling

- Polyacrylamides (PAMS) and flocculants
- Equipment fluids
- Waste materials
- Herbicide, pesticide, and rodenticides
- Concrete materials
- Earthen-material stock piles
Section A: Self-Inspection

Section B: Recordkeeping
  1. E&SC Plan Documentation
  2. Additional Documentation

Section C: Reporting
  1. Occurrences that Must be Reported
  2. Reporting Timeframes and Other Requirements
Visual monitoring of the following:

- Rain gauge maintained in good working order
- E&SC Measures
- Stormwater discharge outfalls (SDOs)
- Perimeter of site
- Streams or wetlands onsite or offsite (where accessible)
- Ground stabilization measures

Once a week and after every rainfall event ≥ 1 inch (not 0.5 inch)
What has to be reported?

• Visible sediment deposition in a stream or wetland
• Oil spills if they:
  • Are > 25 gallons,
  • Are < 25 gallons but cannot be cleaned up w/in 24 hours,
  • Cause sheen on surface waters, or
  • Are within 100 feet of surface waters.
• Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act
• Bypasses
• Noncompliance that impacts water quality
How does the e-NOI help the permittee?

- Easy compliance with federal law,
- Frees up DEMLR staff to review permit applications, answer questions and inspect sites.
- Gateway to more e-Permitting process in DEMLR and DEQ.
Two sample plan sheets:
- Ground stabilization and materials handling,
- Self-inspection, record-keeping and reporting.

*Note you have to comply with the items on these plan sheets even if a local E&SC program does not require it.*
**GROUND STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE NCGC CONSTRUCTION GENERAL PERMIT**

Implementing the details and specifications on this page will result in the construction activity being considered compliant with the Soil Stabilization and Materials Handling sections of the NCGC Construction General Permit (Section II E and F, respectively). The permits shall comply with the Erosion and Sediment Control Plan approved by the defendant and the local authority having jurisdiction. However, all details and specifications shown on this sheet may not apply depending on site conditions and the designated authority having jurisdiction.

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**Temporary and Permanent Groundcover**

Stabilize the ground sufficiently to ensure rain will not dislodge the soil. Use one of the following soil stabilizing materials:

- **Permeating gravel** (1 inch or greater in diameter)
- **Erosion control blankets**
- **Vegetation**
- **Vegetative mulch**

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**Ground Stabilization Specification**

Stabilize the ground sufficiently to ensure rain will not dislodge the soil. Use one of the following soil stabilizing materials:

- **Permeating gravel** (1 inch or greater in diameter)
- **Erosion control blankets**
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- **Vegetative mulch**

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**Equipment and Vehicle Maintenance**

1. Maintain vehicles and equipment to prevent discharge of fluids.
2. Protect trip areas under any stored equipment.
3. Identify and report any spill as soon as feasible, or remove leaking equipment from the project.
4. Collect all spent fluids, store in separate containers and properly dispose of hazardous waste (recycle when possible).
5. Properly store and maintain construction equipment from service until the problem has been corrected.
6. Bring used tires, batteries, solvents, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.

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**Litter, Building Material, Land Clearing Waste**

1. Never burn or break waste. Use litter and debris in approved waste containers.
2. Provide sufficient number of waste containers on site to manage the quantity of waste produced.
3. Locate waste containers at least 10 feet away from storm drain inlets and surface water outfalls; other alternatives are reasonably available.
4. Locate waste containers on sites that do not receive substantial amounts of rainfall from upland areas and does not drain directly into a storm drain, stream, or ditch.
5. Keep waste containers at the end of each workweek and before storm events. Replace any replacement waste containers.
6. Anchor all lightweight items in waste containers during times of high winds.
7. Emptly waste containers as needed to prevent overflow.
8. Dispose waste off site at an approved disposal facility.

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**Painting and Other Liquid Waste**

1. Do not dump paint and other liquid waste into storm drains, streams or wetlands.
2. Locate disposal points at least 50 feet away from storm drain inlets unless other alternatives are reasonably available.
3. Collect liquid waste in a controlled area.
4. Containers must be labeled, sized and placed appropriately for the needs of site.
5. Prevent the discharge of soaps, solvents, detergents and other liquid wastes from septic tank outlets.

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**Portable Toilets**

1. Install portable toilets on level ground, at least 50 feet away from storm drain inlets, streams or wetlands; or on other locations as required by local authority.
2. If 500 feet or over, do not transport portable toilet before site test or before placing on site and set up with 75 bags.
3. Provide storage or anchoring of portable toilets during periods of high winds or in high flood stage area.
4. Monitor port-o-toilet locations for proper use and proper disposal of any leaked material.

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**Earth Stockpile Management**

1. Spot stockpiles on plans. Locate earthen material stockpile areas at least 100 feet away from storm drain inlets, storm drain basins, perimeter sediment controls and surface water outlets unless it can be shown no other alternatives are reasonably available.
2. Limit stockpile size to less than 100 feet wide by 100 feet long by 50 feet high.
3. Provide storage access points when feasible.
4. Stockpile basins within the timeframes provided on this sheet and in accordance with the approved plan and any additional requirements. Soil stabilization is defined as vegetative, physical or chemical coverage techniques that will retard accelerated erosion on disturbed soils for temporary or permanent control needs.

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**Concrete Washouts**

1. Do not discharge concrete or concrete slurry into the drain.
2. Dispose of, or recycle settled, harden concrete material in accordance with local and state solid waste regulations and an approved facility.
3. Manage washout from mister nozzles in accordance with the above item and in addition to the mixer and associated materials on impervious barrier and within 10 feet of the perimeter silt fence.
4. Install temporary concrete washouts per local requirements, as applicable. If an alternate material or method to be used, contact your authority for review and approval. If local standard details are not available, one or two of the types of concrete washouts provided on this detail.
5. Do not allow concrete to drain into or settling in deflection box sections.
6. Stormwater accumulated within the washout may not be pumped or discharged to the storm drain system or receiving waters. Liquid waste must be pumped out and removed from project.
7. Locate washout in an access area, on level ground and install a stove entrance pad in front of the washout. Additional controls may be provided by the approving authority.
8. Install at least one sign directing concrete trucks to the washout within the project limits. Place sign on the washout to identify the location below.
9. Remove leavings from the washout at all appropriate 100% capacity to limit overflow collection. Remove the tank, sand bags or other temporary storage components when no longer functional. When utilizing alternative or proprietary products, follow manufacturer's instructions.
10. At the completion of the concrete work, remove remaining leavings and disposes of in an approved disposal facility. Fill pad, if applicable, and stabilize any disturbance caused by removal of washout.

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**Herbicides, Pesticides and Rodenticides**

1. Store and apply herbicides, pesticides and rodenticides in accordance with label restrictions.
2. Store herbicides, pesticides and rodenticides in their original containers with the label, which lists directions for use, ingredients and first aid and steps in case of accidental poisoning.
3. Do not store toxic, pesticides and rodenticides in areas where flooding is possible or where they may seep into wells, waste drains, ground water or surface water. If spill occurs, clean up immediately.
4. Do not stockpile these materials outside.

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**Hazardous and Toxic Waste**

1. Create designated hazardous waste collection area on-site.
2. Place hazardous waste containers under cover or in secondary containment.
3. Do not store hazardous chemicals, drums or bagged materials directly on the ground.
1. EPC Plan Documentation

The approved EPC Plan must be kept on-site throughout the coverage under this permit. The following items pertaining to the EPC Plan shall be decreased in the manner described:

<table>
<thead>
<tr>
<th>Item on Document</th>
<th>Documentation Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>EPC Plan Measures have been implemented and written results are available.</td>
</tr>
<tr>
<td>(b)</td>
<td>The inspection includes such the approved EPC Plan.</td>
</tr>
<tr>
<td>(c)</td>
<td>Is not complete or incomplete.</td>
</tr>
</tbody>
</table>

2. Additional Documentation

In addition to the EPC Plan documents above, the following items will be kept on-site and made available to agency personnel at all times during normal business hours, unless the Director provides specific exceptions on a case-by-case basis in writing:

- A complete set of all permits, licensing, and inspection reports. |
- Equipment and materials used during the inspection. |
- A complete set of all permits, licensing, and inspection reports. |
- Equipment and materials used during the inspection. |

3. Permitted Site

In the event of an violation, the site shall be closed to all access, except for inspection. Site access may be limited to the extent necessary to ensure compliance with the requirements of this permit. The Director may require that access be limited to the extent necessary to ensure compliance with the requirements of this permit.

4. Period of Site

The Site shall be required to close to all access, except for inspection. Site access may be limited to the extent necessary to ensure compliance with the requirements of this permit. The Director may require that access be limited to the extent necessary to ensure compliance with the requirements of this permit.

5. Additional Information

Any additional information required by the Director shall be provided upon request. Failure to comply with any provision of this permit shall result in the revocation of the permit.

DEFINITIONS

- "Permitted Site": The Site as defined in the permit. |
- "Required Documents": The documents required by the permit. |
- "Notice of Violation": A written notice of violation issued by the Director.

SECTION C - REPORTING

1. Determinations to be reported

(a) Voided or abated defiance of the permit. |
(b) Descriptions and summary reports. |

2. Reporting Timelines and Other Requirements

(a) The Director may require that access be limited to the extent necessary to ensure compliance with the requirements of this permit. The Director may require that access be limited to the extent necessary to ensure compliance with the requirements of this permit.

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Explains the new process and answers common Qs.

Available at deq.nc.gov/NCG01.

Information on the overall SW program at deq.nc.gov/SW.
If an E&SC Plan is approved before April 1, which permit applies?

If the plan is approved before April 1:

• Follow the new NCG01 permit,

• Do not fill out an e-NOI unless you add disturbed area (or you really want a COC),

• Print the new permit and the two standard detail sheets, adhere to them, and have them on site.
Who can submit an e-NOI?

The e-NOI must be **submitted** by a responsible corporate officer of the owner or operator of the construction activity, such as the president, vice president, secretary or treasurer or an authorized manager. (See the permit for more info.)

The e-NOI can be **prepared** by another party, who can save it as a draft, email the link to the signatory, who can e-sign and submit it.
What happens to the COC when the activity is complete?

When a project is complete, the permittees will contact DEMLR or the local delegated program to close out the E&SC Plan. After DEMLR or the local E&SC program inform the permittee of the project close out via inspection report, the permittee will visit deq.nc.gov/NCG01 to submit an e-NOT.
Will there be a grace period for adherence to the new process?

DEMLR does not have the authority to grant a grace period from a federally mandated permit. Permittees are being informed of the new process in their E&SC Plan approval letters.

If a construction site that disturbs ≥ 1 acre fails to submit an e-NOI after approval of its E&SC Plan, this is a violation of federal permitting requirements.
And lastly . . .

The Annual Permit Fee

1. Initially, we will not charge an annual permitting fee for the NCG01 COC. However, on or after June 1, 2019, we will begin collecting a $100 annual fee per NCGS 143-215.3D.

2. This fee will allow us to improve the application process so that when you apply to DEMLR for the E&SC Plan approval, we can incorporate the NOI in the same form. (The process will likely remain separate for projects under a local E&SC program.)
And now for the NCG25 permit....

Why are we proposing the NCG25?

- The NCG01 permit provides protection for projects that are subject to both the Clean Water Act and the SPCA.

- The NCG25 protects the relatively few projects that are subject to the Clean Water Act but not the SPCA.

- This permit will go into effect on August 1, 2019.
Do you still have questions?
Feel free to reach out!

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deq.nc.gov/SW
deq.nc.gov/NCG01

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Department of Environmental Quality