NCG01 Changes

Changes:

• Application process, E-permitting and the CoC –
  Automatic coverage no longer granted with plan approval

• Local Programs no longer required to enclose copies of the NCG01 permit

• Reporting changes for Local Programs

• Working under Common Plans of Development/Sale
Local E&SC Program Reporting

• MOA – Local governments shall provide

“Monthly reports to the Commission in the form adopted by the Commission.”

• No more reporting of NPDES data – only number of projects that qualify for coverage under NCG01
## Local E&SC Program Reporting

### Monthly Activity Report

Local Erosion and Sediment Control Program

<table>
<thead>
<tr>
<th>Program</th>
<th>County</th>
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</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>2019</th>
</tr>
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<tbody>
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<td>Months</td>
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<tr>
<td>New Sedimentation Control Plans Received</td>
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<td>Sedimentation Plan Reviews (or Re-Reviews)</td>
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<td>Sedimentation Plans Disapproved</td>
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<td>Total Disturbed Acres Permitted</td>
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<td>Sedimentation Inspection Reports</td>
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<td>Notices of Violations</td>
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<td>Cases Referred for Enforcement</td>
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<td>Construction Stormwater Permits (NCG01) Received</td>
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<td>Total Number of Active Projects</td>
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<tr>
<td>Total Number of Active Projects covered under NCG01</td>
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</table>

Projects received that qualify for NCG01 coverage
SPCA versus NCG01

Similarities:

• Share common goal of protection of water quality and property

• Similar/overlapping violations
SPCA versus NCG01

Similarities:

- **“Tract”** means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

- **“Common plan of development”** means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times and on different schedules under one common plan. The “common plan” of development or sale is broadly defined as any announcement or piece of documentation indicating construction activities are planned to occur on a specific plot regardless of ownership of the parcels.
SPCA versus NCG01

Differences:

• State program versus federal program (NPDES)
• Materials handling (solid and hazardous wastes)
• Inspection frequencies
• Record-keeping and reporting
• Herbicides and Pesticides
• Surface withdrawals from basins/traps
• Ground stabilization timeframes
SPCA versus NCG01

Differences, cont.:

• SPCA applies to all land-disturbing activities and requires an approved erosion and sediment control plan for disturbances that exceed one acre.

• NCG01 applies to land-disturbing activities and requires an approved erosion and sediment control plan for disturbances that equal or exceed one acre or those that are part of a common plan of development or sale of that size.
SPCA versus NCG01

Effective April 1, 2019:

Erosion control plan approvals
and
NCG01 permit coverage
are two separate application processes
but hold a
dependent relationship
How do we meet federal requirements in order to obtain a Certificate of Coverage?

What are “Common Plans of Development or Sale”?
References to “Common Plans of Development or Sale”

Virginia DEQ

Permit coverage is required if one acre or greater of land will be disturbed, regardless of the size of the individually owned or developed sites. For example, if a developer buys a 20-acre lot and builds roads with the intention of building homes or other structures in the future, or if the land is parceled off or sold, and construction occurs on plots that are less than an acre by separate, independent builders, these activities would still be subject to stormwater permitting requirements.
References to ”Common Plans of Development or Sale”

Tennessee Department of Environment & Conservation


Permitted activities have included housing subdivisions, commercial and industrial buildings, golf courses, utility lines, sewage treatment plants, and roads. Various land clearing activities such as borrow pits for fill material have also been covered under this general permit.
Common Plan of Development or Sale

Subdivision

1. 0.25 acres
2. 0.25 acres
3. 0.33 acres
4. 0.33 acres
5. 0.45 acres
6. 0.45 acres
7. 0.33 acres
8. 0.33 acres
9. 0.25 acres
10. 0.25 acres
15 acres
Common Plan of Development or Sale

Mixed-Use Tract
Total disturbance = 1.16 ac by builder
Total disturbance = 0.58 ac by builder

SPCA versus NCG01
17 acres

2.5 acres

0.25 acres

0.25 acres

0.25 acres

0.25 acres

0.33 acres

0.33 acres

0.33 acres

0.33 acres

0.45 acres

0.45 acres

0.45 acres

0.45 acres

Subdivision Road

State Road

15 acres

15 acres
18

Subdivision Road

State Road

5
0.45 acres

6
0.45 acres

4
0.33 acres

7
0.33 acres

3
0.33 acres

8
0.33 acres

2
0.25 acres

9
0.25 acres

1
0.25 acres

10
0.25 acres

0.25 acres

0.25 acres

0.25 acres

0.25 acres

0.33 acres

0.33 acres

0.45 acres

15 acres

DEQ

NORTH CAROLINA
Department of Environmental Quality
19 acres

0.25 acres

0.45 acres

0.33 acres

0.25 acres

Subdivision Road

State Road
1.0 acres

1.0 acres

2.0 acres

2.0 acres

0.33 acres

0.33 acres

0.33 acres

0.33 acres

0.45 acres

0.45 acres

0.33 acres

0.33 acres

0.25 acres

0.25 acres

0.25 acres

0.25 acres

Subdivision Road

15 acres

State Road
Plan of Development not permitted on tract = 1.36 ac or greater

Permit coverage is required if 1 acre or greater of land will be disturbed, regardless of the size of the individually owned or developed sites.
SPCA versus NCG01

The SPCA addresses the need for a plan when the individual disturbance is equal to or greater than the land-disturbing threshold (e.g., 1 acre)

Whereas

The NCG01 addresses the need for a plan when the individual or collective disturbance is equal to or greater than 1 acre.
Curious Local Programs want to know….

The Commission’s opinion!
Common Plans of Development or Sale

Where referenced?

1. Within 40 CFR 122.26(b)(14)(x) – defining large construction activities
2. Within 40 CFR 122.26(b)(15)(i) – defining small construction activities (handout)
3. Within the federal NPDES Construction Stormwater General Permit
4. On the first page of the NCG010000 permit (State CGP)
5. Within 15A NCAC 02H.1002 for post-construction storm water rules
6. Within all MS4 permits (NCS000xxx) – mentioned 4 times
7. Page 10 of the MS4 Background Information Document found on DEQ’s MS4 permitting page
8. On the EPA’s FAQs page
9. Within other state’s CG permits and MS4 programs
Questions?