Agenda: The “Dirt” on the New NCG01 Permit

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

Web site alias: deq.nc.gov/NCG01
What is Changing?
BIG Picture Goals

**NOT** changing the technical requirements for Construction Projects!

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.
What is Changing?
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) on construction activities, 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.
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
Highlights of the New Permit
Part I: Permit Coverage

This permit applies to:
Projects that disturb $\geq$ 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 $\geq$ 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
Part III: Inspection, Records & Reporting

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 $\geq 1$ 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 within 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
- Anticipated and unanticipated bypasses
- Noncompliance that impacts water quality
How does the e-NOI help me?

- 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.
Tools to Help the Permittee
NCG01 Compliance Plan Sheets

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.
**Temporary and Permanent Groundcover**

<table>
<thead>
<tr>
<th>Description</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fine Gravel Mix</td>
<td>1&quot; Top, 3&quot; Base</td>
</tr>
<tr>
<td>High Quality Mix</td>
<td>1&quot; Top, 3&quot; Base</td>
</tr>
<tr>
<td>Medium Grade Mix</td>
<td>1&quot; Top, 3&quot; Base</td>
</tr>
<tr>
<td>Standard Grade Mix</td>
<td>1&quot; Top, 3&quot; Base</td>
</tr>
<tr>
<td>All other areas with 6&quot; of Gravel</td>
<td>1&quot; of Gravel, except for KERAS and RBC Areas</td>
</tr>
</tbody>
</table>

**GROUND STABILIZATION SPECIFICATIONS**

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Stabilization</td>
<td>Stabilize the surface to prevent erosion and sedimentation.</td>
</tr>
<tr>
<td>Intermediate Stabilization</td>
<td>Stabilize the surface to prevent erosion and sedimentation.</td>
</tr>
</tbody>
</table>

**Equipment and Vehicle Maintenance**

1. Maintain vehicles and equipment to prevent discharge of fluids.
2. Provide spill kits under any stored equipment.
3. Identify leaks and repair as soon as possible, or remove leaking equipment from the project site.
4. Check all spent fluids, store in separate containers and properly dispose as hazardous waste (recycle when possible).
5. Remove leaking vehicles and equipment from service and the problem has been corrected.
6. Bring used fluids, solvents, coolants, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.

** etter, Building Material and Land Clearing Waste**

- Rover, barge or land waste: Place litter and debris in approved waste containers.
- Provide a sufficient number of waste containers on site to manage the quantity of waste produced.
- Locate waste containers at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.
- Locate waste containers on areas that do not receive substantial amounts of runoff from upland areas and does not drain directly to a storm drain, wastewater or surface water.
- Cover waste containers at the end of each workday and before storms. Repair any damaged waste containers.
- Anchor all lightweight items in waste containers during times of high winds.
- Empty waste containers as needed to prevent overflow.
- Remove waste from site at an approved disposal facility.

**Paint and Other Liquid Waste**

- Do not bulk paint and other liquid waste into storm drain systems, streams or wetlands.
- Locate paint and other liquid waste at least 50 feet away from storm drain inlets unless no other alternatives are reasonably available.
- Convey liquid waste to a containment area.
- Containment must be sealed, sized and placed appropriately for the needs of the site.
- Prevent the discharge of solvents, deterrents and other liquid waste from containment systems.

**Portable Toilets**

- Retail portable toilets on level ground, at least 50 feet away from storm drain, streams and wetlands.
- Locations with and surroundings with sand and bays.
- Provide drainage or anchoring of portable toilets during periods of high winds or in high traffic areas.
- Monitor portable toilets for leaking and properly dispose of any leaking material.
- Remove leaking portable toilets by a licensed sanitary waste hauler and replace with a properly operating unit.

**Earthstone Management**

- Erect stakeless fence on locations where earthstone-stabilized areas at least 50 feet from the storm drain, stream drain, sediment basins, perimeter sediment controls and surfaces waters unless it can be shown that no other alternatives are reasonably available.
- Protect stakeless fence with all fence installed along tops of slope with a minimum offset of 5 feet from the toe of the embankment.
- Provide stable stone access point when feasible.
- Stabilize embankments using the below-mentioned materials in such an area before they are removed and when they have split into rock into storm drain systems, ground water, surface water or surface water. At a site change, clean area immediately.
- Do not store hazardous waste, containers covered or in secondary containment.

**Concrete Washouts**

1. Do not discharge concrete or cement slurry from the site.
2. Dispose of or recycle wetted, hardened concrete residue in accordance with local and state waste and water regulations at an approved facility.
3. Manage washout from mental mirrors in accordance with the above site plan in addition to the use of a mobile or material handling equipment to prevent an impermeable barrier with water for location site.
4. Install temporary concrete washouts at your present facility, where applicable. If no alternate alternative method is acceptable, use a cement-water slurry as a washout.
5. Do not use concrete washouts for downstream or deferring critical features. Stormwater accumulation within the washout may not be pumped or drained into the storm drain system or receiving surface waters. Irrigation water may not be pumped or drained from remanded.

**Herbicides, Pesticides and Rodenticides**

- Store and apply herbicides, pesticides and rodenticides in accordance with label instructions.
- Store herbicides, pesticides and rodenticides in their original containers with the label, which must be directed for use, irrigation and any other label instructions.
- Do not store herbicides, pesticides and rodenticides in areas where flooding is possible or where they may spill into areas where flood waters, drainage, ground water or surface water. At a site change, clean area immediately.
- Do not store hazardous chemicals, drugs or barred materials on the ground.
### PART A: SELF-INSPECTION, RECORDKEEPING AND REPORTING

#### SECTION A: RECORDKEEPING

1. **EESC Plan Documentation**
   - The approved EESC plan must be kept up-to-date throughout the coverage under this permit. The following items pertaining to the EESC plan shall be documented in the manner described:
   - Item Description
   - Measurement Requirements
   - Standard actions
   - Data collection
   - Data analysis
   - Data reporting
   - Data dissemination

2. **Adverse Conditions**
   - In addition to the EESC Plan documents above, the following items shall be kept on the site and available for agency inspections at all times during normal business hours, unless the Division provides a specific exception based on unique site conditions that make that requirement not practicable.
   - A) This general permit as well as the certificate of coverage, after it is received.
   - B) Records of inspections made during the previous 5 years. The permittee shall record the required inspections on the Inspections Record Form provided by Division.
   - C) The data used to complete the Site's current and older inspections shall be maintained for a period of 5 years after project completion and made available upon request. (40 CFR 124.14)

3. **Enforcement**
   - The plan of ground installation (permit) shall include information on drainage facilities, soil conditions, control of dust, infiltration, runoff, and disposal of excess water.
   - The plan of ground installation (permit) shall include proper installation of drainage facilities, control of dust, infiltration, runoff, and disposal of excess water.
   - The plan of ground installation (permit) shall include proper installation of drainage facilities, control of dust, infiltration, runoff, and disposal of excess water.
   - The plan of ground installation (permit) shall include proper installation of drainage facilities, control of dust, infiltration, runoff, and disposal of excess water.

   **Note:** The site inspection report must be submitted 1 calendar day after inspection.

### PART B: SELF-INSPECTION, RECORDKEEPING AND REPORTING

#### SECTION B: RECORDKEEPING

1. **Incidents that must be reported**
   - (a) Violate pollution discharge into any wetland.
   - (b) Oil spills:
     - They are 25 gallons or more.
     - They are less than 25 gallons but cannot be cleaned up within 24 hours.
     - They cause harm to surface waters (regardless of volume).
     - They are within 100 feet of surface waters (regardless of volume).

   (c) Releases of hazardous substances in excess of reportable quantities under Section 313 of the Clean Water Act (40 CFR 110) and 40 CFR Part 117) or of Section 103 of CERCLA (40 CFR 309).

2. **Anticipated hazards and non-negligible hazards**
   - (a) Anticipated hazards and non-negligible hazards.

3. **Reporting Timeframes and Other Requirements**
   - (a) Time limits specified as in general or in permit.
   - (b) Time limits specified in the permit.
   - (c) Time limits specified in the permit.
   - (d) Time limits specified in the permit.

   **Note:** The site inspection report must be submitted 1 calendar day after inspection.
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.
Q: If an E&SC Plan is approved before April 1, which permit applies?
A: Projects with existing E&SC Plans will automatically follow the new NCG01 permit, but will not need to fill out an e-NOI or pay an annual permit fee. However, the permittees should print the new permit and the two standard detail sheets, adhere to them, and have them on site.
Q: Who can submit an e-NOI?
A: 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. (See Part IV, Section D of the permit for more info)

However, an e-NOI can be prepared by another party, who can save it as a draft, email the link to the responsible corporate officer, who can e-sign and submit it.
Q: What happens to the COC when the construction activity is complete?
A: 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.
Q: Will there be a grace period for adherence to the new process?
A: DEMLR does not have the authority to grant a grace period from a federally mandated permit. Permittees will be informed of the new process via web site, E&SC Plan approval letters and list servs.

Q: What will happen if an e-NOI is not submitted?
A: If a construction site that disturbs $\geq 1$ 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.
More specifically, NCG25 applies to:

Owners/operators of construction activities that meet all of the following criteria:

- result in the disturbance of a land area greater than or equal to one acre, or that are part of a common plan of development of that size or greater;
- are not subject to the North Carolina Sedimentation Pollution Control Act of 1973 (SPCA); and
- are subject to the Clean Water Act (i.e., activities that are not excluded under 40 CFR 122.3 and that meet the definition of a point source under 40 CFR 122.2).

This permit shall not apply to land-disturbing activities that are covered under the NCG020000 (Mining Activities) permit or the NCG120000 (Landfills) permit.
§122.3 Exclusions.
The following discharges do not require NPDES permits:

(e) Any introduction of pollutants from non point-source agricultural and silvicultural activities, including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in §122.23, discharges from concentrated aquatic animal production facilities as defined in §122.24, discharges to aquaculture projects as defined in §122.25, and discharges from silvicultural point sources as defined in §122.27.
Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. (See §122.3).
If the CWA excludes nonpoint source agriculture & silviculture, then what activities are protected under NCG25?

• *Industrial mulching operations.*

• *Federal projects subject to North Carolina’s NPDES Industrial Stormwater Program under the Clean Water Act*

• *Any other construction activity that meets all three of the criteria for coverage.*
Do you still have questions?
Feel free to reach out!

Annette.lucas@ncdenr.gov

(919) 707-3639
Department of Environmental Quality