How to Meet Ecology’s Construction Stormwater General Permit Requirements

A Guide for Construction Sites

Washington State Department of Ecology

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What is the Construction Stormwater General Permit?
The Washington State Department of Ecology (Ecology) implements the Federal Clean Water Act. Because of this federal law, Ecology’s Construction Stormwater General Permit (CSWGP) is required for certain construction activities. The goal of the permit is to reduce or eliminate stormwater pollution and other impacts to surface waters from construction sites.

Construction site activities disturb the land and, when it rains, can create a lot of muddy, polluted stormwater. When this muddy stormwater runs off-site (also known as a discharge), it often causes elevated sediment and alters the water chemistry in local streams, rivers, wetlands, and lakes. This lowers water quality and often harms the water uses that humans, fish, and other wildlife rely upon.

This guide summarizes the requirements of the Construction Stormwater General Permit:

- Which construction sites need a permit
- How to get a permit
- What the permit requires construction site operators to do

For more details on the Construction Stormwater General Permit, please see the permit posted on our website at www.ecy.wa.gov/programs/wq/stormwater/construction/index.html. Links to forms, such as the notice of termination (NOT) and transfer of coverage (TOC), as well as other permit resources are also available at this website.

Which construction sites need to apply for a permit?
Construction activities that require this permit are any land disturbing activities such as clearing, grading, excavating, and/or demolition that:

1. Disturb one or more acres of land
   OR
2. Are “part of a larger common plan of development or sale” that will ultimately disturb one or more acres of land
   AND
3. Discharge stormwater from the site into surface water(s) of the state or into storm drainage systems, including ditches, which discharge to state surface waters.

Ecology can require a permit for any size construction site, if it determines the site is a significant contributor of pollutants to waters of the state.

Construction activities that require a permit also include clearing forested areas, if the clearing is in preparation for construction activities.
Exemptions to the permit
The following types of sites and activities do not require a permit:

- Construction activity for routine maintenance of an original line and grade, hydraulic capacity, or the facility’s original purpose.
- Sites that retain all stormwater on site. For example, if all stormwater is discharged to the ground through infiltration basins, dry wells, drain fields, or other means of discharge into the ground.
- Federal Operators and Indian Country, including discharges to surface water on land held in trust by the federal government on the Puyallup Reservation (other construction activity on the Puyallup Reservation are not exempt from the CSWGP).
- Forestry activities such as nurseries, reforestation, thinning, prescribed burning, or timber harvesting that are not part of preparation for construction.
- Sites covered by an existing National Pollutant Discharge Elimination System (NPDES) individual permit for stormwater discharges.
- Sites covered by an erosivity waiver (see page 3).

Who needs to apply for a permit?
The operator of the construction site must apply for permit coverage. The operator can be either the party with operational control over construction plans and specifications or the party in charge of day-to-day activities related to the Stormwater Pollution Prevention Plan (SWPPP). The operator, also known as the permittee, is responsible for applying and following the terms of the Construction Stormwater General Permit.

Follow this link to the application form known as the electronic Notice of Intent (eNOI) - www.ecy.wa.gov/programs/wq/stormwater/construction/enoi.html. Electronic submittal of the Notice of Intent is required. Permittees unable to submit electronically (for example, those who do not have an internet connection) must contact Ecology to request a waiver and obtain instructions on how to obtain a paper NOI.
Low rainfall erosivity waiver
Sites under five acres may be exempt from the permit, if the site meets all three of the low rainfall erosivity waiver conditions below:

1. The erosivity factor ("R" Factor) during the project is less than five.
   (A link to an erosivity waiver calculator can be found at: www.ecy.wa.gov/programs/wq/stormwater/construction/index.html)

2. Project disturbs less than five acres of area. If part of a common plan, the total land area disturbed must be less than five acres.

3. Construction disturbance starts and finishes within the following timelines for the different areas of the state
   - West of the Cascades Crest: June 15 - September 15 of the same year
   - East of the Cascades Crest, except the Central Basin: June 15 - October 15 of the same year.
   - The Central Basin, east of the Cascades Crest: No time restrictions apply. The Central Basin is an area of central eastern Washington with less than 12 inches of precipitation per year (see Region 2 on the map attached to the erosivity waiver form or follow this link to the map on the CSWGP Resources and Guidance website www.ecy.wa.gov/programs/wq/stormwater/construction/resourcesguidance.html).

   If construction extends beyond this period, the owner or operator must follow public notice requirements and apply for a stormwater permit.

The low rainfall erosivity waiver:
- Does not apply to non-stormwater discharges such as wastewaters and hydrostatic test waters.
- Does not replace the authority of other local agencies.
- Is not available for sites determined to be a significant contributor of pollutants or sites excluded from this permit, such as sites with post-construction discharges.

The construction site operator must apply for a low rainfall erosivity waiver at least one week prior to beginning land disturbance.

Individual stormwater permits
If local conditions indicate that the general permit will be ineffective to protect water quality, Ecology may require a construction site to obtain an individual stormwater permit. In this instance, an individual permit is written specifically for the site. Contact your local regional office for more information (see page 13).
What does the permit require?

1. Apply for coverage.
2. Develop and use a stormwater pollution prevention plan (SWPPP).
3. Pay permit fees.
4. Monitor stormwater and inspect best management practices (BMPs).
5. Record and report results.
6. Terminate the permit.

1. Applying for permit coverage

In order to receive coverage under the Construction Stormwater General Permit you must follow these steps:

- Submit a completed electronic Notice of Intent (eNOI) Application
  The NOI is the official permit application, which requests information about your site. Submit your NOI prior to the first public notice (see below) and at least 60 days prior to discharging stormwater.

  You are not required to submit a copy of your SWPPP along with your application; however your SWPPP must be finished before you begin construction.

- Public notice
  As part of obtaining a permit, you are required to publish two public notices. The applicant must publish a public notice one time each week, for two weeks in a row, with seven days between publishing dates. You must place the public notice in a newspaper that has general circulation in the county where the construction will take place. A 30-day public comment period begins after you publish the second notice. Unless notified by Ecology, your permit coverage begins 31 days after Ecology receives a complete NOI.

  The public notice must include the following information:
  o The name and address of applicant.
  o The name, address or location description of the construction site.
  o The total area of soil disturbance, in acres, for the applicant’s project.
  o A description of the applicant’s construction activities.
  o The name(s) of receiving water(s). If the discharge will be to a storm sewer, include the name of the storm sewer operator.

Sample Public Notice

Applicant XYZ Construction Company, 555 Sunny Ave, Anywhere, WA 98000, is seeking coverage under the Washington State Department of Ecology’s Construction Stormwater NPDES and State Waste Discharge General Permit.

The proposed 150-acre residential project, known as Clearview Heights, is located on the corner of 55th and Sunny Ave, in the city of Anywhere. Approximately 120 acres will be disturbed for construction of stormwater facilities, roads, utilities, sidewalks, a park, and single-family homes. Stormwater will be collected in an on-site detention system and bio-filtration swale, prior to discharge to Anywhere Creek and Wetlands. Established buffers will protect the wetlands. A pre-developed discharge rate of stormwater will flow to the wetlands.

Any persons desiring to present their views to the Washington State Department of Ecology regarding this application, or interested in Ecology’s action on this application, may notify Ecology in writing no later than 30 days of the last date of publication of this notice. Ecology reviews public comments and considers whether discharges from this project would cause a measurable change in the receiving water quality, and, if so, whether the project is necessary and in the overriding public interest according to Tier II antidegradation requirements under WAC 173-201A-320.

Comments can be submitted to: Department of Ecology, PO Box 47696, Olympia, WA 98504-7696, Attn: Water Quality Program, Construction Stormwater. (Dates of publication in the Anywhere Times, August 10 & August 17, 20XX.)
The statement: “Any persons desiring to present their views to the Washington State Department of Ecology regarding this application, or interested in the Ecology’s action on this application, may notify Ecology in writing no later than 30 days of the last date of publication of this notice. Ecology reviews public comments and considers whether discharges from this project would cause a measurable change in the receiving water quality, and, if so, whether the project is necessary and in the overriding public interest according to Tier II antidegradation requirements under WAC 173-201A-320. Comments can be submitted to: Department of Ecology, PO Box 47696, Olympia, Washington 98504-7696 Attn: Water Quality Program, Construction Stormwater.”

- **SEPA Requirements**
  Your NOI will be incomplete and cannot be approved until the applicable State Environmental Policy Act (SEPA) requirements under Chapter 197-11 WAC are met.
  - **Determine your lead agency.** The first step in determining the lead agency is defining the total proposal and identifying all necessary permits. For private proposals requiring a license from a city or county, the lead agency is the city or county where the greatest portion of the project is located [WAC 197-11-932].
  - **Has the SEPA lead agency issued a final decision on your checklist?** (if there is a comment period, the SEPA decision is final at the close of the comment period)
  - **If No: The NOI is incomplete.** Ecology will hold the application until a final SEPA decision is made or the Construction Stormwater NOI public comment period ends, whichever is later. *You must notify Ecology once the SEPA lead agency has issued a final decision following any comment period.*
  - **If Yes:** List the type of SEPA threshold determination issued:
    - Determination of Non-Significance (DNS)
    - Mitigated DNS (MDNS)
    - Determination of Significance (DS)
    - Final Environmental Impact Statement (EIS)
  - **If Exempt:** attach written documentation.

*Notify Ecology if the SEPA determination is appealed.* More SEPA information is available at [www.ecy.wa.gov/programs/sea/sepa/e-review.html](http://www.ecy.wa.gov/programs/sea/sepa/e-review.html).

2. **Developing and using a SWPPP**
The permit requires you to develop and use a stormwater pollution prevention plan (SWPPP). The purpose of a SWPPP is to reduce or eliminate erosion and prevent stormwater pollution from your site. *The most important part of the SWPPP is designing, installing, and maintaining best management practices (BMPs).* You must update and maintain the SWPPP until final stabilization.

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**Best management practices (BMPs):**
The specific practices and physical structures used on the construction site to prevent pollution of stormwater runoff.
You can apply for a permit prior to completing your SWPPP. However, your SWPPP must be complete before you break ground. You must install and maintain appropriate and adequate BMPs prior to beginning construction and throughout the construction project.

You must keep the SWPPP onsite or within reasonable access to the site, for use by the operator or for on-site review by Ecology or the local jurisdiction. You also need to designate a contact person who will be available 24 hours a day to respond to inquiries and inspections by Ecology.

For more information on SWPPP requirements, see page 9.

3. Pay permit fees
There is no application fee. However, state law requires all permittees to pay an annual permit fee. Fees are set by state regulation. Ecology will bill permittees soon after issuing the permit. After the first bill, Ecology will bill permittees annually. Call the Fee Administrator, at 360-406-6425 with any questions regarding fees.

4. Monitor stormwater and inspect BMPs
The permit requires permittees to perform stormwater sampling on a weekly basis when and where stormwater and authorized non-stormwater discharges off site. Ecology has developed a monitoring guide called How to Do Stormwater Monitoring: A Guide for Construction Sites. For more details on where and how to perform stormwater sampling, consult this guide.

All permittees must also perform visual site inspections of their BMPs to ensure they are functioning correctly. Conduct site inspections of all BMPs weekly and within 24 hours of any discharge from the site. The permittee must modify the SWPPP, if inspections show: 1) BMPs are not working as intended or 2) the SWPPP is, or would be, ineffective in preventing or minimizing soil erosion that will lead to a discharge of polluted stormwater.

A Certified Erosion and Sediment Control Lead (CESCL) must conduct the site inspections for sites one acre or larger. Ecology has a list of approved CESCL training courses and certified individuals. Go to www.ecy.wa.gov/programs/wq/stormwater/cescl.html for CESCL course contact information and to search the CESCL database.

The permit requires stormwater sampling for turbidity and pH. Depending on the size of the construction site and amount of concrete work or use of engineered soils or recycled concrete, you will have different sampling requirements as indicated on the table.
For more information and resources, visit the Construction Stormwater General Permit webpage at www.ecy.wa.gov/programs/wq/stormwater/construction/index.html.

Summary of Primary Monitoring Requirements

<table>
<thead>
<tr>
<th>Size of Soil Disturbance1</th>
<th>Weekly Site Inspections</th>
<th>Weekly Sampling w/ Turbidity Meter</th>
<th>Weekly Sampling w/ Transparency Tube</th>
<th>Weekly pH Sampling2</th>
<th>CESCL Required for Inspections?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sites that disturb less than 1 acre, but are part of a larger Common Plan of Development</td>
<td>Required</td>
<td>Not Required</td>
<td>Not Required</td>
<td>Not Required</td>
<td>No</td>
</tr>
<tr>
<td>Sites that disturb 1 acre or more, but fewer than 5 acres</td>
<td>Required</td>
<td>Sampling Required – either method3</td>
<td>Required</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Sites that disturb 5 acres or more</td>
<td>Required</td>
<td>Required</td>
<td>Not Required4</td>
<td>Required</td>
<td>Yes</td>
</tr>
</tbody>
</table>

1 Soil disturbance is calculated by adding together all areas that will be affected by construction activity. Construction activity means clearing, grading, excavation, and any other activity that disturbs the surface of the land, including ingress/egress from the site.

2 If construction activity results in the disturbance of 1 acre or more, and involves significant concrete work (1,000 cubic yards of poured concrete or recycled concrete over the life of a project) or the use of engineered soils (soil amendments including but not limited to Portland cement-treated base [CTB], cement kiln dust [CKD], or fly ash), and stormwater from the affected area drains to surface waters of the State or to a storm sewer stormwater collection system that drains to other surface waters of the State, the Permittee must conduct pH sampling in accordance with Special Condition S4.D.

3 Sites with one or more acres, but fewer than 5 acres of soil disturbance, must conduct turbidity or transparency sampling in accordance with Special Condition S4.C.

4 Sites equal to or greater than 5 acres of soil disturbance must conduct turbidity sampling using a turbidity meter in accordance with Special Condition S4.C.

5. Recording and Reporting Results

Record data
The person conducting stormwater sampling needs to record the results of stormwater monitoring. For each measurement, record the following information:

- Date, place, method, and time of sampling or inspection.
- Name of the person doing the sampling or inspection.
- Observations made during inspections.
- Any maintenance performed.
- Dates that samples were analyzed.
- Analytical method used.
- Result of analysis.
- Weather and precipitation in the past 24 hours.
Monthly report to Ecology
Permittees required to conduct sampling must submit a monthly electronic Discharge Monitoring Report (DMR) to Ecology. If you have no discharges during the month, you must still submit an electronic DMR stating “no discharge.”


Permittees unable to submit electronically (for example, those who do not have an internet connection) must contact Ecology to request a waiver and obtain instructions on how to obtain a paper copy DMR at:

    Department of Ecology
    Water Quality Program - Construction Stormwater
    PO Box 47696
    Olympia, WA 98504-7696

Ecology must receive DMRs within 15 days after the end of each month. If the permittee monitors more frequently than required by the permit, these results also need to be submitted in the DMR.

Phone report of high turbidity
Permittees must call or submit an electronic ERTS report to their Ecology regional office within 24 hours of analysis if either of the following applies:

- Turbidity measurement is 250 NTUs or greater.
- Transparency is 6 cm or less.

For ERTS contact numbers and information on how to submit an electronic ERTS report go to www.ecy.wa.gov/programs/wq/stormwater/construction/index.html.

Keep records for three years
Keep all monitoring information, the SWPPP, and all other documentation of compliance with permit requirements throughout the construction project and for at least 3 years after the permit is terminated.

The SWPPP and site log book must be kept onsite or within reasonable access to the site, for use by the operator or for on-site review by Ecology or the local jurisdiction. Designate a contact person who will be on-call 24 hours a day.

6. Terminate upon completion
You can terminate your permit once you have:

1. Stabilized all soils with permanent vegetative cover (or the equivalent).
2. Eliminated construction-related stormwater.
3. Removed all temporary BMPs.

Permit fees will continue until Ecology receives a completed Notice of Termination form and the Notice of Termination is granted.
You can also terminate your permit if all portions of the permitted construction site have been transferred to other operators. Send a completed Notice of Termination (NOT) to:

Department of Ecology  
Water Quality Program – Construction Stormwater  
PO Box 47696  
Olympia, WA 98504-7696

Termination is effective on the thirty-first calendar day following the date Ecology receives a complete NOT form, unless Ecology notifies you that the termination is denied because you have not met the conditions for termination (see previous section).

**How do I transfer coverage under the permit?**

If you are in compliance with your permit and another operator is managing the remainder of the project, you may modify or transfer coverage of your permit.

You need to fill out and submit a Transfer of Coverage (TOC) Form. You may also transfer a portion of your operation with a partial transfer. The partial transfer option is located on the same TOC form.

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**Overview of SWPPP requirements**

This section provides a brief overview of the objectives, contents and requirements

**What is required in a SWPPP?**

The permit requires the following 13 elements be included and addressed in the SWPPP. This section provides a brief summary of SWPPP requirements. If specific site conditions make certain elements unnecessary, the operator must provide written evidence in the SWPPP explaining why the elements are not needed.

**The thirteen elements of a SWPPP**

1. **Preserve vegetation/mark clearing limits**
   - Retain the duff layer, native topsoil, and natural vegetation.
   - Protect natural vegetation and trees. Use vegetated buffers.
   - Before grading, mark clearing limits and sensitive areas for protection.

2. **Establish construction access**
   - Reduce vehicle access points and stabilize entrance with crushed rock or equivalent material.
   - If sediment is tracked off site, clean the affected roadway thoroughly at the end of each day, or more frequently as necessary. Shovel and sweep mud off roadway.
   - Control street wash wastewater and prevent it from discharging into systems tributary to waters of the State.
3. Control flow rates
   - Protect properties and waterways downstream from the site from impacts of stormwater runoff. Reducing flow and preventing erosion are two ways to do this.

4. Install sediment controls
   - Pass stormwater through a sediment pond, sediment trap, filter, or other equivalent measure before it leaves the site or enters drain inlets.
   - Construct sediment ponds, traps, perimeter dikes, sediment barriers, and silt fences as first step in grading.

5. Stabilize soils
   - Soil stabilization includes temporary and permanent seeding, sodding, mulching, plastic covering, erosion control fabrics and matting, soil application of polyacrylamide (PAM) early application of gravel base on areas to be paved, and dust control.
   - Soils must be stabilized at the end of the shift before a holiday or weekend if needed based on the weather forecast.
   - Soil stabilization schedules are dependent on geographic location of the construction site:
     - West of the Cascade Mountains Crest
       During the dry season (May 1 - September 30): 7 days
       During the wet season (October 1 - April 30): 2 days
     - East of the Cascade Mountains Crest, except for Central Basin*
       During the dry season (July 1 - September 30): 10 days
       During the wet season (October 1 - June 30): 5 days
     - The Central Basin*, East of the Cascade Mountains Crest
       During the dry season (July 1 - September 30): 30 days
       During the wet season (October 1 - June 30): 15 days
   *Note: The Central Basin is defined as the portions of Eastern Washington with mean annual precipitation of less than 12 inches.

6. Protect slopes
   - Divert runoff around slopes and disturbed areas with pipe slope drains, interceptor dikes, and/or swales.
   - Design and construct cut and fill slopes to minimize erosion. Methods may include terracing and diversions, reducing slope steepness, and roughening slope surfaces.

7. Protect drain inlets
   - Protect all operable storm drain inlets from sediment.
   - Clean and remove sediment from inlet protection devices when they fill to 1/3 of their capacity.

An example of slope stabilization of exposed dirt using straw and plastic.
8. Stabilize channels and outlets
   - Design, construct and stabilize all on-site conveyance channels to prevent erosion.
   - Stabilize drain outlets, adjacent stream banks, slopes and channels with armoring such as rocks or gravel.

9. Control pollutants
   - Prevent chemicals and other pollutants from contact with stormwater. Handle and dispose of pollutants properly. Typical pollutants include waste materials, chemicals, liquid products, petroleum products, oil, demolition debris, and batteries.
   - Prevent or treat contamination of stormwater runoff by alkaline sources such as bulk cement, cement kiln dust, fly ash, recycled concrete, waste streams from concrete grinding and sawing, and water used to wash and cure concrete.
   - Concrete washout must be performed off-site or in designated concrete washout areas only.
   - Obtain written approval from Ecology prior to using chemical treatment other than CO₂ or dry ice to adjust pH.
   - Do not wash out concrete to formed areas awaiting Low Impact Development (LID) facilities.

10. Control dewatering
    - Carefully control dewatering. If you have muddy or contaminated dewatering water, then treat it separately from other stormwater runoff.
    - Dewatering of foundation, vault, and trench water that has characteristics similar to stormwater runoff must be discharged to a controlled conveyance system before discharge to a sediment trap or sediment pond.
    - Clean, non-turbid dewatering water, such as well-point groundwater, may be discharged directly into surface waters of the state provided the dewatering flow does not cause erosion or flooding of receiving waters.

11. Maintain BMPs
    - Regularly inspect, maintain, and repair all BMPs.
    - Remove all temporary erosion and sediment BMPs within 30 days of final site stabilization.

12. Manage the project
    - Construct projects in phases when possible.
    - Inspect, maintain and repair all BMPs as needed to assure continued performance of their intended function.
    - Maintain an updated construction SWPPP.

13. Protect Low Impact Development (LID) BMPs
    - Protect all Bioretention and Rain Garden facilities from sedimentation through installation and maintenance of erosion and sediment control BMPs.
    - Restore LID facilities to fully functioning condition if they accumulate sediment during construction.
    - Maintain the infiltration capabilities of Bioretention and Rain Garden facilities by protecting against compaction.
    - Control erosion and avoid introducing sediment into permeable pavements. Clean
permeable pavements fouled with sediments or no longer pass an initial infiltration test.

- Keep heavy equipment off existing soils under LID facilities that have been excavated to final grade to retain the soil infiltration rate.

The goal of this permit is to reduce or eliminate stormwater pollution and other impacts to surface waters from construction sites. Having all of the thirteen elements in the SWPPP and implementing those elements will help you meet this goal and keep you in compliance with this permit.

**SWPPP template**

You can produce your own SWPPP using the Ecology SWPPP template. This template is available online in Microsoft Word format. The template steps you through the required elements of a SWPPP. You can fill in your specific site information in various stages and save it as your own final SWPPP document. To download the template and instructions, visit the construction stormwater website: [www.ecy.wa.gov/programs/wq/stormwater/construction](http://www.ecy.wa.gov/programs/wq/stormwater/construction).

**Stormwater management manuals**

Ecology developed two manuals, one for western Washington and one for eastern Washington. These manuals provide more specific erosion control and pollution prevention guidance to developers, engineers, and construction contractors. These manuals contain the specific information you need to meet all required SWPPP elements.

To get a copy of the manual, download from the web for:

- Western Washington

- Eastern Washington

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**Additional resources**

**Web resources**

All forms and additional information will be accessible online at Ecology’s construction stormwater web site: [www.ecy.wa.gov/programs/wq/stormwater/construction/index.html](http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html)

Contact Ecology
For questions on the application or other forms

City of Seattle, Kitsap, Pierce, Thurston
Josh Klimek
360-407-7451
josh.klimek@ecy.wa.gov

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Adams, Asotin, Columbia, Franklin, Ferry, Garfield, Grant, Lincoln, Pend Oreille, Skagit, Snohomish, Spokane, Stevens, Walla Walla, Whatcom, Whitman
Shawn Hopkins
360-407-6442
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Benton, Chelan, Clallam, Clark, Cowlitz, Douglas, Grays Harbor, Jefferson, Kittitas, Klickitat, Lewis, Mason, Okanogan, Pacific, Skamania, Wahkiakum, Yakima
Joyce Smith
360-407-6858
joyce.smith@ecy.wa.gov

For questions about permit fees, see the Fees Unit website at www.ecy.wa.gov/programs/wq/permits/permit_fees/index.html

For questions about a specific construction site, call the regional or field office that covers your county. Ask for a stormwater inspector, when you call.

Bellingham Field Office
San Juan, Skagit, Whatcom
360-715-5200

Central Regional Office
Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima
509-575-2490

Eastern Regional Office
Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman
509-329-3400

Northwest Regional Office
King, Kitsap, Island, Snohomish
425-649-7000

Southwest Regional Office
Clallam, Grays Harbor, Jefferson, Lewis, Mason, Pierce, Thurston
360-407-6300

Vancouver Field Office
Clark, Cowlitz, Pacific, Skamania, Wahkiakum
360-690-7171