

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)

ISSUE:

The process of obtaining a **National Pollution Discharge Elimination System (NPDES)** permit for Storm Water Management for Construction Activities.

BACKGROUND:

Often, problems arise with the NPDES permitting procedure that could cause delays in the construction process. If a permit is not submitted to the state for approval, it could delay the start of construction for up to 90 days, depending on state requirements. Also, when changes are made to the original NPDES plan during construction, those changes must be sent to the state and filed with the on-site Storm Water Pollution Prevention Plan. If a state inspector arrives at the site and all of NPDES information is not up-to-date, the job may be shut down.

DISCUSSION:

NPDES permitting requirements vary from state to state. **CHECK THE REQUIREMENTS OF THE STATE IN WHICH THE CONSTRUCTION WILL OCCUR.** Usually, the NPDES permit should be acquired prior to the start of construction. Most state reviews could take up to 90 days to process the permit. This is probably the timeframe in which you can expect the process to take. Once the plan is approved, the contractor may want to make changes to the plan so it conforms to his method of operation or phasing plans.

RECOMMENDATIONS/CONCLUSION:

The **Site Development Professional Group recommends** that the NPDES permit be obtained during the **final stages of contract documents**. This is usually accomplished by the design A/E. The VAMC Project Engineer or R/E should make sure that the NPDES plan has been submitted and approved so that a construction can begin on time. If the contractor wants to deviate from the original documents, he should discuss the changes with the VAMC Project Engineer or R/E and submit those changes to the state for their review. The purpose is to **keep the state informed** of any action that differs from the original documents. Otherwise, the state may shut down the construction activities. In most cases, the contractor would not have await for approval of the changes unless the state has a problem with it. **The VAMC Project Engineer or R/E**

should keep a file of all changes to the original Storm Water Pollution Prevention Plan and have them available with the plan case of a state inspection. Inspection and maintenance of all aspects of the Storm Water Pollution Prevention Plan activities and facilities is extremely important. State, under authority of the Federal Clean Water Act, can implement fines of Federal facilities and activities.

FOR ADDITIONAL INFORMATION:

Contact Mike Mersky at 202-565-5301 in the Northeastern Team (185A).