

Small Construction Projects Require Stormwater Permits

Small construction projects, between 1 and 5 acres, are required to comply with the stormwater permitting requirements. This fact sheet will help you determine if your construction project needs a stormwater permit and how to apply for one under the National Pollutant Discharge Elimination System (NPDES) program.

Why do construction projects require a stormwater permit?

During a short period of time, construction sites can contribute more sediment to streams than can be deposited naturally over several decades. Sediment runoff from construction sites is typically 10 to 20 times greater than sediment runoff from agricultural activities.

Silt and other pollutants from construction sites can harm Ohio's waters. For example, excessive sedimentation from sites can quickly fill rivers and lakes, destroy aquatic habitat and require dredging. Storm water can also become contaminated from fuel or chemical spills and equipment cleaning at construction sites.

To help prevent soil erosion and control the amount of sediment and other pollutants that leave construction sites, Ohio EPA requires storm water discharge permits for construction projects. To learn more about Construction Stormwater permits, please watch [Ohio EPA's Construction Stormwater 101](#) technical webinar



A sediment pond is effective in helping to control contaminated runoff.

How do these regulations affect construction activities?

Since 2003, a storm water permit is required for any construction activity that disturbs one acre or more of land. Even construction activities disturbing less than one acre must have permit coverage, if they are part of a larger common plan of development or sale. A larger common plan of development or sale is a contiguous area where multiple separate and distinct construction activities are occurring under one plan (for example, building on three half-acre lots in a six-acre development). The "plan" in a common plan of development or sale is broadly defined as any announcement, piece of documentation or physical demarcation indicating construction activities may occur on a specific plot.

Some examples of activities covered under the regulations include construction of roads, houses, office buildings, industrial sites and demolition or excavation projects.

Who is required to apply for the permit?

As of 2008, construction sites are required to have a primary permittee and at least one co-permittee. Typically, the owner of the site and the project's primary contractor will be the primary and co-permittee. At least one permittee needs operational control over the construction plans, as well as control of activities at the project.

**** IMPORTANT ****

You must wait until you receive the Ohio EPA approval letter stating that you are covered under the general permit before you begin construction activity.

Why is there more than one construction storm water permit?

One construction storm water permit was initially developed for every construction activity in the state. However, some watersheds required additional protection.

Therefore, Ohio EPA has developed specific storm water permits for construction activities in certain watersheds, specifically the Big Darby Creek and the Olentangy River watersheds. These permits have additional requirements beyond those in the standard construction storm water permit. You can see if your construction project is located in a watershed that has a specific construction storm water permit on Ohio EPA's Division of Surface Water, [Storm Water Program website](#) or by contacting your [local Ohio EPA district office](#).

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How do I get a permit for a construction project?

To get a storm water permit, you need to submit an application form, called a Notice of Intent (NOI), and a NOI fee to Ohio EPA. The NOI must be submitted before initiating construction activities (including ground disturbing activities), either 21 days for the baseline permit or 45 days for watershed-specific permits. The NOI fee for small (one to five acres) construction activities is \$200. In response to your NOI submission, Ohio EPA will notify you, in writing, that you either have been granted coverage under the permit or must apply for an individual stormwater permit. Timely and complete NOIs are processed so that project start dates are not delayed. NOI applications must be submitted electronically using the STREAMS application on the [ebusiness Center](#). Step-by-step instructions for submitting an NOI electronically can be found [here](#).

If a housing development is permitted with Ohio EPA, and you are constructing a house under this larger common plan of development, you may apply under a Lot Application (more info below). You will not be required to pay the \$200 fee, but instead will apply underneath and comply with the stormwater permit for the overarching development. This application will be tied into the permit for the entire development.

What are my responsibilities if I sell/buy all or a portion of my permitted construction site?

If an entire development is bought or sold, the new operator must notify Ohio EPA that he will assume responsibility for the storm water permit requirements. Transferring a permit must be done electronically using the STREAMS application on the [ebusiness Center](#). Step-by-step instructions for submitting an NPDES permit transfer application electronically can be found [here](#).

If a portion of a development is bought/sold, the permit requirements will still apply to the individual lot, regardless of the size of the lot. The original permittee may retain responsibility or the new operator may take responsibility.

**** IMPORTANT ****

Carefully read through the permit to understand what activities are authorized. The storm water permit does not authorize on-site wastewater discharges from activities such as cleaning your painting equipment or cement trucks.

If the new operator takes responsibility, then they need to submit an Individual Lot NOI at least seven days prior to the date they take responsibility for the permit requirements applicable to their lot.

What will the permit allow me to do?

The permit allows you to discharge clean storm water from your construction site. It also allows clean storm water discharges from support activities such as trench dewatering, on-site concrete and asphalt batch plants, equipment storage areas, excavated material disposal areas and borrow areas.

In addition to submitting the NOI, is there anything else I need to do?

By submitting the NOI, you have committed to comply with the permit and should have already developed a stormwater pollution prevention plan (SWP3) for the site. The SWP3 must be implemented upon the initial ground-disturbing activities. All contractors and subcontractors involved in the SWP3's implementation must be informed of the SWP3.

The general permit identifies the SWP3 content requirements. You can get a copy of the general construction stormwater permit and information on SWP3s from Ohio EPA's Division of Surface Water [Storm Water Program website](#) or by contacting your [local Ohio EPA district office](#).

What goes into a storm water pollution prevention plan (SWP3)? In the SWP3, you must identify the potential sources of pollution that may affect the quality of storm water discharges at the site. In addition, the plan must include a description of the best management practices you will use to minimize the amount of pollution in your storm water discharges during construction as well as after development (post construction). Ohio EPA's SWP3 Checklist for construction activities and other SWP3 resources can be found [here](#).



A silt fence can help keep sediment from running into nearby waterways.

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Erosion and sediment controls must be incorporated into your SWP3. Once you submit an NOI, these control requirements become enforceable under the general permit. The erosion, sediment and storm water management controls in your SWP3 must meet the standards and specifications in Ohio's Rainwater and Land Development manual. This manual is available from the [Ohio Department of Natural Resources, Division of Soil &](#)

You are also required to document regular inspections of your SWP3 controls every seven days and within 24 hours following storms which produce more than a half inch of rain. You need to keep these inspection results in a log, which becomes part of your SWP3.

Most erosion and sediment controls require regular maintenance to operate properly. You should remove accumulated sediments frequently and check equipment or materials periodically for wear. If you need to repair your controls, the permit requires you to complete the repairs within three days or within 10 days for sediment settling ponds.

Additional guidance on developing your SWP3 is available from the [Stormwater Program website](#) or you can reach out to your [local Ohio EPA district office staff](#) for assistance.

What are some recommended erosion and sediment controls for small construction sites?

The following practices and controls can be effective for small construction sites:

Non-structural Controls

- Minimizing Disturbances
- Preserving Natural Vegetation
- Good Housekeeping

Structural Erosion Controls

- Mulch/Straw/Wood Chips
- Grass
- Stockpile Covers

Structural Sediment Controls

- Silt Fence
- Inlet Protection

- Check Dams
- Stabilized Construction Entrances
- Sediment Traps

Post-construction Controls

- Vegetated Swales and Filter Strips
- Extended Detention Basins (Dry Basins)
- Wet Detention Basins
- Low-impact Development
- Infiltration Areas
- True Retention Basins

Are there additional best management practices to consider on construction sites?

In addition to the above, there are additional steps you can take on your construction sites to avoid environmental contamination:

- Do collect and properly dispose of trash and debris. Remember that open waste burning is illegal.
- Do cover trash bins and roll-off boxes to prevent leaks.
- Do store fuel, chemicals and paints within a diked area or indoors.
- Do maintain material storage piles behind silt fences.
- Do require delivery trucks to use a rock construction entrance.
- Don't apply used oil to roadways or land parcels to control dust



Natural vegetation or grass cover can be effective in controlling erosion

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What happens when my construction activity is done?

Once all of the soil disturbing activities are complete and the site has met the permit requirements for final stabilization, you need to submit a Notice of Termination (NOT) form to Ohio EPA's Division of Surface Water within 45 days. Step-by-step instructions for submitting an NOT can be found [here](#).

Are there any exemptions from the permitting requirements?

There are two permit waivers for small (one to five acres) construction sites. However, the conditions under which these waivers can be granted do not occur very often. One waiver, based on the universal soil-loss equations, is for situations where little or no rainfall is expected during the construction activity. The other waiver is for situations where a specific analysis (called a total maximum daily load analysis) indicates that sediment controls on construction sites are not needed to protect water quality.

If you have questions about whether a site you are working at qualifies for a permit exemption, contact the Division of Surface Water at your local Ohio EPA district office. Where can I get more help?

Understanding and complying with the storm water permitting requirements is important to help you avoid violations and penalties. If you have any questions about the storm water regulations or permit requirements, contact your Division of Surface Water's (DSW) **local Ohio EPA district office** for assistance. See the map to find your local district office. You can also contact **DSW's central office stormwater program** staff at (614) 644-2001.



Central Office

Lazarus Government Center
50 W. Town St., Suite 700
P.O. Box 1049
Columbus, OH 43215
(614) 644-3020

Central District Office

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, OH 43215
(614) 728-3778
(800) 686-2330

Northwest District Office

347 N. Dunbridge Rd.
Bowling Green, OH 43402
(419) 352-8461
(800) 686-6930

Southeast District Office

2195 Front Street
Logan, OH 43138
(740) 385-8501
(800) 686-7330

Northeast District Office

2110 E. Aurora Rd.
Twinsburg, OH 44087
(330) 963-1200
(800) 686-6330

Southwest District Office

401 E. Fifth St.
Dayton, OH 45402
(937) 285-6357
(800) 686-8930

*Toll-free numbers are for citizens with questions or concerns about environmental issues.
The regulated community should use the business line for routine business.
Spills and emergencies should be reported to (800) 282-9378.*