



FACT SHEET

General Permit
RHODE ISLAND POLLUTANT DISCHARGE ELIMINATION SYSTEM
STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY
(Revised July 2020)

BACKGROUND

The Federal Clean Water Act (CWA) Section 402(p), establishes the framework to regulate stormwater under the National Pollutant Discharge Elimination System (NPDES) Regulations issued by the United States Environmental Protection Agency (EPA). The NPDES Regulations require owners or operators of construction activities disturbing greater than 1 acre [see 40 CFR 122.26(b)(14)(x) & 40 CFR 122.26(b)(15)(i)] which discharge stormwater directly to the waters of the United States, or indirectly through a separate storm sewer system, via a point source conveyance to obtain a NPDES stormwater permit. As a State that has been delegated by EPA to issue NPDES Regulations and Permits, Rhode Island Department of Environmental Management issued a state-wide general permit under the Rhode Island Pollutant Discharge Elimination System (RIPDES) Regulations to cover stormwater discharges from construction sites, which disturb one or more acres of land. The 2018 General Permit expires September 25th, 2020. General Permits are typically issued for no more than five years and need to be re-issued to continue authorization and to allow new activities to be covered.

CHANGES IN THIS PERMIT

At this time the Department is proposing to reissue the RIPDES Construction General Permit effective for a five-year period to continue authorization of stormwater discharges from construction sites.

There have been no substantive changes made to the 2020 General Permit. Several minor changes from the previous (2018) General Permit have been incorporated into the 2020 Permit in order to make updates and clarifications to permit language and to conform with the current version of the EPA's 2017 Construction General Permit (most recently amended in June 2019) and the updated EPA ELGs (most recently amended in 2014).

SUMMARY OF PERMIT REQUIREMENTS

The requirements set forth in this permit are from the State's Water Quality Regulations and the State's Regulations for the Rhode Island Pollutant Discharge Elimination System, both filed pursuant to RIGL Chapter 46-12, as amended. The Office has determined that all permit limitations are consistent with the Rhode Island Antidegradation policy. The final effluent limitations, permit conditions, monitoring and reporting requirements may be found in the permit. The general and specific conditions of the permit are based on the RIPDES regulations as well as 40 CFR Parts 122 through 125 and consist primarily of management requirements common to all permits.

AUTHORIZATION (Part I)

For construction activities required to Apply (see Part I.D of the Permit), the owner and/or operator must fill out and submit a complete NOI, which includes an *Application for Stormwater Construction Permit and Water Quality Certification Form* and the *Appendix A Checklist (Stormwater Management Plan Checklist and LID Planning Report-Stormwater Design Summary)*. See Part I.D.1 for additional application requirements.

Permittees must notify DEM in writing of the anticipated start date, and of your contractor's contact information, by submitting the Notice of Start of Construction Form (available on the DEM Stormwater Construction Permitting website) prior to commencement of any permitted site alterations or construction activity. Prior to construction you must also erect or post a sign resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which identifies the initials "DEM" and the application number(s) assigned to the permit. The sign must be maintained at the site in a conspicuous location until such time that the project is complete. To terminate coverage under this Permit at the end of a project, an owner and/or operator must submit a completed standardized Notice of Termination (NOT) Form in accordance with Part I.E of the permit.

Construction Activities previously authorized under the 2018 Construction Activity General Permit that are expected to continue beyond the expiration date of the 2018 permit are not required to submit an Application and will be authorized upon the effective date of the permit.

For construction activities that commence after the effective date of this Permit and are required to Apply (see Part I.D of the Permit), the Application must be submitted at least thirty (30) days prior to the commencement of land disturbing activities. Authorization will be granted in accordance with Part I.D.3.

PERMIT LIMITS AND CONDITIONS (Part II)

A Stormwater Management Plan consistent with the Rhode Island Stormwater Management, Design and Installation Rules (250-RICR-150-10-8; RI Stormwater Rules), must be developed for each construction project seeking coverage under this permit and provide an outline of the three (3) elements of a Stormwater Management Plan: 1) Stormwater Site Planning, Analysis, and Design, 2) Soil Erosion, Runoff, and Sediment Control, and 3) Post Construction Operation and Maintenance.

Activities that discharge to impaired waters identified in the latest State of Rhode Island 303(d) List of Impaired Waters must address the RI Stormwater Rules applicable to new and redevelopment and the pollutant(s) of concern. If the site will discharge into any water for which there is an EPA approved or established Total Maximum Daily Load (TMDL) or other water quality determination, the Stormwater Management Plan must incorporate measures or controls that are consistent with the assumptions and requirements of the TMDL.

New to the 2020 permit, if you propose to discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

- a. Implement controls to minimize the exposure of PCB-containing materials, including paint, caulk and pre-1980 fluorescent lighting fixtures, to precipitation and stormwater; and
- b. Ensure that disposal of such materials is performed in compliance with applicable state, federal and local laws.

This requirement was added to maintain consistency with the most recent version of the EPA's 2017 Construction General Permit.

SOIL EROSION AND SEDIMENT CONTROL (SESC) PLAN REQUIREMENTS (Part III)

The Soil Erosion and Sediment Control (SESC) Plan shall describe and ensure the implementation of stormwater control measures which are to be used to reduce or eliminate pollutants in stormwater discharge(s) from the site and assure compliance with the terms and conditions of this permit. Control practice selection shall include an evaluation of the effectiveness of available practices and be made with proper references.

Soil erosion, runoff, sediment, and pollution prevention control measures must be designed, implemented, and maintained in accordance with the requirements of this permit and in accordance with the design specifications and guidance contained in the *Rhode Island Stormwater Management, Design and Installation Rules (250-RICR-150-10-8; RI Stormwater Rules)*, the *Rhode Island Soil Erosion and Sediment Control (RISESC) Handbook* (as amended) and the *Rhode Island Stormwater Design and Installation Standards (RISDIS) Manual* (as amended).

APPLICATION REQUIREMENTS (Part IV)

The 2018 CGP introduced the *Application for Stormwater Construction Permit and Water Quality Certification Form*. The 2020 CGP clarifies that submission of a complete NOI includes the *Application for Stormwater Construction Permit and Water Quality Certification Form* and the *Appendix A Checklist (Stormwater Management Plan Checklist and LID Planning Report-Stormwater Design Summary)*.

COMMENT PERIOD, HEARING REQUESTS, AND PROCEDURES FOR FINAL DECISIONS

All persons, including applicants, who believe any condition of the draft permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period no later than 4:00 pm on September 11, 2020. Comments should be directed to:

Eric A. Beck, P.E.
eric.beck@dem.ri.gov
(401) 222-4700, Ext. 7700
Rhode Island Department of Environmental Management
Office of Water Resources
235 Promenade Street
Providence, Rhode Island 02908-5767

In reaching a final decision on the draft permit the Director will respond to all significant comments and make these responses available to the public at DEM's Providence Office.

Pursuant to Chapter 42-17.4 of the Rhode Island General Laws a public hearing has been scheduled to consider these permits **if requested**. Requests for a Public Hearing must be submitted in writing to the attention of Eric A. Beck, P.E. at the contact information indicated above. Notice should be taken that **if DEM receives a request** from twenty-five (25) people, a governmental agency or subdivision, or an association having no less than twenty-five (25) members on or before 4:00 p.m., August 28, 2020, a public hearing will be held at the following time and place:

September 2, 2020 at 5:00 p.m.
235 Promenade Street, Room 280
Providence, Rhode Island 02908

Interested persons should visit the DEM Stormwater Construction Permitting website¹ to confirm if a hearing will be held at the time and date noted above and for information regarding virtual access to the meeting.

Following the close of the comment period, and after a public hearing, **if such hearing is held**, the Director will issue a final permit decision and forward a copy of the final decision to the permittee and each person who has submitted written comments or requested notice. Within thirty (30) days following the notice of the final permit

¹ <http://www.dem.ri.gov/programs/water/permits/ripdes/stormwater/construction.php>

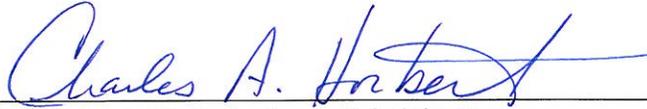
decision, any interested person may submit a request for a formal hearing in accordance with the requirements of Rule 50.

DEM CONTACTS

Additional information concerning the General Permit may be obtained by contacting Eric A. Beck, P.E. via email at eric.beck@dem.ri.gov or by telephone at (401) 222-4700 ext. 7700.

7-27-2020

Date



Charles A. Horbert, Deputy Administrator
Groundwater and Freshwater Wetlands Protection
Office of Water Resources
Department of Environmental Management