

The background of the slide is dark gray with numerous realistic water droplets of various sizes scattered across it. Some droplets are in sharp focus, showing highlights and reflections, while others are blurred in the background.

# Construction and State Storm Water Permits

What does it all mean?

# Overview

- High altitude view of major permitting requirements before, during, and after construction for storm water discharges
- Focus on subdivisions, but applies to all qualifying construction
- State requirements of project operators
- State requirements of the city



## What's it all about?

Protecting Wyoming's surface waters from industrial pollutants.

# What's it all about?

- Storm water permits are part of the federal Clean Water Act
  - State of Wyoming has primacy here
- Protect the quality of surface water through permits issued to certain construction, industrial, and municipal activities

# What's it all about?

- Construction General Permits (CGPs) require a written plan that addresses all pollutants expected onsite and lays out Best Management Practices (BMPs) that the operator will use to keep those pollutants onsite.
- Storm Water Pollution Prevention Plan (SWPPP)

# SWPPP

- SWPPP requirements in the permit
- SWPPP should address all pollutants that could leave site in storm water
- The SWPPP is enforceable





# Construction General Permits

Who needs coverage?

# Who needs a permit?

- The “operator” of any construction activity that:
  - Clears or disturbs 1 or more acres
    - Not necessarily contiguous
  - AND smaller projects that disturb  $< 1$  acre, but are part of a “Large Common Plan of Development or Sale” that itself disturbs  $\geq 1$  acre
  - Size of the \*entire\* project determines which CGP



# Two Construction Permits


- Large Construction General Permit (LCGP) for disturbance  $\geq 5$  acres and smaller disturbances that are part of a “common plan”
- Small Construction General Permit (SCGP) for 1 to 5 acres and smaller disturbances that are part of a “common plan”



0.5 ac	0.5 ac	0.5 ac	0.5 ac	0.5 ac
Happy Lane				
0.5 ac	0.5 ac	0.5 ac	0.5 ac	0.5 ac

## For Example...

Developer Dan has cleared 6 acres for a road and utilities and 10 - 0.5 acre lots. What permit does Dan need?





0.5 ac	0.5 ac	0.5 ac	0.5 ac	0.5 ac
Happy Lane				
0.5 ac	0.5 ac	0.5 ac	0.5 ac	0.5 ac

## For Example...

Builder Bob buys one lot and will build a home.

Does Bob need coverage under a CGP?

Which permit?

0.5 ac	0.5 ac	0.5 ac	0.5 ac	0.5 ac
Happy Lane				
0.5 ac	0.5 ac	0.5 ac	0.5 ac	0.5 ac

## For Example...

Contractor Carl buys four lots. Does he need permit coverage? What kind?

There 3 acres left under Dan's control. Does this change the type of permit Dan needs?

The diagram shows a property layout with five lots arranged in two rows. The top row consists of four blue lots, each labeled '0.5 ac', followed by one green lot labeled '0.5 ac'. The bottom row consists of five orange lots, each labeled '0.5 ac'. A central horizontal grey bar labeled 'Happy Lane' runs between the two rows of lots.

0.5 ac	0.5 ac	0.5 ac	0.5 ac	0.5 ac
Happy Lane				
0.5 ac	0.5 ac	0.5 ac	0.5 ac	0.5 ac

## For Example...

Investor Irene buys the remaining lots. She intends to flip the lots in three years to make enough money to retire in Jamaica. She plans no work in the meantime. Does she need a permit? What kind?

What can Irene do to get of out permit coverage as soon as possible?

# A Brief Project History ... Storm Water-Wise

- Developer Dan secures coverage under the LCGP ( $\geq 5$  ac) for the entire project
- Builder Bob secures coverage under the LCGP – common plan. Dan removes Bob's lot from his SWPPP



# A Brief Project History ... Storm Water-Wise

- Contractor Carl also needs LCGP coverage – common plan
  - Carl lumps all four lots into one permit and SWPPP
- Investor Irene also needs LCGP coverage – common plan again
  - She can also aggregate her lots into one permit.

# SWPPP Options

- Dan developed and implemented a SWPPP for the entire subdivision
- Bob, Carl, and Irene must either develop and implement separate SWPPPs for their project areas
- OR ...

# SWPPP Options

- Or they can use one neighborhood-scale SWPPP
  - Take advantage of “global” BMPs
  - Avoid on-lot BMPs where space can be at a premium
  - May include continuing to implement Dan’s SWPPP if it is still relevant
    - Group SWPPP – must coordinate with other operators for maintenance and non-interference with other’s BMPs

# Other SWPPP Points

- Must be effective at controlling pollution
- Must be up to date with on-ground BMPs
- BMPs must be designed to 2 yr/24 hr storm
- Inspections and BMP maintenance must occur within specified schedule



Some Additional Information



## 2 Year / 24 Hour Storm Design

- BMPs must function and treat runoff in an equivalent storm
- Little or no sediment should be lost from the construction site in such a storm





# Inspections

- Self inspections are required and must be documented
- Active construction
  - Every 7 days or 14 days plus after 0.5" precipitation
- Inactive construction
  - Every 30 days unless snow covered or frozen

# Permit required until ...

- Site reaches “final stabilization” or
- Home is sold to a homeowner
  - If yard not stabilized, must leave onsite ESC and provide brochure to new owner
- When final stabilization is achieved, terminate permit coverage



# Municipal Storm Water Permit

Another layer of complication...

# MS4 Permit

- Municipal Separate Storm Sewer System
- State's permit on municipal storm sewers
  - Casper and Cheyenne areas
- Also part of the Clean Water Act

# MS4 Permit

- Permit requires MS4s to have their own construction program
  - Regulates discharges of pollutants from construction
  - Covers disturbances  $\geq 1$  acre (and smaller if part of a common plan)
  - Most covered MS4s relying on the state's CGP req's

# MS4 Permit

- State and City – same message???
- In general, yes



# The End

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# Questions?

