



Photo by Scott Hollister

EPA Phase II deadline passes

The EPA and authorized states, through the National Pollutant Discharge Elimination System (NPDES) Storm Water Program, regulate stormwater discharges from construction activities. The program, mandated by Congress in 1987 and executed in two phases, requires operators of large and small construction sites to obtain authorization to discharge storm water through an NPDES permit.

Phase I, which became effective in 1990, required operators of large construction sites (disturbing greater than five acres of land) to obtain NPDES permits as of 1992. Phase II, which was promulgated in 1999, regulated small construction sites (disturbing one or more and less than five acres of land). Operators of small construction sites were to apply for NPDES permit coverage and implement practices to minimize pollutant runoff as of March 10, 2003. That deadline has come and gone and it is important to familiarize yourself with NPDES stormwater requirements prior to commencing construction at the golf course.

The EPA is in charge of NPDES permitting in Alaska, Idaho, New Mexico, Massachusetts and New Hampshire. Other states are authorized by the EPA to issue NPDES permits themselves.

The EPA and authorized states have been busy the last three years trying to create small construction general permits and meet the March 10 deadline. The EPA and authorized states already have a general permit for large construction activities; EPA's small construction general permit should be ready this summer. According to the EPA, two-thirds of states met the March 10 deadline for creating small construction general permits. Most states will have one general permit to cover both large and small construction activities.

Stormwater program requirements are not fully defined in the EPA stormwater reg-

ulations but rather in the NPDES permit issued by the NPDES permitting authority. The EPA is using its large construction general permit as a guide in developing its small construction permit and as such, Phase II requirements will be similar to Phase I. Most states are expected to follow a similar approach.

The Phase I permitting process essentially follows four steps and Phase II will be similar. The process involves: storm water pollution prevention plan (SWPPP) development, submission of a Notice of Intent (NOI) prior to commencing construction; implementation of a SWPPP; and submission of a Notice of Termination (NOT). An NOI says a facility is going to comply with the conditions outlined in the permit. The SWPPP includes the bulk of the permitting requirements including appropriate best management practices to minimize the discharge of pollutants from the site. Best management practices for golf course construction may include use of vegetative buffer zones, preserving natural vegetation, and erosion and sediment controls. The SWPPP must be prepared prior to submission of the NOI and then the SWPPP must be implemented upon commencement of construction activity. A NOT is submitted when final stabilization of the construction site has been achieved as defined in the permit.

An "operator" is responsible for obtaining the NPDES permit prior to construction. Who this person is will vary from state to state. The EPA and authorized states each have their own definition of an "operator." Also, the entire permitting process will vary from state to state, so it's important to consult the state permitting authority where construction is to take place for specific requirements.

Many resources are available to help you learn more about the EPA's NPDES Storm Water Program. You can visit EPA's NPDES Storm Water Program Web site at <http://cfpub1.epa.gov/npdes/stormwater/construction.cfm> as well as the Construction Industry Compliance Assistance Web site (www.envcap.org/cica/index.cfm), which was created by the National Center for Manufacturing Sciences, with help from the Golf Course Builders Association of America.

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