

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

By Thomas J. Moran, EI



The U.S. Environmental Protection Agency (EPA) developed the federal National Pollutant Discharge Elimination System (NPDES) stormwater permitting program in two phases.

Phase I, promulgated in 1990, addresses the following sources: "Large" and "medium" municipal separate storm sewer systems (MS4s) located in incorporated municipalities and counties with populations of 100,000 or more, and 11 categories of industrial activity, one of which is large construction activity that disturbs 5 or more acres of land.

Phase II, promulgated in 1999, addresses additional sources, including MS4s not regulated under Phase I, and small construction activity disturbing between 1 and 5 acres.

In October 2000, EPA authorized the Florida Department of Environmental Protection (DEP) to implement the NPDES stormwater permitting program in the State of Florida (in all areas except Indian Reservations). The NPDES stormwater program regulates point source discharges of stormwater into surface waters of the State of Florida from certain municipal, industrial and construction activities. These sources are necessary to be regulated because stormwater runoff from construction activities can have a significant impact on water quality by contributing sediment and other pollutants to water-bodies.

To be in compliance with the NPDES program, the operator of a regulated construction site must obtain an NPDES stormwater permit and implement appropriate pollution prevention techniques to minimize erosion and sedimentation and properly manage stormwater. It is important to keep in mind that the permit required under DEP's NPDES stormwater program is separate from the Environmental Resource Permit (ERP) regulated by the State's Water Management Districts.

Stormwater discharges are generated by runoff from land and impervious areas such as paved streets, parking lots, and building rooftops during rainfall and snow events that often contain pollutants in quantities that could adversely affect water quality. Most stormwater discharges are considered point sources and require coverage by an NPDES permit. The primary method to control stormwater discharges is through the use of best management practices.

In March 2006, the DEP contracted with an independent engineering firm to conduct site inspections of projects in Highlands County which were covered under an NPDES General Permit. The inspecting authority provided approximately two (2) weeks notice prior to the inspection taking place. The inspections encompassed a site visit to determine the installation of all sediment control measures as established by the DEP and as specified in the Storm Water Pollution Prevention Plan (SWPPP). Most projects had few or no discrepancies. However, there were a few items which were found lacking at some sites: These pertained especially to the SWPPP not being available at the site, weekly inspection reports not being on file at the site, weekly inspections not being conducted by a qualified inspector, permits not being displayed on a permit board at the site, and inlets (existing and newly installed) not being provided with adequate protection from siltation and overall site maintenance (cleanliness).

These inspections also provided a review of the SWPPP. Some of the items missing from the plan were: allowance for non-stormwater discharge from sources such as hydrant flushing, the latitude and longitude of the site discharge point and the identification of the receiving water not being listed, use of the wrong weekly inspection report form (DEP has a standard form for weekly inspections) and provisions for portable fuel tanks.

While some fines were levied (most were minor, < \$1,500), the inspections were most helpful in fine-tuning the template used for generating the SWPPP for individual projects. The inspectors provided a copy of the inspection report to the client or his representative at the site and a copy was forwarded to DEP. This report was utilized by the FDEP to determine the overall "potential for harm" and to assess the extent of the deviations. The following matrix is used in determining the amount of the fines.

		EXTENT OF DEVIATION		
		MAJOR	MODERATE	MINOR
POTENTIAL FOR HARM	MAJOR	\$10,000 to \$8,000	\$7,999 to \$6,000	\$5,999 to \$4,600
	MODERATE	\$4,599 to \$3,200	\$3,199 to \$2,000	\$1,999 to \$1,200
	MINOR	\$1,199 to \$600	\$599 to \$200	\$199 to \$100

PENALTY ASSESSMENT MATRIX

It seems that the inspection of projects in Highlands County was an attempt by the State to educate developers, contractors and engineers with the NPDES program and the serious nature of the State in this regard. While most in Highlands County have changed their attitudes regarding the NPDES program and the need for compliance, I have found the same attitude of complacency by our counterparts in many surrounding counties. As consulting engineers, it is important to keep our clients abreast of the significance of the NPDES program and to offer assistance with compliance issues. Tom Moran in the Sebring Office is now a State Certified NPDES inspector and can answer any questions that you might have.

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