

Alaska Department of Environmental Conservation

Storm Water Construction General Permit

Frequently Asked Questions

The following Frequently Asked Questions (FAQs) and answers are organized into two sections:

- the transition of permitting authority from EPA to ADEC, and
- the reissuance of the CGP by ADEC.

Additional FAQs developed by EPA for the CGP 2003 are posted on the main ADEC Storm Water webpage in the middle column "Of Interest."

Transition from EPA to ADEC

Q1: When does the transition from EPA to ADEC occur?

A1: The transition of NPDES primacy from EPA to ADEC is taking place in four phases. Phase I started October 31, 2008. Phase II, which included storm water, took place October 31, 2009. From October 31, 2009 onward ADEC is the permitting authority for permitting and enforcement for the Construction General Permit, Multi-Sector General Permit, and MS4.

Q2: I submitted a Notice of Intent (NOI) to EPA for my project before the transition; do I need to submit another NOI to ADEC?

A2: No, the NOI you submitted to EPA will serve as the NOI for ADEC so you do not need to submit another NOI.

Q3: I submitted an NOI to EPA for my project before the transition, do I submit my Notice of Termination (NOT) to EPA or to ADEC?

A3: After October 31, 2009 you submit your NOT to ADEC, you do not submit your NOT to EPA.

Q4: Where do I submit my NOI or NOT?

A4: There are two ways to submit your NOI or NOT to ADEC. The first way is to use ADEC's eNOI website to enter your information, see www.dec.state.ak.us/water/wnpspc/stormwater/index.htm and look in the right-hand column and click on ***APDES eNOI***.

The second way is to submit your signed original of the NOI to the following address (while retaining a copy for your files and Storm Water Pollution Prevention Plan)

Alaska Department of Environmental Conservation
Division of Water – Storm Water Program
555 Cordova St.
Anchorage, AK 99501

Q5: Do I use the EPA forms or ADEC forms?

A5: ADEC has developed forms similar to the EPA forms for the NOI and NOT. We encourage operators to use the new ADEC forms. The ADEC forms are available at www.dec.state.ak.us/water/wnpssc/stormwater/index.htm and look in the right-hand column and click on *APDES Storm Water Forms*.

Q6: Do I have to pay a fee?

A6: Effective December 23, 2009, ADEC changed its fee structure for projects operating under the CGP. As of December 23, 2009, every project that files an NOI has to pay a general permit authorization fee of \$490. Projects that file multiple NOI's have to pay only one fee. The Owner and Operator need to agree among themselves who will pay the fee for the project. ADEC is retaining the requirement that projects that disturb more than five acres of land have to submit a SWPPP for review. However, these projects no longer have to submit a plan review fee of \$400 (but they do need to pay the general permit authorization fee of \$490).

Q7: What are the SWPPP submittal requirements?

A7: Operators of construction projects that disturb five or more acres of land that are located outside the Municipality of Anchorage, the urbanized area of the Fairbanks North Star Borough, the urbanized area of the City of Fairbanks, or the urbanized area of the City of North Pole shall submit their Storm Water Pollution Prevention Plan to ADEC for review. They no longer have to pay a plan review fee.

Operators of government transportation construction projects that disturb one or more acres of land within the Municipality of Anchorage shall submit their Storm Water Pollution Prevention Plan to ADEC for review.

Operators of publicly funded construction projects that disturb one or more acres of land that are located inside the urbanized area of the Fairbanks North Star Borough, the urbanized area of the City of Fairbanks, or the urbanized area of the City of North Pole shall submit their Storm Water Pollution Prevention Plan to ADEC for review.

Q8: Which construction general permit do I use after January 31, 2010?

A8: ADEC reissued the CGP effective January 31, 2010. So the CGP that is used is the CGP 2010 posted on the ADEC Storm Water webpage. See below for more discussion of the reissued CGP.

Q9: Have the Construction Effluent Limitation Guidelines (ELGs) been issued by EPA?

A9: EPA issued the ELGs December 1, 2009. They are available at the EPA webpage <http://www.epa.gov/waterscience/guide/construction/>

Q10: When will Alaska construction projects have to include consideration of the ELGs in their storm water management and their SWPPPs?

Q10: The ELGs need to be adopted into a permit before a construction project has to follow them. ADEC anticipates adopting the ELGs into the CGP and putting the revised CGP out for public comment in the summer/fall of 2010, with the revised CGP going into effect in Feb/March 2011.

Q11: Who will be inspecting construction sites?

A11: After October 30, 2009, ADEC will be the primary agency inspecting construction sites. However, EPA does retain the right to inspect construction sites. Within the MS4 permit areas of Anchorage and Fairbanks the local government also conducts inspections.

Q12: What is EPA's role in storm water regulation after October 30, 2009?

A12: EPA retains oversight of ADEC's permitting and enforcement of storm water regulations. This means that EPA will provide technical assistance in the reissuance of permits and they will also review and comment on storm water permits that ADEC develops. EPA will review ADEC compliance and enforcement efforts.

CGP Reissuance by ADEC

Q13: Why did ADEC reissue the CGP?

A13: On October 19, 2009, EPA issued a notice in the Federal Register proposing a modification to the NPDES general permit for storm water discharges associated with construction activity in order to extend the expiration date of the permit to June 30, 2011. On

October 31, 2008, ADEC received authorization from EPA to implement the Alaska Pollutant Discharge Elimination System (APDES) in Alaska. The EPA CGP was on public notice at the time of transfer of permitting authority over storm water from EPA to ADEC. Now that ADEC is the permitting authority, ADEC is issuing the CGP 2010 to complete EPA's modification of the permit expiration date and to revise the CGP text into the appropriate APDES format.

In the Memorandum of Agreement between EPA and ADEC on the transfer of NPDES permitting Section 4.10 addresses how to handle NPDES permits on public notice at the time of transfer. Section 4.10 says, "An EPA-drafted NPDES permit on public notice at the time authority over that facility is transferred to the DEPARTMENT will remain under the jurisdiction of EPA. EPA will preside over the public hearing, if scheduled, close the public review period, prepare a response to comments, and prepare a final permit for the DEPARTMENT to issue."

Q14: Did the ADEC CGP 2010 replace the EPA CGP 2008 that was adopted by Alaska at the transfer of permitting authority for storm water?

A14: The ADEC CGP 2010 has replaced EPA's CGP 2008 that was administratively adopted as an APDES permit on October 31, 2009.

Q15: What are the changes between the EPA CGP 2008 and the ADEC CGP 2010?

A15: The ADEC CGP 2010 is essentially the EPA CGP 2008 with the following changes to reissue it as an APDES permit:

1. Changed the expiration date from June 30, 2010 to June 30, 2011;
2. Changed the format from NPDES format to APDES format (the section labeling changed from numbers and letters to just numbers);
3. Changed the use of stormwater as one word to the use of storm water as two words;
4. Changed the permitting authority reference from EPA to ADEC;
5. Changed the place to submit Notices of Intent from EPA to ADEC;
6. Changed the use of the reference "you" and "your" to "permittee";
7. Incorporated the requirements of ADEC 401 certificate of reasonable assurance for Storm Water Pollution Prevention Plan (SWPPP) submittal to ADEC (described in Part 10.F.1) into the permit in Part 5.13; and
8. Changed the federal standard permit conditions to the state standard permit conditions.

Q16: I am getting a little confused with all the different versions of the CGP the past three years. I filed my NOI in May 2009 and I will continue construction until August 2010, what copy of the CGP do I use and who do I file my NOT with?

A16: Table 1 provides a summary of the CGP since 2003. For a project with a start date of May 2009 the NOI was submitted in the June 30, 2008 to October 30, 2009 time period. So the NOI would have been filed with EPA. The CGP in effect was the EPA CGP 2008. The permitting authority would have been EPA, but is now ADEC. You would submit the NOT to ADEC.

Table 1. Summary of CGP Effective Dates and NPDES Permitting Authority

Time period in which NOI was submitted	July 1, 2003 to June 29, 2008, 2008	June 30, 2008 to October 30, 2009	October 31, 2009 to January 30, 2010	January 31, 2010 to June 30, 2011
The NOI was submitted to	EPA	EPA	ADEC	ADEC
CGP in effect (Permit that should be included in the SWPPP)	EPA 2003	EPA 2008	EPA 2008 w/ ADEC Cover Page	ADEC 2010
The Current Permitting Authority	ADEC	ADEC	ADEC	ADEC
Submit your NOT to	ADEC	ADEC	ADEC	ADEC
Revised expiration date of working under an NOI filed during the time period listed in line 1	June 30, 2011	June 30, 2011	June 30, 2011	June 30, 2011

Q17: If ADEC or MOA, COF, CONP or NSB reviews my SWPPP and has no objections to it, can I assume it is in compliance with the requirements in the CGP?

A17: Not necessarily. Submittal of the SWPPP to MOA, ADEC, COF, CONP or NSB is a requirement of the CGP, but each of these agencies reviews the document with its own objectives in mind. ADEC reviews SWPPPs to make sure they contain each of the necessary elements outlined in the CGP, but it cannot evaluate the thoroughness of each SWPPP element,

the appropriateness of selected storm water controls or whether the SWPPP is being kept up-to-date throughout the project. MOA, COF, CONP and NSB reviews SWPPPs for compliance with local erosion and sediment control ordinances. In either case, it is possible for you to be in compliance with MOA, COF, CONP or NSB directives and to be found in violation of the SWPPP requirements in the CGP. For this reason, you should make sure you have read the CGP carefully and understand the requirements before proceeding with your project.

Please contact the following representatives, if you have further questions about how to comply with requirements for construction sites in Alaska:

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