



*Presentation to the Sedimentation
Control Commission*

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Division of Energy, Mineral and Land Resources

Julie Coco, PE, CPESC
State Sedimentation Program Engineer



NCG01 Changes

Changes:

- Application process, E-permitting and the CoC –
Automatic coverage no longer granted with plan approval
- Local Programs no longer required to enclose copies of the NCG01 permit
- Reporting changes for Local Programs
- Working under Common Plans of Development/Sale



Local E&SC Program Reporting

- MOA – Local governments shall provide
“Monthly reports to the Commission in the form adopted by the Commission.”
- No more reporting of NPDES data – only number of projects that qualify for coverage under NCG01



Local E&SC Program Reporting

Monthly Activity Report

Local Erosion and Sediment Control Program

Program _____

County _____

Year 	2019												
Months 	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
New Sedimentation Control Plans Received													0
Sedimentation Plan Reviews (or Re-Reviews)													0
Sedimentation Plans Approved													0
Sedimentation Plans Disapproved													0
Total Disturbed Acres Permitted													0
Sedimentation Inspection Reports													0
Notices of Violations													0
Cases Referred for Enforcement													0
Stop Work Orders Issued/Building Permit Suspension													0
Construction Stormwater Permits (NCG01) Received	Projects received that qualify for NCG01 coverage												0
Total Number of Active Projects													0
Total Number of Active Projects covered under NCG01													0



SPCA versus NCG01

Similarities:

- Share common goal of protection of water quality and property
- Similar/overlapping violations



SPCA versus NCG01

Similarities:

- **“Tract”** means all contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
- **“Common plan of development”** means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times and on different schedules under one common plan. The “common plan” of development or sale is broadly defined as any announcement or piece of documentation indicating construction activities are planned to occur on a specific plot regardless of ownership of the parcels.



SPCA versus NCG01

Differences:

- State program versus federal program (NPDES)
- Materials handling (solid and hazardous wastes)
- Inspection frequencies
- Record-keeping and reporting
- Herbicides and Pesticides
- Surface withdrawals from basins/traps
- Ground stabilization timeframes



SPCA versus NCG01

Differences, cont.:

- SPCA applies to all land-disturbing activities and requires an approved erosion and sediment control plan for disturbances that exceed one acre.
- NCG01 applies to land-disturbing activities and requires an approved erosion and sediment control plan for disturbances that equal or exceed one acre or those that are part of a common plan of development or sale of that size.



SPCA versus NCG01

Effective April 1, 2019:

Erosion control plan approvals
and
NCG01 permit coverage
are two separate application processes
but hold a
dependent relationship



How do we meet federal requirements in order to obtain a Certificate of Coverage?

What are “Common Plans of Development or Sale” ?



References to "Common Plans of Development or Sale"

Virginia DEQ

<https://www.deq.virginia.gov/Programs/Water/StormwaterManagement/VSMPPPermits/ConstructionGeneralPermit.aspx>

Permit coverage is required if one acre or greater of land will be disturbed, regardless of the size of the individually owned or developed sites. For example, if a developer buys a 20-acre lot and builds roads with the intention of building homes or other structures in the future, or if the land is parceled off or sold, and construction occurs on plots that are less than an acre by separate, independent builders, these activities would still be subject to stormwater permitting requirements.



References to "Common Plans of Development or Sale"

Tennessee Department of Environment & Conservation

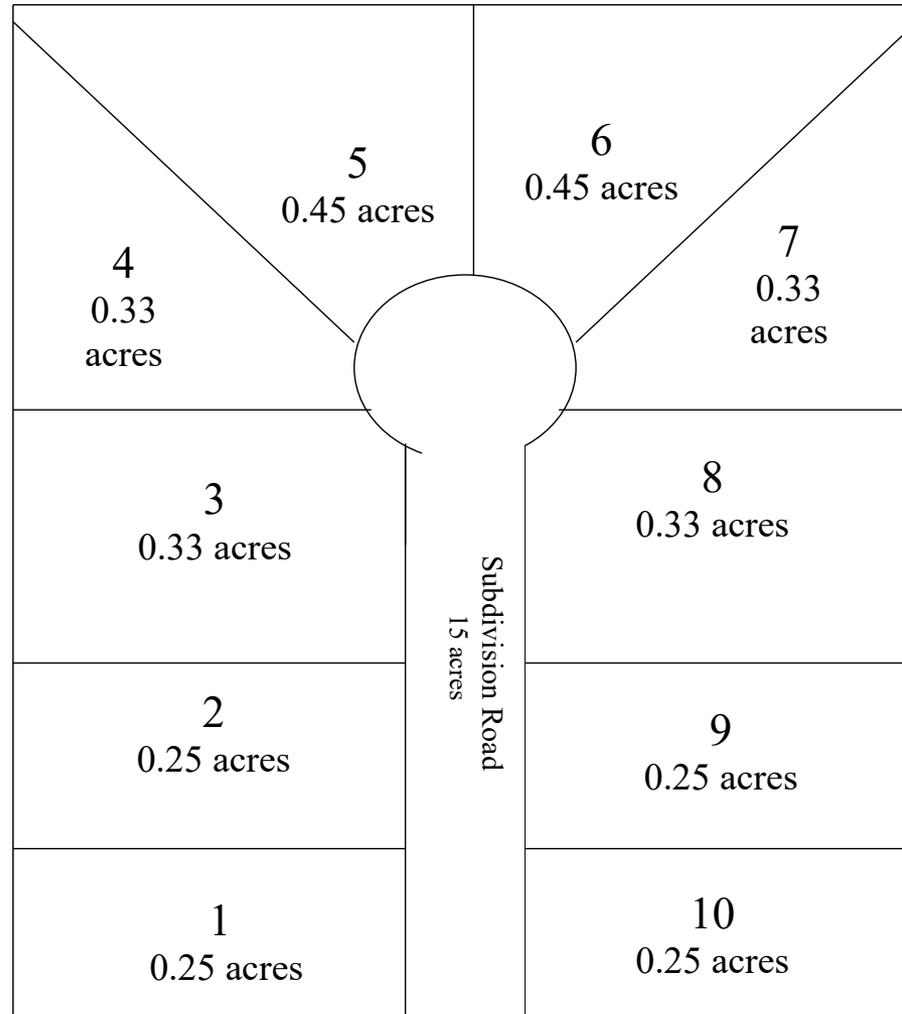
<https://www.tn.gov/environment/permit-permits/water-permits/npdes-permits/npdes-stormwater-permitting-program/npdes-stormwater-construction-permit.html>

Permitted activities have included housing subdivisions, commercial and industrial buildings, golf courses, utility lines, sewage treatment plants, and roads. Various land clearing activities such as borrow pits for fill material have also been covered under this general permit.



Common Plan of Development or Sale

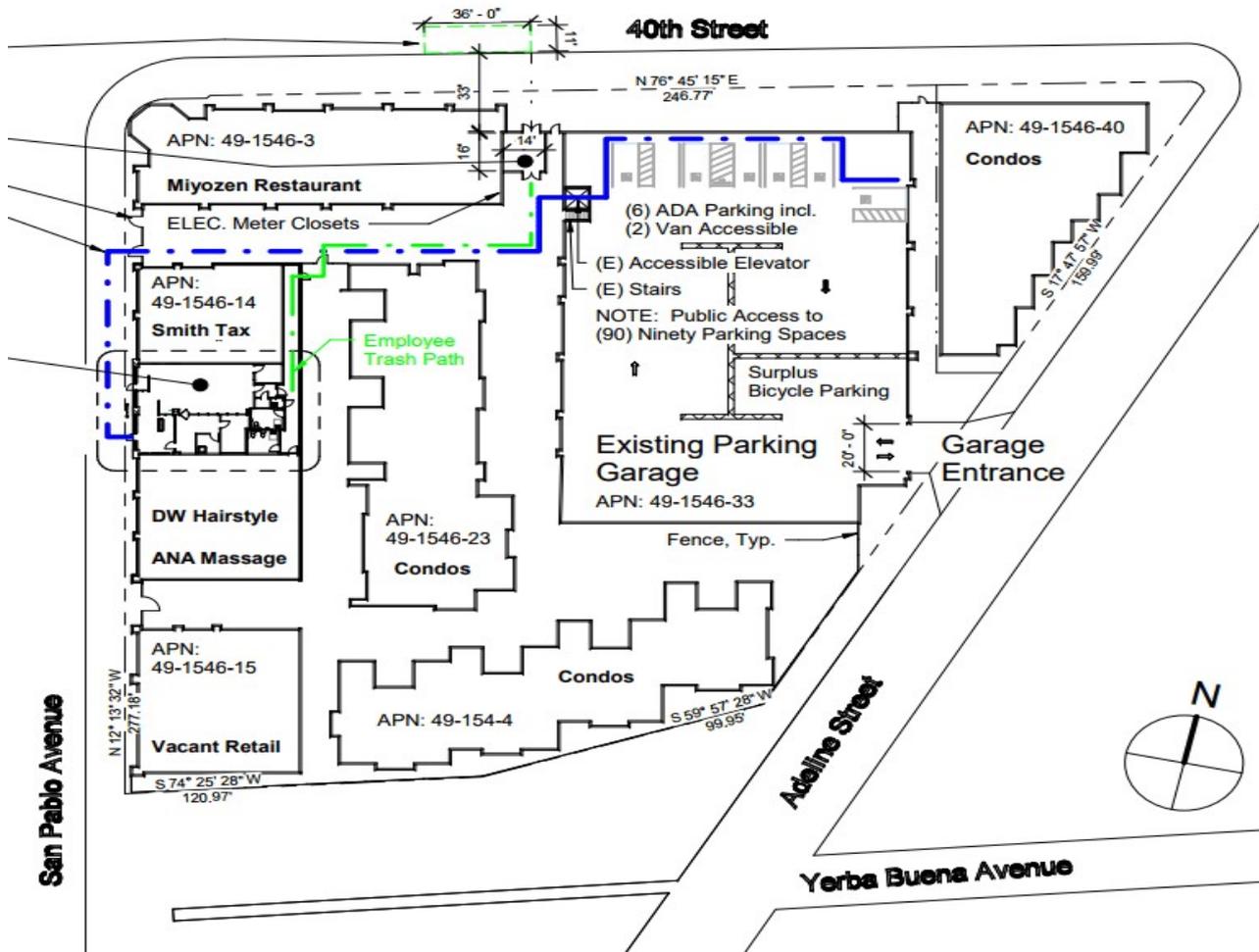
Subdivision



State Road



Common Plan of Development or Sale

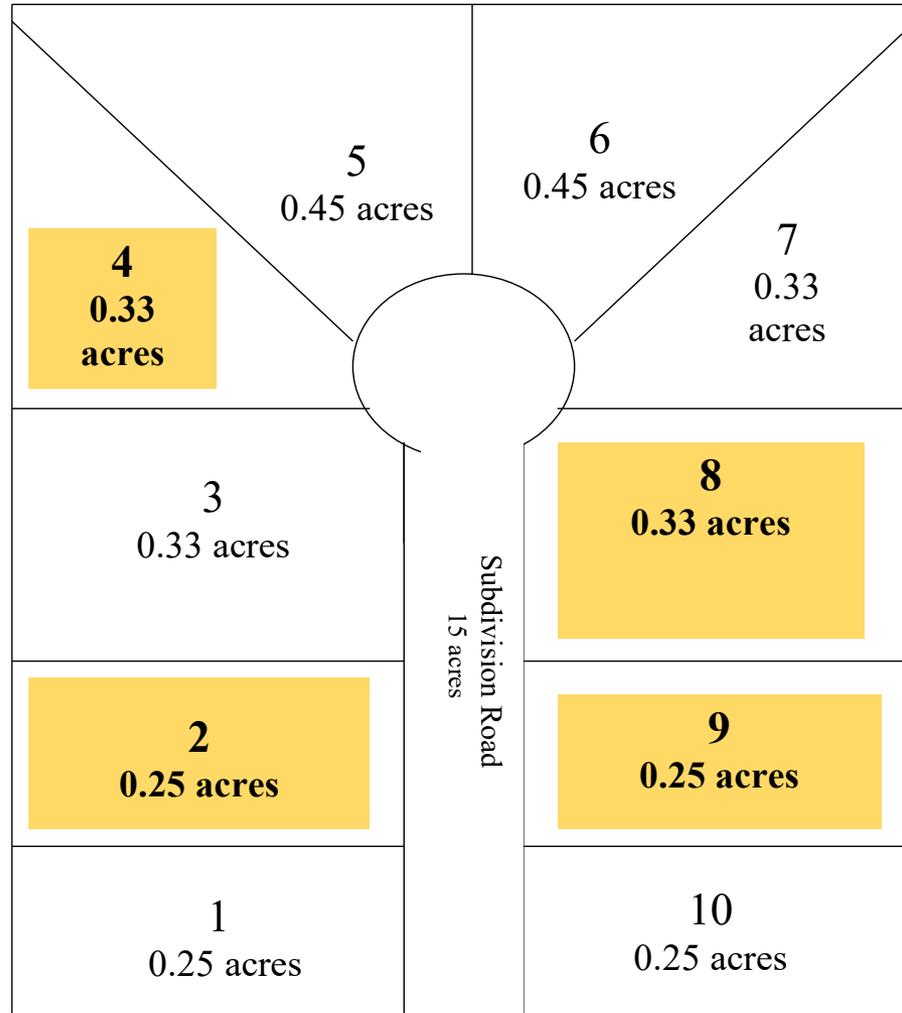


Mixed-Use Tract



SPCA versus NCG01

Total disturbance =
1.16 ac by builder

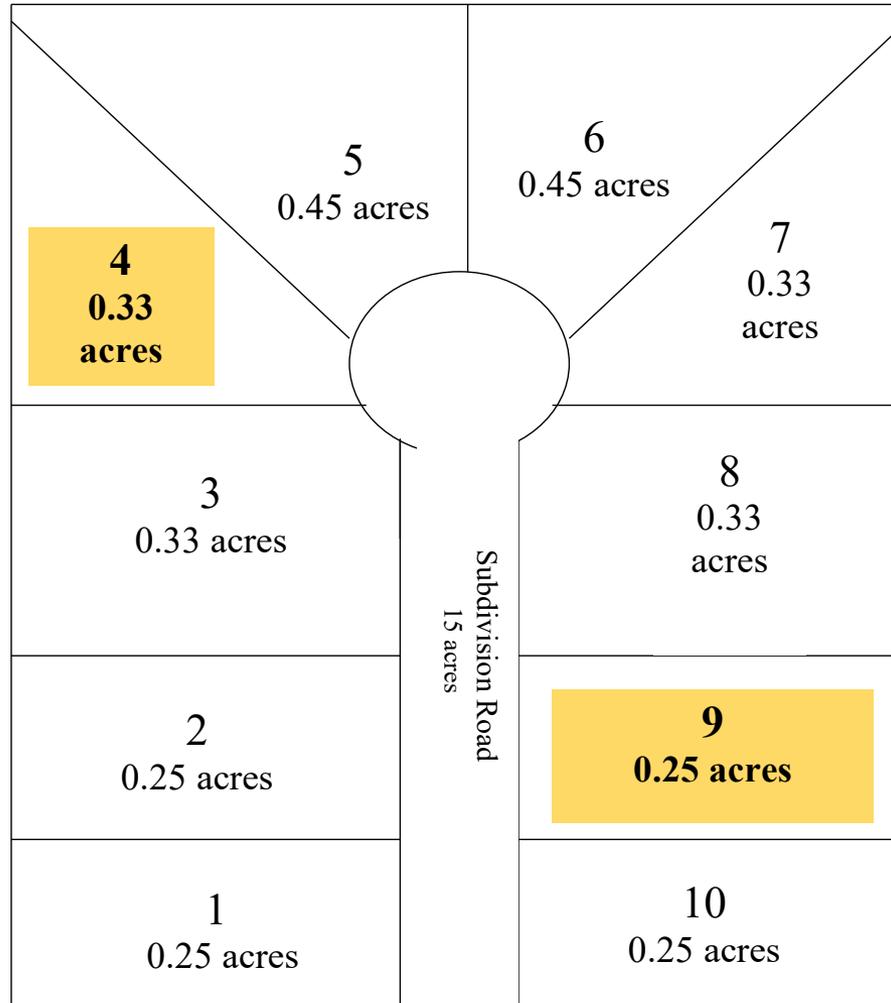


State Road



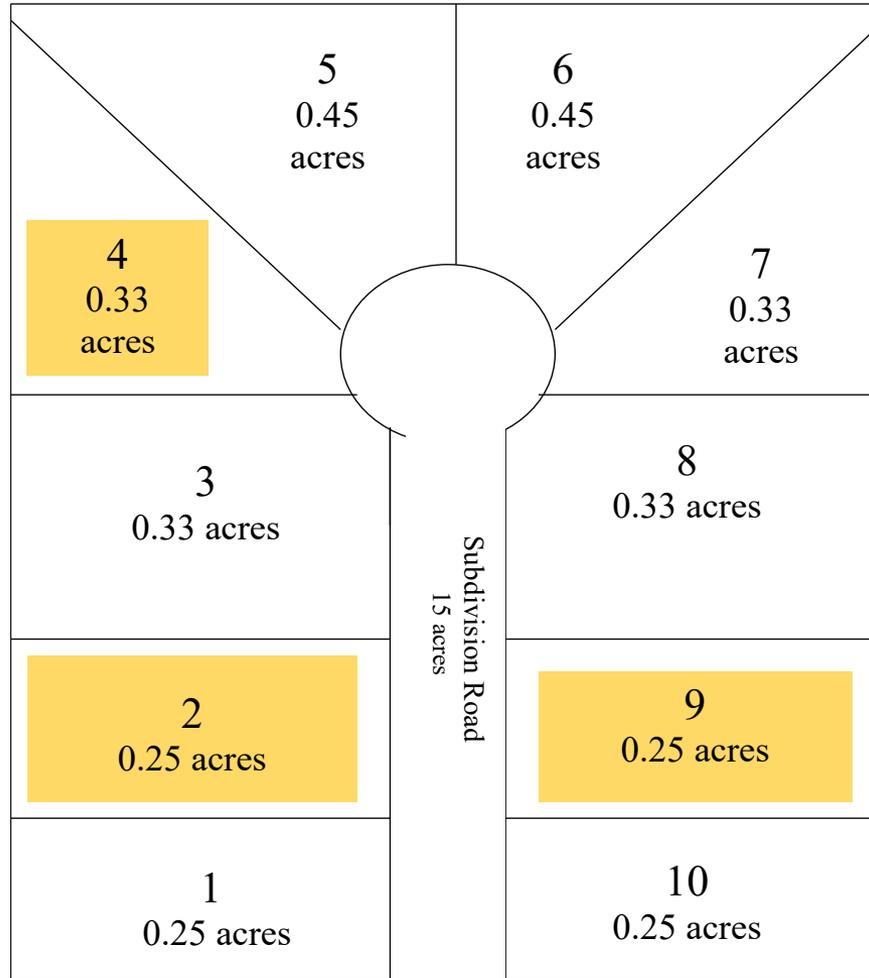
SPCA versus NCG01

Total disturbance =
0.58 ac by builder



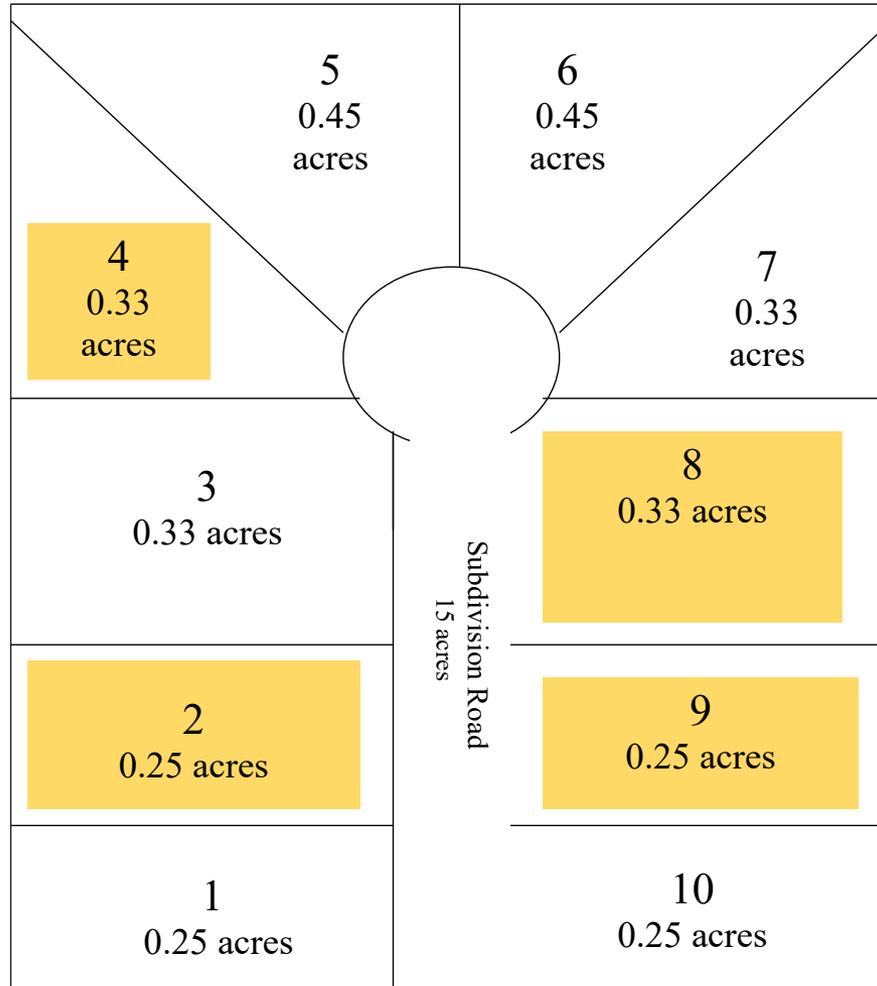
State Road





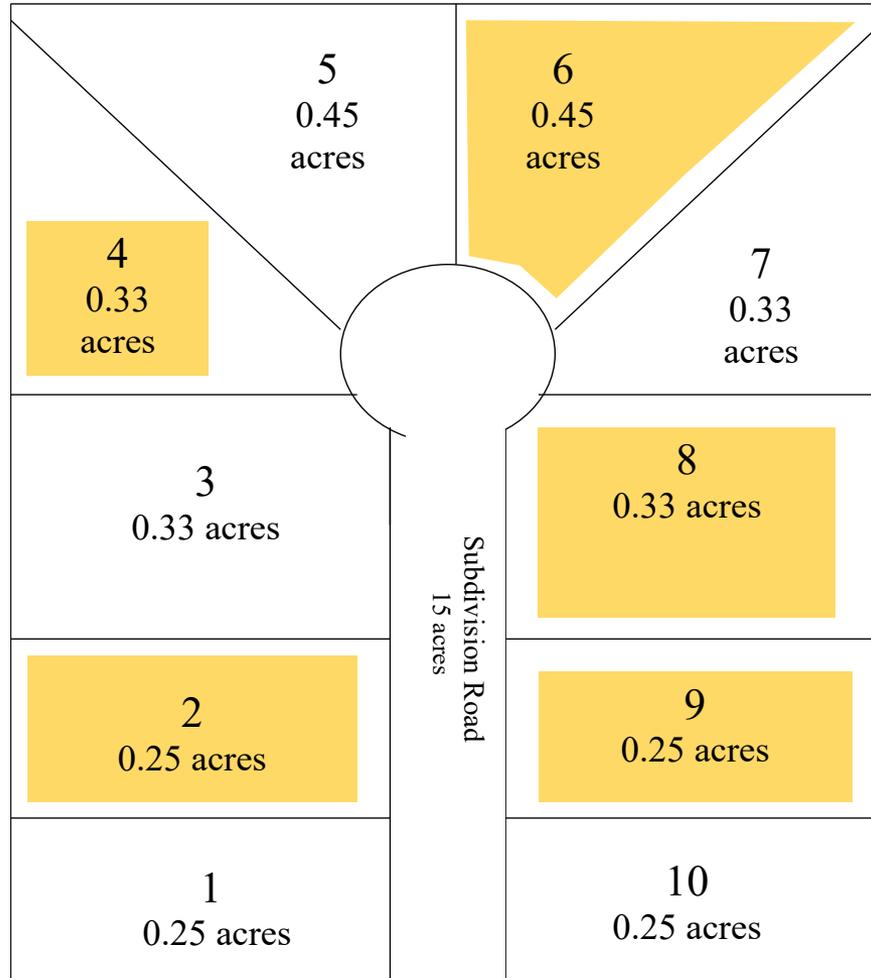
State Road





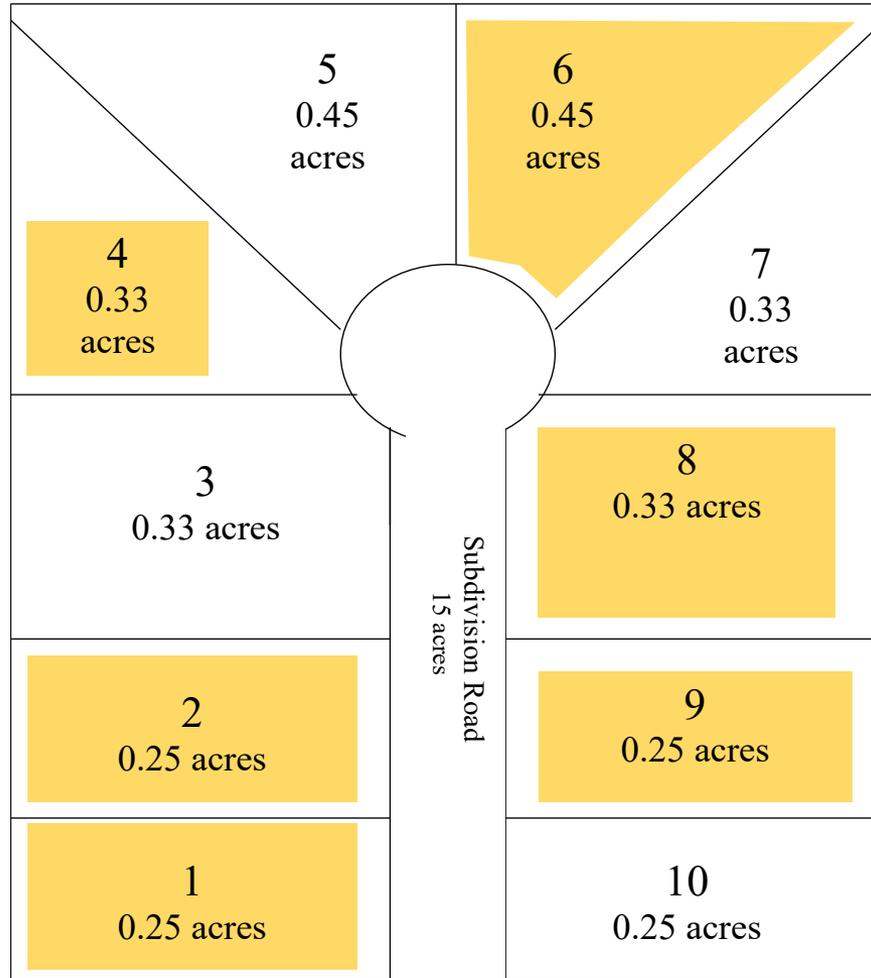
State Road





State Road

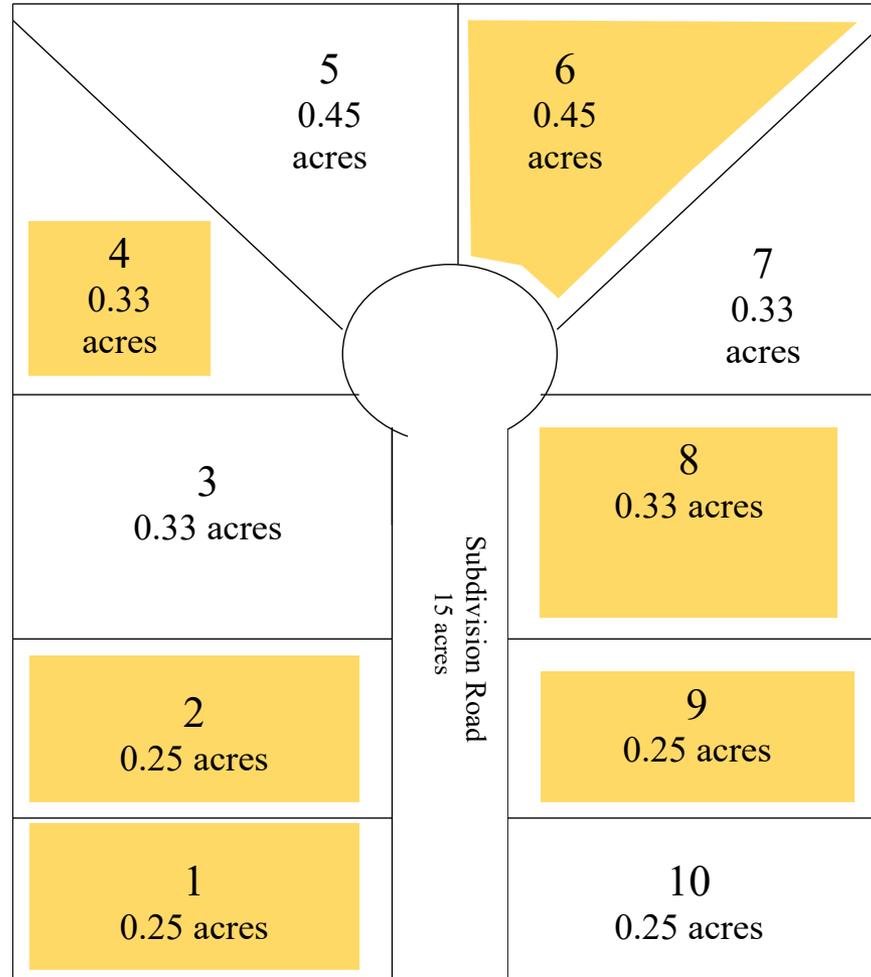




State Road



Plan of Development
not
permitted on tract
= 1.36 ac or greater



Permit coverage is
required
if 1 acre or greater of
land will be disturbed,
regardless of the size
of the individually
owned or
developed sites.

State Road



SPCA versus NCG01

The SPCA addresses the need for a plan when the individual disturbance is equal to or greater than the land-disturbing threshold (e.g., 1 acre)

Whereas

The NCG01 addresses the need for a plan when the individual or collective disturbance is equal to or greater than 1 acre.



Curious Local Programs want to know....

The Commission's opinion!



Common Plans of Development or Sale

Where referenced?

1. Within 40 CFR 122.26(b)(14)(x) – defining large construction activities
2. Within 40 CFR 122.26(b)(15)(i) – defining small construction activities (handout)
3. Within the federal NPDES Construction Stormwater General Permit
4. On the first page of the NCG010000 permit (State CGP)
5. Within 15A NCAC 02H.1002 for post-construction storm water rules
6. Within all MS4 permits (NCS000xxx) – *mentioned 4 times*
7. Page 10 of the MS4 Background Information Document found on DEQ's MS4 permitting page
8. On the EPA's FAQs page
9. Within other state's CG permits and MS4 programs





Questions?

