



Various permits related to stormwater runoff from a construction site may be required to be eligible to construct or build within Indian River County. Either one of the following permits shall be submitted to the Indian River County Stormwater Division via the following email (StormwaterDivision@ircgov.com) a minimum of 72 hours prior to the commencement of construction or the pre-construction meeting. No first inspections will be scheduled until this document has been received.

A. STATE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS, OTHER STATE PERMITS, AND STORMWATER POLLUTION PREVENTION PLANS

These permits are issued and regulated by the State of Florida Department of Environmental Protection (FDEP) as authorized by the federal government. These permits are issued under the provisions of Section 403.0885, Florida Statutes, and applicable rules of the Florida Administrative Code pursuant to the Department's federally approved National Pollutant Discharge Elimination System (NPDES) stormwater regulatory program. Stormwater discharge associated with large construction activity, as defined at 40 C.F.R. Part 122.26(b)(14)(x) and herein, is regulated pursuant to Section 402(p)(2) of the Federal Clean Water Act (CWA). Stormwater discharge associated with small construction activity, as defined at 40 C.F.R. 122.26(b)(15) and herein, is regulated pursuant to Section 402(p)(6) of the CWA. State permits constitute authorization to discharge stormwater associated with large and small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4). Until these permits are terminated, modified, or revoked, permittees that have properly obtained coverage are authorized to discharge to surface waters of the State, including through an MS4, in accordance with the terms and conditions of the permits.

B. FEDERAL GENERAL CONSTRUCTION PERMIT AND SMALL RESIDENTIAL LOT STORMWATER POLLUTION PREVENTION PLANS

These permits are issued and regulated by the Environmental Protection Agency (EPA) as authorized by the federal government for lots less than an acre with no direct discharge to a MS4. These permits are issued under the provisions of Section 40 CFR Part 450, and applicable rules of the Code of Federal Regulations pursuant to the Department's federally approved National Pollutant Discharge Elimination System (NPDES) stormwater regulatory program. Stormwater discharge associated with large construction activity, as defined at 40 C.F.R. Part 122.26(b)(14)(x) and herein, is regulated pursuant to Section 402(p)(2) of the Federal Clean Water Act (CWA). Stormwater discharge associated with small construction activity, as defined at 40 C.F.R. 122.26(b)(15) and herein, is regulated pursuant to Section 402(p)(6) of the CWA. State permits constitute authorization to discharge stormwater associated with

large and small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4). Until these permits are terminated, modified, or revoked, permittees that have properly obtained coverage are authorized to discharge to surface waters of the State, including through an MS4, in accordance with the terms and conditions of the permits.

"Construction Activity"

The act or process of developing or improving land, including demolition and renovation activity, which involves the disturbance of soils, including but not limited to clearing, grading, and excavation.

When is a NPDES permit required?

A NPDES Stormwater Construction Generic Permit is required for any construction activities that:

1. Disturb one or more acres of land and discharge stormwater to surface waters of the State.
2. Discharge stormwater to surface waters of the State through a Municipal Separate Storm Sewer System (MS4).
3. Disturb less than one acre of land, and are part of a common plan of development or sale.

Examples of Indian River County Subdivisions (no longer under a Master NOI) in which individual lots would require their own NOI or Small Residential Lot SWPPP include but are not limited to the following: Vero Lake Estates, Pinetree Park, Oslo Park, Dixie Heights, Wauregan, Stevens Park and Grovner Estates.

The Responsible Authority shall apply either for an individual permit or for coverage under the National Pollutant Discharge Elimination System (NPDES) Construction Generic Permit (CGP). The Responsible Authority of a construction activity is ultimately responsible for obtaining and complying with the permit.

Do I need this permit if I am one of several contractors working at a common site?

If you are a contractor or subcontractor acting under the direction of an operator or other entity who has received coverage under the CGP for your construction activities, you do not have to obtain your own coverage under this permit, but **you must be named on the operator's Stormwater Pollution Prevention Plan (SWPPP) and separately sign the SWPPP certification.**

"Common Plan of Development or Sale"

This is a single plan of development or sale for a site where one or more separate and distinct construction activities are occurring on one or more schedules by one or more contractors. This may include:

- Phased projects and projects with multiple lots, even if the separate phases or lots will be constructed under a separate contract or by separate owners (e.g., a development where lots are sold to separate builders).
- A development plan that may be phased over multiple years, but is still under a consistent plan for long-term development.
- Projects in a contiguous area that may be unrelated but are under the same contract, such as construction of a building extension and a new parking lot at the same facility.
- Linear projects such as roads, pipelines, or utilities.
- Commercial or Multi-Family sties proposing repairs or renovations that involve demolition or earthwork.

A project less than one acre, but part of a larger common plan of development or a sale that will ultimately disturb land will require a NOI permit. A larger common plan of development or sale is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules. An example of this condition is the development of a housing subdivision.

For example, if a developer buys a 20-acre parcel and builds roads, installs water/sewer with the intention of constructing homes or other structures in the future, this is considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity is still subject to NPDES stormwater permitting requirements regardless of the size of any of the individually owned lots. **This means that each individual lot must apply for a NPDES permit**

As another example, if a developer has a 4-acre development and sells off a ½-acre lot to another developer, the new developer must obtain a permit even though that lot is less than 1 acre. This is because the ½-acre lot is part of a larger common plan of development or sale that is larger than one acre.

Is demolition considered a construction activity? Yes. Demolition activities that disturb one or more acres of land or are part of a larger common plan of development or sale are subject to the same stormwater construction permit application requirements.

How do I apply for coverage under the NPDES permit requirements? Submit a completed "Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities" form (referred to as an "NOI") and the required permit application fee to FDEP. For large construction sites disturbing 5 or more acres, the required fee is \$400. For small construction sites disturbing 1- 4.99 acres, the required fee is \$250. Land disturbances less than one acre of land but that are part of a common plan of development or sale must also apply for coverage.

The EPA General Construction Permit and Small Residential Lot Stormwater Pollution Prevention Plan is an alternative to the state permit for lots less than an acre with no MS4 direct connection. Either permit can be submitted to Indian River County.

When is the NOI due?

For a new project, the permittee must submit a complete NOI and permit fee FDEP. An application is complete upon submittal of all requested information, submittal of the required permit fee, and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired.

For a project where the operator changes, the original permittee must file an N.O.T. (Notice of Termination) and the new operator must submit the complete NOI and permit fee at least 2 calendar days before assuming control of the project.

Before you submit your NOI, you must develop and be ready to implement a Stormwater Pollution Prevention Plan (SWPPP).

You can submit your NOI and payment electronically through the Department business portal at <http://www.fldepportal.com/go/> . Permit fees must be paid by check, credit card or debit card.

Alternatively, you can submit a paper copy of your NOI by downloading the form at: http://www.dep.state.fl.us/water/stormwater/npdes/permits_forms.htm and submitting it, along with your permit fee, to the FDEP Notices Center.

What happens after I submit my NOI and Permit fee?

FDEP will determine if your NOI is complete or incomplete: If incomplete, FDEP will contact you to request additional information or request payment of the required permit fee.

If complete, FDEP will send you an acknowledgment letter that will identify the term of your permit coverage.

The approved NOI or Small Residential Lot SWPPP must be received by the MS4 (Indian River County) Stormwater Division 72 hours prior to a pre-construction meeting and/or the commencement of any construction activity such as clearing, grading, excavating, demolition, or other construction activities disturbing soil.

You must post a copy of the NOI and a copy of the acknowledgment letter at the construction site in a prominent place for public viewing, such as alongside a building permit.

If your project discharges stormwater to an MS4, you must send a copy of the NOI or the acknowledgement letter within 7 calendar days of receipt to the operator of the MS4. Send to: Indian River County email (StormwaterDivision@ircgov.com)

What is the purpose of the SWPPP? The purpose of the SWPPP is to document how you will comply with the requirements of the Construction Generic Permit.

How do I develop my SWPPP? You must prepare a SWPPP following standard industry practices. You can find training, samples, guidance, templates, and links to other resources to help you develop your SWPPP on this FDEP web page: <http://www.dep.state.fl.us/water/stormwater/npdes/construction3.htm>

Construction activities must not cause or contribute to a water quality violation or offsite sedimentation. You are encouraged to phase your construction activities to avoid potential water quality violations. Best Management Practices (BMPs) must be installed before the commencement of your construction activities.

All BMPs must be consistent with the guidelines contained in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual, by FDOT and FDEP (Latest Edition), found at

<http://www.stormwater.ucf.edu/publications/2013RevisedDesignerManual.pdf> or at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04227>.

Other state permits include a “Notice to District of Dewatering Activity”, also known as an RDS-50, which is required prior to dewatering. Contact St. Johns River Water Management District (SJRWMD) regarding this permit. Upon receipt, provide a copy of the approved permit to Indian River County by emailing it to ttardif@ircgov.com.

B. ENVIRONMENTAL RESOURCE PERMIT

If I obtain the CGP, do I still need an Environmental Resource Permit (ERP)?

Obtaining coverage under the CGP does not relieve you of the requirement to obtain an Environmental Resource Permit (ERP). If an ERP is required then contact FDEP or SJRWMD for more information. You may also need to obtain other required permits from federal, state, or local governments.

The ERP is issued under Part IV, Chapter 373, F.S., by FDEP or SJRWMD.

C. LOCAL WATER CONTROL & IMPROVEMENT DISTRICTS PERMITS

Local Water Control Districts and Improvement Districts enforce programs that ensure flood control, stormwater treatment, and wetland protection requirements are met within their individual district properties.

These Districts in Indian River County include Indian River Farms Water Control District, Sebastian River Improvement District, Fellsmere Water Control District, and St John’s Improvement District. Permits are required if you discharge water or install drainage culverts, utilities or other structures within their right-of-way. Please check with your local Water Control District to see if a permit is required.

D. INDIAN RIVER COUNTY PERMITS

A Stormwater Management System permit is required for any development in unincorporated Indian River County. Contact an engineer in the County Public Works Land Development Section for information

regarding these permits. Work located within special flood hazard areas may also be subject to additional permits and/or approvals.

An Indian River County Right-of-Way Permit is required for all work performed within County rights-of-way. This includes but is not limited to driveways, culverts, drainage connections, temporary construction entrances, sidewalks, ditch cleaning, utility connections, or any earth disturbing activities. Please check with the Indian River County Engineering Division prior to performing any work to determine if a permit is required.

Other County permits or forms required for construction activities related to offsite discharge of stormwater include: "Permittee's Affidavit Regarding Pollution" form, and a "Permit to Discharge Produced Groundwater into Indian River County's Municipal Separate Storm Sewer System (MS4)." If you have questions about required Indian River County permits, contact the Senior Stormwater Enforcement Officer at 772-226-1564.

E. LAWS AND REGULATIONS THAT MAY APPLY TO AGRICULTURAL OPERATIONS

This is a general description of Federal, State and County requirements, and shall only be used as a guide. The intent is to use this information as a starting point to determine which regulations may apply to your agricultural operation.

Type of Farm or Ranch Activity

Building/Construction: Stormwater discharges from construction activities (such as clearing, grading, excavating, stockpiling, building homes, barns, roadways, ponds, and other structures) that disturb one or more acres, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater program. Obtain a permit or obtain coverage under a general permit prior to discharging stormwater.

Biosolid Application: Farms that land-apply biosolids or which own land on which biosolids are land-applied. Federal permit generally not required; however, farms must directly meet regulatory pollutant limits, best management practices, operational standards, reporting and other state and local requirements.

Application of Pesticides: Applications of (1) biological pesticides and (2) chemical pesticides that leave a residue, in which applications are made directly to waters of the United States, or where a portion of the pesticide will unavoidably be deposited to waters of the United States. Applications required to be covered under a National Pollutant Discharge Elimination System (NPDES) permit.

Concentrated Animal Feeding Operations (CAFO): All Large Concentrated Animal Feeding Operations that land apply manure. Rule: Large CAFOs that land apply manure must meet nutrient planning requirements.

NPDES permit is required if CAFO discharges to a water of the U.S.

Nonpoint Source Pollution (NPS) and Point Source Pollution (PSP) occurs when rainfall or irrigation water runs over or through the ground, picking up pollutants (such as fertilizers and pesticides) throughout a watershed and deposits them in lakes, rivers, coastal waters, or groundwater.

Florida Statutes 403.067(7)(d) and 576.045 implement and develop a total maximum daily load program as required by Section 303(d) of the Federal Clean Water Act. The program is intended to provide improved coordination and cooperation among various departments and private interests to achieve restoration of listed water bodies impaired by point and nonpoint sources of pollution. The statute allows the Department of Agricultural and Consumer Services (DACS) to develop and adopt by rule, interim measures, best management practices, or other measures necessary to achieve reductions in agricultural pollution in listed water bodies. Landowners are presumed to be in compliance with state water quality standards (Florida Statutes 576.045(5)) as long as interim measures, best management practices, or other measures approved by DACS are followed. Requires landowners to keep accurate records for implementing the program. Also see Florida Statute 373.4592.

Agricultural Activities Exempt under the Clean Water Act, Section 404(f)(1)

- Established (ongoing) farming, ranching, and silviculture activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices
- Maintenance (but not construction) of drainage ditches
- Construction and maintenance of irrigation ditches
- Construction and maintenance of farm or stock ponds
- Construction and maintenance of farm and forest roads, in accordance with best management practices
- Maintenance of structures such as dams, dikes, and levees

Exemptions to the Federal Clean Water Act – Under Section 404, a permit is generally not required, if your discharges of dredged or fill material are associated with normal farming, ranching, or silviculture activities such as plowing, cultivating, minor drainage, and harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. This exemption pertains to "normal farming" and harvesting activities that are part of an established, ongoing farming or forestry operation.

Non-compliance with the Federal Clean Water Act can lead to fines and lawsuits. It is the responsibility of the farmer/property owners to ensure their operations are in compliance with requirements set forth in the CWA.

F. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Special flood hazard areas are not exempt from (FEMA) guidelines for structures and/or filling of properties. Indian River County codes 903.02, 903.03, and 903.14 provide additional information. Contact Indian River County Engineering Land Development Section with any questions - (772)226-1283

G. TRANSFER OF OWNERSHIP OR TRANSFER OF COUNTY ISSUED PERMITS

- (a) Transfer of Interest in Real Property: Within twenty-one (21) days of any transfer of ownership or control of the real property at which the permitted activity, facility, or system is located or authorized, the Permittee shall notify in writing, both the Indian River County Engineering Division and the Indian River County Stormwater Division of the transfer. Permittee shall provide the name, mailing address, and telephone number of the transferee and a copy of the instrument effecting the transfer.
- (b) Transfer of a County Permit: To transfer a County issued permit, Permittee must provide all of the following:

The information required in Item (a) and a written statement from the proposed transferee acknowledging the transferee will be bound by all terms and conditions of the permit; and a new "Permittee's Affidavit" form properly executed by the transferee. Upon proper receipt of these items the County shall transfer the permit to the transferee.

Note: The Permittee is encouraged to request a permit transfer prior to the sale or legal transfer of the real property at which a permitted facility, system, or activity is located or authorized. However, the transfer shall not be effective prior to the sale or legal transfer.