



# PHASE II REGULATION

## NPDES PHASE II REGULATION

Large contractors and large construction activities are no stranger to the amended Clean Water Act supporting the US Environmental Protection Agency (EPA) to implement Phase I of the NPDES (National Pollutant Discharge Elimination System) Stormwater Program in 1990. Medium to large industrial activities in 11 categories including construction jobs that disturbed 5 or more acres of land were required by the EPA to obtain permit coverage for stormwater discharge. This ruling was established to counterbalance negligence in erosion control practices and tighten enforcement of the Clean Water Act protecting water systems from runoff and sediment.

While Phase I of this program has been around for over a decade, a lawsuit against the agency for disregard in protecting bodies of water from stormwater runoff motivated the EPA to tighten the reins once again on a new segment of the construction industry. This time around the EPA amended the NPDES Program including Phase II pursuing the small contractors and small construction activities. The Phase II program was developed and implemented by the EPA in March of 2003 to enforce the protection of a wide range of areas such as animal feeding operations; industrial and commercial facilities; municipalities and waste water treatment plants; sanitary sewers; and storm water.

Phase II states that small construction activity is:

- Activity that will disturb 1 acre or more and less than 5 acres, or
- Activity that will disturb less than 1 acre but is part of a larger common plan of development or sale whose total land disturbing activities total between 1 and 5 acres and will discharge storm water runoff from the construction site to a storm water sewer or waters of the United States

Phase II requires construction sites to have erosion and sediment control plans in effect daily using Best Management Practices (BMP). These erosion control plans include filter berms, mulching, straw, hydroseeding and sodding.

## WHAT DOES THIS MEAN TO ME?

You may be thinking to yourself “what does this mean to me”, or didn’t even know that you were affected by this regulation. Well, now is the time to take this seriously because you do not want to be the contractor visited by an inspector on the jobsite for a violation and penalties ranging from work stoppage and fines to criminal and civil actions. The stakes are high for non-compliance, and well-known national companies are no longer getting slaps on the wrist, but rather slapped with \$27,500 per day, per violation fines. Now for the good part. You don’t have to shy away from jobsites or constantly watch your back for EPA regulators because there are a number of solutions to make sure you are educated, well-equipped and flourishing.

One of the most important steps you could take in assuring you are fully prepared with a plethora of knowledge on your regions Phase II regulations is to contact your local municipalities, trade organizations, trade publications and local groups focused on offering educational workshops, acceptable erosion control implementations and advice on best management practices. One of the best resources would be the International Erosion Control Association (IECA).

Another industry that is booming from the impact of Phase II is the rental equipment industry. Chances are small contractors lack the necessary capital to buy erosion control equipment, and that is why the rental channel is ideal for you. Erosion control equipment rentals are bridging the gap for small contractors that have an erosion control plan and a permit, and now just need the appropriate equipment to fulfill the job affordably. It allows you to be compliant and profitable at the same time.

## FINN EQUIPMENT IS THE NUMBER ONE SOLUTION

The Finn Corporation has specialized in manufacturing erosion control equipment since 1935 to help construction contractors, rental companies and erosion control contractors to comply with NPDES Phase II regulations. With product lines including HydroSeeders™, Bark Blowers and Straw Blowers, Finn ensures that all of your erosion control needs are met and Phase II requirements are satisfied appropriately. Finn equipment is your number one solution!

### TO LEARN MORE

To learn more about NPDES regulations and requirements, please visit the U.S. EPA Office of Wastewater Management at [www.epa.gov](http://www.epa.gov).



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