



# Environmental Consulting & Engineering Design

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT FOR DISCHARGES FROM CONSTRUCTION ACTIVITIES

### Overview

Stormwater discharges from construction activities (such as clearing, grading, excavating, and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater program. Prior to discharging stormwater, construction operators must obtain coverage under an NPDES permit.

On February 16, 2012, EPA issued the Final 2012 Construction General Permit

### How does the 2012 CGP differ from the 2008 CGP?

The 2012 CGP includes a number of new provisions implementing the C&D rule, as well as other provisions to provide enhanced protections for impaired or other sensitive waters. In addition, the permit has been modified from the existing 2008 permit to improve its readability, clarity, and enforceability.

Some of the significant permit modifications in the CGP include new requirements for:

- Eligibility for emergency-related construction;
- Ineligibility for coverage under CGP where cationic treatment chemicals will be used, unless specific authorization is provided by EPA;
- Increased usage of the electronic Notice of Intent process;
- Increased review period from 7 days to 14 days for operators seeking permit coverage;
- Sediment and erosion controls;
- Natural buffers or alternative controls;
- Soil stabilization;
- Pollution prevention;
- Water quality-based effluent limits;
- Site inspections;
- Corrective action;
- Stormwater Pollution Prevention Plans (SWPPPs); and
- Permit termination.



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**What is the deadline for submitting an NOI for your construction activities and when is your official start date for permit coverage after submitting my NOI?**

Your deadline for submitting your NOI varies depending on whether the project is a “new project,” an “existing project,” or an “emergency-related project,” or if you are a “new operator of a new or existing project.” See the following table for a list of applicable deadlines for submitting your NOI and the official start date for permit coverage:

Type of Construction Project	Deadlines for Operators to Submit NOI	Official Start Date for Permit Coverage
<b>New project</b>	You must submit your NOI at least 14 days prior to commencing earth-disturbing activities. Exception: If your project qualifies as an “emergency-related project” under Part 1.2, you must submit your NOI by no later than 30 days after commencing earth-disturbing activities. <u>Exception:</u> If you are scheduled to commence construction activities after February 16, 2012, but no later than March 1, 2012, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities	You are considered covered under this permit 14 days after EPA has acknowledged receipt of your NOI on the Agency’s website ( <a href="http://www.epa.gov/npdes/stormwater/cgpnosearch">www.epa.gov/npdes/stormwater/cgpnosearch</a> ), unless EPA notifies you that your authorization has been delayed or denied. <u>Exception:</u> If your project qualifies as an “emergency-related project” under Part 1.2, you are considered provisionally covered under the terms and conditions of this permit immediately, and unprovisionally covered 14 days after EPA has acknowledged receipt of your NOI, unless EPA notifies you that your authorization has been delayed or denied. <u>Exception:</u> If you are scheduled to commence construction activities after February 16, 2012, but no later than February 1, 2012, you are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA has acknowledged receipt of your NOI, unless EPA notifies you that your authorization has been delayed or denied.
<b>Existing project</b>	You must submit your NOI by no later than May 16, 2012. However, if you have not previously obtained coverage under an NPDES permit, you must submit your NOI immediately.	You are considered covered under this permit 14 days after EPA has acknowledged receipt of your NOI on the Agency’s website ( <a href="http://www.epa.gov/npdes/stormwater/cgpnosearch">www.epa.gov/npdes/stormwater/cgpnosearch</a> ), unless EPA notifies you that your authorization has been delayed or denied.
<b>New operator of a new or existing project</b>	You must submit your NOI at least 14 days before the date the transfer to the new operator will take place.	You are considered covered under this permit 14 days after EPA has acknowledged receipt of your NOI on the Agency’s website ( <a href="http://www.epa.gov/npdes/stormwater/cgpnosearch">www.epa.gov/npdes/stormwater/cgpnosearch</a> ), unless EPA notifies you that your authorization has been delayed or denied.