

FACT SHEET

NPDES Construction General Permit

The United States Environmental Protection Agency (EPA) as part of the National Pollutant Discharge Elimination System (NPDES) has passed federal law, which requires that certain construction sites file for a federal storm water permit. This legislation originates from the EPA's 1972 Clean Water Act (CWA), which was designed to prohibit the discharge of any pollutant to waters of the United States from a point source without a NPDES permit. The NPDES regulations identify storm water runoff from construction sites as contaminated water. The EPA's Construction General Permit (CGP) was published in the Federal Register on July 1, 2003 and implements Phase II of the NPDES Storm Water Regulations, which cover all construction activity on sites disturbing one or more acres of land, or on smaller sites that are part of a larger common plan of development.

In order to be in compliance with the CGP, construction site operators need to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) and file a "Notice of Intent" (NOI) form with the EPA. An "operator," for the purpose of this permit, includes an individual or entity who has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or who has day to day operational control over those activities at a construction site that are necessary to ensure compliance with a storm water pollution prevention plan or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or to comply with other permit conditions).

Each operator is required to submit a completed NOI to the EPA prior to initiation of land-disturbing activities on the project site. Upon receipt of the NOI, the EPA will post a notice of receipt on their website (cfpub.epa.gov/npdes/stormwater/noi/noisearch.cfm). Land disturbing activities may commence no sooner than seven (7) calendar days after the posting by EPA. Subsequently, the EPA will issue a formal letter of permit coverage to each operator who has submitted an NOI. This letter will verify permit coverage and include the project permit number issued for that operator. For multiple operators, each will be issued a separate permit number that is referenced to the subject site.