



National Pollutant Discharge Elimination System (NPDES)

Construction General Permit (CGP)

Outdoor construction activities are potential sources of stormwater pollution. Exposure of a construction site can lead to various pollutants entering waterways. Sediment displaced and eroded from earth disturbance activities and various other chemical pollutants from outdoor pollutant generating activities can be transported directly to natural waterways or indirectly to these waterways through storm sewer systems. Aside from sediment, other pollutants and pollutant-generating activities commonly associated with construction sites that have the potential for stormwater discharge include solid and sanitary wastes from temporary, nutrients and TSS, oil and grease from vehicle and equipment fueling and maintenance, pH changes from concrete washouts, and other chemicals from material and product storage and handling operations.

In compliance with the Clean Water Act, the CGP regulates authorized stormwater discharges from any construction activity:

- Disturbing 1 acre or more of land, or less than 1 acre of land, but that is part of a common plan of development or sale that will ultimately disturb 1 or more acres of land, or
- Designated by EPA as needing permit coverage under 40 CFR § 122.26(a)(1)(v) or 40 CFR § 122.26(b)(15)(ii).

Construction activity includes earth-disturbing activities such as clearing, grading, and excavating land and other construction-related activities that could generate pollutants.

Under the Federal “C&D Rule” permit requirements, all NPDES permits for construction stormwater must address the minimum federal effluent limitation guidelines for the construction and development point source category (referred to as “the C&D rule”).

The C&D rule found in 40 CFR 450.21 establishes minimum NPDES effluent limitations, such as:

1. Design, install, and maintain effective erosion and sediment controls, and pollution prevention measures, to minimize the discharge of pollutants;
2. Stabilize disturbed areas immediately when construction has ceased and will not resume for more than 14 days;
3. Prohibit the dewatering discharges unless managed by appropriate controls;
4. Prohibit the discharge of:

- Wastewater from concrete washout (unless managed by appropriate control), or washout/cleanout of stucco, paint, form release oils, other wastewater materials;
- Fuels, oils, or other pollutants used for vehicles; and
- Soaps or solvents to wash vehicles and equipment. Federal regulations at 40 CFR 122.26(a)(1)(v) and 40 CFR 122.26(b)(15)(ii) require stormwater discharges associated with specific categories of industrial activity to be covered under NPDES permits (unless otherwise excluded).

Key requirements of the CGP include requirements for operators to:

- Develop a Stormwater Pollution Prevention Plan (SWPPP) and keep it up to date.
- Implement erosion and sediment controls and pollution prevention practices throughout the entire construction project.
- Conduct required inspections to verify compliance with the permit
- Ensure that all inspections are conducted by a qualified person who has either: (1) completed the EPA construction inspection course and passed the exam, or (2) holds a current construction inspection certification or license from a program that covers the same core material as EPA's inspection course.
- Conduct routine maintenance and take corrective action to fix problems with controls or discharges.
- Complete documentation of all site inspections, dewatering inspections, and corrective actions.
- Comply with turbidity monitoring requirements for dewatering discharges to sensitive waters (if applicable).
- Comply with any State, Tribal, or territory-specific requirements in Part 9 of the permit.

Currently EPA's CGP provides coverage to permittees in Massachusetts, New Hampshire, New Mexico, and the District of Columbia; additional US territories and tribal lands; federal facilities within Colorado, Delaware, and Vermont; areas within Washington subject to construction by a Federal operator; the Denali National Park and Preserve; and oil and gas activities in Oklahoma. Most states with NPDES program authorization develop their own CGP using EPA's CGP as a starting point.

For more information regarding construction general permits, please visit:

<https://www.epa.gov/npdes/2022-construction-general-permit-cgp>