



EPA Issues 2012 General Permit for Stormwater Discharges from Construction Activities

Summary

The U.S. Environmental Protection Agency (EPA) has issued a new National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities. The 2012 Construction General Permit (CGP) replaces the 2008 CGP.

Background

Construction sites disturbing one or more acres of land or smaller sites that are part of a common plan of development or sale are required to obtain NPDES permit coverage for their stormwater discharges. Since 1992, EPA has issued a series of CGPs that provide permit coverage in states where EPA is the permitting authority. At present, EPA is the permitting authority in four states (i.e., Idaho, Massachusetts, New Hampshire, and New Mexico); the District of Columbia; Puerto Rico; all other U.S. territories, with the exception of the U.S. Virgin Islands; areas in four states (i.e., Colorado, Delaware, Vermont, and Washington) subject to construction by Federal Operators; and most Indian lands and for a few other specifically designated activities in specific states.

The 2008 CGP expired on February 15, 2012. EPA is issuing this construction general permit for five (5) years, during which time the permit will provide coverage to eligible existing and new construction projects in all areas of the country where the EPA is the NPDES

permitting authority. The new CGP includes new requirements that implement the technology-based Effluent Limitation Guidelines and New Source Performance Standards, which were issued by the EPA for the construction and development industry on December 1, 2009. The permit also includes new water quality-based requirements for construction sites discharging stormwater to waters requiring additional pollutant control.

C&D Rule Effluent Limitations Guidelines

EPA finalized the Effluent Limitations Guidelines and New Source Performance Standards for the construction and development industry (i.e., C&D rule) on December 1, 2009. The C&D rule became effective on February 1, 2010; after which all NPDES construction stormwater permits are required to incorporate the C&D rule requirements once their current permit expires.

The requirements in the C&D rule include a suite of non-numeric effluent limitations that apply to all permitted

construction sites. (See 40 CFR 450.21.) The non-numeric effluent limits include requirements for:

- Erosion and Sediment Controls;
- Soil Stabilization;
- Dewatering;
- Pollution Prevention Measures;
- Prohibited Discharges; and
- Surface Outlets.

EPA's 2012 CGP includes language that implements the C&D rule's non-numeric limits.

The C&D rule also included a numeric limit for turbidity. However, the Agency has issued a stay for the numeric limit for turbidity so that the limit can be recalculated. Until a new limit has been promulgated, the EPA and authorized states are not required to incorporate the numeric turbidity limitation and monitoring requirements into their permits.

Summary of 2012 CGP

The 2012 CGP includes a number of new provisions relating not only to the C&D rule effluent limits, but also 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 requirements for:

- Eligibility for emergency-related construction;
- Ineligibility for coverage for sites using certain treatment chemicals;
- Increased usage of the electronic Notice of Intent process;
- 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.

For further information about this notice, please write to:

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For additional information on the CGP or to view or download the complete text of the *Federal Register* notice, please visit: <http://www.epa.gov/npdes/stormwater/cgp>