Do I need to get covered under an NPDES Construction General Permit (CGP) for stormwater discharges for my construction site?

Start Here

Will the project disturb 1 acre or more (including borrow and materials storage areas)?

Yes

Does the project have the potential to discharge stormwater to waters of the U.S. or a storm sewer?

Yes

Is your project located in an area listed in footnote 2?

Yes

Yes, Your State CGP
You need to get covered under your state’s CGP. Visit your state’s NPDES program website for more information. State NPDES program contacts can be found here.

Yes, EPA’s CGP
You need to get covered under EPA’s CGP. Read the permit, develop a SWPPP, and submit a Notice of Intent (NOI) to get covered.

No

No, any rain or snowmelt would infiltrate completely into the ground

No CGP needed

No

Is the project part of a common plan of development or sale that will ultimately disturb 1 or more acres (including borrow and material storage areas)? (1)

No

Yes

Is your project located in an area listed in footnote 2?

Yes

Do you have operational control over the plans and specifications, including the ability to make modifications to those plans and specifications?

Yes

Do you have day-to-day operational control of the activities of the project that are necessary to ensure compliance with the permit, including directing workers at the site to carry out permit compliance activities?

Yes

Yes, EPA’s CGP
You need to get covered under EPA’s CGP. Read the permit, develop a SWPPP, and submit a Notice of Intent (NOI) to get covered.

No

Yes, Your State CGP
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No

No, any rain or snowmelt would infiltrate completely into the ground

No CGP needed

No

Does the project have the potential to discharge stormwater to waters of the U.S. or a storm sewer?

No

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No CGP needed

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Need assistance? Contact Us - We’re your partners in protecting clean water!

EPA Headquarters: Emily Halter (halter.emily@epa.gov) (202) 564-3324

EPA Regional Offices contacts

State NPDES program contacts
Do I need to get covered under an NPDES Construction General Permit (CGP) for stormwater discharges for my construction site?

Footnotes to flowchart

(1) “Common Plan of Development or Sale” – A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The “common plan” of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

(2) Areas where EPA is the NPDES permitting authority for construction stormwater. See full detailed list of areas in Appendix B—Permit Areas Eligible for Coverage

- Idaho, Massachusetts, New Hampshire, New Mexico, and the District of Columbia;
- American Samoa, Guam, Johnston Atoll, Midway and Wake Islands, Northern Mariana Islands, and Puerto Rico;
- Areas within Colorado, Delaware, Vermont, and Washington subject to construction by a federal operator;
- Denali National Park and Preserve; and
- Limited areas of Oklahoma and Texas.

(3) What are the steps to obtain permit coverage?

⇒ Step 1. Read the 2017 CGP and Fact Sheet
⇒ Step 2. Before submitting your Notice of Intent (NOI), the form you file to obtain coverage under the CGP in step 4, you must:
  - Follow the procedures in Appendix D of the 2017 CGP - Endangered Species Act (ESA) Requirements. Take note of the criterion (A, B, C, D, E or F) under which you are eligible because you will need to select this and provide supporting documentation in your NOI. Visit the Endangered Species Requirements page for more details on determining your ESA Eligibility under the CGP.
  - Follow the procedures in Appendix E of the 2017 CGP – Historic Property Screening Process. Take note of your answers to the screening process questions because you will need to provide this information in your NOI.
⇒ Step 3. Develop a Stormwater Pollution Prevention Plan (SWPPP). A SWPPP outlines how you plan to implement erosion and sediment controls and meet other requirements of the permit on your construction site. Before submitting your Notice of Intent (NOI), the form you file to obtain coverage under the CGP in step 4, you must develop the SWPPP consistent with the requirements in Part 7 of the CGP. You can use EPA’s SWPPP template to develop your SWPPP.
⇒ Step 4. Submit an NOI for your site using EPA’s NPDES eReporting Tool (NeT) for the CGP.

Disclaimer: This information is guidance only and does not establish or affect legal rights or obligations. Agency decisions in any particular case will be made by applying the law and regulations to the specific facts of the case.