Do I need to get NPDES permit coverage for my construction project?

Start Here

Will the project disturb 1 or more acres (including borrow and material 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 where EPA is the NPDES permitting authority for construction stormwater?

Yes → You need coverage under a State-issued NPDES permit. You need to obtain coverage under a State-issued NPDES permit. Visit your state’s NPDES program website for more information. State NPDES program contacts can be found here.

No → Will any rain or snowmelt infiltrate completely into the ground, with no possibility of discharge to a water of the U.S.?

Yes → Will the project disturb 1 or more acres (including borrow and material storage areas)?

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)?

Yes → You need coverage under an EPA-issued NPDES permit. You need to obtain coverage under an EPA-issued NPDES permit. If eligible and opting to obtain coverage under EPA’s Construction General Permit (CGP), you must read the permit, develop a Stormwater Pollution Prevention Plan (SWPPP), and submit a Notice of Intent (NOI) to get covered.

No → 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 → No NPDES permit coverage needed.

No → No

No → No NPDES permit coverage needed.
(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. (2022 CGP Appendix A)

(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.

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

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

- Step 1. Read the 2022 CGP and Fact Sheet.
- Step 2. If eligible for coverage under the CGP, 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 2022 CGP - Endangered Species Protection Worksheet. 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 Construction General Permit Threatened and Endangered Species webpage for more details on determining your ESA Eligibility under the CGP.
  - Follow the procedures in Appendix E of the 2022 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 develop and implement erosion and sediment controls and meet other requirements of the permit on your construction site. Before submitting your 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 2022 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.

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

EPA Headquarters: CGP@epa.gov

EPA Regional Offices contacts

State NPDES program contacts