

EPA's Construction General Permit



**National Pollutant Discharge Elimination System
General Permit for Discharges from
Construction Activities**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et. seq.*, (hereafter CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Part 1.1.a and Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) general permit, are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of earth-disturbing activities" (see Appendix A) until "final stabilization" (see Part 2.2).

This permit becomes effective on **February 16, 2012**.

This permit and the authorization to discharge expire at midnight, **February 16, 2017**.

Signed and issued this 16th day of February, 2012

H. Curtis Spalding
Regional Administrator, Region 1

Signed and issued this 16th day of February, 2012

John Filippelli
Director, Division of Environmental Planning &

Signed and issued this 16th day of February, 2012

William K. Honker, P.E.
Acting Director, Water Quality Protection Division,
Region 6

Signed and issued this 16th day of February, 2012

Karen Flournoy

<u>Permit No.</u>	<u>Areas of Coverage/Where EPA is Permitting Authority</u>
COR12000F	Areas in the State of Colorado, except those located on Indian country, subject to construction activity by a Federal Operator
COR12000I	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR12000I	Indian country within the State of Montana
NDR12000I	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10000I listed below)
SDR12000I	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10000I listed above)
UTR12000I	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYR12000I	Indian country within the State of Wyoming

US EPA http://cfpub.epa.gov/npdes/stormwater/cgpenoi.cfm

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EPA's Electronic Construction General Permit Notice of Intent (eNOI) Home Page

Important eNOI Registration Information:

To submit a Notice of Intent (NOI) or Notice of Termination (NOT) under the 2012 CGP or to submit a Low Erosivity Waiver (LEW) form:

The electronic application for obtaining coverage under the 2012 Construction General Permit (CGP) and under the Low Erosivity Waiver (LEW) is accessed through a new program in EPA's Central Data Exchange (CDX), which you must add to your CDX account profile. **Note: the "SWENOI" program in CDX that was used for filing 2008 CGP NOIs and LEWs has been disabled for the CGP, and can only be used to obtain MSGP coverage.**

- For NOI applicants with existing CDX accounts, [click here for registration instructions \(PDF\)](#) (5 pp, 413K).
- For NOI applicants without existing CDX accounts, [click here for registration instructions \(PDF\)](#) (4 pp, 270K).





Central Data Exchange



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Welcome

Welcome to the Environmental Protection Agency (EPA) Central Data Exchange (CDX) - the Agency's electronic reporting site. The Central Data Exchange concept has been developed as a central point which supplements EPA reporting systems by performing new and existing functions for receiving legally acceptable data in various formats, including consolidated data.

Warning Notice and Privacy Policy

Warning Notice

EPA's Central Data Exchange Registration procedure is part of a United States Environmental Protection Agency (EPA) computer system, which is for authorized use only. Use of this computer system may subject violators to criminal, civil, and/or administrative action. All information on this computer system may be monitored, recorded, and disseminated.

Primary Differences with EPA's Permit:

- 1. Endangered Species**
- 2. Historical Properties**
- 3. Stream Buffers**
- 4. Documentation (Corrective Actions)**

Endangered Species

D.1 ESA Eligibility Criteria

- Criterion A. No federally-listed threatened or endangered species
- Criterion B. Construction site discharges were already addressed in another operator's certification
- Criterion C. Endangered species or critical habitat is likely to occur and you are not likely to adversely affect
- Criterion D. Written concurrence from the Fish and Wildlife Service
- Criterion E. Formal concurrence from the Fish and Wildlife Service notes a "no jeopardy" opinion
- Criterion F. Construction activities are authorized through a Fish and Wildlife Service Section 10 permit

http://www.fws.gov/northdakotafieldoffice/county_list.htm

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COUNTY OCCURRENCE OF ENDANGERED, THREATENED, AND CANDIDATE SPECIES DESIGNATED CRITICAL HABITAT IN NORTH DAKOTA

To view and print a pdf file of the species that are in each county, click [here](#)

McLean, Mountrail, Dunn, McKenzie, Mercer and Ward counties

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County Occurrence of Endangered, Threatened, Proposed and Candidate Species and Designated Critical Habitat in North Dakota

March 2014

Species	M c L e a n	M e r r e n	M o r t o n	M o u n t a i n	N e l s o n	O l i v e r	P e m b i n a	P i e r c e	R a m s e y	R a n s o m	R e n v i l l e	R i c h l a n d	R o l e t e	S a r g e n t	S h e r i d a n	S i o u x	S l o p e	S t a r k	S t e e l e	S t u t s m a n	T o w n e r	T r a i l l	W a l s h	W a r d	W e l l s	
Interior Least Tern - E	X	X	X	X		X										X										
Whooping Crane - E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Black-footed Ferret - E		X	X			X										X	X	X								
Pallid Sturgeon - E	X	X	X	X		X										X										
Gray Wolf - E	X	X	X	X		X					X					X	X	X							X	
Piping Plover - T	X	X	X	X		X		X			X				X	X					X				X	
Western Prairie Fringed Orchid - T										X		X														
Dakota Skipper - P	X			X		X		X		X		X		X							X				X	
Poweshiek Skipperling - P												X		X												
Northern Long-Eared Bat - P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Rufa Red Knot - P																										
Sprague's Pipit - C	X	X	X	X		X	X	X	X	X	X		X	X	X	X	X	X		X	X			X	X	
Greater Sage-Grouse - C																	X									

Designated Critical Habitat

Example - Criterion C.

Endangered species or critical habitat is likely to occur and you are not likely to adversely affect

Oftedal reviewed the USFWS website for federally listed threatened/endangered species that are likely present in the area where Oftedal is contracted by NDDOT to reconstruct portions of ND Highway 22 in McKenzie County, North Dakota. The identified species, their status and actions Oftedal will take to mitigate construction impacts on the species and its' habitat are outlined in the table below:

Status	Species	Action to Mitigate Construction Impact on Species
E	Crane, whooping	If crane is sighted within 1/2 mile of work activities work shall stop and Oftedal will contact USFWS.
E	Ferret, black-footed	No impacts to ferret anticipated.
T	Plover, piping	No impacts to plover are anticipated. Prior to work activities in or near wetlands (plover habitat) Oftedal project management staff shall visually survey the area for plover activity. Plover sightings' shall be reported to NDDOT project engineer for consultation on continued work activities.
E	Sturgeon, pallid	Work activities with potential impact to sturgeon is pumping water from Bear Den Creek and Clarks Creek for dirt compaction and dust abatement purposes. Screens will be placed around hose inlets to avoid sturgeon being drawn into pump and pipe.
E	Tern, least	Location of work, is fair distance from tern habitat (shore lines). It's believed construction activities will not jeopardize the continued existence of species nor cause adverse modification to tern habitat.
E	Wolf, gray	Nomadic nature of species and no notable populations in the area support construction activities will not jeopardize the continued existence of species.

Please provide suggestion or opinion regarding the efforts outlined above to protect the noted species during construction activities.

Historical Properties

Appendix E – Historic Property Screening Process

- Step 1 *Are you installing any stormwater controls that require subsurface earth disturbance?*
- Step 2 *Have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?*
- Step 3 *If you are installing any stormwater controls that require subsurface earth disturbance, you must determine if these activities will have an effect on historic properties.*
- Step 4: *If you are installing any stormwater controls that require subsurface earth disturbance and you have not satisfied the conditions in Steps 1-3, you must contact and consult with the appropriate historic preservation authorities.*

You must submit the following minimum information in order to properly initiate your request for information:

1. Project name (*i.e.*, the name or title most commonly associated with your project);
2. A narrative description of the project;
3. Name, address, phone and fax number, and email address (if available) of the operator;
4. Most recent U.S. Geological Survey (USGS) map section (7.5 minute quadrangle) showing actual project location and boundaries clearly indicated; and
5. Sections of SWPPP site map (see Part 7.2.6) that show locations where stormwater controls that will cause subsurface earth disturbance will be installed (see Step 1).

Without submitting this minimum information, you will not have been considered to have properly initiated your request. You will need to provide the SHPO, THPO, or other tribal representative a minimum of 15 calendar days after they receive these materials to respond to your request for information about your project. You are advised to get a receipt from the post office or other carrier confirming the date on which your letter was received.



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Website Shortcuts:

1. Report: "Tribal Consultation: Best Practices in Historic Preservation"
2. Report: "Federal Agency Implementation of NAGPRA"
3. THPOs Contact Information
4. Report: "Tribal Tourism Toolkit"
5. National Park

THPOs Contact List

Alabama

Poarch Band of Creek Indians
Robert Thrower, THPO
5811 Jack Springs Road
Atmore, AL 36502
Tel: 251.368.9136 x 2052
Fax: 251.368.2293
Email: rthrower@pci-nsn.gov

Alaska

Organized Village of Kake
Robert Mills, THPO
PO Box 316
Kake, AK 99830
Tel: 907.785.6471 x 121
Fax: 907.785.4902
Email: RDMills@KakeFirstNation.org

Arizona

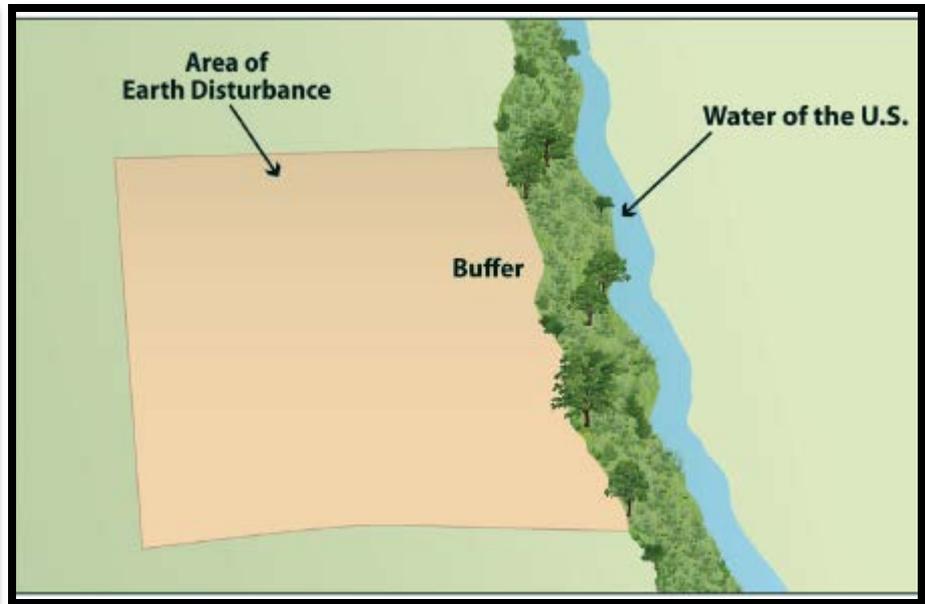
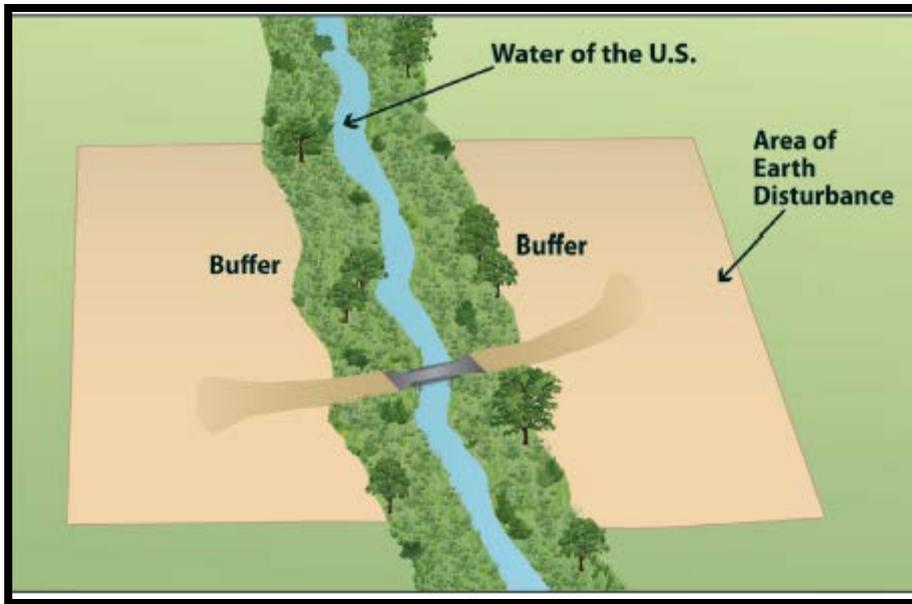
Gila River Indian Community
Barnaby V. Lewis, THPO
PO Box 2140
Sacaton, AZ 85147
Tel: 520.562.7162
Fax: 520.562.5083
Email: barnaby.lewis@gric.nsn.us

www.nathpo.org

Stream Buffers

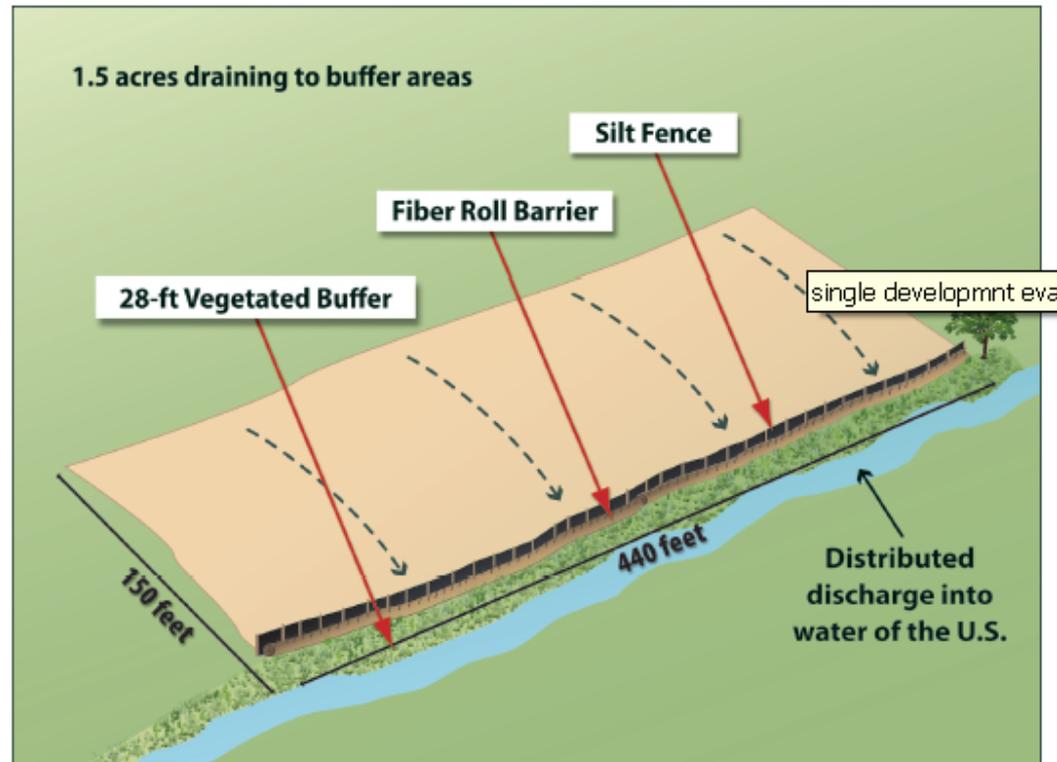
Appendix G – Buffer Guidance.

- Additional protection is required for any waters of the U.S. that are located on or immediately adjacent to the site



Stream Buffer Alternative

- ▶ **Step 1:** Estimate Sediment Reduction from 50-foot Buffer:
- ▶ **Step 2:** Design Controls that Match Sediment Removal Efficiency of 50-ft Buffer
- ▶ **Step 3:** Document How Site-Specific Controls Will Achieve Sediment Removal Efficiency of 50-ft Buffer



Estimating Sediment Reduction

▶ **Step 1: Determine Risk Level**

Table G - 2. Risk Levels for Sites with Average Slopes of ≤ 3 Percent

Soil Type Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Low	Moderate	Low	Moderate	Moderate
American Samoa	Moderate	Moderate	Moderate	Moderate	High
Massachusetts and New Hampshire	Low	Moderate	Low	Low	Moderate
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Low
Washington D.C.	Low	Moderate	Low	Low	Moderate

Estimating Sediment Reduction

▶ **Step 2: Additional Controls Based on Risk**

Table G - 7. Alternative 2 Requirements²

Risk Level Based on Estimated Soil Erosion	Retain ≥ 50' Buffer	Retain <50' and >30' Buffer	Retain ≤30' and >10' Buffer	Retain ≤ 10' Buffer
Low Risk	No Additional Requirements	No Additional Requirements	Double Perimeter Control	Double Perimeter Control
Moderate Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization
High Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization	Double Perimeter Control and 7-Day Site Stabilization

Estimating Sediment Reduction

- ▶ **Step 2 Alternative:** Determine Sediment Removal Efficiency and Model Effectiveness Using an Erosion Control Model (e.g., SEDIMOT)

Table G - 8. Estimated 50-foot Buffer Performance in Idaho*

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue Grass	42	52	44	48	85
Medium-density Weeds	28	30	28	26	60
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	25	26	24	24	55
Northern Mixed Prairie Grass	28	30	28	26	50
Northern Range Cold Desert Shrubs	28	28	24	26	50

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

Corrective Actions

5.1. “CORRECTIVE ACTIONS” DEFINED.

Corrective actions are actions you take in compliance with this Part to:

- Repair, modify, or replace any stormwater control used at the site;
- Clean up and properly dispose of spills, releases, or other deposits; or
- Remedy a permit violation.

Corrective Actions

- ▶ Repair within 7 days from discovering:
 - ▶ A required control was never installed or was installed incorrectly
 - ▶ Stormwater controls installed will not meet water quality standards
 - ▶ A prohibited discharge occurred

Corrective Actions

- ▶ Report:
 - ▶ Within 24 hours:
 - ▶ The condition
 - ▶ The nature of the condition
 - ▶ The date and time and method of discovery
 - ▶ Within 7 days:
 - ▶ Follow-up analysis actions
 - ▶ A summary of stormwater control modifications
 - ▶ Notice whether SWPPP modifications are needed

