

EPA solicits comment on proposed construction general permit

McAfee & Taft RegLINC - May 2011

By Heidi Slinkard Brasher

Stormwater discharge from construction activities regulated under the National Pollutant Discharge Elimination System (NPDES) program require issuance of an NPDES permit from either the state regulatory agency or the EPA. While some states have permitting authority, the EPA may be the appropriate permitting entity for certain areas within those states, e.g., Indian Country in states including Oklahoma, Texas, Kansas, Louisiana and Michigan. Nearly all permits issued by the EPA are construction general permits (CGP).



On April 25, 2011, the EPA filed a notice proposing extension of the 2008 CGP usage until January 31, 2012. On the same day, the EPA published notice of the proposed CGP. Public comment will be accepted until June 24, 2011. The proposed modifications include enhanced protections and new requirements to implement the new effluent limitations guidelines and source performance standards that became effective on February 1, 2010. This includes restrictions on erosion and sediment control, stabilization and pollution prevention. In addition to reorganizing the structure and appearance of the permit, other proposed changes include:

- Immediate authorization for public emergency response activities
- Increase in the new project waiting period to 30 days to enable endangered species-related reviews required for authorization and to maximize use of eNOI process authorizing discharges

- Implementation of the construction & development (C&D) rule's sediment and erosion control limits, including

- Buffer compliance alternatives
- Sediment control installation prior to construction
- Sediment removal requirements
- Stabilization of entrance and exits
- Storm drain inlet controls
- Sediment discharge reduction with treatment chemicals are subject to use restrictions and design requirements
- Dewatering controls and discharge restrictions



- More specific temporary and final stabilization requirements for vegetative and non-vegetative stabilization
- Location restrictions and design standards for pollution prevention requirements including the restriction of fertilizer discharge
- Numeric turbidity limit, applicability, sampling and reporting requirements
- Water quality-based effluent limits
- Requirement that site inspections occurring during discharge-generating rain events include visual assessment of quality of discharge
- Corrective action requirements, including specific triggering conditions, deadlines and documentation
- Additional requirements for termination of permit coverage, including removal of all temporary stormwater controls, construction materials, wastes and waste-handling devices

Following consideration of public comments, the EPA anticipates issuing the final CGP by January 31, 2012.

LINKS

- [Heidi Slinkard Brasher's Bio](#)
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