

Construction General Permit (CGP) Information

The Environmental Protection Agency's (EPA's) National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) is required for any construction activity that disturbs one acre or more of land. Also, under EPA's NPDES Municipal Separate Storm Sewer System (MS4) and certain Massachusetts Department of Environmental Protection (MassDEP) requirements, the Department of Conservation and Recreation (DCR) is required to implement and track CGPs for annual reporting and NPDES compliance. The CGP requires project managers to obtain a permit by applying for coverage through EPA's link provided below and preparing a plan to implement and document construction site Erosion and Sediment Controls (ESC) to reduce soil erosion during and after construction activities and prevent pollution from the construction site. The CGP permit recently expired and EPA issued a new permit; reference link: [2022 CGP | epa.gov](#).

The CGP triggers certain requirements including:

- Evaluation of threatened or endangered species and historic property status, or other applicable requirements prior to submitting CGP Notice of Intent (NOI).
- Filing CGP NOI electronically (See Guidelines below).
- Developing site specific Stormwater Pollution Prevention Plan (SWPPP) for implementation during construction activities.
- Perform site inspection, pollution prevention, corrective action, and comply with documentation requirements.
- Electronically filing CGP Notice of Termination (NOT) following post-construction activities.

Operators are required to update existing NOIs/SWPPPs under the new 2022 CGP document [effective Feb. 17th].

Recent changes by EPA require all open CGP's to re-file even if the contractor filed an NOI for permit coverage under the 2022 CGP. EPA is now requiring all parties with operational control to file.

EPA's definition of 'Operator' -

Operators requiring permit coverage include any party associated with a construction activity that meets either of the following two criteria:

- The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (for example, in most cases this is the owner of the site); or
- The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor (as defined in CGP Appendix A) of the project).

Where there are multiple operators associated with the same project, all operators must obtain permit coverage. Subcontractors generally are not considered operators for the purposes of this permit.

To ensure DCR complies with EPA and MassDEP requirements, DCR must file NOIs for all applicable DCR construction projects; assume responsibilities for SWPPP development/review, site plan reviews, and site inspections; and file Notice of Termination (NOT) when project is fully stabilized to close out the permit.

DCR reports projects which have filed for CGP coverage using the EPA website through the link: [Permit Search | epa.gov](#)

Guidelines:

It is important that Project Managers be made aware of the threshold for CGP requirements while engaged with the Green Docket process.

- Reference flow chart/footnotes to determine project applicability at link: [CGP Flowchart - Do I Need a Permit? | epa.gov](#). Also, check to see if filing with MassDEP's general permit for state stormwater discharges (WM15) is warranted.
- Evaluation of threatened or endangered species and historic property status, or other applicable requirements prior to submitting CGP NOI.
- Complete and submit a Notice of Intent (NOI) to EPA via the link: [NPDES Reporting Tool | epa.gov](#).
- Contractor will develop a Stormwater Pollution Prevention Plan (SWPPP) using Template at link: [CGP Resources, Tools, and Templates | US EPA](#); Review and approval by DCR.

- Conduct required inspections to verify compliance with permit. Inspections may only be conducted by a qualified person (reference link: [CGP Inspector | epa.gov](#)) who has either:
 - Completed the EPA's [Construction Inspection Course | epa.gov](#) (this training needs to be completed on or before Feb. 17th, 2023) and passed the exam, or;
 - Holds a current construction inspection certification or license from a program that covers the same core material as EPA's inspection course.
- Comply with turbidity monitoring requirements (reference link: [CGP Turbidity Benchmark Monitoring | epa.gov](#)) for dewatering discharges to sensitive waters (if applicable).
- Comply with any State, Tribal, or territory-specific requirements in Part 9 of the permit.
- Submit for termination of permit coverage by filing a Notice of Termination (NOT) once the site has been stabilized.

Resources:

Reference EPA provided link here: [2022 CGP | epa.gov](#).

Thomas Valton, DCR Director of Environmental Services

Debra Berger, DCR Stormwater Program Manager

Robert Lowell, DCR Deputy Chief Engineer

DCR Stormwater Webpage for CGP Information

For DCR compliance with the Construction General Permit, CGP NOI requires owner signature and is subject to the Green Docket approval process.