



North Carolina Department of Environment and Natural Resources

Division of Water Quality

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CHANGES IN THE NPDES PERMIT (NCG01)

Effective August 3, 2011, the North Carolina Division of Water Quality (DWQ) issued a new NPDES General Stormwater Permit for Construction Activities (NCG010000). A copy of the permit can be found at: <http://portal.ncdenr.org/web/wq/ws/su/construction>. Also on that web page, DWQ has provided a summary entitled “Major Elements of DWQ Construction General Permit.” There are some significant changes in what is required at a construction site to comply with the NPDES Construction General Permit, including:

1. Ground stabilization in 7 days on perimeter areas and slopes greater than 3:1,
2. Ground stabilization in 14 days on other areas,
3. Basin outlet structures withdraw water from the surface.

Other provisions are described in the “Major Elements” document mentioned above.

Why did the Permit Change?

As a result of a national court case, the federal Environmental Protection Agency (EPA) was required to develop Effluent Limitations Guidelines (ELGs) that apply to construction sites. Those guidelines mandate quicker ground cover for all areas of a site with additional controls in areas of high slopes or sensitive waters. The more-stringent controls are required by EPA to be included in any state’s Construction General Permit issued after February 2010.

DWQ staff worked with Division of Land Resources (DLR) staff for the past 12 months to consider what changes should be made and co-chaired a group to provide guidance. The group, called the Construction General Permit Technical Advisory Group (CTAG), was comprised of 14 members who represented a broad range of environmental, regulatory, government and development interests.

How Will the New Conditions Be Implemented?

The new permit does not modify the current state laws or rules. However, coverage under the NPDES Construction General Permit shall only become effective upon issuance of an approval for the Erosion and Sedimentation Control Plan by DLR or the delegated local program that includes the following:

1. Designation on the plans where the quicker ground stabilization requirements apply.
2. Location of basins where the surface withdrawal requirements apply.

If the approved plan does not contain these conditions, the project does not qualify for coverage under the NPDES Construction General Permit and is not permitted to discharge stormwater. In order to obtain coverage, the plan must be modified to comply with the conditions listed above or an application for an Individual NPDES Stormwater Permit must be submitted to DWQ.

DWQ recognizes that the changes in this permit will lead to significant changes in the planning, design and implementation of construction projects. We will focus our efforts towards education and consistency and work with those affected in implementing these changes.

If you have questions about the NPDES Construction General Permit, please contact Boyd DeVane in the Division of Water Quality at 919-807-6373 or at boyd.devane@ncdenr.gov.