1 STATE SPECIFIC NPDES REQUIREMENTS:

Below is a summary for NPDES permitting within states within FHWA-CFLHD's division boundary. Each state permit is normally issued for a period of 5 years. However, some states are not able to meet the 5-year deadline to re-issue the permits and administratively extend the permits until the new permit can be issued. Additional details for each state can be found detailed in their respective permits and regulatory agency websites.

1.1 ARIZONA

	General Permit for Stormwater Discharges Associated with Construction
Permit	Activity to Waters of the United States,
	July 1, 2020 – June 30, 2025
Website link	https://static.azdeq.gov/permits/azpdes/cgp_permit.pdf
Regulating	Arizona Danartmant of Environmental Quality
Agency	Arizona Department of Environmental Quality
Coverage	 Construction activities (earth-disturbing; large, small, and support) that disturb 1 or more acres of land or less than 1 acre as part of common plan of development that is more than 1 acre Impaired waters with outfalls within 0.25 mile upstream of impaired waters have
Requirement	additional requirements
Requirement	• Outstanding Arizona waters with outfalls within 0.25 mile upstream have additional requirements
	• Erosivity waiver option for small construction activities (less than 5 acres)
Who is required to obtain permit coverage	All operators must submit an NOI for the project. Operators are: 1) Owner or owner's agent that has control of plans and specifications 2) Contractor with day to day implementation The SWPPP can be joint as long as the document has assignment of responsibilities.
SWPPP	Template available
NOI Requirement	 Online NOI submittal, immediate certification except when SWPPP is submitted if outfalls to impaired or outstanding waters within ½ mile upstream Notify ADEQ to get erosivity waiver certification Fees must be paid prior to coverage; accepts credit card
Link to	
Online	AZDEQ NOI
System	
Fee(s)	<1 ac: \$250 annual 1-50 ac: \$350 annual >50 ac: \$500 annual \$1000 for SWPPP review \$500 for 2nd SWPPP review >1 ac but less <5 ac Low Erosivity Waiver: \$700
	No fee for using a credit card

Permit	General Permit for De Minimis Discharges to Waters of the U.S., June 1, 2016 – May 31, 2021
Website	http://azdeq.gov/sites/default/files/final_dmgp_2016.pdf
Regulating Agency	Arizona Department of Environmental Quality
Coverage Requirement	 Certain non-stormwater discharges, like subterranean dewatering Exceptions apply
SWPPP	Best Management Practice Plan may be required
Who is required to obtain permit coverage	The applicant submitting a Notice of Intent (NOI) must be a person having control of those activities related to the subject discharge which are necessary to ensure compliance with the conditions of this permit, and who takes responsibility for such compliance.
NOI Requirement	Online NOI submittal, immediate certification unless certain circumstances require longer ADEQ review (assume 30 days if so) Fees must be paid prior to coverage; credit card accepted
Link to Online System	AZDEQ NOI
Fee(s)	\$250 for single source \$1000 for BMP plan review Annual fee if longer than 1 year

1.2 CALIFORNIA

	General Permit for Storm Water Discharges Associated with Construction and
Permit	Land Disturbance Activities,
	July 1, 2010 – September 2, 2014 (extended pending new permit)
Website link	https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml
Regulating	California State Water Resources Control Board and Regional Water Quality Control
Agency	Boards
Coverage Requirement	 Construction or demolition activities (ground or soil disturbing) that disturb 1 or more acres of land or less than 1 acre as part of common plan of development that is more than 1 acre Routine Maintenance projects do not require coverage
	 Routine Maintenance projects do not require coverage Erosivity waiver option for small construction activities (less than 5 acres)
Who is required to obtain permit coverage	Land Owner (or contracting agency) but not transferrable to the contractor.
SWPPP	QSD must prepare SWPPP Risk level used for BMPs

	Post-construction BMPs if net increase in impervious area CASQA has SWPPP templates
NOI Requirement	 Online NOI submittal through SMARTS with immediate certification pending Board verification SWPPP submitted electronically Fee paid via credit card after NOI submitted. Waiver request through SMARTS
Link to Online System	https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml
Fee(s)	Annual fee based on acreage disturbed, \$400-\$6,700 \$200 for Low Erosivity Waiver Credit card fee is 2.3%

Permit	General WDRs and NPDES General Permit for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit, January 1, 2017 – December 31, 2021 Counties of Alpine, El Dorado, and Placer
Website link	https://www.waterboards.ca.gov/lahontan/water_issues/programs/storm_water/docs/r6t_2016_0010_cgp_combined.pdf
Regulating Agency	Lahontan Regional Water Quality Control Board
Coverage Requirement	 Construction or demolition activities (ground or soil disturbing) that disturb 1 or more acres of land or less than 1 acre as part of common plan of development that is more than 1 acre Routine Maintenance projects do not require coverage No erosivity waiver
Who is required to obtain permit coverage	Land Owner (or contracting agency) but not transferrable to the contractor
SWPPP	 QSD must prepare SWPPP Risk level used for BMPs and is the same for all projects in this special area Post-construction BMPs if net increase in impervious area CASQA has SWPPP templates
NOI Requirement	 Online NOI submittal through SMARTS with certification pending Board verification SWPPP submitted electronically Fee paid via check once invoice generated in SMARTS Waiver request through SMARTS
Link to Online System	https://smarts.waterboards.ca.gov/smarts/faces/SwSmartsLogin.xhtml
Fee(s)	Annual fee based on acreage disturbed, \$400-\$6,700 \$200 for Low Erosivity Waiver 2.3% credit card fee

1.3 COLORADO

Permit	General Permit for Discharges from Construction Activities, February 16, 2017 – February 16, 2022
Website link	https://www.epa.gov/npdes/epas-2017-construction-general-permit-cgp-and-related-documents
Regulating Agency	U.S. EPA, Region 8
Who is required to obtain permit coverage	All operators must submit an NOI for the project. Operators are: 1) Owner or owner's agent that has control of plans and specifications 2) Contractor with day to day implementation The SWPPP can be joint as long as the document has assignment of responsibilities.
Coverage Requirement	 Construction activities that disturb 1 or more acres of land or less than 1 acre as part of common plan of development that is more than 1 acre Federal operators only in CO Requires ESA and NHPA compliance
SWPPP	EPA SWPPP template available on EPA website
NOI Requirement	 Online NOI submittal through NeT (NPDES eReporting Tool), allowing 14-day review by EPA SWPPP must be prepared, but is not submitted unless requested
Link to Online System	https://cdxnodengn.epa.gov/oeca-cgp-web/action/login
Fee(s)	No fee

1.4 HAWAII

	NPDES General Permit Authorizing Discharges of Storm Water Associated with
Permit	Construction Activity
	February 9, 2019 to February 8, 2024
Website link	https://health.hawaii.gov/cwb/files/2018/08/11-55-App-C-A.pdf
Regulating Agency	Hawaii Department of Health, Clean Water Branch
Coverage Requirement	 Construction activities (soil disturbance, pavement resurfacing if base course or soil exposed, grubbing) that disturb 1 or more acres of land or less than 1 acre as part of common plan of development that is more than 1 acre Exceptions for certain types of waters

Who is required to obtain permit coverage	The owner or it's duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the construction activity. SWPPP must list all contractors and subcontractors working on the project. Not transferrable to the contractor.
SWPPP	HIDOT and Honolulu have templates that may be useful
NOI Requirement	 Online NOI submittal through DOH site plus CD and signature page of submittal, allowing at least 30 days for DOH review Fee paid via credit card online with NOI.
Link to Online System	https://eha-cloud.doh.hawaii.gov/epermit/app/#/formversion/261523b1-1d61-4306-802e-1c8cbae5700d
Fee(s)	\$500 fee per NOI, no annual fee noted. Some fees for major modifications.

1.5 KANSAS

Permit	Kansas Water Pollution Control General Permit and Authorization to Discharge Stormwater Runoff from Construction Activities under the NPDES, August 1, 2017 – July 31, 2022
Website link	https://www.kdheks.gov/stormwater/download/Stormwater_Runoff_from_Construction_Activities_8-1-2017.pdf
Regulating Agency	Kansas Department of Health and Environment
Coverage Requirement	• Construction activities (soil disturbing) that disturb 1 or more acres or less than 1 acre as part of common plan of development that is more than 1 acre
Requirement	• Routine maintenance that disturbs less than 5 acres does not require coverage.
Who is required to obtain permit coverage	Owners or operators of construction activities which may disturb one (1.0) or more acres of soil or are part of a larger common plan of development or sale which may disturb a cumulative total of one (1.0) or more acres of soil must obtain authorization to discharge stormwater runoff from construction activities.
	Contractor can hold permit, but review time is 60 days.
SWPPP	No template; NOI instructions list information required
NOI Requirement	 NOI and SWPPP submitted in hard copy, allowing at least <u>60</u> days for KDHE review Original signed NOI required by Division Director or Assistant Director Fee paid via check with submittal
Link to Online System	<u>n/a</u>
Fee(s)	\$60 annually

1.6 NEBRASKA

Permit	Authorization to Discharge Under the NPDES for Storm Water Discharges from Construction Sites to Waters of the State of Nebraska, November 1, 2016 – October 31, 2021
Website link	http://deq.ne.gov/Publica.nsf/pages/WAT012
Regulating Agency	Nebraska Department of Environmental Quality
Coverage Requirement	 Large and small construction activities (land disturbance of more than 1 acre or less if part of common plan; change in topography, soil cover, or soil topography) Requires consideration of federally and state-listed species and critical habitat
Who is required to obtain permit coverage	Owner: Person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual as the lease holder; or the contacting government agency responsible for the construction activity. Operator: Person (often the general contractor) designated by the owner, who has day-to-day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The person shall be knowledgeable in those areas of the permit for which the operator is responsible. Permittee: Can be person(s), firm, or governmental agency or other institution that signs the application submitted to the Department and is responsible for compliance with the terms and condition of this permit.
SWPPP	NDOR has template that may be useful. Qualified personnel must prepare SWPPP
NOI Requirement	 Online NOI submittal through NE CSW site, allowing at least 7 days for review SWPPP must be prepared and made available upon request No fee identified in permit
Link to Online System	https://ecmp.nebraska.gov/DEQ-CSW
Fee(s)	No Fee

1.7 New Mexico

Permit	General Permit for Discharges from Construction Activities, February 16, 2017 – February 16, 2022
Website link	https://www.epa.gov/npdes/epas-2017-construction-general-permit-cgp-and-related-documents
Regulating Agency	U.S. EPA, Region 6
Coverage Requirement	• Construction activities that disturb 1 or more acres of land or less than 1 acre as part of common plan of development that is more than 1 acre

	Requires ESA and NHPA compliance
Who is required to obtain permit coverage	All operators must submit an NOI for the project. Operators are: 1) Owner or owner's agent that has control of plans and specifications 2) Contractor with day to day implementation The SWPPP can be joint as long as the document has assignment of responsibilities.
SWPPP	SWPPP template available
NOI Requirement	 Online NOI submittal through NeT (NPDES eReporting Tool), allowing 14-day review by EPA SWPPP must be prepared, but is not submitted unless requested
Link to Online System	https://cdxnodengn.epa.gov/oeca-cgp-web/action/login
Fee(s)	No fee

1.8 NEVADA

Permit	Permit for Stormwater Discharges Associated with Large Construction Activity, Small Construction Activity and Industrial Activity from Temporary Concrete, Asphalt and Material Plants or Operations Dedicated to the Permitted Construction Project, January 5, 2015 – January 4, 2020 Administratively extended at this time.
Website link	https://ndep.nv.gov/water/water-pollution-control/permitting/stormwater-discharge-permits/construction-sites-greater-than-1-acre
Regulating Agency	Nevada Department of Environmental Protection, Bureau of Water Pollution Control
Coverage Requirement	 Large and small construction activities and associated industrial activities (clearing, grading, excavating, stockpiling, similar activities, and support activities) No coverage if less than 1 acre unless NDEP determines coverage needed or part of common plan or if routine maintenance that disturbs less than 5 acres Some exceptions to coverage
Who is required to obtain permit coverage	Project Owner and Operator (Applicant) Information – Name, Address, City, State, Zip Code, Phone Number(s) and Tax Identification Number for both the owner and operator. All information on one NOI with all being responsible parties to the permit. Separate NOI's are no longer required.
SWPPP	SWPPP template available
NOI Requirement	 Online NOI submittal through NDEP site plus hard copy submittal, allowing at least 14 days for review Original signed NOI required SWPPP must be prepared, but is not required to be submitted Fee paid via online system

Link to	
Online	https://genpermits.ndep.nv.gov/
System	
Fee(s)	\$200 filing and annual fee
ree(s)	2.5% credit card fee

1.9 NORTH DAKOTA

	Authorization to Discharge Under the North Dakota Pollutant Discharge
Permit	Elimination System
1 SI IIII	April 1, 2020 – March 31, 2025
Website	https://deq.nd.gov/publications/wq/2 NDPDES/Stormwater/Construction/NDR11per20
link	200401F.pdf
Regulating	North Dakota Department of Health, Division of Water Quality
Agency	The first Bankow Boparonient of Heartin, Birliston of Water Quarty
Coverage Requireme	 Large and small construction activities and associated industrial activities (land disturbance of more than 1 acre or less if part of common plan; change in topography, soil cover, or soil topography)
nt	Routine maintenance not included
	Some exceptions to coverage
Who is required to obtain permit coverage	The owner, or owner jointly with the operator (usually the general contractor), shall submit a completed application for this permit. The owner is responsible for compliance with all terms and conditions of this permit. The operator has day to day supervision of construction activities and is jointly responsible with the owner for compliance with the permit conditions as they pertain to the construction activities delegated to the operator.
SWPPP	SWPPP template available https://deq.nd.gov/publications/wq/2_NDPDES/Stormwater/Construction/SWPPP2_012 016.docm
NOI Requireme nt	 NOI submittal in hard copy or electronically via email, allowing 7 days for review SWPPP must be prepared and made available upon request No fee required
Link to Online System	Email for submittal: stormwater@nd.gov
Fee(s)	No fee

1.10 OKLAHOMA

Permit	General Permit for Stormwater Discharges from Construction Activities Within the State of Oklahoma, October 18, 2017 – October 17, 2022
Website link	https://www.deq.ok.gov/wp-content/uploads/water-division/Final-CGP-2017.pdf

Regulating Agency	Oklahoma Department of Environmental Quality
Coverage Requirement	 Construction activities (earth/soil disturbance, associated activities) that disturb 1 or more acres of land or less than 1 acre as part of common plan of development that is more than 1 acre Requires consideration of federally and state-listed species Some exceptions to coverage
Who is required to obtain permit coverage	Permittees may meet one or both of the operational control components in the definition of "operator." Project can be covered under one permit with multiple operators if there is a common SWPPP.
SWPPP	SWPPP template available (EPA with references deleted for EPA permit)
NOI Requirement	 NOI submittal in hard copy or electronically via email, allowing 14 days for review (30-45 days if SWPPP submitted) SWPPP must be prepared and submitted in certain circumstances (Aquatic Resource of Concern, >40 acres of disturbance, etc.) Fee paid over phone by credit card
Link to Online System	Email for submittal: <u>ECLS-StormwaterPermitting@deq.ok.gov</u>
Fee(s)	Currently \$447.71 first year plus \$347.71 annually (Changes with inflation every year)

1.11 SOUTH DAKOTA

Permit	General Permit for Storm Water Discharges Associated with Construction Activities, 04/01/2018 to 3/31/2023
Website link	https://denr.sd.gov/des/sw/IPermits/ConstructionGeneralPermit2018.pdf
Regulating Agency	South Dakota Department of Environment and Natural Resources, Surface Water Quality Program
Coverage Requirement	 Construction activities (soil disturbance) that disturb 1 or more acres of land or less than 1 acre as part of common plan of development that is more than 1 acre No exemption for routine maintenance Some exceptions to coverage
Who is required to obtain permit coverage	"Operator" means the owner, party, person, general contractor, corporation, or other entity that has day-to-day operational control over a construction project. The operator, along with the owner, is responsible for ensuring compliance with all conditions of the General Permit and with development and implementation of the "Storm Water Pollution Prevention Plan". NOI - This form must be signed by the site owner, not a contractor To request coverage under this General Permit, the owner shall complete a Notice of Intent (NOI) form, and submit it. The owner identifies the contractor responsible for the day to day operation of the construction site. The contractor submits a Contractor Certification Form to DENR prior to commencing work and the NOI becoming active.

SWPPP	SWPPP template available http://denr.sd.gov/des/sw/SWPPPRequirements.aspx
NOI Requirement	 NOI submitted in hard copy, allowing at least 15 days for review SWPPP must be prepared, but is not submitted unless requested
Link to Online System	n/a NOI can be emailed to Stormwater@state.sd.us
Fee(s)	Annual Fees beginning July 1, 2018 must accompany the NOI. Grandfathered projects fees begin 1/1/2019. • <5 acres = \$100 • 5 to <40 acres = \$250 • 40 to <80 acres = \$500 • 80+ acres = \$750 Thank you for reaching out to the stormwater staff regarding payment options. We are set up to accept credit cards by phone. If you have any other questions, you may send me an email or check the Stormwater Permit for Construction Activities webpage for information regarding payment options.

1.12 TEXAS

	General Permit to Discharge Under the Texas Pollutant Discharge Elimination
Permit	System,
	March 5, 2018 – March 5, 2023
Website link	https://www.tceq.texas.gov/assets/public/permitting/stormwater/txr150000-cgp.pdf
Regulating Agency	Texas Commission on Environmental Quality
	• Large and small construction activities (soil disturbance; 1 or more acres unless part of common plan)
Coverage Requirement	Routine maintenance not included
Requirement	Waivers for small construction activities available
	Some exceptions to coverage
	The primary operator must submit the NOI. If another primary operator is added,
Who is	they must meet the same requirements as the existing primary operation.
required to obtain permit coverage	All persons meeting the definition of "secondary operator" in Part I of this permit are hereby notified that they are regulated under this general permit, but are not required to submit an NOI, provided that a primary operator at the site has submitted an NOI.
SWPPP	SWPPP template available
NOI Requirement	• Posted notice at project site for <5 acres – no submittal

	• > 5 acres =NOI submittal electronically through STEERS (State of Texas Environmental Electronic Reporting System), allowing 14 days for review (30-45 days if SWPPP submitted)
	SWPPP must be prepared, but is not submitted unless requested
	Fee paid online by credit card
	• Erosivity Waiver form via hard copy, original required, allowing at least 2 days for confirmation – no fee
Link to Online System	STEERS
Fee(s)	\$225 for electronic NOI; (FHWA must pay by Credit Card) \$325 for paper NOI; No annual fee

1.13 Uтан

	Utah Pollutant Discharge Elimination System General Permit for Discharges
Permit	from Construction Activities,
	July 1, 2019 – June 30, 2024
Website link	https://documents.deq.utah.gov/water-quality/stormwater/construction/DWQ-2019-004173.pdf
Regulating Agency	Utah Department of Environmental Quality, Water Quality Division
Coverage	• Construction activities (earth disturbance; alter existing vegetation or underlying soil, soil compaction, movement of top soil) that disturb 1 or more acres of land or less than 1 acre as part of common plan of development that is more than 1 acre
Requirement	• Routine maintenance <5 acres is not included
	Waivers for small construction activities available
	Some exceptions to coverage
Who is required to obtain permit	Both the owner and the operator must sign the NOI and are identified in the NOI. Only one NOI permit application can provide coverage for one area under one owner and one operator. Operators must provide information, coordination, and/or contract
coverage	obligations so that all parties involved in the project perform by SWPPP and permit requirements.
SWPPP	SWPPP template available
NOI	NOI submittal electronically through Storm Water Permit Issuance System, effective immediately
NOI Requirement	SWPPP must be prepared, but is not submitted unless requested
	• Fee paid online by credit card or e-check (FHWA credit card only)
	Waiver certificate and fee required (also online)
Link to	
Online	https://cdxnodengn.epa.gov/net-cgp/action/login
System	

Fee(s)	\$150 annual
	\$50 for waiver

Permit	General Permit for Construction Dewatering and/or Hydrostatic Testing, February 1, 2020 – May 31, 2024
Website link	https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2019-005143.pdf
Regulating Agency	Utah Department of Environmental Quality, Water Quality Division
Coverage Requirement	 Dewatering of ground or surface water for construction and similar activities Some exceptions apply
Who is required to obtain permit coverage	The owner or operator that is discharging the water. This would generally be the contractor on FHWA projects.
SWPPP	
NOI Requirement	 NOI submittal electronically through Water Quality Online Permitting Dewatering and monitoring plan may be required Fee based on length of activity, paid online by credit card or e-check
Link to Online System	https://secure.utah.gov/account/log-in.html
Fee(s)	\$9.17 per month, with \$110 minimum and \$550 maximum fees

1.14 WYOMING

Permit	Large Construction General Permit to Discharge Storm Water Associated with Large Construction Activity Under the Wyoming Pollutant Discharge Elimination System, September 11, 2020 to August 1, 2025
Website link	http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/
Regulating Agency	Wyoming Department of Environmental Quality, Water Quality Division
Coverage Requirement	 Large construction activities, 5 or more surface acres, and associated dewatering and support activities Routine maintenance not included Some exceptions apply
Who is required to obtain permit coverage	"Operator" is the company, individual or organization that has day-to-day supervision and control of activities occurring at the construction site and/or the ability to modify project plans and specifications related to the SWPPP. This can be the owner, developer, the general contractor, or, in some cases, the agent of one of these parties. The operator is responsible for ensuring compliance with all conditions

	of the permit. The operator shall be knowledgeable in all areas necessary to comply with this permit.
	Only one of the Operators needs to submit the NOI, and it can be partially or fully transferred, when conditions change. If it is submitted by the contractor, it would have to be transferred at the end of construction to the owner or FHWA. As the owner's agent, FHWA can hold the permit from submittal to completion of construction or revegetation.
SWPPP	SWPPP template available
NOI Requirement	 NOI submittal via email, include SWPPP with NOI allow at least 30 days for review (10 days if expedited review requested) Original signature required with hard copy Sage grouse must be considered Fees due with NOI
Link to Online System	Submit documents online at WDEQ WYPDES Document Uploads (smartsheet.com)
Fee(s)	\$200 per year that permit is needed within permit dates 2.5% credit card fee http://deq.wyoming.gov/e-payment/

Permit	General Permit to Discharge Storm Water Associated with Small Construction Activity Under the Wyoming Pollutant Discharge Elimination System, September 11, 2020 to August 1, 2025
Website link	http://deq.wyoming.gov/wqd/storm-water-permitting/resources/construction-general-permits/
Regulating Agency	Wyoming Department of Environmental Quality, Water Quality Division
Coverage Requirement	• Small construction activities, at least 1 acre and less than 5 surface acres or part of common plan of less than 5 acres
	Routine maintenance not included
	Some exceptions apply
	Waiver available but generally not needed
Who is	
required to	The Contractor is required to post a sign at the job site.
obtain permit coverage	This is a no application permit
SWPPP	SWPPP template available
	No NOI required, but sign posted at project site.
NOI Doguinament	SWPPP required
Requirement	
Link to	
Online	n/a
System	

Fee(s)	No fee

Permit	General Permit for Temporary Discharge Involving Construction Activities, September 1, 2017 – August 31, 2022
Website link	WY Temp Discharge
Regulating Agency	Wyoming Department of Environmental Quality, Water Quality Division
Coverage	Temporary wastewater discharges from dewatering, testing, etc.
Requirement	• Temporary is less than 12 months
Who is required to obtain permit coverage	In order to be considered eligible for authorization to discharge wastewater under the terms and conditions of this permit, the owner, or operator, desiring to discharge wastewater must submit a Notice of Intent (NOI). This can be submitted by either the owner or the operator. FHWA sometimes gets this permit before contract award.
SWPPP	n/a
NOI Requirement	 NOI submittal in hard copy, allowing at least 30 days for review Original signature required Dewatering and monitoring plan may be required Fee required but acceptance of credit card undetermined.
Link to Online System	n/a
Fee(s)	\$200 fee