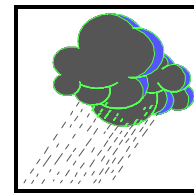




U.S. Environmental Protection Agency
Office of Wastewater Management
401 M Street, S.W.
Washington, D.C. 20460



**Instructions for Permittees During Reissuance of the
EPA Storm Water Construction General Permit**

EPA is preparing to reissue its Storm Water Construction General Permit. Please read these instructions carefully. Following these instructions will assist you in maintaining NPDES Storm Water General Permit coverage for construction activities in States where EPA is the permitting authority during the permit reissuance period.

General Information

The 1987 Congressional Amendments to the Clean Water Act require EPA to control the discharge of pollutants from storm water point sources. Regulations were finalized by EPA in 1990, and storm water permits for construction sites disturbing five or more acres were required starting in 1992. **The 1992 EPA Baseline General Permit for Construction Activities expires at midnight, September 9, 1997, or midnight, September 25, 1997, depending on where the construction activity is located¹.**

EPA proposed a new Construction General Permit² in the *Federal Register* on June 2, 1997 (Volume 62, Number 105, pages 29785-29825). Public comments will be accepted on the proposed permit through August 1, 1997. Copies of the proposed permit are available through the USEPA Office of Water Resources Center at (202) 260-7786 or through the following internet sites:

<http://www.epa.gov/owmitnet/pipes/storm.htm>
<http://www.epa.gov/earth1r6/6en/w/sw/home.htm>

There is the potential that the new Construction General Permit will not be issued prior to the expiration of the 1992 Baseline Construction General Permit. According to the Administrative Procedures Act, **permittees that wish to continue permit coverage for construction activities under the 1992 Baseline General Permit beyond September 9, 1997 (or September 25, 1997 in certain areas¹) must “administratively extend” their existing Baseline General Construction Permit to have continuing permit coverage until EPA issues the new permit. The following instructions provide guidance on how to administratively extend your existing permit and how to apply for the new permit once it is final.**

(Please note that the following instructions are based on the terms and conditions of the proposed new Construction General Permit published in the *Federal Register* on June 2, 1997)

¹ The 1992 EPA Baseline Construction Permit expires at midnight, September 25, 1997, in Massachusetts, Washington DC, Guam, American Samoa, non-Indian lands in Florida, Indian lands in New York and at Federal Facilities in Delaware. The permit expires at midnight, September 9, 1997, in all other areas where EPA is the permitting authority. It should be noted that there is conflicting information in the 1992 Baseline Construction General Permit that states that the expiration date is October 1, 1997 (57 *FR* 41223 and 57 *FR* 44454). However, EPA believes that the more consistent reading of the permit in accordance with the Clean Water Act would provide for the permit to expire at midnight, September 9, 1997, and September 25, 1997.

² The proposed EPA Construction General Permit does not extend coverage to construction activities in Florida. EPA Region IV proposed a separate Construction General Permit to cover those discharges. This permit was proposed in the *Federal Register* on April 16, 1997 (Volume 62, Number 73, pages 18605-18628); the proposal was modified and extended to include coverage of discharges from construction activities on Indian County lands in Alabama, Mississippi, Florida, North Carolina and South Carolina on June 27, 1997 (Volume 62, Number 124, pages 35053 - 35057). Comments on the Region IV proposal are due on or before August 26, 1997.

Instructions:

A. TO EXTEND EXISTING BASELINE GENERAL PERMIT COVERAGE:

1. Submit a Notice of Intent (NOI) form for extended coverage under the 1992 Baseline Construction General Permit **prior to September 9, 1997 (or September 25, 1997 in certain areas¹)** to the address given in B.3 below. Use EPA NOI Form 3510-6 (enclosed). The form number is printed on the bottom left corner of the form. This indicates that you wish to continue coverage under an “administratively extended” Baseline Construction General Permit until EPA publishes the new Construction General Permit. Include the project’s existing NPDES Permit Number in Section IV of the NOI form. If the NPDES Permit Number is not known, contact the EPA NOI Processing Center at (703) 931-3230.
2. Continue to follow the terms and conditions of the 1992 Baseline Construction General Permit until coverage is acquired under the new Construction General Permit as described below.

NOTE: Permittees that have terminated construction activity and do not wish to remain covered under the Baseline Construction General Permit, should **not** submit an NOI for an administrative extension. Permittees **may** submit a Notice of Termination (NOT) (EPA Form 3510-7) to terminate coverage at any time prior to September 9, 1997 (or September 25, 1997 in certain areas¹), but coverage will terminate automatically when the permit expires at midnight, September 9, 1997 (or September 25, 1997 in certain areas¹), unless an NOI for extended permit coverage is submitted.

B. TO ACQUIRE CONSTRUCTION GENERAL PERMIT COVERAGE UNDER THE EPA REISSUED CONSTRUCTION GENERAL PERMIT WHEN FINAL

1. Obtain a copy of the final reissued 1997 EPA Construction General Permit when it is published in the *Federal Register*.
2. Read and comply with all aspects of the new EPA Construction General Permit (note that some requirements may differ from those of the 1992 Baseline Construction General Permit).
3. Submit the new construction NOI form that was published with the final Construction General Permit **within 30 days of the effective date** of the final Construction General Permit to:

Storm Water Notice of Intent (4203)
USEPA
401 M Street, S.W.
Washington, DC 20460

NOTE: The new Construction General Permit contains a construction-specific NOI that is different from NOIs that have been used in the past. It is EPA’s intent to publish the new construction NOI form with the new EPA Construction General Permit in the *Federal Register*. Applicants must submit the new construction NOI form when applying for coverage under the new EPA Construction General Permit once it is issued in final.

Applicants that submit an NOI for coverage under the new Construction General Permit are required to remain in compliance with the 1992 Baseline Construction General Permit during the time between the effective date of the new permit and 30 days thereafter.

If your construction activity will meet the requirements for termination of coverage (i.e., will be finally stabilized) prior to 30 days after the effective date of the new Construction General Permit, submittal of an NOI for coverage under the new Construction General Permit is not required. However, submittal of an NOI for extended coverage beyond September 9, 1997 (or September 25, 1997 in certain areas¹) under the 1992 Baseline Construction General Permit is still required if construction is expected to extend beyond these dates. In this case, the permittee is required to remain in compliance with the 1992 Baseline Construction General Permit during the time between September 9, 1997 (or September 25, 1997 in certain areas¹) and the date on which the site is finally stabilized.