

2020 Construction Dewatering General Permit Information

The Construction Dewatering General Permit (CDGP) is a permitting option for discharges of construction dewatering or well-development effluent to state surface water. Increased sediment and turbidity are the primary pollutants of concern.

What activities are covered by the CDGP?

- *In-stream dewatering*: cofferdams, drill hole or pylon development;
- *Surface area dewatering*: water pumped from disturbed surface areas (trenches, excavation pits, sumps, or other excavations associated with construction where sediment-laden ground water or surface water/storm water inflow must be removed); and
- *Ground water*: water discharged from well development and well pump tests (whether within a construction area or not) and/or pumping of ground water from an active construction area. Common methods of ground water dewatering from a construction area include sumps and wells.

What activities are either NOT covered under the CDGP or NOT required by the MPDES program?

- CDGP authorization is not required for dewatering discharge that is land-applied and does not reach state surface waters.
- CDGP authorization is not required if dewatering is accomplished solely by piping or otherwise re-routing stream flow around the construction area [75-5-401(1)(b), MCA].
- CDGP authorization is not required for discharges from a well point or deep well that is installed in an undisturbed area (*i.e.* an area not within a construction zone), when the discharge is solely unaltered ground water [Montana Code Annotated (MCA), 75-5-401(1)]. Because this exemption applies to unaltered groundwater, the owner/operator needs to control the first flush/initial purge so that sediment-laden water is not discharged into surface water. In addition, well development and well pump tests within an area with contamination will need to consult with DEQ prior to the activity.
- DEQ may deny a CDGP request for discharge from dewatering activities at or near a hazardous waste or other type of remediation site. If the dewatering activity is proposed to be located near a known contamination area, or the permittee has reason to believe that the site or site's groundwater might be contaminated, they must demonstrate that there are no pollutants from the waste site in the dewatering effluent in accordance with the CDGP Special Conditions Part II.C.4.

What kind of receiving waters are protected?

State waters are defined by Administrative Rules of Montana (ARM) 17.30.1304 as “any body of water, irrigation system, or drainage system, either surface or underground...” This includes streams, creeks, rivers, lakes, ponds, sloughs, irrigation ditches and irrigation systems that return to state water, as well as intermittent and ephemeral drainages.

Additional Information

Exemptions or permitting under the CDGP does not preclude the requirement to obtain other applicable local, state, or federal permits (such as 318 permits or stormwater construction authorization). In addition, construction dewatering discharges into permitted Municipal Separate Storm Sewer Systems (MS4s) require dischargers to check with respective local MS4 officials for any local requirements.

Discharge of pollutants to state water without a permit is a violation of the Montana Water Quality Act in 75-5-605, Montana Code Annotated (MCA). To obtain coverage under the CDGP, please submit a completed Notice of Intent form (NOI-07). You have the option of completing an electronic Notice of Intent (NOI) submittal by FACTS found here: <http://deq.mt.gov/Public/FACTS> or hardcopy with the NOI-07 form found at <http://deq.mt.gov/Water/permits/Discharges>. Complete the NOI and submit to DEQ with applicable fees (\$900 per outfall = application plus first annual fee) at least 30 days before the project begins.

DEQ's mailing address is provided on the first page of the NOI Instructions. If you have any questions about the CDGP, please contact the DEQ - Water Protection Bureau at 406-444-5546.