

**Construction Dewatering General Permit
Application Information
July 2010**

Owners and operators of construction projects that discharge sediment-laden water from construction dewatering projects to state surface water must apply to the Montana Department of Environmental Quality (MDEQ) for authorization of coverage under the Montana Pollution Discharge Elimination System (MPDES) Construction Dewatering General Permit (CDGP). The CDGP is for coverage of the discharge of construction dewatering effluent that contains sediment, only. The presence of other pollutants in the effluent would require the applicant to obtain coverage for discharge under an individual MPDES permit.

The CDGP authorizes the discharge of sediment-laden water from cofferdams, trenches, excavation pits or other excavations associated with construction where sediment-laden groundwater or surface water inflow must be discharged to state surface water. The CDGP also applies to sediment-laden water from well pump tests, well development, drill hole or pylon development when the discharged water may contain visible suspended and bed load sediment that must be settled out before discharge. 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).

State waters are defined by Administrative Rules of Montana (ARM) 17.30.1304(59) 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.

If sediment-laden water is land-applied and will not reach state water, then a discharge permit is not required (e.g. sediment-laden water will infiltrate into the ground or be used for irrigation through a sprinkler system). Furthermore, if dewatering is accomplished through the use of cased wells, and the effluent is clean water, the discharge does not require authorization under the CDGP, as provided in 75-5-401(1)(b), MCA:

“...Discharge to surface water of ground water that is not altered from its ambient quality does not constitute a discharge requiring a permit under this part if: (i) the discharge does not contain industrial waste, sewage, or other wastes; (ii) the water discharged does not cause the receiving waters to exceed applicable standards for any parameters; and (iii) to the extent that the receiving waters in their ambient state exceed standards for any parameters, the discharge does not increase the concentration of the parameters.”

CDGP authorization is also not required if “dewatering” is accomplished solely by piping or otherwise re-routing stream flow around the construction area, as per 75-5-401(1)(b), MCA:

“...not require a permit for a water conveyance structure or for a natural spring if the water discharged to state waters does not contain industrial waste, sewage, or other wastes.”

It is important to note that the above exemptions from the CDGP do not preclude the requirement to obtain other applicable local, state, or federal permits (such as 310 and 318 permits).

Construction Dewatering General Permit
Application Information
July 2010

When authorization under the CDGP is required, the permittee typically must use some form of sediment settling/filtration system such as settling basins, low flow velocity settling methods or filtration (silt fencing or straw bales) in order to meet in-stream water quality limits for turbidity. Flocculent/coagulant also may be used in conformance with manufacturer's specifications.

No construction dewatering discharge can be authorized under the CDGP for A-Closed and A-1 classification waters. For other waterbodies, turbidity limits developed for each authorization are based on (1) the turbidity standard for the receiving water and (2) the ratio of the flow of the discharge to the low flow of the receiving water.

(1) Turbidity Standards:

- For B-1 (most of the mountainous region of western Montana) and C-1 classification streams the 'maximum allowable increase above naturally occurring turbidity is 5 nephelometric turbidity units' (NTU).
- For most other streams in Montana (B-2, B-3, C-2 and C-3 classifications) the 'maximum allowable increase above naturally occurring turbidity is 10 nephelometric turbidity units'.
- I-classification and ephemeral streams are assigned a turbidity standard of 100 NTU above background.

(2) Ratio of Flow

MDEQ develops specific effluent turbidity limits (NTU) for each authorization request, using the proportion of the flow (maximum discharge) to the receiving water low flow at the time of discharge and the appropriate turbidity standard. The CDGP Part II.A.1 contains Equation A, which is used to calculate the effluent limits.

The CDGP requires monitoring the wastewater discharge. Samples of the effluent at the point of discharge (e.g. pipe or pond outlet) must be analyzed for turbidity using a 40 CFR 136-accepted method. Discharge flow and oil and grease must also be monitored. All of the results must be reported to the MDEQ on Discharge Monitoring Reports (DMRs).

You can find the CDGP application (Form 2E) and General Permit on the web page at <http://www.deq.mt.gov/wqinfo/MPDES/ConstructionDewatering.mcp>. A completed Form 2E must be submitted to the MDEQ at least 30 days before the project begins. A \$900 fee per outfall (application fee plus first annual fee), payable to the Department of Environmental Quality, is also required at the time of application.

As previously mentioned, permittees should note that compliance with the CDGP authorization requirements does not preclude compliance with other local, state, or federal permitting requirements. For instance, construction dewatering discharges into permitted Municipal Separate Storm Sewer Systems (MS4s) require dischargers to check with respective local MS4 officials for any local requirements.

If you have any questions about the CDGP, please contact the MDEQ - Water Protection Bureau at 406-444-3080.