

## 2025 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
  - dewatering accomplished solely by piping or otherwise re-routing stream flow around the construction area [75-5-401(1)(b), Montana Code Annotated (MCA)]
  - a water transfer. Water transfer means an activity that conveys or connects waters of the state without subjecting the transferred water to intervening industrial, municipal, or commercial use. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred. [Administrative Rules of Montana (ARM) 17.30.1310(1)(g)]. Any construction dewatering activities on-site is considered subjecting the water to industrial use.
  - 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 [75-5-401(1), MCA]. 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 is a state surface water?*

State waters are defined 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 [ARM 17.30.1304].

### *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 authorizations). 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, MCA. To obtain coverage under the CDGP, please submit a completed Notice of Intent (NOI) package electronically via FACTS: <http://deq.mt.gov/Public/FACTS>. You can access the NOI-07 form and instructions for additional information: <https://deq.mt.gov/water/assistance>. Submit the complete NOI package to DEQ with applicable fees (\$900 per billable outfall = application plus first annual fee) at least 30 days before the project begins. Call DEQ with questions at (406) 444-5546.