



Displaying title 40, up to date as of 10/12/2021. Title 40 was last amended 10/12/2021.

## ENHANCED CONTENT - TABLE OF CONTENTS

<b>Part 450</b>	Construction and Development Point Source Category	450.10 – 450.24
<b>Subpart A</b>	General Provisions	450.10 – 450.11
§ 450.10	Applicability.	
§ 450.11	General definitions.	
<b>Subpart B</b>	Construction and Development Effluent Guidelines	450.21 – 450.24
§ 450.21	Effluent limitations reflecting the best practicable technology currently available (BPT).	
§ 450.22	Effluent limitations reflecting the best available technology economically achievable (BAT).	
§ 450.23	Effluent limitations reflecting the best conventional pollutant control technology (BCT).	
§ 450.24	New source performance standards reflecting the best available demonstrated control technology (NSPS).	

# Title 40

## PART 450 - CONSTRUCTION AND DEVELOPMENT POINT SOURCE CATEGORY

**Authority:** 33 U.S.C. 1311, 1312, 1314, 1316, 1341, 1342, 1361 and 1370.

**Source:** 74 FR 63057, Dec. 1, 2009, unless otherwise noted.

### Subpart A - General Provisions

#### § 450.10 Applicability.

- (a) This part applies to discharges associated with construction activity required to obtain NPDES permit coverage pursuant to 40 CFR 122.26(b)(14)(x) and (b)(15).
- (b) The provisions of § 450.22(a) do not apply to discharges associated with interstate natural gas pipeline construction activity.
- (c) The New Source Performance Standards at § 450.24 apply to all new sources and are effective February 1, 2010.
- (d) The BPT, BCT and BAT effluent limitations at § 450.21 through 450.23 apply to all sources not otherwise covered by paragraph (c) of this section and are effective February 1, 2010.

#### § 450.11 General definitions.

- (a) **New source.** New source means any source, whose discharges are defined in 40 CFR 122.26(b)(14)(x) and (b)(15), that commences construction activity after the effective date of this rule.
- (b) **Infeasible.** Infeasible means not technologically possible, or not economically practicable and achievable in light of best industry practices.

[74 FR 63057, Dec. 1, 2009, as amended at 79 FR 12667, Mar. 6, 2014]

### Subpart B - Construction and Development Effluent Guidelines

#### § 450.21 Effluent limitations reflecting the best practicable technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any point source subject to this subpart must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPT).

- (a) **Erosion and sediment controls.** Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:
- (1) Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
  - (2) Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
  - (3) Minimize the amount of soil exposed during construction activity;
  - (4) Minimize the disturbance of steep slopes;
  - (5) **Minimize sediment discharges from the site.** The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
  - (6) Provide and maintain natural buffers around waters of the United States, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible;
  - (7) Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and
  - (8) Unless infeasible, preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.
- (b) **Soil stabilization.** Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority. Stabilization must be completed within a period of time determined by the permitting authority. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
- (c) **Dewatering.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.
- (d) **Pollution prevention measures.** Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
  - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use); and
  - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (e) **Prohibited discharges.** The following discharges are prohibited:
- (1) Wastewater from washout of concrete, unless managed by an appropriate control;
  - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
  - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - (4) Soaps or solvents used in vehicle and equipment washing.
- (f) **Surface outlets.** When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

[74 FR 63057, Dec. 1, 2009, as amended at 79 FR 12667, Mar. 6, 2014]

**§ 450.22 Effluent limitations reflecting the best available technology economically achievable (BAT).**

Except as provided in 40 CFR 125.30 through 125.32, any point source subject to this subpart must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best available technology economically achievable (BAT).

(a-b) [Reserved]

(c) **Erosion and sediment controls.** The limitations are described at § 450.21(a).

(d) **Soil stabilization.** The limitations are described at § 450.21(b).

(e) **Dewatering.** The limitations are described at § 450.21(c).

(f) **Pollution prevention measures.** The limitations are described at § 450.21(d).

(g) **Prohibited discharges.** The limitations are described at § 450.21(e).

(h) **Surface outlets.** The limitations are described at § 450.21(f).

[74 FR 63057, Dec. 1, 2009, as amended at 75 FR 10439, Mar. 8, 2010; 75 FR 68217, Nov. 5, 2010; 80 FR 25236, May 4, 2015]

**§ 450.23 Effluent limitations reflecting the best conventional pollutant control technology (BCT).**

Except as provided in 40 CFR 125.30 through 125.32, any point source subject to this subpart must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best conventional pollutant control technology (BCT). The effluent limitations are described at § 450.21.

**§ 450.24 New source performance standards reflecting the best available demonstrated control technology (NSPS).**

Any new source subject to this subpart must achieve, at a minimum, the following new source performance standards representing the degree of effluent reduction attainable by application of the best available demonstrated control technology (NSPS): The standards are described at § 450.22.