NEW YORK STATE

Department of Environmental Conservation

CGP Webinar

SPDES Construction General Permit (CGP) GP-0-25-001

By: NYSDEC Division of Water Staff

June 10, 2026

Webinar Overview

- **We are recording this webinar, and we plan to post:**
  - **the recording on the CGP webpage, and**
  - **a copy of the slides on the CGP webpage.**

We plan to send an announcement once they are posted.

Please let us know if you would like to be added to the CGP Announcements Mailing List:

Contact: Stormwater_info@dec.ny.gov

(Stormwater_info@dec.ny.gov)

Webinar - Agenda

Presentation Approximately 15 minutes

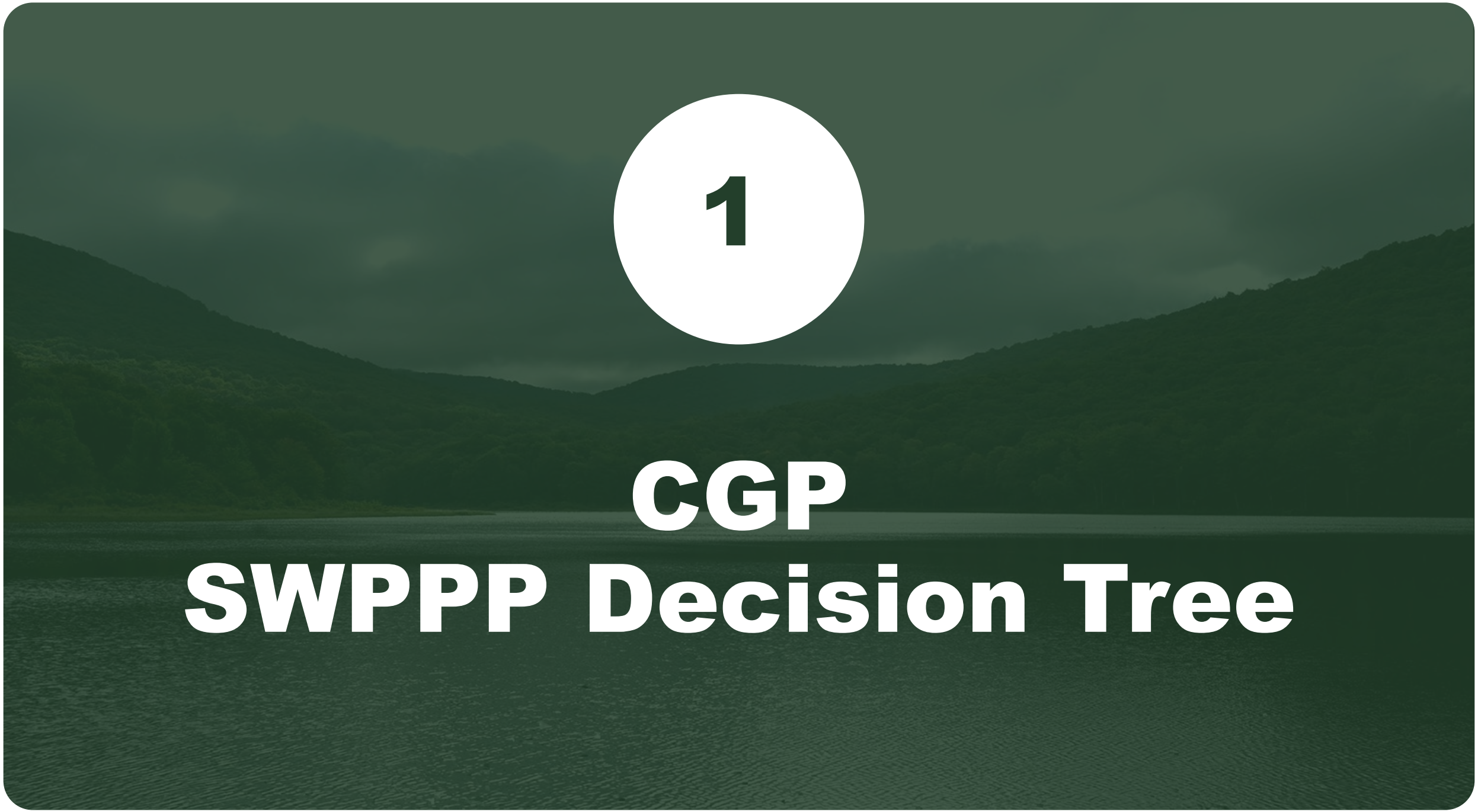
Q & A Up to 45 minutes, as needed

End Recording & slides will be posted online in the future

Presentation

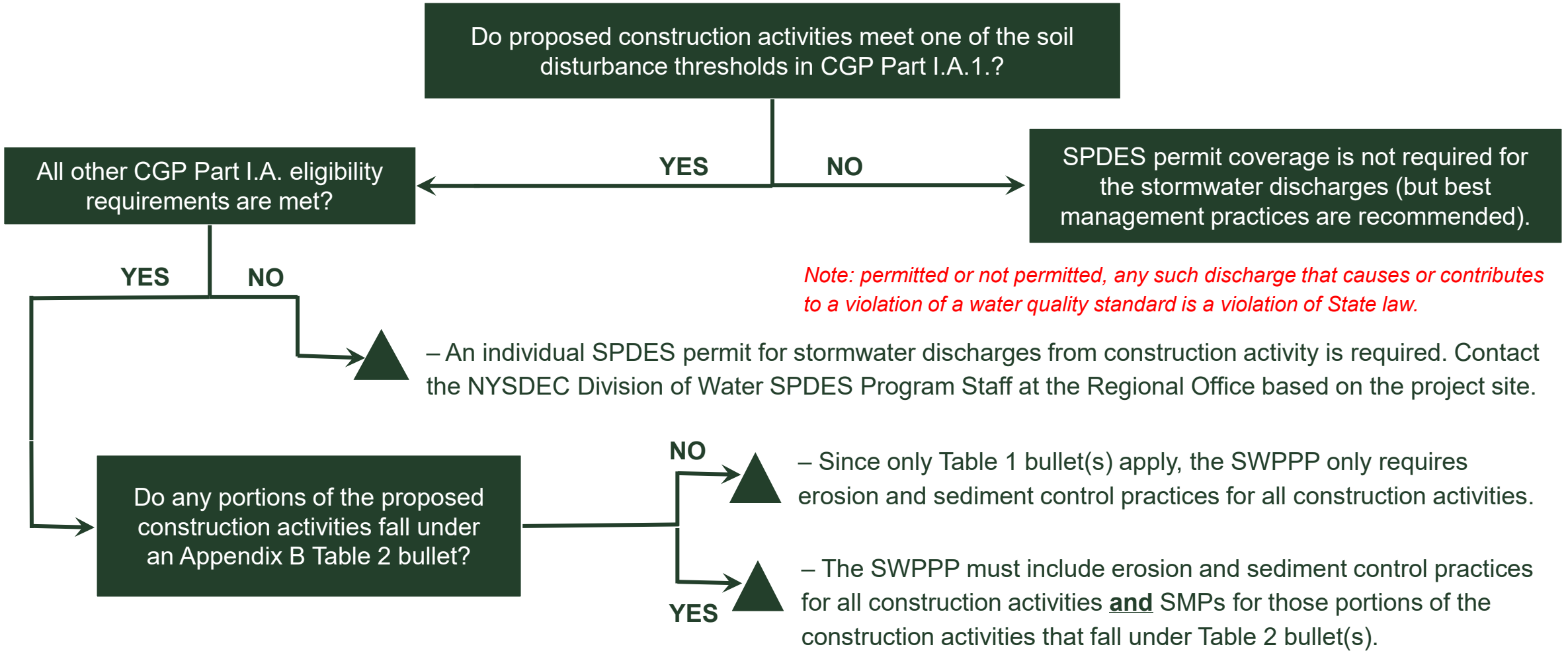
Presentation: Sections to Cover

- **CGP Webinar - Presentation**
  1. CGP SWPPP Decision Tree
  2. CGP MS4 Documentation Decision Tree
  3. CGP Phasing vs. Sequencing
  4. CGP Steep Slope Ineligibility


1
CGP
SWPPP Decision Tree

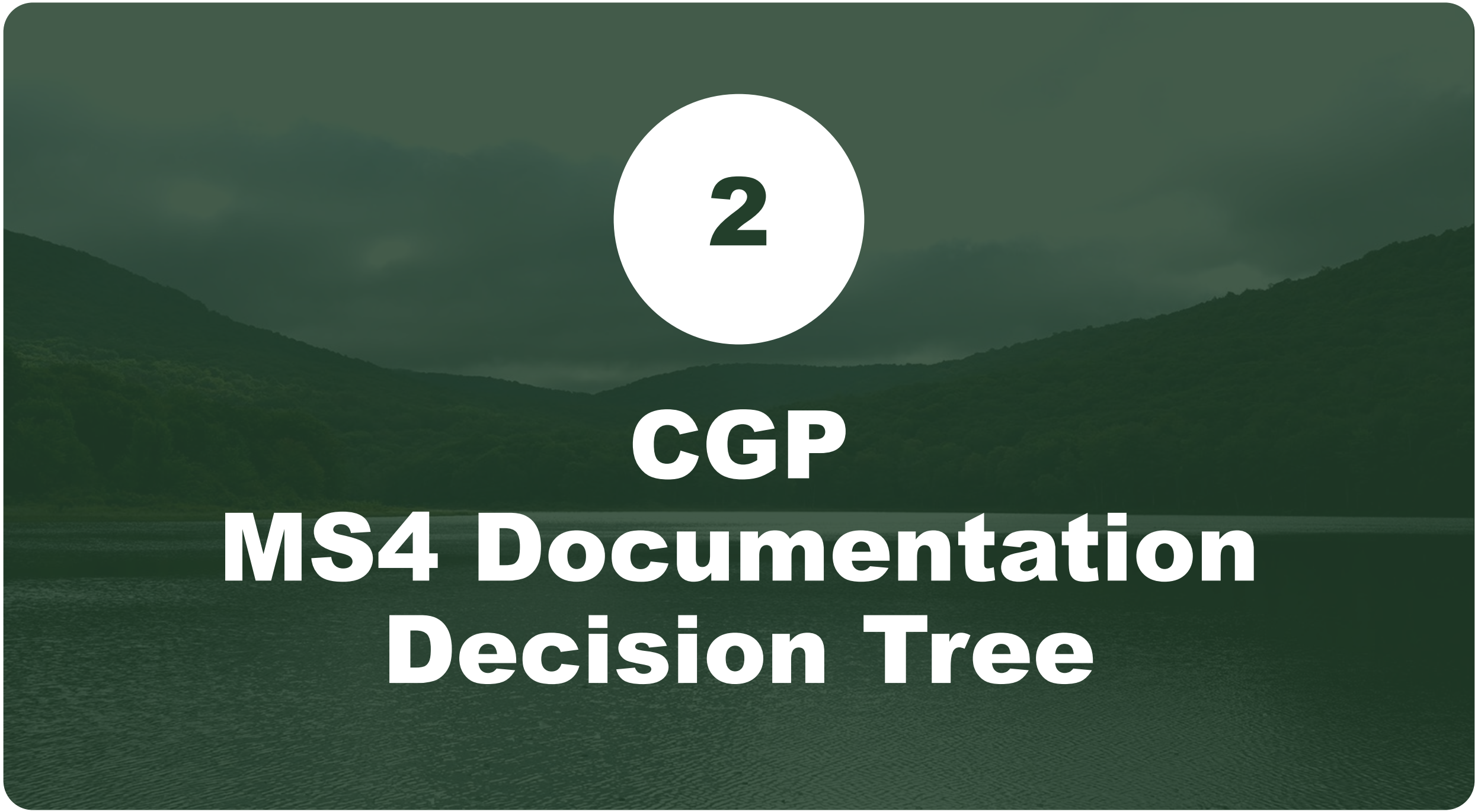
CGP Decision Tree – CGP Part I.A., Part I.D.2.a., Part III.C., Appendix B

- Basics of how to follow the Construction General Permit (CGP) GP-0-25-001:



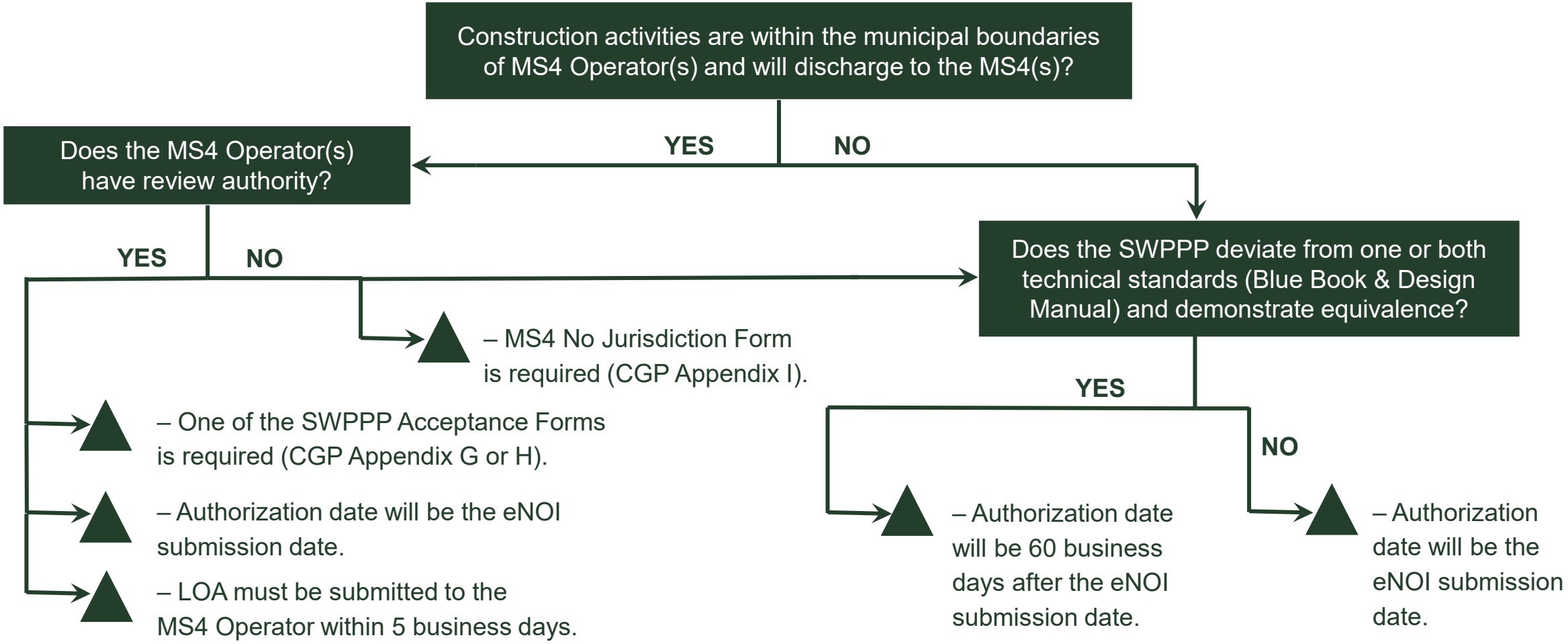
The decision tree on the previous slide summarizes the requirements in CGP Part I.A., Part I.D.2.a., Part III.C., and Appendix B.

The CGP, its Fact Sheet, and its Responsiveness Summary are all accessible on the CGP webpage.


2
CGP
MS4 Documentation
Decision Tree

CGP Decision Tree – CGP Part I.D.2.b.ii. and Part I.D.3.

- Owner/operator (MS4 Operator documentation & authorization date) Decision Tree:



The decision tree on the previous slide summarizes the requirements in CGP Part I.D.2.b.ii. and Part I.D.3.

The CGP, its Fact Sheet, and its Responsiveness Summary are all accessible on the CGP webpage.

3

CGP Phasing vs. Sequencing

CGP Phasing vs. Sequencing

GP-0-25-001 Appendix A Definitions

Common Plan of Development or Sale – a contiguous area where multiple separate and distinct *construction activities* are occurring, or may occur, under one plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, marketing plan, advertisement, drawing, permit application, State Environmental Quality Review Act (SEQR) environmental assessment form or other documents, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating *construction activities* may occur on a specific plot. A *common plan of development or sale* is comprised of two or more *phases*.

Common plan of development or sale does not include separate and distinct *construction activities* that are occurring, or may occur, under one plan that are at least 1/4 mile apart provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

CGP Phasing vs. Sequencing

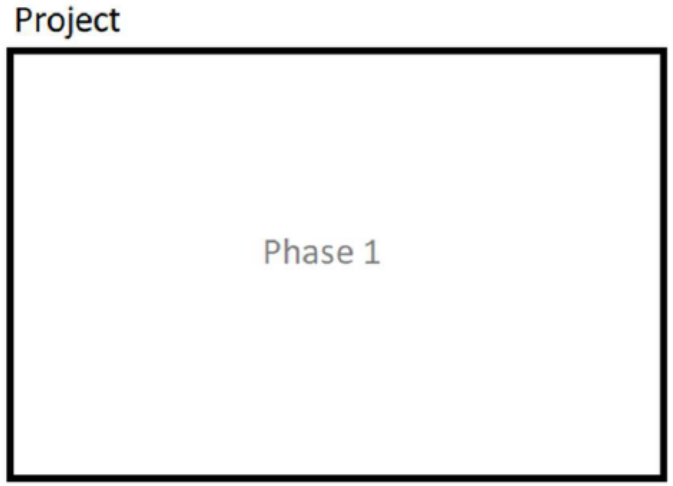
GP-0-25-001 Appendix A Definitions

Phase – a defined area in which *construction activities* are occurring or will occur separate from other defined area(s).

CGP Phasing vs. Sequencing

Fact Sheet for GP-0-25-001 – Phase Examples

- Example 1: A project that is not a common plan of development or sale proposes to develop 12 acres total. The first, and only, phase is the 12 acres of disturbance to complete the project. See the diagram below that illustrates the concept.
  - Example 1 Diagram:



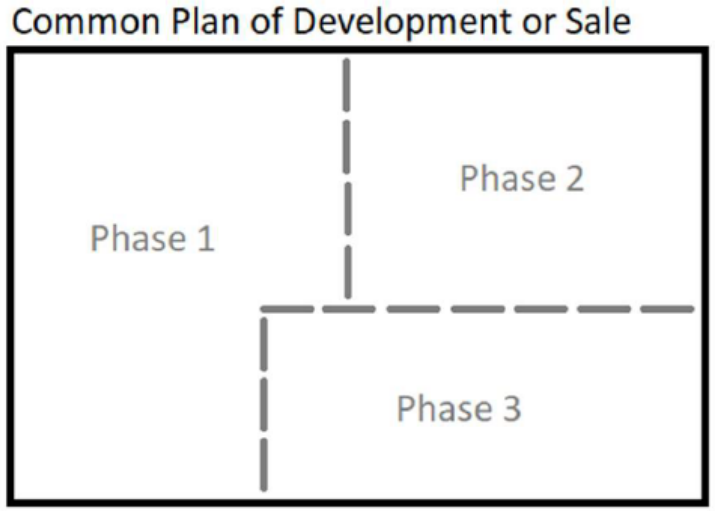
Note: Example 1 applies to GP-0-25-001 Part I.D.1.a.

CGP Phasing vs. Sequencing

Fact Sheet for GP-0-25-001 – Phase Examples

- Example 2: A project that is a common plan of development or sale proposes to develop 12 acres total. Phase 1 is five acres of the total 12 acres. Phase 2 is an additional four acres of the total 12 acres. Phase 3 is the remaining three acres of the total 12 acres. See the diagram below that illustrates the concept.

  - Example 2 Diagram:



Note: Example 2 applies to GP-0-25-001 Part I.D.1.b. or c.

CGP Phasing vs. Sequencing

Sequence

- Example sequences within a phase:
  - Install erosion and sediment controls
  - Demolition, clearing and grubbing
  - Excavation and grading
  - Etc.
  - Etc.
  - Etc.
  - Final stabilization

CGP Phasing vs. Sequencing

Phase vs. Sequence

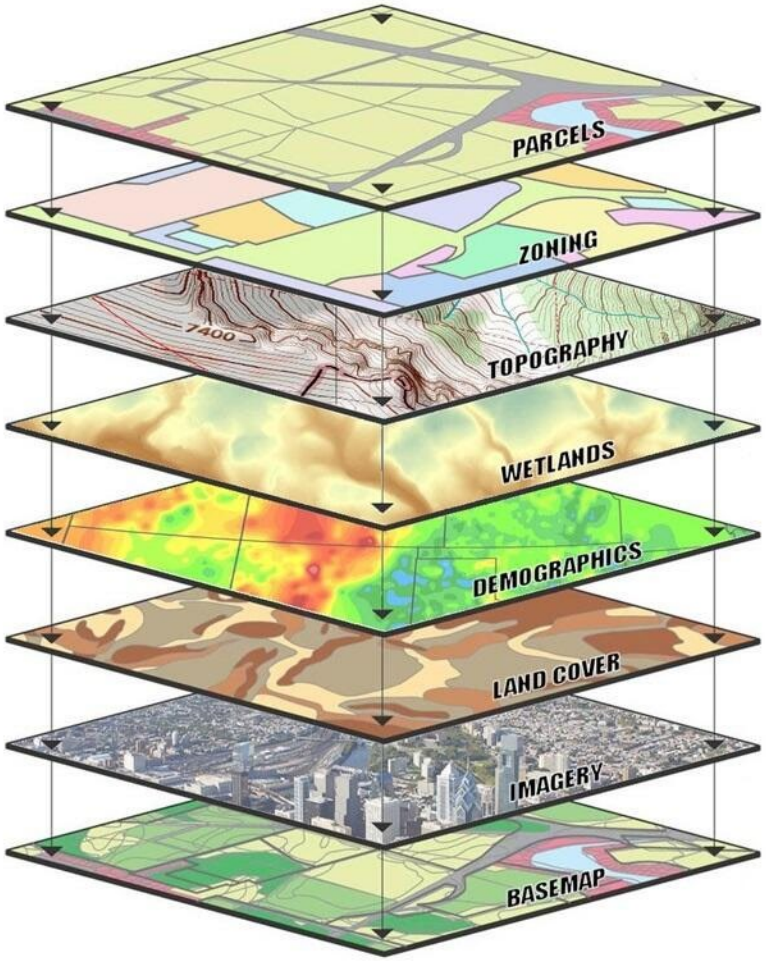
The phase is the area (footprint) of a project,

and a sequence is an activity that occurs within that area at some point in time.

CGP Phasing vs. Sequencing

Phase vs. Sequence

- GIS layers **analogy**:
  - Think of “phase” as the area on the map (that area does not change).
  - Think of “sequence” as the separate GIS layers (each sequence is different).



Images Source:
https://www.usgs.gov/media/images/gis-data-layers-visualization

CGP Phasing vs. Sequencing

Phase vs. Sequence

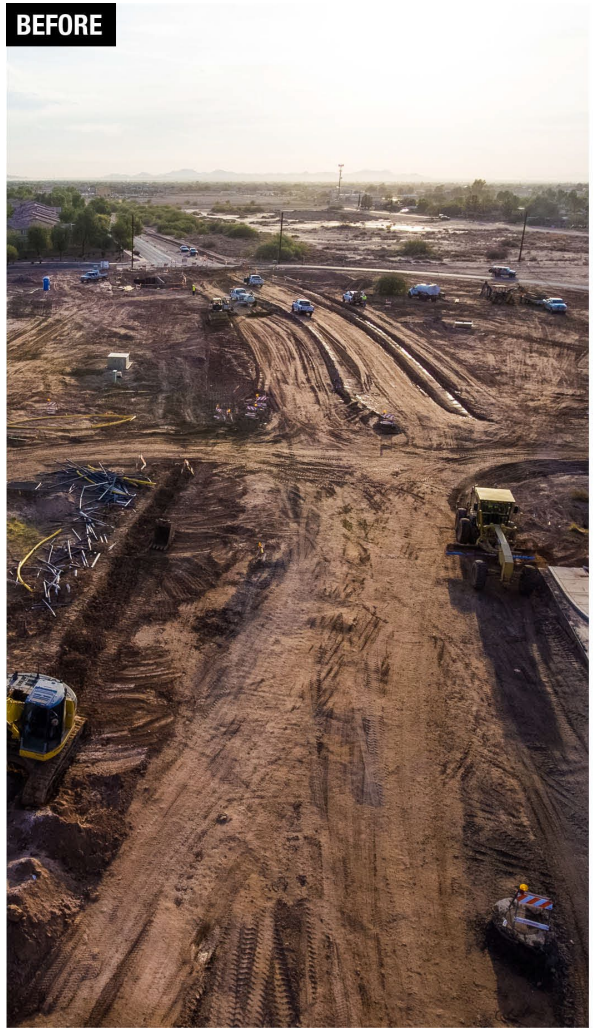
- Example of one phase pictured at the end of different sequences:

Images Source:
https://www.oregon.gov/odot/Projects/PublishingImages/OR99W_Before%20After_2.png

CGP Phasing vs. Sequencing

Phase vs. Sequence

- A different example of one phase pictured at the end of different sequences:



Images Source:
https://www.achen.com/3425100-edison-road-extension

CGP Phasing vs. Sequencing

Phase vs. Sequence

- The CGP allows an owner/operator to obtain coverage for a separate phase, but not for a separate sequence.
- Or, the owner/operator could obtain coverage for the entire common plan.
- Or, if it is not a common plan with multiple phases, the owner/operator must obtain coverage for the entire project.
- See CGP *Part I.D.1.a., b., and c.

*CGP Part I.D.1.d. is the fourth option but has very limited applicability.

CGP Phasing vs. Sequencing

Since a sequence cannot obtain CGP coverage, instead, make a complete SWPPP for the phase based on assumptions; as the project progresses, modify as needed.

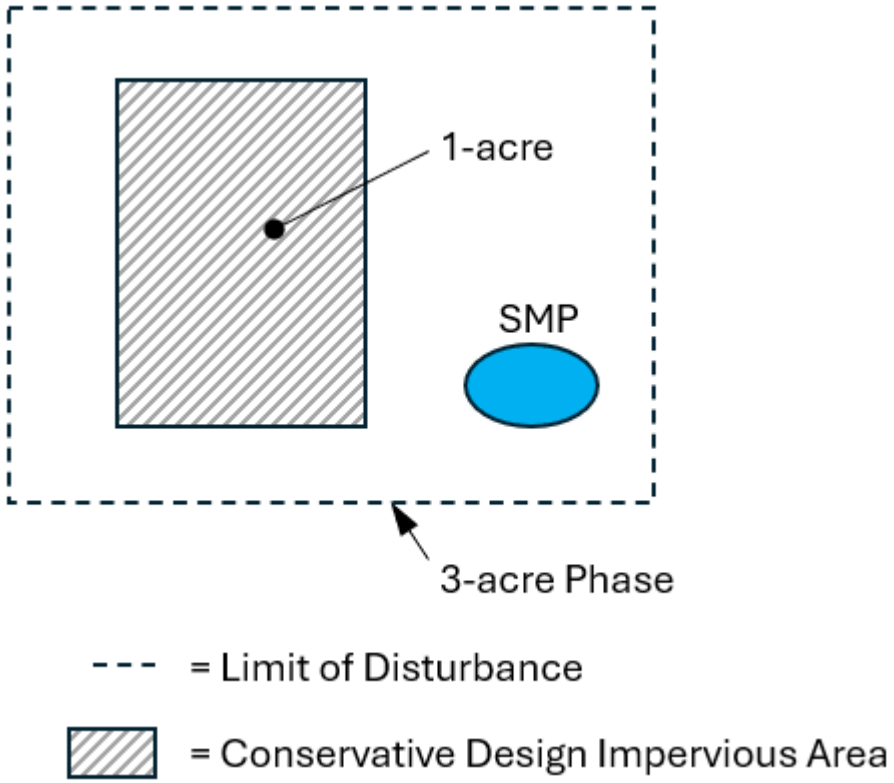
- See CGP Part I.E.9.:

> 9. To be authorized to implement modifications to the information previously submitted in the eNOI, the *owner or operator* must:
>
> a. notify NYSDEC via email at Stormwater_info@dec.ny.gov requesting access to update the eNOI; and
>
> b. update the eNOI to reflect the modifications and resubmit the eNOI in accordance with Part I.D.; and
>
> c. receive an updated LOA.

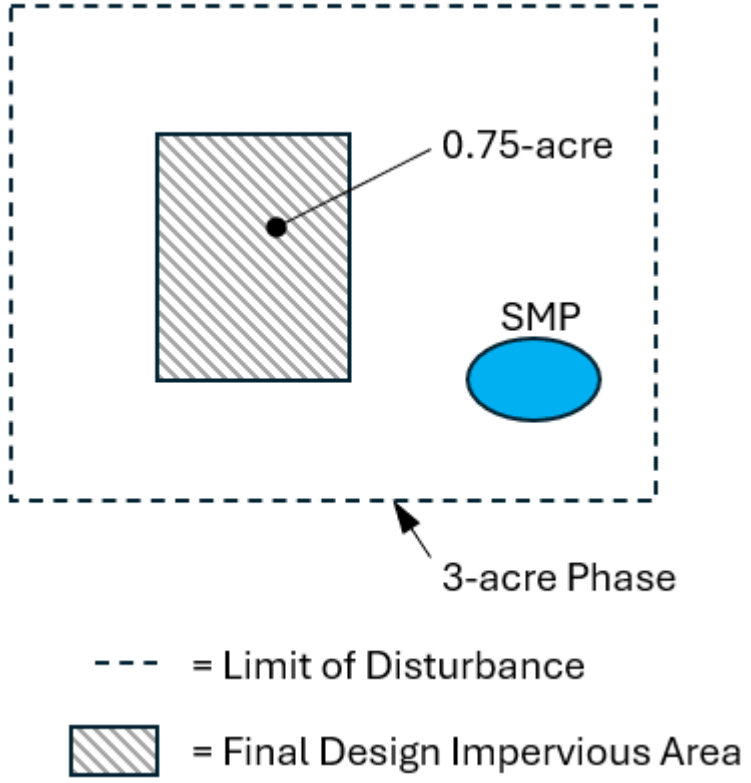
CGP Phasing vs. Sequencing

Example of a SWPPP with assumptions (i.e., conservatively estimate impervious area, then update the SWPPP and eNOI via CGP Part I.E.9. as needed):

- Conservative Assumption:



- Update via Part I.E.9. as needed:



CGP Phasing vs. Sequencing

The following are accessible on the Stormwater Permit For Construction Activity webpage.

- **CGP – GP-0-25-001:**
  - Part I.A. introductory sentence discusses phases (and references phases that are eligible vs. ineligible for CGP coverage)
  - Part I.D.1. (eNOI options)
  - Part III.B.1.c.iv. (phasing plan vs. sequencing plan)
  - Appendix A definitions:
    - Common Plan of Development or Sale
    - Phase
- **CGP Fact Sheet**
  - Page 8: Part I.D.1. (eNOI options)
  - Page 19: Part III.B.1.c.iv. (phasing plan vs. sequencing plan)
  - Page 25 and 26: gives example diagrams to illustrate the definition of phase from CGP Appendix A
- **CGP Responsiveness Summary**
  - See Comments/Responses for the relevant CGP references (such as Part I.D.1., etc.) as needed.

The CGP distinguishes between "phasing" and "sequencing," and this distinction must be understood to meet CGP requirements.

See the previous slide for relevant references in the CGP and the CGP Fact Sheet.

4
CGP Steep Slope Ineligibility

CGP Part I.A.8. Steep Slope Ineligibility

All three criteria (Part I.A.8.a.i., ii., and iii.)

- or -

All three criteria (Part I.A.8.b.i., ii., and iii.)

8. *Construction activities* are not eligible if they meet the following criteria in Part I.A.8 a. or b.

   a. For linear transportation and linear utility project types, the *construction activities*:

      i. are within the watershed of *surface waters of the State* classified as AA or AA-S identified utilizing the Stormwater Interactive Map on NYSDEC's website; and

      ii. are undertaken on land with no existing *impervious cover*; and

      iii. disturb two or more acres of *steep slope*.

   b. For all other project types, the *construction activities*:

      i. are within the watershed of *surface waters of the State* classified as AA or AA-S identified utilizing the Stormwater Interactive Map on NYSDEC's website; and

      ii. are undertaken on land with no existing *impervious cover*; and

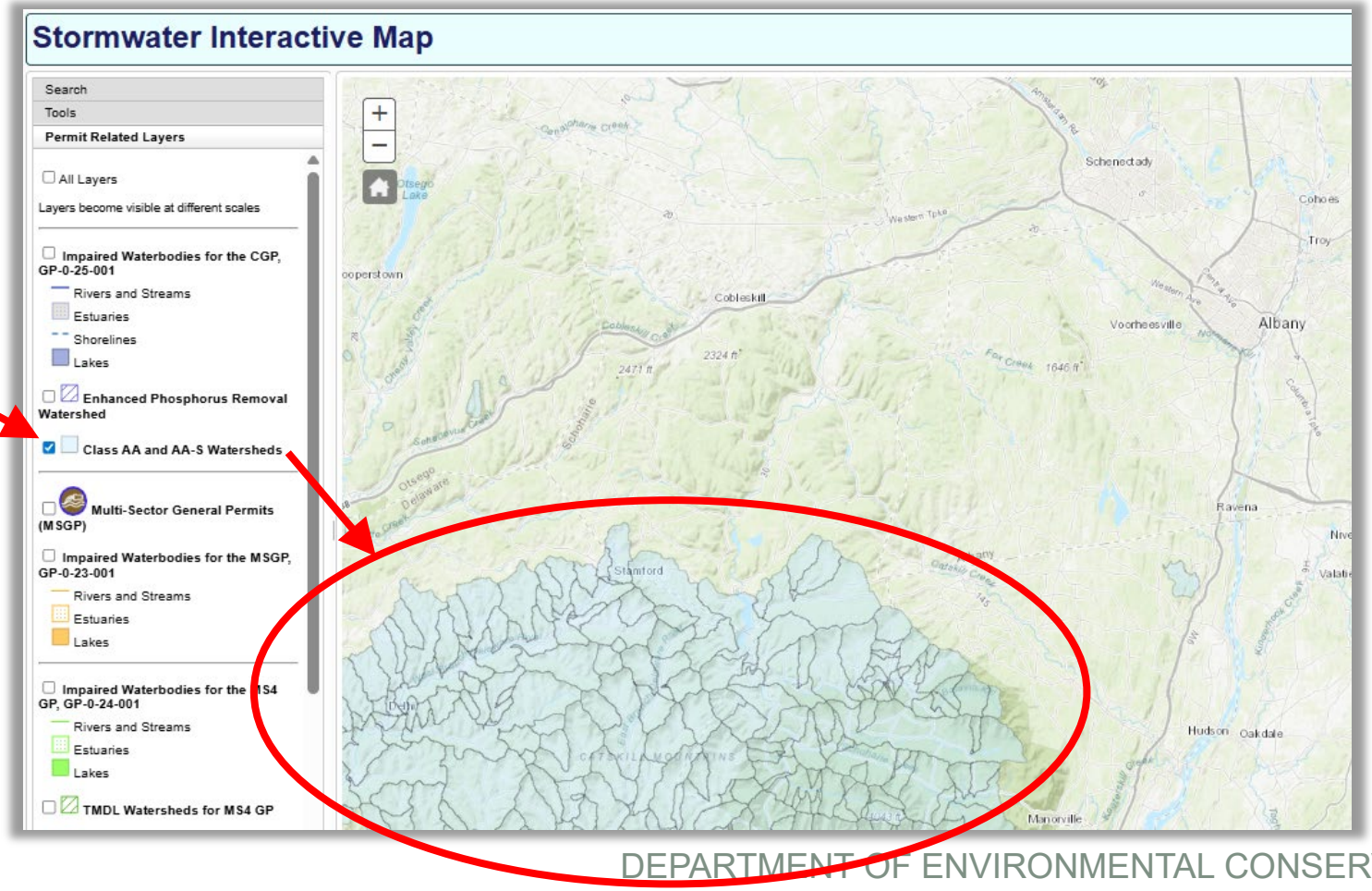
      iii. disturb one or more acres of *steep slope*.

CGP Part I.A.8. Steep Slope Ineligibility

AA or AA-S Watershed via the Stormwater Interactive Map

- https://gisservices.dec.ny.gov/gis/stormwater/

1. Find the site location on the map.
2. Turn on the “Class AA and AA-S Watersheds” GIS Layer



CGP Part I.A.8. Steep Slope Ineligibility

Steep Slope – see CGP Appendix A Definition

> **Steep Slope** – land area designated on the current United States Department of Agriculture (USDA) Soil Survey as Soil Slope Phase D, (provided the map unit name or description is inclusive of slopes greater than 25%), or Soil Slope Phase E or F, (regardless of the map unit name), or a combination of the three designations.

USDA Soil Survey: https://websoilsurvey.nrcs.usda.gov/app/

Assess the Soil Slope Phases in the Area of Interest

Map Unit Legend

Greene County, New York (NY039)

Greene County, New York (NY039)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EmD	Elka channery loam, moderately steep, very stony	47.0	5.8%
VhC	Vly-Halcott complex, 3 to 15 percent slopes, very rocky	102.4	12.7%
VhD	Vly-Halcott complex, 15 to 35 percent slopes, very rocky	103.5	12.9%
VhF	Vly-Halcott complex, very steep, very rocky	551.0	68.5%
Totals for Area of Interest		803.9	100.0%

CGP Part I.A.8. Steep Slope Ineligibility

Steep Slope – see CGP Appendix A Definition
USDA Soil Survey: https://websoilsurvey.nrcs.usda.gov/app/

Example assessment of Soil Slope Phases:

EmD - Soil Slope Phase D, but its Map Unit Name description is not inclusive of slopes greater than 25%, therefore it is not "steep slope" as defined by the CGP.

VhD - Soil Slope Phase D, and its Map Unit Name description is inclusive of slopes greater than 25% (i.e., "to 35 percent"), therefore it is "steep slope" as defined by the CGP.

VhF - Soil Slope Phase F; all Soil Slope Phases E and F (regardless of the Map Unit Name description) are "steep slope" as defined by the CGP.

Map Unit Legend

Greene County, New York (NY039)

Greene County, New York (NY039)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EmD	Elka channery loam, moderately steep, very stony	47.0	5.8%
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VhF	Vly-Halcott complex, very steep, very rocky	551.0	68.5%
Totals for Area of Interest		**803.9**	**100.0%**

CGP Part I.A.8. Steep Slope Ineligibility

No existing impervious cover

- This refers to existing constructed impervious areas. This does not include exposed bedrock.
- For example:
    - **Hypothetical**: An existing 2-acre driveway in an AA or AA-S watershed, entirely on “steep slope” as defined by the CGP, is proposed to be redeveloped. Routine maintenance does not apply, so it is construction activity that requires SPDES coverage.
    - **Question**: Is the CGP Part I.A.8. steep slope ineligibility triggered (i.e., does the project need an individual SPDES permit for stormwater discharges from construction activity)?
        - **Answer**: No. The project is eligible* for CGP coverage because the existing constructed impervious cover does not count toward the calculation in CGP Part I.A.8. to determine steep slope ineligibility.

*assuming all other CGP eligibility requirements are met

CGP Part I.A.8. Steep Slope Ineligibility

CGP Part I.A.

> For a *common plan of development or sale*, the *phase(s)* that meet the eligibility requirements in Part I.A. may obtain coverage under this permit even if other *phase(s)* of the same *common plan of development or sale* do not meet the eligibility requirements and require an individual SPDES permit.

CGP Part I.A.8. Steep Slope Ineligibility

Putting it all together – Example Scenarios:

The Example Scenarios on the following slides assume it is a project that meets CGP Part I.A.8.b. “all other project types,” and the proposed steep slope disturbance is greater than one acre.

The scenarios will explore how the other factors (AA or AA-S watersheds and existing impervious cover) relate to the steep slope disturbance.

b. For all other project types, the *construction activities*:

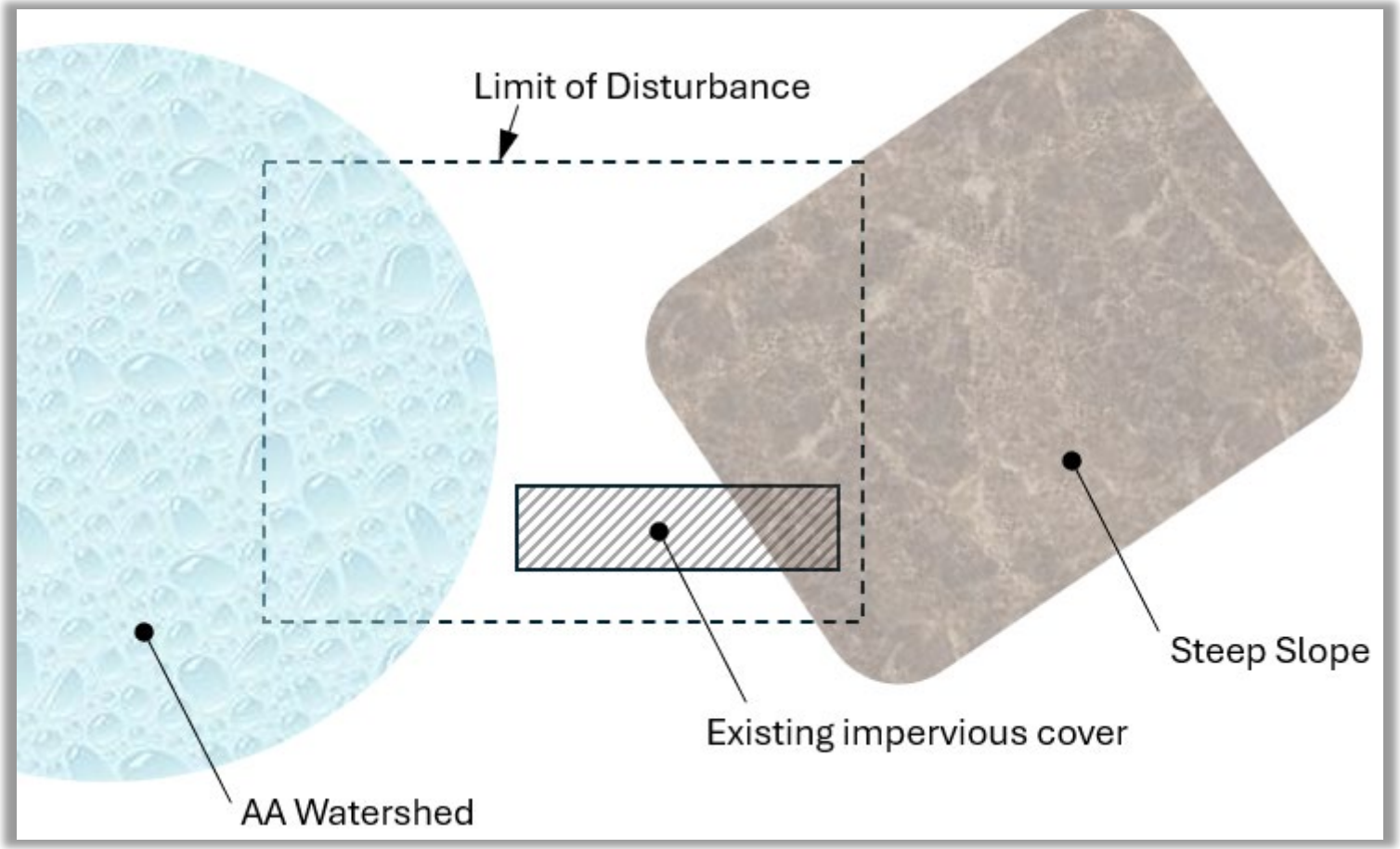
i. are within the watershed of *surface waters of the State* classified as AA or AA-S identified utilizing the Stormwater Interactive Map on NYSDEC’s website; and

ii. are undertaken on land with no existing *impervious cover*; and

iii. disturb one or more acres of *steep slope*.

CGP Part I.A.8. Steep Slope Ineligibility

Putting it all together – Example Scenario Diagram 1:

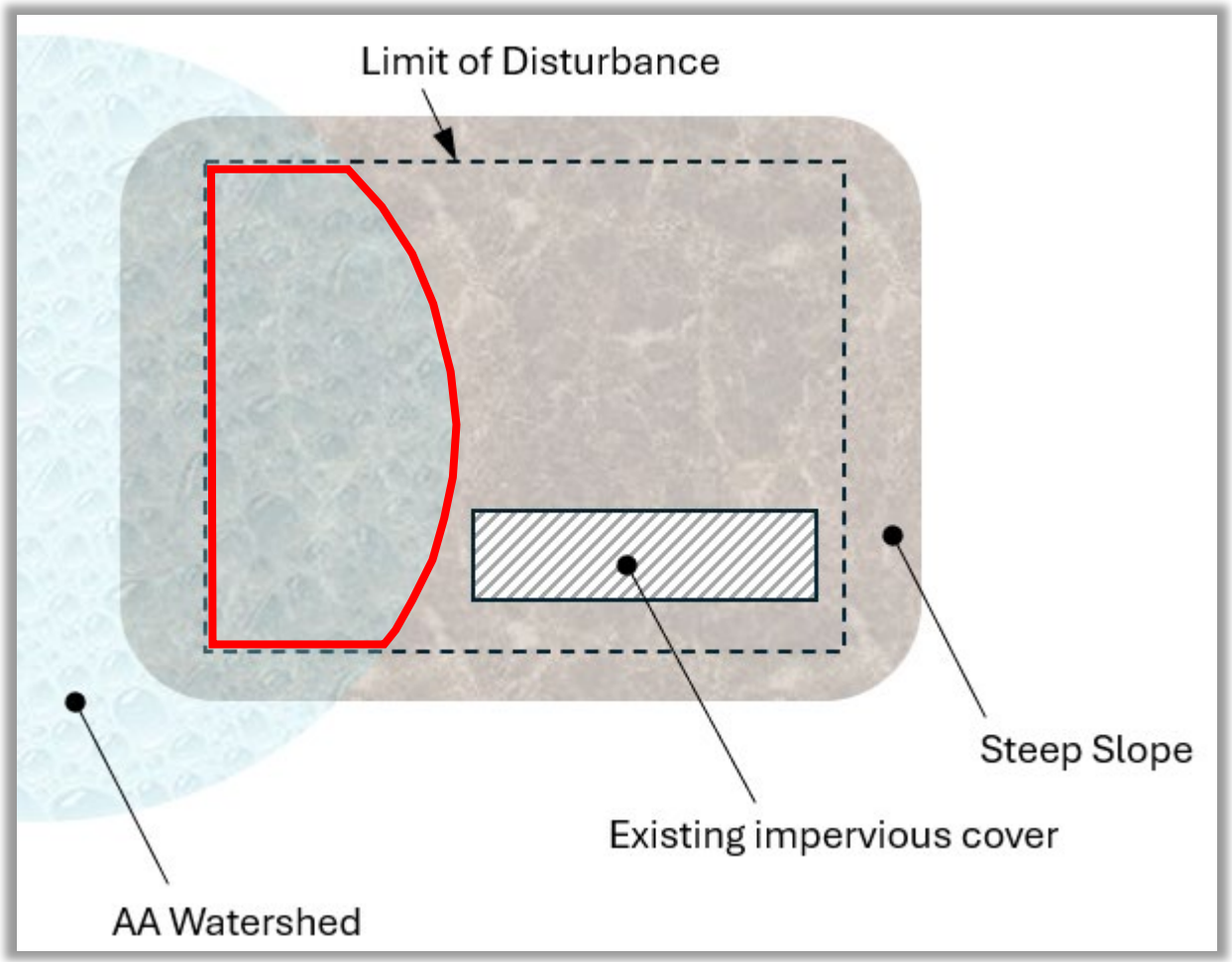


No portion within the limit of disturbance triggers the steep slope ineligibility in CGP Part I.A.8.

This is because the AA Watershed does not overlap with the Steep Slope area.

CGP Part I.A.8. Steep Slope Ineligibility

Putting it all together – Example Scenario Diagram 2:

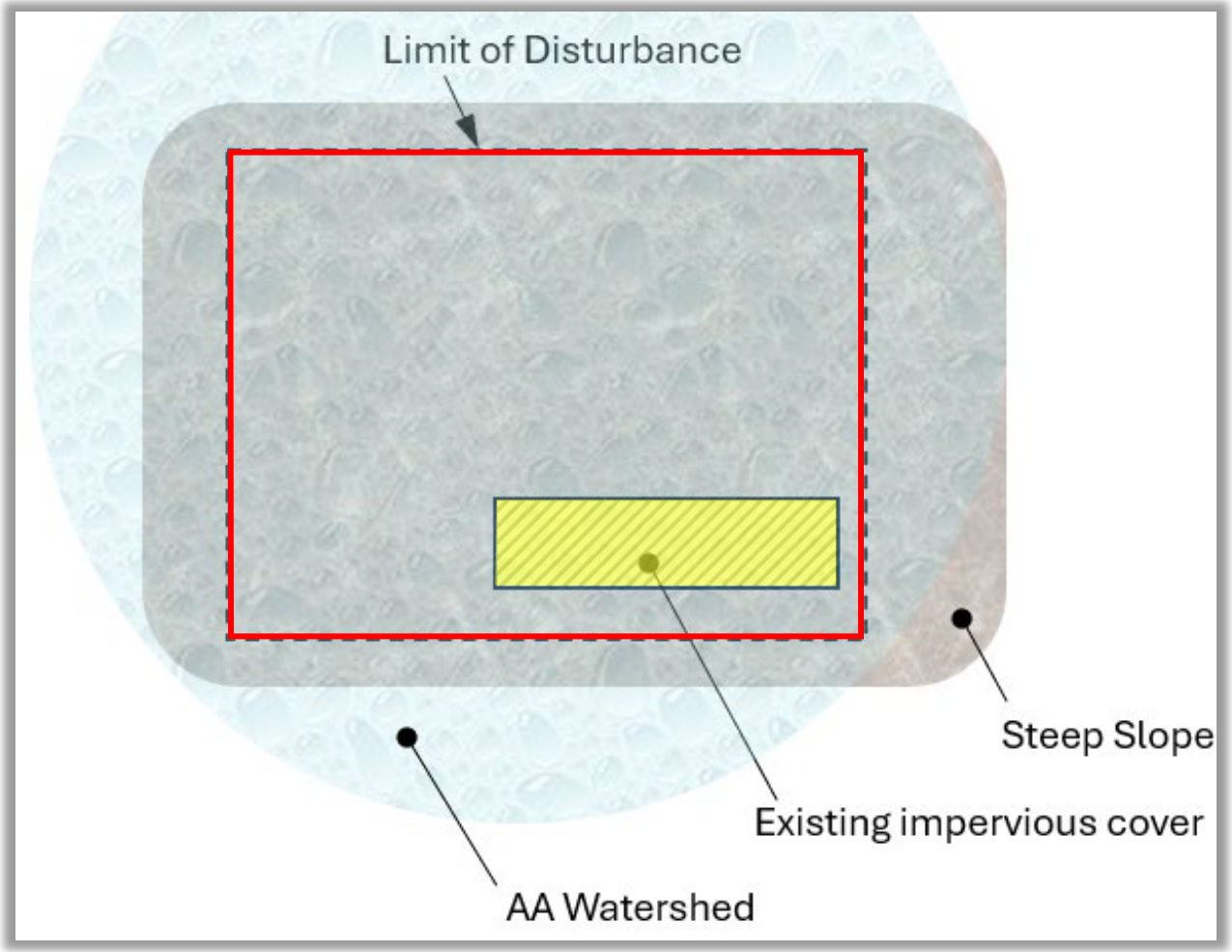


The portion within the Limit of Disturbance (LOD) that is in an AA watershed and on Steep Slope requires an individual SPDES permit for construction activity – see the red outline.

The owner could choose to obtain CGP coverage for the remainder of the LOD that does not require an individual permit (CGP Part I.A.). Or the owner could choose to obtain coverage for the entire LOD under the individual permit.

CGP Part I.A.8. Steep Slope Ineligibility

Putting it all together – Example Scenario Diagram 3:

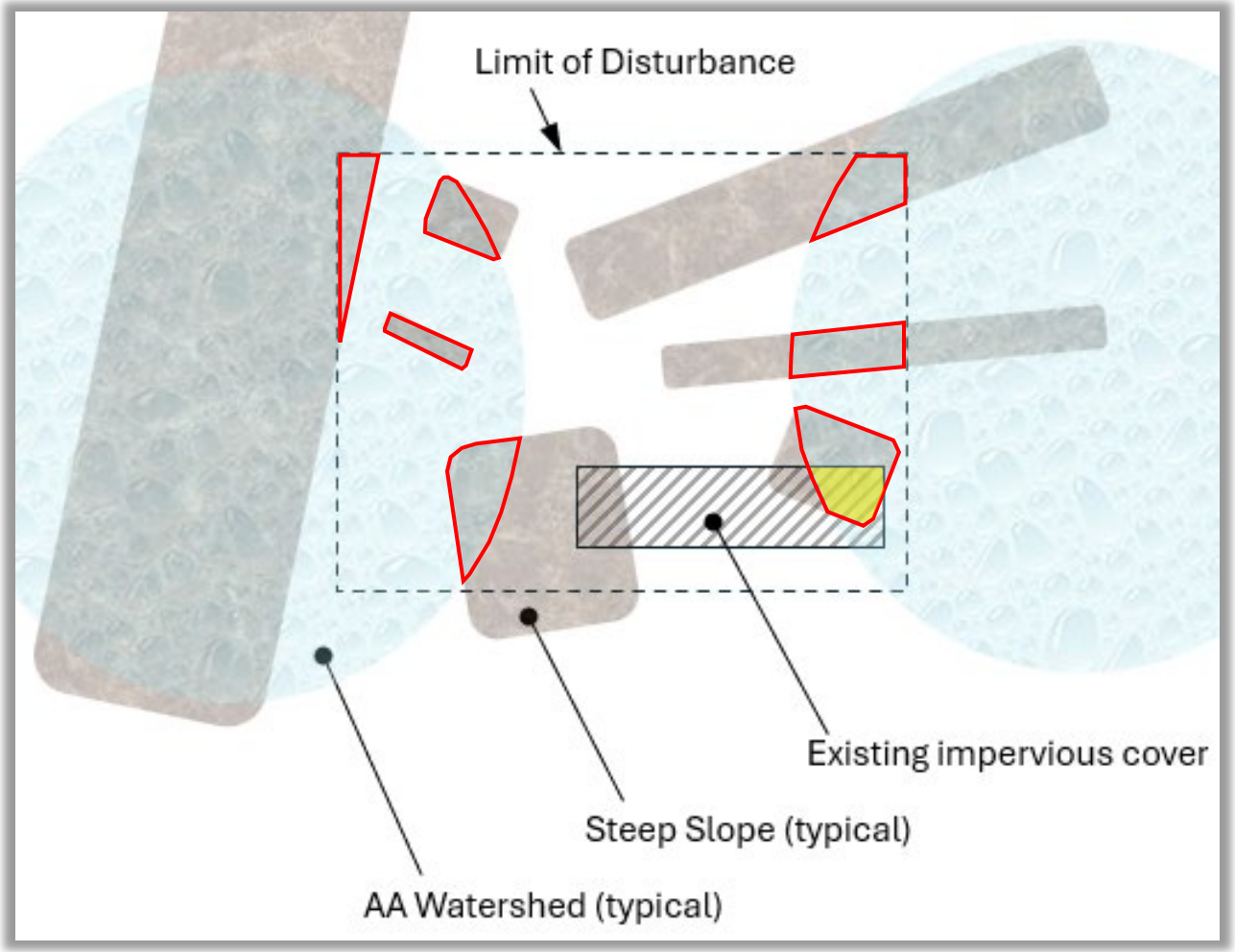


The entire Limit of Disturbance (LOD) is in an AA watershed and on Steep Slope. Therefore, except for the existing impervious cover, the entire LOD requires an individual SPDES permit for construction activity – see the red outline, minus the yellow highlight.

The owner could choose to obtain CGP coverage for the existing impervious cover that does not require an individual permit (CGP Part I.A.).
Or the owner could choose to obtain coverage for the entire LOD under the individual permit.

CGP Part I.A.8. Steep Slope Ineligibility

Putting it all together – Example Scenario Diagram 4:



Select portions within the Limit of Disturbance (LOD) are both in an AA watershed and on Steep Slope. Therefore, except for the existing impervious cover, those portions require an individual SPDES permit for construction activity – see the red outlines, minus the yellow highlight.

The owner could choose to obtain CGP coverage for the portions that do not require an individual permit (CGP Part I.A.).
Or the owner could choose to obtain coverage for the entire LOD under the individual permit – which might be more feasible in a case like this scenario.

Projects that meet all three criteria in CGP Part I.A.8.a. are not eligible for CGP coverage.

Likewise, projects that meet all three criteria in CGP Part I.A.8.b. are not eligible for CGP coverage.

Section 4 Summary

End of the Presentation

Q & A

Webinar Overview - Reminder

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  - **a copy of the slides on the CGP webpage.**

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(Stormwater_info@dec.ny.gov)

Q & A

- **Q & A Session**

  Please use the chat function to type and submit any questions you may have about the CGP program.

End

Contact Information

Contact

Map of DEC Offices:

https://dec.ny.gov/about/contact-us/map-of-dec-offices

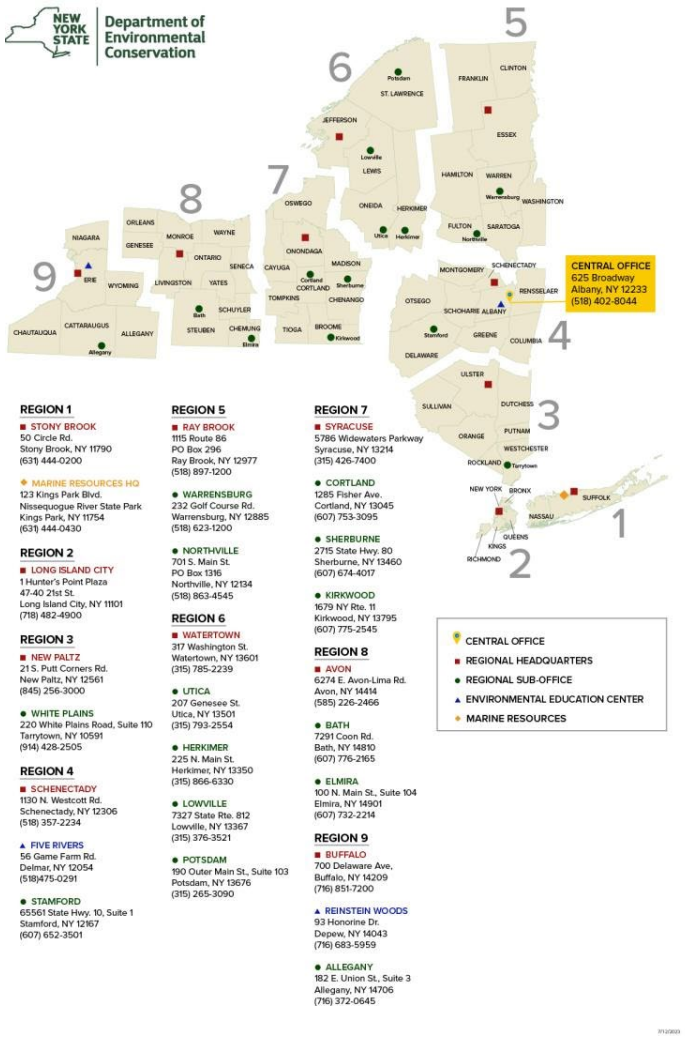
Project Specific Question?

Contact the DEC Region where the site is located.

Other CGP Question?

Contact the DEC Central Office:

- Stormwater_info@dec.ny.gov
- 518-402-8111



Department of Environmental Conservation