Note to Reviewers: This 2022 CGP document shows proposed text changes to the 2017 CGP. The following is intended as a guide to understanding the various text changes:

- Language that is retained from the current 2017 CGP appears as black-colored text.
- Language that is proposed to be added is shown as underlined, dark red text.
- Language that is proposed to be added is shown as ~~strikethrough, dark red text~~.
- Requests for comment are shown as blue text.

National Pollutant Discharge Elimination System (NPDES)
Construction General Permit (CGP) for Stormwater Discharges from Construction Activities

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on **[Month]** 2022.

This permit and the authorization to discharge expire at 11:59pm, **[Date 4 years and 364 days from effective date].**

Signed and issued this XX day of [Month] 2022
[XXXXX], EPA Region 1.

Signed and issued this XX day of [Month] 2022
[XXXXX], EPA Region 2.

Signed and issued this XX day of [Month] 2022
[XXXXX], Caribbean Environmental Protection Division, EPA Region 2.

Signed and issued this XX day of [Month] 2022
[XXXXX], EPA Region 3.

Signed and issued this XX day of [Month] 2022
[XXXXX], EPA Region 4.

Signed and issued this XX day of [Month] 2022
[XXXXX], EPA Region 6.

Signed and issued this XX day of [Month] 2022
[XXXXX], EPA Region 7.

Signed and issued this XX day of [Month] 2022
[XXXXX], EPA Region 8.

Signed and issued this XX day of [Month] 2022
[XXXXX], EPA Region 9.

Signed and issued this XX day of [Month] 2022
[XXXXX], EPA Region 10.

Signed and issued this XX day of [Month] 2022
[XXXXX], EPA Region 5.

CONTENTS

1 HOW TO OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT (CGP)

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage in this Part.

1.1 ELIGIBILITY CONDITIONS

1.1.1 You are an "operator" of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an "operator" is any party associated with a construction project that meets either of the following two criteria:

a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

b. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.[1] Subcontractors generally are not considered operators for the purposes of this permit.

Request for Comment 1: At the request of several stakeholders in the regulated community, EPA is considering modifying the Part 1.1.1 definition of operator to better ensure that all parties with operational control over the project are permitted. Those stakeholders recommending a change to the definition have found that some entities who determine the acceptance of work and pay for work performed are not obtaining permit coverage because they believe the current definition of an operator excludes them. As a consequence, some permittees have found it difficult to get approval for additional expenditures needed to meet the conditions of the CGP (e.g., to pay for new or improved stormwater controls that are needed to ensure compliance) from the unpermitted entity who approves and pays for work done, but does not have the same incentive to comply with the permit.

The requested modification to the definition to address this problem is as follows (changes shown in underlined text):

> "… an "operator" is any party associated with a construction project that meets either of the following two criteria:
>
> a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, or determines acceptance of the work and payment for work performed to ensure compliance with the permit conditions; or
> b. …"

EPA requests comment on whether the definition of operator should be modified as suggested above. EPA also requests comment on whether the existing definition is already broad enough to capture those parties intended to be addressed by the new language, or if a different

[1] If the operator of a "construction support activity" (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

modification to the definition of operator would be helpful to clarify the types of parties that should be permitted as operators.

1.1.2 Your site's construction activities:

a. Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (as defined in Appendix A) that will ultimately disturb one or more acres of land; or

b. Have been designated by EPA as needing permit coverage under 40 CFR § 122.26(a)(1)(v) or 40 CFR § 122.26(b)(15)(ii);

1.1.3 Your site is located in an area where EPA is the permitting authority and where coverage under this permit is available (see Appendix B);

1.1.4 Discharges from your site are not:

a. Already covered by a different NPDES permit for the same discharge; or

b. In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.[2, 3]

1.1.5 You are able to demonstrate that you meet one of the criteria listed in Appendix D with respect to the protection of species that are federally listed as endangered or threatened under the Endangered Species Act (ESA) and federally designated critical habitat;

1.1.6 You have completed the screening process in Appendix E relating to the protection of historic properties; and

1.1.7 You have complied with all requirements in Part 9 imposed by the applicable state, Indian tribe, or territory in which your construction activities and/or discharge will occur.

1.1.8 For "new sources" (as defined in Appendix A) only:

a. EPA has not, prior to authorization under this permit, determined that discharges from your site will ~~cause, have the reasonable potential to cause, or contribute to an excursion above any~~ not meet applicable water quality standards. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that meet ~~will not cause, have the reasonable~~

[2] Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2017~~2~~ CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

[3] Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4a or 1.1.4b, above, EPA may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

~~potential to cause, or contribute to an excursion above any~~ applicable water quality standard~~s~~.

b. Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water[4] will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.

1.1.9 If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your Notice of Intent (NOI) ~~unless and~~ until you notify your applicable EPA Regional Office (see Appendix L) in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to discharges that do not meet ~~cause an exceedance of~~ water quality standards.

1.2 TYPES OF DISCHARGES AUTHORIZED[5]

1.2.1 The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):

a. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i);

b. Stormwater discharges designated by EPA as needing a permit under 40 CFR §122.26(a)(1)(v) or § 122.26(b)(15)(ii);

c. Stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:

i. The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;

ii. The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;

iii. The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and

iv. Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas~~.~~; and

[4] Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first water to which you discharge is identified by a state, tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

[5] See "Discharge" as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA S~~s~~ection 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

d. Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.

1.2.2 The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:

a. Discharges from emergency fire-fighting activities;

b. Fire hydrant flushings;

c. Landscape irrigation;

d. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;

e. Water used to control dust;

f. Potable water including uncontaminated water line flushings;

g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));

h. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any water of the U.S., storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;

i. Uncontaminated air conditioning or compressor condensate;

j. Uncontaminated, non-turbid discharges of ground water or spring water;

k. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

l. Construction dewatering water, not otherwise prohibited by Part 1.3.6, discharged in accordance with Part 2.4.

1.2.3 Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

1.3 PROHIBITED DISCHARGES[6]

The discharges listed in this Part are prohibited outright or allowed only under the identified conditions. To prevent the ~~above-listed prohibited non-stormwater~~ discharges in Parts 1.3.1

[6] EPA includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

through 1.3.6, operators must comply with the applicable pollution prevention requirements in Part 2.3 or ensure the discharge is authorized by another NPDES permit consistent with Part 1.2.3.

1.3.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;

1.3.2 Wastewater from washout and/or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

1.3.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

1.3.4 Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; ~~and~~

1.3.5 Toxic or hazardous substances from a spill or other release~~.~~; and

1.3.6 Dewatering water discharged from a contaminated site.[7]

Request for Comment 2. Related to the proposed prohibited discharges in Part 1.3.6 (dewatering discharges from a contaminated site), EPA requests comment on whether additional discharges from sites should be prohibited from coverage under this permit due to the possibility of those discharges containing contaminants. For instance, one EPA permit prohibits discharges from sites with ground water pollutants discovered as a result of construction-related activities where the source of pollutants may or may not be known; discharges from sites with naturally occurring ground water pollutants (e.g., metals); and stormwater or allowable non-stormwater discharges collected in an excavation, trench, foundations, vault, or other point of accumulation that is commingled with contaminated ground water or that has otherwise come into contact with any other wastewater or pollutant prohibited by this part. EPA would also welcome feedback on how to better define terms such as ground water pollutants and contaminated ground water if these additional restrictions are adopted. For instance, EPA could consider defining "ground water pollutants" simply as pollutants (as defined in Appendix A) that are present in ground water. Similarly, EPA could define "contaminated ground water" as ground water that contains a level of one or more pollutants that if discharged would not meet applicable water quality standards. Additionally, EPA requests comment on whether the prohibition should allow for case-by-case flexibility for Superfund or RCRA cleanup sites where controls in place, such as capping, prevents exposure of surface accumulations of stormwater to buried wastes.

1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All "operators" (as defined in Appendix A) associated with your construction site~~,~~ who meet the Part 1.1 eligibility conditions ~~requirements~~, and who seek coverage under this permit, must submit to EPA a complete and accurate NOI in accordance with the deadlines in **Table 1** prior to ~~commencing~~ commencement of construction activities (as defined in Appendix A).

Exception: If you are conducting construction activities in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), and the related work requires immediate

[7] The following are considered to be discharges from contaminated sites: sites subject to existing or former remediation activities (e.g., Superfund/CERCLA or RCRA sites).

authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency.

1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 before submitting your NOI for coverage under this permit.

1.4.2 How to Submit Your NOI

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOI for coverage under the 2022 CGP~~,~~ unless you received a waiver from your applicable EPA Regional Office.

To access NeT, go to https://cdx.epa.gov/cdx.

Waivers from electronic reporting may be granted based on one of the following conditions:

a. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or

b. If you have limitations regarding available computer access or computer capability.

If the EPA Regional Office grants you approval to use a paper NOI, and you elect to use it, you must complete the form in Appendix J.

1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline[87]	Permit Authorization Date[98]
Operator of a new site (i.e., a site where construction activities commence on or after ~~February 16, 2017~~**[insert permit effective date]**)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site (i.e., a site with ~~2012~~2017 CGP coverage where construction activities commenced prior to ~~February 16, 2017~~**[insert permit effective date]**)	No later than ~~**May 17, 2017**~~**[insert 90 days after permit effective date]**.	
New operator of a permitted site (i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site")	At least 14 calendar days before the date the transfer to the new operator will take place.	
Operator of an "emergency-related project" (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

Request for Comment 3: One of the reasons that the CGP includes a 14-day waiting period after submittal of the NOI and prior to authorization is to provide the U.S. Fish & Wildlife Service and National Marine Fisheries Service ("the Services") an opportunity to review the operator's eligibility determination related to potential impacts to endangered or threatened species. EPA requests comment on the possibility of extending the current 14-day waiting period to 30 days to better facilitate this review process. If you are opposed to extending the time period, please provide information on the potential impacts you may experience as a result of changing the waiting period from 14 to 30 days.

1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.2~~1~~. If the EPA Regional Office has granted you approval

[87] If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

[98] Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix J.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

1.4.5 Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

a. You terminate permit coverage consistent with Part 8; or

b. You receive permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on ~~February 16, 2022~~**[insert permit expiration date]**; or

c. You fail to submit an NOI for coverage under a reissued ~~revised~~ or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way.[109] At a minimum, the notice must include:

a. The NPDES ID (i.e., permit tracking number assigned to your NOI and the EPA webpage where a copy of the NOI can be found (https://permitsearch.epa.gov/epermit-search/ui/search));

b. A contact name and phone number for obtaining additional construction site information;

c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [*include the appropriate CGP Regional Office contact information found at* https://www.epa.gov/npdes/contact-us-stormwater#regional];" and

d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: https://www.epa.gov/enforcement/report-environmental-violations."

[109] If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.[11~~10~~]

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2, ~~and~~ 2.3, and 2.4 to minimize the discharge of pollutants in stormwater from construction activities.[12] To meet this requirement, you must:

2.1.1 Account for the following factors in designing your stormwater controls:

a. The expected amount, frequency, intensity, and duration of precipitation;

b. The nature of stormwater runoff (i.e., flow) and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and

c. The soil type and range of soil particle sizes expected to be present on the site.

2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.[13~~11~~]

2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.

a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.[14~~12~~]

b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

[11~~10~~] For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for ~~its (their)~~ installation/implementation. See Part 7.2.6.

[12] The permit does not dictate the type of stormwater control to be used to comply with the requirements of this Part, nor does it recommend or endorse specific products or vendors. The choice of the specific type of stormwater control to use to comply with the requirements of this Part is up to the operator.

[13~~11~~] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2, ~~and~~ 2.3, and 2.4.

[14~~12~~] Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

2.1.4 Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.[15~~13~~]

b. If at any time you find that a stormwater control needs routine maintenance (i.e., a repair or replacement that can be completed within 24 hours), you must immediately initiate the needed ~~maintenance~~ work, and complete such work by the close of the next business day. Where you must repeatedly (i.e., 3 or more times) make the same routine maintenance fixes to the same control, or you find that the control was not installed or designed correctly in accordance with this Part, you must complete corrective actions in accordance with Part 5.

c. If at any time you find that a stormwater control needs repair or replacement that will take more than 24 hours to complete, you must comply with the corrective action requirements in Part 5.

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls when a water of the U.S. is located within 50 feet of the site's earth disturbances.

a. Compliance Alternatives. For any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:

i. Provide and maintain a 50-foot undisturbed natural buffer; or

ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or

iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

See Appendix G, Part G.2 for additional conditions applicable to each compliance alternative.

b. Exceptions. See Appendix G, Part G.2 for exceptions to the compliance alternatives.

2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infeasible.

[15~~13~~] Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

2.2.3 Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas ~~will receive pollutant discharges~~.[16~~14~~]

a. The perimeter control must be installed upgradient of any natural buffers established under Part 2.2.1, unless the control is being implemented pursuant to Part 2.2.1a.i-iii.;

b. To prevent stormwater from circumventing the edge of the perimeter control, install the perimeter control on the contour of the slope and extend both ends of the control up slope (e.g., at 45 degrees) forming a crescent rather than a straight line;

After installation, to ensure that perimeter controls continue to work effectively:

i. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control~~.~~; and

ii. After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.

c. **Exception**. For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4 Minimize sediment track-out.

a. Restrict vehicle use to properly designated exit points;

b. Use appropriate stabilization techniques[17~~15~~] at all points that exit onto paved roads.

i. **Exception**: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls[18~~16~~] are implemented to minimize sediment track-out;

c. Implement additional track-out controls[19~~17~~] as necessary to ensure that sediment removal occurs prior to vehicle exit; and

d. Where sediment has been tracked ~~-~~out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective

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[16~~14~~] Examples of perimeter controls include filter berms, different types of silt fence~~s~~ such as wire-backed, super silt fence, or multi-layer geotextile silt fence, compost filter socks, gravel barriers, ~~vegetative strips,~~ and temporary diversion dikes.

[17~~15~~] Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

[18~~16~~] Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., *karst areas; steep slopes)*.

[19~~17~~] Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S.[20][18]

2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil: [21]

a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;

b. Install a sediment barrier along all downgradient perimeter areas of sediment or soil stockpiles or land clearing debris piles;[22][19]

c. For piles that will be unused for 14 or more days, provide cover[23][20] or appropriate temporary stabilization (consistent with Part 2.2.14);

d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or water of the U.S.

2.2.6 Minimize dust. On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

2.2.7 Minimize steep slope disturbances. Minimize the disturbance of "steep slopes" (as defined in Appendix A).

2.2.8 Preserve native topsoil, unless infeasible.[24][21]

2.2.9 Minimize soil compaction.[25][22] In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and

b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

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[20][18] Fine grains that remain visible (e.g., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

[21] The requirements in Part 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.2.3a for the requirements that apply to these types of materials.

[22][19] Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

[23][20] Examples of cover include tarps, blown straw and hydroseeding.

[24][21] Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case~~,~~ it may not be feasible to preserve topsoil.

[25][22] Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

2.2.10 Protect storm drain inlets.

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater ~~flow~~ from your site to a water of the U.S., provided you have authority to access the storm drain inlet;[26~~23~~] and

b. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.11 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. [27~~24~~]

2.2.12 If you install a sediment basin or similar impoundment:

a. Situate the basin or impoundment outside of any water of the U.S. and any natural buffers established under Part 2.2.1;

b. Design the basin or impoundment to avoid collecting water from wetlands;

c. Design the basin or impoundment to provide storage for either:

i. The calculated volume of ~~runoff~~ stormwater from a 2-year, 24-hour storm (see Appendix H); or

ii. 3,600 cubic feet per acre drained.

d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;[28~~25~~]

e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

2.2.13 If using treatment chemicals (e.g., *polymers, flocculants, coagulants*)**:**

a. Use conventional erosion and sediment controls before and after the application of treatment chemicals. Chemicals may only be applied where treated stormwater is

[26~~23~~] Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

[27~~24~~] Examples of control measures that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of a stormwater conveyance and at the outfall to slow down stormwater ~~runoff~~.

[28~~25~~] The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

directed to a sediment control *(*e.g., *sediment basin, perimeter control)* before discharge.

b. Select appropriate treatment chemicals*.* Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated *(*i.e., *the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area)*.

c. Minimize discharge risk from stored chemicals. Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures *(*e.g., *spill berms, ~~decks~~ dikes, spill containment pallets),* or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means *(*e.g., *storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill)*.

d. Comply with state/local requirements. Comply with applicable state and local requirements regarding the use of treatment chemicals.

e. Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier. Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.

f. Ensure proper training. Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training prior to beginning application of treatment chemicals. Among other things, the training must cover proper dosing requirements.

g. Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals. If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as conditioned by your authorization to ensure that the use of such chemicals will not result in discharges that do not meet ~~cause an exceedance of~~ water quality standards.

2.2.14 Stabilize exposed portions of the site. Implement and maintain stabilization measures (*e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel*) that minimize erosion from exposed portions of the site in accordance with Parts 2.2.14a and 2.2.14b.

a. Stabilization Deadlines:[~~29~~26]

[~~29~~26] EPA may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

Total Amount of Land Disturbance Occurring At Any One Time[3027]	**Deadline**
i. Five acres or less (≤5.0) **Note: this includes sites disturbing more than five acres (>5.0) total over the course of a project, but that limit disturbance at any one time *(i.e., phase the disturbance)* to five acres or less (≤5.0)**	• Initiate the installation of stabilization measures immediately[3128] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[3229] and • Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been initiated.[3330]
ii. More than five acres (>5.0)	• Initiate the installation of stabilization measures immediately[3431] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[3532] and

[3027] Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to "free up" land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

[3128] The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

[3229] The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

[3330] If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

[3431] See footnote 3027.

[3532] See footnote 3128

Total Amount of Land Disturbance Occurring At Any One Time[3027]	Deadline
	• Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.[3633]

Request for Comment 4: EPA requests feedback on whether construction permittees have found the stabilization requirements that apply to sites disturbing more than 5 acres at a time to be an effective incentive to phase construction disturbances so that they are kept under 5 acres at any one time. If so, please elaborate on how this has changed your operational practices and how you have adapted to this requirement.

If you have not found the requirement to be effective in incentivizing the phasing of your construction projects so that no more than 5 acres are disturbed at any one time, please provide feedback on what, if any, alternative disturbance thresholds (e.g., 10 acres, 20 acres) and what, if any, corresponding permit requirements would be more effective at incentivizing a phased approach to disturbances.

EPA also requests specific comment on the relative merits of incorporating any of the following related state permit requirements as alternatives to the current CGP requirement:

- Require for all operators that no more than 10 acres of land be disturbed at any one time (areas that were disturbed but have been stabilized would not count towards the total);
- Same as previous, but allow for greater disturbances on a case-by-case basis where EPA provides authorization and additional conditions are met, such as requiring:
  - Inspections to be conducted more frequently (e.g., two times per week);
  - Stabilization of disturbed areas immediately where construction activity will cease for 7 days or longer; and/or
  - Identification and documentation in the SWPPP of the construction phases with a maximum amount of disturbance capped for each phase.

b. Exceptions:

i. Arid, semi-arid, and drought-stricken areas (as defined in Appendix A)**.** If it is the seasonally dry period (as defined in Appendix A) or a period in which drought is occurring, and vegetative stabilization measures are being used:

(a) Immediately initiate and, within 14 calendar days of ~~a~~ temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;

(b) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and

(c) If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and

[3633] See footnote 3229

your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.

ii. **Unforeseen circumstances.** Operators that are affected by unforeseen circumstances[37~~34~~] that delay the initiation and/or completion of vegetative stabilization:

(a) Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;

(b) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and

(c) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.

iii. **Discharges to a sediment- or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.** Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.

c. **Final Stabilization Criteria** (for any areas not covered by permanent structures)**:**

i. Establish uniform, perennial vegetation *(*i.e.*, evenly distributed, without large bare areas)* that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas; and/or

ii. Implement permanent non-vegetative stabilization measures[38~~35~~] to provide effective cover.

iii. **Exceptions:**

(a) **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied that provide cover for at least three years without active maintenance.

(b) **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** The Part 2.2.14c final stabilization criteria do~~es~~ not apply.

(c) **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed *(*e.g.*, dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials)*.

[37~~34~~] Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

[38~~35~~] Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

2.3 POLLUTION PREVENTION REQUIREMENTS[39][36]

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

2.3.1 For equipment and vehicle fueling and maintenance:

a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;[40][37]

b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;

c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

d. Use drip pans and absorbents under or around leaky vehicles;

e. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements; and

f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2 For equipment and vehicle washing:

a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;[41][38]

b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

c. For storage of soaps, detergents, or solvents, provide either (1) cover *(*e.g., *plastic sheeting, temporary roofs)* to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

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[39][36] Under this permit, you are not required to minimize exposure for any products or materials 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).

[40][37] Examples of effective means include:

- Locating activities away from waters of the U.S. and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (e.g., *spill berms, ~~decks~~ dikes, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

[41][38] Examples of effective means include locating activities away from waters of the U.S. and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

2.3.3 For storage, handling, and disposal of building products, materials, and wastes:

a. *For building materials and building products,*[42~~39~~] provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these products to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

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).

b. *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*

i. In storage areas, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and

ii. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).

c. *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:*

i. ~~Store chemicals in water-tight containers, and provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas (e.g., having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and~~ If the total volume on site is 55 gallons or less:

(a) Store chemicals in water-tight containers;

(b) If stored outside, use a spill containment pallet or similar device to capture small leaks or spills; and

(c) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond expeditiously in the event of a leak or spill.

ii. If the total volume on site is more than 55 gallons:

(a) Store chemicals in water-tight containers;

(b) Store containers a minimum of 50 feet from waters of the U.S., drainage systems, and stormwater inlets;

(c) Provide either (1) cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets); and

[42~~39~~] Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

(d) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond expeditiously in the event of a leak or spill. Additional secondary containment measures are listed at 40 CFR § 112.7(c)(1).

iii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

d. *For hazardous or toxic wastes:*[43~~40~~]

i. Separate hazardous or toxic waste from construction and domestic waste;

ii. Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;

iii. Store all outside containers within appropriately-sized secondary containment (e.g., *spill berms, ~~decks~~ dikes, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas *(*e.g., *storing chemicals in a covered area, having a spill kit available on site);*

iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements;

v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

vi. Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste.

e. *For construction and domestic wastes:*[44~~41~~]

i. Provide waste containers *(*e.g., *dumpster, trash receptacle)* of sufficient size and number to contain construction and domestic wastes;

ii. For waste containers that have lids, k~~K~~eep waste container lids closed when not in use, and close lids at the end of the business day and during storm events ~~for those containers that are actively used throughout the day~~. For waste containers that do not have lids, provide either (1) cover *(*e.g., *a tarp, plastic sheeting, temporary roof)* to minimize exposure of wastes to precipitation, or (2) a similarly

[43~~40~~] Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

[44~~41~~] Examples of construction and domestic wastes include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or building materials.

effective means designed to minimize the discharge of pollutants *(e.g., secondary containment)*;

iii. On business days, clean up and dispose of waste in designated waste containers; and

iv. Clean up immediately if containers overflow.

Request for Comment 5: At the request of several stakeholders in the regulated community, EPA is considering additional flexibilities in how the Part 2.3.3e requirement applies to particular types of construction wastes. In response, EPA requests comment on whether there are some types of waste materials that may be stored on site prior to disposal or recycling without being subject to the Part 2.3.3e requirements because their storage outside without cover, secondary containment, or other stormwater controls will not result in the discharge of pollutants. For instance, representatives of the construction industry community have asked whether the same language that applies to building materials and products in Part 2.3.3a ("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)") could be applied to the waste remnant of materials such as wood/lumber, concrete blocks, rebar (reinforced steel), unused nuts and bolts, gravel or rock.

With respect to this request for comment, EPA asks for specific examples of the types of materials that the permit should treat in this way because they will not discharge pollutants and the relevant documentation that supports each commenter's position. If EPA were to modify the permit as requested, EPA asks for suggestions on how the permit should ensure that the storage of these materials at the site is kept separate from other waste materials that are expected to generate pollutants that could be discharged in stormwater.

f. *For sanitary waste*, position portable toilets so that they are secure and will not be tipped or knocked over, and so that they are located away from waters of the U.S. and stormwater inlets or conveyances.

2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

i. Do not dump liquid wastes in storm sewers or waters of the U.S.;

ii. Dispose of liquid wastes in accordance with applicable requirements in Part 2.3.3; and

iii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3; and

c. Locate any washout or cleanout activities as far away as possible from waters of the U.S. and stormwater inlets or conveyances, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

2.3.5 For the application of fertilizers:

a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6.b.ix;

b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;

d. Never apply to frozen ground;

e. Never apply to stormwater conveyance channels; and

f. Follow all other federal, state, tribal, and local requirements regarding fertilizer application.

2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR part 110, 40 CFR part 117, and 40 CFR part 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants in ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with Part 1.2.2. [42]

2.4.1 Route ~~Treat~~ dewatering water through a sediment control (e.g. sediment trap or basin, pumped water filter bag) ~~discharges with controls~~ designed to prevent discharges with visual turbidity ~~to minimize discharges of pollutants~~; [45][43]

[42] ~~Uncontaminated, clear (non-turbid) dewatering water can be discharged without being routed to a control.~~

[45] For the purposes of this permit, visual turbidity refers to a sediment plume or other cloudiness in the water caused by sediment that can be identified by an observer.

[43] ~~Appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, filtration systems (e.g., *bag or sand filters*), and passive treatment systems that are designed to remove sediment. Appropriate controls to use downstream of dewatering controls to minimize erosion include vegetated buffers, check dams, riprap, and grouted riprap at outlets.~~

2.4.2 Do not discharge visible floating solids or foam;

2.4.3 Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to or expected to contain these materials. The discharge must not cause the formation of a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water;

2.4.4 To the extent feasible, use well-vegetated (e.g., grassy), upland areas of the site to infiltrate dewatering water before discharge. You are prohibited from using waters of the U.S. as part of the treatment area;

2.4.5 To prevent sediment discharges from causing erosion:

a. Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) for the discharge from dewatering controls;

b. Do not place dewatering controls, such as pumped water filter bags, on steep slopes (as defined in Appendix A); and

c. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11~~,~~. The discharge must not cause re-suspension of sediments upon discharge to the receiving water.

2.4.6 ~~With~~ For backwash water, either haul it away for disposal or return it to the beginning of the treatment process; ~~and~~

2.4.7 Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications~~.~~; and

2.4.8 Comply with dewatering-specific inspection requirements in Part 4.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional state or tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your

discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

3.2 ~~DISCHARGE~~ WATER QUALITY-BASED CONDITIONS ~~LIMITATIONS~~ FOR SITES DISCHARGING TO SENSITIVE WATERS[4644]

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes, you must comply with the inspection frequency specified in Part 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14.~~b~~a.iii.(c).[4745]

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional controls are necessary for your discharge to be controlled as necessary to meet water quality standards, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary.

In addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, and/or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

[4644] Sensitive waters include waters that are impaired and Tier 2, Tier 2.5, and Tier 3 waters.

"Impaired waters" are those waters identified by the state, tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA); or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR § 130.7(b)(1). Your construction site will be considered to discharge to an impaired water if the first water of the U.S. to which you discharge is an impaired water for the pollutants contained in the discharge from your site. For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available both within the electronic NOI form in NeT, and at https://water.epa.gov/polwaste/npdes/stormwater/discharge.cfm.

Tiers 2, 2.5 and 3 refer to waters either identified by the state as high quality waters or Outstanding National Resource Waters under 40 CFR § 131.12(a)(2) and (3). For the purposes of this permit, you are considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3. For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the stormwater discharge from the storm sewer system. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F. EPA may determine on a case-by-case basis that a site discharges to a sensitive water.

[4745] If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

a. Implement controls[4846] to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and

b. Ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.

3.3 WATER QUALITY-BASED CONDITIONS FOR SITES DISCHARGING TO SENSITIVE WATERS FROM CONSTRUCTION DEWATERING ACTIVITIES

Request for Comment 6: EPA requests comment on requiring monitoring for sites discharging dewatering water to a sediment-impaired water or a water designated as a Tier 2, Tier 2.5, or Tier 3 water. For affected sites, the permittee would be required to collect and analyze at least one turbidity sample from the discharge on each day in which dewatering discharges are occurring. Refer to discussion related to the potential Part 3.3 of the permit for the rationale behind the potential inclusion of this requirement.

EPA is considering using one of two approaches as a model for monitoring in this permit: a benchmark monitoring approach or an indicator monitoring approach. See Parts 4.2.1 (indicator monitoring) and 4.2.2 (benchmark monitoring) of EPA's 2021 Multi-Sector General Permit (MSGP) for examples of both types of approaches. EPA requests feedback on the relative merits of both approaches, as well as concerns you have about either or both.

Benchmark monitoring: Under a benchmark monitoring approach, permittees would take turbidity samples on each day of discharge from their dewatering activities and compare the weekly average of the results with an established benchmark turbidity value. After researching possible turbidity benchmarks, EPA proposes using 50 Nephelometric Turbidity Units (NTU) were the Agency to finalize a benchmark monitoring approach. Under the benchmark monitoring approach, where a permittee's weekly average turbidity results exceed the benchmark (i.e., 50 NTU), the permit would require the operator to conduct follow-up corrective action to determine the source of the problem and to make any necessary repairs or upgrades to the dewatering controls to lower the turbidity levels. The permittee would also be required to document any corrective action taken in its corrective action log in accordance with Part 5.4. The weekly average turbidity data would be reported to EPA once every quarter.

Indicator monitoring: Under an indicator monitoring approach, permittees would still monitor the dewatering discharge for turbidity, however, no benchmark level would be set, nor would corrective action be required based on the turbidity results. The average weekly values will be calculated and reported in the same way as in the benchmark monitoring approach, but, unlike in the benchmark approach, the purpose of the information would be intended to provide operators and EPA with a baseline and comparable understanding of stormwater discharge quality, broader water quality problems, and stormwater control measure effectiveness at these sites.

[4846] Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, and using tools that minimize dust and heat (<212°F). For additional information, refer to Part 2.3.3 of the CGP Fact Sheet.

Relating to the monitoring approaches described above, EPA also requests comment on the following:

- Overall, are you supportive of including turbidity monitoring in the permit? Please include an explanation for your position either way. What are your thoughts related to whether the proposed requirement in Part 4.6.3 to visually check for sediment plumes or other signs of contamination would be just as effective as turbidity monitoring.
- Do you have a preference for which monitoring approach EPA chooses to use as part of the permit? Please provide an explanation for your preference.
- For those who have experience with monitoring for turbidity in compliance with a state dewatering permit, please provide feedback on your experience with these requirements. For instance, EPA is particularly interested in the following:
    - How frequently did you collect turbidity samples?
    - What type of instrument did you use to measure turbidity levels?
    - Did you find the turbidity values to be a reliable indicator of the effectiveness of your controls? If so, did you find that making adjustments to your treatment controls had the effect of lowering turbidity values? If not, what factors may have led to the variability of results? What was the range of turbidity values that you found on your site?
    - Did you report your results to the permitting authority or were you just required to keep records of the data on site?
    - Did you rely on a contractor to conduct turbidity monitoring, or did you use your own staff?
    - How much did it cost you to conduct turbidity monitoring at your site?
- Should the sites that are required to monitor be further refined in any way? For instance, should monitoring be limited to sites discharging to waters with designated uses that are especially susceptible to high turbidity levels (e.g., public water supplies, freshwater fisheries)? Or, should there be some consideration to the amount of dewatering that is required for the site, in terms of the volume or number of days dewatering is necessary?

4 SITE INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR INSPECTING SITE

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that ~~the~~ any person conducting inspections pursuant to this section have received the minimum training required in Part 6.3. ~~who conducts inspections is a "qualified person."~~[47]

4.2 FREQUENCY OF INSPECTIONS.[4948]

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sensitive waters or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1 At least once every seven (7) calendar days; *or*

4.2.2 Once every 14 calendar days *and* within 24 hours of the occurrence of a storm event of 0.25 inches or greater of rain[50] or within 24 hours of a discharge caused by snowmelt from a 3.25 inches[51] or greater of snow accumulation~~, or the occurrence of runoff from snowmelt sufficient to cause a discharge~~.[49]

a. To determine whether ~~if a storm event of~~ 0.25 inches or greater of rain has occurred ~~on~~ at your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

b. To determine whether 3.25 inches or greater of snow accumulation has occurred at your site, you must either take measurements of snowfall at your site,[52] or rely on similar information from a local weather forecasting provider.

4.3 INCREASE IN INSPECTION FREQUENCY~~FOR SITES DISCHARGING TO SENSITIVE WATERS~~ FOR CERTAIN SITES.

The increased inspection frequencies established in this Part take the place of the Part 4.2 inspection frequencies for the portion of the site affected.

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[47] ~~A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.~~

[4948] Inspections are only required during the site's normal working hours.

[5049] "Within 24 hours of the occurrence of a storm event" means that you must conduct an inspection within 24 hours once a storm event has produced 0.25 inches within a 24-hour period, even if the storm event is still continuing. ~~Thus, i~~If you have elected to inspect bi-weekly in accordance with Part 4.2.2 and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm. For example, if 0.30 inches of rain falls on Day 1, 0.25 inches of rain falls on Day 2, and 0.10 inches of rain fall on Day 3, you would be required to conduct a first inspection within 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.

[51] This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See https://www.nssl.noaa.gov/education/svrwx101/winter/faq/.

[52] For snowfall measurements, EPA suggests use of NOAA's National Weather Service guidelines at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

4.3.1 For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), ~~instead of the inspection frequency specified in Part 4.2,~~ you must conduct an inspection~~s in accordance with the following inspection frequencies:O~~ once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or when the occurrence of ~~runoff~~ flow from snowmelt is sufficient to cause a discharge.

To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall, during normal business hours, that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

4.3.2 For sites discharging dewatering water, you must conduct an inspection once per day on which the discharge occurs. The Part 4.2 inspection frequency still applies to all other portions of the site, unless the site is affected by either the increased frequency in Part 4.3.1 or the reduced frequency in Part 4.4.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized areas.

a. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month in any area of your site where the stabilization steps in 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.

b. Exception. For "linear construction sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event of 0.25 inches or greater. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1~~.~~a. Inspections must continue until final stabilization is visually confirmed following a storm event of 0.25 inches or greater.

4.4.2 Arid, semi-arid, or drought-stricken areas (as defined in Appendix A). If it is the seasonally dry period (as defined in Appendix A) or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event of 0.25 inches or greater. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25

inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

4.4.3 Frozen conditions:

a. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:

i. ~~Runoff is~~ Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;

ii. Land disturbances have been suspended; and

iii. All disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

b. If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:

i. ~~Runoff is~~ Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and

ii. Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

You must document the beginning and ending dates of this period in your SWPPP.

4.5 AREAS THAT MUST BE INSPECTED

During your site inspection, you must at a minimum inspect the following areas of your site:

4.5.1 All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;

4.5.2 All stormwater controls, ~~(~~including pollution prevention controls,~~)~~ installed at the site to comply with this permit;[~~53~~50]

4.5.3 Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;

4.5.4 All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, and/or treat stormwater;

[~~53~~50] This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

4.5.5 All areas where construction dewatering is taking place, including stormwater controls to treat the dewatering discharge and any channelized flow of water to and from those controls;

4.5.6 All points of discharge from the site; and

4.5.7 All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.6 REQUIREMENTS FOR INSPECTIONS

4.6.1 During each ~~your~~ site inspection, you must at a minimum:

a. Check whether all stormwater controls *(*i.e.*, erosion and sediment controls and pollution prevention controls)* are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges.

b. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site.

c. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3.

d. Check for signs of visible erosion and sedimentation *(*i.e.*, sediment deposits)* that have occurred and are attributable to your discharge at points of discharge and, if applicable, on the banks of any waters of the U.S. flowing within or immediately adjacent to the site~~:~~. Check also for signs of sedimentation (e.g., sand bars with no vegetation growing on top) at points downstream from the point of discharge that could be attributable to your discharge.

e. Identify any incidents of noncompliance observed.

4.6.2 If a discharge is occurring during your inspection:

a. Identify all discharge points at the site; and

b. Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants.

4.6.3 For dewatering inspections conducted pursuant to Part 4.5.5, record the following:

a. Approximate times that the dewatering discharge began and ended on the day of inspection;

b. Estimates of the rate (in gallons per day) of discharge on the day of inspection;

c. Whether or not a sediment plume, or a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water, was observed (note: if either are observed, corrective action is required pursuant to Part 5.1.5); and

d. Photographs of (1) dewatering water prior to treatment by a stormwater control(s) and the final discharge after treatment; (2) the stormwater control; and (3) the point of discharge to any waters of the U.S. flowing through or immediately adjacent to the site.

4.6.4 Based on the results of your inspection:

a. ~~, c~~ Complete any necessary maintenance repairs or replacements under Part 2.1.4 ~~and~~ or ~~corrective action~~ under Part 5, whichever applies; and

b. Modify your SWPPP site map in accordance with Part 7.4.1 to reflect changes to your stormwater controls that are no longer accurately reflected on the current site map.

4.7 INSPECTION REPORT

4.7.1 You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any necessary routine maintenance pursuant to Part 2.1.4b or corrective action pursuant to Part 5.1~~s~~;

d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of rainfall measuring 0.25 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and

e. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.

4.7.2 Each inspection report must be signed in accordance with Appendix I, Part I.11 of this permit.

4.7.3 You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.[54]

4.7.4 You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

4.8 INSPECTIONS BY EPA

You must allow EPA, or an authorized representative of EPA, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls that are not on site to comply with this permit, you must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.

4.8.1 Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this

[54] Inspection reports may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact Sheet discussion related to Part 4.7.3.

permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

4.8.2 Access and copy any records that must be kept under the conditions of this permit;

4.8.3 Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1.c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4.8.4 Sample or monitor for the purpose of ensuring compliance.

5 CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

You must take corrective action to address any of the following conditions identified at your site:

5.1.1 A stormwater control needs repair or replacement ~~(beyond routine maintenance required under Part 2.1.4)~~ that will take more than 24 hours to complete. Pursuant to Part 2.1.4c, however, where you find it necessary to repeatedly (i.e., 3 or more times) conduct the same routine maintenance fixes (repairs or replacements that take less than 24 hours) to the same control, or you find that the control was not installed or designed correctly in accordance with Part 2.1, you are also required to take corrective action in accordance with this Part; or

5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

5.1.3 Your discharges are not meeting ~~causing an exceedance of~~ applicable water quality standards; ~~or~~

5.1.4 A prohibited discharge has occurred (see Part 1.3)~~.~~; or

5.1.5 You observe a sediment plume or a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water during discharge from site dewatering activities (see Part 4.6.3d), or you are informed by EPA, state, or local authorities of such conditions. Note that where you observe any of these conditions you are required to take immediate action to address the condition consistent with Part 5.2.1 (in addition to taking other steps required in Part 5.2 to correct the problem), including immediately suspending the discharge and taking steps to ensure that the controls being used are operating effectively.

5.2 CORRECTIVE ACTION DEADLINES

For any corrective action triggering conditions in Part 5.1, you must:

5.2.1 Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;

5.2.2 When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day;

5.2.3 When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records

why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.

5.3 CORRECTIVE ACTION REQUIRED BY EPA

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.

5.4 CORRECTIVE ACTION ~~REPORT~~ LOG

5.4.1 For each corrective action taken in accordance with this Part, you must ~~complete a report in accordance with~~ record the following in a corrective action log:

- **a.** Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- **b.** Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

5.4.2 Each entry to the corrective action log ~~Each corrective action report~~ must be signed in accordance with Appendix I, Part I.11.2 of this permit.

5.4.3 You must keep a copy of ~~all~~ the corrective action ~~reports~~ log at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.[55]

5.4.4 You must retain ~~all~~ the corrective action ~~reports~~ log ~~completed for this Part~~ for at least three (3) years from the date that your permit coverage expires or is terminated.

6 STORMWATER TEAM FORMATION/ STAFF TRAINING REQUIREMENTS

6.1 STORMWATER TEAM

Each operator, or group of multiple operators, must assemble a "stormwater team" that will be responsible for ~~to~~ carrying out ~~compliance~~ activities ~~associated with the~~ necessary to comply with ~~requirements in~~ this permit. The stormwater team must include the following people:

- **a.** Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- **b.** Personnel responsible for the application and storage of treatment chemicals (if applicable);

[55] The corrective action log may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of corrective action log records, refer to the Fact Sheet discussion related to Part 4.7.3.

c. Personnel who are responsible for conducting inspections as required in Part 4.1; and

d. Personnel who are responsible for taking corrective actions as required in Part 5.

Members of the stormwater team must be identified in the SWPPP pursuant to Part 7.2.2.

6.2 GENERAL TRAINING REQUIREMENTS FOR STORMWATER TEAM MEMBERS

Prior to the commencement of construction activities, you must ensure that ~~the following personnel~~ all persons[56][51] ~~on~~ assigned to the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements, including the following related to the scope of their job duties:

a. The permit deadlines associated with installation, maintenance, removal of stormwater controls and stabilization;

b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;

c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and

d. When and how to conduct inspections, record applicable findings, and take corrective actions. Specific training requirements for persons conducting site inspections are included in Part 6.3.

~~**a.** Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);~~

~~**b.** Personnel responsible for the application and storage of treatment chemicals (if applicable);~~

~~**c.** Personnel who are responsible for conducting inspections as required in Part 4.1; and~~

~~**d.** Personnel who are responsible for taking corrective actions as required in Part 5.~~

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers (unless the subcontractors or outside service providers are responsible for conducting the inspections required in Part 4, in which case you must provide such documentation consistent with Part 7.2.2), but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

6.3 TRAINING REQUIREMENTS FOR PERSONS CONDUCTING INSPECTIONS

Any personnel conducting site inspections pursuant to Part 4 on your site must, at a minimum, either:

a. Have completed the EPA construction inspection course developed for this permit and have passed the exam; or

[56][51] If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

b. Hold a current valid construction inspection certification or license from a program that must, at a minimum, cover the following:

i. Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;

ii. Proper design, installation, and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and

iii. Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4.

A member of the stormwater team may also conduct inspections if they are working under the supervision of a person who has the qualifications described above.

Request for Comment 7: EPA requests comment on the proposed modifications to the training required for personnel conducting inspections on behalf of the permittee. In particular, EPA asks for any specific recommendations on how the Agency can design its own inspection training program so that it covers the material site inspectors will find most useful to comply with the permit's inspection requirements. EPA also requests feedback on the proposed alternative to pursue a training certification from a third-party training program, including the proposed criteria that such training programs must cover in order to meet the requirement.

~~At a minimum, members of the stormwater team must be trained to understand the following if related to the scope of their job duties (e.g., *only personnel responsible for conducting inspections need to understand how to conduct inspections)*:~~

c. ~~The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;~~

d. ~~The location of all stormwater controls on the site required by this permit and how they are to be maintained;~~

e. ~~The proper procedures to follow with respect to the permit's pollution prevention requirements; and~~

f. ~~When and how to conduct inspections, record applicable findings, and take corrective actions.~~

6.4 STORMWATER TEAM'S ACCESS TO PERMIT DOCUMENTS

Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.[~~52, 53~~57, 58, 59] The SWPPP must be kept up-to-date throughout coverage under this permit.

[~~57~~52] The SWPPP does not establish the effluent limits and/or other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

[~~58~~53] Where there are multiple operators associated with the same site, they may develop a group SWPPP

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

7.2 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

7.2.1 All Site Operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

7.2.2 Stormwater Team. Identify the personnel (by name and position) that you have made ~~are~~ part of the stormwater team pursuant to Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections.

Include documentation that each member of the stormwater team has received the training required by Part 6. If personnel on your team elect to complete the EPA inspector training program pursuant to Part 6.3a, you must include copies of the certificate showing that the relevant personnel have completed the training and passed the exam.

7.2.3 Nature of Construction Activities.[6054] Include the following:

a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;

b. The size of the property (in acres or length in miles if a linear construction site);

c. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);

d. A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c);

e. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;

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instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to implement any measures necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not compromise any other operators' controls and/or any shared controls.

[59] There are a number of commercially available products to assist operators in developing the SWPPP, as well as companies that can be hired to help develop a site-specific SWPPP. The permit does not state which are recommended, nor does EPA endorse any specific products or vendors. Where operators choose to rely on these products or services, the choice of which ones to use to comply with the requirements of this Part is up to the operator.

[6054] If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

f. A description and projected schedule for the following:

i. Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., *excavating, cutting and filling*), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

ii. Temporary or permanent cessation of construction activities in each portion of the site;

iii. Temporary or final stabilization of exposed areas for each portion of the site; and

iv. Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

g. A list and description of all pollutant-generating activities[6155] on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., *sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;

h. Business days and hours for the project;

i. If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency *(*e.g., *mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services)*, information substantiating its occurrence *(*e.g., *state disaster declaration or similar state or local declaration)*, and a description of the construction necessary to reestablish affected public services.

7.2.4 Site Map. Include a legible map, or series of maps, showing the following features of the site:

a. Boundaries of the property;

b. Locations where construction activities will occur, including:

i. Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;

ii. Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));

iii. Locations where sediment, soil, or other construction materials will be stockpiled;

iv. Any water of the U.S. crossings;

v. Designated points where vehicles will exit onto paved roads;

vi. Locations of structures and other impervious surfaces upon completion of construction; and

[6155] Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

vii. Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).

c. Locations of ~~all~~ any waters of the U.S. within the site and all waters of the U.S. located within one mile downstream of the site's discharge point(s). Also identify if any are listed as impaired~~,~~ or are identified as a Tier 2, Tier 2.5, or Tier 3 water;

d. Any a~~A~~reas of federally listed critical habitat within the site and~~/or~~ upstream and/or downstream from the stormwater discharge point into a stream segment that may be affected by these discharges ~~at discharge locations~~;

e. Type and extent of pre-construction cover on the site (e.g., *vegetative cover, forest, pasture, pavement, structures*);

f. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;

g. Stormwater and authorized non-stormwater discharge locations, including:

i. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets;[62~~56~~] and

ii. Locations where stormwater or authorized non-stormwater will be discharged directly to waters of the U.S. (i.e., not via a storm drain inlet).

h. Locations of all potential pollutant-generating activities identified in Part 7.2.3g;

i. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and

j. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

7.2.5 Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

7.2.6 Description of Stormwater Controls.

a. For each of the Part 2.2 erosion and sediment control effluent limits, Part 2.3 pollution prevention effluent limits, and Part 2.4 construction dewatering effluent limits, as applicable to your site, you must include the following:

i. A description of the specific control(s) to be implemented to meet the effluent limit;

ii. Any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);[63~~57~~]

iii. Routine stormwater control maintenance specifications; and

[62~~56~~] The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

[63~~57~~] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

iv. The projected schedule for stormwater control installation/implementation.

b. You must also include any of the following additional information as applicable.

i. Natural buffers and/or equivalent sediment controls (see Part 2.2.1 and Appendix G). You must include the following:

(a) The compliance alternative to be implemented;

(b) If complying with alternative 2, the width of natural buffer retained;

(c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;

(d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;

(e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and

(f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a water of the U.S.

ii. Perimeter controls for a "linear construction site" (see Part 2.2.3d). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3a requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.

iii. Sediment track-out controls (see Parts 2.2.4b and 2.2.4c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.

iv. Sediment basins (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.

v. Treatment chemicals (see Part 2.2.13), you must include the following:

(a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;

(b) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;

(c) If the applicable EPA Regional Office authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a discharge that does not meet ~~an exceedance of~~ water quality standards;

(d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;

(e) Information from any applicable Safety Data Sheet (SDS);

(f) Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;

(g) A description of how chemicals will be stored consistent with Part 2.2.13c;

(h) References to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and

(i) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

vi. Stabilization measures (see Part 2.2.14). You must include the following:

(a) The specific vegetative and/or non-vegetative practices that will be used;

(b) The stabilization deadline that will be met in accordance with Part 2.2.14a.i-ii;

(c) If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period (as defined in Appendix A) and the schedule you will follow for initiating and completing vegetative stabilization; and

(d) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

vii. Spill prevention and response procedures (see Part 1.3.5 and Part 2.3). You must include the following:

(a) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

(b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR § 110, 40 CFR § 117, or 40 CFR § 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Section ~~Part~~ 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.[6458]

viii. **Waste management procedures** (see Part 2.3.3). Describe the procedures you will follow for handling, storing, and disposing of all wastes generated at your site consistent with all applicable federal, state, tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

ix. **Application of fertilizers** (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.2.7 Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 3.~~3~~4, and Part 5 of this permit. Also include:

a. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;

b. If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;

c. If you will be reducing your inspection frequency in accordance with Part 4.4.1b, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;

d. If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and

e. Any maintenance or inspection checklists or other forms that will be used.

~~**Staff Training.** Include documentation that the required personnel were, or will be, trained in accordance with Part 6.~~

7.2.8 Compliance with Other Requirements.

a. Threatened and Endangered Species Protection. Include documentation required in Appendix D supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.

b. Historic Properties. Include documentation required in Appendix E supporting your eligibility with regard to the protection of historic properties.

c. Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls. If you are using any of the following stormwater

[6458] Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

controls at your site, document any contact you have had with the applicable state agency[65~~59~~] or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR § 144 -147. Such controls would generally be considered Class V UIC wells:

i. Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);

ii. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and

iii. Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

7.2.9 SWPPP Certification. You must sign and date your SWPPP in accordance with Appendix I, Part I.11.

7.2.10 Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

a. A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;

b. A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (i.e*., permit tracking number*);

c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a state, tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).[66]

[65~~59~~] For state UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

[66] The SWPPP may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of the SWPPP, refer to the Fact Sheet discussion related to Part 4.7.3.

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.[6760]

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

7.4 SWPPP MODIFICATIONS

7.4.1 You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;

b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;

c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;

d. Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:

i. A copy of any correspondence describing such measures and requirements; and

ii. A description of the controls that will be used to meet such requirements.

e. To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater controls implemented at the site; and

f. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

7.4.2 You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.9~~7.2.10~~ above) and a brief summary of all changes.

7.4.3 All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix I, Part I.11.b.

[6760] Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR Part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

7.4.4 Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

8 HOW TO TERMINATE COVERAGE

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1 MINIMUM INFORMATION REQUIRED IN NOT

8.1.1 NPDES ID (i.e., *permit tracking number)* provided by EPA when you received coverage under this permit;

8.1.2 Basis for submission of the NOT (see Part 8.2);

8.1.3 Operator contact information;

8.1.4 Name of site and address (or a description of location if no street address is available); and

8.1.5 NOT certification.

8.2 CONDITIONS FOR TERMINATING CGP COVERAGE

You ~~must~~ may terminate CGP coverage only if one or more of the ~~following~~ conditions in Parts 8.2.1, 8.2.2, or 8.2.3 has occurred. Until your termination is effective consistent with Part 8.5, you must continue to comply with the conditions of this permit.~~:~~

8.2.1 You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met all of the following requirements:

a. For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14~~cb~~. To document that you have met these stabilization requirements, you must take photographs that clearly show your compliance with the Part 2.2.14 stabilization requirements and that are representative of the stabilized areas of your site, and submit them with your NOT;

Request for Comment 8: EPA is interested in receiving feedback on the proposed requirement in Part 8.2.1a to take photographs of the stabilized areas of the site and submit them with the NOT. EPA is particularly interested in whether any additional criteria should be established to ensure that the photos accurately depict the stabilized site, are representative of the area stabilized, and are of good quality, and what those criteria should be?

b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;

c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and

d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

8.2.2 You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

8.2.3 Coverage under an individual or alternative general NPDES permit has been obtained.

8.3 HOW TO SUBMIT YOUR NOT

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit ~~your~~ an NOT for the ~~2017~~ 2022 CGP.

To access NeT, go to https://cdx.epa.gov/cdx.

Waivers from electronic reporting may be granted as specified in Part 1.4.2~~1.4.1~~. If the EPA Regional Office grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix K.

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit ~~your~~ an NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to EPA.

9 PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES

The provisions in this Part provide ~~modifications or~~ additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the state or tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific states, Indian country, and areas in certain states subject to construction projects by Federal Operators. States, Indian country, and areas subject to construction by Federal Operators not included in this Part do not have any ~~modifications or~~ additions to the applicable conditions of this permit.

[PLACEHOLDER for state or tribal CWA Section 401 certification conditions]