EPA’s Final 2022 Construction General Permit

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U.S. EPA
Help with the webinar

• Housekeeping tips for the slides:
  • This session is being recorded.
  • You can send technical issues and questions to: Zachary.Armand@erg.com.
  • Please submit all other questions in the Q&A box.
  • In order to minimize background noise, currently all attendees in this meeting are on mute.
Language in this presentation is not the equivalent of the final EPA permit. We have attempted to be accurate as to the contents of the final permit. To the extent there are differences between the language in this presentation and the final permit, the permit is what governs.
Abbreviations that will be used

• **CGP** – EPA’s Construction General Permit

• **SWPPP** – Stormwater Pollution Prevention Plan

• **NOI** – Notice of Intent

• **NOT** – Notice of Termination
IN THIS WEBINAR

• Issuance of the 2022 CGP
• CGP Background
• Summary of 2022 CGP Changes
• Permit Clarifications
• Added Specificity
• State / Tribal Requirements
• Questions
ISSUANCE OF THE 2022 CGP
• January 18: EPA issued the final 2022 CGP

• February 17: Effective date of the 2022 CGP
  • New and existing eligible construction projects can now request permit coverage.
  • May 18 is the deadline for projects already permitted under the 2017 CGP and that will continue needing permit coverage to request permit coverage.

• The permit will remain in effect for 5 years until February 16, 2027
### WHERE TO FIND 2022 CGP MATERIALS

<table>
<thead>
<tr>
<th>Posted Materials</th>
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<td>• Permit documents</td>
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2022 Construction General Permit (CGP)

Background

EPA signed its 2022 Construction General Permit (CGP) for stormwater discharges from construction activities on January 18, 2022. The 2022 CGP, which will become effective on February 17, 2022, replaces the 2017 CGP. The 2022 CGP provides permit coverage to eligible construction stormwater discharges in the following areas where EPA is the NPDES permitting authority:

- Massachusetts, New Hampshire, New Mexico, and the District of Columbia
- American Samoa, Guam, Johnston Atoll, Midway and Wake Islands, Northern Mariana Islands, and Puerto Rico

On this page:
- Background
- 2022 CGP
- Key Requirements
- Frequently Asked Questions
- Previous CGP Versions

Construction Stormwater Permitting Topics

- Overview
- 2022 CGP
- Threatened and Endangered Species
- Turtles Benchmark Monitoring (Dewatering)
- Getting Permit Coverage / Non-CGP Waivers
- Submitting CGP Forms
- CGP Inspector Training
- Resources, Tools, and Templates
- Report Non-Compliance or Violations
Permitting Topics

- Overview
- 2022 CGP
- Threatened and Endangered Species
- Turbidity Benchmark Monitoring (Dewatering)
- Getting Permit Coverage / NeT CGP Waivers
- Submitting CGP Forms
- CGP Inspector Training
- Resources, Tools, and Templates
- Report Non-Compliance or Violations
2.2.3 Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.29

   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 2.2.1(a)(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.

   c. 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 the perimeter control, extend controls and/or repair to fix the problem.

   d. Exception. For areas at “linear construction sites” (as defined in Appendix A) where perimeter controls are ineffective, due to a limited or restricted right-of-way, implement other practices as necessary to minimize pollutant discharges to the site.

2.2.4 Minimize sediment track-out.

   a. Restrict vehicle use to properly designated exit points;

   b. Use appropriate stabilization techniques at all points that exist;

      i. Exception. Stabilization is not required for exit points of linear sites that are used only episodically and for very short durations of the project, provided other exit point controls are implemented as necessary to ensure removal occurs prior to vehicle exit;

   c. Implement additional track-out controls as necessary to ensure sediment removal occurs prior to vehicle exit and

   d. Where sediment has been tracked-out from your site onto paved roads.

2.2.5 Clean and redline versions of permit

   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 2.2.1(a)(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.

   c. 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 the perimeter control, extend controls and/or repair to fix the problem.

   d. Exception. For areas at “linear construction sites” (as defined in Appendix A) where perimeter controls are ineffective, due to a limited or restricted right-of-way, implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.6 Minimize sediment track-out.

   a. Restrict vehicle use to properly designated exit points;

   b. Use appropriate stabilization techniques at all points that exist;

      i. Exception. Stabilization is not required for exit points of 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 are implemented to minimize sediment track-out;

   c. Implement additional track-out controls as necessary to ensure sediment removal occurs prior to vehicle exit and

   d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or
### Previous Construction General Permit (CGP) Versions

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<th>Permit</th>
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<td><a href="pdf">2008 CGP Permit</a></td>
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<td>2003</td>
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<td>1992</td>
<td>Included in Federal Register Notice</td>
<td>Included in Federal Register Notice</td>
<td><a href="pdf">Federal Register Notice</a></td>
</tr>
</tbody>
</table>
Frequently Asked Questions on EPA’s Construction General Permit

The following is a compilation of frequent questions related to EPA’s Construction General Permit (CGP) and the Agency’s corresponding responses. These questions and answers have been updated for consistency with the 2022 CGP. EPA may update this document to add questions and answers to this document that are submitted by the public.

This document does not impose any new legally binding requirements on EPA, States, Tribes, territories, or the regulated community, and does not confer legal rights or impose legal obligations upon any member of the public. In the event of a conflict between this document and any statute, regulation, or permit, this document would not be controlling.

Interested parties are free to raise questions and objections about the substance of this guide and the appropriateness of the application of this guide to a particular situation. EPA retains the discretion to adopt approaches on a case-by-case basis that differ from those described in this document, where appropriate.

**ABOUT EPA’S NPDES CONSTRUCTION STORMWATER PERMITTING PROGRAM**

- What is the National Pollutant Discharge Elimination System (NPDES) program?
- What is the EPA CGP?
- Why is it important to minimize construction stormwater discharges?
- Do State-issued permits have to include requirements identical to the EPA CGP for stormwater discharges from construction activities?

**ACTIVITIES THAT CAN BE COVERED UNDER THE 2022 EPA CGP**

- What types of construction activities must obtain NPDES permit coverage for their stormwater discharges?
- What are the potential consequences of failing to obtain permit coverage?

**OBTAINING EPA CGP AUTHORIZATION**

- Who is an “operator” under the EPA CGP and therefore responsible for obtaining permit coverage?
- What if I am required to obtain NPDES permit coverage and eligible for coverage under EPA’s CGP, but fail to obtain permit coverage?
- What is a Notice of Intent (NOI)?
- What type of information must be submitted in an NOI?
- Who is responsible for submitting the NOI for EPA CGP coverage?
- What is my responsibility as an operator for subcontractors under EPA’s CGP?
- If I want to obtain EPA CGP coverage, how many NOIs will I have to submit?
- My site’s disturbances will occur in an area covered by EPA’s CGP and in an area covered...
FREQUENTLY ASKED QUESTIONS

You are free to raise questions and objections about the substance of this guide and the application of this guide to a particular situation. EPA retains the discretion to adopt case-by-case basis that differ from those described in this document, where appropriate.

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EPAs NPDES CONSTRUCTION PERMITTING PROGRAM

National Pollutant Discharge System (NPDES) program?

EPA CGP?

Important to minimize construction discharges?

Need permits have to include identical to the EPA CGP for discharges from construction

---

WHAT CAN BE COVERED UNDER 2022 EPA CGP

Of construction activities must obtain coverage for their stormwater

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ARING EPA CGP AUTHORIZATION

Who is an “operator” under the EPA CGP and therefore responsible for obtaining permit coverage?

What if I am required to obtain NPDES permit coverage and eligible for coverage under EPA’s CGP, but fail to obtain permit coverage?

What is a Notice of Intent (NOI)?

What type of information must be submitted in an NOI?

Who is responsible for submitting the NOI for EPA CGP coverage?

What is my responsibility as an operator for subcontractors under EPA’s CGP?

If I want to obtain EPA CGP coverage, how many NOIs will I have to submit?

My site’s disturbances will occur in an area...
FREQUENTLY ASKED QUESTIONS

**OBTAINING EPA CGP AUTHORIZATION**

- **Who is an “operator” under the EPA CGP and therefore responsible for obtaining permit coverage?**

  Operators requiring permit coverage include any party associated with a construction activity that meets either of the following two criteria:
  
  i. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g., in most cases this is the owner of the site); or
  
  ii. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor (as defined in CGP Appendix A) of the project).

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

  EPA emphasizes that it is the party’s operational control over the construction project that is determinative of whether they are considered an “operator” under the permit. In many cases, there will be two separate parties that have the necessary operational control over the project, and they will fall fairly distinctly into either one of the two types of parties described in the definition in Parts 1.1.1.a and 1.1.1.b. In other cases, there will be one party that exercises both types of operational control over the project. EPA frequently finds that parties with the type of operational control over specific projects within the permit’s meaning of operator are involved in one or more of the following activities:
  
  - Authorizing development/construction activities;
  - Procuring project plans and specifications;
  - Approving/disapproving project plans and specifications;
  - Approving/disapproving project bids;
  - Approving/disapproving SWPPPs and SWPPP modifications;
CGP BACKGROUND
Can you use EPA’s CGP?

1. Is this a regulated construction activity?
   - Is there a stormwater discharge?

2. Is your project located in an area where EPA is the permitting authority?

3. Are you an operator?
Is this a regulated construction activity?

Construction activity includes earth-disturbing activities such as clearing, grading, and excavating land and other construction-related activities that could generate pollutants.

An NPDES permit is required for stormwater discharges from any construction activity disturbing:

• 1 acre or more of land, or
• Less than 1 acre, but part of a common plan of development or sale that will disturb 1 or more acres of land.
MA
NH
VT
FED FACILITIES
DC
OK
CERTAIN O&G
PUERTO RICO
AMERICAN SAMOA
GUAM
JOHNSTON ATOLL
MIDWAY ISLAND & WAKE ISLAND
NORTHERN MARIANA ISLANDS

Is EPA the Permitting Authority

MOST INDIAN COUNTRY LANDS WITHIN THE 10 EPA REGIONS

PUERTO RICO
AMERICAN SAMOA
GUAM
JOHNSTON ATOLL
MIDWAY ISLAND & WAKE ISLAND
NORTHERN MARIANA ISLANDS
Only “Operators” Need Permit Coverage

An operator is a person or entity that either …

a. Has operational control over construction plans/specifications, and has the ability to make modifications to those plans/specifications; or

b. Has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.
An operator is a person or entity that either ...

a. Has operational control over construction plans/specifications, and has the ability to make modifications to those plans/specifications; or

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

Operators are typically involved in one or more of the following activities:

• Authorizing development/construction activities;
• Procuring project plans and specifications;
• Approving/disapproving project plans and specifications;
• Approving/disapproving project bids;
• Approving/disapproving SWPPPs, and SWPPP modifications;
• Issuing cease and desist orders of construction activities;
• Carrying out or managing construction activities on the project site.
Do I need to get NPDES permit coverage for my construction project?

Will the project disturb 1 or more acres (including borrow and material storage areas)?

No

Yes

Is the project part of a common plan of development or sale that will ultimately disturb 1 or more acres (including borrow and material storage areas)?

No

Yes

Will any rain or snowmelt infiltrate completely into the ground, with no possibility of discharge to a water of the U.S.?

No

Yes

No NPDES permit coverage needed.

Does the project have the potential to discharge stormwater to waters of the U.S. or a storm sewer?

No

Yes

Is your project located in an area where EPA is the NPDES permitting authority for construction stormwaters?

No

Yes

Do you have operational control over the plans and specifications, including the ability to make modifications to those plans and specifications?

No

Yes

Do you have day-to-day operational control of the activities of the project that are necessary to ensure compliance with the permit, including directing workers at the site to carry out permit compliance activities?

Flow chart available at: https://www.epa.gov/npdes/getting-coverage-under-epas-construction-general-permit-waivers

You need coverage under a State-issued NPDES permit. You need to obtain coverage under a State-Issued NPDES permit. Visit your state’s NPDES program website for more information. State NPDES program contacts can be found here.

You need coverage under an EPA-issued NPDES permit. You need to obtain coverage under an EPA-Issued NPDES permit. It is eligible and opting to obtain coverage under EPA’s Construction General Permit (CGP), you must read the permit, develop a Stormwater Pollution Prevention Plan (SWPPP), and submit a Notice of Intent (NOI) to get covered.
**CGP COMPONENTS**

**PREPARE**
- Meet Eligibility Conditions
- Develop SWPPP

**GET COVERED**
- Submit NOI
- 14-Day Waiting Period
- Obtain CGP Coverage

**TAKE ACTION**
- Install Stormwater Controls
- Conduct Inspections / Take Corrective Actions
- Complete Documentation

**STABILIZE**
- Stabilize Site Within 14 Days of Stopping Construction
- Submit NOT to Terminate CGP Coverage
SUMMARY OF 2022 CGP CHANGES
# Types of Changes

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<th>Clarifications</th>
<th>Added Permit Specificity</th>
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<td>Perimeter control installation and maintenance</td>
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<td>Routine maintenance vs. corrective action</td>
<td>Pollution prevention for chemical containers</td>
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<tr>
<td>Inspections in seasonally dry periods</td>
<td>Construction dewatering requirements</td>
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<tr>
<td>Inspection and corrective action records</td>
<td>Inspector training</td>
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<tr>
<td></td>
<td>Site stabilization photos for NOT</td>
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**CGP Fact Sheet** includes complete listing of all permit changes.

See p. 12-14


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<thead>
<tr>
<th>Summary of Permit Change</th>
<th>Part(s) Where Change Appears</th>
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<tbody>
<tr>
<td>Clarify that the SWPPP site map must be updated following site inspection to reflect any changes to stormwater controls, where applicable</td>
<td>4, 6, 4</td>
</tr>
<tr>
<td>Clarify that inspection reports and SWPPPs may be kept in electronic form as long as they are accessible in the same way as a paper report</td>
<td>4, 7, 3, 5, 4, 3, 7, 3</td>
</tr>
<tr>
<td>Streamline corrective action documentation</td>
<td>5, 4</td>
</tr>
<tr>
<td>Consolidate stormwater team and training requirements</td>
<td>6, 1, 6, 2</td>
</tr>
<tr>
<td>Reformulate Appendix D requirements for the determination of eligibility related to endangered species protection so that what is included is streamlined down to a worksheet</td>
<td>1, 1, 5, Appendix D</td>
</tr>
<tr>
<td><strong>Added Specificity</strong></td>
<td></td>
</tr>
<tr>
<td>More specifically describe where perimeter controls are needed, how to install them to ensure effectiveness, and when to conduct repairs</td>
<td>2, 2, 3</td>
</tr>
<tr>
<td>Specify what types of pollution prevention requirements apply to petroleum and chemical containers based on the volume of the container</td>
<td>2, 3, c, 7, 2, 4, b, ix</td>
</tr>
<tr>
<td>Specify that waste containers are not required for the waste remnant of certain non-polluting construction materials or products</td>
<td>2, 3, e, 7, 2, 4, 1, 7, 2, 6, b, ix</td>
</tr>
</tbody>
</table>

Add specificity to dewatering discharge requirements:
- Improve clarity of required controls for sediment and other pollutant discharges from dewatering activities
- Establish turbidity benchmark monitoring requirements for discharging discharges to sensitive waters
- Include more detailed inspection requirements for dewatering activities, including:
  - Indicate on NOI if dewatering will occur on site and whether dewatering will occur on a current or former remediation site
  - More frequent inspections for ground water dewatering
  - Specify areas of dewatering operation that must be inspected, and what to look for
  - Operators required to record date, names of personnel making the inspection, times, estimated rate, visual qualities of discharge, and whether there are visual signs of sediment deposition, and to take and keep photos of dewatering controls and discharge | 2, 3, 3, 4, 3, 2, 4, 6, 3, 5, 1, 6, 5, 2, 2, 7, 2, 4, 7, 2, 8, Appendix K |
PERMIT CLARIFICATIONS
EPA doesn’t recommend or endorse specific vendors or products (2.1, 7.1)

New design considerations:

- Use most recent data available to accurately account for the amount, frequency, intensity, and duration of precipitation (2.1.1.a)
- Account for whether the site has previously experienced major storms (2.1.1)
- Consider whether use of infiltration at specific sites may be inadvisable (2.2.2)
New design considerations:

- Requirement to install inlet protection measures doesn’t apply if inlet conveys stormwater to a sediment basin or similar control (2.2.10)

- For stabilization products, EPA recommends using erosion controls that are considered “wildlife friendly” (2.2.14)
## Inspections, Routine Maintenance, Corrective Action

Differentiate between routine maintenance and corrective actions (2.1.4, 4.6.1.d, 5.1.1)

<table>
<thead>
<tr>
<th>Type of Required Action</th>
<th>What Is Included</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspections</td>
<td>During inspections, operator may observe conditions requiring follow-up action in the form of routine maintenance or corrective action.</td>
</tr>
<tr>
<td><strong>Routine Maintenance</strong></td>
<td>Triggered by the need for minor repairs or other upkeep performed to ensure site’s controls remain in effective operating condition. Minor repairs are those that generally can be completed by the close of the next business day.</td>
</tr>
<tr>
<td>Corrective Action</td>
<td>Triggered by the need for a significant repair or a new or replacement control, or by the occurrence of specific conditions.</td>
</tr>
</tbody>
</table>
SWPPPs, inspection reports, and corrective action logs may be kept in electronic form as long as they are accessible in the same way as paper records (4.7.3, 5.4.3, 7.3)

Changed the corrective action report so that it is in a more streamlined log format (5.4)

Updated templates for Site Inspection Report, Dewatering Inspection Report, Corrective Action Log, and SWPPP (available on EPA’s website)
Inspection and Corrective Action Report Templates

EPA developed the following templates to help you document your findings for site inspections, dewatering inspections, and corrective actions as required by the 2022 CGP. These templates are formatted to be filled out electronically or manually and include text fields that direct you to populate the forms with your site-specific information.

- **Site Inspection Report Template (docx)** - This inspection report template is designed to assist you in preparing inspection reports that meet the requirements in Part 4.7 of the 2022 CGP.

- **Dewatering Inspection Report Template (docx)** - This dewatering inspection report template is designed to assist you in preparing inspection reports related to dewatering activities required by Part 4.6.3 of the 2022 CGP.

- **Corrective Action Log Template (docx)** - This corrective action log form is designed to assist you in recording the required corrective action documentation that meet the requirements in Part 5.4 of the 2022 CGP.
**CORRECTIVE ACTION LOG TEMPLATE**

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**2022 CGP Corrective Action Log**

**Project Name:**

**NPDES ID Number:**

---

**Section A – Individual Completing this Log**

- **Names:**
- **Titles:**
- **Company Names:**
- **Email:**
- **Address:**
- **Phone Number:**

---

**Section B – Details of the Problem (CGP Part 5.4.1.)**

- **Complete this section within 48 hours of discovering the condition that triggered corrective action.**

---

**Date problem was first identified:***

**Time problem was first identified:**

- **What site conditions triggered this corrective action? (Check the box that applies. See instructions for a description of each triggering condition (7 thru 6).)**
  - [ ] 1
  - [ ] 2
  - [ ] 3
  - [ ] 4
  - [ ] 5a
  - [ ] 5b
  - [ ] 6

---

**Specific location where problem identified:**

- **Provide a description of the specific condition that triggered the need for corrective action and the cause (if identifiable):**

---

**Section C – Corrective Action Completion (CGP Part 5.4.1.b)**

- **Complete this section within 24 hours after completing the corrective action.**

---

**For site condition # 1, 2, 3, 4, or 5 (those not related to a dewatering discharge) confirm that you met the following deadlines (CGP Part 5.2.1):**

- [ ] Immediately took all reasonable steps to address the condition, including clearing up any contaminated surfaces or materials will not discharge in subsequent storm events. **AND**
- [ ] Completed corrective action by the close of the next business day, unless a new or replacement control, or significant repair, was required. **OR**
- [ ] Completed corrective action within seven (7) calendar days from the time of discovery because a new or replacement control, or significant repair, was necessary to complete the installation of the new or modified control or complete the repair. **OR**
- [ ] It was intended to complete the installation or repair within 7 calendar days from the time of discovery. Provide the following additional information:
  - **Explain why 7 calendar days was insufficient to complete the installation or repair:**

---

**Section D – Signature and Certification (CGP Part 5.4.2)**

- **I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief true, accurate, and complete. I have no personal knowledge that the information submitted is otherwise than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for know aware violations.**

  **MANDATORY: Signature of Operator or "Daily Authorized Representative":**

  - **Signature:**
  - **Date:**

  **Printed Name:**

  **Affiliation:**

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**OPTIONAL: Signature of Contractor or Subcontractor**

- **Signature:**
- **Date:**

  **Printed Name:**

  **Affiliation:**

---

**Provide your schedule for installing the stormwater control and making it operational as soon as feasible after the 7 calendar days:**

- **For site condition # 5a, 5b, or 6 (those related to a dewatering discharge), confirm that you met the following deadlines:**
  - [ ] Immediately took all reasonable steps to minimize or prevent the discharge of pollutants until a solution could be implemented, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition taking safety considerations into account. **AND**
  - [ ] Determined whether the dewatering controls were operating effectively and whether they were causing the conditions. **AND**
  - [ ] Made any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

---

**Describe any modification(s) made as part of corrective action: (must include all dates of modification(s) and if applicable, the dates of necessary stormwater control)**

- **Date of completion:**
- **SNYPP update necessary:**
- **If yes, date SNYPP was updated:**

  1. **[ ] Yes [ ] No**
  2. **[ ] Yes [ ] No**

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Section A – Individual Completing this Log

Name: ____________________________  Title: ____________________________

Company Name: ___________________  Email: ____________________________

Address: __________________________  Phone Number: _____________________

Section B – Details of the Problem (CGP Part 5.4.1.a)

Complete this section within 24 hours of discovering the condition that triggered corrective action.

Date problem was first identified: _______________  Time problem was first identified: _______________

What site conditions triggered this corrective action? (Check the box that applies. See instructions for a description of each triggering condition (1 thru 6).)

☐ 1  ☐ 2  ☐ 3  ☐ 4  ☐ 5a  ☐ 5b  ☐ 6

Specific location where problem identified:

Provide a description of the specific condition that triggered the need for corrective action and the cause (if identifiable):

Section C – Corrective Action Completion (CGP Part 5.4.1.b)

Complete this section within 24 hours after completing the corrective action.

For site condition # 1, 2, 3, 4, or 6 (those not related to a dewatering discharge) confirm that you met the following deadlines (CGP Part 5.2.1):

☐ Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge
Provide a description of the specific condition that triggered the need for corrective action and the cause (if identifiable):

### Section C – Corrective Action Completion (CGP Part 5.4.1.b)

Complete this section within 24 hours after completing the corrective action.

For site condition # 1, 2, 3, 4, or 6 (those not related to a dewatering discharge) confirm that you met the following deadlines (CGP Part 5.2.1):

- □ Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events. **AND**

- □ Completed corrective action by the close of the next business day, unless a new or replacement control, or significant repair, was required. **OR**

- □ Completed corrective action within seven (7) calendar days from the time of discovery because a new or replacement control, or significant repair, was necessary to complete the installation of the new or modified control or complete the repair. **OR**

- □ It was infeasible to complete the installation or repair within 7 calendar days from the time of discovery. Provide the following additional information:

  Explain why 7 calendar days was infeasible to complete the installation or repair:
Provide your schedule for installing the stormwater control and making it operational as soon as feasible after the 7 calendar days:

For site condition # 5a, 5b, or 6 (those related to a dewatering discharge), confirm that you met the following deadlines:
- Immediately took all reasonable steps to minimize or prevent the discharge of pollutants until a solution could be implemented, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition taking safety considerations into account.
- Determined whether the dewatering controls were operating effectively and whether they were causing the conditions.
- Made any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

<table>
<thead>
<tr>
<th>Describe any modification(s) made as part of corrective action: (Insert additional rows below if applicable)</th>
<th>Date of completion:</th>
<th>SWPPP update necessary?</th>
<th>If yes, date SWPPP was updated:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
</tbody>
</table>

Section D - Signature and Certification (CGP Part 5.4.2)

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

MANDATORY: Signature of Operator or “Duly Authorized Representative:”

| Signature: | Date: |
Help permittees determine when they may qualify for reduced inspection frequencies for “seasonally dry periods” (2.2.14.b and c, 4.4.2)

- “Seasonally dry period” defined as: a month in which the long-term average total precipitation is less than or equal to 0.5 inches

- Seasonally Dry Period Locator Tool
Seasonally Dry Period Locator Tool
Supplement to Appendix A of the 2022 Construction General Permit

This tool allows permittees to determine if their construction project site is in an arid or semi-arid area, and if any months out of the year are considered seasonally dry. Classifications are based on long-term (1981-2010) climate data obtained from the PRISM Climate Group. Maps of arid and semi-arid areas, as well as seasonally dry areas by month, can be found on EPA’s Construction General Permit website.

Definitions:
- Arid area: Areas with average annual rainfall of 0 to 10 inches.
- Semi-arid area: Areas with average annual rainfall of 10 to 20 inches.
- Seasonally dry: In arid and semi-arid areas, a month in which the long-term average total precipitation is less than or equal to 0.5 inches.

Enter your five-digit ZIP Code in the cell to the right: 2127

Your project site is NOT located in an arid or semi-arid area.

No D16d months are considered seasonally dry at your project site.

The months of January, February, May & November are considered seasonally dry at your project site.
Seasonally Dry Period Locator Tool
Supplement to Appendix A of the 2022 Construction General Permit

This tool allows permittees to determine if their construction project site is in an arid or semi-arid area, and if any months out of the year are considered seasonally dry. Classifications are based on long-term (1981-2010) climate data obtained from the PRISM Climate Group. Maps of arid and semi-arid areas, as well as seasonally dry areas by month, can be found on EPA’s Construction General Permit website.

Definitions:
Arid area: Areas with average annual rainfall of 0 to 10 inches.
Semi-arid area: Areas with average annual rainfall of 10 to 20 inches.
Seasonally dry: In arid and semi-arid areas, a month in which the long-term average total precipitation is less than or equal to 0.5 inches.

Enter your five-digit ZIP Code in the cell to the right: 87101

Your project site is located in an arid area.
The months of January, February, May & November are considered seasonally dry at your project site.
Seasonally Dry Period Locator Tool
Supplement to Appendix A of the 2022 Construction General Permit

This tool allows permittees to determine if their construction project site is in an arid or semi-arid area, and if any months out of the year are considered seasonally dry. Classifications are based on long-term (1981-2010) climate data obtained from the PRISM Climate Group. Maps of arid and semi-arid areas, as well as seasonally dry areas by month, can be found on EPA’s Construction General Permit website.

Definitions:
Arid area: Areas with average annual rainfall of 0 to 10 inches.
Semi-arid area: Areas with average annual rainfall of 10 to 20 inches.
Seasonally dry: In arid and semi-arid areas, a month in which the long-term average total precipitation is less than or equal to 0.25 inches.

Enter your five-digit ZIP Code in the cell to the right: 2127

Your project site is NOT located in an arid or semi-arid area.

No D16dmonths are considered seasonally dry at your project site.
Questions?
ADDED SPECIFICITY
**Perimeter Controls – Focus on Common Problems**

**Installation:**

Install controls along perimeter areas of the site that are downslope from exposed soil.

To prevent stormwater from flowing around the ends of the control:

- Install on the contour of the slope, and
- Extend both ends of the control up slope forming a crescent rather than straight line.
**Maintenance:**

To ensure the perimeter control continues to work effectively:

- Remove sediment before it has accumulated to one-half of the above-ground height of the control
- After a storm event, if there is evidence of stormwater flowing around or undercutting the control, extend the control and/or repair undercut areas
# Chemical Use and Storage

<table>
<thead>
<tr>
<th>For any size chemical containers on site:</th>
<th>Container must be water-tight, and kept closed, sealed, and secured.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Have a spill kit available.</td>
</tr>
<tr>
<td></td>
<td>Clean up spills immediately, using dry clean-up methods. Do not hose area down to clean surfaces. Eliminate spill source to prevent a discharge.</td>
</tr>
<tr>
<td>If container storage capacity is less than 55 gallons:</td>
<td>Use spill containment pallet to capture small leaks or spills.</td>
</tr>
<tr>
<td>If container storage capacity is 55 or more gallons:</td>
<td>Store containers a minimum of 50 feet from receiving waters and drainage features, or, if infeasible, as far away as possible.</td>
</tr>
<tr>
<td></td>
<td>Provide either (1) cover or (2) secondary containment.</td>
</tr>
</tbody>
</table>
• Untreated water from construction dewatering operations may contain pollutants that, if inadequately treated, may exceed water quality standards of the receiving water.

• The most common pollutant discharged from dewatering operations is sediment.
Use greater specificity to describe requirements for dewatering controls

Design objective for dewatering sediment controls is to prevent discharges with visual turbidity.

Discharge must not cause formation of visible sheen or hydrocarbon deposits on the bottom or shoreline of the water body.

To prevent erosion: (1) use stable, erosion-resistant surfaces for the discharge, and (2) do not place controls on steep slopes.
Modify **inspection protocols** for dewatering

<table>
<thead>
<tr>
<th>Inspections required daily when discharging dewatering water.</th>
</tr>
</thead>
<tbody>
<tr>
<td>For each inspection report, include:</td>
</tr>
<tr>
<td>• Approximate times discharge began and ended;</td>
</tr>
<tr>
<td>• Estimated rate of discharge;</td>
</tr>
<tr>
<td>• Whether there are obvious signs of a pollutant discharge;</td>
</tr>
<tr>
<td>• Photographs must be taken of (1) the dewatering water prior to and following treatment, (2) the dewatering controls, and (3) the point of discharge</td>
</tr>
</tbody>
</table>
Turbidity benchmark monitoring for sensitive waters

Which Sites Are Required to Conduct Monitoring?
Any site discharging dewatering water to a sensitive water.

Sensitive waters
Receiving waters listed as impaired for sediment or a sediment-related parameter, or receiving waters designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.
Turbidity benchmark monitoring for sensitive waters

**What is Required to be Sampled?**
At least one sample for turbidity must be taken every day there is a dewatering discharge.

**How Should Turbidity Samples be Measured?**
Use a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with a Part 136-approved method (e.g., 180.1, 2130).
Turbidity benchmark monitoring for sensitive waters

What is the Turbidity Benchmark for This Requirement?
The default benchmark is 50 NTUs.

Is There an Alternative to the 50 NTU Benchmark?
Yes. EPA may approve a higher, site-specific benchmark if information submitted demonstrates that the alternate value is the same as the water quality standard for turbidity.
Turbidity benchmark monitoring for sensitive waters

What if the Discharge Exceeds the Benchmark?
If the weekly average of the turbidity results exceeds the benchmark, corrective action is required.

If weekly average > 50 NTUs (or alternate)

1. Shut off the dewatering discharge as soon as possible if it is safe to do so and if any single sample is 355 NTUs or higher;
2. Determine if ineffective controls are causing the exceedance; and
3. Make changes to the controls that are necessary to lower turbidity levels to below the benchmark.
Turbidity benchmark monitoring for sensitive waters

**Are Turbidity Data Required to be Submitted to EPA?**
Yes. The weekly average of the site’s turbidity data must be submitted to EPA no later than 30 days following the end of each monitoring quarter.

**How Does the Operator Submit Turbidity Data?**
Submit the weekly average turbidity data using EPA’s electronic reporting system or file a paper form (if approved to do so by EPA).

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Months</th>
<th>Reporting Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>January 1 – March 31</td>
<td>April 30</td>
</tr>
<tr>
<td>2</td>
<td>April 1 – June 30</td>
<td>July 30</td>
</tr>
<tr>
<td>3</td>
<td>July 1 – September 30</td>
<td>October 30</td>
</tr>
<tr>
<td>4</td>
<td>October 1 – December 31</td>
<td>January 30</td>
</tr>
</tbody>
</table>
Turbidity benchmark monitoring for sensitive waters

What Other Information Must be Kept Related to Monitoring?
The following additional information must be retained on site:

- Sample location
- Turbidity meter (make and model)
- Test method (e.g., EPA 180.1)
- Name of person collecting and analyzing sample
- Date and time of sample collection and analysis
- Sample result
Available at:
https://www.epa.gov/npdes/turbidity-benchmark-monitoring-dewatering-under-construction-general-permit
Only “qualified persons” may conduct inspections at CGP-permitted sites.

**To be considered a qualified person for conducting inspections:**

For projects obtaining permit coverage on or after February 17, 2022, you must have the general knowledge, skills, and training required by the 2017 CGP.
Only "qualified persons" may conduct inspections at CGP-permitted sites.

To be considered a qualified person for conducting inspections:

For projects obtaining permit coverage on or after February 17, 2023, you must either:

• Have completed the EPA inspector training course and passed the exam;

OR

• Hold a current certification or license from a non-EPA program that covers the following:
  - Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;
  - Proper installation and maintenance of construction site controls; and
  - Performance of inspections and completion of required reports.
EPA’s Training Program

- Available to take starting August 2022
- Consists of an 8-hour training and exam
- Offered free of charge on EPA’s website to anyone
- Spanish language translation will be made available
## EPA’s Training Program

<table>
<thead>
<tr>
<th>Module #</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Module 1</td>
<td>General Overview and Introduction</td>
</tr>
<tr>
<td>Module 2</td>
<td>2022 CGP Overview</td>
</tr>
<tr>
<td>Module 3</td>
<td>Erosion and Sediment Controls</td>
</tr>
<tr>
<td>Module 4</td>
<td>Pollution Prevention Controls</td>
</tr>
<tr>
<td>Module 5</td>
<td>Conducting Construction Stormwater Inspections</td>
</tr>
</tbody>
</table>

### Erosion and Sediment Controls vs. Pollution Prevention Controls

**Erosion and Sediment Controls (Part 2.2)**
- Structural and non-structural practices used to prevent the migration and discharge of sediment off-site.

**Pollution Prevention Controls (Part 2.3)**
- Programmatic practices paired with physical control measures to minimize exposure and prevent the release of pollutants.

*Both Required Under the CGP*
Virtual 360 Site Inspection

- Module 5 of the EPA training will include a guided, interactive virtual inspection of two construction sites
• 30 questions randomly pulled from a question bank.

• Trainees must pass the final exam with a score of 80% or higher.

• Upon passing, trainees will receive a completion certificate. This certificate must be included in the site to demonstrate the inspector’s compliance with the training requirements.
Non-EPA Training Programs

There are a significant number of existing, non-EPA stormwater courses that provide the required training for construction inspectors.

Individuals can rely on these non-EPA courses as long as they cover the minimum topics and they can demonstrate that they have an up-to-date certification of completion for that course.

- EPA’s Inspector Training webpage identifies examples.

Notes:
1. Including a course on the list does not constitute an EPA endorsement of the course
2. EPA may update this list based on information submitted
To terminate CGP coverage, the operator must submit ground or aerial photos that show the site’s compliance with the final stabilization requirements.

- Include before and after photos
- All photos must be clear, in focus, and in the original format and resolution
- Include date the photo was taken
- Include a brief description of the area of the site captured by the photo

Note: Don’t need to take photos of every distinct stabilized portion of the site, however submitted photos must be substantially similar to the areas not photographed.
To terminate CGP coverage, the operator must submit ground or aerial photos that show the site’s compliance with the final stabilization requirements.

- Include before and after photos
- All photos must be clear, in focus, and in the original format and resolution
- Include date the photo was taken
- Include a brief description of the area of the site captured by the photo

**Note:** Don’t need to take photos of every distinct stabilized portion of the site, however submitted photos must be substantially similar to the areas not photographed

**Note:** No specialized equipment required for taking photos

**Note:** EPA’s electronic reporting system can accommodate large-sized photos
STATE / TRIBAL REQUIREMENTS
States and Tribes may establish additional permit requirements through their CWA Section 401 authorities.

As a result of the 401 certification process for the 2022 CGP, additional permit conditions are included in Part 9 of the permit.

<table>
<thead>
<tr>
<th>State-Imposed Requirements</th>
<th>Requirements Applicable to Indian Country Lands in Certain States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>California, Idaho, Montana, New Mexico, New York</td>
</tr>
<tr>
<td>District of Columbia</td>
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<td>Guam</td>
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<td>Massachusetts</td>
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<td>Washington</td>
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<tr>
<td>Wisconsin</td>
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</tr>
</tbody>
</table>
Questions?
THANK YOU!

GREG SCHANER
CGP@epa.gov