**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" (defined in Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on 12:00 am, [EFFECTIVE DATE OF CGP], 2027.

This permit and the authorization to discharge expire at 11:59pm, [EFFECTIVE DATE OF CGP], 2032**.**

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] 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. Subcontractors generally are not considered operators for the purposes of this permit.

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]

1.1.5 You can demonstrate you meet one of the criteria in the Endangered Species Protection section of the Notice of Intent (NOI) that you submit for coverage under this permit, per Part 1.4, with respect to the protection of Federally listed endangered or threatened species and Federally designated critical habitat under the Endangered Species Act (ESA). If the EPA Regional Office grants you a waiver from electronic reporting per Part 1.4.2, you must complete the ESA worksheet in Appendix D to demonstrate you meet one of the criteria and submit it with your paper NOI (Appendix ~~I~~H).

[1] 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. See also Footnote 29.

[2] Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2022 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.

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.

Note: The requirements of Part 9 do not apply to projects within Lands of Exclusive Federal Jurisdiction.

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 not be controlled as necessary to ~~not~~ meet applicable water quality standards. ~~Where~~ If 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~~ including the requirement to meet Part 3~~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 are controlled as necessary to meet applicable water quality standards.

b. Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water[3] 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 Parts 3.1 and 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 NOI until you notify your applicable EPA Regional Office (see Appendix J) 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 result in discharges that meet the requirements of this permit, in particular Part 3.1~~applicable water quality standards~~.

1.2 TYPES OF DISCHARGES AUTHORIZED

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):

[3] Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first receiving 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 receiving water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. The current list of Tier 2, Tier 2.5, and Tier 3 waters located in the areas eligible for coverage under this permit can be found at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates. You can also use EPA's Discharge Mapping Tool (https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools) to assist you in identifying whether any receiving waters to which you discharge are listed as impaired (and the pollutant for which it is impaired) and whether an approved total maximum daily load (TMDL) exists for that waterbody.

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 on-site or off-site 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

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 receiving water, storm drain inlet, or constructed or natural site drainage features, unless the feature 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. Uncontaminated construction dewatering water discharged in accordance with Part 2.4.

Note: ~~You should r~~You must also comply with any applicable ~~eview Part 9 to determine if any of these~~ State or Tribal dewatering requirements in Part 9 that apply to the~~ir~~ discharge of dewatering water~~and should ensure that they have complied with any State, Tribal, or local dewatering requirements that apply~~ including whether coverage under a separate State, Tribal, or local dewatering permit is required.

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

The discharges listed in this Part are prohibited outright or authorized only under the identified conditions. To prevent the discharges in Parts 1.3.1 through 1.3.5, 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 for commingled discharges.

1.3.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.2.5;

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.

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, 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 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 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 pursuant to Part 7.2.3i.

1.4.1 ~~Prerequisite for Submitting Your~~ NOI Requirements for SWPPPs

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

b. You must include as part of the NOI either (1) a copy of your full SWPPP (including the information required by Part 7.2); (2) a webpage address (URL) where the full SWPPP can be viewed for the duration of your permit coverage under the CGP; or (3) a copy of your SWPPP site map (including the features required by Part 7.2.4) and the signed certification as required by Part 7.2.10.[4] Confidential Business Information (CBI) and restricted information (as defined in Appendix A) may be withheld from the SWPPP that is submitted with the NOI. See Part 7.3.

REQUEST FOR COMMENT # 1: Based on operator input and review of existing SWPPPs, EPA understands that most construction site SWPPPs are developed and kept in electronic format already and, therefore, requiring submittal of this information will not impose significant burdens on permittees. EPA is interested in feedback on this assumption and any other concerns commenters may have regarding this proposed change. EPA is also interested in any alternatives that commenters may suggest to the proposed change, the purpose of which is to enable EPA to more easily understand and answer questions about a site's activities and stormwater discharges.

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 2027 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 H.

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. Submission of a complete and accurate NOI is followed by a 14-day review period (which can be extended on a case-by-case basis if there are questions about the NOI). 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. Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

[4] EPA will not be reviewing or approving this version of the SWPPP or using it to make definitive compliance determinations.

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

Type of Operator	NOI Submittal Deadline	Permit Authorization Date
Operator of a new site (i.e., a site where construction activities commence on or after DATE, 2027)	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 2022 CGP coverage where construction activities commenced prior to February 17, 2027)	No later than DATE, 2027.	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. Provided you submit your NOI no later than DATE, 2027, your authorization under the 2022 CGP is automatically continued until you have been granted coverage under this permit or an alternative NPDES permit, or coverage is otherwise terminated.
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.	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 "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.

1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, you ~~may~~ will be required to do so in one of two ways depending on the change.~~by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix H.~~

a. **Change of operator.** When there is a change to the site's operator (new operator of a permitted site as described in Table 1), the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Parts 8.2.3 and 8.3.

b. **Other NOI changes.** If you need to make any other change to the NOI besides a change of operator you must submit a "Change NOI" form using NeT as described in Part 1.4.2. The following changes to the NOI ~~form~~ will trigger the 14-day review process: ~~to an NOI form will result in a 14-day review process~~:

- Changes to the name of the operator;
- Changes to the project or site name;
- Changes of one or more acres to the estimated area to be disturbed;
- Changes to the name of the receiving water (as defined in Appendix A), or additions to the applicable receiving waters including additional receiving waters added as a result of changes to the estimated area disturbed even if less than one acre;
- Changes to eligibility information related to endangered species protection or historic preservation;
- Changes to information provided related to the use of chemical treatment at your site[5]; and
- Changes to answers provided regarding the demolition of structures over 10,000 square feet of floor space built or renovated before January 1, 1980.

During the 14-day review process, you may continue to operate based on the information provided in your original NOI, but you must wait until the review period has ended before you may commence or continue activities on any portion of your site that would be affected by any of the above modifications, unless EPA notifies you that the authorization is delayed or denied.

Note: Waivers from electronic reporting may be granted as specified in Part 1.4.1. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix H.

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~~ obtain permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on ~~February 16~~[INSERT DATE], 2032; or

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

[5] If after submitting your NOI you need to change the answer to the question "Will you use polymers, flocculants, or other treatment chemicals at your construction site?" the NeT system will require you to submit a new NOI.

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 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. 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. 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 water, contact the EPA through the following website: https://www.epa.gov/enforcement/report-environmental-violations."

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2, 2.3, and 2.4 to minimize the discharge of pollutants in stormwater from construction activities. (EPA notes that the permit does not recommend or endorse specific products or vendors.) 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;[6]

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.

[6] Stormwater controls must be designed using the most recent data available to account for recent precipitation patterns and trends.

If your site is exposed to or has previously experienced major storms, such as hurricanes, storm surges, extreme/heavy precipitation, and flood events, you should also include consideration of and contingencies for whether implementing structural improvements, enhanced/resilient stormwater controls, and other mitigation measures may help minimize impacts from stormwater discharges from such major storm events.

2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.[7]

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.[8]

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.

2.1.4 Ensure 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 stormwater control maintenance requirements ~~for the stormwater controls~~ listed in this permit, as well as any recommended by the manufacturer. Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

b. If at any time you find that a stormwater control needs routine maintenance (i.e., minor repairs or other upkeep performed to ensure the site's stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control), you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why the repair or other upkeep to be performed should still be considered routine maintenance in your inspection report under Part 4.7.1c and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.

c. If you must repeatedly (i.e., three (3) or more times) make the same routine maintenance fixes to the same control at the same location, even if the fix can be completed by the close of the next business day, you must either:

[7] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances established by the State, Tribe, or local government. 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, 2.3, and 2.4.

[8] 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.

i. Complete work to fix any subsequent repeat occurrences of this same problem under the corrective action procedures in Part 5, including keeping any records of the condition and how it was corrected under Part 5.4; or

ii. Document in your inspection report under Part 4.7.1c why the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under this Part.

Example documentation: Minor repairs completed within the required timeframe are all that is necessary to ensure that the stormwater control continues to operate as designed and installed and that the stormwater control remains appropriate for the flow reaching it.

d. If at any time you find that a stormwater control needs a significant repair or that a new or replacement control is needed, which is a corrective action triggering condition in Part 5.1.1, you must comply with the corrective action deadlines for completing such work in Part 5.2.1c.

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. The objective of these controls is to minimize accelerated soil erosion and sedimentation associated with construction activities and to minimize the off-site escape of sediment in stormwater.

2.2.1 **Minimize the amount of soil exposed during construction activity.** You must consider ways to limit the amount of soil exposed at any one time during construction activities. Examples include phasing of construction activities and minimizing disturbance to existing vegetation.

2.2.2 **Provide and maintain natural buffers and/or equivalent erosion and sediment controls for discharges to any receiving waters that are located within 50 feet of the site's earth disturbances.**

a. **Compliance Alternatives.** For any discharges to receiving waters 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 F, Part F.2 for additional conditions applicable to each compliance alternative.

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

2.2.3 **Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infiltration would be inadvisable due to the underlying geology (e.g., karst topography) and ground water contamination concerns,**

or infeasible due to site conditions.

2.2.4 Install a sediment control~~s~~ along ~~any~~ perimeter areas (see perimeter control definition in Appendix A) of the site that haves the potential to receive stormwater runoff from ~~are downslope from any exposed soil or other~~ disturbed areas during any stage of construction. You are not required to install perimeter controls in areas with no potential to receive stormwater runoff.

Perimeter control examples: filter berms; different types of silt fence such as wire-backed silt fence, super silt fence, or multi-layer geotextile silt fence; compost filter socks; gravel barriers; and temporary diversion dikes.

a. The perimeter control must be installed upgradient of any natural buffers established under Part 2.2.12.2.2~~, unless the control is being implemented pursuant to Part 2.2.1a.ii-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 or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.

d. 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.

2.2.5 Minimize sediment track-out.

a. Restrict vehicle use to properly designated exit points;

b. Use appropriate stabilization techniques at all points that exit onto paved roads;

Examples of appropriate stabilization techniques: aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

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 are implemented to minimize sediment track-out;

Examples of exit point controls: 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).

c. Implement additional track-out controls (e.g., wheel washing, rumble strips, and rattle plates) 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 means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

Note: 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 2.2.5.

2.2.6 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:

Note: The requirements in Part 2.2.52.2.6 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.3.3a for the requirements that apply to these types of materials.

a. Locate the piles outside of any natural buffers established under Part 2.2.12.2.2 and away from any constructed or natural site drainage features, storm drain inlets, and areas where stormwater flow is concentrated;

b. Install a sediment barrier along all downgradient perimeter areas of stockpiled soil or land clearing debris piles;

Sediment barrier examples: berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, and straw bales.

c. For piles that will be unused for 14 or more days, provide cover (*e.g.,* tarps, blown straw and hydroseeding) or appropriate temporary stabilization (consistent with Part 2.2.152.2.15);

d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

2.2.7 Minimize dust. On areas of exposed soil, minimize dust through the appropriate application of water[9] or other dust suppression techniques[10] to control the generation of pollutants that could be discharged in stormwater from the site.

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

Note: Where disturbance to steep slopes cannot be avoided, operators should consider implementing controls suitable for steep slope disturbances that are effective at minimizing erosion and sediment discharge (e.g., preservation of existing vegetation, hydraulic mulch, geotextiles and mats, compost blankets, earth dikes or drainage swales, terraces, velocity dissipation devices). To identify slopes and soil types that are of comparatively higher risk for sediment discharge in areas of the country where the CGP is in effect, operators can use the

[9] Where spraying or sprinkling of water is relied upon for dust control at your site, keep in mind that this method is only effective where the soil remains relatively moist thus requiring repeat applications depending on weather, wind, and soil conditions until the exposed areas are stabilized.

[10] Refer to EPA's *Dust Control* fact sheet at https://www.epa.gov/system/files/documents/2021-11/bmp-dust-control.pdf for a more detailed description of different practices that can be implemented as well as siting and other design considerations. Phasing of construction to limit the area of exposed soil at any one time, especially during times of the year with high winds, may be another effective way of controlling dust.

tables in Appendix F (see Tables F-2 thru F-6).

2.2.9 Preserve ~~native~~ topsoil, unless infeasible.[11]

2.2.10 Minimize soil compaction. In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

Note: Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

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

Note: Consider designating specific areas or pathways where the use of heavy equipment and vehicles (e.g., backhoes, dump trucks, bulldozers) are permitted on the site. To spread the weight of the heavy equipment and further limit compaction, consider spreading layers of mulch with sheets of plywood on top in these areas.

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.

2.2.11 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 from your site to a receiving water, provided you have authority to access the storm drain inlet. Inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin, sediment trap, or similarly effective control. Inlet protection measures can be removed in the event of flood conditions or to prevent erosion; and

b. Clean, or remove and replace, the inlet protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment, vegetation, and/or other construction-related debris accumulation adjacent to the inlet protection measure, remove the deposited sediment, vegetation, and/or other construction-related debris, if applicable, 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.

2.2.12 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.

Examples: Use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of a constructed site drainage feature and at the outfall to slow down stormwater.

2.2.13 If you install a sediment basin or similar impoundment:

a. Situate the basin or impoundment outside of any receiving water~~.~~ and any natural

[11] 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 2.2.92.2.9. At some sites, replacing the site's current soil with native topsoil or higher quality soil that is more conducive to vegetative growth would be another example of how you may comply with Part ~~2.2.8~~2.2.9. 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.

buffers established under Part 2.2.12.2.2;

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 from a 2-year, 24-hour storm event;[12] 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. 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;[13]

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

f. Prior to first directing stormwater to the sediment basin, complete stabilization of the basin, including related conveyance structures and discharge points, to ensure it does not itself become a source of sediment discharge (e.g., using grasses, hydraulically-applied mulch, natural fiber rolled erosion control blankets or matting, or other measures to stabilize the side slopes, berms, and embankment of the basin); and

g. 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.

2.2.14 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 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, 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*

[12] Refer to https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates for guidance on determining the volume of precipitation associated with their site's local 2-year, 24-hour storm event.

[13] 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).

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 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 the use of such chemicals will not result in discharges that do not meet water quality standards~~.

2.2.15 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*)[14] that minimize erosion from any areas of exposed soil on the site in accordance with this Part.

a. **Stabilization Deadlines**:[15]

The deadlines for initiating and completing installation of stabilization measures in Table 2 apply to all sites except those covered by the exceptions in Part 2.2.15~~.~~b.

Table 2 Deadlines for Initiating and Completing ~~Site~~ Installation of Stabilization Measures~~Installation~~.

[14] If you will be evaluating the use of some type of erosion control netting to the site as part of your site stabilization, EPA encourages you to consider employing products that have been shown to minimize impacts on wildlife. For instance, the U.S. Fish & Wildlife Service provides recommendations on the type of netting practices that are considered "wildlife friendly," including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, as well as those products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. Other recommendations include removing the netting product when it is no longer needed. See https://www.fws.gov/initiative/protecting-wildlife/make-change-wildlife-friendly-erosion-control-products for further information. This webpage also includes a wildlife-friendly erosion control product list that identifies products that fit the criteria found in scientific literature as wildlife friendly. There also may be State, Tribal, or local requirements about using wildlife friendly erosion control products.

[15] 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[16]	Deadline
i. Five acres or less (≤5.0) **Note: 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. 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[17] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days; and *Note:* 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. • Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been initiated. *Note*: If vegetative stabilization measures are being implemented, ~~stabilization~~ installation is considered ~~"installed" or~~ complete when all activities necessary to seed or plant the area are completed, including the application of any non-vegetative protective cover (e.g., mulch, erosion control blanket), if applicable. If non-vegetative stabilization measures are being implemented, ~~stabilization is considered "installed" or~~installation is complete when all such measures are implemented or applied.
ii. More than five acres (>5.0)	• Initiate the installation of stabilization measures immediately[18] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days; and *Note:* 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,

[16] 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.

[17] 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.

[18] See footnote 17.

Total Amount of Land Disturbance Occurring At Any One Time[16]	Deadline
	"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. • Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated. *Note*: If vegetative stabilization measures are being implemented, ~~stabilization~~ installation is considered ~~"installed" or~~ complete when all activities necessary to seed or plant the area are completed, including the application of any non-vegetative protective cover (e.g., mulch, erosion control blanket), if applicable. If non-vegetative stabilization measures are being implemented, ~~stabilization is considered "installed" or~~installation is complete when all such measures are implemented or applied.

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 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. However, if your site will either (1) discharge to a sediment- or nutrient-impaired water or to a water that is categorized by your State~~,~~ or authorized Tribe as Tier 2, Tier 2.5, or Tier 3 for antidegradation protection, or (2) disturb more than five (5) acres at any one time, you must complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion within seven (7) calendar days of temporary or permanent cessation of work;

(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 your site conditions. Also i~~Document in the SWPPP~~nclude~~ the schedule you will follow for initiating and completing vegetative stabilization installation.

ii. Discharges to a sediment- or nutrient-impaired water ~~or~~, to a water that is ~~identified~~ categorized by your State~~,~~ or authorized Tribe~~, or EPA~~ as Tier 2, Tier 2.5, or Tier 3 for antidegradation ~~purposes~~protection, or to receiving waters located within Lands of Exclusive Federal Jurisdiction~~,~~. Complete stabilization installation as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated. If, however, the site is also located within an arid, semi-arid, or drought-stricken area, the requirements in Part 2.2.14~~5.~~b.i apply instead.

iii. Discharges to a receiving water located within Lands of Exclusive Federal Jurisdiction. Complete stabilization installation as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated. This deadline applies regardless of whether another exception in this section applies to your site.

iv. Unforeseen circumstances. Operators that are affected by unforeseen circumstances (e.g., problems with the supply of seed stock or with the availability of specialized equipment, unsuitability of soil conditions due to excessive precipitation and/or flooding) that delay the initiation and/or completion of vegetative stabilization installation:

(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 2.2.15a2.2.15a and the schedule you will follow for initiating and completing stabilization.

v. Unforeseeable[19] frozen or snow-covered conditions. If unforeseeable frozen ground conditions[20] and/or snow accumulation occurs that causes construction activities at your site to be temporarily inactive for 14 or more days, you may delay the installation of stabilization measures while these conditions persist. Within 24 hours of the ground temperatures rising above freezing and/or snowmelt providing access to the exposed area, whichever applies, you must install temporary stabilization measures in compliance with Part 2.2.15a that must remain in place until you resume construction activities. You do not have to install temporary stabilization measures if construction activities will resume prior to or immediately upon ground temperatures rising above freezing or snowmelt providing access to exposed areas.

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)* to provide 70 percent or more of the vegetative cover native[21] to local undisturbed areas; and/or

Note: For this requirement, final stabilization is achieved when vegetation (e.g., planted, seeded, rolled sod/turf) has grown to the point that it meets the 70 percent cover requirement. The reference conditions for vegetative stabilization are the cover

[19] Conditions that are abnormal for the season and could not have been reasonably anticipated or planned for.

[20] For the purposes of this permit, frozen ground conditions occur when the near-surface soil has a temperature at or below 32 degrees Fahrenheit (or 0 degrees Celsius). Source: National Snow and Ice Data Center.

[21] Within the area to be stabilized, you should avoid using invasive or introduced vegetative species, such as those listed on the United States Register of Introduced and Invasive Species (US-RIIS). To access the US-RIIS, go to: https://www.sciencebase.gov/catalog/item/62d59ae5d34e87fffb2dda99. Then scroll down to "Attached Files," and click the file named "USRIISv2.xlsx" to download excel file. Open the file, and then filter using location (Column A) selecting appropriate location and kingdom (Column P) selecting only Plantae to only have plants listed. This will give you a workable Excel sheet that lists all invasive plants in a specific region.

that would be typical of an undisturbed site in the area, not the cover that existed on a specific site prior to construction. For example, where a housing development is being built on a site that was previously farmland, the reference point for providing vegetative cover is not the vegetation present on the farm itself but rather the vegetative cover that is typical of a natural, undisturbed area in the same locality.

ii. Implement permanent non-vegetative stabilization measures to provide effective cover of any areas of exposed soil.

Examples of permanent non-vegetative stabilization measures: riprap, gravel, gabions, and/ ~~geotextiles~~ or other state or locally approved measures that provide long-term stabilization of the underlying soil.

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 vegetative cover 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 to 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 2.2.15c2.2.15c final stabilization criteria do 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)*

2.3 POLLUTION PREVENTION REQUIREMENTS

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.

Note: 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).

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;

Examples of effective means:

- Locating activities away from receiving waters, storm drain inlets, and constructed or natural site drainage feature so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (e.g., spill berms, 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.

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;

Examples of effective means: locating activities away from receiving waters and storm drain inlets or constructed or natural site drainage features 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.

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.

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

a. *For building materials and building products*, 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.

Examples of building materials and building products typically present at construction sites: asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

Exception: 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:* The following requirements apply to the storage and handling of chemicals on your site. If you are already implementing controls as part of an SPCC or other spill prevention plan that meet or exceed the requirements of this Part, you may continue to do so and be considered in compliance with these provisions provided you reference the applicable parts of the SPCC or other plans in your SWPPP as required in Part 7.2.6b.ix7.2.6b.ix.

i. If any chemical container has a storage capacity of less than 55 gallons:

(a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;

(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 immediately in the event of a leak or spill.

ii. If any chemical container has a storage capacity of 55 gallons or more:

(a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;

(b) Store containers a minimum of 50 feet from receiving waters, constructed or natural site drainage features, and storm drain inlets. If infeasible due to site constraints, store containers as far away from these features as the site permits. If site constraints prevent you from storing containers 50 feet away from receiving waters or the other features identified, you must document in your SWPPP the specific reasons why the 50-foot setback is infeasible, and how you will store containers as far away as the site permits;

(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, double-wall, above-ground storage tank); and

(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 immediately 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*:

Examples of hazardous or toxic wastes that may be present at construction sites: paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

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

ii. Store waste in sealed containers, constructed of suitable materials to prevent leakage and corrosion, and 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, 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:*

Examples of construction and domestic wastes typically present at construction sites: packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition (as defined in Appendix A) ~~debris~~waste,~~;~~ food and drink trash, disposable personnel protective equipment, cigarette butts, and other trash or discarded materials.

i. Provide waste containers *(e.g., dumpster, trash receptacle)* of sufficient size and number to contain construction and domestic wastes~~;~~ and to minimize waste from entering receiving waters, constructed or natural site drainage features, storm drain inlets, or other conveyances to receiving waters.- You must also comply with the following:

(a) On business days, clean up and dispose of waste in designated waste containers;

(b) For waste containers with lids, keep waste container lids closed when not in use, and close lids at the end of the business day and during storm events. For waste containers without lids, provide ~~either~~ at least one of the following: (1) cover *(e.g., a tarp, plastic sheeting, temporary roof)* to minimize exposure of wastes to precipitation; (2) a leak-proof waste container; or (3) a similarly effective means designed to minimize the discharge of pollutants from the container *(e.g., ~~secondary containment,~~ earthen or rock berm)*; and

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

(c) Clean up immediately if containers overflow, and if there is litter elsewhere on the site from escaped trash.

Note: For demolition wastes that contain toxic or hazardous substances, these materials must be handled consistent with the requirements of Part 2.3.3.d.

ii. Waste containers are not required for the waste remnant or unused portions of construction materials or final products that are covered by the exception in Part 2.2.4a provided that:

(a) These wastes are stored separately from other construction or domestic wastes addressed by Part 2.3.3e.i (i.e., wastes not covered by the exception in Part 2.3.3a). If the wastes are mixed, they must be stored in waste containers as required in Part 2.3.3e.i; and

(b) These wastes are stored in designated areas of the site, the wastes are described in the SWPPP (see Part 7.2.6b.x7.2.6.b~~.~~x), and identified in the site plan (see Part 7.2.4j7.2.4j)

f. *For sanitary waste*, position portable toilets so they are secure and will not be tipped or knocked over, and are located away from receiving waters, storm drain inlets, and constructed or natural site drainage features.

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 no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

i. For liquid wastes:

(a) Do not dump liquid wastes or allow them to enter into constructed or natural site drainage features, storm inlets, or receiving waters;

(b) Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground;

(c) Comply with applicable State, Tribal, or local requirements for disposal.

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

c. Locate any washout or cleanout activities as far away as possible from receiving waters, constructed or natural site drainage features, and storm drain inlets, 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 7.2.6b.xi7.2.6b~~.~~xi;

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 constructed or natural site drainage features; 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. If a release of toxic or hazardous substances occurs, it must be stopped immediately and you must take all reasonable steps to prevent any discharge of a pollutant to receiving waters consistent with the duty to mitigate under Appendix G, Part G.4. If a discharge to a receiving water of a toxic or hazardous substance from a spill or other release occurs, you must notify EPA in accordance with Appendix G, Part G.12.6. Where a discharge to receiving waters from a leak, spill, or other release containing oil requiring notice under 40 CFR part 110 or 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. You must keep a copy of the notification submitted to Federal, State, Tribal, or local agencies either 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.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants from dewatering (as defined in Appendix A) operations.

2.4.1 Route dewatering water through a sediment control (e.g., sediment trap or basin, pumped water filter bag) designed to prevent discharges with visual turbidity;

Note: For the purposes of this permit, visual turbidity is present where there is a sediment plume in the discharge or the discharge appears cloudy, or opaque, or has a visible contrast that can be identified by an observer.

2.4.2 Do not discharge visible floating solids or foam;

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

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

Note: Similar to the exception to the requirement in Part 2.2.2, there may be situations where infiltration would be inadvisable due to the underlying geology (e.g., karst topography) and ground water contamination concerns, or infeasible due to site conditions.

2.4.5 To prevent dewatering-related erosion and related sediment discharges:

- **a.** Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to 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 2.2.122.2.12.

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

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 4.3.2 and 4.6.3.

3 WATER QUALITY-BASED ~~EFFLUENT~~ LIMITATIONS FOR STORMWATER AND AUTHORIZED NON-STORMWATER DISCHARGES

You must comply with the water quality-based limitations in this Part, including Part 3.1 and, as applicable, Parts 3.2 and 3.3. ~~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.

Note: The requirements of Part 9 do not apply to projects within Lands of Exclusive Federal Jurisdiction.

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 the requirements of Part 3~~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~~ require 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~~you will be unable to meet the requirements in this Part.

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.

3.1 ~~GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS~~WATER QUALITY-BASED LIMITATIONS APPLICABLE TO ALL SITES

[Note: Text in Part 3.1 moved from Part 10.4 of the current 2022 CGP]

Your discharge must not contain the following conditions associated with pollutants that are discharged from your construction site:

a. Observable ~~deposits of~~ floating, settled, or suspended solids~~, scum, sheen, or other substances~~;

b. An observable film, sheen, ~~or~~ discoloration, or odor~~from oil and grease~~; or

c. Observable scum, foam, or construction debris ~~or substances that produce an observable change in color, odor, or cloudiness in the discharge~~.

If any of these conditions are observed, except with respect to dewatering discharges, you must treat this as triggering corrective action under Part 5.1, which requires that you take corrective action and document the corrective actions as required in Parts 5.2 and 5.4.

For sites discharging from dewatering operations, you must implement corrective actions if any of the conditions described in Part 5.1.5 occur and comply with the requirements of Part 5.2.2 for responding to these conditions.

REQUEST FOR COMMENT # 2: EPA requests comment on the conditions outlined in Part 3.1a through c, specifically regarding potential modifications to more accurately identify discharge characteristics that may indicate water quality issues arising from construction stormwater pollutants and discharges from the site.

3.2 WATER QUALITY-BASED CONDITIONS FOR SITES DISCHARGING TO CERTAIN IMPAIRED AND HIGH QUALITY RECEIVING WATERS

For any portion of the site that discharges to a sediment or nutrient-impaired water, ~~or~~ to a water that is ~~identified~~ categorized by your State~~,~~ or authorized Tribe~~, or EPA~~ as Tier 2, Tier 2.5, or Tier 3 for antidegradation protection~~purposes~~, or to receiving waters located within Lands of Exclusive Federal Jurisdiction, you must comply with the increased inspection frequency specified in Part 4.3 and you must comply with the stabilization deadline specified in Part ~~2.2.15b.ii~~2.2.15b.ii.[22]

> *Note:* Refer to Appendix A for definitions of "impaired water" and "Tier 2," "Tier 2.5," and "Tier 3" waters. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available at https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools. For assistance in determining whether your site discharges to a Tier 2, 2.5, or 3 water, refer to the list of such waters at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates.

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 related to the pollutant of concern are necessary for your discharge to ~~be controlled as necessary to meet water quality standards~~meet the requirements of this permit. These controls might include those necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL. In addition, EPA may require you to apply for and obtain coverage under an individual NPDES permit.

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.

[22] 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.

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:

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

Examples of controls to minimize PCB exposure to precipitation and stormwater: 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.

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

3.3 TURBIDITY BENCHMARK MONITORING FOR SITES DISCHARGING DEWATERING WATER TO PROTECT THE WATER QUALITY OF SENSITIVE WATERS

For sites discharging dewatering water to "sensitive waters" (i.e., receiving waters listed as impaired for sediment or a sediment-related parameter (as defined in Appendix A), receiving waters ~~designated~~ categorized as a Tier 2, Tier 2.5, or Tier 3 for antidegradation ~~purposes~~protection, or receiving waters located within Lands of Exclusive Federal Jurisdiction), you are required to comply with the benchmark monitoring requirements in this Part and document the procedures you will use at your site in your SWPPP pursuant to Part 7.2.8. A summary of these requirements is included in Table 14.

EPA notes that the benchmark threshold is not an effluent limitation, rather it is an indicator that the dewatering controls may not be working to protect water quality, which the operator must investigate and correct as appropriate. A benchmark exceedance is not a permit violation. However, if a benchmark exceedance triggers corrective action in Part 5.1.5a, failure to conduct any required action is a permit violation.

Where there are multiple operators associated with the same site, the operators may coordinate with one another to carry out the monitoring requirements of this Part in order to avoid duplicating efforts. Such coordinating arrangements must be described in the SWPPP consistent with Part 7.2.8. Regardless of how the operators divide the responsibilities for monitoring and reporting, each operator remains responsible for compliance with these requirements.[23]

REQUEST FOR COMMENT # 3: As specified in Parts 3.3 (and footnote 23 and 3.3.4a, where a group of operators coordinate turbidity monitoring efforts at the same site, the CGP requires each operator to submit a monitoring report every quarter regardless of the role that the individual is taking in collecting the actual samples. During the 2022 CGP permit term, EPA heard from

[23] For instance, if Operator A relies on Operator B to meet the Part 3.3.1 turbidity monitoring requirements, the Part 3.3.4 reporting and recordkeeping requirements, and the Part 5.2.2 corrective action provisions when applicable, Operator A does not have to duplicate these same functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for complying with these permit requirements if Operator B fails to take actions that were necessary for Operator A to comply with the permit. See also footnote 29. EPA notes that both Operator A and B are required to submit turbidity monitoring reports as required under Part 3.3.4, however, Operator A's report does not need to include the data collected by Operator B as long as Operator B submits the required data and Operator A's report indicates that it is relying on Operator B to report the data. See Part 3.3.4a.

operators who inquired whether it is necessary for all operators in the operator group to submit reports when EPA is already receiving the turbidity data from one of the operators.

EPA requests comment on whether the permit should be changed to provide additional flexibility for operators in these multiple operator situations. For instance, EPA could consider allowing some operators to be relieved of the reporting requirement as long as they submit an initial quarterly report informing the Agency that they are relying on another permitted operator to fulfil the requirements and identify the specific operator's NPDES ID. Are there other suggestions commenters have on how the Part 3 requirements for multiple operator scenarios should be changed to provide flexibility?

Additionally, Part 3.3.4a requires operators to submit quarterly reports during the period of permit coverage, including for quarters when there is no dewatering discharge. EPA requests feedback on whether submitting reports should still be required when there is no dewatering discharge during a monitoring quarter and if there are alternative reporting requirements that are recommended.

3.3.1 Turbidity monitoring requirements

> *Note:* Operators may find it useful to consult EPA's Monitoring and Inspection Guide for Construction Dewatering, available at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates, which provides guidelines on how to correctly monitor for turbidity, determine if the weekly average exceeds the benchmark, and, if so, how to proceed with corrective action.

a. **Sampling frequency.** You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.

b. **Sampling location.** Samples must be taken at all points where dewatering water is discharged. Samples must be taken after the dewatering water has been treated by installed treatment devices pursuant to Parts 2.4.1 and 2.4.3 and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.

c. **Representative samples.** Samples taken must be representative of the dewatering discharge for any given day as required in Appendix G (standard permit conditions), Part G.10.~~2~~1.

d. **Test methods.** Samples must be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with a Part 136-approved method (e.g., methods 180.1 and 2130). You are required to use the meter, and conduct a calibration verification prior to each day's use, consistent with the manufacturer's instructions.

REQUEST FOR COMMENT # 4: EPA requests comment on a potential alternative turbidity monitoring framework from the current daily sampling frequency for all dewatering operations, as well as the reasons why and under what circumstances a different sampling frequency would be more suitable than the current approach. For instance, EPA is considering that it may make sense from a water quality and operational standpoint to continue to require daily turbidity sampling for dewatering operations that are of shorter duration (e.g., lasting 2 to 3 days or less), and to allow less frequent monitoring (e.g., weekly) for dewatering operations that continue for an extended period of time provided that the weekly average of initial daily samples is below the 50 NTU benchmark.

3.3.2 Turbidity benchmark

a. The benchmark threshold for turbidity for this permit is 50 NTUs (referred to elsewhere in this permit as the "standard 50 NTU benchmark") unless EPA has authorized the use of an alternate benchmark in accordance with Part 3.3.2b.

b. Request for alternate benchmark threshold.

i. At any time prior to or during your coverage under this permit, you may request that EPA approve a benchmark for your site that is higher than 50 NTUs if you xc

~~i.~~ii. have information demonstrating the higher number is the same as your receiving water's water quality standard for turbidity. Unless EPA approves an alternate benchmark, you will be required to use the standard 50 NTU benchmark. To request approval of an alternate benchmark, you must submit the following information to your applicable EPA Regional Office ~~(see Appendix K)~~:

(a) The current turbidity water quality standard that applies to your receiving water and the source/citation.

Example: If your site is located in Washington, DC, and you are discharging to a Class B water, for which the water quality standard is that turbidity may not increase above ambient levels by more than 20 percent, you would reference "Water Quality Standards for the District of Columbia, Chapter 11, Section 1104.8."

(b) If the applicable turbidity water quality standard requires information on natural or background turbidity levels (e.g., "no more than 10 NTU above natural turbidity levels") to determine the specific standard for the receiving water, include available data that can be used to establish the natural turbidity levels of your receiving water (including literature studies or Federal, State, Tribal, or local government data). Data must be representative of the natural turbidity levels of your specific receiving water. Identify the source(s) of all data provided, including if the data are from samples you collected of the receiving water.

~~ii.~~iii. EPA will inform you of its decision on whether to approve the requested alternate benchmark within 30 days. EPA may approve your request, request additional time (e.g., if additional information is needed to substantiate the data you provided), or deny your request. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTUs and take any required corrective actions if an exceedance occurs.

3.3.3 Comparison of turbidity samples to benchmark. Compare the weekly average of your turbidity monitoring results to the standard 50 NTU benchmark, or alternate benchmark if approved by EPA.

Definition of "weekly average" for this permit: the sum of all of the turbidity samples taken during a "monitoring week" divided by the number of samples measured during that week. Average values should be calculated to the nearest whole number.

a. If the weekly average of your turbidity monitoring results exceeds the standard benchmark (or your approved alternate benchmark), you are required to conduct follow-up corrective action in accordance with Part 5.2.2 and document any corrective action taken in your corrective action log in accordance with Part 5.4.

b. For averaging purposes, a "monitoring week" starts with a Monday and ends on Sunday. Once a new monitoring week starts, you will need to calculate a new average for that week of turbidity monitoring results. A weekly average may consist of one or more turbidity monitoring results.

Example of when a new weekly average is required: if turbidity samples from your dewatering discharge in week 1 result in values of 30 NTU on Tuesday, 40 NTU on Wednesday, and 45 NTU on Thursday, your weekly average turbidity value would be 38.33 NTU ((30+40+45) ÷ 3 = 38 NTU). If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 28.75 NTU ((45+30+25+15) ÷ 4 = 29 NTU). By comparison, if your samples on consecutive days from Friday to Monday were 60 NTU, 45 NTU, 40 NTU, and 43 NTU, respectively, and there are no other dewatering discharges for the remainder of the week, you would calculate one weekly average for the Friday to Sunday to be 48 NTU ((60+45+40) ÷ 3 = 48 NTU), and a separate weekly average for the one Monday to be 43 NTU (43 ÷ 1 = 43 NTU).

c. Although you are not required to collect and analyze more than one turbidity sample per day from your dewatering discharge, if you do collect and analyze more than one sample on any given day, you must include any additional results in the calculation of your weekly average (i.e., add all individual results for that monitoring week and divide by the total number of samples).

Example: if during a monitoring week you take two turbidity samples on Tuesday with a value of 30 NTU and 35 NTU, three samples on Wednesday with a value of 40 NTU, 45 NTU, and 48 NTU, and one sample on Thursday with a value of 45 NTU, your weekly average turbidity value for this week would be 41 NTU ((30+35+40+45+48+45) ÷ 6 = 41 NTU).

d. If you are conducting turbidity monitoring for more than one dewatering discharge point, you must calculate a weekly average turbidity value for each discharge point and compare each to the turbidity benchmark.

3.3.4 Reporting and recordkeeping.

a. You must submit reports of your weekly average turbidity data to EPA no later than 30 days following the end of each monitoring quarter. If there are monitoring weeks in which there was no dewatering discharge, or if there is a monitoring quarter with no dewatering discharge, indicate this in your turbidity monitoring report. If another operator associated with your same site is conducting turbidity monitoring on your behalf pursuant to Part 3.3, indicate this in your turbidity monitoring report.

b. For the purposes of this permit, the following monitoring quarters and reporting deadlines apply:

Table 3. Monitoring Quarters and Deadlines for Reporting Turbidity Benchmark Monitoring Data.

Monitoring Quarter #	**Months**	**Reporting Deadline** (no later than 30 days after end of the monitoring quarter)
1	January 1 – March 31	April 30
2	April 1 – June 30	July 30
3	July 1 – September 30	October 30
4	October 1 – December 31	January 30

c. You must use EPA's NPDES eReporting Tool (NeT) to electronically submit your quarterly turbidity data, unless, consistent with Part 1.4.2, you received a waiver from your applicable EPA Regional Office. If the EPA Regional Office grants you approval to use a paper turbidity monitoring report form, and you elect to use it, you must complete the form in Appendix K. If EPA approves of your request to use an alternate turbidity benchmark pursuant to Part 3.3.2b, EPA will substitute the alternate benchmark in your NeT account.

d. For each day in which you are required to monitor, you must record the monitoring information, including calibration verification, required by Appendix G, Parts G.10.2 and G.10.3 and retain all such information for a period of at least three years from the date this permit expires or from the date your authorization is terminated.

Table 4. Summary of Turbidity Benchmark Monitoring Requirements.

Applicability	Sampling Requirement	Turbidity Benchmark	Corrective Action	Reporting
Sites discharging dewatering water to a sediment-impaired water, to a water ~~designated~~ categorized as ~~a~~ Tier 2, Tier 2.5, or Tier 3 for antidegradation protection~~purposes~~, or to receiving waters located within Lands of Exclusive Federal Jurisdiction.	Collect at least one turbidity sample per day, from each discharge point, on any day there is a dewatering discharge. Use turbidity sampling procedures specified in Part 3.3.1.	Compare the weekly average of your turbidity monitoring results to the 50 NTU benchmark (or alternate benchmark if approved by EPA).	If the weekly average of turbidity monitoring results exceeds the 50 NTU turbidity benchmark (or alternate benchmark if approved by EPA), you are required to take follow-up corrective action in accordance with Part 5.2.2.	Report all weekly average turbidity monitoring results on a quarterly basis via NeT-CGP (unless use of the paper monitoring form in Appendix K is approved by EPA) no later than 30 days following the end of each monitoring quarter.

4 INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR CONDUCTING SITE AND DEWATERING INSPECTIONS

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 any person conducting inspections pursuant to this Part is a "qualified person." A qualified person is someone who has completed the training required by Part 6.3.

4.2 FREQUENCY OF INSPECTIONS.

Note: Inspections are only required during the site's normal working hours.

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~~4.3.1 site inspection frequency for discharges to sediment or nutrient-impaired or high quality 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[24] of the occurrence of:

a. A storm event that produces 0.25 inches or more of rain within a 24-hour period.

i. If a storm event produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.25 inches of rain or more has fallen.

ii. If a storm event produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event).

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.

b. A discharge caused by snowmelt from a storm event that produces 3.25 inches[25] or more of snow within a 24-hour period. You are required to conduct one inspection once the discharge of snowmelt from a 3.25-inch or more snow accumulation occurs. Additional snowmelt inspections are only required if following the discharge from the first snowmelt, there is a discharge from a separate storm event that produces 3.25 inches or more of snow.

4.2.3 To determine whether a storm event meets either of the thresholds in Parts 4.2.2a or 4.2.2b:

a. For rain, 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 24-hour period during which there is 0.25 inches or more of rainfall, you must record the total rainfall measured for that day in accordance with Part 4.7.1c.

b. For snow, you must either take measurements of snowfall at your site, or rely on similar information from a local weather forecasting provider that is representative of your location.

Note: For snowfall measurements, EPA suggests use of NOAA's National Weather Service guidelines at https://www.weather.gov/jkl/snow_measurement. These guidelines

[24] For the purposes of the inspection requirements in this Part, conducting an inspection "within 24 hours" means that once either of the two conditions in Parts 4.2.2a or 4.2.2b are met you have 24 hours from that time to conduct an inspection. For clarification, the 24 hours is counted as a continuous passage of time, and not counted by business hours (e.g., 3 business days of 8 hours each). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

[25] 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/.

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 INCREASE IN INSPECTION FREQUENCY 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.

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~~ categorized by your State~~,~~ or authorized Tribe~~, or EPA~~ as Tier 2, Tier 2.5, or Tier 3 for antidegradation ~~purposes~~ protection (see Part 3.2), or that discharges to receiving waters located within Lands of Exclusive Federal Jurisdiction, you must conduct an inspection once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event that produces 0.25 inches or more of rain within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

Refer to Parts 4.2.3a and 4.2.3b for the requirements to determine if a storm event produces enough rain or snow to trigger the inspection requirement.

4.3.2 For sites discharging dewatering water, you must conduct an inspection in accordance with Part 4.6.3 during the discharge 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 until permit coverage is terminated consistent with Part 8 in any area of your site where the stabilization steps in Part 2.2.15a2.2.15a 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 Part 2.2.15a2.2.15a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. 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 4.4.1a. Inspections must continue until final stabilization is visually confirmed following a storm event that produces 0.25 inches of rain or more within a 24-hour period.

4.4.2 Arid, semi-arid, or drought-stricken areas (as defined in Appendix A). If it is the seasonally dry period[26] 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 that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. You must document that you are using this reduced schedule and the beginning and ending ~~dates~~ months of the seasonally dry period in your SWPPP. (Note: EPA's Seasonally Dry Period Locator Tool will provide, if applicable, the months of the seasonally dry period for your area.) Follow the procedures in Part 4.2.3a and 4.2.3b, accordingly, to determine if a storm event occurs that produces 0.25 inches or more of rain or 3.25 inches or more of snow within a 24-hour period. For any 24-hour period during which there is 0.25 inches or more of rainfall, or 3.25 inches or more of snow, you must record the total rainfall or snow measured for that day in accordance with Part 4.7.1c.

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. 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.[27] 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 2.2.15a2.2.15a.

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

i. 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 2.2.15a2.2.15a.

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

[26] The term "seasonally dry period" as defined in Appendix A refers to a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA's Seasonally Dry Period Locator Tool at https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area.

[27] Use data sets that include the most recent data available to account for recent precipitation patterns and trends.

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 ~~2.2.15a~~2.2.15a;

4.5.2 All stormwater controls, including pollution prevention controls, installed at the site to comply with this permit;

> *Note:* 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 ~~2.2.5~~2.2.5.

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 constructed or natural site drainage features designed to divert, convey, and/or treat stormwater;

4.5.5 All areas where construction dewatering is taking place, including 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 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 on nearby streets, curbs, or open conveyance channels)* in the immediate vicinity of your discharge that ~~have occurred and~~ are attributable to your discharge ~~at points of discharge and, if applicable, on the banks of any receiving waters flowing within or immediately adjacent to the site;~~.

~~**e.**~~**d.** ~~Check for signs of sediment deposition that are visible from your site and attributable to your discharge (e.g., sand bars with no vegetation growing on top in receiving waters or in other constructed or natural site drainage features, or the buildup of sediment deposits on nearby streets, curbs, or open conveyance channels).~~

~~**f.**~~**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~~conditions listed in Part 3.1.

Note: the occurrence of these conditions may require taking corrective action under Part 5.

c. Check also for signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

Note: Where you observe these conditions in the receiving water, but they are absent from your discharge as documented in Part 4.6.2b, above, corrective action under Part 5 is not required.

4.6.3 For dewatering inspections conducted pursuant to Parts 4.3.2, record the following in a report within 24 hours of completing the inspection:

a. The inspection date;

b. Names and titles of personnel making the inspection;

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

Note: If the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous.

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

e. Whether or not any of the following conditions were observed in the discharge ~~indications of pollutant discharge were observed at the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features or storm drain inlets~~:

i. a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; and/or

ii. a visible sheen on the water surface ~~or visible oily deposits on the bottom or shoreline of the receiving water~~; and

f. Photographs of (1) the dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; (2) the dewatering control(s); and (3) the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.

You must also comply with the Part 4.7.2, 4.7.3, and 4.7.4 requirements for signing the reports, keeping them available on site, and retaining copies.

4.6.4 Based on the results of your inspection under Parts 4.6.1, 4.6.2, and 4.6.3 (unless otherwise noted):

a. Complete any necessary maintenance repairs or replacements under Part 2.1.4 or 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 (except for dewatering inspection reports, which are covered in Part 4.6.3) 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 problems found during your inspection that make it necessary to perform routine maintenance pursuant to Part 2.1.4b or corrective action pursuant to Part 5. Include also any documentation as to why the corrective action procedures under Part 5 are unnecessary to fix a problem that repeatedly occurs as described in Part 2.1.4b;

d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b4.4.1, and you conducted an inspection because of a storm event that produced rainfall measuring 0.25 inches or more within a 24-hour period, you must include the applicable rain gauge or weather station readings that triggered the inspection. Similarly, if you conducted an inspection because of a snowmelt discharge from a storm event that produced 3.25 inches or more of snow within a 24-hour period, you must include any measurements taken of snowfall at your site, or weather station information you relied on; 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 by the operator's signatory in accordance with Appendix G, Part G.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.

Note: 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.

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 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 1.2.1c), 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 a significant repair or a new or replacement control is needed, or, in accordance with ~~-~~Part 2.1.4d, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4); 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 discharge contains any of the substances or exhibits any of the observable characteristics described in Part 3.1~~.~~a-c;~~s are not meeting applicable water quality standards~~;

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

5.1.5 During discharge from site dewatering activities:

- **a.** The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2b); or
- **b.** You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3e.

5.2 CORRECTIVE ACTION DEADLINES

5.2.1 If responding to any of the Part 5.1.1, 5.1.2, 5.1.3, or 5.1.4 triggering conditions, you must:

- **a.** 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; and
- **b.** 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; or
- **c.** 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~~ corrective action log (see Part 5.4) 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.

5.2.2 If responding to either of the Part 5.1.5 triggering conditions related to site dewatering activities, you must:

a. Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a solution, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition taking safety considerations into account;

Example: if the weekly average of your turbidity monitoring results or a single sample is extremely high (e.g., a single turbidity sample results in 355 NTUs or higher), you should take action to safely shut off the discharge so that you can evaluate the cause of the high turbidity. Note: A single turbidity sample of 355 NTUs or higher means that the weekly average turbidity value will exceed 50 NTU regardless of the turbidity values the other days during the week.

b. Determine whether the dewatering controls are operating effectively and whether they are causing the conditions; and

c. Make 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.

When you have completed these steps and made any changes deemed necessary, you may resume discharging from your dewatering activities.

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 LOG

5.4.1 For each corrective action taken in accordance with this Part, you must 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 into the corrective action log, consisting of the information required by both Parts 5.4.1a and 5.4.1b, must be signed by the operator's signatory in accordance with Appendix G, Part G.11.2 of this permit.

5.4.3 You must keep a copy of the corrective action 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.

Note: 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.

5.4.4 You must retain the corrective action log 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 carrying out activities necessary to comply with 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);

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 all persons[28] 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 requirements and deadlines associated with installation, maintenance, and removal of stormwater controls, as well as site 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.

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[28] 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.

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

~~For projects that receive coverage under this permit on or after February 17, 2023, T~~to be considered a qualified person under Part 4.1 for conducting inspections under Part 4, you must, at a minimum, either:

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

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

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

ii. Proper 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.

Note: If one of the following topics (e.g., installation and maintenance of pollution prevention practices) is not covered by the non-EPA training program, you may consider supplementing the training with the analogous module of the EPA course (e.g., Module 4) that covers the missing topic.

~~For projects that receive coverage under this permit prior to February 17, 2023, any personnel conducting site inspections pursuant to Part 4 on your site must, at a minimum, be 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.~~

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 covered under this permit must develop a SWPPP consistent with the requirements in Part 7, and Part 9 as applicable, prior to their submittal of the NOI.[29, 30]

Note: 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.

The SWPPP must be kept up-to-date throughout coverage under this permit. 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 Part 9 as applicable) 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 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 verification that each member of the stormwater team has received the training required by Part 6.2. Include documentation that members of the stormwater team responsible for conducting inspections pursuant to Part 4 have received the training required by Part 6.3. 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. If personnel on your team elect to complete a non-EPA inspector training program pursuant to Part 6.3b, you must include documentation showing that these persons have successfully completed the program and their certification or license is still current. You must also confirm that the non-EPA inspector training program satisfies the minimum elements for such programs in Part 6.3b.

7.2.3 Nature of Construction Activities. Include the following:

[29] Where there are multiple operators associated with the same site, they may develop a group SWPPP 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 such that both operators are in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to take actions 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 cause a violation or compromise any other operators' controls and/or any shared controls. See also footnote 23.

[30] 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 a decision for the operator alone.

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;

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.

Note: 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.

g. A list and description of all pollutant-generating activities 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;

Examples of typical pollutant-generating activities at construction sites: paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering activities.

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 receiving water crossings;
- **v.** Designated points where vehicles will exit onto paved roads;
- **vi.** Locations of structures and other impervious surfaces upon completion of construction; and
- **vii.** Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).

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

d. Any areas of Federally listed critical habitat within the action area of the site as defined in Appendix A;

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

~~**e.**~~ **f.** Areas where existing topsoil will be protected or stockpiled, or where soil conditioning practices will be implemented;

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

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

- **i.** Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets, including a notation of whether the inlet conveys stormwater to a sediment basin, sediment trap, or similarly effective control;

  Note: 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.

- **ii.** Locations where stormwater or authorized non-stormwater will be discharged directly to receiving waters (i.e., not via a storm drain inlet); and
- **iii.** Locations where turbidity benchmark monitoring will take place to comply with Part 3.3, if applicable to your site.

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

~~**i.**~~ **j.** Designated areas where construction wastes that are covered by the exception in Part 2.3.3e.ii because they are not pollutant-generating will be stored;

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

~~k.~~l. 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 requirements, Part 2.3 pollution prevention requirements, and Part 2.4 construction dewatering requirements, as applicable to your site, you must include the following:

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

ii. The design specifications for controls described in Part 7.2.6a.i (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);

Note: 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.

iii. Routine stormwater control maintenance specifications; and

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 2.2.12.2.2 and Appendix F). 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 2.2.12.2.2 that occur within 50 feet of a receiving water.

ii. **Perimeter controls for a "linear construction site"** (see Part 2.2.4d2.2.4d). 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 2.2.4c.i2.2.4c.i 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 2.2.5b2.2.5b and 2.2.5c2.2.5c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.

iv. **Preservation of topsoil** (see Part 2.2.~~8~~9). Describe practices you will implement to preserve topsoil, including areas where the topsoil will be restored. If it is infeasible to preserve topsoil at the site, provide an explanation for the reason why it is infeasible.

v. **Inlet protection measures** (see Part 2.2.11a2.2.11a). Where inlet protection measures are not required because the storm drain inlets to which your site discharges are conveyed to a sediment basin, sediment trap, or similarly effective control, include a short description of the control that receives the stormwater flow from the site.

vi. **Sediment basins** (see Part 2.2.132.2.13). 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.

vii. **Treatment chemicals** (see Part 2.2.142.2.14), 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 contains any of the substances or exhibits any of the observable conditions described in Part 3.1.a-c~~does not meet water quality standards~~. At a minimum, the specific controls and implementation procedures described must include those described in your Appendix J form (or equivalent submittal) submitted to the EPA Regional Office and approved by the Agency;

(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 2.2.14c2.2.14c;

(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.

viii. Stabilization measures (see Part 2.2.152.2.15). You must include the following:

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

(b) The stabilization deadline, including the specific deadline in Part 2.2.154.a or b that applies, ~~and type of stabilization deadline exemption, if applicable,~~ that will be met in accordance with Part 2.2.152.2.15;

(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.

ix. Spill prevention and response procedures (see Parts 1.3.5, 2.3.3c, 2.3.3d, and 2.3.6). 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 part 110, 40 CFR part 117, or 40 CFR part 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 SPCC plans developed for the construction activity under Section 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.

Note: 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.

x. 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. You must also include the following additional information:

(a) If site constraints prevent you from storing chemical containers 50 feet away from receiving waters or the other site drainage features as required in Part 2.3.3c.ii(b), document in your SWPPP the specific reasons why the 50-foot setback is not feasible, and how you will store containers as far away as the site permits; and

(b) If there are construction wastes that are subject to the exception in Part 2.3.3e.ii, describe the specific wastes that will be stored on your site.

xi. **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 4, and Part 5 of this permit, accordingly. 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 4.4.2, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;

Note: Refer to footnote [XX] for information on how to determine the seasonally dry period using EPA's Seasonally Dry Period Locator Tool.

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.

7.2.8 **Procedures for Turbidity Benchmark Monitoring from Dewatering Discharges (if applicable).** If you are required to comply with the Part 3.3 turbidity benchmark monitoring requirements, describe the procedures you will follow to collect and evaluate samples, report results to EPA and keep records of monitoring information, and take corrective action when necessary. Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter. Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities. If EPA has approved of an alternate turbidity benchmark pursuant to Part 3.3.2b, include any data and other documentation you relied on to request use of the specific alternative benchmark.

7.2.9 Compliance with Other Requirements.

a. Threatened and Endangered Species Protection. Include documentation required in the Endangered Species Protection section of the NOI in NeT, or the ESA worksheet 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 controls at your site, document any contact you have had with the applicable State agency 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).

Note: For State UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

7.2.10 SWPPP Certification. Your signatory must sign and date your SWPPP in accordance with Appendix G, Part G.11.

7.2.11 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).

Note: 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. CBI and restricted information (as defined in Appendix A) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS. You must clearly identify those portions of the SWPPP that are being withheld from public access.

Note: 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.

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 (e.g., changes of one or more acres in the estimated area of disturbance), 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 7.2.107.2.10 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 G, Part G.11.2~~b~~.

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 may terminate CGP coverage only if one or more of the conditions in Parts 8.2.1, 8.2.2, or 8.2.4 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 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 2.2.15c2.2.15c.

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 (as defined in Appendix A); 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 ~~To document that you have met these stabilization requirements, y~~You must take ~~either~~ ground or aerial photographs to document that your site has met the Part 2.2.~~14~~15 stabilization requirements and you must submit ~~that show your site's compliance with the Part 2.2.14 stabilization requirements and submit them~~ the photographs with your NOT. Your submitted photographs must also comply with the following ~~related to these photographs~~:

- **a.** ~~Take~~ Include photographs showing the site having met ~~both before and after the site has met~~ the final stabilization criteria in Part ~~2.2.15c~~2.2.15c[31];
- **b.** All photographs must be clear and in focus, and in the original format and resolution;
- **c.** Include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site); and
- **d.** Indicate which of the Part 2.2.15c final stabilization criteria your photographs are demonstrating compliance with. If any portion of your site is covered by one of the exceptions in Part 2.2.~~14~~15c.iii, indicate which exception applies and include a supplementary explanation with your photographs that provides the necessary context for why this portion of the site is in compliance with the final stabilization criteria even though it appears to be unstabilized.

You are not required to take photographs of every distinct part of your site that is being stabilized, however, the conditions of the site portrayed in any photographs that are submitted must be substantially similar to those of the areas that are not photographed.

Note: Stabilization conditions that are substantially similar would include areas that are using the same type of stabilization measures and that have similar slopes, soils, and topography, and have achieved the same level of stabilization.

8.2.3 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

8.2.4 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 an NOT for the 202~~2~~7 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. 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 I.

[31] These photographs should show full implementation of any vegetative or non-vegetative stabilization measures that are being used to meet the applicable final stabilization criteria. For instance, if you are stabilizing exposed areas of the site using vegetative stabilization measures to comply with the Part 2.2.1~~4~~5.c.i, your photographs must show the affected areas having established "uniform, perennial vegetation (i.e., evenly distributed, without large bare areas) to provide 70 percent or more of the vegetative cover native to local undisturbed areas." Where any of the exceptions in Part 2.2.15c.iii apply, your photographs would need to show how the relevant portions of your site have met those criteria.

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit 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 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 with Federal Facilities or areas subject to construction projects by Federal Operators. States, Indian country, and other areas not included in this Part do not have any additions to the applicable conditions of this permit.

Where these conditions require you to submit information to EPA you may do so through your NeT account. [PROVIDE SPECIFIC INSTRUCTIONS]

[RESERVED]

~~10 ADDITIONAL PERMIT CONDITIONS APPLICABLE TO LANDS OF EXCLUSIVE FEDERAL JURISDICTION~~

~~All projects that discharge to receiving waters located within Lands of Exclusive Federal Jurisdiction must comply with the provisions in this Part in addition to Parts 1, 2, and 3.2 thru 8 of this permit.~~[32] [33] [34]

~~10.1 INSPECTION FREQUENCIES~~

~~You must comply with the increased inspection frequencies specified in Part 4.3.1.~~

~~10.2 STABILIZATION DEADLINES~~

~~You must comply with the stabilization deadlines specified in Part 2.2.14b.iv.~~

~~10.3 TURBIDITY BENCHMARK MONITORING FOR DEWATERING DISCHARGES~~

~~You must comply with the benchmark monitoring requirements in Part 3.3 for sites discharging dewatering water.~~

~~10.4 ADDITIONAL WATER QUALITY-BASED LIMITATIONS FOR STORMWATER AND AUTHORIZED NON-STORMWATER DISCHARGES~~

~~Your discharge must not contain:~~

[32] ~~The requirements of Part 9 do not apply to projects within Lands of Exclusive Federal Jurisdiction.~~

[33] ~~This section does not apply to projects within Denali National Park and Preserve or projects that are eligible for coverage in Appendix B for federal facilities in Vermont, Delaware, and Colorado and for areas in Washington where construction activities are carried out by a Federal Operator.~~

[34] ~~EPA notes that reference to water quality standards in Part 7.2.6(b)(vi)(c) for projects that discharge to receiving waters in Lands of Exclusive Federal Jurisdiction means the requirements of Part 10.4.a-c.~~

~~**a.** Observable deposits of floating solids, scum, sheen, or other substances;~~

~~**b.** An observable film, sheen, or discoloration from oil and grease; or~~

~~**c.** Foam or substances that produce an observable change in color, odor, or cloudiness in the discharge.~~

~~If any of these conditions are observed, except with respect to dewatering discharges, you must treat this as triggering corrective action under Part 5, which requires that you take corrective action and document the corrective actions as required in Part 5.2.~~[35]

~~For sites discharging from dewatering operations, you must implement corrective actions if any of the conditions described in Part 5.1.5 occur and comply with the requirements of Part 5.2.2 for responding to these conditions.~~

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[35] ~~Consistent with this requirement, with respect to projects discharging to receiving waters in Lands of Exclusive Federal Jurisdiction, the triggering condition in Part 5.1.3 relating to water quality standards means that one of the discharge conditions in this section (Part 10.4.a-c) has occurred.~~