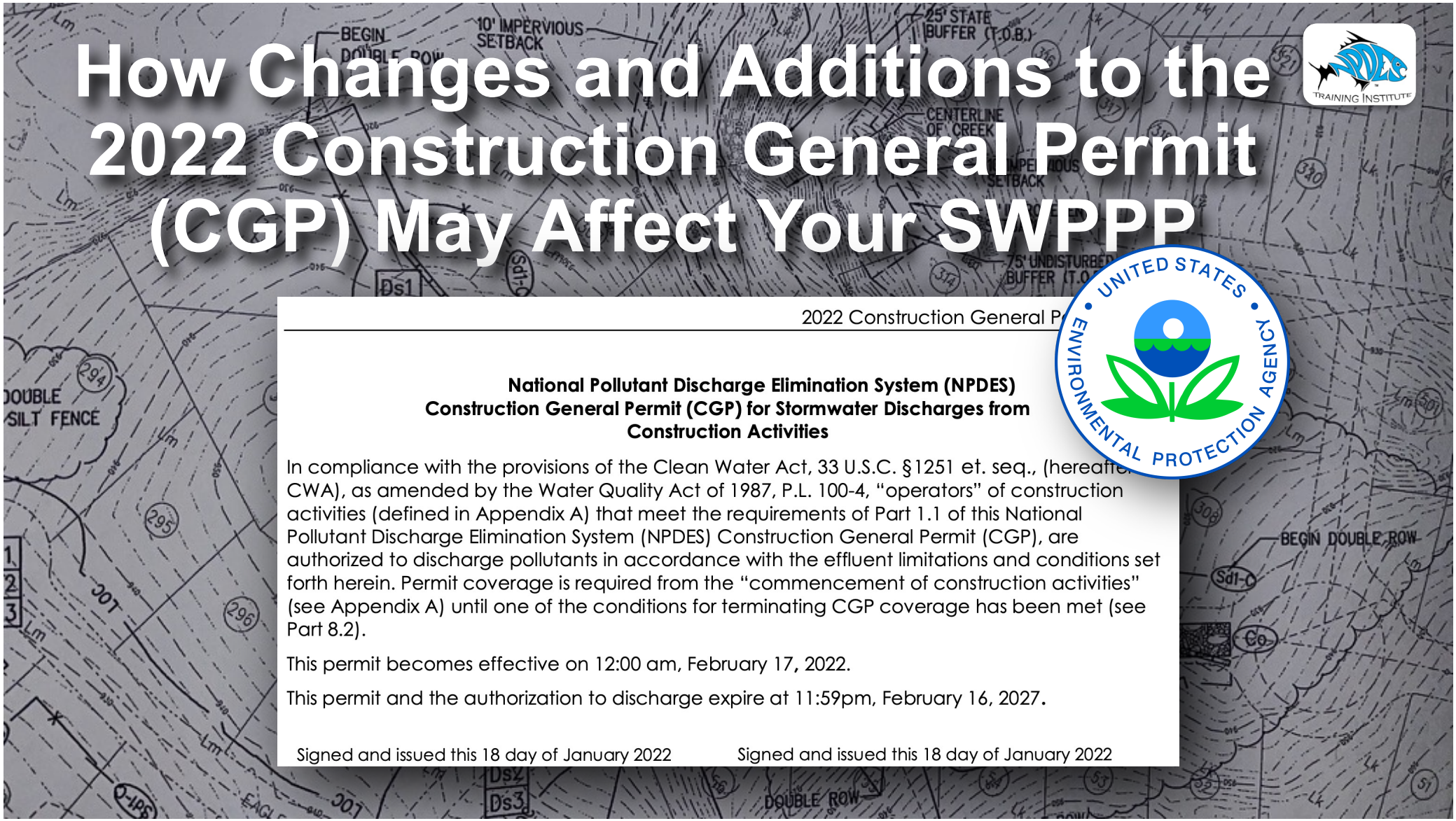
How Changes and Additions to the 2022 Construction General Permit (CGP) May Affect Your SWPPP



How Do I Know If I Need NPDES Permit Coverage?

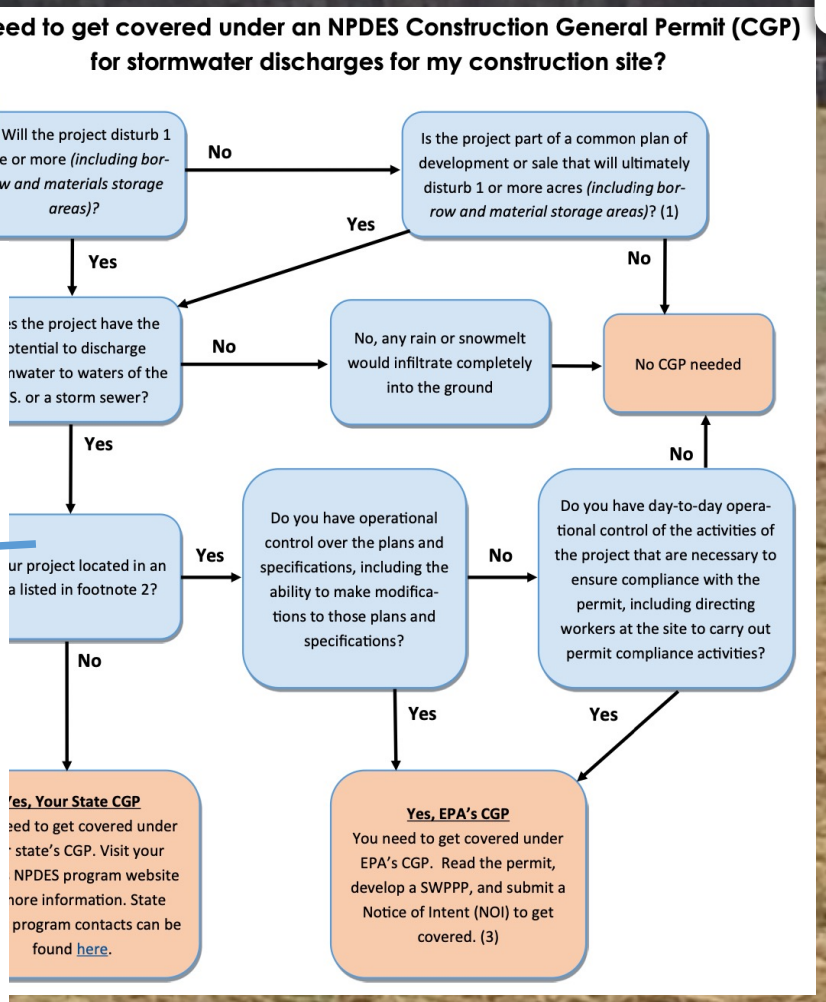
Do I need to get covered under an NPDES Construction General Permit (CGP) for stormwater discharges for my construction site?

Footnotes to flowchart

(1) "Common Plan of Development or Sale" – A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

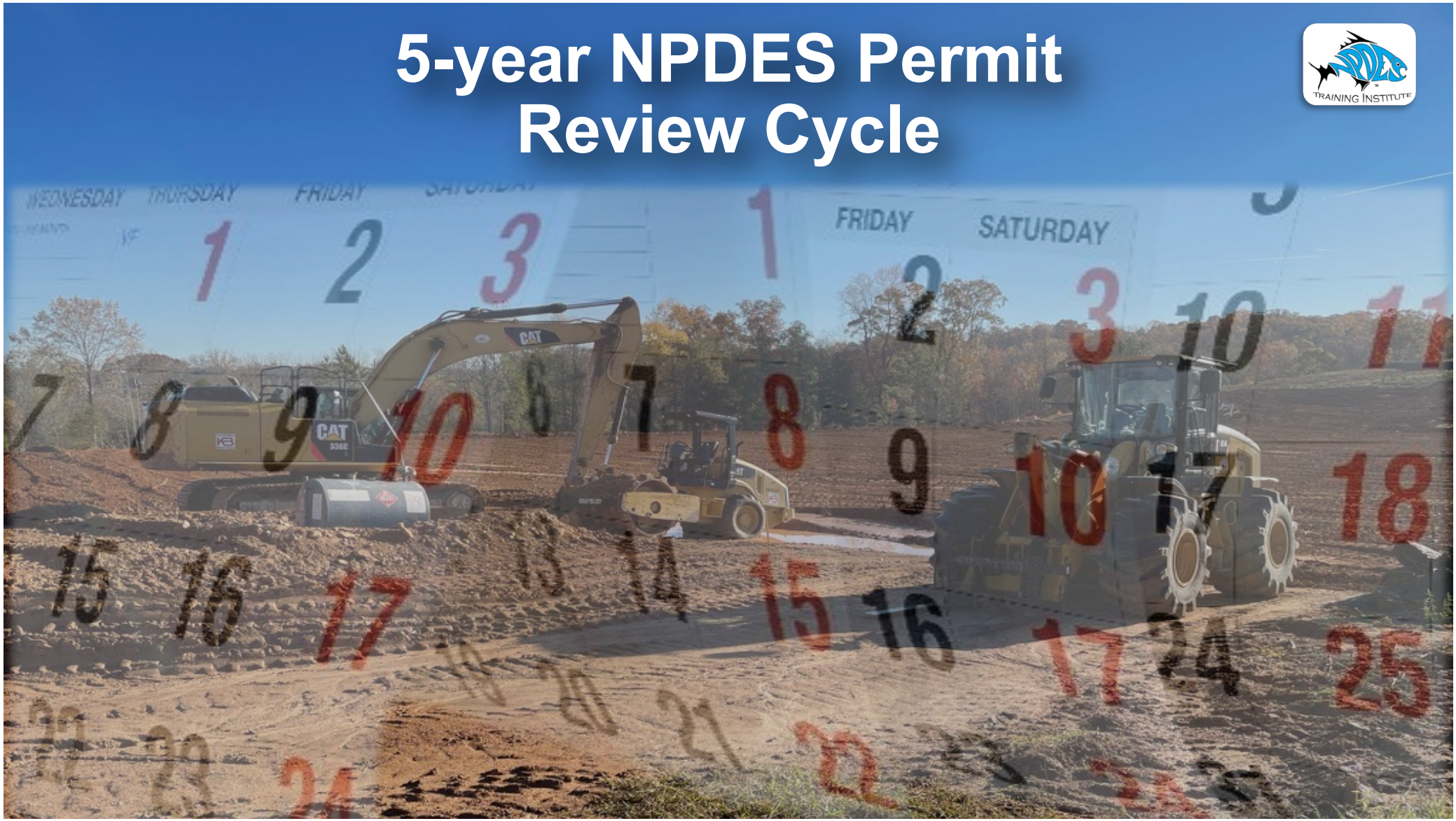
(2) Areas where EPA is the NPDES permitting authority for construction stormwater. See full detailed list of areas in Appendix B—Permit Areas Eligible for Coverage

- Idaho, Massachusetts, New Hampshire, New Mexico, and the District of Columbia;
- American Samoa, Guam, Johnston Atoll, Midway and Wake Islands, Northern Mariana Islands, and Puerto Rico;
- Indian Country lands within Alabama, Alaska (as defined in 18 U.S.C. 1151), Arizona, California, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming;
- Areas within Colorado, Delaware, Vermont, and Washington subject to construction by a federal operator;
- Denali National Park and Preserve; and
- Limited areas of Oklahoma and Texas.



https://www.epa.gov/sites/default/files/201707/documents/cgp_flow_chart_do_i_need_a_permit2.pdf

5-year NPDES Permit Review Cycle



Federal EPA issues permits in:

- **Massachusetts**
- **New Hampshire**
- **New Mexico**

Also has permitting authority in:

- The District of Columbia
- Most Indian Country Lands
- Puerto Rico and all other U.S. Territories except the Virgin Islands
- Federal construction projects in Colorado, Delaware, Vermont, and Washington

CHANGES ARE NARROW IN SCOPE

2022 NPDES Construction General Permit changes to Clarify and Add Specificity to Areas of Confusion and Certain Water Quality Issues

	Summary of Permit Change **CLARITY**	Part(s) Where Change Appears
Changes to Clarify Permit	Update permit language related to water quality to reflect changes made to same provision in EPA's Multi-Sector General Permit (MSGP)	1.1.8, 1.1.9, 2.2.13.g, 7.2.6.b.vi.c
	Clarify that uncontaminated dewatering discharges in compliance with Part 2.4 are authorized	1.2.2.l
	Clarify that operators of an existing site are given continued coverage under the 2017 CGP as long as an NOI for coverage under the 2022 CGP is submitted no later than 90 days following the permit effective date	Table 1
	Include list of NOI modifications that result in a 14-day review process	1.4.4
	State clearly that EPA does not recommend or endorse specific stormwater control or SWPPP products or vendors	2.1, 7.1
	Include suggested stormwater control design considerations if the site has previously experienced major storms, and clarified that stormwater controls must be designed using the most recent precipitation data available	2.1.1
	More clearly differentiate between routine maintenance fixes and corrective actions	2.1.4.b, c, and d, 4.6.1.c, 5.1.1
	Include considerations for when stormwater infiltration may be inadvisable	2.2.2
	Clarify that perimeter controls are required in addition to establishing a natural buffer between construction activities and receiving waters, where applicable	2.2.3.a
	Specify that soil stockpile requirements do not apply to rock piles	2.2.5
	Clarify that inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin or similar control	2.2.10, 7.2.4.g, 7.2.6.b.iv
	Provide additional considerations regarding the use of erosion control netting for site stabilization	2.2.14
	Further clarify the flexibilities provided for arid and semi-arid areas during the seasonally dry period	2.2.14.b and c, 4.4.2, Appendix A
	Clarify when waste containers with lids must be closed	2.3.3.e.ii
	Clarify how liquid wastes must be handled for washing of certain applicators or containers	2.3.4.b
	Provide clarifications to further explain when inspections are required for both rain and snow storms, including providing a snowfall equivalent to the 0.25-inch rainfall event	4.2.2

	Summary of Permit Change **CLARITY**	Part(s) Where Change Appears
	Clarify that the SWPPP site map must be updated following site inspection to reflect any changes to stormwater controls, where applicable	4.6.4
	Clarify that inspection reports and SWPPPs may be kept in electronic form as long as they are accessible in the same way as a paper report	4.7.3, 5.4.3, 7.3
	Streamline corrective action documentation	5.4
	Consolidate stormwater team and training requirements	6.1, 6.2
	Reformat Appendix D requirements for the determination of eligibility related to endangered species protection so that what is included is streamlined down to a worksheet	1.1.5, Appendix D

SPECIFICITY

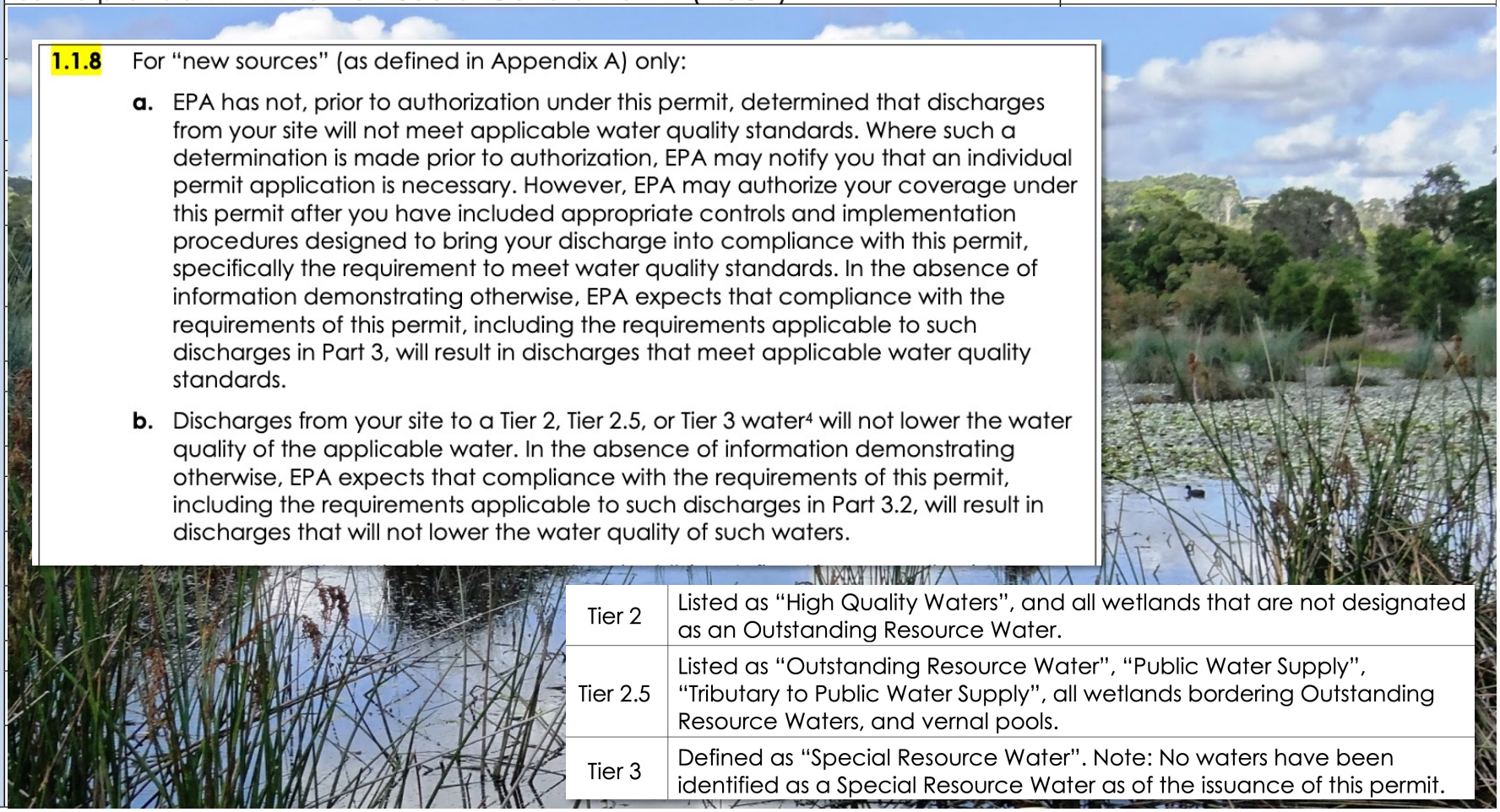
	Summary of Permit Change	Part(s) Where Change Appears
Added Specificity	More specifically describe where perimeter controls are needed, how to install them to ensure effectiveness, and when to conduct repairs	2.2.3
	Specify what types of pollution prevention requirements apply to petroleum and chemical containers based on the volume of the container	2.3.3.c, 7.2.6.b.ix
	Specify that waste containers are not required for the waste remnant of certain non-polluting construction materials or products	2.3.3.e, 7.2.4.i, 7.2.6.b.ix
	Add specificity to dewatering discharge requirements: • Improve clarity of required controls for sediment and other pollutant discharges from dewatering activities • Establish turbidity benchmark monitoring requirements for dewatering discharges to sensitive waters • Include more detailed inspection requirements for dewatering activities, including: - Indicate on NOI if dewatering will occur on site and whether dewatering will occur on a current or former remediation site - More frequent inspections for ground water dewatering - Specify areas of dewatering operation that must be inspected, and what to look for - Operators required to record date, names of personnel making the inspection, times, estimated rate, visual qualities of discharge, and whether there are visual signs of sediment deposition, and to take and keep photos of dewatering controls and discharge	2.4, 3.3, 4.3.2, 4.6.3, 5.1.5, 5.2.2, 7.2.4, 7.2.8, Appendix K

	Summary of Permit Change	Part(s) Where Change Appears
	SPECIFICITY	
	• Specify what corrective action is required based on benchmark exceedances or visual signs of turbid discharges or sediment deposition • Develop paper turbidity monitoring form for operators subject to benchmark monitoring requirements	
	Specify the options for obtaining the necessary training for personnel conducting site inspections, including providing an EPA-developed inspector training program	4.1, 6.3
	Specify that inspections include checking for signs of sedimentation and other pollutants that are visible from points of discharge from the site	4.6.1.e, 4.6.2.b
	Require photo documentation of stabilized site as part of permit termination	8.2.1.a, Appendix I
	Add question to the NOI for operators to indicate if other operators involved in the same project are also covered under the CGP	Appendix H


Clarity

	Summary of Permit Change	Part(s) Where Change Appears
Changes to Clarify Permit	Update permit language related to water quality to reflect changes made to same provision in EPA's Multi-Sector General Permit (MSGP)	1.1.8, 1.1.9, 2.2.13.g, 7.2.6.b.vi.c

CLARITY



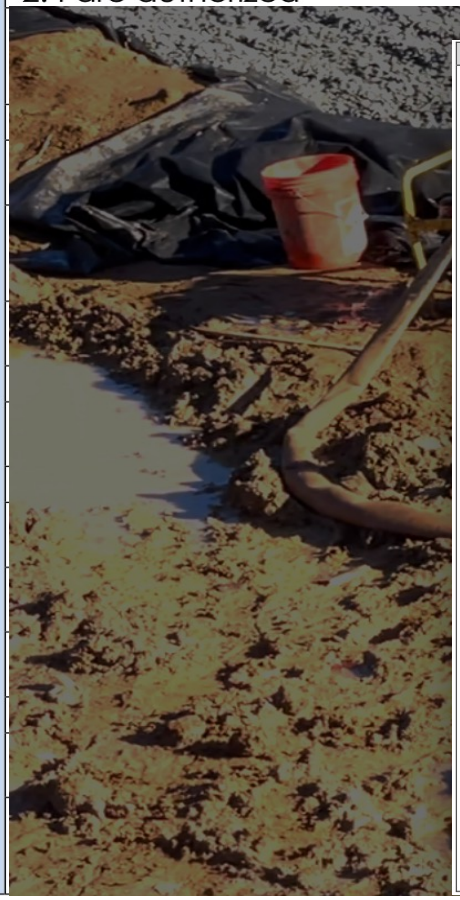
1.1.8 For "new sources" (as defined in Appendix A) only:

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

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

Tier 2	Listed as "High Quality Waters", and all wetlands that are not designated as an Outstanding Resource Water.
Tier 2.5	Listed as "Outstanding Resource Water", "Public Water Supply", "Tributary to Public Water Supply", all wetlands bordering Outstanding Resource Waters, and vernal pools.
Tier 3	Defined as "Special Resource Water". Note: No waters have been identified as a Special Resource Water as of the issuance of this permit.

	Summary of Permit Change	Part(s) Where Change Appears
	CLARITY	
Changes to Clarify Permit		
	Clarify that uncontaminated dewatering discharges in compliance with Part 2.4 are authorized	1.2.2.l

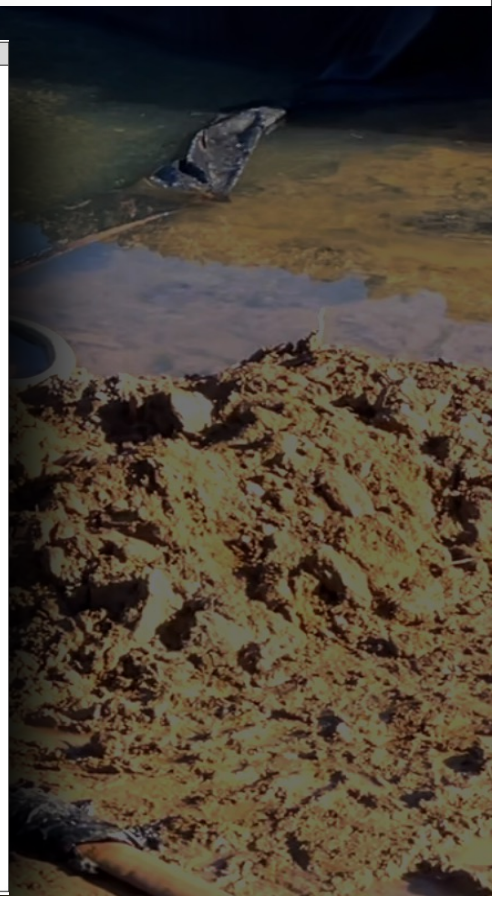


Part 1.2.2 Permit Requirements

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:

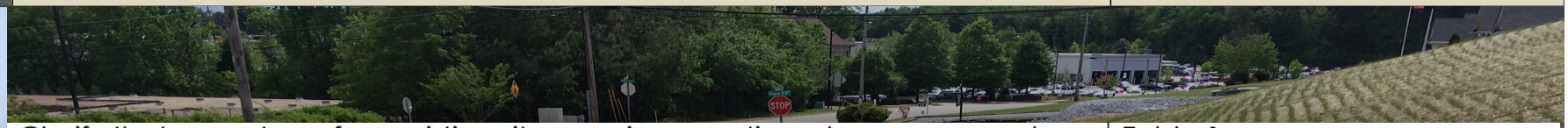
- **a.** Discharges from emergency fire-fighting activities;
- **b.** Fire hydrant flushings;
- **c.** Landscape irrigation;
- **d.** Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- **e.** Water used to control 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[6] discharged in accordance with Part 2.4.

[6] EPA notes that operators may need to comply with additional procedures to verify that the dewatering discharge is uncontaminated. Operators should review Part 9 to determine if any of these requirements apply to their discharge and should ensure that they have complied with any State, Tribal, or local dewatering requirements that apply.



Changes to Clarify Permit	Summary of Permit Change	Part(s) Where Change Appears

CLARITY



Clarify that operators of an existing site are given continued coverage under the 2017 CGP as long as an NOI for coverage under the 2022 CGP is submitted no later than 90 days following the permit effective date

Table 1

Part 1.4.3 Permit Requirements

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

Type of Operator	NOI Submittal Deadline[8]	Permit Authorization Date[9]
Operator of a new site (i.e., a site where construction activities commence on or after February 17, 2022)	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 2017 CGP coverage where construction activities commenced prior to February 17, 2022)	No later than May 18, 2022.	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 May 18, 2022, your authorization under the 2017 CGP is automatically continued until you have been granted coverage under this permit or an alternative NPDES permit, or coverage is otherwise terminated.

	Summary of Permit Change	Part(s) Where Change Appears
Changes to Clarify Permit	**CLARITY**	
	Include list of NOI modifications that result in a 14-day review process	1.4.4

Part 1.4.4	Permit Requirements

If after submitting your NOI you ne
submitting a "Change NOI" form u
as specified in Part 1.4.2. If the EPA
paper NOI modification, you may
Appendix H.

When there is a change to the site
the previous operator must submit

The following modifications to an N

- Changes to the name of the o
- Changes to the project or site

- Changes to the estimated area to be disturbed;
- Changes to the name of the receiving water,[10] or additions to the applicable receiving waters;
- 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; 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.

[10] As defined in Appendix A, a "receiving water" is "a "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

	Summary of Permit Change	Part(s) Where Change Appears
Changes to Clarify Permit	**CLARITY**	
	State clearly that EPA does not recommend or endorse specific stormwater control or SWPPP products or vendors	2.1, 7.1

Part 2.1	Permit 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.[13] To meet this requirement, you must:	

[13] The permit does not recommend or endorse specific products or vendors.

Part 7.1	Permit Requirements

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.[82, 83, 84] 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.

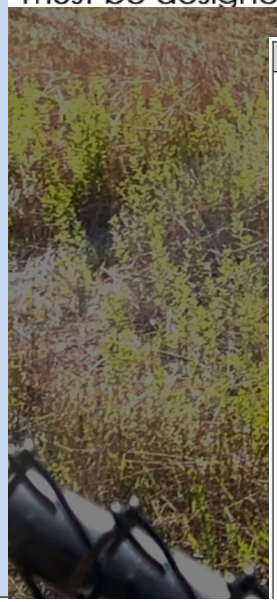
[82] The SWPPP does not establish the effluent limits and/or other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

[83] 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 60.

[84] 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.

Changes to Clarify Permit	Summary of Permit Change	Part(s) Where Change Appears
	CLARITY	

Include suggested stormwater control design considerations if the site has previously experienced major storms, and clarified that stormwater controls must be designed using the most recent precipitation data available	2.1.1



Part 2.1.1	Permit Requirements

Account for the following factors in designing your stormwater controls:

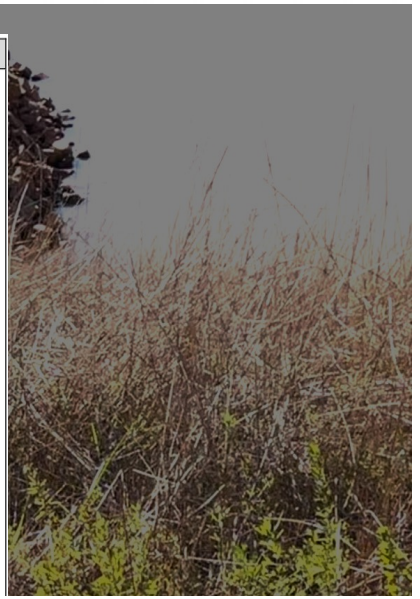
a. The expected amount, frequency, intensity, and duration of precipitation;[14]

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.

If your site is exposed to or has previously experienced major storms, such as hurricanes, storm surge, 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.

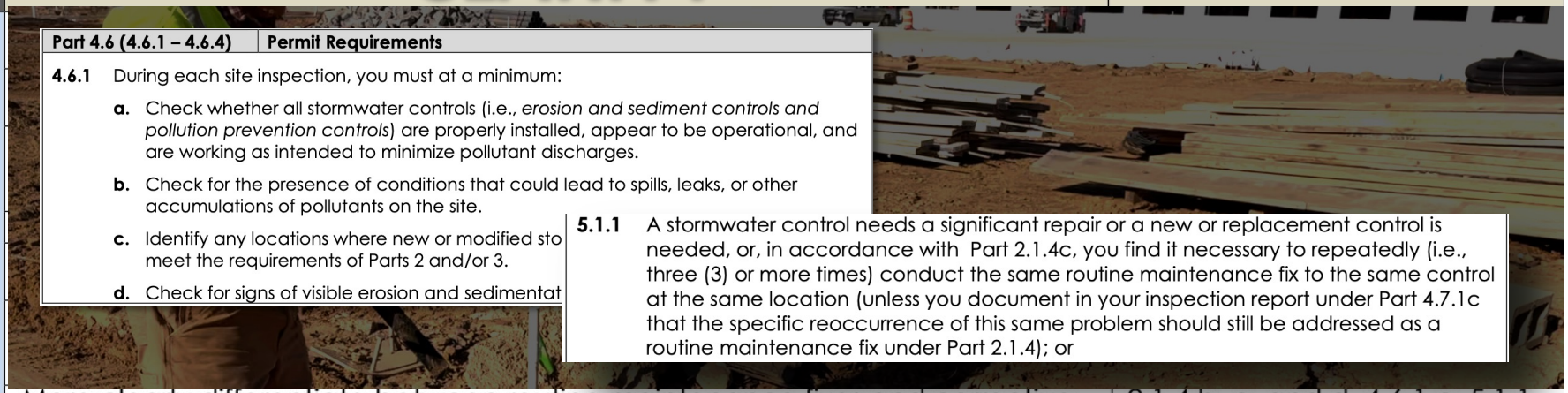
[14] Stormwater controls must be designed using the most recent data available to account for recent precipitation patterns and trends.



Changes to Clarify Permit

Summary of Permit Change	Part(s) Where Change Appears
More clearly differentiate between routine maintenance fixes and corrective actions	2.1.4.b, c, and d, 4.6.1.c, 5.1.1

CLARITY

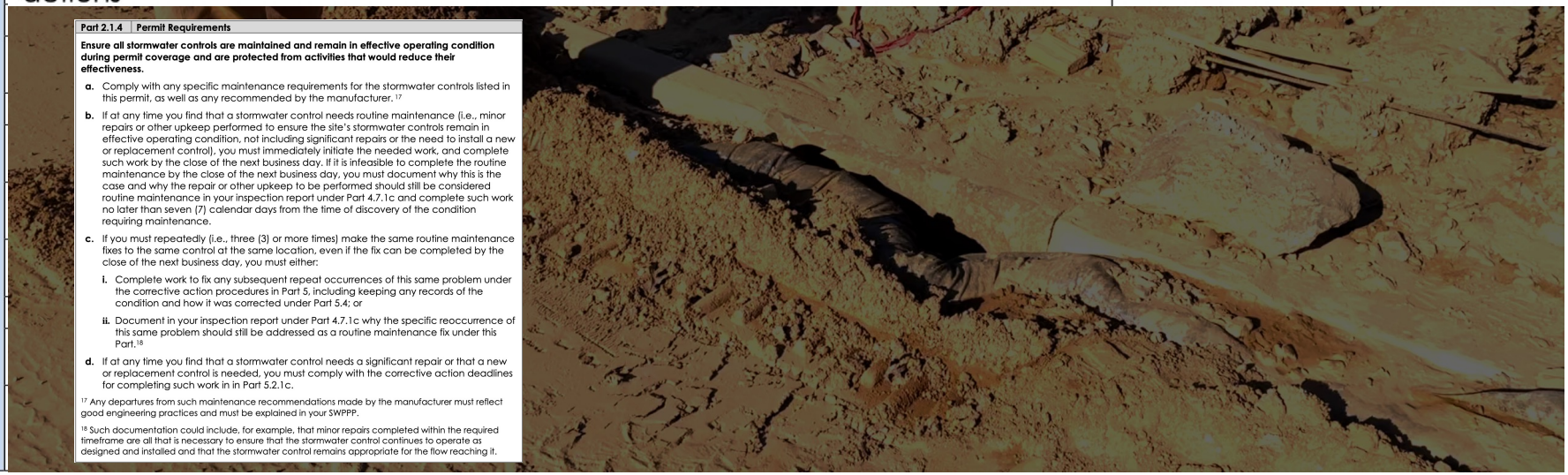


Part 4.6 (4.6.1 – 4.6.4)	Permit Requirements

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 sto meet the requirements of Parts 2 and/or 3.
- **d.** Check for signs of visible erosion and sedimentat

5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, 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



Part 2.1.4	Permit Requirements

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 maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.[17]
- **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:
  - **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.[18]
- **d.** If at any time you find that a stormwater control needs a significant repair or that a new or replacement control is needed, you must comply with the corrective action deadlines for completing such work in in Part 5.2.1c.

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

[18] Such documentation could include, for example, that 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.

Changes to Clarify Permit

Summary of Permit Change

CLARITY

Part(s) Where Change Appears

Include considerations for when stormwater infiltration may be inadvisable | 2.2.2

Part 2.2.2	Permit Requirements

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.[19]

[19] Operators should consider whether factors such as specific contaminant concerns from the construction site, the underlying soils or geology, hydrology, depth to the ground water table, or proximity to source water or wellhead protection area(s) make the site unsuitable for infiltrating construction stormwater. Site conditions that may be of particular concern include proximity to: a current or future drinking water aquifer; a drinking water well or spring (including private/household wells); highly conductive geology such as karst; known pollutant hot spots, such as hazardous waste sites, landfills, gas stations, brownfields; an on-site sewage system or underground storage tank; or soils that do not allow for infiltration. Operators may find it helpful to consult EPA's Drinking Water Mapping Application to Protect Source Waters (DWMAPS). DWMAPS is an online mapping tool that can be used to locate drinking water providers, potential sources of contamination, polluted waterways, and

	Summary of Permit Change	Part(s) Where Change Appears
Changes to Clarify Permit	**CLARITY**	

Clarify that perimeter controls are required in addition to establishing a natural buffer between construction activities and receiving waters, where applicable	2.2.3.a

Part 2.3.3	Permit Requirements

For storage, handling, and disposal of building products, materials, and wastes:[50]

a. *For building materials and building products,*[51] 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.

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).

	Summary of Permit Change	Part(s) Where Change Appears
Changes to Clarify Permit	**CLARITY**	

Part 2.2.5 Permit Requirements

Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:[25]

a. Locate the piles outside of any natural buffers established under Part 2.2.1 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;[26]

c. For piles that will be unused for 14 or more days, provide cover[27] or appropriate temporary stabilization (consistent with Part 2.2.14);

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

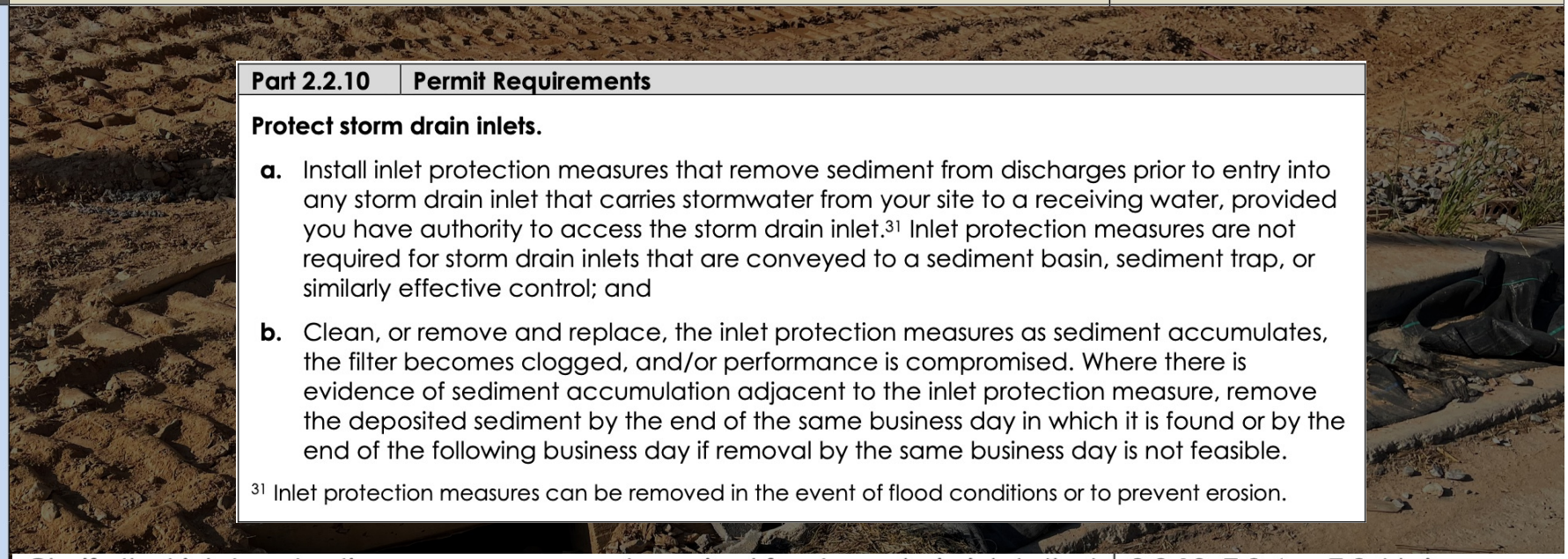
[25] The requirements in Part 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.3.3a for the requirements that apply to these types of materials.

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

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

Specify that soil stockpile requirements do not apply to rock piles | 2.2.5

Changes to Clarify Permit	Summary of Permit Change	Part(s) Where Change Appears
	CLARITY	



Part 2.2.10	Permit Requirements

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.[31] Inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin, sediment trap, or similarly effective control; 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 accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

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

Clarify that inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin or similar control	2.2.10, 7.2.4.g, 7.2.6.b.iv

Summary of Permit Change

CLARITY

Part(s) Where Change Appears

Changes to Clarify Permit

Part 2.2.14 | Permit Requirements

Stabilize exposed portions of the site. Implement and maintain stabilization measures *(e.g., seeding protected by erosion controls until vegetation is established,*[35] *sodding, mulching, erosion control blankets, hydromulch, gravel)* that minimize erosion from any areas of exposed soil on the site in accordance with Part.

a. Stabilization Deadlines:[36]

Table 2 Deadlines for Initiating and Completing Site Stabilization.

Total Amount of Land Disturbance Occurring At Any One Time[37]	Deadline
i. Five acres or less (≤5.0) **Note: this includes sites disturbing more than five acres (>5.0) total over the course of a project, but that limit disturbance at any one time (i.e., *phase the disturbance)* to five acres or less (≤5.0)**	• Initiate the installation of stabilization measures immediately[38] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[39] and • Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been initiated.[40]
ii. More than five acres (>5.0)	• Initiate the installation of stabilization measures immediately[41] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[42] and • Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.[43]

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)[44] 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;

(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 include the schedule you will follow for initiating and completing vegetative stabilization.

ii. Unforeseen circumstances. Operators that are affected by unforeseen circumstances[45] that delay the initiation and/or completion of vegetative stabilization:

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

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

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

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

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

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

ii. Implement permanent non-vegetative stabilization measures[46] to provide effective cover of any areas of exposed 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 2.2.14c 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).

[35] 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/midwest/eastlansing/library/pdf/WildlifeFriendlyErosionControlProducts_revised.pdf for further information. There also may be State, Tribal, or local requirements about using wildlife friendly erosion control products.

[36] 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.

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

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

[38] 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.

[39] 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.

[40] If vegetative stabilization measures are being implemented, stabilization is considered "installed" 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" when all such measures are implemented or applied.

[41] See footnote 38.

[42] See footnote 39.

[43] See footnote 40.

[44] 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 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.

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

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

Provide additional considerations regarding the use of erosion control netting for site stabilization	2.2.14
Further clarify the flexibilities provided for arid and semi-arid areas during the seasonally dry period	2.2.14.b and c, 4.4.2, Appendix A

Changes to Clarify Permit

Summary of Permit Change

CLARITY

Part(s) Where Change Appears

Part 2.3.3	Permit Requirements

For storage, handling, and disposal of building products, materials, and wastes:[50]

e. *For construction and domestic wastes:[53]*

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

(a) 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 (1) cover (e.g., *a tarp, plastic sheeting, temporary roof*) to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., *secondary containment*);

(b) 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.

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 2.2.3a 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.ix), and identified in the site plan (see Part 7.2.4i).

Clarify when waste containers with lids must be closed

2.3.3.e.ii

	Summary of Permit Change	Part(s) Where Change Appears
Changes to Clarify Permit	Update permit language related to water quality to reflect changes made to same provision in EPA's Multi-Sector General Permit (MSGP)	1.1.8, 1.1.9, 2.2.13.g, 7.2.6.b.vi.c

CLARITY

Part 2.3.4	Permit Requirements

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.

Clarify
or con

Changes to Clarify Permit	Summary of Permit Change	Part(s) Where Change Appears

CLARITY

Part 4.2	Permit Requirements

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to 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*

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.

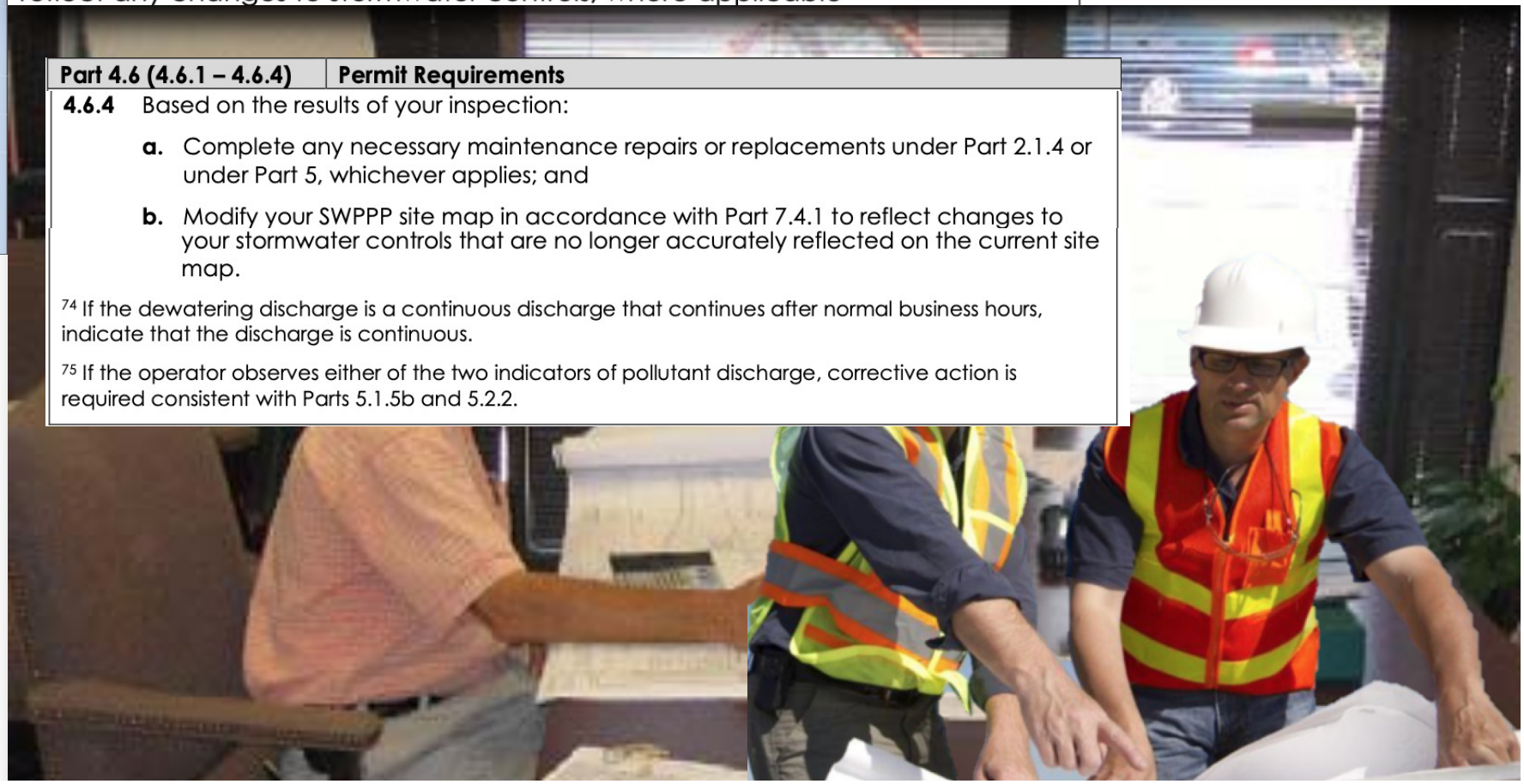
ii. If a storm event produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event).[68]

b. A discharge caused by snowmelt from a storm event that produces 3.25 inches[69] 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.

Provide clarifications to further explain when inspections are required for both rain and snow storms, including providing a snowfall equivalent to the 0.25-inch rainfall event

4.2.2

	Summary of Permit Change	Part(s) Where Change Appears
	CLARITY	
	Clarify that the SWPPP site map must be updated following site inspection to reflect any changes to stormwater controls, where applicable	4.6.4



Part 4.6 (4.6.1 – 4.6.4)	Permit Requirements

4.6.4 Based on the results of your inspection:

- **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.

[74] If the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous.

[75] If the operator observes either of the two indicators of pollutant discharge, corrective action is required consistent with Parts 5.1.5b and 5.2.2.

	Summary of Permit Change	Part(s) Where Change Appears
	CLARITY	
	Clarify that inspection reports and SWPPPs may be kept in electronic form as long as they are accessible in the same way as a paper report	4.7.3, 5.4.3, 7.3

DO NOT MAIL

HOW TO SUBMIT THIS NOTIFI

1. Complete this form electronically and then print and sign. Yo
   and you cannot submit this form electronically. Please retain
   form for your records.
2. Mail the signed copy with the applicable attachments to the app
   addresses listed on Pages 9 - 10). Do not send checks/money
3. If fees are required, print and sign a second copy of this complet
   Make check/money order payable to: **Department of Natural Re**
4. Mail the check/money order with the second copy of the complete

Summary of Permit Change	Part(s) Where Change Appears
Streamline corrective action documentation	5.4

CLARITY

Part 5.4.1	Permit Requirements

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.

Part 5.4.2	Permit Requirements

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.

Summary of Permit Change	Part(s) Where Change Appears

CLARITY

Streamline corrective action documentation	5.4

Part 5.4.3	Permit Requirements

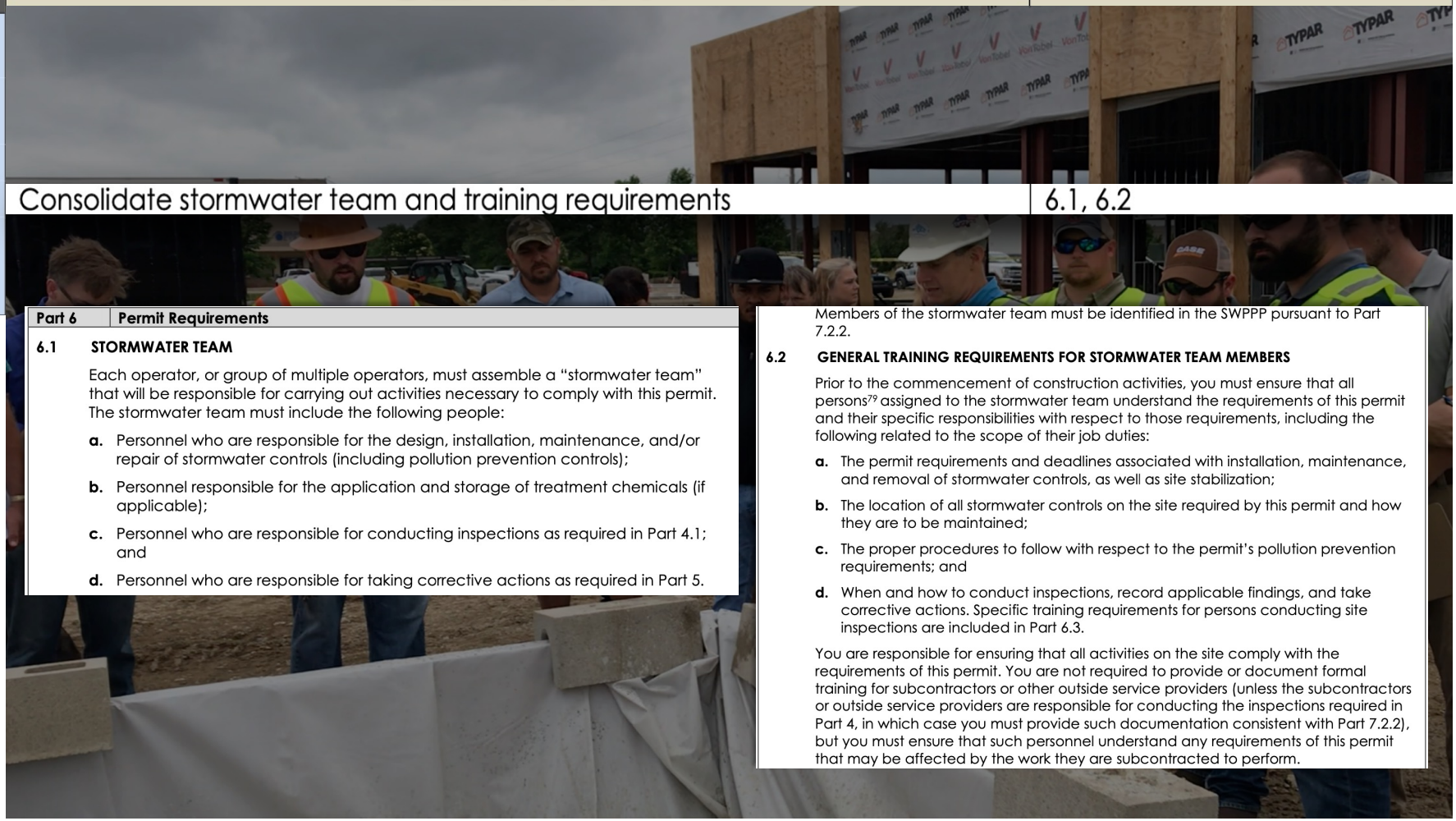
You must keep a copy of the corrective action log at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.[78]

[78] 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.

Part 5.4.4	Permit Requirements

You must retain the corrective action log for at least three (3) years from the date that your permit coverage expires or is terminated.

Summary of Permit Change	Part(s) Where Change Appears
CLARITY	
Consolidate stormwater team and training requirements	6.1, 6.2



Part 6	Permit 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.

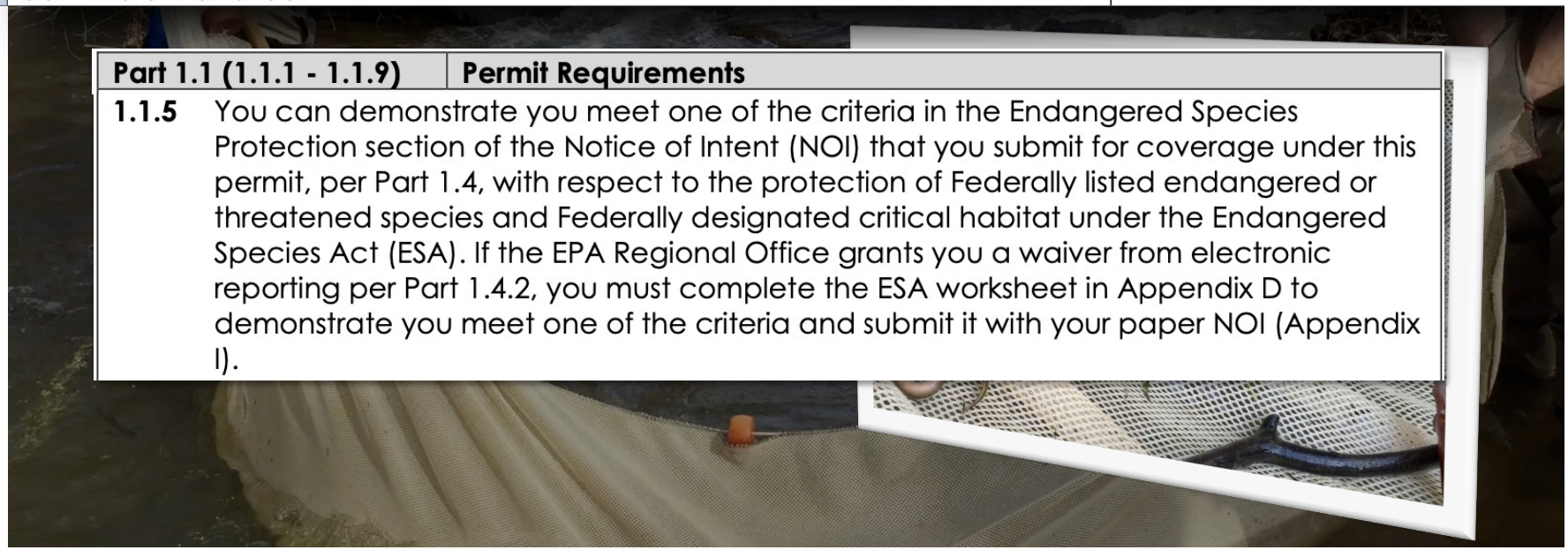
6.2 GENERAL TRAINING REQUIREMENTS FOR STORMWATER TEAM MEMBERS

Prior to the commencement of construction activities, you must ensure that all persons[79] 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.

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.

	Summary of Permit Change	Part(s) Where Change Appears
	CLARITY	
		
	Reformat Appendix D requirements for the determination of eligibility related to endangered species protection so that what is included is streamlined down to a worksheet	1.1.5, Appendix D

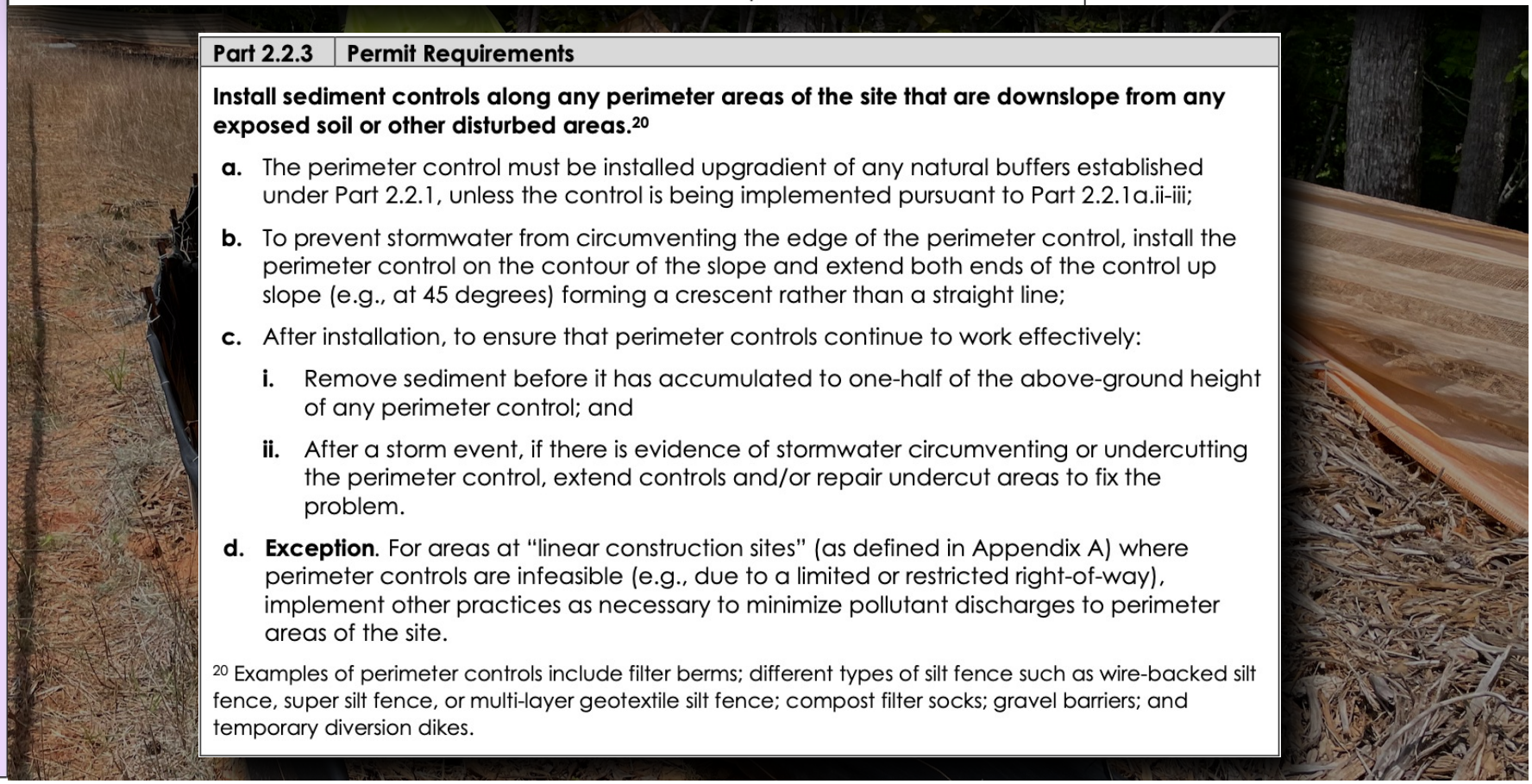


Part 1.1 (1.1.1 - 1.1.9)	Permit Requirements
1.1.5	You can demonstrate you meet one of the criteria in the Endangered Species Protection section of the Notice of Intent (NOI) that you submit for coverage under this permit, per Part 1.4, with respect to the protection of Federally listed endangered or 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).

2022 NPDES Construction General Permit changes to Clarify and Add Specificity to Areas of Confusion and Certain Water Quality Issues

	Summary of Permit Change	Part(s) Where Change Appears
Added Specificity	More specifically describe where perimeter controls are needed, how to install them to ensure effectiveness, and when to conduct repairs	2.2.3

SPECIFICITY



Part 2.2.3 | Permit Requirements

Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.[20]

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

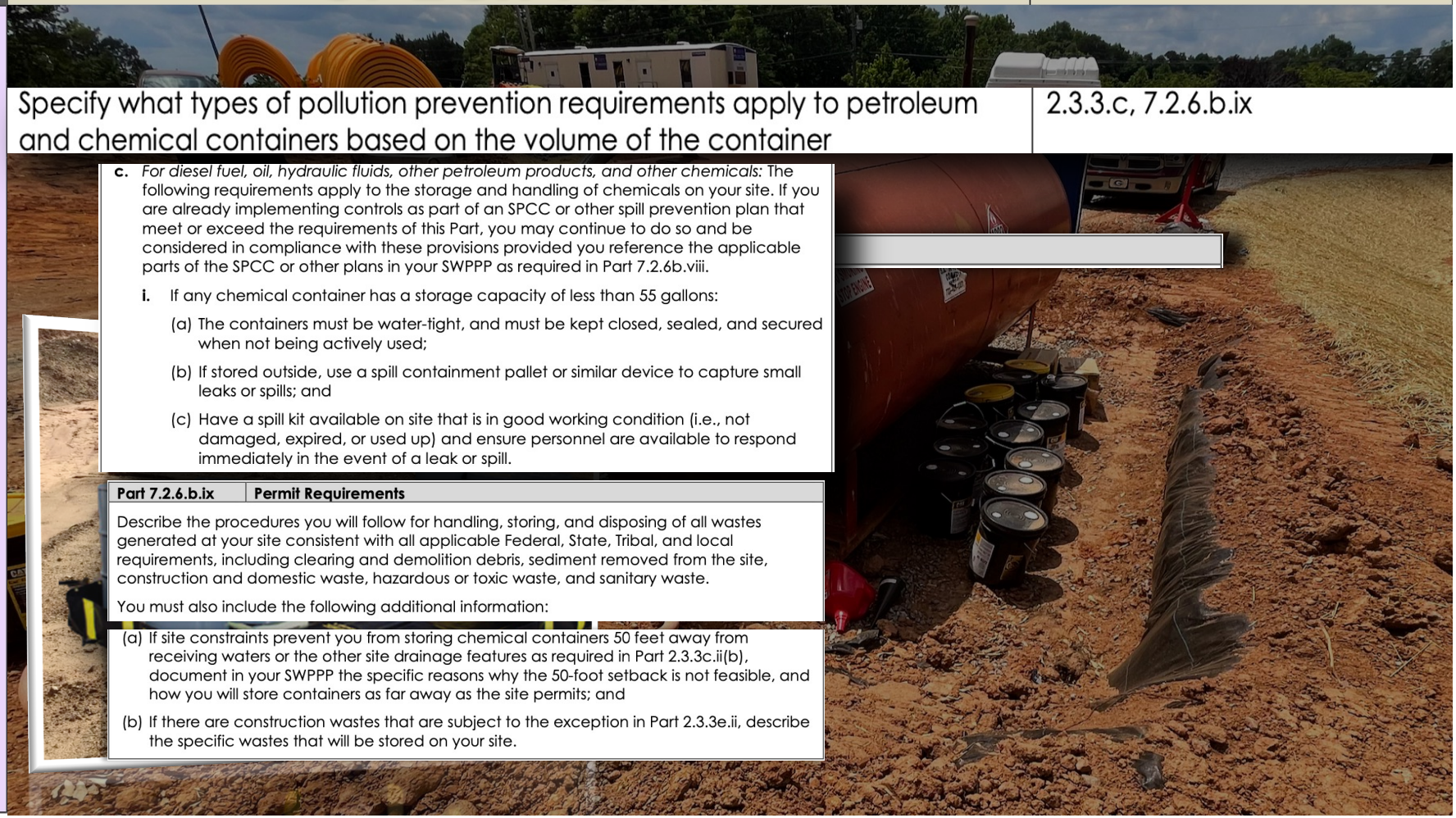
- **i.** Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control; and
- **ii.** After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.

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.

[20] Examples of perimeter controls include 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.

	Summary of Permit Change	Part(s) Where Change Appears
Added Specificity	Specify what types of pollution prevention requirements apply to petroleum and chemical containers based on the volume of the container	2.3.3.c, 7.2.6.b.ix

SPECIFICITY



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.viii.

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.

Part 7.2.6.b.ix	Permit Requirements

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:

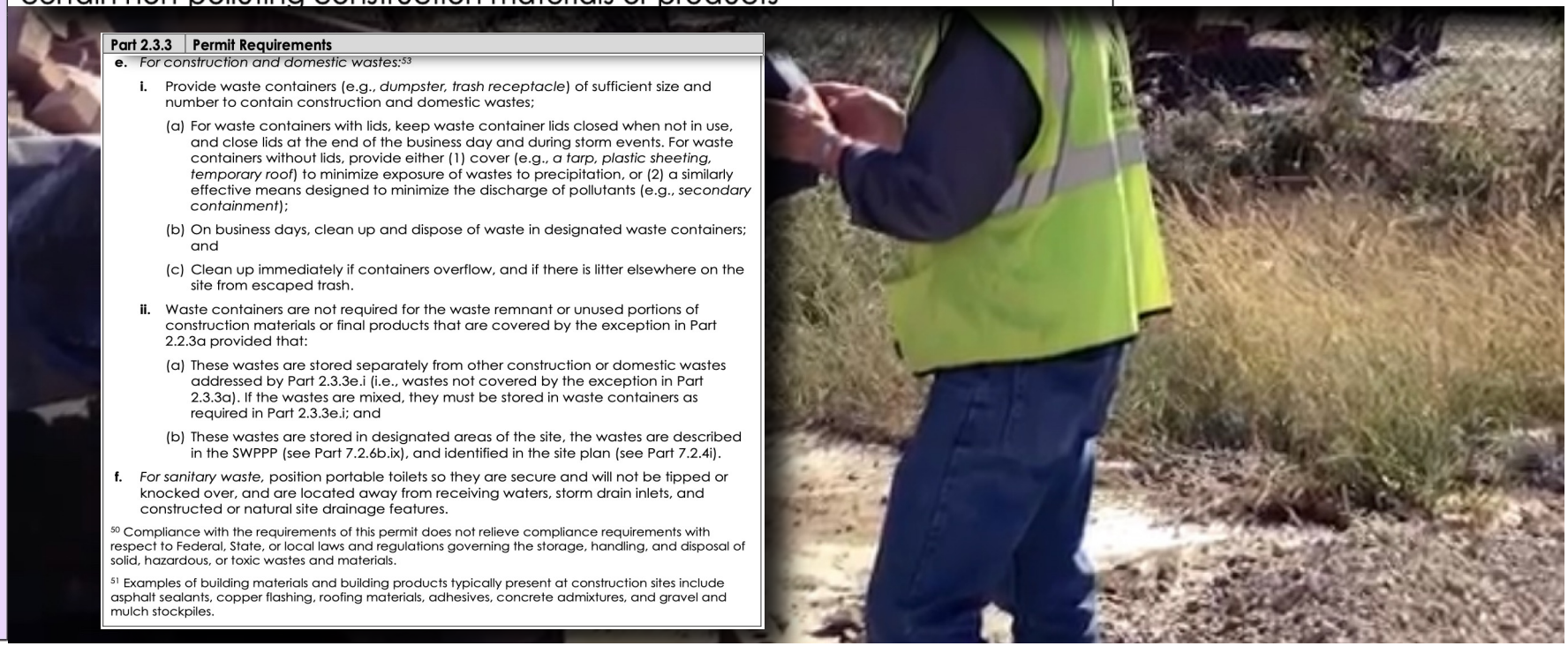
(a) If site constraints prevent you from storing chemical containers 50 feet away from receiving waters or the other site drainage features as required in Part 2.3.3c.ii(b), document in your SWPPP the specific reasons why the 50-foot setback is not feasible, and how you will store containers as far away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

	Summary of Permit Change	Part(s) Where Change Appears
Added Specificity	# SPECIFICITY	

Specify that waste containers are not required for the waste remnant of certain non-polluting construction materials or products

2.3.3.e, 7.2.4.i, 7.2.6.b.ix



Part 2.3.3 Permit Requirements

e. *For construction and domestic wastes:*[53]

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

(a) 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 (1) cover (e.g., *a tarp, plastic sheeting, temporary roof*) to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., *secondary containment*);

(b) 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.

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 2.2.3a 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.ix), and identified in the site plan (see Part 7.2.4i).

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.

[50] Compliance with the requirements of this permit does not relieve compliance requirements with respect to Federal, State, or local laws and regulations governing the storage, handling, and disposal of solid, hazardous, or toxic wastes and materials.

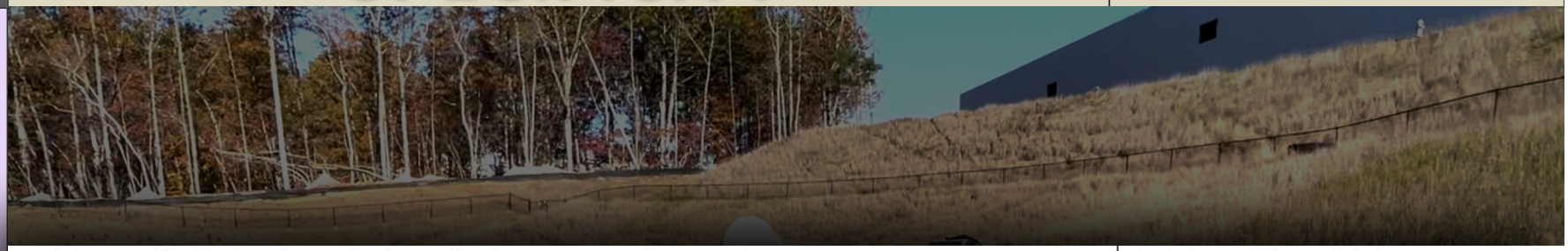
[51] Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

	Summary of Permit Change	Part(s) Where Change Appears
Added Specificity	Specify that waste containers are not required for the waste remnant of certain non-polluting construction materials or products	2.3.3.e, 7.2.4.i, 7.2.6.b.ix

SPECIFICITY

Part 7.2.4.i	Permit Requirements
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;	

Part 7.2.6.b.ix	Permit Requirements
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.	

	Summary of Permit Change	Part(s) Where Change Appears
Added Specificity	# SPECIFICITY  Add specificity to dewatering discharge requirements: • Improve clarity of required controls for sediment and other pollutant discharges from dewatering activities • Establish turbidity benchmark monitoring requirements for dewatering discharges to sensitive waters • Include more detailed inspection requirements for dewatering activities, including: - Indicate on NOI if dewatering will occur on site and whether dewatering will occur on a current or former remediation site - More frequent inspections for ground water dewatering - Specify areas of dewatering operation that must be inspected, and what to look for - Operators required to record date, names of personnel making the inspection, times, estimated rate, visual qualities of discharge, and whether there are visual signs of sediment deposition, and to take and keep photos of dewatering controls and discharge	2.4, 3.3, 4.3.2, 4.6.3, 5.1.5, 5.2.2, 7.2.4, 7.2.8, Appendix K 

Summary of Permit Change	Part(s) Where Change Appears
SPECIFICITY	
Specify the options for obtaining the necessary training for personnel conducting site inspections, including providing an EPA-developed inspector training program	4.1, 6.3

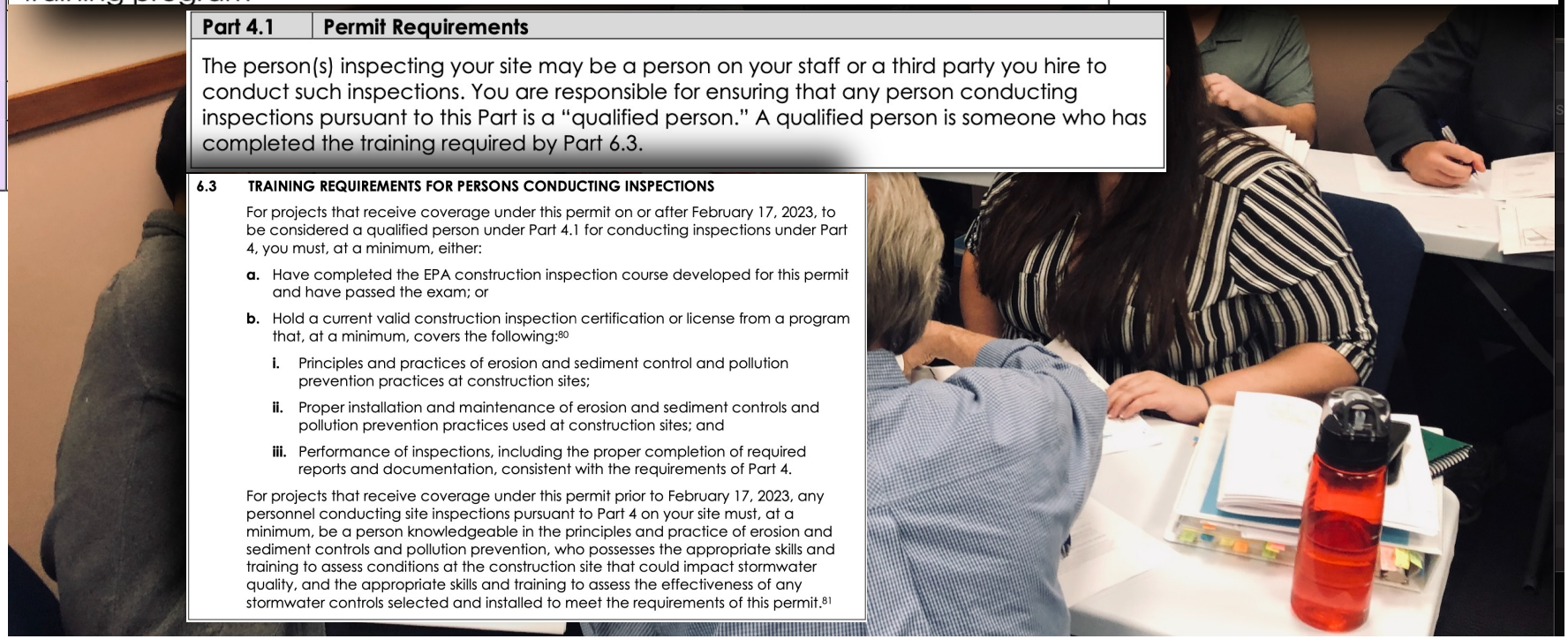
Part 4.1	Permit Requirements
The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that any person conducting inspections pursuant to this Part is a "qualified person." A qualified person is someone who has completed the training required by Part 6.3.	

6.3 TRAINING REQUIREMENTS FOR PERSONS CONDUCTING INSPECTIONS

For projects that receive coverage under this permit on or after February 17, 2023, 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:[80]
  - **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.

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.[81]



Summary of Permit Change	Part(s) Where Change Appears

SPECIFICITY

Specify that inspections include checking for signs of sedimentation and other pollutants that are visible from points of discharge from the site	4.6.1.e, 4.6.2.b

Part 4.6 (4.6.1 – 4.6.4)	Permit Requirements

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. 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.

Summary of Permit Change	Part(s) Where Change Appears

SPECIFICITY

Part 8.2 (8.2.1 – 8.2.3)	Permit Requirements

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

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

a. For any areas that (1) were disturbed during construction, (2) are not covered 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 2.2.14c.

To document that you have met these stabilization requirements, you must take either ground or aerial photographs that show your site's compliance with the Part 2.2.14 stabilization requirements and submit them with your NOT. If any portion of your site is c
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.2.1.a, Appendix I

Appendix I: NOT Form and Instructions

Part 8.3 requires the operator to use EPA's NPDES eReporting Tool (NeT) to prepare and submit the NOT when any of the conditions in 8.2 have been met. However, where the EPA Regional Office specifically authorizes the operator to use a paper NOT form, that operator must complete and submit the paper form included in Appendix I.

Appendix I also provides potential operators with an idea of what types of questions to anticipate when completing the NOT. The NOT form includes modified reasons for termination. These modifications were considered reasonably necessary to reflect the changes made to the conditions for terminating permit coverage in Part 8.2.

Related to the new requirement in Part 8.2.1.a, EPA has added a check box to the NOT form to confirm that the operator has attached photographs that document compliance with the permit's final stabilization requirements.

Summary of Permit Change	Part(s) Where Change Appears

SPECIFICITY

Add question to the NOI for operators to indicate if other operators involved in the same project are also covered under the CGP	Appendix H

Appendix H: NOI Form and Instructions

Part 1.4.2 requires operators to use EPA's NPDES eReporting Tool (NeT) to prepare and submit NOIs. However, where an operator requests and receives approval from his/her EPA Regional Office, the operator will likely be authorized use the paper NOI form included in Appendix H.

EPA adds some new questions to the NOI form that will be used by construction operators to obtain coverage under the 2022 CGP. One question asks operators if they will be discharging dewatering water during the course of their permit coverage. While EPA suspects that a majority of CGP-covered projects discharge dewatering water during construction, it will be useful to the Agency to know what the prevalence of this practice is at its permitted sites. This question will provide a straightforward way of compiling information broadly about the permittees and enable EPA to know which permittees will be affected by the permit's new dewatering requirements.

Relatedly, where operators indicate that they will be discharging dewatering water from their site, EPA adds a follow-up question asking whether the operator's discharge is from a current or former Federal or State remediation site. Federal remediation sites include cleanups covered by Superfund (both National Priorities List (NPL) sites and non-NPL sites), Resource Conservation and Recovery Act (RCRA) corrective actions sites, cleanups at Federal Facilities, and Federal, State, or Tribal brownfields sites. State remediation sites could include, for instance, brownfield site cleanups funded by the State, State superfund sites, and petroleum tank release sites. Operators may use online mapping resources to help determine if they are located on a remediation site. For instance, EPA's *Cleanups in My Community Map* show users where the following sites are located: Superfund NPL and non-NPL sites, RCRA corrective action sites, Federal Facility cleanup sites, and brownfields properties (where Federal funding is used).

Another question asks the operator completing the NOI whether there are other operators who are also covered by the CGP at the same site and, if so, what their NPDES ID numbers are. Because information from the current NOI does not query the operator whether there are multiple operators permitted for the same site, EPA is often unable to determine who all the permitted entities are at larger projects.

The NOI form also includes a new item that requires the operator to confirm that any personnel conducting inspections at the site will meet the modified training requirements in Part 6 of the permit.

EPA has revised Section VIII of the NOI related to endangered species protection to conform with the new worksheet format that will be used by operators to determine the appropriate eligibility criterion for their site. Instead of including all the criteria in Section VIII, the form is reduced to a single checkbox that confirms the operator has included the completed ESA worksheet from Appendix D and any supporting information for the specific criterion selected with the NOI form. The worksheet format was developed in coordination with the U.S. Fish & Wildlife Service and the National Oceanic and Atmospheric Administration as a way of making the process of correctly identifying the right eligibility criterion more intuitive. The worksheet breaks apart the procedures, criterion selection, and required supporting documentation into a series of individual questions and fillable answers, rather than long narrative instructions. It is EPA's expectation that presenting the ESA procedures in this more dynamic, structured way will help the operator narrow down their correct ESA criterion selection and ensure that all required supporting documentation is included when submitting the NOI. Once completed, the operator is required to attach the worksheet and any required supporting information to the NOI submitted to EPA.


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