

Response to Draft Permit Comments 2023

GAR100001

GAR100002

GAR100003

June 16, 2023



Permit	Permit Part	Comment/Requested Change	EPD Response
ALL	PART IV. A.4.a.	As an alternative to sending paper copies of ES&PCPs to the Watershed Protection Branch Office, the commenter asks that EPD revise this condition to include an option that allows permittees to send the plans electronically to the WPB Office. The commenter recognizes there are some limitations in leveraging the current technology, that is being used to manage ES&PCP uploads, to access and review such plans. However, there are a variety of other electronic means available to transmit such plans to EPD for review. The commenter requests EPD include submittal of the plans via electronic means as an alternative to sending a paper copy of the plans to EPD. Inclusion of this option does not prevent permittees from sending paper copies if they choose to continue doing so.	EPD does not currently have software capable of reviewing electronic ESPC Plans but is evaluating the feasibility of an electronic submittal process. Once implemented, permittees will be notified. As a result of this comment, additional language has been inserted into Part IV.A.4.a. in all permits to account for future electronic submittal services, "... or through the electronic submittal method provided by EPD..."
ALL		Upon GA EPD approval of an applicant's NOI under the general construction stormwater permits, we request that the site-specific Erosion, Sedimentation and Pollution Control Plan be made available to the public. This will allow the public to assist GA EPD in ensuring that all plans are effectively and consistently implemented during all construction activities. Inclusion of these plans on GEOS, or on a GA EPD-hosted webpage will allow all interested stakeholders to easily access these important plans.	ESPC Plans can be made available to the public through the already established Georgia Open Records Act (GORA) process. In addition, any portion or complete ESPC that is loaded into GEOS is available to the public through https://geos.epd.georgia.gov/GA/GEOS/Public/Client/GA_GEOS/Public/Pages/PublicApplicationList.aspx . No change made to the permits.
ALL		Under these current general permits, applicants automatically receive permit coverage fourteen days after submitting their NOI. We request that GA EPD affirmatively approve each applicant's NOI and accompanying Erosion, Sedimentation and Pollution Control Plan before those applicants receive coverage under these general permits. GA EPD has the duty of ensuring effective implementation of the Clean Water Act. We are concerned that automatic coverage could result in construction activities that insufficiently manage stormwater.	The process for granting authorization to discharge stormwater associated with construction activity is consistent with EPA's 2022 Construction General Permit (CGP). EPD ensures effective implementation of the Clean Water Act through compliance inspections and pursuing enforcement actions, when needed. No changes made to the permits.
ALL		We call for results-oriented stormwater permitting and oversight for construction sites. Robust monitoring and sampling requirements, as well as active oversight and enforcement, are necessary for confirming water quality protections. Through preconstruction baselines, and continued upstream and downstream sampling of potentially-impacted water quality parameters during construction, permittees will clearly show the effectiveness of their BMPs in preventing water quality impacts directly attributable to their permitted activities. Without broad monitoring and sampling, measurable compliance with the Clean Water Act and Georgia's state water quality standards is not realistically possible. Water quality protections are even more questionable without active oversight and enforcement from GA EPD. Simply requiring BMPs without consistently confirming their effective implementation makes it nearly impossible to ensure water quality is not being degraded by permitted activities. As such, GA EPD must take specific efforts to confirm not just BMP implementation but also effectiveness. Permittee monitoring and state confirmation can work in concert to ensure Georgia's waters are sufficiently protected. Absent that cooperation or numerical confirmation, GA EPD must show, beyond simply procedural compliance, that water quality is not harmed by any individual permitted construction activity. Without that confirmation, we are not confident that these General Construction Stormwater permits effectively implement the Clean Water Act.	The permits provide for robust monitoring, sampling and oversight necessary to ensure that water quality is not harmed by construction activity. The permits include requirements that address each of the concerns raised in this comment. By way of example, several are highlighted in this response. Part I.C.4. explicitly states that no discharges shall cause violations of Georgia's in-stream water quality standards. In addition, the design professional must sign and certify that the Erosion, Sedimentation and Pollution Control Plan (ESPCP) "provides for the sampling of the receiving water(s) or the sampling of the stormwater outfalls" per Part IV. Part IV.A.5. requires the design professional to inspect and confirm the BMPs are installed and maintained as designed. Part IV.C. requires the ESPCP to be amended if any BMPs are found to be ineffective and the amendments be certified by the design professional. Part IV.D.6. requires the monitoring of nephelometric turbidity at least once for each rainfall event described in Part IV.D.6.d. in receiving water(s) or outfalls and must be representative of the monitored activity and representative of the water quality of the receiving water(s) and/or the stormwater outfalls. All sampling must be done in such a way as to accurately reflect whether stormwater runoff from the construction site is in compliance with the standard set forth in Part III.D. EPD ensures effective implementation of the Clean Water Act through compliance inspections and pursuing enforcement actions, when needed. EPD also coordinates with local governments to ensure that information is shared about construction stormwater oversight. No changes made to the permits.
ALL	Part III.C.2.	For additional BMP's required for Impaired Stream projects, condition (p) does that remain 1 inspection per week and after every ½ inch of rain or do you intend to change that to 2 inspections per week and every post rain event?	Permit GAR100002, Part III.C.2.p was corrected to reflect an inspection frequency of at least once every seven calendar days for discharges to impaired stream segments. The draft permit included an untracked change in this BMP to twice every seven calendar days in error.
ALL	Part III.D.2	The language in III.D.2 cannot be complied with on any road projects and perhaps additional consideration could be given.	EPD believes the modification or removal of the current permit language in Part III.D.2 would be less environmentally protective than the existing permit language. Clearing & grubbing to the extent necessary to install BMPs is allowed. No changes to the proposed permits were made as a result of this comment.
ALL	Part III.C.2.	Can you tell me why all the changes in the Impaired stream additional BMP's, Part III.C.2, are not listed in red? Look at Q and P please. Definitions were re-numbered, but these are not?	During the publishing of the draft permits, some changes made to formatting were not reflected in red text. The changes have now been tracked and will be available for review in the strikethrough versions of the permits, upon request. No changes were made to the permit as a result of this comment.

<p>ALL</p>	<p>As EPD finalizes the CGPs, please ensure that all the Construction and Development Effluent Guidelines in 40 CFR 450.21 are included in each CGP. Some of the controls required under these non-numeric ELGs are already explicitly included or otherwise addressed in the permits, but it is unclear if all of them are.</p> <p>40CFR 450.21: Achieve at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology (BPT) currently available. (a) Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to: (1) Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges; (2) 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; (3) Minimize the amount of soil exposed during construction activity; (4) Minimize the disturbance of steep slopes; (5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site; (6) Provide and maintain natural buffers around waters of the United States, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible; (7) Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and</p> <p>(8) Unless infeasible, preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. (b) Soil stabilization. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority. Stabilization must be completed within a period of time determined by the permitting authority. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed. (c) Dewatering. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. (d) Pollution prevention measures. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to: (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge; (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. 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); and</p> <p>(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. (e) Prohibited discharges. The following discharges are prohibited: (1) Wastewater from washout of concrete, unless managed by an appropriate control; (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials; (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and (4) Soaps or solvents used in vehicle and equipment washing. (f) Surface outlets. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.</p>	<p>In response to the comment, EPD has mapped each part of 40 CFR 450.21 to the applicable parts of the NPDES construction stormwater general permits.</p> <p>a.(1). - Part IV.D.3.b.2 a.(2). - Part IV.D.2.d a.(3). - Part IV. D. a.(4). - Part IV. Manual for Erosion and Sediment Control in Georgia Sec 1. Part IV.D.2.e a.(5). - Part IV.C.3 a.(6). - Part IV.D.3.a.5/b.1/b.3 a.(7). - Part IV.D.3.b.3/c.1 a.(8). - Part IV.D.3.</p> <p>b. - Part IV.D.3.a.1 c. - Part IV.D.3.c.1 d. - Part IV.D.3.b.1 d.(1). - Part IV.D.3.c. d.(2). - Part IV.D.3.c.2. d.(3). - Part III.B and Part IV.D.3.c.5</p> <p>e.(1). - Part IV.D.3.c.6. e.(2). - Part III.A.4. e.(3). - Part III.B and Part IV.D.4.A e.(4). - Part III.A.3.</p> <p>f. - Part IV.D.3.a.3.</p>
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ALL	Part I.B.25	Are “normal business hours” to be defined in the site-specific SWPPP? Note that construction hours may vary based on season, sunlight, and temperature.	As a result of this comment, Part IV.D.2.b. in all permits has been revised to include "A description of normal business hours as established by the Permittee" as a component of the Erosion, Sedimentation and Pollution Control Plan.
ALL	Part II.	Electronic copies of the NOI downloaded and sent to the LIA do not have a signed certification statement attached. It is recommended to include the digital signature on the NOI to know who to hold accountable for site compliance when the primary permittee, site contact, and Duly Authorized Representative all deny responsibility for a violation.	In GEOS, changes have been made to the Notice of Intent form to include the Responsible Official's digital signature. No changes were made to the permits as a result of this comment.
ALL	Part III.C.2.	<p>The draft permits, Part III.C.2 (Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment) state, “In order to ensure that the permittee’s discharge(s) do not cause or contribute to a violation of State water quality standards, the Plan must include at least four (4) of the following best management practices (BMPs) for those areas of the site which discharge to the Impaired Stream Segment.” GAR100001 at p. 16 of 46; GAR100002 at p. 17 of 49; and GAR100003 at p. 20 of 59.</p> <p>This effluent limit may adequately protect water quality standards for some impaired streams but will contribute to violations for impaired streams that have no remaining wasteload allocation for sediment.</p> <p>Even with enhanced BMPs, the draft general permits authorize sediment discharges which exceed the wasteload allocations established by TMDL Evaluations for discrete point sources. Such discharges will contribute to violating water quality standards by impairing habitat for aquatic life, including macroinvertebrates and fish.</p> <p>The TMDL Evaluations for Intrenchment Creek, Snapping Creek, and South River state that for future construction sites discharging storm water into impaired waters, compliance with the general permit is “effective implementation” of the wasteload allocation and “demonstrates consistency with the assumptions and requirements of the TMDL.” (2017 TMDL at p. 52 (PDF p. 61).</p> <p>But neither the TMDL Evaluations nor the draft general permits provide any rational basis for this conclusion because the draft permits authorize sediment discharges but there’s no remaining wasteload allocations to discharge sediment into these streams. There’s similarly no rational basis to conclude that best management practices for erosion control are sufficient to implement the wasteload allocations (i.e., how best management practices will prevent the discharge of sediment into these waters)</p> <p>The draft permits cannot ensure consistency with TMDL Evaluations that allocated the entire sediment load to other sources. For streams with no remaining allocation, permits which authorize the discharge of sediment have a reasonable potential to contribute to an excursion above water quality standards. See, 40 C.F.R. § 122.44(d)(1)(i). These general permits must distinguish between discharges into impaired streams with sufficient remaining pollutant load allocations to allow for the discharge and discharges into impaired streams that don’t have sufficient remaining pollutant load allocations to allow for the discharge.</p> <p>Issuing the draft permits as proposed will interfere with attaining water quality that supports aquatic life and will violate the Georgia Water Quality Control Act, O.C.G.A § 12-5-30(a), the Clean Water Act, 33 U.S.C. § 1311(b)(1)(C), Georgia Rule & Regulation 391-3-6-.03 and 391-3-6-.16(8)(a)(6), and EPA’s NPDES permit regulations, 40 C.F.R. §§ 122.4(i) and 122.44(d).</p>	<p>This comment is a duplicate of a comment received during the stakeholder process.</p> <p>The Permit conforms with all federal and state regulations regarding discharges from construction stormwater sites to impaired waterways and contains express provisions that meet the requirements of relevant TMDLs.</p> <p>By way of example, the TMDLs identified in the comment do not require a sediment load reduction for the receiving water bodies; each TMDL states that “[t]he sediment load allocation from future construction sites within the watershed have to meet requirements outlined in the Georgia NPDES General Permit for Storm Water Associated with Construction Activities.” (See, e.g., 2017 TMDL for Eleven Stream Segments in the Ocmulgee River Basin for Sediment (Fish Community Impacted; Macroinvertebrate Community Impacted) (“2017 TMDL”); TMDL for Seventy Stream Segments in the Ocmulgee River Basin for Sediment (Biota Impacted) (“2007 TMDL”); each at Section 5.1).</p> <p>Part IV.6. of the Permit (“Sample Requirements”) outlines required monitoring to be conducted by all entities covered by the Permit, with specific numeric limits defined in Appendix B. Accordingly, the numeric limit given in Appendix B of the permit is in essence the WLA for each construction site covered by the General Permits. Further, the BMPs in the Permit, including the four additional BMPs required for discharges to impaired water bodies, ensure that discharges from construction stormwater sites will not exceed the sediment load allocation in relevant TMDLs for impaired waterways. (See, e.g., 2007 and 2017 TMDLs at Section 5.1; see also Permit Part III.C). Failure to properly design or maintain these BMPs or to conduct required monitoring is a violation of the Permit and enforceable by EPD. (See, e.g., Permit Part III.D; Part V.A).</p> <p>The TMDLs identified in the comment reiterate the protective nature of the Permit, stating that “conditions of each [construction stormwater general] permit were established to assure that the storm water runoff from these sites does not cause or contribute sediment to the stream.” (2007 TMDL and 2017 TMDL at Section 5.1). Going even further, these TMDLs note that the Permit “can be considered a water quality-based permit in that the numeric limits in the permit, if met, will not cause a water quality problem.”</p> <p>No changes were made to the permits as a result of this comment.</p>
ALL	Part III.C.2.	BMP “d” The use of a large sign should not be considered a best management practice since it provides no environmental benefit, and citizens usually call the LIA or EPD for complaints, not the on-site contact. This practice is rarely implemented correctly by hosting a website in which members of the public may access the plans. It is recommended to remove this practice.	EPD recognizes the Best Management Practice listed in III.C.2.d. as an efficient means for local residents to engage with and review a project. No changes were made to the permits as a result of this comment.
ALL	Part III.C.2.	BMP “k” The use of fertilizers on areas that discharge to, or drain into an impaired stream segment could amplify impairment conditions by the introduction of nitrogen, phosphorus, and other nutrients creating algal blooms or toxic conditions for fish and macroinvertebrates. It is recommended to amend this practice to only allow organic compost materials, excluding manure which contain high concentrations of <i>E. coli</i> .	The application of fertilizers should be site-specific, based on soil tests representative of conditions at the time of planting, and applied as instructed on the label directions. The Georgia Department of Agriculture regulates fertilizers and certain soil additives. No changes were made to the permits as a result of this comment.

ALL	Part III.D	Per EPD's Response to Comments, the plain language interpretation of "sediment deposition" is to be used. In this case, it sounds like a report must be made in the common event that silt fence is overtopped and sediment is discharged beyond the silt fence. Is that correct? Typically, this type of event is noted in inspection reports and corrected on-site accordingly. Clarification on what constitutes "sediment deposition" would be needed to clarify what requires a report.	In the scenario provided, there is not enough information to make a definitive determination. As per Part III.D.6. of this permit, whenever a permittee finds that a BMP has failed or is deficient (beyond routine maintenance) and has resulted in sediment deposition into Waters of the State, the permittee shall immediately take all reasonable steps to address the condition, including cleaning up any impacted areas so the material will not discharge in subsequent rain events. The permittee shall submit a summary of the violations to EPD in accordance with Part V.A.2. of this permit and shall correct such BMP as outlined in Part III.D.6.a and Part III.D.6.b. No changes were made to the permits as a result of this comment.
ALL	Part III.D.	In earlier versions of the proposed permits' revisions, GA EPD proposed definitions for "BMP maintenance," "BMP failure," and "sediment impacts" in Part III.D of the three permits. Due to stakeholder feedback, these revisions were removed and the 2018 permit language was maintained. The commenter calls for GA EPD to include definitions of these concepts. Stakeholder confusion about these definitions highlight that "BMP maintenance," "BMP failure," and "sediment impact" are already unclear concepts. Establishing a definition will allow all stakeholders - permittees, state officials, and the impacted public - to have the same understanding of expected maintenance and effective operation of BMPs and when action needs to be taken around sedimentation issues. We call on GA EPD to provide definitions for "BMP maintenance," "BMP failure," and "sediment impacts."	Due to the creation of unintended confusion regarding the definition of a violation, BMP failure, BMP maintenance, and sediment impact, the EPD has chosen to retain the original language of the 2018 permits. No changes will be made to the proposed permits to define these terms.
ALL	Part IV.A.5	The commenter requests this Part be modified to grant blanket authorization for design professionals that are employees of the Primary Permittee and/or Tertiary Permittee to perform the 7-day Design Professional inspection in addition to the Design Professional that developed the Erosion, Sedimentation and Pollution Control Plan (ES&PCP) (or an alternative approved by EPD in writing). Suggested language (underlined) for this Part is as follows: "...the Primary (/Tertiary) Permittee must retain the design professional who prepared the Erosion, Sedimentation and Pollution Control Plan, <u>a design professional employed directly by the Primary (/Tertiary) Permittee (e.g. an employee of the Primary (/Tertiary) Permittee)</u> , or an alternative design professional approved by EPD in writing, to inspect and certify the installation of the initial sediment storage requirements and perimeter control BMPs..."	EPD believes the current permit language is sufficient. Design professionals employed directly by the primary permittee/tertiary permittee are authorized to perform the 7-day inspection. No changes were made to the permits as a result of this comment.
ALL	Part IV.A.5.	The proposed language is phrased such that minor silt fence repairs would be cause to halt construction until repaired. Is that correct? If that is not the intent of the language, suggest adding language to specify.	That is correct. No changes were made to the permits as a result of this comment.
ALL	Part IV.A.5.	What kind of enforcement can the EPD or the LIA take against a design professional besides sending a report to the GASWCC in the following scenarios? i. The design professional never visits the site and certifies that initial sediment storage has been installed correctly? ii. The design professional certifies the correct installation of initial sediment storage, but the EPD or LIA determines that they are not installed according to the plan? iii. The design professional never drafts a 7-day letter for a permittee who requests it?	As per Part V.A of this permit, any permit noncompliance constitutes a violation of the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) and is grounds for enforcement action, for permit termination, or for denial of a permit renewal application. Part V.A.3 addresses penalties for the violation of permit conditions, which may include fines, imprisonment, or both. Please refer to Model Soil Erosion, Sedimentation and Pollution Control Ordinance Section VII, titled "Penalties and Incentives", which outlines the enforcement action that may take place as a result of a violation of the provisions of this ordinance. Per the Model Ordinance, enforcement action is to be determined by the Local Issuing Authority, or by the Director of EPD or his or her designee. Appropriate enforcement action may involve a written warning, a stop work order, the revocation of a business license, bond forfeiture, and/or monetary penalties. However, ultimately the Director or the Local Issuing Authority will determine what enforcement action is appropriate based on the violation and the frequency of violations. The Model Soil Erosion, Sedimentation and Pollution Control Ordinance can be accessed on EPD's website or at the following link: https://epd.georgia.gov/document/document/model-soil-erosion-sedimentation-and-pollution-control-ordinance-revised-june/download
ALL	Part IV.A.5.	If no enforcement currently exists, it is recommended to add violations to the permit which penalize the design professional, not the permittee, for a design professional's actions.	Permit compliance is the sole responsibility of the Primary Permittee. No changes were made to the permits as a result of this comment.

ALL	Part IV.D.3.c.(1)	Can EPD Please clarify if "liquid waste" refers to wash/rinse waters, sanitary waste (i.e., portable toilets), or both for requiring secondary containment?	Part IV.D.3.c.(1) does not require secondary containment for portable toilets. Sanitary waste shall be addressed as per Part IV.D.3.c.(4). Wash/rinse waters shall be addressed as per Part IV.D.3.c.(6).
ALL	Part IV.D.6.a.(1)	The proposed language requires that the Initial, Intermediate, and Final Plans for a site include the receiving water, and where the receiving waters meet with a blue line shown on the USGS topographic map (if the direct receiving waters are not shown). This will require the Initial, Intermediate, and Final plans to include more area outside of the site boundary, and therefore be a smaller scale. The intention of the Initial, Intermediate, and Final plan views are to show locations of BMPs as well as sampling locations. It is reasonable to show the receiving water directly adjacent to the site; however, showing where it meets a USGS stream could reduce the level of detail visible on the plan views. Suggest allowing the Permittee to keep the USGS topographic map with the markup of receiving waters, as needed, as an alternative to prevent the loss of useful information on the plan views.	As a result of this comment, additional language has been inserted into all permits Part IV.D.6(c)(1) for clarification, "Sampling points shall be located on applicable pages of the Initial, Intermediate, and Final phase of Erosion, Sedimentation and Pollution Control Plans."

Permit	Permit Part	Comment/Requested Change	EPD Response
GAR100001		The commenter noted a blank page on Page 45 and an unnecessary page break on page 47.	As a result of this comment, the errors in formatting have been corrected on pages 45 and 47 of the permit.
GAR100001	Part II.A.4	Please modify this paragraph to clarify that it does not apply where an Owner filed an NOI and obtained coverage under the permit without naming a separate Operator in the NOI but later retains an Operator. Currently, it is not clear that this would not be an Operator “change” and that such an Operator need not file a modification NOI unless the Owner requires the Operator to share responsibility for the permit obligations.	As per Part II.A.1., Owners or Operators or both who intend to gain coverage are required to submit an NOI. As per Part II.A.4., the addition of an Operator that was not listed on the initial NOI only constitutes a modification or change to the NOI if the Operator intends to be an additional Permittee. No changes were made to the permit as a result of this comment.
GAR100001	Part IV.A.i	<p>Every other year we have a lake draw down on Lake Harding and Lake Oliver in order to do maintenance, repair, or new construction of shore stabilizing structures. In the last few years we have had a last minute drawdown announced and we received calls from people wanting to place a sea wall in to stabilize a collapsed slope along shoreline or repair existing wall. A couple of these were from new home buyers. There is no way we could get a buffer variance application submitted and reviewed in the short amount of time the drawdown is.</p> <p>The commenter asked EPD to consider adding other large lakes to page 20 paragraph i (in GAR100001) and respective pages on the other two permits. These two are Georgia Power Lakes.</p>	At this time, EPD is not considering the addition of other large lakes to the permit. The lakes listed in permit Part IV.A.i., Lake Oconee and Lake Sinclair specifically, are exempt as per O.C.G.A. § 12-7-6(b)(15)(A)(vi). No changes were made to the permit as a result of this comment.
GAR100001		<p>We have a few designers that will avoid the 50 acre approval letter by “phasing” a project to be under the 50 acres using the permit language “Plans submitted after the effective date of this permit shall limit the amount of disturbed area to no greater than 50 acres for each individual permittee (i.e., primary, secondary or tertiary permittees) at any one time, and to no more than 50 contiguous acres total at any one time, without prior written authorization from the appropriate EPD District Office according to the schedule in Appendix A of this permit”.</p> <p>The problem with this is they will work it out on the Plan, but the developer has no intention of following. For example, S/D disturbing 65 acres, but claiming they’ll have 15+ acres of it stabilized at any one time. We do not have survey crews at our disposal to challenge the amount of disturbance “at any one time”.</p> <p>Would it be possible to amend the Permit language to read something to the effect of “any project disturbing 50 acres will require authorization”. The 4 extra BMPs that are required do not seem to be too much to ask when being allowed to disturb that amount of acreage. I don’t think this was the intent of the Permit, but yet another “gray area” the designers/developers have figured out a way to exploit. I’m sure this is never an issue with some jurisdictions, but to put things in perspective, we’ve had over 20 projects in the last two years receive 50 acre approval. Some choose to do the right thing while others are always looking for ways to beat the system.</p>	In the scenario provided, noncompliance with the Plan would be best handled via an enforcement action rather than one related to the language within the permit. Through appropriate enforcement action, additional protections (such as BMPs) may become a requirement. No changes were made to the permit as a result of this comment.

GAR10001	These general permits authorize stormwater discharges from projects that are greater than one acre, (and less than one acre for common development using secondary). However, there is no upper limit on the lot size of construction sites. These general permits are less effective at addressing the site-specific issues that larger construction projects bring. Likewise, large construction projects have the potential to create larger water quality impacts. We recommend that GA EPD establish an upper lot size limit, requiring that any project that will impact more than 50 acres be required to obtain an individual NPDES permit.	Projects over 50 acres have additional approval criteria and additional BMP requirements. Part IV.D.3 states, "plans submitted after the effective date of this permit shall limit the amount of disturbed area to less than 50 acres at any one time without prior written authorization from the appropriate EPD District Office according to the schedule in Appendix A of this permit... If the EPD District Office approves a request to disturb 50 acres or more at any one time, the Plan must include at least four (4) of the best management practices listed in Part III.C.2. of this permit." EPD believes the Best Management Practices seen in Part III.C.2. will effectively provide additional water quality protection for large construction projects. No changes were made to the permit as a result of this comment.
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Permit	Permit Part	Comment/Requested Change	EPD Response
GAR100002	--General--	Secondary Permittee should be extended to sub-contractors on Infrastructure projects.	As stated in Permit GAR100003 Part I.B.44, sub-contractors are not permittees unless they meet the definition of either a Primary, Secondary, or Tertiary Permittee. If a sub-contractor meets the definition of a Secondary Permittee, they subject the construction activity to a common development with an existing Primary Permittee. EPD believes the language in the proposed permits is appropriate. No changes to the proposed permits were made as a result of this comment.
GAR100002	Part I.	"Drainage Structure" and "Roadway Drainage Structure" do not have limitations for land-disturbing activities in the same way that utility crossing have (50' wide, 25° perpendicular).	EPD will retain the current definitions of "Drainage Structure" and "Roadway Drainage Structure" within the permits to remain consistent with the definitions provided by O.C.G.A. §§ 12-7-3(7) and 12-7-3(13). EPD believes that the language in the proposed permits is appropriate. No changes to the proposed permit were made as a result of the comment.
GAR100002	Part I.B.	The commenter suggests a revision to the definition of Roadway Drainage Structure " <i>or in the case of a bridge carries traffic over water</i> ". The commenter is concerned with someone confusing the definition of roadway drainage structure with that of an aqueduct.	EPD will retain the current definition "Roadway Drainage Structure" within the permits to remain consistent with the definition provided by O.C.G.A. § 12-7-3(13). EPD believes that the language in the proposed permits is appropriate. No changes to the proposed permit were made as a result of the comment.
GAR100002	Part I.B.	The commenter requested clarification on the removal of the term "Normal Business Hours" from the proposed permit, as well as who may be responsible for defining this term.	The definition of normal business hours was removed from Permit Part I.B to ensure the EPD was not dictating the hours. Normal business hours should be determined by each permittee. No changes to the proposed permit were made as a result of this comment.
GAR100002		There is an unnecessary page break on page 49 and a blank page on Page 52.	As a result of this comment, the errors in formatting have been corrected on pages 49 and 52 of the permit.
GAR100002	Part I.C.1.c	The commenter requests Condition (3) of this provision (e.g., the 120-day time limit) be removed as it significantly limits the permittee's ability to effectively utilize the provision. Conditions (1), (2) and (4) provide more than sufficient protection for the environment by limiting the type of disturbance to only that necessary to maintain the original grade and purpose of the line while requiring daily and final stabilization of all disturbed areas during and upon completion of the covered activities. The provision already prohibits mass grading, such that there are no changes in topography that might alter stormwater hydrology and increase the potential for erosion and sedimentation. The provision also requires the use of BMPs consistent with the Green Book to minimize erosion & sedimentation. This is a standard practice for utility line maintenance and consistent with conditions (2) and (4). We have found the 120-day limit to be too restrictive in that it does not contemplate the additional time needed for maintenance completion when emergent conditions, such as storm restoration due to hurricanes, tornadoes, and other severe weather events, occur. These events require utilities to temporarily cease maintenance activities while restoring power outages. Such delays can take anywhere from two weeks to three months, depending on the nature and extent of the damage. During this timeframe, the 120-day clock is still running and creates an opportunity for the maintenance activity to require full permit coverage. However, such coverage does not necessarily provide any additional protection for the limited disturbances. In fact, it creates the opportunity for less protection as it removes the daily temporary stabilization requirement while increasing cost and oversight for the permittee. The 120-day time limit is also inconsistent with similar maintenance and new construction activities already covered by the permit or proposed for inclusion. Railroad maintenance (Part I.C.1.e) restricts such work to similar conditions as the infrastructure provision but does not set a time limit. New construction activities associated with guardrail and cable installation (Part I.C.1.f), buried utility lines (Part I.C.1.g) and buried fiber optic lines (Part I.C.1.h) all require almost identical constraints as those of infrastructure, but do not impose any time constraints.	The current permit language was developed through extensive collaborative discussion with stakeholders conducted during multiple reissuances of NPDES Permit GAR100002. Part I.C.1.c. was introduced in 2003, limiting disturbances to less than 5 acres and a project duration of less than 30 days. In 2008, the project duration was increased to less than 90 days. In 2013, the disturbed acreage threshold was removed and the project duration was increased to 120 days adding the requirement for final stabilization to be implemented at the end of the project. After several iterations of the permits, EPD believes that the current permit language pertaining to the 120-day time limit is appropriate. If it is anticipated that the maintenance project cannot meet the requirements set forth in Part I.C.1.c., a Notice of Intent (NOI) to gain coverage under the permit should be submitted. No changes were made to the permit as a result of this comment.

GAR100002	Part III.D.3	<p>All initial sediment storage and perimeter controls must be installed prior to conducting any other construction activities. Additional clarification is needed.</p> <p>For linear projects, specifically road projects, can the permittee install the sediment storage for an initial segment (ex: 1st of 4 segments) but not install sediment storage for the other segments if the permittee clears and grubs the entire project, but only begins mass grading in the 1st segment, stabilizing all remaining segments with Ds1, Ds2, and possibly Ds3 immediately? If they can't, will the permittee have to install and maintain miles of Sd1 and Sd3's for projects that span years?</p>	<p>There are no strict parameters on how construction may be segmented. If smaller segments are necessary for the management of BMPs, the design professional should provide designs accordingly.</p> <p>The Permit does not allow for clearing/grubbing of an entire project without storage and perimeter controls, per Part III.D.2. The initial sediment storage requirements and perimeter control BMPs must be installed and implemented prior to conducting any other construction activities (e.g., clearing, grubbing and grading) within the construction site or when applicable, within phased sub-parts, sections or segments of the construction site. No changes were made to the permit as a result of this comment.</p>
GAR100002	Part IV.D.4.a(3)	<p>For the proposed language regarding resetting of the biweekly inspection following a 0.5 inch or greater rain event, we recommend EPD correct such language to specify the 14-day clock instead of the 7-day clock. "Post-rain inspections will reset the 7-day 14-day inspection frequency requirement."</p>	<p>As a result of this comment, Part IV.D.4.a(3) has been corrected to, "Post-rain inspections will reset the 14-day inspection frequency requirement."</p>

Permit	Permit Part	Comment/Requested Change	EPD Response
GAR100003	--General--	Add language to the permit that requires the secondary permittee get their rainfall data from the primary permittee.	As a result of this comment, changes to Part IV.D.4.a(2) have been made as follows, "Measure and record rainfall within disturbed areas of the site that have not met final stabilization once every 24 hours except any non-working Saturday, non-working Sunday and non-working Federal holiday. The data collected for the purpose of compliance with this permit shall be representative of the monitored activity and provided to the Secondary Permittee, if applicable. Measurement of rainfall may be suspended if all areas of the site have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region."
GAR100003	--General--	The terms 1) rain event, 2) storm event and 3) qualifying event can almost be used interchangeably in different sections of the permit. It would be great to decide on one of these phrases and use it throughout. I would also like to see this phrase added to the definitions.	As a result of this comment, the term "storm event" has been replaced with "rain event" to maintain consistency throughout all permits. The term "qualifying events" is specific to events that trigger sampling requirements.
GAR100003	--General--	We appreciate the efforts of EPD to remove the secondary permittee language. Commenter hopes that this reduction of paperwork will be beneficial to residential construction.	Comment noted.
GAR100003	Part I.	Drainage Structures should also have limitations on clearing.	EPD will retain the current definitions of "Drainage Structure" within the permits to remain consistent with the definitions provided by O.C.G.A. § 12-7-3(7). EPD believes that the language in the proposed permits is appropriate. No changes to the proposed permit were made as a result of the comment.
GAR100003	Part I.	The GA Dept. of Transportation has an agreement with EPD to limit culvert crossings to a 50' box on either side of the culvert and a 100' box on either side of a bridge. These limits could be extended to non-DOT entities as well.	The 50-foot/100-foot allowable exemption area is applicable to any entity constructing a structure meeting the definition of "Roadway Drainage Structure". No changes to the proposed permits were made as a result of this comment.
GAR100003	Part I.B. and Part IV.B.	On Certified Personnel for utilities for secondary permittees, can there be a line that details what the minimal certification would be needed instead of just Certified Personnel? Commenter also suggests consideration for electronic signature for signing documentation in the field for the Final Stabilization Certification and the ESPCP.	The requested information is located in Part I.B.3. of the Permit and can be found in the definition of "Certified Personnel", pursuant of O.C.G.A. § 12-7-19(b). The primary permittee shall ensure, as required in Part IV.(iv), that each secondary permittee is provided with a copy of the Plan. Current permit language does not prohibit electronic signature. No changes to the proposed permits were made as a result of this comment.
GAR100003	Appendix A	There is an unnecessary page break on page 58.	Page 58 of this permit contains contact information for EPD's Watershed Protection Branch, as part of Appendix A. No changes were made to the permit as a result of this comment.

GAR10003		<p>We have a few designers that will avoid the 50 acre approval letter by “phasing” a project to be under the 50 acres using the permit language “Plans submitted after the effective date of this permit shall limit the amount of disturbed area to no greater than 50 acres for each individual permittee (i.e., primary, secondary or tertiary permittees) at any one time, and to no more than 50 contiguous acres total at any one time, without prior written authorization from the appropriate EPD District Office according to the schedule in Appendix A of this permit”.</p> <p>The problem with this is they will work it out on the Plan, but the developer has no intention of following. For example, S/D disturbing 65 acres, but claiming they’ll have 15+ acres of it stabilized at any one time. We do not have survey crews at our disposal to challenge the amount of disturbance “at any one time”.</p> <p>Would it be possible to amend the Permit language to read something to the effect of “any project disturbing 50 acres will require authorization”? The 4 extra BMPs that are required do not seem to be too much to ask when being allowed to disturb that amount of acreage. I don’t think this was the intent of the Permit, but yet another “gray area” the designers/developers have figured out a way to exploit. I’m sure this is never an issue with some jurisdictions, but to put things in perspective, we’ve had over 20 projects in the last two years receive 50 acre approval. Some choose to do the right thing while others are always looking for ways to beat the system.</p>	<p>In the scenario provided, noncompliance with the Plan would be best handled via an enforcement action rather than one related to the language within the permit. Through appropriate enforcement action, additional protections (such as BMPs) may become a requirement. No changes were made to the permit as a result of this comment.</p>
GAR10003	Part II.A.2	<p>To clarify the information required on the addendum form referenced in the 2nd and 3rd paragraphs of Part II.A.2, it may be helpful to reference the information required to be provided by the Secondary Permittee in Part II.B.2. Thus, the addendum should include the information required by Part II.B.2 and will act as a supplement to the Primary Permittee’s ES&PCP.</p>	<p>As a result of this comment, additional language has been inserted into Part II.A.2 for clarification, "... the Secondary Permittee Owner or Operator or both shall complete and sign an addendum form per Part II.B.2 ..."</p>
GAR10003	Part II.A.2	<p>Will the addendum form that Secondary Permittees must sign and complete be available for download and where?</p>	<p>An example of the addendum form will be provided on both the EPD and GSWCC websites for your reference. No changes were made to the permit as a result of this comment.</p>
GAR10003	Part II.A.2.	<p>For secondary permittees that began construction activities on or before the new 2023 permit, will they have to sign an addendum for each site, or can they sign one addendum to cover all of their currently permitted lots?</p>	<p>The current permit language allows for the addendum to contain information such as lot numbers, where appropriate. In this case, the Secondary Permittee may choose to sign one addendum form for all of their lots. No changes were made to the permit as a result of this comment.</p>
GAR10003	Part II.B.2	<p>Revise the language in Part II.B.2 to clarify that the Secondary Permittee is signing the Secondary Permittee Certification Statement, which has been included in the Primary Permittee’s ES&PCP. As currently proposed, it is not clear that Primary Permittees are obligated to include this statement and that of the Final Stabilization Certification in their ES&PCP. This section should also recognize that Utility Secondary Permittees do not provide service to specific lots. Suggested language for this section is:</p> <p>i. “Except as otherwise required in this Permit, Secondary Permittees shall complete the Secondary Permittee Certification Statement that has been included in the to be incorporated into the Primary Permittee’s Erosion, Sedimentation and Pollution Control Plan. Secondary Permittees are required to adhere to all applicable permit parts and requirements in accordance with Part IV.B.1. of this Permit. The Secondary Certification Statement shall be signed in accordance with Part V.G.1. of the Permit and include the following information:</p> <p>a. The common development name and lot number(s) for which the Certification is signed; <u>or for Utility Secondary Permittees, only the common development name.</u>”</p>	<p>As a result of this comment, additional language has been inserted into Part II.B.2 and Part II.B.2.a for clarification, "Secondary Permittees shall complete the Secondary Certification Statement that has been included in the Primary Permittee's Erosion, Sedimentation and Pollution Control Plan," and, "The common development name and lot number(s) for which the Certification is signed or for Utility Secondary Permittees, only the Common Development name", respectively.</p>

GAR10003	Part II.B.2	<p>Are the certification statements for all secondaries to appear on the primary's plan? If so, will the primary have to revise the plan every time a new secondary purchases lots to build within the common development?</p> <p>Can a secondary sign a single certification statement for multiple lots within the common development?</p>	<p>As per Part II.B.2 of this permit, the Secondary Certification Statement(s) shall be included in the Primary's ESPC Plan. One or more pages may be added to the Plan in order to accommodate the certification statements of new and existing Secondary Permittees. The Primary need not revise the entire Plan, only update the pages pertaining to Secondary Certification Statements, as necessary.</p> <p>The current permit language allows for the addendum to contain information such as lot numbers, where appropriate. In this case, the Secondary Permittee may choose to sign one addendum form for all of their lots.</p> <p>No changes were made to the permit as a result of this comment.</p>
GAR10003	Part I.D.	<p>Commenter disagrees with the proposed removal of the requirement for secondary permittees to sign and submit Notices of Intent (NOI) and Notices of Termination (NOT) to EPD and is concerned that it will result in confusion and compliance issues.</p>	<p>Permit compliance will be enforced as it has been in the past. However, Secondary Permittee requirements regarding permit compliance remain unchanged.</p> <p>In Part I.B.29, the definition of "Permittee" has been revised to include "any entity that has submitted a Notice of Intent and obtained permit coverage or adhered to the signatory requirements in Part IV.B.1. of the permit."</p>
GAR10003	Part I.D.1.	<p>Include an additional statement or verbiage in this section that will provide the secondary permittee authorization to discharge stormwater associated with the secondary permittee's project site.</p>	<p>As a result of this comment, permit language has been revised in Part I.D.1. to include the statement: "Any person desiring coverage under this permit as a secondary permittee must adhere to Part IV.B.1. in order for stormwater discharges from construction sites to be authorized."</p>
GAR10003	Part IV	<p>Revise the 2nd to last paragraph of Part IV to include a statement that the Primary Permittee shall include in their ES&PCP a section for the Secondary Permittee Certification and Final Stabilization Certification statements as required by Parts II.B.2 and VI.B.9 of the permit. Suggested language should be inserted at the end of this paragraph as follows:</p> <p>i. "Except as otherwise required in this Permit, the Plan shall also include a section for each Secondary Permittee to make the Secondary Permittee Certification statement and provide the information required by Part II.A.2 and to make the Final Stabilization Certification statement required by Part VI.B.9."</p>	<p>As a result of this comment, additional language has been inserted into Part IV for clarification, "Except as otherwise required in this Permit, the Plan shall also include a section for each Secondary Permittee to make the Secondary Permittee Certification statement and provide the information required by Part II.A.2. and to make the Final Stabilization Certification statement required by Part VI.B.9."</p>
GAR10003	Part IV.D.4	<p>We recommend that rain inspections are removed from the inspection frequency. Third party companies are becoming more frequently used for inspections and repair work. Inspections and repair dates are typically set on a schedule to allow proper coverage for the week. It is extremely difficult to staff properly and allow appropriate time for thorough inspections and repairs with rain inspections required. In order to visit additional sites due to a rain event trigger, quality of the inspections as well as the repairs can suffer. The EPA allows in their permit to thoroughly inspect once a week and not after rain events. The State of Tennessee has chosen to go without rain event requirements and instead they require twice weekly inspections. With this frequency the inspections would be conducted before and after rain events but it is much easier to schedule. The State of South Carolina has chosen to not require rain inspections and to go with a calendar week inspection frequency. In speaking with South Carolina on why they chose not to put a rain inspection requirement, they said that a thorough inspection once a week was sufficient to them instead of trying to chase rain events which degrades the quality of work. North Carolina, in its most recent revision, updated the rain trigger to 1 inch. If the rain inspection requirement is kept, it would be our recommendation to modify the frequency from at least once per 7 calendar days to once per calendar week. This would allow for a considerably more thorough inspection to take place while still keeping in compliance with the permit.</p>	<p>EPD believes the modification or removal of the current permit language in Part IV.D.4 would be less environmentally protective than the existing permit language. No changes were made to the permit as a result of this comment.</p>

GAR10003	Part VI.A.	Does the secondary have to sign the final stabilization certificate on both the primary's plan, and the secondary's set kept on site?	The Secondary Permittee is required to sign the Final Stabilization Certification in accordance with Part VI of the permit and incorporate it into the Primary Permittee's Plan. All records which shall be retained by each Secondary Permittee at the construction site or readily available at a designated alternate location are listed in Part IV.F.2 of the permit. No changes were made to the permit as a result of this comment.
GAR10003	Part VI.A.	Do secondaries have to notify the LIA before signing the certification statement? If not, who becomes the responsible party for stabilizing the site when the certification statement is revoked by an NOT inspection from the EPD or an LIA, the primary or a secondary who has left?	Secondary Permittees must notify the Primary Permittee before signing the Final Stabilization Certification statement. If the Secondary Permittee no longer exists or cannot be located, the responsibility to stabilize the site falls on the Primary Permittee. In all other cases, the Secondary Permittee is the responsible part for stabilizing their portion of the site. No changes were made to the permit as a result of this comment.
GAR10003	Part VI.B	<p>Add a new paragraph to Part VI.B to clarify how the Final Stabilization Certification can be made by Secondary Permittees; renumber the other paragraphs as appropriate. Suggest language for new Part VI.B.8 is as follows:</p> <p>i. "The Final Stabilization Certification statement made by Secondary Permittees shall be made on the Primary Permittee's ES&PCP for those projects that were not previously covered by the 2018 Permit and for which a Secondary Permittee Certification statement was issued in accordance with Part II.B.2. However, for those common developments that were previously covered by the 2018 Permit and for which a Secondary Permittee Certification was issued in accordance with Part II.A.2 and for those instances where the Primary Permittee for the common development no longer exists or cannot be located, the Final Stabilization Certification statement may be made on a separate document and provided to the Primary Permittee and/or retained by the Secondary Permittee."</p>	<p>As a result of this comment, Part VI.D "Final Stabilization Certification Contents" has been inserted as a new subsection of the permit. Permit Part VI.D. clarifies how the Final Stabilization Certification shall be signed and what information it must include as a part of the Primary Permittee's Erosion, Sedimentation and Pollution Control Plan.</p> <p>For those instances where the Primary Permittee for the common development no longer exists or cannot be located, a potential enforcement action regarding the Primary's permit compliance may be warranted which may result in the resolution of the Secondary's termination of coverage. No changes were made to the permit as a result of this comment.</p>
GAR10003	Part VI.B.5.	Revise Part VI.B.5 as follows: "When the NOT is submitted by a Primary Permittee , the NOT will not be accepted until Final Stabilization is attained for all Secondary Permittees.	As a result of this comment, Part VI.B.5 of this permit has been revised to, "When the NOT is submitted by a Primary Permittee, the NOT will not be accepted until Final Stabilization is attained for Secondary Permittees."
GAR10003		These general permits authorize stormwater discharges from projects that are greater than one acre, (and less than one acre for common development using secondary). However, there is no upper limit on the lot size of construction sites. These general permits are less effective at addressing the site-specific issues that larger construction projects bring. Likewise, large construction projects have the potential to create larger water quality impacts. We recommend that GA EPD establish an upper lot size limit, requiring that any project that will impact more than 50 acres be required to obtain an individual NPDES permit	Projects over 50 acres have additional approval criteria and additional BMP requirements. Part IV.D.3 states, "plans submitted after the effective date of this permit shall limit the amount of disturbed area to less than 50 acres at any one time without prior written authorization from the appropriate EPD District Office according to the schedule in Appendix A of this permit... If the EPD District Office approves a request to disturb 50 acres or more at any one time, the Plan must include at least four (4) of the best management practices listed in Part III.C.2. of this permit." EPD believes the Best Management Practices in Part III.C.2. will effectively provide additional water quality protection for large construction projects. No changes were made to the permit as a result of this comment.

GAR10003		<p>While GA EPD has revised the stakeholder draft permit to include that secondary permittees include a signed certification statement in the Erosion, Sedimentation and Pollution Control Plan, we are still concerned about multiple revisions to the permit which result in the removal of the requirement for secondary permittees to sign and submit Notices of Intent (NOI) and Notices of Termination (NOT) to GA EPD. We disagree with these revisions and we believe that the language requiring NOIs and NOTs for secondary permittees should remain in the permit. We are concerned that this is a major permit revision that will result in substantial confusion for both permittees and regulators. Without a signed NOI and NOT, compliance responsibilities regarding primary versus secondary permittees could become unclear resulting in noncompliance and problems with legal enforcement</p>	<p>Your comment has been noted. The current permit language is a result of multiple extensive and collaborative stakeholder engagement discussions. After several iterations of the permits, EPD believes the removal of the Secondary Permittee's Notice of Intent and Notice of Termination submission requirement is appropriate. EPD has implemented these changes with the intent to improve accountability for both Primary and Secondary Permittees and believes the new permit language will ultimately streamline compliance. No changes were made to the permit as a result of this comment. EPD will be available for technical assistance, outreach, and guidance in order to aid permit compliance.</p>
GAR10003		<p>Please consider, and clarify a procedure for a secondary permittee to certify beginning/end of their work. I do not believe that during construction a secondary permittee is in a position to state "final stabilization has been achieved" because additional land disturbance is likely, following a secondary's hypothetical completed work. Would a statement of completeness be more appropriate?</p>	<p>The Final Stabilization Certification is specific to the Secondary's portion of the site. A statement of completeness would not be more appropriate because completeness does not equate final stabilization. If additional land disturbance is occurring it is the responsibility of that Secondary Permittee. No changes made.</p>