

**Response to Stakeholder Comments 2023**

**GAR100001**

**GAR100002**

**GAR100003**

**Friday, March 17, 2023**



Permit	Permit Part	Comment/Requested Change	EPD Response
ALL	--General--	Ensure that, in the case of phased permits for mining activities, disturbance is deemed complete only when mining is complete and, likewise, all permits remain open until mining is complete and full stabilization of the entire site is achieved.	Active mining activity is not covered under this permit. Once mining activity starts, sites should apply for coverage under the Industrial Stormwater General Permit (GAR050000).
ALL	--General--	The commenter requested EPD add language to the permit to clarify that GESAs exemptions for local LDA permit coverage does not include activities where the NPDES Permit is involved. For instance, timber harvesting is identified as an exempted activity, but only for LDA permits. However, when timber harvesting takes place on an NPDES Permitted project, the Timber Harvest Permit when issued for clearing and/or grubbing cannot be legally acted upon until perimeter controls are installed and the 7-day inspection by the Design Professional is completed, because of the language found in the NPDES Permit.	EPD believes that this concern may be best addressed in a guidance document and not a list of exemptions in the Permit as these situations will be handled on a case-by-case basis. No changes to the proposed permits were made as a result of this comment.
ALL	Part I.B. (Definitions)	Several commenters requested clarification on the definition of 'BMP Failure' from 'BMP Maintenance'	EPD received numerous comments during the stakeholder comment period related to this change. The original intent of this was to help clarify current requirements, however due to comments received, EPD will retain current 2018 permit language. Proposed changes to the permit language will not be implemented.
ALL	Part I.B.1. (Definitions)	The commenter noted that Readily Accessible and Readily Available terminology in permit is quite vague - when performing site inspections and records/plans are not on site. Left up for interpretation of inspector. As more monitoring reports are submitted electronically, internet/wi-fi access also becomes an issue on site.	EPD believes that the language in the proposed permits is appropriate to provide records storage flexibility while providing for transparency. No changes to the proposed permits were made as a result of this comment.
ALL	Part I.B.25. (Definitions)	1) With the removal of the definition of normal business hours, should samples be collected as long as active construction is actively occurring on site? 2) Will permittees and contractors be setting their own "normal business hours" and adhering to these for sampling?	1) Yes. Samples should be collected as long as active construction is occurring on site. 2) Yes. Sampling requirements remain the same. 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.
ALL	Part II. (Notice of Intent Requirements) -and- Part VI. (Termination of Coverage)	NOIs, NOTs, a 7-day letters should be able to be sent electronically to the LIA.	The Permits do not prohibit electronic submittal of NOTs to the LIA. No changes to the proposed permits were made as a result of this comment.
ALL	Part II. (Notice of Intent Requirements) -and- Part VI. (Termination of Coverage)	The commenter recommended making it possible for design professional to enter information in GEOS which then notifies LIA post inspection.	This comment is directly related to changes in GEOS, not to the NPDES permits. No changes to the proposed permits were made as a result of this comment.

ALL	Part III.A.2. (Prohibition on Non-Stormwater Discharges)	Prohibition on Non-Stormwater Discharges states, “The following non-stormwater discharges may be authorized by this permit provided the nonstormwater component of the discharge is explicitly listed in the Erosion, Sedimentation and Pollution Control Plan and is in compliance with Part IV.D.7.; discharges from fire firefighting activities . . .” The Permit should clarify that it does not authorize discharges from firefighting training.	Permit at Part III.A. authorizes “discharges from firefighting activities” as a non-stormwater discharge. Firefighting training is a planned activity and therefore materially different from firefighting activities due to unforeseen circumstances. Firefighting training is not an authorized non-stormwater discharge per the Permit. No changes to the proposed permits were made as a result of this comment.
ALL	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)	<p>Part III.C.2 states, “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.” This term may adequately protect water quality standards for some impaired streams, but it will contribute to violations in other impaired streams. The allowable annual sediment load for Intrenchment Creek, Snapfinger Creek, and South River was allocated between nonpoint source runoff and the MS4 systems. So even with enhanced BMPs for erosion control, discharges authorized under the general permit will increase sediment loading, impair habitat for aquatic life, and contribute to violating water quality standards within Intrenchment Creek, Snapfinger Creek, and South River.</p> <p>Georgia DNR’s storm water permit regulation prohibits issuing an NPDES permit to a new source if the discharge from construction will contribute to violating water quality standards, “except as in accordance with Federal Regulations, 40 C.F.R. § 122.4(i).” Georgia DNR Rule 391-3-6-.16(8)(a)(6). 40 C.F.R. § 122.4(i) prohibits issuing an NPDES permit to a new source proposing to discharge into impaired waters unless the applicant demonstrates there are “sufficient remaining pollutant load allocations to allow for the discharge.” The general permit 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. Otherwise, the general permit will authorize additional sediment loading into impaired streams that have no remaining pollutant load allocations. This is especially problematic since the TMDL Evaluations for Intrenchment Creek, Snapfinger Creek, and South River – and presumably other watersheds – state that for future construction sites discharging stormwater into or within one mile upstream of an impaired stream, compliance with the general permit is “effective implementation” of the waste load allocation and “demonstrates consistency with the assumptions and requirements of the TMDL.”</p> <p>Because the TMDLs rely on the general permit for “effective implementation” of the waste load allocation, the general permit cannot authorize sediment discharges from construction sites that discharge into impaired streams without sufficient remaining pollutant load allocations to allow for the discharge.</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 to the proposed permits were made as a result of this comment.</p>
ALL	Part III.C.2.a. (Discharges into... Biota Impaired Stream Segment)	Add verbiage somewhere along the lines of “ <i>unless it already exists</i> ” or “ <i>double the State/LIA buffer</i> ”, whichever is greatest. Item (a) requires the 25’ State buffer to be doubled. A lot of LIAs already have a 50’ buffer requirement, so there is no extra benefit to the BMP.	An additional buffer above the state minimum is an optional BMP that may or may not be selected by the permittee. In the cases of projects occurring within LIA jurisdictions with increased buffers, the LIA imposed additional buffer inherently provides the additional protection that this option aims to provide. No changes to the proposed permits were made as a result of this comment.

ALL	Part III.C.2.a. (Discharges into... Biota Impaired Stream Segment)	Add “ <i>Delineate additional buffer on Plan</i> ”; Add “Delineate baffles on Plan”; Add “Delineate sign location on Plan” and “Indicate stream is Biota Impaired on sign”	The additional items listed in the comment should be delineated on ESPC Plan to reflect additional BMPs as currently required by the Permits. Additional clarification may be considered in the ESPC Plan Review Checklist. No changes to the proposed permits were made as a result of this comment.
ALL	Part III.C.2.e. (Discharges into... Biota Impaired Stream Segment)	Add “ <i>Delineate flocculants/coagulants on Plan</i> ”; Add “Delineate mulch filter berms on Plan”; Add “Delineate additional slope stabilization on Plan”; Add “Delineate on Plan”; Add “Delineate compost blankets on Plan”	Please refer to the EPD response immediately above.
ALL	Part III.C.2.e. (Discharges into... Biota Impaired Stream Segment)	Flocculants and Coagulants (Fl-Co) aren’t used to “...stabilize all areas...disturbed...”, but Tac is. The commenter suggested the following revision: e. Use <i>tackifiers (Tac) flocculants or coagulants</i> and/or mulch to stabilize all areas left disturbed for more than seven (7) calendar days in accordance with Part III.D.1. of this permit.	As a result of this comment, Part III.C.2.e has been revised to "Use tackifiers and/or mulch to stabilize all areas left disturbed for more than seven (7) calendar days in accordance with Part III.D.1 of this permit."
ALL	Part III.C.2.k. & Part III.C.2.p. (Discharges into... Biota Impaired Stream Segment)	Items (k) & (p) both deal with soil modification but are often chosen together. Can the two be combined for 1 BMP?	As a result of this comment, Part III.C.2.k. and Part III.C.2.p. have been combined into one BMP as follows: "k. Conduct soil tests representative of conditions at the time of planting to identify and to implement site-specific fertilizer needs and/or add appropriate organic soil amendments (e.g., compost) and conduct pre- and post-construction soil sampling to a depth of six (6) inches to document improved levels of soil carbon after final stabilization of the construction site."
ALL	Part III.C.2.n. & Part III.C.2.o. (Discharges into... Biota Impaired Stream Segment)	Add a line between n. and o.	Formatting has been corrected.
ALL	Part III.C.2.p. (Discharges into... Biota Impaired Stream Segment)	The commenter requests the addition of a specific time limit or testing window that would be considered representative of the soil conditions. For example: p. Conduct soils test <i>no more than 60 days prior to planting</i> <del>representative of conditions at the time of planting</del> to identify and to implement site specific fertilizer needs.	EPD believes that the plain language interpretation of 'representative' is sufficient. The soil sample should aim to be representative of conditions at the time of planting. No changes to the proposed permits were made as a result of this comment.
ALL	Part III.C.2.v. (Discharges into... Biota Impaired Stream Segment)	Item (v) requires 80% TSS removal as outlined in the Blue Book. As I understand it, all MS4 communities have been required to adopt the Blue Book, so again, there is no extra benefit to including this as they are already required to provide it.	The 80% TSS removal is an optional BMP that may or may not be selected by the permittee. In the cases of projects occurring within MS4 jurisdictions which have adopted the Georgia Stormwater Management Manual (aka The Blue Book), the TSS removal inherently provides the additional protection that this option aims to provide. No changes to the proposed permits were made as a result of this comment.
ALL	Part III.D. (Management Practices and Permit Violations)	Several commenters requested a definition of the term “violation”.	The term "violation" is sufficiently defined under Part III.D.3 'Management Practices and Permit Violations'. No changes to the proposed permits were made as a result of this comment.
ALL	Part III.D. (Management Practices and Permit Violations)	How is sediment deposition defined? If permittees aren’t sampling, does any amount of cloudiness mean a sediment deposition?	EPD believes that the plain language interpretation of 'sediment deposition' is sufficient. No changes to the proposed permits were made as a result of this comment.

ALL	Part III.D. (Management Practices and Permit Violations)	<p>The commenter recommended adding the following new section to Part III.D.: 7.</p> <p><i>Whenever a permittee finds that sediment deposition into State Waters as occurred as a result of a storm event, but BMPs have been properly designed, installed and maintained prior to that storm event, the permittee shall immediately take all reasonable steps to address the condition, including maintaining the BMPs as needed, removing sediment from State Waters, where possible, and cleaning up any impacted areas so the sediment will not discharge in subsequent storm events. The permittee shall submit a summary sediment deposition to EPD within 14 days of the inspection using the electronic submittal service provided by EPD and shall maintain the BMPs as follows:</i></p> <p><i>a. When BMP maintenance does not require a new or replacement BMP or significant repair, the BMPs must be repaired within two (2) business days from the time of discovery;</i></p> <p><i>b. When the BMP maintenance requires a new or replacement BMP or significant repair, the installation of the new or modified BMP must be completed and the BMP must be operational by no later than seven (7) days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) days, the permittee must document why it is infeasible to complete the installation or repair within the seven (7) day timeframe and document the schedule for installing or repairing the BMPs and making the BMPs operational as soon as feasible after the seven (7) day timeframe.</i></p>	<p>The EPD will retain the original language in Part III.D.3 and Part III.D.6 of the 2018 permits, with a few minor exceptions. Due to this, EPD believes the commenter's requested revisions will not be a necessary addition to the permit. The commenter's proposed changes to the permit language will not be implemented.</p>
ALL	Part III.D.1. (Management Practices and Permit Violations)	<p>The commenter recommends the following revision: Best management practices, as set forth in this permit, are required for all construction activities, and must be implemented in accordance with the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with <i>O.C.G.A. § 12-7- 6(a)(2) or any substantially similar terms contained this Permit (including but not limited to Part III.D.4. and Part III.D.5).</i></p>	<p>EPD received numerous comments related to this change, expressing concerns that this change may limit/diminish the BMP Defense as set forth in O.C.G.A. § 12-7-6. As a result of these comments, and in order to avoid conflicting with the E&amp;S Act, EPD will retain current 2018 permit language. Proposed changes to the permit language will not be implemented.</p>
ALL	Part III.D.2. (Management Practices and Permit Violations)	<p>Revision:</p> <p>Except as required to install the initial sediment storage requirements and perimeter control BMPs as described in Part IV.D.3., the initial sediment storage requirements and perimeter control BMPs must be installed and <i>implemented immediately following, but no later than 72 hours after</i> <del>prior to</del> conducting any other construction activities (e.g., clearing, grubbing and grading) within the construction site or when applicable, within phased sub-parts or segments of the construction site. Failure to comply shall constitute a violation of this permit for each day on which construction activities occur. The design professional who prepared the Plan must inspect the initial sediment storage requirements and perimeter control BMPs in accordance with Part IV.A.5. within seven (7) days after installation.</p>	<p>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. No changes to the proposed permits were made as a result of this comment.</p>

ALL	Part III.D.3. (Management Practices and Permit Violations)	The commenter recommended the following revision: Failure to properly design, install, or maintain best management practices shall constitute a violation of this permit for each day on which such failure occurs. BMP maintenance as a result of the permittee's routine inspections shall not be considered a violation for the purposes of this paragraph. If during the course of the permittees routine inspection, <del>a failure to properly design, install or maintain best management practices is</del> <del>BMP failures</del> <del>are</del> <del>observed</del> <del>which</del> <del>have</del> <del>has</del> resulted in sediment deposition into Waters of the State, the permittee shall correct <del>the</del> <del>such</del> BMP failures and shall submit a summary of <del>the</del> <del>such</del> BMP failure(s) and sediment impacts to EPD within 14 days of inspection.	Due to the creation of unintended confusion regarding the definition of a violation, BMP failure, and sediment impact, The EPD will retain the original language of the 2018 permits. Proposed changes to the permit language will not be implemented.
ALL	Part III.D.6. (Management Practices and Permit Violations)	Eliminate the phrase "BMP Failure" from the permit and replace it with language that focuses on proper design, installation, and maintenance of BMPs as stated below. The commenter suggested the following revision to Part III.D.6: 6. Whenever a permittee finds that BMPs <i>have not been properly designed, installed and maintained and, as a result of a storm event, sediment deposition into Waters of the State ("State Waters") has occurred</i> , the permittee shall immediately take all reasonable steps to address the condition, including <i>correcting the BMPs, removing sediment from State Waters, where possible</i> , and cleaning up any impacted areas <i>upgradient of State Waters</i> so the <i>sediment</i> will not discharge in subsequent storm events. The permittee shall submit a summary of the <i>BMP violations</i> and sediment impacts to EPD within 14 days of the inspection using the electronic submittal service provided by EPD and shall correct such BMPs as follows: a. When the <i>BMP correction</i> does not require a new or replacement BMP or significant repair, <i>the BMPs must be repaired</i> within two (2) business days from the time of discovery; b. When the <i>BMP correction</i> requires a new or replacement BMP or significant repair...	EPD believes that the language in the proposed permits is appropriate. No changes to the proposed permits were made as a result of this comment.
ALL	Part III.D.6. (Management Practices and Permit Violations)	Will the electronic submittal service mentioned be in GEOS? Will it be ready for use when the Permit is issued, or will there be an interim method?	The permittee may reference the addresses provided in Appendix A, which now includes e-mail addresses for submittals. GEOS should not be utilized for this reporting.
ALL	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	Revise the narrow exception to expressly contemplate safety concerns as well. Revision: The design professional shall report the results of the inspection to the permittee within seven (7) days and the permittee must correct all deficiencies within two (2) business days of receipt of the inspection report from the design professional prior to commencing with construction activities as required by Part III.D.2. of this Permit unless <i>safety or</i> weather-related site conditions are such that additional time is required.	EPD recognizes safety issues as an acceptable reason to require additional time, as long as a reason (written justification) is communicated. The current permit proposal provides opportunities for Permittees and design professionals to explain why inspections results could not be performed within 7 days. No changes to the proposed permits were made as a result of this comment.
ALL	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	Is additional certification language going to be required from the design professionals?	EPD is not requiring additional documentation by design professionals. The proposed text "and certify" is intended to align the permit with current practices.
ALL	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	Language was added about deficiencies being corrected prior to commencing construction activities. The commenter requested clarification on what sort of deficiencies must be corrected prior to construction commencing? For example, construction should not have to shut down over minor silt fence repairs.	The proposed language added to the Permit (in reference to Part III.D.2) does not create a new requirement. Examples of BMP deficiencies are BMPs that are not designed, installed or maintained properly or completely absent.

ALL	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	Change the verbiage to allow perimeter controls to be installed concurrently with clearing and grubbing and sediment storage to immediately follow clearing and grubbing.	EPD believes a change in permit language allowing perimeter controls to be installed concurrently with clearing and grubbing, and for sedimental storage to immediately follow clearing and grubbing, would be less environmentally protective than the existing permit language. No changes to the proposed permits were made as a result of this comment.
ALL	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	Retain the current permit language/requirements, rather than the proposed revisions to Part IV.A.5.	The GAR100002 Permit has been revised to remove "prior to commencing with construction activities". The proposed permit language is being retained in GAR100001 and GAR100003. EPD is retaining the "and certify" proposed language in all three Permits.
ALL	Part IV.D.2.d (Site Description)	Runoff coefficient or peak discharge flow for pre & post -construction estimates should also be given on solar-specific projects.	This commenter's requested addition is an existing requirement within the Permit. There is no exemption for solar-specific projects in the permits. No changes to the proposed permits were made as a result of this comment.
ALL	Part IV.D.4.a.(3). (Inspections)	Replace the requirement to conduct a post rain event inspection of a construction site within 24 hours of the end of a storm that is 0.5 inches rainfall or greater to that of a 1.0-inch rainfall or greater. The current inspection frequency is sufficient to identify BMP maintenance needs as 0.5" of rainfall generally results in little to no risk of stormwater runoff from construction sites.	EPD believes that inspections triggered by 0.5" rain events are environmentally protective and justified due to the permit being directly related to discharges of stormwater. No changes to the proposed permit were made as a result of this comment.
ALL	Part IV.D.6.a.(1). (Inspections. Sampling Requirements)	Require that the sampling sites be listed on the Initial and Intermediate Plan. The requirement of sampling locations being listed on a USGS map is oftentimes hard to follow and sometimes inaccurate.	As a result of this comment, Part IV.D.6.a.(1) has been amended as follows, "A USGS topographic map, a topographic map or Initial, Intermediate, and Final Plan that is a scale equal to or more detailed than a 1:24000 map showing the location of the site or the stand alone construction; (a) the location of all perennial and intermittent streams and other water bodies as shown on a USGS topographic map, and all other perennial and intermittent streams and other water bodies located during mandatory field verification, into which the stormwater is discharged and (b) the receiving water and/or outfall sampling locations. When the permittee has chosen to use a USGS topographic map and the receiving water(s) is not shown on the USGS topographic map, the location of the receiving water(s) must be listed on the Initial, Intermediate and Final Plan from where the stormwater(s) enters the receiving water(s) to the point where the receiving water(s) combines with the first blue line stream shown on the USGS topographic map."
ALL	Part IV.D.6.a.(3). (Inspections. Sampling Requirements)	The commenter recommends a change to the language of Part IV.D.6.a.(3). Revision suggestion: <i>Provide NTU limits if sampling from receiving waters as trout streams or non-trout streams (limits provided in Part III.D.4 and Part III.D.5) and/or if sampling from outfalls with NTU limits selected through rationale from Appendix B.</i>	EPD believes that the current permit language provides for the same information to be provided on the ESPC Plans. No changes to the proposed permit were made as a result of this comment.
ALL	Part IV.D.6.d.(3).(c). (Inspections. Sampling Requirements)	Several commenters requested leaving the current language "...or until...BMPs are properly designed, installed, and maintained..." as is, given that OCGA 12-7-6(a)(1) allows this "BMP defense".	EPD received numerous comments during the stakeholder comment period related to the proposed revision, expressing concerns that this change would be inconsistent with O.C.G.A. § 12-7-6(a)(1). As a result of these comments, EPD will retain current 2018 permit language. Proposed changes reflected in the stakeholder permit language will not be implemented.
ALL	Part IV.F.1. (Retention of Records)	It is unnecessary to hold all documents on site. Readily available should suffice. If there is ever a need to view the records, the regulatory inspector should notify the permittee in sufficient time to provide electronic or hard copies of all records during said inspection / visit. NPDES permits and sampling results are available on GEOS.	Currently, there is no requirement within the Permits to hold all documents exclusively on-site. The option to hold documents electronically, as long as they can be made available, exists. No changes to the proposed permit were made as a result of this comment.

ALL	Part V.A.2. (Standard Permit Conditions. Permit to Comply)	The commenter disagreed with the EPD's proposal to remove the language "A summary of these violations must be submitted to EPD by the permittee at the address shown in Part II.C. within fourteen (14) days of his/her discovery of the violation," and believe the language should remain in the permits. Removing the requirement for permittees to submit these violation summaries to EPD would not only limit EPD's ability to learn of violations but would also restrict the public's access to such information. If EPD insists on removing this requirement, we request that language be inserted which provides the public a clear process for requesting and receiving the violation summary reports in a timely fashion.	EPD received numerous comments during the stakeholder comment period related to this change. As a result of these comments, EPD will retain current 2018 permit language. Proposed changes reflected in the stakeholder permit language will not be implemented.  Additionally, EPD has included language in Appendix A pertaining to the mailing and email addresses for submittals.
ALL	Part VI.B. (Notice of Termination Contents)	Notice of Termination Contents changed from: "When sampling is required by this permit, copies of all sampling reports not previously submitted to EPD and/or a written justification why sampling was not conducted." To: "A written justification why sampling was not conducted." This assumes sampling was not conducted.	Permit Part VI.B. has been revised as follows, "If sampling was not conducted for the permitted site, then provide a written justification for why that sampling was not conducted within electronic NOT submittal." The revision of this statement, to include an if/then statement should resolve the concerns expressed by the commenter.
ALL	Part VI.B.5. (Notice of Termination Contents)	The permittee only needs to explain why sampling was not conducted. (a) This conveys that sampling is not necessary as long as you explain why in your Notice of Termination (b) How will EPD know if written justification is needed or not if sampling records are not turned in? Are the records missing or do they not exist? (c) We propose to create an 'if/then' statement	(a) Please refer to the EPD response immediately above. (b) If an NOT is submitted to GEOS without 2 samples, the permittee must submit written justification. (c) Please refer to the EPD response immediately above.
ALL	Part VI.C. (Notice of Termination Submittal)	What is the justification for adding the "NOT" requirement for submittal within 14 days of project completion? A commenter recommended revising requirement of NOT submittal within 14 days of completion of project to 30 days following the final inspection.	EPD is proposing additional language in order to provide a definitive timeframe within which NOTs should be submitted. The purpose of this revision is to minimize the number of permittees who fail to submit an NOT when it is appropriate to do so, as well as to provide a clear pathway for enforcement.
ALL	Part VI.C. (Notice of Termination Submittal)	Provide clarity to the requirement to submit a Notice of Termination 14 days prior to the completion of a project. If a project has achieved final stabilization, at what point does the permittee decide a project will be complete? This requirement may lead to the miscalculation of future vegetative growth. The commenter recommended the following edit: "All Notices of Termination (NOT) for this permit shall be submitted to EPD using the electronic submittal services provided by EPD <i>no more than 14 days after</i> <del>within 14 days of completion of project that meets termination eligibility as noted in VI.A.1.</del> <i>the site has completed construction related activities, achieved final stabilization and temporary BMPs have been removed as referred in (VI.A.1.).</i> "	As a result of this comment, VI.C.3. has been revised as follows: "All Notices of Termination (NOT) for this permit shall be submitted to EPD using the electronic submittal service provided by EPD no more than 14 days after the site has completed construction activities, achieved final stabilization and temporary BMPs have been removed, as noted in VI.A.1."
ALL	Part VI.C. (Notice of Termination Submittal)	It is very uncommon for us to have full stabilization at the "completion of our projects". The commenter recommended the following edit: "All Notices of Termination (NOT) by this permit shall be submitted to EPD using the electronic submittal service provided by EPD within 14 days <del>of final stabilization - completion of project that meets termination-eligibility as noted in VI.A.1.</del> "	Please refer to the EPD response immediately above.
ALL	Appendix B	Amend the NTU limits using a soil type, disturbed area, and drainage area balanced approach. NTU limits required by NPDES permitting for receiving waters and for outfall sampling through rationale from Appendix B are unattainable and illogical.	Comment noted. Between 2023 and 2028 Permit reissuance, EPD intends to work in collaboration with commenter(s) to consider permit language revisions pertaining to NTU limits. No changes to the proposed permits were made as a result of this comment.



Permit	Permit Part	Comment/Requested Change	EPD Response
GAR100001	Part III.D.2. (Management Practices and Permit Violations)	Add that <i>"it is the responsibility of the primary permittee to contact the design professional to inspect initial sediment storage and perimeter control BMPs."</i>	EPD does not deem it necessary to modify permit language in order to re-emphasize the Primary Permittee's responsibilities. It is in the Primary Permittee's best interest to coordinate with the design professional in order to perform initial inspections, as progress is restricted until this activity is completed. EPD believes the language in the permit is appropriate. No changes to the proposed permit were made as a result of the comment.
GAR100001	Part III.D.2. (Management Practices and Permit Violations)	Revision: Except as required to install the initial sediment storage requirements and perimeter control BMPs as described in Part IV.D.3., the initial sediment storage requirements and perimeter control BMPs must be installed and implemented prior to conducting any other construction activities (e.g., clearing, mass grubbing, and grading) within the construction site or when applicable, within phased sub-parts, sections or segments of the construction site. <i>Temporary Stream Crossings and Buffer BMPs must be installed as soon as minimum clearing and grubbing activities have occurred per Plan.</i>	The current permit language allows the minimum clearing and grubbing that is necessary to install BMPs. In turn, BMPs must be installed before progressing. No changes to the proposed permit were made as a result of this comment.
GAR100001	Part III.D.3. (Management Practices and Permit Violations)	The commenter recommended adding a definition of "sediment impact" and wanted an explanation as to why this is used in lieu of violation.	The EPD will retain to the original language of the 2018 permits and has removed mentions of "sediment impact". Proposed changes to the permit language will not be implemented.
GAR100001	Part III.D.6. (Management Practices and Permit Violations)	Sediment deposition into state waters is a violation and results in a stop work order. The removal of the word "violation" and replacing with "sediment impact" significantly reduces the severity of the consequence.	Please refer to the EPD response immediately above.
GAR100001	Part IV.(iii).4. (ES&PC Plan)	Define "at least 18 percent of the high ground".	Clarification will be addressed through internal coordination between the Coastal Resources Division and EPD. No changes to the proposed permit were made as a result of this comment.
GAR100001	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	The commenter is requesting the following revision: "The design professional shall report the results of the inspection to the primary permittee within seven (7) days and the permittee must correct all deficiencies within two (2) business days of receipt of the inspection report from the design professional <del>prior to commencing with construction activities</del> as required by Part III.D.2 of this Permit unless weather related site conditions are such that additional time is required."	The GAR100002 Permit has been revised to remove ""prior to commencing with construction activities"". The proposed permit language is being retained in GAR100001 and GAR100003. EPD is retaining the ""and certify"" proposed language in all three Permits."
GAR100001	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	The commenter requested that the design professional be required "to inspect and certify or notify EPD of violation." ...	Permit compliance is the sole responsibility of the permittee (not the design professional). No changes to the proposed permit were made as a result of this comment.
GAR100001	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	The commenter asked for clarification regarding responsibility and reporting requirements of the design professional.	The Permit itself serves to specifically dictate the responsibilities of the permittees. All reporting and compliance related requirements apply to the permittee. No changes to the proposed permit were made as a result of this comment.

<b>GAR100001</b>	Part IV.D.2.f (Site Description)	Add ...aerial extent of wetland acreage “ <i>and 25’ or 50’ State Water buffer, if required</i> ” at the site; and...	The commenter recommended language be specified in No. 16 of the ESPC Plan Checklist. No changes to the proposed permit were made as a result of this comment.
<b>GAR100001</b>	Part IV.D.4.a.(3). (Inspections)	Permit Part IV.D.4.a.(3) references Normal Business Hours, which were removed from definitions	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.
<b>GAR100001 -and- GAR100003</b>	Part IV.D.4.a.(3). (Inspections)	Post 0.5” rain event inspections are unnecessary. A regularly scheduled weekly inspection is sufficient to inspect the effectiveness of erosion and sedimentation control BMP’s. Typically, those rain events greater than 0.5” cause a situation where the construction site is inaccessible due to the rain and if there is a deficiency or required maintenance, it will be noted in the next inspection the following week.	EPD believes that inspections triggered by 0.5” rain events are environmentally protective and justified due to the permit being related to discharges of stormwater. No changes to the proposed permit were made as a result of this comment.
<b>GAR100001</b>	Part IV.D.4.a.(3). (Inspections)	“Post-rain inspections will reset the 7-day inspection frequency requirement”: The interpretation of this mandatory reset is that inspection schedules will be altered every time it rains and sampling occurs. Could become a personnel issue when many sites are involved.	Comment noted. Please refer to the EPD response immediately above.
<b>GAR100001</b>	Part IV.D.6.a.(3). (Sampling Requirements) -and- Appendix B “NTU Tables”	Change “Site Size” to “ <i>Active Site Size</i> ” to be more representative of larger projects, especially when phased	EPD believes that the commenter's suggestion could create more confusion surrounding the implementation of the permit. No changes to the proposed permit were made as a result of this comment.
<b>GAR100001</b>	Part IV.D.6.d.(3).(c). (Sampling Requirements)	Removing “post-storm event inspections determine that BMPs are properly designed, installed, and maintained” may keep a site in perpetual monitoring if the site is never to able to achieve the set turbidity standard.	The EPD will retain to the original language of the 2018 permits and has removed revisions to the language noted in the comment. Additionally, the term “post-storm event” has been replaced with “post-rain event” for clarification and consistency.
<b>GAR100001</b>	Part IV.F.1.b. (Retention of Records)	Revision: A copy of the “ <i>signed</i> ” ...Plan	This requirement can be found in Part IV.D.1. of the Permit as well as the ESPC Plan Checklist (Item No. 2). No changes to the proposed permit were made as a result of this comment.
<b>GAR100001</b>	Appendix B	The commenter recommended adding “ <i>For Outfall Sampling</i> ” under heading of Appendix B.	Permit Part II.B.1.i. explicitly references outfall sampling and, additionally, directs the permittee to Appendix B of this Permit. EPD does not deem it necessary to insert additional language to the header of Appendix B. No changes to the proposed permit were made as a result of this comment.

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 No. 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. (Coverage Under this Permit)	“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. (Definitions)	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. (Definitions)	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	Part I.B.19. (Definitions)	The commenter expressed that many solar projects are filing under the infrastructure permit when the disturbed area is greater than 50 acres due to not needing EPD prior approval.	As a result of this comment, Part I.B.19. has been amended as follows, “Infrastructure Construction” or “Infrastructure Construction Project” means construction activities that are not part of a common development that include the construction, installation and maintenance of roadway and railway projects and conduits, pipes, pipelines, substations, cables, wires, trenches, vaults, manholes and similar or related structures for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data, television, etc.), water, stormwater or sewage. “Infrastructure Construction” or “Infrastructure Construction Project” does not include the construction of solar farms.
GAR100002	Part I.B.24. (Definitions)	Normal Business Hours definition and wording removed – however, wording remains in Parts IV.D.6.d.(3)(a), (b), and (c)	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	Part I.C.1.g. (Eligibility. Construction Activities)	Revision: g. coverage under this permit is not required for discharge of stormwater associated with infrastructure construction projects that consist <u>solely</u> of the installation of buried fiber optic utility lines and comply with the following conditions: (1) <u>the facility must be collocated within existing stabilized rights-of-way (with minor diversions to avoid obstacles in the ROW for engineering purposes) solely installed via vibratory plow,</u> (2) <del>the conduit does not exceed 4 inches in diameter, and</del> (3) <del>occurs within an existing stabilized right-of-way.</del> The construction activity shall, as a minimum, implement and maintain best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity is being conducted. In order to be eligible for this exemption the project must comply with the following conditions: (1) no mass grading shall occur on the project, (2) <del>no tree clearing,</del> (3) no change in grade, (4) the project shall be stabilized by the end of each day with temporary or permanent stabilization measures, <del>and</del> (5) final stabilization must be implemented at the end of the project, and (6) meet same conditions listed in section IV.A.i (5) for buffer removal for aerial utility lines.	As a result of this comment, EPD has created an addition to the permit specific to buried fiber optic utility lines. EPD proposes the addition of Part I.C.1.h as follows, "coverage under this permit is not required for discharges of stormwater associated with infrastructure construction projects that consist solely of the installation of buried fiber optic utility lines. The facility must be collocated within an existing stabilized right-of-way (with minor diversions to avoid obstacles within the right-of-way for engineering purposes), The construction activity shall, as a minimum, implement and maintain best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity is being conducted. In order to be eligible for this exemption the project must comply with the following conditions: (1) no mass grading shall occur on the project, (2) no change in grade, (3) the project shall be stabilized by the end of each day with temporary or permanent stabilization measures, (4) final stabilization must be implemented at the end of the project, and (5) stream crossings and buffer disturbances are minimized to the fullest extent practicable."

<b>GAR100002</b>	Part I.C.1.g. (Eligibility)	Revision: ... In order to be eligible for this exemption the project must comply with the following conditions: (1) no mass grading shall occur on the project, (2) <i>no clearing of trees &gt; 6-inch diameter tree-clearing</i> , (3) no change in grade, (4) the project shall be stabilized by the end of each day with temporary or permanent stabilization measures, and (5) final stabilization must be implemented at the end of the project.	As a result of this comment, Part I.C.1.g has been revised as follows, "(2) no clearing of trees with greater than a 6-inch Diameter at Breast Height (DBH)".
<b>GAR100002</b>	Part II.B.1. (Notice of Intent Contents)	Should the NOI for a project in Georgia not be completed by the design engineer of record? According to the permit, the Owner/Operator is to file the NOI. However, they are certifying information that is the responsibility of the design engineer to present correctly.	The primary permittee shall sign the complete NOI in accordance with the signatory requirements outlined in Permit Part V.G.1. The primary permittee is defined as the Owner and/or Operator of a tract of land for a construction site subject to the requirements of the permit. No changes were made to the proposed permit as a result of this comment.
<b>GAR100002</b>	Part III.C. (Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment)	Revision: ...impaired stream segment "of a Georgia Outstanding National Resource Water"... Includes protection to Conasauga River within the Cohutta Wilderness Area of the Chattahoochee National Forest	EPD acknowledges the high quality of Outstanding National Resource Waters and notes that these waters are located inside federally protected land. The EPD will retain to the original language of the permits. No changes to the proposed permits were made as a result of this comment.
<b>GAR100002</b>	Part III.C.2.f. (Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment)	Turbidity sampling after every rain event adds cost to contractors with no known benefits by having a water sample after every time it rains over 0.50". It seems that the other items on the TMDL checklist have greater benefits to the stormwater management of projects (additional BMPs, flocculants, filter berms etc.).	EPD believes the modification or removal of TMDL turbidity sampling after every rain event of 0.5 inch or greater within any 24 hour period, recognizing the exceptions specified in Part IV.D.6.d. of this permit, would be less environmentally protective than the existing permit language. No changes to the proposed permits were made as a result of this comment.
<b>GAR100002</b>	Part III.C.2.1. (Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment)	Mulch should not be placed between two rows of silt fence as that is reducing the capacity of the silt fence.	Comment noted. No changes to the proposed permit were made as a result of this comment.
<b>GAR100002</b>	Part III.C.2.q. (Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment)	Contractors would not have time to repair deficiencies if they are completing inspections more than once a week.	This comment assumes that each inspection will reveal a deficiency to be corrected therefore furthering the importance of weekly inspections. EPD believes the modification or removal of inspections conducted by certified personnel would be less environmentally protective than the existing permit language. No changes to the proposed permits were made as a result of this comment.

GAR100002	Part III.C.2.u. (Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment)	Design professionals should be responsible for verifying that stormwater ES&PC plans are working as designed at every phase of the project. This should be mandatory, not optional.	Compliance with the permit is the sole responsibility of the Primary Permittee. No changes to the proposed permits were made as a result of this comment.
GAR100002	Part III.D. (Management Practices and Permit Violations)	The commenter noted that for infrastructure projects through greenfields, it is not practical to place perimeter controls until trees have been felled.	The current language of the permit expects and allows for this activity. EPD believes that the language in the proposed permits is appropriate. No changes to the proposed permits were made as a result of this comment.
GAR100002	Part III.D. (Management Practices and Permit Violations)	Based upon the Fact Sheet and public meetings, EPD’s intent is not to change the definition of a ‘violation’, change a condition of the permit, or compromise the BMP Defense. Our understanding is that EPD would like to be notified when there is “visual evidence of a sediment discharge from the permitted construction site to a state water.” While our position is that this requirement exceeds EPD’s authority under the Permit, we do suggest that EPD create a new, additional report in section IV.E. The report should ONLY require notification of an incident of “visual evidence of sediment discharge from a permitted construction site to a state water.” EPD should also make clear that the notification itself is not admitting or documenting a violation. The Permittee then has the flexibility to provide whatever supporting documentation they choose to include with this notification.	EPD received numerous comments during the stakeholder comment period related to this change. The original intent of this was to help clarify current requirements, however due to comments received, EPD will retain current 2018 permit language. Proposed changes reflected in the stakeholder permit language will not be implemented.
GAR100002	Part III.D. (Management Practices and Permit Violations)  Part IV.F. (Retention of Records)	Request that the language with respect to Part III.D, which redefines violations and management practice conditions so as to eliminate the statutory and regulatory BMP defense, be revised back to the prior GAR100002 language for the following reasons:  a) By substituting “BMP failure(s) and sediment impacts” for “violation” within Part III.D., which defines management practices and permit violations, EPD has fundamentally changed what is, and what is not, a violation under the proposed permit.  b) By including the revision in the Part III.D. “Violation” section, rather than Part IV.E “Reporting,” the proposed permit language is in violation of the Georgia Erosion and Sedimentation Act, O.C.G.A. §§ 12-7-1 et seq., which establishes a complete BMP defense to sediment impact GESA at O.C.G.A. § 12-7-6, and DNR Rule 391-3-6-.03. These provisions make clear that only those sediment discharges that occur in absence of proper design, installation, and maintenance of best management practices are a violation of applicable permits.  c) The terms BMP failure and sediment impact are not defined. Attachment A summarizes legal bases for the meaning of the terms BMP Failure and Sediment Impact in the context of GAR100002, GESA, the GWQCA, and DNR and EPA NPDES Regulations. If EPD changes GAR100002 such that ‘sediment impact’ and ‘BMP failures’ are a violation, due process and fair notice require the terms be define without a definition, revising violation and management practice conditions violate GWQCA and NPDES regulations. The revisions will confuse the regulated community, the public, courts, and citizen enforcement entities which are authorized to enforce GAR100002.	EPD received numerous comments during the stakeholder comment period related to this change. The original intent of this was to help clarify current requirements, however due to comments received, EPD will retain current 2018 permit language. Proposed changes reflected in the stakeholder permit language will not be implemented.

<b>GAR100002</b>	Part III.D.2 (Management Practices and Permit Violations)	(a)For linear projects (i.e. roads, underground utility lines, etc.) it isn't cost-effective, or sometimes feasible, to install and maintain perimeter controls for projects that stretch for miles. (b)Perimeter controls and sediment storage should be installed prior to construction activities for the active segment, and possibly the adjacent section	a) 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. No changes to the proposed permits were made as a result of this comment.  b) The current language of the permit expects and allows for this activity. EPD believes that the language in the proposed permits is appropriate. No changes to the proposed permits were made as a result of this comment.
<b>GAR100002</b>	Part III.D.2. (Management Practices and Permit Violations)	For linear projects, consider installing perimeter control BMPs as soon as safely accomplished.	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. No changes to the proposed permits were made as a result of this comment.
<b>GAR100002</b>	Part III.D.2. (Management Practices and Permit Violations)	Revision: ...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. <i>If the site is forested, it is allowable for a strip of vegetation to be cleared and roots removed immediately prior to installing perimeter control BMPs. Temporary BMPs can be utilized to prevent sediment from escaping the site prior to BMP installation.</i>	The current language of the permit expects and allows for this activity. EPD believes that the language in the proposed permits is appropriate. No changes to the proposed permits were made as a result of this comment.
<b>GAR100002</b>	Part III.D.3. (Management Practices and Permit Violations)	There is no definition nor guidance for what constitutes a "BMP failure" in Section III.D.3. Clarify	EPD received numerous comments during the stakeholder comment period related to this change. The original intent of this was to help clarify current requirements, however due to comments received, EPD will retain current 2018 permit language. Proposed changes reflected in the stakeholder permit language will not be implemented.
<b>GAR100002</b>	Part III.D.3. (Management Practices and Permit Violations)	No definition for "Sediment Impact" in Section III.D.3. a.How much sediment is required to be called an impact? b.By what variable do we determine something is an impact (i.e. visually, turbidity, volumetric measurement, etc.)?	The EPD will retain to the original language of the 2018 permits and has removed mentions of "sediment impact". Proposed changes to the permit language will not be implemented.
<b>GAR100002</b>	Part III.D.3. (Management Practices and Permit Violations)	Explain detail EPD is expecting failed BMP's to be reported unless they are properly designed, installed, and maintained. BMP defense applies when the BMP is overwhelmed by a storm event.	The EPD will retain the original language of the 2018 permits. Proposed changes to the permit language will not be implemented.
<b>GAR100002</b>	Part III.D.3. (Management Practices and Permit Violations)	We suggest quantifying failure or rainfall to create failure of BMP. Further in the permit in Part III. D. 6 "beyond routine maintenance" is used.	The EPD will retain the original language of the 2018 permits. Proposed changes to the permit language will not be implemented.
<b>GAR100002</b>	Part III.D.4. (Management Practices and Permit Violations)	Currently BMP Defense is only applied to Part III.D.4 and Part III D.5. BMP Defense should apply to entire permit as State Law was intended. It is not logical to think a permitted site can have a complete defense and be in violation at the same time.	EPD believes that the original 2018 permit language is consistent with the Erosion and Sedimentation Act as it applies to the BMP defense. As such, the EPD will retain the original language of the 2018 permits. Proposed changes reflected in the stakeholder permit language will not be implemented.
<b>GAR100002</b>	Part IV.(i).(5)., Part IV.(ii).(5)., and Part IV.(iii).(6).	Requesting that EPD modify the language in Part IV (i).(5) and (ii).(5) to match language in Part IV.(iii)(6)  <b>Crossings for aerial utility lines</b> , provided that: (a) the new utility line right-of-way width does not exceed <b>200 linear feet</b> , (b) utility lines are routed and constructed so as to minimize the number of crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification.	Comment noted. Between 2023 and 2028 Permit reissuance, EPD intends to work in collaboration with commenter(s) to consider permit language pertaining to crossings for aerial utility lines. No changes to the proposed permits were made as a result of this comment.

<b>GAR100002</b>	Part IV.A. (Deadlines for Plan Preparation and Compliance)	Part IV. A. Deadlines for Plan Preparation and Compliance The proposed permit at Part IV.A.5 added language clarifying that inspection reports for BMP perimeter controls are required prior to commencing with construction activities. We request that the prior language of GAR100002 be retained. This language does not clarify language in Section III.D.2 but changes it.	The EPD will retain the original language of the 2018 permits and remove the proposed addition of " <i>prior to commencing with construction activities as required by Part III.D.2 of this Permit</i> ". Proposed changes reflected in the stakeholder permit language will not be implemented.
<b>GAR100002</b>	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	Language is being suggested that requires the design professional to report the results of the 7-day inspection prior to commencing with construction activities. This would require a stand-down of the construction contractor while waiting for the report to be prepared. This is both impractical and infeasible and would result in unnecessary costs and potential schedule delays. All while not significantly impacting the potential to prevent sediment from escaping the site. Routinely, stand-down costs can be in the order of \$10,000 to \$20,000 per day. This is a significant cost that we would have to pass on to our participants. Currently, we schedule our 7-day inspections with the site engineer on record, the construction superintendent, and one of our representatives to resolve any improperly installed BMPs or other site deficiencies. The "official" letter is merely a technicality. The commenter asked EPD not to add this language into the Permit.	Please see response immediately above.
<b>GAR100002</b>	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	Retain the current permit language/requirements, rather than the proposed revisions to Part IV.A.5.	While EPD has decided to keep the proposed additional language "and certify" in Part IV.A.5 of the Permit, EPD will retain the original language of the 2018 permits as it pertains to Part IV.A.5 "... the permittee must correct all deficiencies within two (2) business days of receipt of the inspection report from the design professional unless weather related site conditions are such that additional time is required."
<b>GAR100002</b>	Part IV.C. (Keeping Plan Current)	There is no clear definition of a "Hydraulic Component" for plan revisions in Section IV.C.	EPD believes that the plain language interpretation of 'hydraulic component' is sufficient. No changes to the proposed permits were made as a result of this comment.
<b>GAR100002</b>	Part IV.D.1. (Contents of Plan - Checklist)	Some engineers create their own versions of the checklist and they are hard to find and follow. The checklist and Appendix B should be universally used in every set of plans issues in the state of Georgia. Checklist item 34 and 35.	As per Part IV.D.1 of the Permit, each plan shall include a completed Erosion, Sedimentation and Pollution Control Plan Checklist established by the Georgia Soil and Water Conservation Commission (GSWCC) as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the applicable Checklist as approved by the GSWCC up until the date of the NOI submittal. The applicable checklists are available on the GSWCC website."
<b>GAR100002</b>	Part IV.D.4. (Inspections)	Remove references to definition of normal business hours	The definition of normal business hours was removed from the stakeholder version of the Permit Part I.B and all references to the definition were also removed. No changes to the draft permit were made as a result of this comment.
<b>GAR100002</b>	Part IV.D.4. (Inspections)	Consider additional requirement Design Professional to inspect an infrastructure project at an intermediate period.	Certified Personnel provided by the Permittee can include Design Professional. This requirement can be found in Permit Part IV.D.4. Inspections. No changes to the proposed permit were made as a result of this comment.
<b>GAR100002</b>	Part IV.D.4.a.(3). (Contents of Plan - Inspections. Permittee Requirements)	Post 0.5" rain events are unnecessary if they fall on the regularly scheduled bi-weekly inspection week. If that rain event falls on the "off week" it is necessary but this should reset the bi-weekly inspection clock.	As per Part IV.D.4.a(3) of the Permit, "Certified personnel shall also conduct inspections within 24 hours of the end of a storm that is 0.5 inches rainfall or greater (unless such storm ends after 5:00 PM on any Friday or on any non-working Saturday, non-working Sunday or any non-working Federal holiday in which case the inspection shall be completed by the end of the next business day and/or working day, whichever occurs first). Post-rain inspections will reset the 14-day inspection frequency requirement."
<b>GAR100002</b>	Part IV.D.4.c.(3). (Contents of Plan - Inspections)	Several commenters noted that post rainfall inspections and water sampling is excessive and not a necessary part of being able to inspect and protect our state waters. Inspections should only be required every seven (7) days. Post rain inspections should not be required.	EPD believes that post rain inspections are environmentally protective and justified due to the permit being related to discharges of stormwater. No changes to the proposed permit were made as a result of this comment.

<b>GAR100002</b>	Part IV.D.6. (Sampling Requirements)	Section (3)(a-c) Removed reference to definition of normal business hours. Remove language that requires sampling must continue until turbidity standard is met	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.
<b>GAR100002</b>	Part IV.D.6.d(3)(c). (Contents of Plan - Sampling Requirements. Sampling Frequency)	Retain the last portion of the paragraph: "... or until post-storm event inspections determine that BMPs are properly designed, installed, and maintained;"	The EPD will retain the original language of the 2018 permits. Proposed changes reflected in the stakeholder permit language will not be implemented.
<b>GAR100002</b>	Part IV.D.6.d. (Contents of Plan - Sampling Requirements. Sampling Frequency)	Why is it the responsibility of the primary permittee to continue attempting to sample and report on sample locations that the design engineer chose but that have no flow?	Part IV.D.6.d of the Permit describes the Primary Permittee's responsibility to comply with sampling frequency requirements. The Primary Permittee has a duty to comply with all terms and conditions outlined in the permits, lest be subject to noncompliance violations. No changes to the permit were made as a result of this comment.
<b>GAR100002</b>	Part IV.F. (Retention of Records)	Readily available should allow for the primary permittee to store records electronically as long as the records can be obtained in a reasonable amount of time.	The current language of the permit expects and allows for this activity. EPD believes that the language in the proposed permits is appropriate. No changes to the proposed permits were made as a result of this comment.
<b>GAR100002</b>	Part IV.F. (Retention of Records)	The commenter requests that language in Part IV.F be revised to clarify that permittees maintain records of observation of discharge of sediment to waters of the State. Importantly, the maintenance of these records does not constitute an admission of violation, fault, or other permit noncompliance, as is necessary due to the BMP defense in GESA and DNR Rules. These provisions make clear that only those sediment discharges that occur in absence of proper design, installation, and maintenance of best management practices are a violation of applicable permits.	The EPD will retain the original language of the 2018 permits. Proposed changes reflected in the stakeholder permit language will not be implemented.
<b>GAR100002</b>	Part V.A.2. (Duty to Comply)	The commenter is concerned that only paper copies will be accepted by EPD.	The current language of the permit expects and allows for both electronic and paper submissions. EPD believes that the language in the proposed permits is appropriate. No changes to the proposed permits were made as a result of this comment.
<b>GAR100002</b>	Part VI. (Termination of Coverage)	The commenter proposes adding language to clarify until NOT accepted permit coverage, inspections, continue.	Continued compliance with permit requirements is not linked to EPD's acceptance of the NOT. Refer to Permit Part VI.A., which details the eligibility for termination. Permit coverage, inspections and sampling should continue until such eligibility criteria is met. No changes to the proposed permits were made as a result of this comment.
<b>GAR100002</b>	Part VI.A. (Notice of Termination Eligibility)	The commenter claims it is common for permittees to file for Termination of Coverage without meeting required state conditions. The commenter also suggests adding language to clarify when permit coverage is valid.	In the case an ineligible permittee files a NOT, the NOT is invalid. Refer to Permit Part VI.A., which details the eligibility for termination. EPD believes the language in the proposed permit is appropriate. No changes to the proposed permit were made as a result of this comment.
<b>GAR100002</b>	Part VI.B.5. (Notice of Termination Contents)	The commenter claims paragraph 5 was modified to eliminate submission of sampling reports to EPD and asks for clarification on whether the sampling reports will continue to be submitted monthly through GEOS. Please confirm how written justification can be submitted with the NOT. The commenter recommends that it is submitted as an attachment when the NOT is filed in GEOS.	As Per Part IV.E.1 of the Permit, the applicable permittees are required to submit sampling results to the EPD by the fifteenth day of the month following the reporting period. Reporting periods are months during which samples are taken in accordance with this permit. Written justification for why sampling was not conducted for the permitted site must be submitted as an attachment when the NOT is filed in GEOS. No changes to the proposed permit were made as a result of this comment.
<b>GAR100002</b>	Part VI.C. (Notice of Termination Submittal)	The commenter requests clarification of the term "project completion" and how it is addressed by the permittee. The commenter also suggests revising the Permit language to, "... provided by EPD within 14 days of meeting termination of eligibility as noted..."	EPD received numerous comments during the stakeholder comment period related to this term. As a result of these comments, Permit Part VI.C.3. has been revised as follows: "All Notices of Termination (NOT) for this permit shall be submitted to EPD using the electronic submittal service provided by EPD no more than 14 days after the site has completed construction activities, achieved final stabilization and temporary BMPs have been removed, as noted in VI.A.1."



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	Multiple	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. (Coverage Under this Permit)	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. (Coverage Under this Permit)	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. (Definitions) and Part IV.B. (Signature and Plan Review)	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	Part I.B.5. (Definitions)	Common Development definition should include more information or examples as to what is all covered.	EPD will retain the current language for common development within the permits to remain consistent with the language provided by O.C.G.A. § 12-7-3(9.1). EPD believes that the language in the proposed permits is appropriate. No changes to the proposed permits were made as a result of this comment.
GAR100003	Part I.B. (Definitions)	Regarding the removal of NOIs and NOT's for secondary permittees, the commenter believes it's going to make it more difficult for Land Developers (i.e. Primary Permittees) to hold individual builders accountable for their lack of compliance without changing/adding a new definition to Part I.B. Definitions. A "permittee" by the very name assumes there is a Permitting Authority responsible for issuing a permit (i.e. GAEPD) and assigning legal responsibility for permit compliance. It will be confusing for people trying to define responsibility for "violations".	As a result of this comment, the definition of "Permittee" in Part I.B. has been revised to include..."or completed a Secondary Certification Statement and obtained permit coverage."

<b>GAR100003</b>	Part I.B. (Definitions)	The commenter requested EPD define the term violation and requested clarification on how NTU discharge limits may qualify as violations of the permit.	Please refer to Permit Part III.D. titled "Management Practices and Permit Violations" for information on violations. As per Part III.D.3, "Failure to properly design, install, or maintain best management practices shall constitute a violation of this permit for each day on which such failure occurs." No changes to the proposed permits were made as a result of this comment.
<b>GAR100003</b>	Part I.B.16. (Definitions)	With the update of Final Stabilization definition to remove language about "areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal" needing 100% of the soil surface to be covered in permanent vegetation, are there new stabilization requirements for areas outside of landfills?	The definition of "Final Stabilization" was modified to remove the reference to landfill cell in the GAR100003 Permit because the permit is not applicable to this specific construction activity. The definition of "Landfill Cell(s)" has been removed from Permit No. GAR100003.
<b>GAR100003</b>	Part I.B.2. (Definitions) and Part II. (Notice of Intent Requirements)	Commenter expressed concerns regarding secondary permittee responsibility for compliance with the permit.	Secondary Permittees are not being removed from the Permit; the administrative procedures for obtaining and terminating permit coverage are the only items proposed to change. Permit requirements for Secondary Permittees have not been diminished and are outlined in Permit Part II.B.1. and Part II.B.2.
<b>GAR100003</b>	Part I.B.5. (Definitions)	The commenter requested "Common Development" definition include more information or examples as to what is all covered. For example: large parcel with separate construction activities (shopping area); subdivisions cover all proposed disturbed area, including lots, not just roads and infrastructure; a development consisting of one or more out parcels or a residential subdivision of three or more development lots.	EPD believes that the language in the proposed permits is appropriate and covers all three examples given. No changes to the proposed permits were made as a result of this comment.  In Part I.B.5, the definition of "Common Development" means a contiguous area where multiple, separate, and distinct construction activities will be taking place at different times on different schedules under one plan of development on or after August 1, 2000.
<b>GAR100003</b>	Part I.C.1. (Eligibility. Construction Activities)	Part I.C.1. add an item "d" with a-c. <i>"Tertiary permittees with a total planned land disturbance less than one acre shall not have to submit their plan for review for erosion sediment and pollution control. If a plan is found to be deficient after submittal at any time, this plan can be required by the certified LIA or EPD to go through the full review process."</i>	The requested revisions are inconsistent with regulatory requirements as set forth in O.C.G.A. § 12-7-1. No changes to the proposed permits were made as a result of this comment.
<b>GAR100003</b>	Part I.D. (Authorization)	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.	Permit compliance will be enforced as it has been in the past. However, Secondary Permittee requirements regarding permit compliance remain unchanged. 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."
<b>GAR100003</b>	Part I.D.1. (Authorization)	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.	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."

<b>GAR100003</b>	Part II.A. (Notice of Intent Requirements. Deadlines for Notification)	Several commenters requested clarification regarding the renewal process for Secondary Permittees. It was suggested that EPD include language describing the process for secondary permittees with existing CGP coverage to continue coverage under the renewed permit. Additionally, EPD needs to inform the regulated community what will happen to the "active" secondary permits on GEOS when the renewed permit becomes effective.	As a result of this comment, the following language has been added to Part II.A, "For sites with Secondary Permittee coverage under the 2018 Permit, where the Primary Permittee has obtained a 2023 re-issuance NOI for an existing construction site in accordance with Part II. A. 2., where construction activities, subject to this permit, began on or before the effective date of this permit, the Secondary Permittee Owner or Operator or both shall complete and sign an addendum form that shall be made part of the ESPC Plan held by the Primary Permittee for an existing construction site in accordance with the requirements of this part no later than ninety (90) days after the effective date of this permit. For a previously unpermitted Secondary Permittee who needs to obtain 2023 Permit coverage at sites where the Primary Permittee has obtained a 2023 re-issuance NOI for an existing construction site in accordance with Part II. A. 2., the Secondary Permittee Owner or Operator or both shall complete and sign an addendum form for the existing construction site in accordance with the requirements of this part."
<b>GAR100003</b>	Part II.B. (Notice of Intent Contents)	How does a new primary permittee submit a new NOI if there are multiple primary permittees (because of proposed removal of secondary permittees) on one site?  Are several NOIs filed for the same site?	Secondary Permittees are not being removed from the Permit. Permit requirements for Secondary Permittees have not been diminished and thus are outlined in Permit Part II.B.1. and Part II.B.2. Permit compliance will be enforced as it has been in the past.  The definition of "Permittee" has been revised to include " <i>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.</i> "
<b>GAR100002</b>	Part II.B.2 Secondary Permittee	The lack of a permit for Secondary Permittees can create issues within a project with multiple Permittees. There would be little to no information to define the areas overseen by each Permittee. This can lead to incorrect assumptions for the responsibilities of each active party.	Please see response immediately above.
<b>GAR100003</b>	Part II.C. (Notice of Intent Submittal)	Remove requirement in GEOS to submit additional 'project location figure' as an electronic attachment as it is not required by the permit. The amount of information requested to be included on this one figure is difficult display for large projects and creates an additional work/cost to create. The NOI application provides location information and receiving waters information, so providing this additional figure is redundant. The ESPC Plan already requires a thorough set of figures as required by the permit and checklist.	This comment is directly related to changes in GEOS, not to the NPDES permits. No changes to the proposed permits were made as a result of this comment.
<b>GAR100003</b>	Part III.A.2. (Special Conditions. Prohibition on Non-stormwater Discharges)	It is suggested that EPD include pavement wash waters as an authorized non-stormwater discharge in the new Permit	EPD believes the suggestion to include pavement washers as authorized non-stormwater discharge would be less environmentally protective than the existing permit language. No changes to the proposed permits were made as a result of this comment.
<b>GAR100003</b>	Part III.D. (Management Practices and Permit Violations)	Add a condition requiring post-rainfall monitoring and turbidity sampling for each qualifying rain event where violating turbidity discharges, BMP failures and/or sediment discharges into waters of the State have previously been identified.	EPD believes current permit language is sufficient. Expanding sampling requirements may be considered through enforcement procedures, if necessary. No changes to the proposed permits were made as a result of this comment.

<b>GAR100003</b>	Part III.D.2. (Management Practices and Permit Violations)	Often infeasible to install perimeter BMPs and initial sediment storage requirements prior to clearing/grubbing. Initial BMPs should be installed immediately following or in conjunction with initial clearing activities and prior to any mass grading.	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. No changes to the proposed permits were made as a result of this comment.
<b>GAR100003</b>	Part III.D.3. (Management Practices and Permit Violations)	Several commenters requested clarification regarding what constitutes a “BMP failure” and “sediment impacts”. These terms are not clearly defined and will add a lot of confusion to what is reportable and what is not. Include in summary the corrective action(s).	The EPD will retain the original language of the 2018 permits and has removed mentions of "sediment impact". Proposed changes reflected in the stakeholder version of the permit language will not be implemented.
<b>GAR100003</b>	Part III.D.6. (Management Practices and Permit Violations)	Currently, violations are not submitted via electronic submittal, however the new proposed changes to the permit require it.	Electronic submittal of violations is not a requirement. Please refer to Appendix A for a list of updated electronic and mailing addresses to each EPD District Office. No changes have been made to the proposed permits as a result of this comment.
<b>GAR100003</b>	Part III.D.6. (Management Practices and Permit Violations)	Sediment deposition into state waters is a violation and results in a stop work order. The removal of the word “violation” and replacing with “sediment impact” significantly reduces the severity of the consequence.	The EPD will retain the original language of the 2018 permits and has removed mentions of "sediment impact". Proposed changes to the permit language will not be implemented.
<b>GAR100003</b>	Part IV.A. (Deadlines for Plan Preparation and Compliance)	If the agency review deems that the project does not meet Termination, and is thereby not accepted, please provide guidance for the permittee moving forward.	Please refer to Permit Part VI.A., which details the eligibility for termination. Compliance is handled on a case-by-case basis, as is the current practice. No changes to the proposed permits were made as a result of this comment.
<b>GAR100003</b>	Part IV.A.5. (Deadlines for Plan Preparation and Compliance) -and- Part IV.D.4. (Inspections)	Revision: For infrastructure projects that begin construction activity after the effective date of this permit, the primary permittee must retain the design professional who prepared the Erosion, Sedimentation and Pollution Control Plan, or an alternative design professional approved by EPD in writing, to inspect <i>and certify</i> the installation of the initial sediment storage requirements and perimeter control BMPs within seven (7) days after installation...	As a result of this comment, Part IV.A.5 has been revised to include the language "and certify" in Permit Nos. GAR100001 and GAR100003.
<b>GAR100003</b>	Part IV.A.5. (Deadlines for Plan Preparation and Compliance)	Retain the current permit language/requirements, rather than the proposed revisions to Part IV.A.5.	The GAR100002 Permit has been revised to remove "prior to commencing with construction activities". The proposed permit language is being retained in Permit Nos. GAR100001 and GAR100003. EPD is retaining the "and certify" proposed language in all three Permits.
<b>GAR100003</b>	Part IV.B. (Signature and Plan Review)	Getting a Responsible Corporate Officer that represents a utility company to sign the physical set of plans kept at the project is, at best, unlikely and an unrealistic burden for primary permittees. Who will receive enforcement if this does not occur? The commenter requests that the EPD modify Part IV.B. to read: “... <i>The secondary permittee (excluding utility companies and/or utility contractors) shall sign the Plan... In addition, the secondary permittee (excluding utility companies and/or utility contractors) shall sign the certification...</i> ”	The requirement to sign the ESPC Plan currently exists within Permit Part IV.B.1. The EPD's proposed modification of permit language will not result in an increased burden for Primary Permittees as expressed in the comment. No changes to the proposed permits were made as a result of this comment.
<b>GAR100003</b>	Part IV.D.2.g. (Contents of Plan. Site Description)	Part II.B.2.b. and Part VI.B.6. secondary permittees are removed - conflicts with Part IV.D.2.g.	Secondary Permittees are not being removed from the Permit. There is no conflicting information within the Permit, as the regulatory requirements of Secondary Permittees remain the same, other than changes made to the electronic submission of NOIs. No changes to the proposed permits have been made as a result of this comment.

<b>GAR100003</b>	Part IV.D.4.c	Are there any additional requirements to meet during an ARE so that it can serve as a 7-day inspection?  -Should it be labeled differently if the ARE is being used to reset the 7-day requirement? Unclear if Tertiary Permittees are allowed to use the ARE as a 7-day inspection.	Please refer to Permit Part IV.D.4. titled "Inspections" for an outline of inspection requirements. The proposed language in Part IV.D.4. does not result in additional requirements.  Please refer to Part IV.D.4.c.(3), which is applicable to Tertiary Permittees, specifically.
<b>GAR100003</b>	Part IV.D.4.a.(2). (Inspections)	The 2022 federal CGP, and most state CGPs afforded the permittees the flexibility of obtaining rainfall data from either an onsite rain gauge or an online weather source (that is representative of the monitored activity). Therefore, it is suggested that Part IV.D.4.a.(2). be modified to read: "...the data collected for the purpose of compliance with this permit shall be <i>recorded using a properly maintained rain gauge on your site, or by obtaining the rainfall data from a weather station that is representative of the monitored location ...</i> "	EPD recognizes the use of a rain gauge or online weather source as an acceptable means to obtain rainfall data. However, is crucial that the rainfall data is representative of the disturbed areas, consistent with Permit Part IV.D.4.a.(2). No changes to the proposed permits have been made as a result of this comment.
<b>GAR100003</b>	Part IV.D.4.a.(1). (Inspections)	Revise the requirement to continue daily inspections through submittal of NOT to requiring daily inspections until petroleum product storage areas and construction exits have been removed.	Permit Part IV.D.4. currently includes this requirement for NOT up until construction activity has ceased. No changes to the proposed permits have been made as a result of this comment.
<b>GAR100003</b>	Part IV.D.4.a.(6). (Inspections)	We request that the EPD modify Part IV.D.4.a.(6). to read: "...Such reports <i>may be stored electronically and</i> shall be readily available by end of the second business day and/or working day..."	Currently, there is no requirement to hold all documents exclusively on-site. The option to hold documents electronically, as long as they can be made available, exists. No changes to the proposed permit were made as a result of this comment.
<b>GAR100003</b>	Part IV.D.4.b.(1). (Inspections)	Please revise Part IV.D.4.b.(1). to read: "(b) all locations at the secondary permittee site where that permittee's vehicles enter or exit the site for evidence of off-site sediment tracking. These inspections must be conducted until a <i>Final Stabilization Statement on the primary permittee's Plan has been signed...</i> "	As a result of this comment, language to Part IV.D.4.b(i) has been inserted as follows, "These inspections must be conducted until a Final Stabilization Certification on the Plan is submitted."
<b>GAR100003</b>	Part IV.D.4.b.(3). & Part IV.D.4.b.(4). (Inspections)	The commenter has requested EPD elaborate on the "Final Stabilization Certification" and include exact language of the certification statement in the permit.	As a result of this comment, Part VI.B.9 has been revised to "Notice of Termination or Final Stabilization Certification Contents." The language proposed in this part of the Permit includes a description of the certification that must reside on the Erosion, Sedimentation and Pollution Control Plan and be signed in accordance with Part V.G.1 of this Permit.
<b>GAR100003</b>	Part IV.D.6.d.(3). (Inspections. Sampling Requirements)	If all BMP's are designed, installed, and maintained properly and I take a water sample and the result does not meet the turbidity standard, am I required to take additional samples until the turbidity standard is attained?	The EPD will retain to the original language of the 2018 permits, with minor revisions to the term "post-storm". The language remains as follows, "or until post-rain event inspections determine that BMPs are properly designed, installed and maintained."
<b>GAR100003</b>	Part IV.D.6.d. (Inspections. Sampling Requirements)	Consider removing requirement to conduct turbidity sampling as a standard for all construction sites at the initial and 90-day/post grading events. Alternatively, require turbidity sampling in all cases where BMP failures and/or sediment discharges into waters of the State have been identified.	EPD believes the removal of requirements to conduct turbidity sampling as a standard for all construction sites at the initial and 90-day/post grading events would be less environmentally protective than the existing permit language. No changes to the proposed permits were made as a result of this comment.
<b>GAR100003</b>	Part IV.D.4.a.(4) (Inspections)	Require inspection by Design Professional during final stabilization.	EPD believes the current permit language is sufficient. No changes to the proposed permits were made as a result of this comment.
<b>GAR100003</b>	Part IV.D.4.a.(6). (Inspections)	Require inspection reports be made available within 24 hours of inspection date	The current language existing in the Permit, "second business day", allows for submittals earlier than this. No changes to the proposed permits were made as a result of this comment.

<b>GAR100003</b>	Part IV.E. (Reporting)	Is all written correspondence to be submitted via both email or regular mail and GEOS?	The response to this comment is dependent on the type of correspondence. Please refer to Appendix A of the Permit for mailing and email addresses for submittals. NOIs and NOTs will continue to be submitted via GEOS.
<b>GAR100003</b>	Part IV.F. (Retention of Records)	Several commenters requested additional information relative to the Final Stabilization Certification. What must the certification contain? Who must sign the certification?	As a result of this comment, Part IV.F.2 has been amended to clarify that the Final Stabilization Certification certifies "the provisions of the Primary Permittee's Erosion, Sedimentation and Pollution Control Plan applicable to the Secondary Permittee's activities will be adhered to." The Final Stabilization Certification must be signed by the Secondary Permittee.
<b>GAR100003</b>	Part V.A.2.	Is it now unnecessary to upload the summary report to GEOS?	Part V.A.2. has been revised to reference Appendix A of the permit. Electronic submittal of violations is not a requirement. Please refer to Appendix A for a list of updated electronic and mailing addresses to each EPD District Office. No changes have been made to the proposed permits as a result of this comment.
<b>GAR100003</b>	Part VI.A.1. (Notice of Termination Eligibility)	Second paragraph: wouldn't the Final Stabilization Certification be added to this section?	Permit Part VI.B. includes the proposed language, "For all Primary Permittees and Tertiary Permittees, a Notice of Termination signed in accordance with Part V.G.1. of this permit must be submitted. For all Secondary Permittees, a Final Stabilization Certification must be signed in accordance with Part V.G.1." The second paragraph applies to Primary Permittees. No changes to the proposed permits were made as a result of this comment.
<b>GAR100003</b>	Part VI.B.1. (Signature and Plan Review)	<p>a. Will the "Final Stabilization Certificate" contain language outlined in the permit as standard language, or will it be up to the design professional to create the language to which secondaries will be agreeing in Section VI.B.1? Please clarify.</p> <p>b. Who is held responsible for determining the status of final stabilization for the secondaries before they sign the certification statement? Please clarify.</p> <p>c. If a secondary's site is inspected after the final stabilization certification is signed, and site conditions do not meet requirements, who is held liable for bringing the site into compliance, the primary or the secondary? If it is the secondary, how will the EPD or LIA force the secondary to come back to the site and complete the job? Please clarify</p>	<p>a. As a result of this comment, Permit Part VI.B. has been revised to include Final Stabilization Certificate language, which is applicable to Secondary Permittees.</p> <p>b. A certified personnel is responsible for determining the status of final stabilization. The Final Stabilization Certification statement is to be signed by the Secondary Permittee.</p> <p>c. Permit compliance is determined on a case-by-case basis. The proposed permit language does not impact the existing compliance requirements of Secondary Permittees.</p>
<b>GAR100003</b>	Part VI.B.8. (Notice of Termination Contents)	It is suggested that EPD modify Part VI.B.6. to state: " <i>If sampling was not completed in accordance with Part IV.B.6. , include a written justification why sampling was not conducted.</i> " This language does not take into account the number of permittees that are required to sample during construction activities.	Permit Part VI.B. has been revised as follows, "If sampling was not conducted for the permitted site, then provide a written justification for why that sampling was not conducted within electronic NOT submittal." The revision of this statement, to include an if/then statement should resolve the concerns expressed by the commenter.
<b>GAR100003</b>	Part IV.D.6.d. (Inspections. Sampling Requirements)	Remove requirement to conduct turbidity sampling as a standard for initial and 90-day post grading. Require turbidity sampling in all cases where BMP failures and/or sediment discharge (impact) into State Water is identified.	EPD believes the modification or removal of the current permit language in Part IV.D.6.d would be less environmentally protective than the existing permit language. No changes to the proposed permits were made as a result of this comment.