

**2023 ILR10 General NPDES Permit for Storm Water Discharges from Construction
Site Activities**

Public Comments and Responses Fact Sheet

COMMENT 1: Please include discharges from concrete sawing and/or cutting and micro-surfacing as prohibited discharges under Part III(A)(3).

RESPONSE 1: The language in Part III(A)(3) of the draft permit lists concrete and wastewater from washout of concrete as prohibited non-stormwater discharges unless managed by an appropriate control. The Agency considers this language to prohibit discharges of concrete in any form without an appropriate control, including concrete dust or slurry generated by sawing, cutting, and/or micro-surfacing. The Agency has not revised the language in Part III(A)(3).

COMMENT 2: In reference to Part III(A)(4)(d-e), the discharge of dewaterers to a well-vegetated area for infiltration is overly subjective regarding how well-vegetated an area actually is, making this an insufficient sediment control practice. Additionally, dewatering after a rainfall event would have limited infiltration due to a potentially soaked soil column.

RESPONSE 2: The revisions made to the referenced sections of the draft permit were adapted directly from USEPA's 2022 Construction General Permit (CGP), specifically Parts 2.4.4 and 2.4.5 (2022 CGP, pages 22-23). While the CGP does not directly define "well-vegetated areas" the definition of "Final Stabilization" in Appendix A of the CGP states that vegetated final cover consists of "uniform, perennial vegetation that is evenly distributed, without large bare areas". This definition constitutes what the Agency would consider to be a "well-vegetated area". Discharging of dewaterers to already saturated soils would generally result in runoff that may violate the conditions of the ILR10 permit, and permittees are discouraged from doing so. The Agency has not revised the language in Part III(A)(4)(d-e).

COMMENT 3: The draft permit separately refers to "Waters of the United States" and "waters of the state", in Part I(A) and Part I(B)(1), respectively. The Agency should clarify the difference between these terms or replace "waters of the state" with "Waters of the United States" in Part I(B)(1).

RESPONSE 3: The Agency has revised the language to replace the term "waters of the state" in all instances in which it appears with "Waters of the United States", including in Part I(B)(1).

COMMENT 4: Page 2 of the Fact Sheet states that an inspection is required within 24 hours of a rainfall of 0.25 inches or more, but Part IV(D)(4) states that an inspection is required within 24 hours of a rainfall of 0.5 inches or more. Please maintain the current requirement in the permit, which requires inspections after each rainfall of 0.5 inches or more.

RESPONSE 4: The inspection criteria requiring an inspection within 24 hours of a rainfall of 0.25 inches or more, as listed on page 2 of the Fact Sheet is a typo. The inspection criteria that was listed in Part IV(D)(4), requiring inspections after a rainfall

of 0.5 inches or more, is the intended inspection criteria and has been maintained in the permit. The Agency has not revised the language in Part IV(D)(4).

COMMENT 5: The dewatering inspection requirements included in Part IV(D)(4)(c), which includes a daily inspection of dewatering discharges results in a significant change in the existing resource allocation and general approach to compliance with the ILR10 permit by the construction industry in Illinois. Please temporarily remove these requirements until an industry group can be formed to develop a better understanding of cost, exemptions, groundwater versus stormwater pumping, and overall compliance challenges associated with daily inspection of dewatering that results in offsite discharges.

RESPONSE 5: The addition of the dewatering inspection requirements is consistent with the same requirements included in the 2022 CGP by USEPA, in Parts 4.3.2 and 4.6.3 (2022 CGP, pages 30 and 32). The Agency has not revised the language in Part IV(D)(4)(c).

COMMENT 6: The word “remove” in the inlet protection measure requirements of Part IV(D)(2)(c)(ii)(a) of the draft permit implies the absolute removal of sediment from storm water via inlet protection. Please replace the word “remove” with “minimize”, since the best available technology for inlet protection cannot fully remove suspended sediments associated with Illinois soils from storm water.

RESPONSE 6: The Agency has revised Part IV(D)(2)(c)(ii)(a) as requested.

COMMENT 7: We support the inclusion of the language in Part IV(D)(2)(c)(ii) of the draft permit, as it reflects the current Federal NPDES CGP and “treatment train” approach to General NPDES Permit No. ILR10 compliance.

RESPONSE 7: Thank you for your comment. No revisions have been made to the permit as a result of this comment.

COMMENT 8: Please replace the word “prevent” in Part III(A)(4)(a) with the word “minimize”.

RESPONSE 8: The Agency has revised Part III(A)(4)(a) as requested.

COMMENT 9: Please replace the term “visible sheen” in Part III(A)(4)(c) with “visible petroleum-based sheen”.

RESPONSE 9: The language in Part III(A)(4)(c) is consistent with the language in Part 4.6.3.e.ii of the 2022 CGP (page 33). The Agency has not revised the language in Part III(A)(4)(c).

COMMENT 10: Please replace the word “prevent” in Part III(A)(4)(e) with the word “minimize”.

RESPONSE 10: The Agency has revised Part III(A)(4)(e) as requested.

COMMENT 11: IEPA inspectors or authorized representatives often enter a permitted construction site unannounced and without attempting to present required credentials or contact the permittee, resulting in violations of permittee site safety protocols and Part VI(Q) of the current and draft reissued ILR10 permit. Unannounced and uncoordinated site inspections often result in inaccurate findings, requiring “costly and time consuming written rebuttals by the permittee that can be avoided with on-site coordination between the permittee and IEPA, or their authorized representative. Please add the following language to Part VI(Q) of the permit:

IEPA, or their authorized representative, shall comply with all site specific construction site safety protocols. Prior to or upon arrival to a site covered by an active General NPDES Permit No. ILR10, IEPA personnel, or their authorized representative, shall attempt to contact the permittee via phone and/or email, per information provided in the ‘Owner Information’ section of the NOI kept on file with the Central Data Exchange.

Please note that significant lead time/notification prior to the completion of an inspection by IEPA personnel or their representative is not requested, rather that IEPA personnel or their representative contact the permittee upon arrival to the ILR10 permitted construction site to allow for a safe and efficient site inspection.

Response 11: The Agency is not required to notify the permittee prior to an inspection. In the event that an IEPA inspector or an authorized representative enters a site without presenting required credentials or directly causes a violation of site safety protocols, please contact the appropriate IEPA Field Office to report the incident. The Agency has not revised the language in Part VI(Q).

COMMENT 12: Please include a forgiveness clause or waiver in the reissued General NPDES Permit No. ILR10 that can be applied by permittees when good cause exists, such as an act of God, labor strike, or flood.

RESPONSE 12: Part VI(S) of the permit, by reference to 40 CFR 122.41(n), allows for provisions during upsets such as acts of God. No revisions have been made to the permit as a result of this comment.

COMMENT 13: Please include a person that has successfully completed USEPA’s Federal CGP Inspector Training as someone that meets the requirements of a “qualified person” in Part IV(D)(4).

RESPONSE 13: The Agency has revised Part IV(D)(4) as requested.

COMMENT 14: Please revise the language in Part IV(K) to include clarification that the ILR10 permit does not authorize trespassing.

RESPONSE 14: The language in Part IV(K) states that the permit does not authorize “infringement of Federal, State or local laws or regulations”. The Agency considers trespassing to be within the scope of the existing language in Part IV(K). The Agency has not revised the language in Part IV(K).

COMMENT 15: The requirement to notify the Agency of a contractor change in Part I(C)(2) should be time-limited rather than open-ended. The current language of the permit could allow permittees to delay notification until completion of the project. Please add a 30-day limit for permittees to notify the Agency of such a change, from the date of contract signing or commencement of work under the new contractor.

RESPONSE 15: The Agency has revised Part I(C)(2) as requested to require the permittee to modify their NOI for a contractor change within 30 days of commencement of work under the new contractor.

COMMENT 16: The language in Part II(B) Failure to Notify should be expanded to include time limit violations for changes in contractor as proposed by the previous comment.

RESPONSE 16: The language in Part II(B) has not been revised as requested, because the Agency does not consider failure to modify an NOI within 30 days to be equivalent in severity as discharging to Waters of the United States without coverage under an NPDES Permit.

COMMENT 17: The permittee should have 30 days to submit a modified NOI for all “substantial modifications to a project” as identified in Part II(C)(10).

RESPONSE 17: The Agency has revised Part II(C)(10) as requested to require permittees to modify their NOI within 30 days for any of the “substantial modifications to a project” identified in that Part.

COMMENT 18: Part IV(B)(5) should be strengthened to require construction sites to post a sign visible from the nearest major roadway that includes the permit number, SWPPP location, and a contact phone number for a responsible individual associated with the project, to allow members of the general public to obtain this information without having to enter the site.

RESPONSE 18: Permittees are already required to post their notice of coverage, which includes their permit number, in a prominent place for public viewing as required in Part IV(B)(5). The other information addressed in this comment is already publicly available on USEPA’s Permit Search webpage at <https://permitsearch.epa.gov/epermit-search/ui/search> by searching the permit number for the site. A link to the Permit Search webpage is also available on the IEPA webpage at <https://epa.illinois.gov/topics/forms/water-permits/storm-water/noi.html>. The Agency has not revised the language in Part IV(B)(5).

COMMENT 19: Part IV(B)(6) should be strengthened and time limited to 30 days. We have submitted requests to see documents as allowed by Part IV(B)(6) and have often received no reply from the construction company. Part IV(B)(6) should be revised to require companies to respond to requests under this part within 30 days for compliance, either by sending the requested documentation or by sending a reply stating why compliance cannot be achieved.

RESPONSE 20: The Agency has revised Part IV(B)(6) as requested to require permittees to respond to requests for documentation from members of the public within 30 days by either providing the requested documentation or by providing a response stating why the documentation cannot be provided.

COMMENT 21: The phrase “shall be available to the public” should be further defined in Part IV(B)(6). The commenter stated that they have had contractors tell them that they cannot trespass to an onsite construction trailer where the SWPPP is located.

RESPONSE 21: All documentation submitted via the CDX system to obtain coverage under the ILR10 General Permit is publicly available on USEPA’s Permit Search webpage, as described in the response to Comment 18. As stated in response to Comment 14, the ILR10 General Permit does not authorize trespassing onto a construction site for any reason. Members of the public who wish to obtain copies of documents pursuant to Part IV(B)(6) should either request them directly from the permittee in writing or access the documents via the Permit Search Webpage. The Agency has not revised the language in Part IV(B)(6) regarding this comment.

COMMENT 22: It is rare that the Notices of Intent submitted by permittees are signed by a responsible corporate officer as defined in Part VI(G)(1). Instead, they are often signed by a civil engineer or general contractor in lieu of the corporate officer. Please include language in the permit that allows for a “By Direction” letter to delegate signatory responsibility from a responsible corporate officer to a project manager.

RESPONSE 22: The existing language in Part VI(G)(1)(a) already allows for the delegation of signature authority, as it states that a responsible corporate officer includes “any person authorized to sign documents that has been assigned or delegated said authority in accordance with corporate procedures.” Additionally, the CDX system through which all NOIs must now be submitted includes options to register users as a Signatory or a Preparer. Signatories can perform any action in CDX, including preparation and signing of forms, while Preparers may only view and edit forms without the authority to sign them. The inclusion of these roles upon registration with CDX clearly establishes which user for a given site has the authority to sign documents pursuant to the requirements of Part VI(G). The Agency has not revised the language in Part VI(G)(1).

COMMENT 23: The Indiana Construction Stormwater Permit of 2021 includes language that clarifies the definition of “land disturbance”. Specifically, it states that land disturbance does not include construction vehicle travel between distinct areas through agricultural land that is in row crop production and sections covered by protective mat that will be restored to pre-construction land use. Please add similar language to Part I(B) of the permit.

RESPONSE 23: The Agency considers agricultural land in row crop production to already be disturbed for agricultural purposes, not construction or industrial purposes. Any disturbance of agricultural land in row crop production falls outside the purview of this permit. Construction activities which impact land previously or currently involved in row crop production would require permit coverage due to the change in activities. The use of protective matting to prevent land disturbance is

generally not considered to be included as disturbance under this permit, since it prevents the underlying soil from being disturbed. The Agency has not revised the language in Part I(B).

COMMENT 24: Part IV(D)(4)(f) should be revised to the following: ...*The permittee shall complete and submit within 5 days of an “Incidence of Noncompliance” (ION) report for any violation of the stormwater pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit that has resulted in the unauthorized discharge of pollutants from the site.*

COMMENT 24: No justification was provided in the comment for why the requested language should be added to the permit. The proposed additional language could make Part IV(D)(4)(f) too limiting or potentially change its intent. Since no justification was provided, and since the permit would be less protective of the environment by inclusion of the language, the Agency has not revised the language in Part IV(D)(4)(f).

COMMENT 25: The use of electronic reporting and site inspection report software in place of paper reports has been widely adopted by agencies tasked with managing construction storm water programs, including USEPA. Please include language in Part IV(D)(4)(e) that states that electronic recordkeeping is acceptable, when electronically signed in accordance with applicable signatory requirements.

RESPONSE 25: The existing language in the permit does not prohibit electronic/digital recordkeeping. It only stipulates that documents must be retained on site and that they must meet the signatory requirements of the permit. It does not explicitly require the documents to be in paper form. As long as the documents are retained on site such that they are readily available in the event of an inspection, electronic recordkeeping is allowed by any permittee under the ILR10 general permit. The Agency has not revised the language in Part IV(D)(4)(e).

COMMENT 26: Please remove the requirement to prominently post a paper copy of the ILR10 General Permit at the construction site for public viewing from Part IV(B)(5). While a letter of notification may be easily laminated to protect it from weather and posted publicly, it is not feasible to do the same for the multiple page general permit. The permittee would not be able to adhere to such a requirement in a means by which the document would not be exposed to deterioration by weather. Additionally, the ILR10 permit is readily available to the public online.

RESPONSE 26: This requirement was carried over from the previous iteration of the permit that was issued in 2018, with the intent of allowing members of the public in the vicinity of a construction project to be informed of the permittee’s requirements for environmental protection under the permit conditions. While the ILR10 permit is readily available online, many members of the public may not be aware of its existence or where to obtain a copy of it online. There are methods available for presentation of laminated multi-page documents. These could include, but are not limited to: displaying multiple laminated pages side-by-side on a bulletin board or other sign, binding multiple laminated pages together in a 3-ring binder or spiral binding, or displaying the permit inside a clear container (e.g. inside a clear plastic

box mounted to a sign with a hinge). The general public is entitled to know the environmental impacts of construction projects in their vicinity and the permitted requirements of the construction activity. The Agency has not revised the language in Part IV(B)(5).

COMMENT 27: The language in Part II(C)(6) which states "...an indication of whether or not the installation of stormwater controls will require subsurface earth disturbance..." is vague and further guidance should be provided by IEPA. Please clarify the terms "subsurface earth disturbance" and "stormwater controls".

RESPONSE 27: The language referred to by this comment was added upon direct request by USEPA. The 2022 USEPA CGP definition of "stormwater control" is "any best management practice or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States." The term "subsurface earth disturbance" is not defined in the USEPA CGP, but it does define "earth-disturbing activity" as "actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavation, grubbing, cutting, and filling), soil compaction, and movement and stockpiling of top soils". Based on this definition, "subsurface earth disturbance" would include any of the activities listed above that take place below the site's pre-construction ground surface. The Agency has revised Part VIII of the permit to include the USEPA definition of "stormwater control".

COMMENT 28: Construction sites often do not have a physical location to store the SWPPP, and it is kept at a nearby offsite location. Please revise the language in Part IV(C), Part IV(B)(1), and Part V(B) to allow for offsite storage of the SWPPP.

RESPONSE 28: The requirement to maintain a SWPPP onsite may not be removed from the permit, as such removal could cause issues and/or delays in producing required documentation in the event of an inspection. As an alternative, the permittee may retain electronic copies of these documents at the site, as described in response to Comment 25. The Agency has not revised the language in Part IV(C), Part IV(B)(1), or Part V(B).

COMMENT 29: Many construction sites in urban areas discharge stormwater directly into an MS4 (Municipal Separate Storm Sewer System), which then ultimately discharges to a surface water. This stormwater sometimes has to travel a significant distance from the construction site to the MS4, and it may not be feasible for the site map required by Part IV(D)(1)(e) to retain a usable map scale because of that distance. Please revise the site map requirement to include "locations where storm water is discharged to a surface water or MS4; and".

RESPONSE 29: The Agency recognizes that the scale of a site map in the SWPPP may not be feasible in a situation where the actual discharge point to a surface water is a significant distance from the construction site, such as may occur when discharging to an MS4. However, the Agency considers recordkeeping of the actual discharge point to surface water to be a requirement in the interest of environmental protection. For this reason, the Agency has revised Part IV(D)(1)(e) to allow a site

map to identify the location where stormwater is discharged to an MS4 under the condition that a separate map is also provided that identifies the location of the construction site and the actual discharge point to surface water.

COMMENT 30: The language in Part IV(D)(2)(a)(viii) prohibiting the discharge of “tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S.” conflicts with the authorized non-stormwater discharges in Part III(A)(2)(b), which includes pavement wash waters where no spills or leaks have occurred. The 2022 CGP allows these discharges if the discharges are first routed through “a sediment basin, sediment trap, or similarly effective control” (2022 CGP, Part 1.2.2.h). Please revise the language in Part IV(D)(2)(a)(viii) to allow discharges that are routed through these types of controls prior to final discharge to a Water of the United States.

RESPONSE 30: The Agency has revised Part IV(D)(2)(a)(viii) as requested.

COMMENT 31: Please add a Part IV(D)(2)(b)(iv) stating: “Areas that have been compacted may be excluded from the stabilization requirement when the areas are intended to be impervious surfaces associated with the final land use, provided run-off from the area is directed to appropriate sediment control measures.” This language was included in the 2021 Indiana CGP.

RESPONSE 31: The Agency does not consider compacted areas to be stabilized, so they are still subject to the existing final stabilization requirements of Part IV(D)(2)(b). The Agency has not revised the permit to add the requested language as Part IV(D)(2)(b)(iv).

COMMENT 32: Please revise Part IV(D)(2)(c)(i)(b) to replace the word “prevent” with “minimize”, and please revise Part IV(D)(2)(c)(ii)(a) to replace the word “remove” with “minimize”.

RESPONSE 32: The Agency has revised Part IV(D)(2)(c)(i)(b) as requested. Part IV(D)(2)(c)(ii)(a) has already been revised as requested in response to Comment 6.

COMMENT 33: Please revise Part IV(D)(4) to remove the requirement to inspect areas that are inaccessible due to flooding within 72 hours of the area becoming accessible. The permit should instead require flooded areas to be inspected during the next routine (every 7 calendar day) or post-storm event inspection, if they are accessible again.

RESPONSE 33: Alteration of the inspection deadline for flooded areas as requested could result in the area being uninspected for up to 7 days if the flooded area becomes accessible shortly after a routine inspection occurs. This could result in situations where failed stormwater controls are left unidentified and unrepaired for nearly twice as long as the current permit language would allow, therefore increasing the potential for negative impacts to the environment. Sites that struggle to maintain compliance with the 72-hour inspection requirement should review their best management practices and recordkeeping practices and revise them accordingly to ensure compliance with this requirement. The Agency has not revised the language in Part IV(D)(4).

COMMENT 34: The requirement to notify the appropriate IEPA Field Office within 24 hours of any incidence of non-compliance or violation of the SWPPP, or any condition of the permit, in Part IV(D)(4)(f) of the draft permit is overly burdensome. Please revise the language in this section to include only violations that could result in harm to human health or the environment.

COMMENT 34: The requirement to report non-compliance within 24 hours was carried over from the previous permit. The Agency has not identified issues with this requirement over the last permit cycle. The Agency has not revised the language in Part IV(D)(4)(f).

COMMENT 35: The last paragraph of Part IV(D)(5) is overly burdensome and provides no benefit to water quality or the environment. We that this paragraph be deleted from the permit in its entirety.

RESPONSE 35: The paragraph referred to in the comment was added based on revisions made to the 2022 USEPA CGP (Part 2.1.4.c, CGP pages 9-10). The Agency has not revised the language in Part IV(D)(5).

COMMENT 36: Please clarify the phrase “except for owners that are acting as contractors” in Part IV(F)(1) of the draft permit.

RESPONSE 36: When an owner of a construction site subject to this permit hires a contractor for a construction project, the contractor is required to sign the certification statement in Part IV(F)(2) to indicate that they understand the terms and conditions of the ILR10 permit. The phrase in question indicates that the owner of a construction site does not have to sign the certification statement in Part IV(F)(2) because they are already required to sign the certification statement in Part VI(G)(2)(d). The Agency has not revised the language in Part IV(F)(2).

COMMENT 37: The draft permit includes new inspection requirements and additional associated documentation for dewatering discharge activities where inspections will be required on a daily basis when dewatering discharges occur. Please clarify why this change was made in the permit and if there is any guidance or data that shows these changes are necessary to provide additional protection to natural resources.

RESPONSE 37: As discussed in the Agency’s response to Comment 5, the addition of the dewatering inspection requirements is consistent with the same requirements included in the 2022 CGP by USEPA, in Parts 4.3.2 and 4.6.3 (2022 CGP, pages 30 and 32). The Agency has not revised the language in Part IV(D)(4)(c).

COMMENT 38: The term “violation” is not defined in Permit No. ILR10 or the SWPPP.

RESPONSE 38: In the context of this permit, the Agency considers the term “violation” to mean not complying with the terms and/or conditions of the permit. The Agency only has the authority to allege violations, and authority on final adjudication of alleged violations is held by the court system. For this reason, a definition for this term has not been included in the permit to prevent inadvertent

redefinition of the term “violation” outside of the Agency’s existing authority. The Agency has not revised the language of the permit as a result of this comment.

COMMENT 39: Please make the following revisions in Part III(A)(4):

- Addition of language indicating that the new dewatering discharge conditions should pertain to “accumulated stormwater or groundwater that is sediment laden”.
- Addition of language stating that stormwater dewatering discharges will not be allowed if a visible “petroleum-based” sheen is present.
- Addition of language regarding discharges during construction site trench dewatering to provide clarity and better protect receiving waters. The documentation requirements in Part IV(D)(4)(c) will not provide additional protection and creates an unnecessary burden and increased cost to project sponsors.
- Addition of language in Part IV(D)(4)(c): “For sites discharging sediment-laden dewatering water that contacts a receiving water...”

RESPONSE 39: The addition of the term “sediment laden” as requested in the comments above is subjective and does not adequately define the amount or concentration of sediment required to be present to determine whether or not the stormwater or groundwater is “sediment laden”. The addition of the phrase “petroleum-based” in regard to a visible sheen has already been addressed in the Agency’s response to Comment 9. The proposed addition of language regarding discharges during construction site trench dewatering is unclear. The language listing dewatering documentation requirements in Part IV(D)(4)(c) comes directly from the 2022 USEPA CGP, verbatim (2022 CGP, Part 4.6.3.a-e, pages 32-33). The term “sediment laden” will not be added to the permit as previously discussed. The Agency has not revised the language in Part III(A)(4) or Part IV(D)(4)(c).

COMMENT 40: Please provide clarification of a “noncompliance reportable to IEPA” as included in the language of Part IV(D)(4)(c).

RESPONSE 40: Part IV(D)(4)(f) requires the permittee to notify the Agency of “any incidence of noncompliance for any violation of the storm water pollution prevention plan observed during any inspection conducted, or for violations of any condition of this permit.” Submitted SWPPPs and the conditions of the permit are enforceable, so the intent of Part IV(D)(4)(f) is to require noncompliance reporting for failure to meet the requirements of either document in the interest of environmental protection. Any reduction of the reporting requirement would allow for greater potential for harm to the environment. The Agency has not revised the language of Part IV(D)(4)(c).

COMMENT 41: The addition of off-site soil borrow or disposal areas in the scope of the definition of “Construction Site” potentially inflates the site size for small unrelated projects using the same borrow pit or disposal site, and potentially imposes ILR10 requirements on sites controlled by 3rd parties, including landfills or quarries. Please revise the definition of “Construction Support Activity” to include only sites under the control of the permittee, and specifically exclude sites with an independent business purpose to provide construction materials or disposal services, such as quarries, sand pits, landfills, and other businesses

that extract and sell clean fill or dispose of contaminated fill, and unrelated sites that accept clean fill from the public for regrading purposes.

COMMENT 41: The addition of the definitions of “Construction Site” and “Construction Support Activity” was done at the direct request of USEPA. USEPA provided the definitions for both terms, which were subsequently added to Part VIII of the permit, verbatim. These definitions are consistent with those listed in Appendix A of the 2022 CGP issued by USEPA. The Agency has not revised the language of Part VIII.

COMMENT 42: The language of Part IV(D)(5) should be revised to allow for inspector discretion on what is documented in the event that a stormwater control fails three or more times.

RESPONSE 42: The language in Part IV(D)(5) is consistent with the 2022 CGP (Part 2.1.4.c, pages 9-10). The Agency has not revised the language of Part IV(D)(5).

COMMENT 43: Please revise Part IV(D)(4) to remove the requirement for post-storm inspections altogether. Many states have shifted to weekly inspection requirements, as rain event inspections do not add substantial value to compliance goals. Weekly inspections enable construction teams to address any maintenance issues within reasonable timelines and ensure that sites are maintained in good condition that are free of off-site discharge.

RESPONSE 43: The Agency considers the inclusion of storm event inspections to be an important measure to ensure protection of Waters of the United States. The Agency has not revised the language of Part IV(D)(4).