

**RESPONSE TO COMMENTS
FINAL PERMITTING DECISION**

Permit No.: ARR150000

Prepared by: Jessica Temple

The following are responses to comments received regarding the draft permit number above and are developed in accordance with regulations promulgated at 40 C.F.R. §124.17, APCEC Regulation No. 8 Administrative Procedures, and A.C.A. §8-4-203 e(2).

Introduction

The above permit was submitted for public comment on March 24, 2016. The public comment period ended on April 25, 2016.

This document contains a summary of the comments that the ADEQ received during the public comment period. A summary of the changes to the NPDES Permit can be found on the last page of this document.

The following people or organizations sent comments to the ADEQ during the public notice. A total of 68 comments were raised by 7 separate commenters.

Commenter	Number of Comments Raised
1. Kevin Thornton, Assistant Chief Engineer- Planning, Arkansas State Highway and Transportation Department	3
2. Brian McMillian, P.E., McGeorge Contracting Co., Inc.	2
3. Charles M. Miller, Executive Director, Arkansas Environmental Federation	7
4. Randy Solomon, Principal Environmental Specialist, Southwestern Electric Power Company and American Electric Power	1
5. Janet Paith, CPESC, CPSWQ, CESSWI, CPMSM, CFM	41
6. Josh Fluger, Environmental Scientist, GBMc & Associates	7
7. Colene Gaston, Staff Attorney, Beaver Water District	7

Comment 1 Part I, Section B, Paragraphs 11.D and 11.E. “Discharges into Receiving Waters with an Approved TMDL” and “Discharges into Impaired Receiving Waters (303(d) List”:

- a. The phrase “Discharge into Receiving Waters” in these two paragraphs remains a source of confusion. For projects bordering an impaired stream the answer is obvious; however, for discharges to tributaries of these streams, the distance given verbally over the years by ADEQ has varied from a radius of two to five miles between the project and the actual impaired waterbody. Request definitive, written guidance be added to the permit on what constitutes a discharge into an impaired stream.
- b. In the current version of the permit, the requirements contained in these paragraphs only apply to streams which are impaired for “...turbidity, oil & grease, and/or other pollutants at the discretion of the Director.” The draft permit omits the reference to specific pollutants in these paragraphs but retains the language in Part 1, Paragraph 23, “Attainment of Water Quality Standards.” Since construction site pollution control measures are not designed to eliminate impairments such as pathogens, dissolved solids, ammonia, metals, etc., AHTD believes this proposed change places an unattainable burden on the permittees. Request the original language limiting the requirement to turbidity, oil and grease, or other specific pollutants required by the Director be maintained.

Response: (a) Any discharge to an impaired receiving water or its tributary within 1 mile of the construction site should be included in the Stormwater Pollution Prevention Plan and will be considered a discharge into an impaired stream for notification purposes. The Department will review the conditions applicable to each site on a case-by-case basis. There may be construction sites that require further consideration downstream or additional BMPs based on the activity occurring at the site. The Department will contact the Permittee in these cases.

(b) Part I.B.23 has been changed to remove the specific reference to turbidity and oil and grease. The references to turbidity and oil and grease were removed from Parts I.B.11.D and I.B.11.E based upon a recommendation of the EPA to include all parameters for which a TMDL identifies construction type discharges as a contributor to the impairment. It is unlikely that a specific construction site would be mentioned in a TMDL, and less likely that the construction site would be given a waste load allocation for the impairments mentioned above. However, if a construction site was contributing to an impairment, it would be necessary for appropriate controls to be put in place and for all requirements of the TMDL to be followed. This will be evaluated on a case-by-case basis.

Comment 2 Part I, Section B, Paragraph D. “Discharges into Receiving Waters with an Approved TMDL”

- a. This paragraph states “If a numeric limit has been assigned to the facility, quarterly monitoring shall be submitted to the Department demonstrating compliance with the assigned Waste Load Allocation established in the TMDL.” Since this permit applies to construction projects, the need for this statement is unclear. TMDL documents normally identify fixed facilities such as wastewater treatment plants or industrial facilities as point-source waste load contributors. Since construction projects are temporary in nature, a specific construction project would not be mentioned in a TMDL document as a waste load source. Please clarify the intent of this statement for construction projects.
- b. The “quarterly monitoring” language is so vague AHTD has no idea what is required. Please consider expanding this section so permittees will understand the intent of the requirement and the specific report requirements and procedures.
- c. What is the relationship between the reports requiring turbidity testing for Short Term Activity Authorizations (STAAs) and the reports required by this paragraph?

Response: (a) The commenter is correct that it is unlikely that a construction site will be mentioned in a TMDL. However, it is not impossible for a construction site to be given a waste load allocation. As a result, this general permit must ensure that any applicable TMDL requirements are followed.

(b) If there is an applicable TMDL, the TMDL document will specify the requirements for the site. Quarterly monitoring has been included in the permit so that the Department can ensure that the permittee is meeting the requirements of the TMDL.

(c) The quarterly monitoring mentioned in this permit would be based on any TMDL requirements, not on an STAA. STAAs have their own requirements, which are unrelated to this quarterly monitoring. STAA reporting requirements are outside the scope of this permit.

Comment 3 Part I, Section B, Paragraph 14.B. “Natural Buffer Zones”

The language in this paragraph says the fifty foot buffer will apply “...from the top of the bank to the disturbed area, from established TMDL water bodies, stream listed on the 303(d) list, an Extraordinary Resource Water (ERW), Ecologically Sensitive Waterbody (ESW) or any other uses at the discretion of the Director.” The intent of this language as we interpret it would require the buffer for such streams which are actually on or adjacent to the project. ADEQ has informally required a fifty foot buffer on tributaries of these streams within five miles of their confluence with the receiving stream. Request a clarification of this

requirement.

Response: The interpretation above is generally correct. This general permit requires a 25-foot buffer zone for all water bodies. The 50-foot buffer zone is for the water bodies specified in Part I.B.14.B of this general permit. However, Part I.B.14.B does include a requirement for a 50-foot buffer zone for any uses at the discretion of the Director, which would be determined on a case-by-case basis.

Comment 4 Parts I.B.6.B and Part I.B.7.A, where the change to require that the NOI, SWPPP, and permit fee must be submitted to the Department 30 calendar days prior to the date coverage desired is problematic due to the fact that many projects require less than 10 days to begin work once a work order is issued. In this case, the beginning of a project could be delayed by a month or more depending on if the NOI and SWPPP is deemed sufficient by the Department, then the delay could be 60+ days. With understanding of the extensive review time by the Department concerning all the applicable information with the permitting process, we respectfully request to leave the review time at 14 calendar days.

Response: The Department acknowledges this comment and will change the review time back to 10 business days. The Department will continue to issue permit coverage as quickly as possible to try to prevent any delays due to permit review procedures.

Comment 5 Part I.B.11.D has been changed to include that a quarterly report be submitted to the Department if a numeric limit has been assigned to the facility based on an approved TMDL. Understanding the nature of receiving waters with TMDL, these limits are more for long-term monitoring. Since this is a General Stormwater Permit that typically involves relatively short-term activities, we feel the reporting is unnecessary for this permit. This will put an undue burden on the operators of these short-term projects.

Response: It is unlikely that a construction site will be assigned a waste load allocation in a TMDL. However, the Department must have a procedure in place, should the situation arise. If a receiving stream is impaired and the construction site has been identified as contributing the impairment, the permittee must take steps to prevent further impairment, even if the activity is short-term.

Comment 6 Page 11 of Part I, Section B.7.C addresses the requirements for the Notice of Coverage.

Part 1, Section B.7.C states that dischargers who submit a complete NOI and SWPPP are authorized to discharge stormwater from construction activities under the terms and conditions of this permit thirty days after the NOI is deemed complete by ADEQ.

Per the Fact Sheet, the timeframe was changed from two weeks to 30 days due to the extensive review time necessary for the Department to make a determination of eligibility.

The 30 day timeframe is the time for ADEQ to issue the Notice of Coverage after the NOI and SWPPP have been deemed complete. An NOI is not deemed complete until an “extensive review” of the NOI and SWPPP has been completed to ensure that permit requirements have been met. Following the deeming of a complete NOI and SWPPP, the current two week time frame to issue an NOC should be sufficient for ADEQ and the permittee should not be penalized for an ADEQ 30 day processing timeframe.

Thus, we request that the NOC issuance timeframe remain at two weeks as listed in the current permit.

Response: The Department agrees to change Part I.B.7.C from a 30-day timeframe to 10 business days. Additionally, please see response 4.

Comment 7 Page 13 of Part I, Section B.13.E addresses prohibited discharges via ELGs.

For Section B.13.E.1 Wastewater from washout of concrete; the phrase “unless managed by an appropriate control” was removed from this guideline. With the removal of this phrase, the draft permit is neither consistent with 40 CFR 450.21 nor consistent with the terminology in Part II, Section A. 4.H.5.

We request that the phrase be placed back into the final permit.

Response: The Department agrees. This phrase has been placed back into the final permit as requested.

Comment 8 Page 15 of Part I, Section B.16 addresses Notice of Termination (NOT).

The first sentence states “When all construction activities that disturbed soil are complete, the site has reached final effective stabilization (100% stabilization with 80% density)...”. Is “final effective stabilization” the same as “Final Stabilization”? The term “Final Stabilization” as defined in Part 1.A.24 provides for different stabilization requirements (coverage and density requirements) based on site conditions or location. If the two above referenced terms are intended to mean the same, AEF request that the phrase “100% stabilization with 80 % density” be replaced with the phrase “as defined in Part 1.A.24” or something similar that references the definition for “Final Stabilization”.

If the two above referenced terms do not mean the same, we request that the definition for “Final Effective Stabilization” be added to Part 1.A of the permit.

Response: The word “effective” has been removed from Part I.B.16 and the requested reference to the definition has been added.

Comment 9 Page 6 of Part II, Section A.4.G.2.d addresses deadlines for stabilization.

The section requires that stabilization measures be initiated by the fourteenth day after construction activity temporarily or permanently ceases. This is in contradiction with Page 13 of Part 1, Section B.13.B – Effluent Limitation Guideline Soil Stabilization which requires stabilization of disturbed areas be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site. We request clarification on the deadline for stabilization for sites where construction has been permanently ceased.

Please note that the same comment was made during the public notice period for the 2011 CGP. Per the ADEQ response to comments, changes were going to be made to clarify the deadline for stabilization. However, it appears that the changes were never incorporated into the final permit.

Response: Stabilization measures shall be initiated immediately after the construction activity permanently ceases, unless weather conditions outside of the permittee’s control prevent immediate action. Parts II.A.4.G.2.d and II.A.4.G.2.e have been updated to clarify the requirements in the general permit for deadlines for stabilization both after construction activity temporarily ceases and permanently ceases.

Comment 10 Page 1 of the Fact Sheet, Section 1 addresses changes made in the draft permit.

Section 1.C states that Part I.B.6.D has been added to include requirements for the permittee to submit a \$200 permit modification fee... The draft permit does not contain Part 1.B.6.D. Part 1.B.6.C discusses modification of permit coverage to include additional acreage. We believes that Part 1.B.6.C is the correct reference.

Response: The Department agrees. The requested change has been made in the Fact Sheet.

Comment 11 Throughout permit – web link.

The web links provided in the draft permit appear to be outdated. The ADEQ website has changed since the draft permit was public noticed thus the links need to be updated to match the new website.

Response: The Department agrees. The ADEQ website has changed since the permit was publicly noticed, and all website links have been updated.

Comment 12 Page 13 of Part I address Short Term Activity Authorization.

Part 1 Section B.12 states “Any work being conducted in wetted areas will require an STAA from ADEQ in accordance with Regulation 2.305....An STAA is necessary for any in-stream activity that has potential to exceed the water quality standards...”

We request clarification of “wetted areas vs. in-stream”.

Response: Wetted area means the area where land and water meet at the perimeter of a lake or stream, and includes plant species, insects, and animals that are specialists for this ecosystem type. For clarification, this section will be changed to specify any work being conducted in Waters of the State will require an STAA.

Comment 13 Part I, Section B.7- Notice of Intent (NOI) Requirements

AEP/SWEPCO requests the Department add language to this section stating the applicant will be notified when the Notice of Intent (NOI) has been deemed complete. This date is needed by the applicant to determine when soil disturbance activities can be initiated.

Language in Section B.7.C states:

“...If the NOC has not been received by the permittee thirty days after the NOI is deemed complete by ADEQ, the NOI should be posted until the NOC is received...”

The Fact Sheet states the permittee must request the Department provide the administrative completeness date. AEP/SWEPCO believes the Department should provide this notification immediately to the applicant.”

Response: The Department disagrees. The application must be reviewed by all necessary sections within the Office of Water Quality, and additional information may be required at varying times throughout the review process. The timeframe from completeness to issuance of the Notice of Coverage is very short for this general permit. A required notification to every permittee creates unnecessary additional work for Department personnel. Additionally, see responses 4 and 6.

Comment 14 Part 1. A. Define SWPPP boundary. It is different than disturbed area. It includes the construction trailer, parking, staging, concrete mixer, off-site material storage area, borrow and fill etc. State, “All BMPs must be inside the SWPPP boundary.” The BMPs are part of construction activity.

Response: “SWPPP boundary” is not a term used in this general permit. The items mentioned above are included in Part I.B.2.B. of the permit, which states that this general permit authorizes stormwater discharges from support activities

provided that these areas are included in the SWPPP and have appropriate controls for the area. Property boundaries should be included on the site map, because Part II.A.4.F requires the entire site to be identified on the site map.

Comment 15 Part 1. A. 4. Add to end of first sentence. "...Waters of the State and outside of SWPPP boundary." Part 1. A. 8 add to end ... and outside of SWPPP boundary. I realize there may not be regulatory authority to add this part, but it is trying to address deposition of pollution onto neighboring properties from runoff. See Part II A. 4. G. 1. d. Perhaps this issue is trying to be addressed under the new Waters of the State definition that includes drainage system. Does a drainage system include a generally dry ravine? Please define drainage system used in Waters of the State definition.

Response: "...Waters of the State and outside of SWPPP boundary" will not be added to the current definition of Best Management Practices or Control Measure. This is already addressed in the permit in Parts II.A.4.G.1.b. and II.A.4.G.1.d, which are to prevent sediment from leaving the site, and then to remove any escaped sediment as needed to minimize the off-site impacts. Additionally, the term "SWPPP boundary" is not used in this permit. Please see response 14 above. A definition for "drainageway" has been added to Part I.A. based on the EPA construction general permit. If a generally dry ravine functions for the collection and drainage of surface water, then it would be considered to be a drainage way.

Comment 16 Part I. A. 36. Adjust the definition of Operator to include EPA CGP definition. Add, 1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or 2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).

Response: The Department disagrees. The current definition is adequate and is based on and consistent with Regulation 6.103(B).

Comment 17 Part I. A. Define natural buffer zones.

Response: A definition of natural buffer has been added to Part I.A. based on the EPA Construction General Permit, and it states that a natural buffer is "for purposes of this permit, an area of undisturbed natural cover surrounding surface waters. Natural cover includes vegetation, exposed rock, or barren ground that exists prior to commencement of construction activities at the site."

Comment 18 Part I. A. Define construction activity per EPA permit requirements. It is referred to many times.

Response: This is unnecessary because construction activity is defined in the definitions for both “Large Construction Site” and “Small Construction Site,” which covers all construction sites.

Comment 19 Part I. A. Define duly authorized representative.

Response: A definition for duly authorized representative has been included in Part I.A.20. The requirements of a duly authorized representative are defined in Part II.B.9.B, and also the definition of Cognizant Official references this section.

Comment 20 Part I. A. Define permittee or change to “Operator or duly authorized representative” throughout permit document and on NOI.

Response: The terms permittee and operator are interchangeable based on Department terminology. Part I.A.38 has been changed to be the definition of “Operator”/ “Permittee.”

Comment 21 Part I. A. Define Responsible Parties. It is referenced in the permit and in the SWPPP.

Response: A definition of Responsible Parties will not be added to the permit. The Department believes this to be self-explanatory. Responsible Parties are those parties/employees/people who are responsible for carrying out specific job related duties as related to the permit requirements.

Comment 22 Part I. A. Define an unnamed stream. Who determines what is or what is not a stream or unnamed stream in Part I. B. 14. A?

Response: The Department typically uses USGS maps, which contain streams which both have names (named streams) and streams which do not have names (unnamed streams). An named stream is simply a stream that has not been given a name. It has no less protection than any other Water of the State as defined in definition 59 and in the Ark. Code Ann. §8-4-102(10).

Comment 23 Part I. B. Introduction. The EPA CGP requires a permit when 1 or more acres is disturbed. The first sentence does not say that. It says 5 acres. The second sentence reads that 1-5 acres has to take place under Larger common plan. This is not true. Change back to the existing permit language.

Response: The Department has revised Part I.B. to state that “This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre.”

Comment 24 Part I. B. 6. B. 4. Add a Permit revocation clause. “Automatic permit revocation upon non-payment of renewal fee within 90 days. Accrue set daily fines until the

renewal fee is paid or until NOT conditions are met and approved.”

Response: The Department disagrees. This will not be added to the general permit. Enforcement actions are handled by the Enforcement Branch of the Office of Water Quality based on specific site conditions and criteria.

Comment 25 Part I B. 13. C. Change surface waters to Waters of the State in the second sentence.

Response: The Department agrees. The requested change has been made.

Comment 26 Part I B. 12. Define wetted areas. Should that be Waters of the State?

Response: This section has been changed to reference Waters of the State. Please see response 12.

Comment 27 Part I B. 13.B. Please clarify the EPA circumstances for last sentence relative to AR.

Response: There are no specified circumstances in which stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed. This is evaluated on a case-by-case basis.

Comment 28 Part I. B. 14. A. Change to, “.... disturbed area, from any Waters of the State, wetlands, named or unnamed streams,”

Response: All mentioned water bodies are considered Waters of the State, including wetlands. Part I.B.14.A has been changed to state that a 25-foot buffer zone is required from all Waters of the State.

Comment 29 Part II. A. 3. Add this statement to begin the paragraph. “Follow the approved SWPPP. “

Response: This is unnecessary. Part I.B.3. of the permit already specifies that the operator is responsible for compliance with all conditions of the permit including following the SWPPP.

Comment 30 Part II. A. 3. Add to end of paragraph. “If BMP specification detail fails, then obtain SWPPP designer BMP change approval.”

Response: The distribution of responsibilities between parties at the site is not the Department’s responsibility. The operator is responsible for making sure that the appropriate changes are made to the SWPPP to reflect accurate site conditions. Any job duties and responsibilities related to BMP change approval are left up to the permittee.

Comment 31 Part II. A. 4. F. 3. Add, “State existing vegetative cover.”

Response: The Department disagrees. Surfaces other than vegetation can be disturbed. This will not be added to the permit.

Comment 32 Part II. A. 4. F. 3. 5 Add, “Delineate SWPPP boundary.”

Response: This is unnecessary. Part II.A.4.F already requires all areas that will be disturbed and property boundaries that are not disturbed under coverage of this permit be shown on the site map.

Comment 33 Part II. A. 4. F. 9 Add, “and Waters of the State with associated natural buffer boundary lines. Delineate, and clearly mark off with flags, tape, or similar marking device all natural buffer areas.”

Response: Part II.A.4.F contains the requirements for the site map, and marking of the buffer areas with a marking device is not appropriate to require on the site map. However, Part II.A.4.F.9 has been changed to require the inclusion of any natural buffer boundary lines.

Comment 34 Part II. A. 4. F. 9. Add, “Identify floodplain and floodway boundaries.”

Response: The Department agrees to make this addition. The Department will use FEMA maps, if available, to determine if any additional BMPs are necessary on a case by case basis.

Comment 35 Part II. A. 4. F. 10. Add, “discharged to Waters of the State” and surface water....

Response: Part II.A.4.F.10 was changed to add Waters of the State, and remove surface waters, as this is covered under Waters of the State.

Comment 36 Part II. A. 4. F. 13. Add, “Match Erosion and Sediment Control measures symbol/label to legend and detail sheet.”

Response: The Department agrees. Part II.A.4.F.13 has been added to require the inclusion of a legend to clearly specify any symbols or labels used in the site map and/or detail sheet.

Comment 37 Part II. A. 4. F. 14. Add per EPA CGP, “Locations of any storm drain inlets on the site and in the immediate vicinity of the site.”

Response: The Department agrees. Part II.A.4.F.14 has been added to require the inclusion of the location of storm drain inlets on the site map.

Comment 38 Part II. A. 4. G. Add after first sentence, “All BMPs shall be inside the SWPPP boundary.”

Response: The Department disagrees because this is a self-explanatory condition. Part II.A.4.F requires the site map to include the entire construction site and property boundaries of the site. Additionally, the term “SWPPP boundary” is not a term used in the general permit.

Comment 39 Part II. A. 4. G. 1. Add after first sentence per EPA CGP, “The SWPPP must include a description of the intended sequence of construction activities. Complete installation of stormwater controls by the time each phase of construction has begun, unless infeasible. The stormwater drainage systems must be installed as soon as feasible in the construction sequence, at least before impervious surfaces.”

Response: The Department disagrees. Part II.A.4.A.2 already requires that the SWPPP include a description of the intended sequence of major activities. The permittee is required at all times to maintain adequate controls at the construction site. The stormwater drainage systems are based on local requirements, and not this general permit.

Comment 40 Part II. A. 4. G. 1. h. Add per EPA CGP, “If you are using polymers, flocculants, or other treatment chemicals at your site, you must comply with the following minimum requirements: Use conventional erosion and sediment controls prior to and after the application of treatment chemicals, Select appropriate treatment chemicals, minimize discharge risk from stored chemicals, use per manufacturer specification, and ensure proper use training.”

Response: The Department disagrees. Part I.B.13.D already requires permittees to implement chemical spill and leak prevention and response procedures. Polymer and flocculant usage is not discussed in this general permit. However, permittees are required under this general permit to implement appropriate BMPs based on the specific site characteristics, regardless of any polymer or flocculant usage and the site.

Comment 41 Part II. A. 4. G. 3. a. 2 Change to 10 to 5 acres.

Response: The Department disagrees. Part II.A.4.G.3.a.1 states the requirements for any site with 10 or more acres draining to a common point, and Part II.A.4.G.3.a.2 states the requirements for any site with less than 10 acres draining to a common point.

Comment 42 Part II. A. 4. H. 1. Add to end of sentence, or outside of SWPPP boundary.

Response: The phrase “or offsite” has been added to this section of the permit to clarify that solid materials should not leave the construction site.

Comment 43 Part II. A. 4. H. 5 Add to end of paragraph, “Direct all concrete washwater into a

leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation.”

Response: The Department disagrees. This is covered in the current language, which requires the permittee to take appropriate controls to prevent the discharge of concrete washout waters.

Comment 44 Part II. A. 4. H. 6 Add to end of first sentence, “...Waters of the state or outside of SWPPP boundary.”

Response: The phrase “or offsite” has been added to Part II.A.4.H.6.

Comment 45 Develop the Pollution Prevention Section under Part II. A. 4. H. for SWPPP per EPA CGP Section 2.3. For instance add, “If you conduct fueling and/or maintenance of equipment or vehicles at your site, you must provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the CWA. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids. Use drip pans and absorbents under or around leaky vehicles. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements. Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge. Do not clean surfaces by hosing the area down. Cover building materials, pesticides, herbicides, insecticides, fertilizers, and landscape materials: with plastic sheeting or temporary roofs to prevent these chemicals from coming into contact with rainwater, or a similarly effective means designed to prevent the discharge of pollutants from these areas. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.”

Response: The Department disagrees. The current language is adequate and forbids the discharge of contaminants from fuel storage areas, hazardous waste storage and truck wash areas.

Comment 46 Part II. A. 4. L. 1. b. To comply with EPA CGP permit 4.1.2.2, change to “within 24hrs of the end of a storm event of .25 inches or greater....”

Response: The Department agrees. The requested change has been incorporated into Part II.A.4.L.1.b.

Comment 47 Part II. A. 4. L. Add to “...Waters of the State or outside of SWPPP boundary, where accessible.”

Response: The phrase “or offsite” has been added to this section.

Comment 48 Part II. A. 4. M. Add at end of paragraph, “Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.”

Response: The Department expects a trained stormwater operator will have a certain level of knowledge of proper and improper actions at a construction site. Every possible situation cannot be specified in the general permit. It is the responsibility of the permittee to make sure all personnel who are working on the construction site are knowledgeable of the goals of the SWPPP and the requirements of the general permit.

Comment 49 Part II. A. 4. N. Change “Permittee” word to “Operator or duly authorized representative”.

Response: This part of the permit has been changed to reference the permittee/operator, as the terms are considered by the Department to be interchangeable. See also response 20.

Comment 50 Part II. B. 8. Add, “At such time the approved SWPPP boundary limits are proposed to be exceeded by more than 1 acre, submit a revised SWPPP to the Director for approval.”

Response: SWPPPs are not required to be submitted to the Department unless a site is disturbing five acres or more, or part of a larger common plan. The SWPPP of a small construction site should be updated to reflect any changes in the site conditions. The Department believes that the current language in this part of the general permit is adequate.

Comment 51 Part II. B. 9. Clearly define each qualified signatory. The terms Cognizant Official, duly authorized representative, Permittee, Responsible Parties, Responsible Official, Operator, and owner are all used. The glossary definition of cognizant official is the duly authorized representative. Part II B. 9. says signatory is the entity who signs the NOI or a duly authorized representative, but the NOI paperwork has signature lines labelled Responsible Official and Cognizant Official. Please change to label NOI signature lines as Operator and duly authorized representative. Reference Part II. A. 2. A.. Please be consistent naming the signatories in the permit and associated reports. Use one or the other to reduce confusion or clarify. The Inspection Form signature line says Responsible or Cognizant Official. It should say the Operator or duly authorized representative can sign Inspection forms. Whoever signs the NOI shall delegate the Inspection Reports signatory in writing. The delegated entity may sign the reports for the Operator. Part II. A. 4. B. references Responsible Parties. Please

clarify each term.

Response: The terms Responsible Official and Cognizant Official are standard terms used in all permits from the Office of Water Quality. A clarification of the term Responsible Parties can be found in Response 21. Operator/Permittee is defined in Part I.A.38. The term owner is also defined in Part I.A.38. The Responsible Official is the individual who must sign the NOI, and the requirements are found in Part II.B.9.A. The cognizant official is an individual who has been authorized by the Responsible Official to sign reports required by the permit and other information requested by the Director, and the requirements are in Part II.B.9.B.

Comment 52 Provide a formal delegation letter template.

Response: A formal delegation letter template is not necessary. The NOI has a designated place for the permittee to provide both the Responsible Official and the Cognizant Official at the time of application for permit coverage. A Change of Authorization form is available on the Department's website if the information that was provided at the time of application becomes no longer valid.

Comment 53 Provide user friendly Stormwater inspection form.

Response: ADEQ's inspection form is provided to permittees on the ADEQ website (<https://www.adeg.state.ar.us/water/permits/npdes/stormwater/>) for convenience. It is not required that a permittee use the ADEQ provided inspection form. It is acceptable for a permittee to use a different inspection form, as long as all requirements in Part II.A.4.L.2 are satisfied.

Comment 54 It is recognized the 30-day SWPPP submittal review period will have a negative economic impact to the growing Northwest Arkansas area. The EPA CGP has a 14 calendar day NOI submittal requirement.

Response: Please see response 4.

Comment 55 Page 11 of Part I, Section B.7.C addresses the requirements for the Notice of Coverage.

Part 1, Section B.7.C. states that dischargers who submit a complete NOI and SWPPP are authorized to discharge stormwater from construction activities under the terms and conditions of this permit thirty days after the NOI is deemed complete by ADEQ.

Per the Fact Sheet, the timeframe was changed from two weeks to 30 days due to the extensive review time necessary for the Department to make a determination of eligibility.

The 30 day timeframe is the time for ADEQ to issue the Notice of Coverage after the NOI and SWPPP have been deemed complete. However, as it is drafted in Part 1, Section B.7.A of the draft permit, there is already an additional 20 days to review the NOI and make a completeness determination. An NOI is not deemed complete until an “extensive review” of the NOI and SWPPP has been completed to ensure that permit requirements have been met. Following the deeming of a complete NOI and SWPPP, the current two week timeframe to issue an NOC should be sufficient for ADEQ and the permittee should not be penalized for and ADEQ 30 day processing timeframe.

Thus, GBMc request that the NOC issuance timeframe remain at two weeks as listed in the current permit.

Response: Please see response 6.

Comment 56 Page 13 of Part I, Section B.12 addresses Short Term Activity Authorization.

Part 1, Section B.12 states “Any work being conducted in wetted areas will require an STAA from ADEQ in accordance with Regulation 2.305... An STAA is necessary for any in-stream activity that has potential to exceed the water quality standards...”

GBMc requests clarification of “wetted areas vs. in-stream”.

Response: Please see response 12.

Comment 57 Page 13 of Part I, Section B.13.E addresses prohibited discharges via ELGs.

For Part 1, Section B.13.E.1 Wastewater from washout of concrete; the phrase “unless managed by an appropriate control” was removed from this guideline. With the removal of this phrase, the draft permit is neither consistent with 40 CFR 450.21 nor consistent with the terminology in Part II, Section A.4.H.5.

GBMc requests that the phrase be placed back into the final permit.

Response: Please see response 7.

Comment 58 Page 15 of Part I, Section B.16 addresses Notice of Termination (NOT).

The first sentence states “When all construction activities that disturbed soil are complete, the site has reached final effective stabilization (100% stabilization with 80% density)...”. Is “final effective stabilization” the same as “Final Stabilization”? The term “Final Stabilization” as defined in Part 1, Section A.24 provides for different stabilization requirements (coverage and density requirements) based on site conditions or location. If the two above referenced terms are intended to mean the same, GBMc request that the phrase “100%

stabilization with 80 % density” be replaced with the phrase “as defined in Part 1, Section A.24” or something similar that references the definition for “Final Stabilization”.

If the two above referenced terms do not mean the same, GBMc requests that the definition for “Final Effective Stabilization” be added to Part 1. Section A of the permit.

Response: Please see response 8.

Comment 59 Page 6 of Part II, Section A.4.G.2.d addresses deadlines for stabilization

The section requires that stabilization measures be initiated by the fourteenth day after construction activity temporarily or permanently ceases. This is in contradiction with Page 13 of Part 1, Section B.13.B – Effluent Limitation Guideline Soil Stabilization which requires stabilization of disturbed areas be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site. We request clarification on the deadline for stabilization for sites where construction has been permanently ceased.

Please note that the same comment was made during the public notice period for the 2011 CGP. Per the ADEQ response to comments, changes were going to be made to clarify the deadline for stabilization. However, it appears that the changes were never incorporated into the final permit.

Response: Please see response 9.

Comment 60 Page 1 of the Fact Sheet, Section 1 addresses changes made in the draft permit.

Fact Sheet Section 1.C states that Part I.B.6.D has been added to include requirements for the permittee to submit a \$200 permit modification fee... The draft permit does not contain Part 1.B.6.D. Part 1.B.6.C discusses modification of permit coverage to include additional acreage. GBMc believes that Part 1.B.6.C is the correct reference.

Response: Please see response 10.

Comment 61 Throughout permit – web link.

The web links provided in the draft permit appear to be outdated. The ADEQ website has changed since the draft permit was public noticed thus the links need to be updated to match the new website.

Response: Please see response 11.

Comment 62 Regarding Lack of Public Hearing: BWD questions why a public hearing was not held on this important and widely-utilized Draft Permit. It appears to BWD that little was done to inform and engage the general public regarding this Draft Permit. A public hearing and prominent notice of such on ADEQ's homepage seems warranted and still could be provided pursuant to Arkansas Pollution Control and Ecology Commission Regulation 8.208(F).

Response: A letter was sent to each of the 1153 permittees covered under this general permit regarding the public notice, which provided the timeline for submitting public comments and a copy of the public notice that was published in the Arkansas Democrat Gazette. Regulation 8.208(F) does not require a public hearing, but allows the Department to use its discretion to determine if a public hearing is necessary. A public hearing was held at the time of the previous permit renewal because there were significant changes to the general permit. The Department has determined that the 30-day public comment period is adequate for this general permit renewal.

Comment 63 Regarding Draft Permit Part I.A., Definitions: The provisions in this section are not strictly limited to definitions (see, e.g., Part I.A.4, Best Management Practices (BMPs), which includes the sentence that, "According to the EPA BMP Manual, the use of hay-bales in concentrated flow areas is not recommended as a best management practice."). BWD finds the additional commentary to be beneficial and does not suggest that it be removed. We do think, however, that the heading for Part I.A should be changed to something along the lines of "Definitions with Included Commentary."

Response: The requested change has been made to Part I.A.

Comment 64 Regarding Draft Permit Part I.A.24.D, Definition regarding Final Stabilization: This definition contains a reference to "buffer strips immediately adjacent to 'Water of the United States.'" BWD assumes that leaving the "s" off of "Water" was just a typographical error. More substantively, however, BWD requests that this phrase be revised as follows: ". . . buffer strips immediately adjacent to 'Waters of the United States' and 'Waters of the State,' . . . shall meet the final stabilization criteria in A, B, or C, above." This change will avoid the implication that buffer strips immediately adjacent to waterbodies that qualify as Waters of the State but not as Waters of the United States need not meet the final stabilization criteria specified.

Response: Part I.A.26.D has been updated to change the term "Waters of the United States" to "Waters of the State." Waterbodies designated as a "Water of the United States" will also be covered under "Waters of the State."

Comment 65 Regarding Draft Permit Part I.A.24.D, Definition of Sediment Basin: The efficiency of a settling basin is determined by surface area rather than by volume. Why, then, is the design standard based on volume?

Response: The definition of sediment basin is found in Part I.A.50. The area which drains to the pond is used in the calculation of the necessary volume required to be held in the pond. The most conservative runoff coefficient was used to determine the most conservative situation because this is a general permit and must apply to many different situations and site conditions.

Comment 66 Regarding Draft Permit Part I.B.5, Requirements for Qualifying Local Program (QLP): It is possible that QLPs other than the City of Hot Springs will be approved during the term of this permit. BWD suggests that the last sentence in Part I.B.5 be revised as follows: “At the time of issuance of this permit,”

Response: No cities are currently expressing interest to the ADEQ in becoming a QLP. However, the requested language has been added to Part I.B.5.

Comment 67 Regarding Draft Permit Part I.B.11, Limitations on Coverage (Exclusions): BWD requests that restrictions similar to those in Draft Permit Parts I.B.11.E and F, which apply, respectively, to discharges into impaired receiving waters (i.e., waterbodies on the 303(d) List) and to discharges into Extraordinary Resource Waters, Natural and Scenic Waterways, or Ecologically Sensitive Waterbodies also apply to discharges into existing, public drinking water sources. It is just as important, if not more so, that the State’s drinking water sources receive this added level of protection.

Response: According to Regulation 2.302(G), domestic water supply is listed as a designated use for all waters within the State of Arkansas, unless that specific waterbody has this designated use removed. Drinking water intake structure locations are not publicly available. However, the Department reviews the NOI, SWPPP, and any other applicable information to ensure that all designated uses are protected.

Comment 68 Regarding Draft Permit Part I.B.13.A.6, regarding Erosion and Sediment Controls: BWD requests that this phrase be revised as follows: “Provide and maintain natural buffers around Waters of the United States and Waters of the State” This change will avoid the implication that buffer strips are not required around waterbodies that qualify as Waters of the State but not as Waters of the United States.

Response: Part I.B.13.A.6 has been changed to reference Waters of the State instead of Waters of the United States, which will still include Waters of the United States.

Summary of Changes to the permit				
Part	Draft Permit	Final Permit	Reason	Comment #
I.B.23	The operator shall select, install, implement and maintain control measures at the construction site that minimize the discharge of turbidity, oil and grease, and other pollutants at the discretion of the Director as necessary to protect water quality.	The operator shall select, install, implement and maintain control measures at the construction site that minimize the discharge of pollutants for which a stream is impaired at the discretion of the Director as necessary to protect water quality.	To clarify that the all applicable water quality standards should be considered, not just turbidity and oil and grease	1(b)
I.B.6.B	An operator of a large construction site discharging under this general permit shall submit the following items at least thirty days prior to the commencement of construction	An operator of a large construction site discharging under this general permit shall submit the following items at least 10 business days prior to the commencement of construction	To change the submittal deadline to at least 10 business days prior to construction	4
I.B.7.A	<p>Large construction site operators who intend to seek coverage for a stormwater discharge under this general permit shall submit a complete and accurate ADEQ NOI form to the Department (through hard copy, electronic mail at Water-permit-application@adeq.state.ar.us , or the ADEQ ePortal system at https://eportal.adeq.state.ar.us/) at least thirty days prior to the date coverage under this permit is desired. The NOI form must be the current version obtained from the stormwater webpage indicated above in Part I.B.</p> <p>If the NOI is deemed incomplete, the Department will notify the applicant with regard to the deficiencies by a letter, email, or phone within 30 calendar days of the receipt of the NOI.</p>	<p>Large construction site operators who intend to seek coverage for a stormwater discharge under this general permit shall submit a complete and accurate ADEQ NOI form to the Department (through hard copy, electronic mail at Water-permit-application@adeq.state.ar.us , or the ADEQ ePortal system at https://eportal.adeq.state.ar.us/) at least 10 business days prior to the date coverage under this permit is desired. The NOI form must be the current version obtained from the stormwater webpage indicated above in Part I.B.</p> <p>If the NOI is deemed incomplete, the Department will notify the applicant with regard to the deficiencies by a letter, email, or phone within ten (10) business days of the receipt of the NOI.</p>	To change the submittal deadline from 30 calendar days to 10 business days prior to construction	4
I.B.7.C	Unless notified by the Director to the contrary, dischargers who submit a complete NOI and SWPPP in accordance with the requirements of this permit are authorized to discharge stormwater from construction sites under the terms and conditions of this permit thirty days after the date the NOI is deemed complete (which may not be the original submission date if revisions or	Unless notified by the Director to the contrary, dischargers who submit a complete NOI and SWPPP in accordance with the requirements of this permit are authorized to discharge stormwater from construction sites under the terms and conditions of this permit 10 business days after the date the NOI is deemed complete (which may not be the original submission date if revisions or	To change the timeframe from 30 days to 10 business days	6

	additions were necessary) by ADEQ. If the NOC has not been received by the permittee thirty days after the date the NOI is deemed complete by ADEQ, the NOI should be posted until the NOC is received. Upon review of the NOI and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.	additions were necessary) by ADEQ. If the NOC has not been received by the permittee 10 business days after the date the NOI is deemed complete by ADEQ, the NOI should be posted until the NOC is received. Upon review of the NOI and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.		
I.B.13.E.1	Wastewater from washout of concrete	Wastewater from washout of concrete, unless managed by an appropriate control;	To be consistent with the language in 40 CFR 450.21	7
I.B.16	When all construction activities that disturbed soil are complete, the site has reached final effective stabilization (100% stabilization with 80% density), all stormwater discharges from construction activities authorized by this permit are eliminated and all temporary sediment controls are removed and properly disposed, the operator of the facility may submit a complete Notice of Termination (NOT) to the Director.	When all construction activities that disturbed soil are complete, the site has reached final stabilization (100% stabilization with 80% density, or as defined in Part I.A.25.B for sites where background native vegetation will cover less than 100% of the ground), all stormwater discharges from construction activities authorized by this permit are eliminated and all temporary sediment controls are removed and properly disposed, the operator of the facility may submit a complete Notice of Termination (NOT) to the Director.	To be consistent with the definition in Part I.A.24	8
I.B.13.B	Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.	Stabilization of disturbed areas must, at a minimum, be initiated immediately (unless weather conditions do not allow immediate initiation) whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.	To clarify that stabilization does not have to be initiated immediately if the weather conditions do not allow immediate action.	9
II.A.4.G.2.d	Deadlines for Stabilization: Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased, except:	d. Deadlines for Stabilization After Construction Activity Temporarily Ceases: Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has	To clarify that stabilization should be initiated immediately after construction has permanently ceased	9

	<p>(1)Where the initiation of stabilization measures by the fourteenth (14th) day after construction activity temporarily ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.</p> <p>(2)In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority.</p>	<p>temporarily ceased, except:</p> <p>(1)Where the initiation of stabilization measures by the fourteenth (14th) day after construction activity temporarily ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.</p> <p>(2)In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority.</p> <p>e. Deadline for Stabilization After Construction Activity Permanently Ceases: Stabilization measures shall be initiated immediately in portions of the site where construction activities have permanently ceased, except:</p> <p>(1)Where the initiation of stabilization measures immediately after construction activity permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.</p> <p>(2)In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority.</p>		
I.B. Introduction; I.B.6.A.4; I.B.6.C, I.B.8.A; II.A Introduction; II.B.4.D	http://www2.adeg.state.ar.us/water/branch_permits/general_permits/stormwater/default.htm	https://www.adeg.state.ar.us/water/permits/npdes/stormwater/	ADEQ website has been updated	11
I.B.11.D; I.B.15.C	www.adeg.state.ar.us/water/branch_planning/default.htm	https://www.adeg.state.ar.us/water/planning/integrated/tmdl/	ADEQ website has been updated	11
I.B.11.E	www.adeg.state.ar.us/water/branch_planning/default.htm	https://www.adeg.state.ar.us/water/planning/integrated/	ADEQ website has been updated	11
I.B.12	http://www2.adeg.state.ar.us/water/forms_inst.htm	https://www.adeg.state.ar.us/water/planning/instream/	ADEQ website has been updated	11

I.B.12	Any work being conducted in wetted areas will require a Short Term Activity Authorization (STAA) from ADEQ in accordance with Regulation 2.305.	Any work being conducted in Waters of the State will require a Short Term Activity Authorization (STAA) from ADEQ in accordance with Regulation 2.305.	To remove confusion regarding wetted areas	12
I.A.34	N/A	“Natural Buffer” for purposes of this permit, an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural cover includes vegetation, exposed rock, or barren ground that exists prior to commencement of construction activities at the site.	To add a definition of Natural Buffer	17
I.A.39	“Operator”	“Operator”/ “Permittee”	To show that the terms operator and permittee are interchangeable	20
I.B. Introduction	This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities that result in a total land disturbance of equal to or greater than five acres.	This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre.	To clarify that this permit is for construction sites disturbing one acre or more	23
I.B.13.C	There shall be no turbid discharges to surface waters of the state resulting from dewatering activities.	There shall be no turbid discharges to Waters of the State resulting from dewatering activities.	To clarify that turbid discharges from dewatering activities are not allowed into any Waters of the State	25
I.B.14.A	For construction projects where clearing and grading activities will occur, the SWPPP shall provide at least twenty-five (25) feet of natural buffer zone, as measured horizontally from the top of the bank to the disturbed area, from any named or unnamed streams, creeks, rivers, lakes or other water bodies.	For construction projects where clearing and grading activities will occur, the SWPPP shall provide at least twenty-five (25) feet of natural buffer zone, as measured horizontally from the top of the bank to the disturbed area, from any Waters of the State.	To clarify that the 25 foot buffer applies to all Waters of the State	28
II.A.4.F.9	Location of all surface water bodies (including wetlands)	Location of all Waters of the State with associated natural buffer boundary lines	To require the site map to include buffer zone boundary lines	33
II.A.4.F.9	Location of all Waters of the State with associated natural buffer boundary lines;	Location of all Waters of the State with associated natural buffer boundary lines. Identify floodplain and floodway boundaries, if available;	To include floodplain and floodway boundaries in the site map requirements	34
II.A.4.F.10	Locations where stormwater is discharged to a surface water or municipal separate storm sewer system if applicable,	Locations where stormwater is discharged to Waters of the State or a municipal separate storm sewer system if applicable,	To clarify that the location of a discharge to any Waters of the State	35

			should be identified on the site map	
II.A.4.F.13	N/A	A legend that clearly specifies any erosion and sediment control measure symbols/labels used in the site map and/or detail sheet.	To require a legend to specify any symbols used on the site map, for clarification	36
II.A.4.F.14	N/A	Locations of any storm drain inlets on the site and in the immediate vicinity of the site	To require the inclusion of storm drain inlets on the site map	37
II.A.4.H.1	No solid materials, including building materials, shall be discharged to Waters of the State.	No solid materials, including building materials, shall be discharged to Waters of the State or offsite.	To clarify that solid materials should not leave the construction site	42
II.A.4.H.6	No contaminants from fuel storage areas, hazardous waste storage and truck wash areas shall be discharged to waters of the State.	No contaminants from fuel storage areas, hazardous waste storage and truck wash areas shall be discharged to waters of the State or offsite.	To clarify that contaminants should not leave the construction site	44
II.A.4.L.1.b	Inspection Frequency. Inspections shall be conducted in accordance with one of the following schedules listed below. The schedule must be specified in the Stormwater Pollution Prevention Plan (SWPPP). a. At least once every 7 calendar days, or b. At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater (a rain gauge must be maintained on-site	Inspection Frequency. Inspections shall be conducted in accordance with one of the following schedules listed below. The schedule must be specified in the Stormwater Pollution Prevention Plan (SWPPP). a. At least once every 7 calendar days, or b. At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.25 inches or greater (a rain gauge must be maintained on-site	To be consistent with the inspection requirements in the EPA Construction General Permit requiring an inspection either every 7 calendar days, or at least every 14 calendar days and within 24 hours of the end of a storm event of 0.25 inches or greater	46
II.A.4.L.	Discharge locations shall be inspected to determine whether erosion control measures are effective in preventing significant impacts to Waters of the State, where accessible.	Discharge locations shall be inspected to determine whether erosion control measures are effective in preventing significant impacts to Waters of the State or offsite, where accessible.	To clarify that inspectors shall also check for offsite impacts at the discharge points of the site	47
II.A.4.N	The permittee is responsible for training personnel who are responsible for implementing activities identified in the SWPPP on the components and goals of the SWPPP and the requirements of the general permit.	The permittee/operator is responsible for training personnel who are responsible for implementing activities identified in the SWPPP on the components and goals of the SWPPP and the requirements of the general permit.	To clarify that the permittee and operator are interchangeable terms for purposes of this section	49
I.A	SECTION A: DEFINITIONS	SECTION A: DEFINITIONS WITH INCLUDED COMMENTARY	To clarify that Part I.A also includes commentary, not solely definitions	63
I.A.26.D	Areas disturbed that were not previously used for	Areas disturbed that were not previously used for	To update the language to	64

	agricultural activities, such as buffer strips immediately adjacent to “Water of the United States”, and areas which are not being returned to their pre-construction agricultural use shall meet the final stabilization criteria in A, B, or C above.	agricultural activities, such as buffer strips immediately adjacent to “Waters of the State”, and areas which are not being returned to their pre-construction agricultural use shall meet the final stabilization criteria in A, B, or C above	include Waters of the State, which also includes Waters of the United States	
I.B.5	At this time, only the City of Hot Springs is meeting the ADEQ minimum requirements.	At the time of issuance of this permit, only the City of Hot Springs is meeting the ADEQ minimum requirements	Because it is possible that other QLPs may be approved during the permit term	66
I.B.13.A.6	Provide and maintain natural buffers around waters of the United States, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible	Provide and maintain natural buffers around Waters of the State, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible	To update the ELG language to include Waters of the State, which also includes Waters of the United States	68
I.B.8.A	The NOC for small sites, as defined in Part I.A.48, can be obtained from the Water Division’s Stormwater webpage	The NOC for small sites, as defined in Part I.A.50, can be obtained from the Water Division’s Stormwater webpage	To correct the reference as the addition of a definition changed the numbering	N/A