

Port of Seattle

Please see attached PDF

#	Permit Reference / Draft 2026 CSGP Language	Comments	Recommended Change to Draft 2026 CSGP
1	<p>S1.B.1.a Clearing, grading, excavation, <u>construction support activity and other soil disturbing activity (S1.B.1.a.ii.)</u> that results in the disturbance of one or more acres (including off-site disturbance acreage related to construction-support activity as authorized in S1.C.2 and discharges to surface waters of the State; and clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State.</p> <p><u>S1.B.1.b.ii</u> <u>Construction support activities include equipment staging, borrow pit, material storage areas, dump areas, haul roads, construction roads, side-cast areas, on-site portable rock crusher, staging yards, parking areas, off-site construction support activities and other soil disturbing activities.</u></p> <p>S1.B.2 Operators of the following activities are not required to seek coverage under this CSWGP (unless specifically required under Special Condition S1.B.1.b, above):</p> <p>a. Construction activities that discharge all stormwater and non-stormwater to groundwater, sanitary sewer, or combined sewer, and have no point source discharge to either surface water or a storm sewer system that drains to surface waters of the State</p> <p>b. Construction activities covered under an Erosivity Waiver (Special Condition S1.F).</p> <p>c. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility</p>	<p>The formatting of the draft 2026 CSGP appears to be off with the lettering under S1.B.1 out of order. The proposed reorganization in the recommended change supports Ecology’s intent to clarify that construction support activities should be included in the total site acreage, by bringing this language further up in the permit.</p>	<p>Remove S1.b.1.b.ii Construction Support Activities. Definition is already included in the definitions section and referenced in S1.B.1.a.</p> <p>S1.B Operators Required to Seek Coverage Under this General Permit</p> <p>1. Operators of the following construction activities are required to seek coverage under this CSWGP:</p> <p>a. Clearing, grading, excavation, construction support activity and other soil disturbing activity (S1.B.1.a.ii.) that results in the disturbance of one or more acres (including off-site disturbance acreage related to construction-support activity as authorized in S1.C.2 and discharges to surface waters of the State; and clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State. This category includes:</p> <p>b. For the purposes of determining which sites require permit coverage under the CSWGP include:</p> <p>i. Forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State (that is, forest practices that prepare a site for construction activities); and</p> <p>c. Construction support activities include equipment staging, borrow pit, material storage areas, dump areas, haul roads, construction roads, side-cast areas, on-site portable rock crusher, staging yards, parking areas, off-site construction support activities and other soil disturbing activities. Any size construction activity discharging stormwater to waters of the State that the Washington State Department of Ecology (Ecology):</p> <p>ii. Construction support activities include equipment staging, borrow pit, material storage areas, dump areas, haul roads, construction roads, side-cast areas, on-site portable rock crusher, staging yards, parking areas, and off-site construction support activities and other soil disturbing activities.</p>

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			<p>b. Any size construction activity discharging stormwater to waters of the State that the Washington State Department of Ecology (Ecology):</p> <ol style="list-style-type: none">Determines to be a significant contributor of pollutants to waters of the State of Washington.Reasonably expects to cause a violation of any water quality standard. <p>2. Operators of the following activities are not required to seek coverage under this CSWGP (unless specifically required under Special Condition S1.B.1.b, above):</p> <ol style="list-style-type: none">Construction activities that discharge all stormwater and non-stormwater to groundwater, sanitary sewer, or combined sewer, and have no point source discharge to either surface water or a storm sewer system that drains to surface waters of the State.Construction activities covered under an Erosivity Waiver (Special Condition S1.F).Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility
2	<p>S2.A.1.e <i>OPTION 1</i></p> <p>Applicants must notify Ecology if they are aware of contaminated soils and/or <u>contaminated</u> groundwater associated with the construction activity. <u>Contamination including sites with known, remediated, or historically contaminated groundwater and or soil</u> Provide detailed information with the NOI...</p>	<p>Sites that have been remediated and closed out are no longer considered to be contaminated. The same applies for historically contaminated sites. Sites that are only "remediated" or "historically contaminated" should not be required to provide the supporting information/documentation listed in S2.A.1.e.i-iv as the sites would not be current/existing potential sources of contamination since they have been remediated or are no longer considered to be contaminated, and would not pose an increased risk for impacting local receiving waters beyond typical construction activities.</p> <p>Further, remediated sites will likely already have long-term covenants that would require notification to EPA or Ecology of ground-disturbing activities in the areas that were remediated. This creates a potential conflict between stormwater requirements and remediation requirements by including “remediated properties” in the CSGP, and would create duplicative efforts to notify and potentially provide documentation to relevant regulatory agencies.</p>	<p>Remove reference to “remediated” from S2.A.1.e and move “historically contaminated” to S2.A.1.f which would not include the required supporting documentation details listed in S2.A.1.e.i-iv.</p> <p>Change S2.A.1.e to “Applicants must notify Ecology if they are aware of contaminated soils and/or contaminated groundwater associated with the construction activity. Contamination including Contaminated sites that must be reported to Ecology include sites with known, remediated, or historically contaminated groundwater and/or soil. Provide detailed information with the NOI...”</p> <p>Add S2.A.1.f</p> <p>S2.A.1.f Applicants must notify Ecology of historically contaminated sites where areas with historically contaminated soil and/or contaminated groundwater overlap with construction activities. Applicants must provide additional information upon request by Ecology.</p>

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3	<p>S2.A.1.e <i>OPTION 2</i></p> <p>Applicants must notify Ecology if they are aware of contaminated soils and/or <u>contaminated groundwater associated with the construction activity. Contamination including sites with known, remediated, or historically contaminated groundwater and or soil</u> Provide detailed information with the NOI...</p>	<p>As an alternative to the prior comment:</p> <p>Sites that have been remediated and closed out are no longer considered to be contaminated. The same applies for historically contaminated sites. Sites that are only "remediated" or "historically contaminated" should not be required to provide the supporting information/documentation listed in S2.A.1.e.i-iv as the sites would not be current/existing potential sources of contamination since they have been remediated or are no longer considered to be contaminated, and would not pose an increased risk for impacting local receiving waters beyond typical construction activities.</p> <p>Add S2.A.1.f that only includes remediated or historically contaminated, and that notification is all that is required with no supporting documentation. Ecology can request additional information on a site-specific basis.</p>	<p>Change S2.A.1.e to “Applicants must notify Ecology if they are aware of contaminated soils and/or contaminated groundwater associated with the construction activity. Contamination including <u>Contaminated sites that must be reported to Ecology include</u> sites with known, remediated, or historically contaminated groundwater and/or soil. Provide detailed information with the NOI...”</p> <p>Move "remediated" or "historically contaminated" to S2.A.1.f which would not include the required supporting documentation details listed in S2.A.1.e.i-iv.</p> <p>Add S2.A.1.f <u>S2.A.1.f Applicants must notify Ecology of remediated or historically contaminated sites where areas with historically contaminated soil and/or contaminated groundwater overlap with construction activities. Applicants must provide additional information upon request by Ecology.</u></p>
4	<p><i>S3.A removed</i></p> <p>A. Discharges must not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), groundwater quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), and human health based criteria in the Federal water quality criteria applicable to Washington. (40 CFR Part 131.45) Discharges that are not in compliance with these standards are prohibited.</p> <p>S3.B.</p> <p>S3.B. Ecology presumes that <u>water quality standards are protected in the receiving water when the Permittee complies with the following conditions</u>, a Permittee complies with water quality standards unless discharge monitoring data or other site-specific information demonstrates that a discharge causes or contributes to a violation of water quality standards, when the Permittee complies with the following conditions.</p>	<p>The Port supports the removal of text under S3.A that previously included a generic reference/requirement for a discharger being responsible for the receiving water meeting water quality standards. As determined in the March 4, 2025, Supreme Court decision in City and County of San Francisco v. Environmental Protection Agency, Section 1311(b)(1)(C) of the Clean Water Act does not authorize the EPA to include “end-result” provisions in NPDES permits. The requirements for a permittee/discharger must be limited to the quality of the water that is discharged from the facility permitted under a given NPDES Permit and the specific, defined best management practices or control measures to be implemented at the facility.</p>	<p>No change requested. This is a supportive comment. The Port supports the removal of text under S3.A that previously included a generic reference/requirement for a discharger being responsible for the receiving water meeting water quality standards.</p>

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5	<p>S4.B Site Inspections</p> <p>Construction sites one (1) acre or larger that discharge stormwater to surface waters of the State All Permittees must have site inspections conducted by a Certified Erosion and Sediment Control Lead (CESCL). Sites less than one (1) acre may have a person without CESCL certification conduct inspections. (See Special Conditions S4.B.3 and B.4, for detailed requirements of the Permittee's CESCL.)</p>	<p>CESCL should not be required for sites that are required to obtain CSGP coverage due to construction support activities only. These construction support activities often do not include soil disturbance and the qualifications of a CESCL are not needed.</p>	<p>S4.B Site Inspections</p> <p>All Permittees must have site inspections conducted by a Certified Erosion and Sediment Control Lead (CESCL). Sites or portions of sites with only construction support activities (i.e., no active construction) may have a Qualified Personnel without CESCL certification conduct inspections. (See Special Conditions S4.B.3 and B.4, for detailed requirements of the Permittee's CESCL.)</p>																								
6	<p>S4.B.4</p> <p>Table 3: Summary of Primary Monitoring Requirements</p> <table><tr><th>Size of Soil Disturbance⁴</th><th>Weekly Site Inspections</th><th>Weekly Sampling w/ Turbidity Meter</th><th>Weekly Sampling w/ Transparency Tube</th><th>Weekly pH Sampling⁵</th><th>CESCL Required for Inspections?</th></tr><tr><td>Sites that disturb less than 1 acre, but are part of a larger Common Plan of Development</td><td>Required</td><td>Not Required</td><td>Not Required</td><td>Not Required</td><td>No</td></tr><tr><td>Sites that disturb urb <u>1 acre or more, but</u> fewer than 5 acres</td><td>Required</td><td colspan="2">Sampling Required – either method⁶</td><td>Required</td><td>Yes</td></tr><tr><td>Sites that disturb 5 acres or more</td><td>Required</td><td>Required</td><td>Not Required⁷</td><td>Required</td><td>Yes</td></tr></table>	Size of Soil Disturbance ⁴	Weekly Site Inspections	Weekly Sampling w/ Turbidity Meter	Weekly Sampling w/ Transparency Tube	Weekly pH Sampling ⁵	CESCL Required for Inspections?	Sites that disturb less than 1 acre, but are part of a larger Common Plan of Development	Required	Not Required	Not Required	Not Required	No	Sites that disturb urb <u>1 acre or more, but</u> fewer than 5 acres	Required	Sampling Required – either method ⁶		Required	Yes	Sites that disturb 5 acres or more	Required	Required	Not Required ⁷	Required	Yes	<p>The fact sheet states that the proposed changes to Table 3 are minor, but the Port disagrees. Requiring weekly turbidity and pH sampling for sites less than an acre is a significant change.</p> <p>Should Ecology retain the proposed changes to Table 3 in the final 2026 CSGP, an additional row should be added to account for sites or portions of sites with construction support activities only. Areas with construction support activities typically include vehicle and equipment storage, laydown areas, and other similar activities which have minimal to no surface disturbance, particularly in areas that are paved.</p>	<p>Add a new row to Table 3 for “sites or portions of sites with construction support activities only.” See row below for specific changes.</p> <p>The Port supports the removal of the following footnote as it is redundant from other sections of the CSGP.</p> <p>“Note: Benchmark values do not apply to discharges to segments of water bodies on Washington State's 303(d) list (Category 5) for turbidity, fine sediment, or phosphorus; these discharges are subject to a numeric effluent limit for turbidity.”</p>
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	<div>S8 Discharges to 303(d) or TMDL Waterbodies</div> <div>Table 5: Turbidity, Fine Sediment, <u>Low Dissolved Oxygen</u> & Phosphorus Sampling and Limits for 303(d)-Listed Waters</div> <table><tr><th>Parameter identified in 303(d) listing</th><th>Parameter Sampled</th><th></th><th>Analytical Method</th><th>Sampling Frequency</th><th>Numeric Effluent Limit¹</th></tr><tr><td><ul style="list-style-type: none">TurbidityFine SedimentPhosphorusLow Dissolved oxygen</td><td>Turbidity</td><td>NTU</td><td>SM2130</td><td>Weekly, if discharging</td><td>25 NTUs, at the point where stormwater is discharged from the site; OR In compliance with the surface water quality standard for turbidity (S8.C.2.a)</td></tr><tr><td><ul style="list-style-type: none"><u>If Dewatering</u></td><td><u>Turbidity</u></td><td><u>NTU</u></td><td><u>SM2130</u></td><td><u>Daily, if discharging</u></td><td><u>25 NTUs, at the point where stormwater is discharged from the site, OR In compliance with the surface water quality standard for turbidity (S8.C.2.a)</u></td></tr></table> <div>1. Permittees subject to a numeric effluent limit for turbidity may, at their discretion, choose either numeric effluent limitation based on site-specific considerations including, but not limited to, safety, access and convenience.</div>	Parameter identified in 303(d) listing	Parameter Sampled		Analytical Method	Sampling Frequency	Numeric Effluent Limit ¹	<ul style="list-style-type: none">TurbidityFine SedimentPhosphorusLow Dissolved oxygen	Turbidity	NTU	SM2130	Weekly, if discharging	25 NTUs, at the point where stormwater is discharged from the site; OR In compliance with the surface water quality standard for turbidity (S8.C.2.a)	<ul style="list-style-type: none"><u>If Dewatering</u>	<u>Turbidity</u>	<u>NTU</u>	<u>SM2130</u>	<u>Daily, if discharging</u>	<u>25 NTUs, at the point where stormwater is discharged from the site, OR In compliance with the surface water quality standard for turbidity (S8.C.2.a)</u>	<div>The Ecology CSGP Fact Sheet states that the “<i>draft permit proposes requiring daily sampling of discharges to impaired waterbodies from sites that are dewatering to match the EPA CGP 3.3.1.</i>” However, while the EPA CGP requires daily sampling for construction sites that include dewatering and discharge to a 303(d) listed waterbody for certain parameters, it includes a dewatering benchmark threshold for turbidity of 50 NTU compared to Ecology’s dewatering effluent limit of 25 NTU. The EPA CGP can be referenced here: https://www.epa.gov/system/files/documents/2025-04/2022-cgp-permit-as-modified.pdf</div> <div>The CSGP already includes a numeric effluent limit for discharges to certain 303(d)-listed waterbodies whether a construction site is dewatering or not. “Dewatering” is not a parameter identified in a 303(d) listing as the proposed change to Table 5 indicates. The dewatering row in Table 5 should be removed and this new requirement should be included as a 25 NTU benchmark with daily monitoring (if discharging) to match the EPA CGP. Exceeding a benchmark threshold does not constitute a permit violation.</div>	<div>Remove the dewatering row in Table 5 and include the new requirement for daily monitoring for dewatering (if discharging) as a 25 NTU benchmark under a new Condition S8.C.5. The daily monitoring and inclusion as a benchmark rather than an effluent limit will match EPA CGP 3.3.2 while maintaining the benchmark threshold at 25 NTU will match the existing benchmark for turbidity in the Washington CSGP.</div> <div>S8.C.5 For sites that are dewatering and discharging from the dewatering activity to a 303(d)-listed waterbody for turbidity, fine sediment, phosphorus, or low dissolved oxygen, daily turbidity sampling is required (if discharging) with a 25 NTU benchmark, at the point where stormwater is discharged from the site; OR in compliance with the surface water quality standard for turbidity (S8.C.2.a)</div> <div>The title for Section S8.C should be updated to: Sampling, Numeric Effluent Limits, and Benchmarks for Discharges to Water Bodies on the 303(d) List for Turbidity, Fine Sediment, Low Dissolved Oxygen, or Phosphorus</div>
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8	<p>S9.D.8 Stabilize Channels and Outlets</p> <p>b. Provide stabilization, include armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes, <u>along construction road shoulders, sloped work areas</u>, and downstream reaches at the outlets of all conveyance systems.</p>	<p>More clarity is needed when stabilization is required for construction road shoulders and sloped work areas. Often, access roads for construction projects in developed areas will already be paved with no stabilization required. While this requirement could be identified as not applicable, it is more prudent to provide clarification in the permit itself on when stabilization is required for construction road shoulders and sloped work areas, such as in areas where pervious and impervious surfaces interface.</p> <p>In addition, 2024 SWMMWW Volume II-2.8 Element 8: Stabilize Channels and Outlets states “Provide stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes, and downstream reaches at the outlets of all conveyance systems.” This BMP from the 2024 SWMMWW does not include the proposed changes in the draft 2026 CSGP. The proposed changes to the draft 2026 CSGP should be removed for consistency.</p>	<p>Retain existing 2021 CSGP language in Condition S9.D.8 Stabilize Channels and Outlets.</p> <p>Should Ecology move forward with updated language for Condition S9.D.8, Ecology needs to be explicit with is being covered by the changes and add clarification to this Condition (i.e., not covering impervious/paved roadways or sloped work areas which are already stabilized by the nature of being paved). Suggested edits are below.</p> <p>b. Provide stabilization, include armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes, along <u>pervious</u> construction road shoulders <u>with slopes 1.25V:1H or greater</u>, <u>pervious</u> sloped work areas <u>with slopes 1.25V:1H or greater</u>, and downstream reaches at the outlets of all conveyance systems.</p>
9	<p>Definitions</p> <p>Construction Activity means land disturbing operations including clearing, grading, or excavation, <u>and other soil disturbing activities</u> which disturbs the surface of the land. (including off-site disturbance acreage related to construction-support activity). Such activities may include road construction, construction of residential houses, office buildings, or industrial buildings, site preparation, soil compaction, movement and stockpiling of topsoils, and demolition activity.</p>	<p>The addition of “other soil disturbing activities” lacks clarity and will lead to differences in interpretation of the permit. The definition for Construction Activity already includes examples of what may be considered other soil disturbing activities in the second sentence of the definition. As such, the inclusion of “other soil disturbing activities” does not add value or contribute to permittee’s understanding and implementation of the permit, and should be removed.</p>	<p>Retain the current 2021 CSGP definition of construction activity. Support no changes other than correcting the grammatical error.</p> <p>Construction Activity means land disturbing operations including clearing, grading, or excavation, and other soil disturbing activities which disturbs the surface of the land <u>(including off-site disturbance acreage related to construction-support activity)</u>. Such activities may include road construction, construction of residential houses, office buildings, or industrial buildings, site preparation, soil compaction, movement and stockpiling of topsoils, and demolition activity.</p>

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10	<p>Definitions</p> <p>Construction Support Activity means <u>on or</u> off-site acreage that will be disturbed as a direct result of the construction project and will discharge stormwater. <u>Construction-support activities may include, but are not limited to: equipment staging, borrow pit, material storage areas, dump areas, haul roads, construction roads, side-cast areas, on-site portable rock crusher, staging yards, parking areas, off-site construction support activities and all other soil disturbing. For example, off-site equipment staging yards, material storage areas, borrow areas, and parking areas.</u></p>	<p>As stated in the previous comment, the addition of “other soil disturbing activities” lacks clarity and will lead to differences in interpretation of the permit.</p> <p>Some of the added construction support activity examples may not be under permittee’s control, such as dump areas managed by a third party or haul roads on public roadways. All construction support activities should be limited to those under the permittee’s functional control.</p>	<p>Construction Support Activity means on or off-site acreage that will be disturbed as a direct result of the construction project, <u>under the functional control of the permittee</u>, and will discharge stormwater. <u>Construction support activities would not include public roadways used for purposes related to the project.</u> Construction-support activities may include, but are not limited to: equipment staging, borrow pit, material storage areas, dump areas, haul roads, construction roads, side-cast areas, on-site portable rock crusher, staging yards, parking areas, and off-site construction support activities and all other soil disturbing.</p>
11	<p>Definitions</p> <p><u>Operational Hours means when work is happening on site related to the project and project support activities, whether the activities are scheduled or unscheduled.</u></p>	<p>“Operational Hours” is not used in the permit so the definition isn’t needed. “Normal working hours” is used in the permit. Replace “operational hours” with “normal working hours” in the Definitions and clarify “work” to mean “active construction work.” Work could be interpreted to mean someone doing paperwork in the office trailer even when no actual construction activity is occurring.</p>	<p>Operational Hours <u>Normal Working Hours</u> means when <u>active construction</u> work is happening on site related to the project and project support activities, whether the activities are scheduled or unscheduled.</p>
12	<p>Definitions</p>	<p>Propose new definition for Qualified Personnel. This addition will support Comment 4 which provides permittees more flexibility for completing inspections of areas with construction support activities only.</p>	<p><u>Qualified Personnel means those who (1) possesses the knowledge and skills to assess conditions and activities at the facility that could impact stormwater quality and (2) can evaluate the effectiveness of best management practices required by this permit for this specific facility and its unique operations.</u></p>