



Department of  
Environmental  
Conservation

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## **FACT SHEET**

For

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
SPDES CONSTRUCTION GENERAL PERMIT (CGP)  
FOR STORMWATER DISCHARGES  
from  
CONSTRUCTION ACTIVITY**

Permit No. draft GP-0-25-001

Issued Pursuant to Article 17, Titles 7, 8 and Article 70  
of the Environmental Conservation Law

Draft July 31, 2024

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## **INTRODUCTION**

The New York State Department of Environmental Conservation (NYSDEC) proposes to renew the SPDES Construction General Permit (CGP) for Stormwater Discharges from Construction Activity as GP-0-25-001. Upon its anticipated effective date, GP-0-25-001 will replace the previous general permit, GP-0-20-001, which expires on January 28, 2025.

Pursuant to Section 402 of the Clean Water Act (“CWA”), and 40 CFR 122.26(b)(14)(x), (15)(i), and (15)(ii), stormwater discharges from certain construction activities (including discharges through a municipal separate storm sewer system) are unlawful unless they are authorized by a National Pollutant Discharge Elimination System (NPDES) permit or by a state permit program. New York’s State Pollutant Discharge Elimination System (SPDES) is a NPDES-approved program with permits issued in accordance with the Environmental Conservation Law (ECL). An owner or operator of a construction activity must operate under an effective individual SPDES permit, which addresses the stormwater discharges, or obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (here, GP-0-25-001). The authority for the draft GP-0-25-001 is Article 17, Titles 7, 8 and Article 70 of the New York State Environmental Conservation Law, as well as 6 NYCRR Parts 621 and 750.

## SUMMARY OF CHANGES

Numerous changes were made throughout draft GP-0-25-001 compared to GP-0-20-001, as detailed below, to increase clarity resulting in better understanding of draft GP-0-25-001 and, therefore, improved compliance and overall water quality protection.

### Table of Contents

- Draft GP-0-25-001 was restructured, and edits made, for a more logical reading of the permit from start to finish, to improve consistency within the broader NYSDEC SPDES program, and to eliminate redundancies.
  - Changes to the Table of Contents between GP-0-20-001 and draft GP-0-25-001 are indicated in the following chart. Note that the table only summarizes the relocation of contents of the permit; substantive changes are described in this draft Fact Sheet below.

| <b>GP-0-20-001</b> | <b>Draft<br/>GP-0-25-001</b> |
|--------------------|------------------------------|
| Part I.A.          | Part I.A.1.                  |
| Part I.B.          | Part II.B.                   |
| Part I.B.1.e.      | Part I.C.                    |
| Part I.C.          | Part II.C.                   |
| Part I.D.          | Part II.A.                   |
| Part I.E.          | Part I.A.,B.,C.              |
| Part I.F.          | Part I.A.                    |
| Part II.A.         | Part I.D.                    |
| Part II.B.         | Part I.D.                    |
| Part II.C.         | Part I.D.                    |
| Part II.D.         | Part I.E.                    |
| Part II.E.         | Part I.F.                    |
| Part II.F.         | Part I.G.                    |
| Part VII.A.        | Part I.E.7.,<br>Part VII.A.  |
| Part VII.B.        | Part VII.I.                  |
| Part VII.D.        | Part VII.B.                  |
| Part VII.E.        | Part VII.F.                  |
| Part VII.F.        | Part I.E.10.,<br>Part VII.H. |
| Part VII.G.        | Part I.D.5.                  |

|               |                            |
|---------------|----------------------------|
| Part VII.H.   | Part VII.J.                |
| Part VII.I.   | Part VII.O.                |
| Part VII.J.   | Part VII.R.                |
| Part VII.K.   | Part VII.G.                |
| Part VII.L.   | <i>[deleted]</i>           |
| Part VII.M.   | Part VII.K.                |
| Part VII.N.   | Part VII.A.                |
| Part VII.O.   | <i>[deleted]</i>           |
| Part VII.P.   | Part VII.E.                |
| Part VII.Q.   | Part VII.D.                |
| Part VII.R.   | Part VII.M.                |
| <i>[none]</i> | Part VII.L.                |
| <i>[none]</i> | Part VII.N.                |
| <i>[none]</i> | Part VII.P.                |
| <i>[none]</i> | Part VII.Q.                |
| <i>[none]</i> | Part VII.S.                |
| Appendix D    | <i>[deleted]</i>           |
| Appendix E    | Appendix D                 |
| Appendix F    | Appendix E                 |
| <i>[none]</i> | Appendix F,<br>G, H, and I |

- Although not required, Parts I. and II. in draft GP-0-25-001 were reorganized, and edits made, to be more consistent with the structure and content of EPA's 2022 National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) for Stormwater Discharges from Construction Activities (EPA's CGP). These changes make reading and understanding draft GP-0-25-001 easier. For example, the restructuring better organized the requirements in order of how to obtain, maintain, and terminate coverage under the permit.

## Part I

- Part I. in draft GP-0-25-001 is the introduction to eligibility and how to obtain permit coverage. The substantive requirements follow.

## Eligibility Requirements

- Part I.A.1. in draft GP-0-25-001 was simplified and reformatted.
  - Adding regulatory references to the definition of "Construction Activity(ies)" in Appendix A eliminated the need to cite "40 CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii)" Part I.A.1. in draft GP-0-25-001.
  - Adding the exclusion of routine maintenance activity to the definition of "Construction Activity(ies)" in Appendix A eliminated the need to include the same exclusion in Part I.A.1. in draft GP-0-25-001. See the "Definitions – Appendix A" section of this Fact Sheet.
  - The phrase "and groundwaters" was deleted in Part I.A.1. in draft GP-0-25-001 since the CGP only authorizes discharges to surface waters of New York State pursuant to CFR Parts 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii).
  - In GP-0-20-001, Part I.E.1. was essentially redundant of Part I.A. Therefore, Part I.E.1. was removed in the draft GP-0-25-001.
  - For clarity, Part I.A.1.a. and b. in draft GP-0-25-001 separate into two items what was formerly one paragraph. In draft GP-0-25-001, the first item is "one or more acres" and the second item is "less than one acre which are part of a common plan of development or sale that will ultimately disturb one or more acres." Having both items in one paragraph made it difficult to understand that there were two different disturbance thresholds of construction activities that are eligible for coverage under the CGP.
  - Part I.A.1.c.ii., iii., and iv. in draft GP-0-25-001 are new in draft GP-0-25-001. Draft GP-0-25-001 clearly identifies soil disturbance thresholds within the

municipal boundaries of the City of New York (NYC) of: 1) 20,000 square feet or more, but less than one acre; 2) less than 20,000 square feet that are part of a common plan of development or sale that will ultimately disturb 20,000 square feet or more, but less than one acre, or 3) 5,000 square feet or more of impervious area created.

- NYC is the only large Municipal Separate Storm Sewer System (MS4) within New York State (NYS) subject to the Phase I Stormwater Permitting requirements of the Clean Water Act. As the only large MS4 in NYS, the 2015 NYC MS4 Permit was developed by consulting the NYSDEC SPDES General Permit for Stormwater Discharges from MS4s (GP-0-10-002); the MS4 Improvement Guide (EPA Publication 833-R-10-001); and Individual MS4 permit programs from other Phase I MS4s such as Philadelphia, Los Angeles, Chicago, Houston, and District of Columbia. The NYC MS4 Permit only applies to stormwater discharges going to the NYC MS4. Part IV.F.4. of the 2015 NYC MS4 Permit required NYC to complete a study to determine the appropriate soil disturbance threshold for stormwater regulation of construction activities, within the NYC municipal boundaries, that discharge to NYC's MS4. That study evaluated different soil disturbance threshold sizes ranging from 5,000 square feet to 1 acre, to assess potential costs to NYC and developers and the anticipated water quality benefits associated with each soil disturbance threshold size. The study recommended the adoption of a 20,000 square foot soil disturbance threshold, as documented in NYC Stormwater Management Program, 2020 Revision, Appendix 6.1 Lot Size Soil Disturbance Threshold Study for Construction and Post-Construction Stormwater Management. The approved Stormwater Management Program (SWMP), and 2020 NYC MS4 Permit, incorporated the study's recommendations to lower the soil disturbance threshold to 20,000 square feet. Further, the 2020 NYC MS4 Permit incorporated a 5,000 square foot threshold for the creation of impervious surfaces consistent with the NYC Unified Stormwater Rule (see the NYC Environmental Protection webpage: <https://www.nyc.gov/site/dep/water/unified-stormwater-rule.page>). That said, it would be difficult to create new impervious area without soil disturbance. Therefore, CGP coverage is appropriate within the municipal boundaries of NYC at the same soil disturbance thresholds identified in the 2020 NYC MS4 Permit in accordance with 40 CFR 122.26(b)(15)(ii), and 6 NYCRR 750-1.5(a)(10) as NYSDEC concurs those lower soil disturbance thresholds are a significant contributor of pollution to waters surrounding NYC.
- This approach provides additional protections to the quality of receiving waters and ensures a uniform soil-disturbance threshold for

construction and post-construction activities in New York City, thereby eliminating any chance of confusion of rules between the jurisdictions of NYSDEC and NYCDEP.

- Draft GP-0-25-001 authorizes discharges to surface waters of the State either directly or through separate storm sewer systems (e.g. MS4).
- Part I.A.2. in draft GP-0-25-001 was expanded consistent with EPA's CGP language.
- Part I.A.3. in draft GP-0-25-001 added species "of special concern" to fully recognize the universe of species protected under 6 NYCRR Part 182.
  - For clarity, Part I.A.3.a. and b. in draft GP-0-25-001 separate into two items what was formerly one paragraph. In draft GP-0-25-001, the first item is "permit issued pursuant to 6 NYCRR Part 182 for the project" and the second item is "letter issued by NYSDEC of non-jurisdiction for the project." Having both items in one paragraph made it difficult to understand that there were two different ways to be eligible for coverage under the CGP, with respect to endangered or threatened species.
- Part I.A.6. in draft GP-0-25-001 was added to complement Part I.A.5. This complement was needed to address construction activities that are not subject to SEQR but are subject to the equivalent from another New York State or federal agency. For example, the equivalent from another New York State agency could be Certificates of Environmental Compatibility and Public Need from the Department of Public Service.
- For clarity, Part I.A.7.a. and b. in draft GP-0-25-001 separate into two items what was formerly one paragraph. In draft GP-0-25-001, the first item is "obtain all such necessary permits" and the second item is "receive notification from NYSDEC pursuant to 6 NYCRR 621.3(a)(4) excepting Part I.A.7.a." Having both items in one paragraph made it difficult to understand that there were two different ways to be eligible for coverage under the CGP, with respect to UPA permits.
- Part I.A.8. in draft GP-0-25-001 maintains the substance of Part I.F.6. and 7. in GP-0-20-001 but was reordered and reformatted for clarity.
  - Part I.A.8.a. is applicable to linear transportation projects and linear utility projects from Part I.F.7. in GP-0-20-001.
  - Part I.A.8.b. is applicable to all other project types, including residential, commercial, and institutional project types, clarifying the original intent from

Part I.F.6. in GP-0-20-001.

- In GP-0-20-001, there was confusion about the phrase “tributary to” in Part I.F.6. and 7. To eliminate that confusion, the language in draft GP-0-25-001 Part I.A.8.a. and b. clarifies that construction activities, “within the watershed of surface waters of the State classified as AA or AA-S,” are not eligible. As the Stormwater Interactive Map is the only available tool to determine if a construction site is within the watershed of surface waters of the State classified as AA or AA-S, use of the Stormwater Interactive Map is required in Part I.A.8.a.i. and Part I.A.8.b.i. The Stormwater Interactive Map contains a GIS layer “Class AA AAs Watersheds.”

### **Types of Discharges Authorized**

- In GP-0-20-001, Part I.F.2. was redundant of Part I.E.3. With reorganizing draft GP-0-25-001, the same substantive requirements are located in Part I.B.2.

### **Electronic Notice of Intent (eNOI) Submittal**

- Part I.D. in draft GP-0-25-001 provides a narrative explanation of what the eNOI contains so that owners or operators clearly understand what information they must provide.
- Part I.D.1. in draft GP-0-25-001 is new. An eNOI may only be submitted for one of the four options (Part I.D.1.a., b., c., or d.). If a project does not fit one of those four options, it cannot obtain coverage under GP-0-25-001.

Part I.D.1.a., b., and c. build on the new definition for “phase” added to Appendix A of draft GP-0-25-001. For more information, see the definition of “phase” in the section “Appendix A – Definitions” of this Fact Sheet below, including the diagrams.

- Part I.D.1.a. in draft GP-0-25-001 does not change the substance from GP-0-20-001 but more clearly identifies what is acceptable to submit as an eNOI.
- Part I.D.1.b. in draft GP-0-25-001 does not change the substance from GP-0-20-001 but more clearly identifies what is acceptable to submit as an eNOI.
- Part I.D.1.c. in draft GP-0-25-001 does not change the substance from GP-0-20-001 but more clearly identifies what is acceptable to submit as an eNOI so long as the three requirements are met, Part I.D.1.c.i., ii., and iii.

- Part I.D.1.c.i. was added to ensure that all phases of the common plan of development or sale are reviewed collectively under SEQR, or the equivalent, and not segmented.
  - Part I.D.1.c.ii. was added to ensure that the separate phase of a common plan of development or sale, on its own, is otherwise eligible.
  - Part I.D.1.c.iii. was included to ensure implementation of the post-construction stormwater management practices (SMPs) reflect the common plan of development or sale, not separate phase(s), in instances where a phase by itself might be classified differently in accordance with Part III.C.
- Part I.D.1.d. in draft GP-0-25-001 was included to balance the protection of certain threatened and endangered bat species with the need to timely construct projects in furtherance of NYS climate mandates under the CLCPA. Specifically, this provision allows certain instances of tree clearing before development of the entire SWPPP for renewable energy projects (i.e. generation, transmission, or storage), in order to meet stringent construction schedules related to climate mandates and reliability of the electric grid.

In order to meet these aggressive mandates, renewable energy projects must be constructed in an expedited timeframe. Part I.D.1.d. in draft GP-0-25-001 is limited to renewable energy projects because those projects will help timely meet NYS climate mandates under the CLCPA.

For the protection of these threatened and endangered bat species, tree clearing in most areas of the State should occur between November 1<sup>st</sup> and March 31<sup>st</sup>. By tree clearing within this time period, an owner or operator will comply with 6 NYCRR Part 182. This does not apply to NYSDEC Region 1 because that area of the State has such a prevalence of these threatened and endangered bat species that tree clearing during any time of year would result in impacts to these species.

To minimize the potential for irreparable harm, in cases where tree clearing would occur and a project is then not ultimately certified, this provision is applicable only when the owner or operator is at a certain point in its underlying certification process (Part I.D.1.d.i. and Part I.D.1.d.ii.1. in draft GP-0-25-001).

- Part I.D.2. in draft GP-0-25-001 is modeled after EPA's CGP and groups together the prerequisites for submitting an eNOI in logical order.

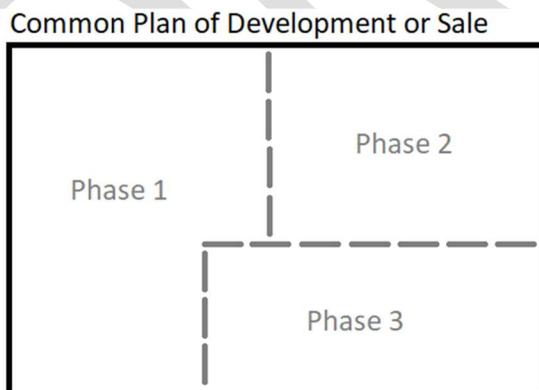
- Under GP-0-20-001, NYSDEC received questions about different scenarios and whether a Traditional Land Use Control MS4 Operator was required to review the Stormwater Pollution Prevention Plan (SWPPP) and sign the MS4 SWPPP Acceptance Form or not. Therefore, Part I.D.2.b.ii.1. in draft GP-0-25-001 was added to list the situations when a Traditional Land Use Control MS4 Operator does not have review authority.
  - Part I.D.2.b.ii.1.a. in draft GP-0-25-001 maintains where the Traditional Land Use Control MS4 Operator did not have review authority under GP-0-20-001.
  - Part I.D.2.b.ii.1.b. and c. in draft GP-0-25-001 were added to implement the Legal Memorandum LU14 listed in Part I.D.2.b.ii.1.c. within the context of this permit. The difference between Part I.D.2.b.ii.1.b. and c. is the existence of an applicable statute or not. The New York State Department of State can answer questions about the analysis outlined in that legal memorandum. This adds clarification for situations when the owner or operator is a different government entity undertaking construction activity within the municipal boundary of a Traditional Land Use Control MS4 Operator.
- Part I.D.2.b.ii.2. and 3. in draft GP-0-25-001 were added to specify what documentation the owner or operator must obtain from a Traditional Land Use Control MS4 Operator to support the conclusion in Part I.D.2.b.ii.1.
  - Part I.D.2.b.ii.2.a. in draft GP-0-25-001 maintains the MS4 SWPPP Acceptance Form (see also Appendix G in draft GP-0-25-001) used under GP-0-20-001.
  - Part I.D.2.b.ii.2.b. in draft GP-0-25-001 added the City of New York Department of Environmental Protection (NYDEP) SWPPP Acceptance/Approval Form (see also Appendix H in draft GP-0-25-001) for eNOIs including construction activities within the municipal boundaries of NYC that will discharge to the MS4. This form was used under GP-0-20-001 but is now clearly identified and required in draft GP-0-25-001.
  - Part I.D.2.b.ii.3. in draft GP-0-25-001 added the MS4 No Jurisdiction Form (see also Appendix H in draft GP-0-25-001) to make it clear to NYSDEC, during the review process of eNOIs for completeness, that the Traditional Land Use Control MS4 Operator(s) do not have review authority.

- Part I.D.3.a. in draft GP-0-25-001 is consistent with EPA's 2015 NPDES Electronic Reporting Rule (40 CFR Part 127). Prior to December 21, 2020, electronic submission of a Notice of Intent (NOI) was optional under Part II.B.1. in GP-0-20-001. In accordance with 40 CFR 127.16(a) and 6 NYCRR 750-2.5(e)(1), Part I.D.3.a. requires that owners or operators submit the Notice of Intent form electronically, which is the format acceptable to NYSDEC. This is consistent with the requirements of Part II.B.2. in GP-0-20-001, which applied after December 21, 2020. The ability to submit a waiver has been included in draft GP-0-25-001, and the process follows the federal regulations at 40 CFR 127.15.
- Part I.D.3.b. in draft GP-0-25-001 replaces the former process from Part II.C. in GP-0-20-001. Under Part II.C. in GP-0-20-001, receipt of the NOI Letter of Acknowledgement was not required for authorization to discharge. NYSDEC simply sent out the NOI Letter of Acknowledgement as a courtesy documenting NYSDEC's receipt of a complete eNOI. To eliminate confusion as to when an owner or operator is authorized to discharge, Part I.D.3.b. in draft GP-0-25-001 requires the NOI Letter of Authorization (LOA) to be received prior to commencing construction.
  - Under Part II.C. of GP-0-20-001, an owner or operator could receive an NOI Letter of Acknowledgment but not be authorized to discharge until project review pursuant to the State Environmental Quality Review Act (SEQR) had been satisfied, when applicable, and not until all necessary NYSDEC permits subject to the Uniform Procedures Act (UPA) (see 6 NYCRR Part 621) had been obtained, where required. To execute this process-change in Part I.D.3.b. of draft GP-0-25-001, what were formerly additional authorization requirements in Parts II.C.2.a. and b. of GP-0-20-001 (SEQR and UPA) have been moved to be eligibility requirements in Part I.A. in draft GP-0-25-001.
  - Part II.C.3. in GP-0-20-001 included timelines for authorization to discharge of five business days or 60 business days after receipt of a complete NOI, depending on the situation. Now, in Part I.D.3.b. of draft GP-0-25-001, the controlling authorization date is indicated in the LOA.
    - Draft GP-0-25-001 now requires submission of an eNOI in accordance with Part I.D.3.a., which allows NYSDEC to automate LOA issuance electronically, therefore eliminating the need for the five business day timeline.
    - Part I.D.3.b.i. in draft GP-0-25-001 maintains the 60 business day authorization timeline for owners or operators if both of the following apply: 1) where there is deviation from the New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016 (Blue Book) and/or the New York State Stormwater Management Design Manual, dated July 31, 2024 (2024 Design Manual), the

SWPPP demonstrates equivalence in accordance with Part III.B.1. or 2. and 2) a Traditional Land Use Control MS4 Operator does not have review authority in accordance with Part I.D.2.b.ii.1.

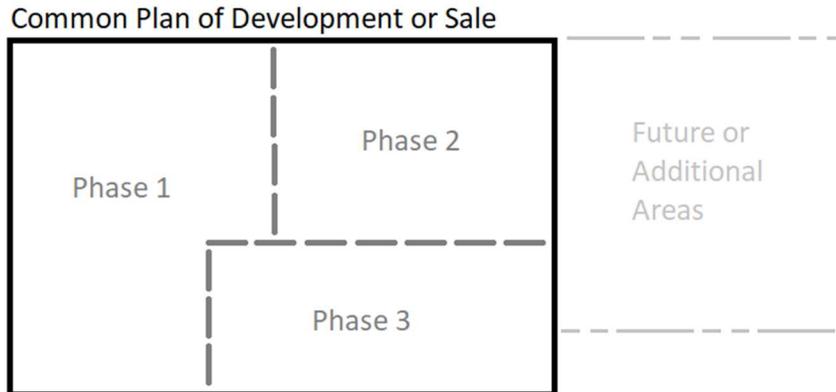
The 60 business day timeline is in place to provide NYSDEC time to review a SWPPP demonstrating equivalence when a Traditional Land Use Control MS4 Operator does not have review authority. When a Traditional Land Use Control MS4 Operator has review authority, the Traditional Land Use Control MS4 Operator will review all SWPPPs, so an extended timeline is not necessary for Traditional Land Use Control MS4 Operator review.

- Part I.D.4. in draft GP-0-25-001 was changed to clearly explain the process that an owner or operator must follow to obtain coverage for future or additional areas of soil disturbance not yet authorized. This process is consistent with the changes made to require a LOA in draft GP-0-25-001 (see the section for eNOI Submittal, Part I.D.3.b., above in this Fact Sheet). Diagrams A, B, and C below are examples (not an exhaustive list) that illustrate the process described in Part I.D.4. in draft GP-0-25-001 for a common plan of development or sale. Diagrams A, B, and C assume the original eNOI submission was for an entire common plan of development or sale. However, the same process also applies regardless of whether the original eNOI was submitted for an entire common plan of development or sale or not. See also the section for Appendix A in this Fact Sheet below to understand the concept of phases within a common plan of development or sale compared to a project with only one phase.
  - Diagram A – original eNOI submission was for the following:

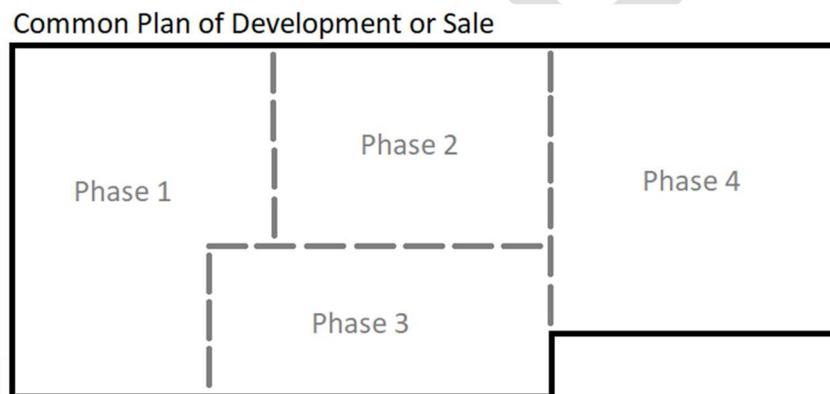


- Diagram B – the future or additional area depicted did not meet the definition of common plan of development or sale when the original eNOI was submitted; the owner or operator intends to now include the future or additional area as part of the common plan of development or sale following

the process in Part I.D.4.:



- Diagram C – after the SWPPP and eNOI have been amended following the process in Part I.D.4., they now reflect the following:



- Part I.D.5. in draft GP-0-25-001 was changed to clarify that, prior to implementing substantive revisions, owners or operators must amend the eNOI if they make such revisions to the SWPPP which were not reflected in the original eNOI submitted to NYSDEC. Part I.D.5. in draft GP-0-25-001 added how to contact NYSDEC to amend the eNOI.

### General Requirements for Owners or Operators with Permit Coverage

- Part II.D.4. in GP-0-20-001 was redundant of Part VII.K. in GP-0-20-001 and, therefore, deleted in draft GP-0-25-001. The substance of Part VII.K. in GP-0-20-001 is maintained in Part VII.G. in draft GP-0-25-001.
- Part I.E.1. was added in draft GP-0-25-001 to clarify the timing of when the owner or operator must make the eNOI and SWPPP available for review in accordance with

Part VII.H. In GP-0-20-001, there was no timing attached to that requirement. Draft GP-0-25-001 clarifies that “As of the date the LOA is received” is when that requirement applies, consistent with the process change described in the paragraphs above about Part I.D.3.b. in draft GP-0-25-001.

- For clarity, Part I.E.2.a. and b. in draft GP-0-25-001 separate into two items what was formerly one paragraph as Part II.D.1. in GP-0-20-001. The first item is “all areas of disturbance have achieved final stabilization” and the second item is “the Notice of Termination (NOT) has been accepted by NYSDEC in accordance with Part V.A.5.” Having both items in one paragraph made it difficult to understand that there were two different requirements to be met prior to the owner’s or operator’s responsibility to ensure compliance with all requirements of the permit, and provisions of the SWPPP, ceased.
- Part I.E.3. and 4. in draft GP-0-25-001 maintain the substance and intent of Part II.D.2. in GP-0-20-001 but was reordered and reformatted for clarity.
- Part I.E.5. in draft GP-0-25-001 clarifies that, copies of documentation necessary to demonstrate eligibility with the permit required to be maintained at the construction site, must be paper documents unless electronic documents are accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be. This clarification is consistent with the EPA’s Construction General Permit (CGP) Frequent Questions webpage, <https://www.epa.gov/npdes/construction-general-permit-cgp-frequent-questions>, accessed on May 14, 2024, which states that “SWPPPs, inspection reports, and corrective action reports may be prepared, signed, and kept electronically if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.”
- Part I.E.6. in draft GP-0-25-001 added the process to obtain authorization to disturb greater than five acres of soil at any one time. This was needed to standardize the process that was not articulated in GP-0-20-001.
  - Part I.E.6.a. in draft GP-0-25-001 identifies who to submit the Disturb Greater Than Five Acres Request to, considering varying review authorities.
  - Part I.E.6.b. in draft GP-0-25-001 more clearly identifies what such a request must include.
  - Part I.E.6.c. in draft GP-0-25-001 imposes a requirement for the owner or operator to receive a Disturb Greater Than Five Acres Authorization Letter

similar to the process of receiving a LOA.

- Part I.E.8. in draft GP-0-25-001, which specifically addresses human remains or archaeological remains encountered during excavation, is information specific to construction activity and, therefore, is more appropriately located in Part I.E., General Requirements for Owners or Operators with Permit Coverage, than in Part VII., Standard Permit Requirements.
- Part I.E.9. in draft GP-0-25-001 was reformatted, and edits made, to provide clarity. Part II.D.6. in GP-0-20-001 only addressed construction activities that are subject to the requirements of a Traditional Land Use Control MS4 Operator. Part I.E.9. in draft GP-0-25-001 clarifies the process that must be followed by an owner or operator in any situation with planned amendments or modifications to the SMP component of the SWPPP.

### **Permit Coverage for Discharges Authorized Under GP-0-20-001**

- Part I.F. in draft GP-0-25-001 is a new process. GP-0-20-001, and all previous renewals of the CGP, provided automatic continuation of coverage for owners or operators with coverage under the previous version of the CGP. The automatic continuation of coverage under renewals of the CGP did not adequately ensure ongoing compliance with the permit and led to confusion for SPDES permit fees with respect to inactive sites.
  - Part I.F. in draft GP-0-25-001 requires that owners or operators, with coverage under GP-0-20-001, must either submit an electronic Request to Continue Coverage via nForm (Part I.F.2.) or submit a new eNOI (Part I.F.5.), within 30 calendar days of the effective date of GP-0-25-001. Since the CGP has been in place for over 20 years, this new requirement to submit confirmation to NYSDEC is important to clean up administrative records and to verify where coverage is still needed.
    - The Request to Continue Coverage form in Part I.F.2. in draft GP-0-25-001 is necessary to inform NYSDEC that the technical/design components, acceptable under GP-0-20-001, have not changed and the owner or operator will comply with GP-0-25-001.
  - Part I.F.3. identifies what information the Request to Continue Coverage form requires from the owner or operator. The form requires a minimal amount of information, including continued eligibility, so as not to burden the regulated community in accomplishing NYSDEC's goal.

- In accordance with Part I.F.4. in draft GP-0-25-001, if the Request for Continuing Coverage is complete, the owner or operator will receive authorization under GP-0-25-001, beyond the 45 calendar day interim coverage via the Letter of Continued Coverage (LOCC) from NYSDEC. This new process is similar to the new LOA process and necessary because of the reasons explained in the Fact Sheet above addressing Part I.D.3.b. in draft GP-0-25-001.
- Owners or operators who do not submit the Request for Continuing Coverage in accordance with Part I.F.2. in draft GP-0-25-001 do not have coverage under draft GP-0-25-001 beyond the 45 calendar day interim coverage.
  - If Part I.F.2. in draft GP-0-25-001 does not apply, and Part I.F.5. in draft GP-0-25-001 is required, the new eNOI is necessary to inform NYSDEC that the technical/design components of the SMPs have changed and will comply with the technical standards in GP-0-25-001. This requirement is similar to the circumstance of a new owner or operator seeking coverage and necessary because of the reasons explained in the Fact Sheet above addressing Part I.D. in draft GP-0-25-001.
- Part I.F.1. in draft GP-0-25-001 provides owners or operators, with coverage under GP-0-20-001, with 45 calendar days of interim coverage under GP-0-25-001. The 45 calendar days of interim coverage are necessary to avoid a lapse in permit coverage while the owner or operator prepares and submits the Request to Continue Coverage or a new eNOI.

### **Change of Owner or Operator**

- Part I.G. in draft GP-0-25-001 made changes to more clearly address the different scenarios of either a partial transfer of ownership or a full transfer of ownership.
  - Part I.G.1.f. in draft GP-0-25-001 requires an original owner or operator to amend their eNOI if the scenario is a partial transfer. This is a new administrative requirement needed to confirm with NYSDEC what extent of the project remains under the original owner's or operator's control opposed to what extent of the project will now be under the new owner's or operator's control.
  - Part I.G.1.e. in draft GP-0-25-001 requires an original owner or operator to submit an NOT to terminate their coverage, if the scenario is a full transfer, to

confirm with NYSDEC that the original owner or operator no longer has operational control over any portion of the project.

- For both scenarios, whether a partial or full transfer, Part I.G.1.a., b., c., and d. require that the new owner or operator follow the eNOI submittal process because of the reasons explained in the Fact Sheet above addressing Part I.D. in draft GP-0-25-001. This includes obtaining MS4 SWPPP Acceptance Form certification from a Traditional Land Use Control MS4 Operator when appropriate (Part II.A.3. in GP-0-20-001 was deleted, which exempted the need for the MS4 SWPPP Acceptance form in such scenarios).

## **Part II**

### **Post-construction Stormwater Management Practice Requirements**

- As NYSDEC issued the revised New York State Stormwater Management Design Manual, dated July 31, 2024 (2024 Design Manual), references to the Design Manual throughout draft GP-0-25-001 have been updated to the 2024 Design Manual when applicable instead of the New York State Stormwater Management Design Manual, dated January 2015 (2015 Design Manual). The 2015 Design Manual is still applicable to Part III.B.2.b.iii. and Part III.B.2.d. (see the paragraphs in the Fact Sheet below discussing those sections).
- Part II.B.1.b. in draft GP-0-25-001 was edited to clarify that the requirement to complete the stabilization is calculated in “calendar” days.

## **Part III**

### **General SWPPP Requirements**

- NYSDEC posted an Advanced Notice of Proposed Permit (ANPP) in the Environmental News Bulletin (ENB) on April 3, 2024 soliciting stakeholder input regarding potential changes to the CGP and the Design Manual to address climate change impacts in New York State. Input received by NYSDEC in response to the ANPP provided varied perspectives and recommended additional research. NYSDEC is pursuing that recommendation and seeking further research and data.

However, as a first step and consistent with the NYSDEC ECL SPDES General Permit for Concentrated Animal Feeding Operations (CAFOs), Permit No. GP-0-22-001, and the NYSDEC SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, Permit No. GP-0-23-001, Part III.A.2. in draft GP-0-25-001 was added in accordance with the Community Risk and

Resiliency Act (CRRA), 6 NYCRR Part 490, and associated guidance.

Pursuant to Section 17-a of CRRA, Chapter 355 of the Laws of 2014 (as amended by Section 9 of the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019), NYSDEC must identify “the most significant climate-related risks” and promote “measures that could mitigate significant climate-related risks.” Pursuant to Section 17-b of CRRA, Chapter 355 of the Laws of 2014 (as amended by Section 9 of the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019), activities covered by major permits for regulatory programs subject to the Uniform Procedures Act, including draft GP-0-25-001, are required to demonstrate that future physical climate risk has been considered. Moreover, NYSDEC can require activities covered by a major permit to mitigate significant risks to natural resources in the vicinity of the activity. To implement those requirements, draft GP-0-25-001 requires the owner or operator to demonstrate, in narrative format in the SWPPP, consideration of future physical risks due to climate change, identified in Part III.2.a.i. of draft GP-0-25-001.

Further guidance on CRRA and CLCPA can be found on NYSDEC’s website at <https://www.dec.ny.gov/lands/102559.html>. Additionally, mapping guidance on guideline elevations can be found at [https://services.nyserda.ny.gov/SLR\\_Viewer/](https://services.nyserda.ny.gov/SLR_Viewer/) and <https://www.coast.noaa.gov/llv/>.

- Part III.A.5.d. in draft GP-0-25-001 added “in an as-built drawing” at the end of the sentence to clarify the format which must be used to meet the requirement. Consistent with Part III.A.4. in draft GP-0-25-001 requiring that construction drawings must be kept current in the SWPPP, if the site was built according to the SWPPP design drawing, that design drawing may be used to create the as-built drawing.
- Part III.A.7. in GP-0-20-001 required owners or operators to submit a copy of the SWPPP or inspection reports to NYSDEC within a specified timeframe and in a specified format in response to NYSDEC requests. This information was mostly redundant of Part VII.F. in GP-0-20-001 and, therefore, Part III.A.7 in GP-0-20-001 was deleted in draft GP-0-25-001. The same substantive requirements of Part VII.F. in GP-0-20-001 are maintained in Part VII.H. in draft GP-0-25-001.

### **Required SWPPP Contents**

- For clarity, Part III.B.1.a.i. and ii. in draft GP-0-25-001 separate into two items what was formerly in one paragraph. The first item is “in conformance with the New York State Standards and Specifications for Erosion and Sediment Control (BB), dated November 2016” and the second item is “equivalent to the BB if deviating from Part III.B.1.a.i.”. Having both items in one paragraph made it difficult to understand that there were two different options when designing erosion and sediment control

practices. Similarly, Part III.B.1.b. was also separated to make it clear that if option Part III.B.1.a.ii. is chosen, the SWPPP must include a demonstration of equivalence to the BB. Further, Part III.B.1.c. was separated from the paragraph as well, to make it clear what the erosion and sediment control component of the SWPPP must include, regardless of which option is chosen between Part III.B.1.a.i. or ii. All of these changes maintain the requirements of GP-0-20-001 but present the requirements in formatting that is easier to understand.

- Part III.B.1.c.ii. in draft GP-0-25-001 added “with north arrows” and “and receiving surface water(s)” to the requirement. Spelling out this detailed requirement will help the owner or operator with site planning and construction, and it will help inspectors and reviewers with compliance actions.
- Part III.B.1.c.iv. in draft GP-0-25-001 maintains the term “phasing plan” but changed “sequence of operations” to “sequencing plan”. To explain these terms better, draft GP-0-25-001 contains detailed requirements of what the phasing plan must include (Part III.B.1.c.iv.1.) and detailed requirements of what the sequencing plan must include (Part III.B.1.c.iv.2.). Spelling out these detailed requirements will help the owner or operator with site planning and construction, and it will help inspectors and reviewers with compliance actions and with the Disturb Greater Than Five Acres Request.
- Part III.B.2. in draft GP-0-25-001 was edited to be a list format instead of paragraph form to present the requirements more clearly. These changes maintain requirements of GP-0-20-001 but present them in formatting that is easier to understand, and they also address the DOW New York State Stormwater Management Design Manual 2024 Update Transition Policy (Transition Policy).
  - Part III.B.2.a. in draft GP-0-25-001 was separated to make it clear that the sizing criteria is required regardless of which option is chosen between Part III.B.2.b.i., ii., or iii.
  - Part III.B.2.b.i. and ii. in draft GP-0-25-001 separate into two items what was formerly in one paragraph. The first item is “in the DM” and the second item is “equivalent to the DM if deviating from Part III.B.2.a.i”. Having both items in one paragraph made it difficult to understand that there were two different options when designing SMPs.
  - Part III.B.2.b.iii. in draft GP-0-25-001 was added because NYSDEC acknowledges that a transition period for construction activities is needed to mitigate the economic impact to certain construction activities that already started the planning, design, and review process with another review authority. NYSDEC considered the cost and environmental benefit provided by the 2015 Design Manual, and consistency with past application of other

new permitting requirements. NYSDEC determined that two years is a reasonable amount of time to complete such a review process.

- Part III.B.2.c. in draft GP-0-25-001 was separated to make it clear that if option Part III.B.2.b.ii. in draft GP-0-25-001 is chosen, the SWPPP must include a demonstration of equivalence to the DM.
- Part III.B.2.d. in draft GP-0-25-001 was added to include the criteria in Part III.B.2.b.iii. explained above.
- Part III.B.2.e. in draft GP-0-25-001 was separated to make it clear what the SMP component of the SWPPP must include, regardless of which option is chosen between Part III.B.2.b.i., ii., or iii.
- Part III.B.2.b.iii. was added to allow additional performance criteria to apply. This provides the pathway for an owner or operator of a construction activity, seeking coverage under draft GP-0-25-001, to continue to use a SWPPP that was designed in conformance with the 2015 Design Manual or its equivalent, instead of the 2024 Design Manual or its equivalent.
- Part III.B.2.d. was added to require owners or operators following Part III.B.2.b.iii. to document in the SWPPP that the DOW New York State Stormwater Management Design Manual 2024 Update Transition Policy is applicable. Such documentation could be in the form of planning board meeting minutes, letters acknowledging receipt of the SWPPP by the governmental entity and other correspondence providing comments on the SWPPP.

## **Part IV**

### **Qualified Inspector Inspection Requirements**

- Part IV.B.1. in draft GP-0-25-001 was changed to require the completion of corrective actions in specified timeframes, based on the necessity to engineer a design or not. It is less likely that a corrective action requiring engineering design could be completed in five business days.
- Part IV.C.2.c. in draft GP-0-25-001 added “and again by hard copy or email prior to re-commencing construction” to the existing requirement to notify either the Division of Water (SPDES) Program contact at the Regional Office or the Traditional Land Use Control MS4 Operator in writing prior to reducing the inspection frequency. This addition was needed to inform DOW contacts and Traditional Land Use Control MS4 Operators of changes in inspection frequency related to temporary stabilization. This

will ensure greater compliance with inspection conditions in draft GP-0-25-001.

- Part IV.C.2.d. in draft GP-0-25-001 was edited to be more concise but maintains the same substantive requirements as in GP-0-20-001. However, it includes an additional notification requirement, that the DOW contact or the Traditional Land Use Control MS4 Operator(s) must be notified in writing “and prior to resuming construction activity.” This addition was needed to inform DOW contacts and Traditional Land Use Control MS4 Operators of changes in inspection frequency related to shut down with partial project completion. This will ensure greater compliance with inspections conditions in draft GP-0-25-001.
- Part IV.C.4. in draft GP-0-25-001 was edited to include “a. Permit identification number”, “d. ...including the temperature at the time of the inspection”, “i. ... (map)”, and “j. Total area of soil disturbance (acres) at the time of the inspection”. These additions were made to the inspection report to provide easy access for both compliance inspectors and the owner or operator. Either can use the information to determine potential for runoff, the effectiveness of practices, and overall compliance. Also, Part IV.C.4.k. in draft GP-0-25-001 was edited with minor language changes, including replacing “phase” with “stage” for consistency with the new definitions in Appendix A, including for the word “phase.”
- Part IV.C.5. in draft GP-0-25-001 was changed to require the completion of corrective actions in specified timeframes based on the necessity to engineer a design or not. It is less likely that a corrective action requiring engineering design could be completed in five business days.

## **Part V**

### **Notice of Termination (NOT) Submittal**

- Part V. in draft GP-0-25-001 was reorganized to read more logically by moving Part V.A.1. in GP-0-20-001 to be Part V.A.5. in draft GP-0-25-001 and updating references accordingly throughout Part V.
  - Part V.A.1. in draft GP-0-25-001 was edited to be a list format instead of paragraph form to present the requirements more clearly. Also, Part V.A.1.a.v. and Part V.A.1.b.b. were added to clarify that “an as-built drawing” must be prepared prior to termination, consistent with the explanation in this Fact Sheet above for Part III.A.5.d. in draft GP-0-25-001.
  - Part V.A.2. in draft GP-0-25-001 was edited to include “require qualified inspector inspections in accordance with Part IV.C.1. and.” This change clarifies that the signature from the qualified inspector on the NOT form is

only required when the qualified inspector inspection requirements are triggered in Part IV.C.1.

- Part V.A.3. in draft GP-0-25-001 was edited to reference the new section added to draft GP-0-25-001 addressing Traditional Land Use Control MS4 Operator review authority. See this Fact Sheet above for Part I.D.2.b.ii.1. Otherwise, Part V.A.3. maintains the same substantive requirements as in GP-0-20-001.
- Part V.A.4.a. and b. in draft GP-0-25-001 were edited to clearly delineate the difference, or lack of difference, between ownership and operation/maintenance of SMPs. This will allow more clear application of Part V.A.4.a., b., c., and d.
- Part V.A.5. in draft GP-0-25-001, in accordance with 40 CFR 127.16(a) and 6 NYCRR 750-2.5(e)(1), requires that owners or operators submit the Notice of Termination (NOT) form electronically, which is the format acceptable to NYSDEC. This differs from the previous requirement under GP-0-20-001, which allowed paper or email PDF submission. This new requirement in draft GP-0-25-001 is expected to make both submission and processing of NOTs more efficient. The ability to submit a waiver has been included in the permit, and the process follows the federal regulations at 40 CFR 127.15.

## **Part VI**

- Part VI was renamed “Record Retention and Reporting” instead of “Reporting and Retention Records” but maintains the same substantive requirements as in GP-0-20-001.

### **Record Retention**

- Part VI.A. in draft GP-0-25-001 was edited to be more concise but maintains the same substantive requirements as in GP-0-20-001.

### **Reporting**

- Part VI.B. in draft GP-0-25-001 was renamed “Reporting” instead of “Addresses.” It was also edited to be more concise but maintains the same substantive requirements as in GP-0-20-001.

## **Part VII**

## Standard Permit Requirements

- Part VII. in draft GP-0-25-001, Standard Permit Requirements, was reorganized and edited for consistency with the Standard Permit Conditions in other NYSDEC SPDES General Permits.
  - In GP-0-20-001, Part VII.L., Proper Operation and Maintenance, was redundant of operation and maintenance requirements in Part III.B.1.h., Part III.B.2.f., and Part V.A.5., and, therefore, deleted in draft GP-0-25-001. In draft GP-0-25-001, the same substantive operation and maintenance requirements are collectively in Part III.B.1.c.vii., Part III.B.2.d.vi., and Part V.A.4.
  - In GP-0-20-001, Part VII.O., Definitions, was redundant of the purpose of the Table of Contents. It did not include any requirements but merely referenced the definitions in Appendix A. Part VII.O. in GP-0-20-001 was deleted in draft GP-0-25-001. However, draft GP-0-25-001 maintains the definitions in Appendix A.
  - Part VII.H. in draft GP-0-25-001 has three paragraphs. The requirement in the first paragraph is pursuant to 6 NYCRR 750-2.1(i). The requirement in the second paragraph is pursuant to 6 NYCRR 750-2.5(c)(4). The requirement in the third paragraph is pursuant to 6 NYCRR 750-2.1(f).

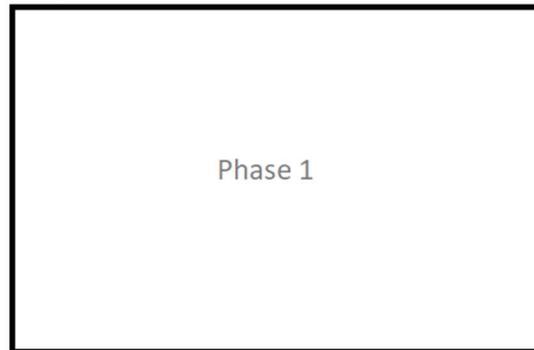
## Appendix A

- Appendix A of GP-0-20-001 was named “Acronyms and Definitions” but has been renamed in draft GP-0-25-001 as “Abbreviations and Definitions”. It is accurate to rename this section “Abbreviations” since that term is inclusive of both acronyms and initialisms, two different types of abbreviations that are included in the list. “BB,” “DM,” “NYCDEP,” “NYSDEC,” “RR,” and “SMP” were added to the list of abbreviations in GP-0-25-001. Throughout the body of the permit, these additional abbreviations were used to replace the full phrases.
- The following changes were made to existing definitions to assist project owners and their design professionals with SWPPP development and implementation.
  - Common Plan of Development or Sale – although not required, the word “Larger” was dropped from this term to be consistent with EPA’s CGP definition. Additionally, the definition now includes reference to “phase” to complement the changes made to the eNOI submittal section allowing a separate eNOI for a “phase” of a “common plan of development or sale.” The second paragraph was rephrased for clarity, but the intent remains the same

as it was in GP-0-20-001.

- Construction Activity(ies) – The phrase “identified within 40 CFR 122.26(b)(14)(x), 122.26(b)(15)(i) and 122.26(b)(15)(ii)” was added to the definition, thereby eliminating the need to include these regulatory references in the body of the permit. In draft GP-0-25-001, the definition for “Construction Activity” was modified to specifically exclude “Routine Maintenance,” which allows the permit to reference “Construction Activity” without repeating exclusions.
- The following were removed from the list of definitions because they were either essentially abbreviations or otherwise unnecessary to explain:
  - Endangered or Threatened Species
  - General SPDES Permit
  - National Pollutant Discharge Elimination System (NPDES)
  - NOI Acknowledgment Letter
  - State Pollutant Discharge Elimination System (SPDES)
  - Uniform Procedures Act (UPA) Permit
- Definitions of the following terms were added for clarification. These edits support the changes to the eNOI Submittal section, which identify more clearly the different circumstances when eNOIs may be submitted (see the eNOI Submittal section in this Fact Sheet above):
  - Renewable Energy, consistent with PSL 66-p(1)(b).
  - Tree Clearing
  - Phase
    - Example 1: A project that is not a common plan of development or sale proposes to develop 12 acres total. The first, and only, phase is the 12 acres of disturbance to complete the project. See the diagram below that illustrates the concept.
      - Example 1 Diagram:

Project

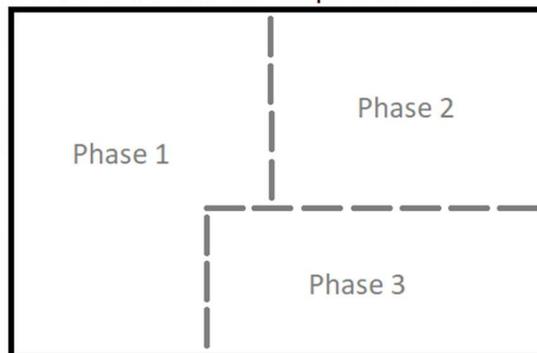


Note: Example 1 applies to draft GP-0-25-001 Part I.D.1.a.

- Example 2: A project that is a common plan of development or sale proposes to develop 12 acres total. Phase 1 is five acres of the total 12 acres. Phase 2 is an additional four acres of the total 12 acres. Phase 3 is the remaining 3 acres of the total 12 acres. See the diagram below that illustrates the concept.

- Example 2 Diagram:

Common Plan of Development or Sale



Note: Example 2 applies to draft GP-0-25-001 Part I.D.1.b. or c.

- The definition for “Stormwater” was added to help with understanding and implementation of the permit.
- The definition of Combined Sewer System was edited for consistency with 6 NYCRR 750-1.2(a)(21).
- The definition of Steep Slope was edited with “or description” to clarify that Soil Slope Phase D qualifies as steep slope if either the map unit name or the description is inclusive of slopes greater than 25%.

- The term “natural surface waterbodies” was replaced by “surface waters of the State” since that is a defined term in Appendix A. These edits were made for consistency and clarity.

## Required SWPPP Components by Project Type – Appendix B

- Tables 1 and 2 of Appendix B of the draft GP-0-20-001 were edited to more clearly identify which types of construction activity correlate to the required SWPPP components. The clarifications were based on questions NYSDEC received over the last permit term from owners or operators, design professionals, and SWPPP reviewers.
  - Table 1 (Erosion and Sediment Controls Only):
    - Edited the “Structural agricultural conservation practices...” bullet with current and accurate information.
    - Edited “Temporary access roads...or other temporary impervious areas...” by adding “(in this context, “temporary” means the impervious area will be in place for one construction season or less)”.
    - Added “Dam Rehabilitation (the structure of the dam itself)”.
    - Added “Golf cart path construction or reconstruction, surfaced with an impervious cover, at an existing golf course.”
    - Added “Solar array field areas that have tables elevated off the ground, spaced one table width apart, do not alter hydrology from pre- to post-development conditions, and address water quality volume and runoff reduction volume by maintaining sheet flow on slopes less than 8%.” Meeting these factors allows stormwater to flow off the down gradient side of the tables and continue as sheet flow across the ground surface (maximum 8% slope) in accordance with the 2024 Design Manual Section 5.3.2 Sheet Flow to Filter Strips, Section 5.3.2.4.1 Design Criteria, Table 5.7, Maximum Filter Overall Slope.
    - Added “Other construction activities that do not include the construction or reconstruction of impervious area, and do not alter hydrology from pre to post development conditions, and are not listed in Table 2.”

- Table 2 (Post-Construction Stormwater Management Practices also):
  - Edited “Multi-family residential...” bullet with “(in this context, a multi-family residence will be one that meets the definition of a “multi-family residence” or the equivalent in the local building code)”
  - Edited the “Structural agricultural conservation practices...” bullet with current and accurate information.
  - Edited the “Landfills” bullet with “including creation of landfills or capping landfills”.
  - Edited “Golf courses” bullet to be “New golf courses”.
  - Added “Single-family residential subdivisions that involve soil disturbances of between 20,000 square feet and one (1) acre of land within the municipal boundaries of NYC with greater than 25% impervious cover at total site build-out.”
  - Added “Creation of 5,000 square feet or more of impervious area in the municipal boundaries of NYC.”
  - Added “Permanent laydown yards and equipment storage lots.”
  - Added “Solar array field area on slopes less than 8% that will alter the hydrology from pre- to post-development conditions.”
  - Added “Solar array field area on slopes greater than 8% that cannot maintain sheet flow using management practices identified in the BB or the DM.”
  - Added “Solar array field areas with ground-mounted tables.”

#### **Appendix D – Impaired Waterbodies (by Construction Related Pollutants)**

- Appendix D in GP-0-20-001, Watersheds with Lower Disturbance Threshold, has been deleted in draft GP-0-25-001. Appendix D in GP-0-20-001 was redundant information—it identified Appendix C Figure 1: Entire New York City Watershed located east of the Hudson River. The few places in GP-0-20-001 that referenced Appendix D of GP-0-20-001 have been updated in draft GP-0-25-001 to reference instead Appendix C Figure 1 (see draft GP-0-25-001 Part I.A.1.d., Part IV.C.1.d., and Appendix B Table 1).

- Appendix D in draft GP-0-25-001 maintains the list of waterbodies impaired by pollutants related to construction activity in table format. The list has been updated based on “The Final New York State 2018 Section 303(d) List of Impaired Waters Requiring a TMDL” dated June 2020 (NYS 2018 Section 303(d) List).
  - GP-0-20-001 used the NYS 2016 Section 303(d) List, in which silt, sediment, or nutrients were listed as pollutants, but these pollutant names have been updated to be turbidity, silt/sediment, and nutrients (e.g. nitrogen, phosphorus) in draft GP-0-25-001 in accordance with the naming convention used in the NYS 2018 Section 303(d) List. These pollutants were used to develop the subset of the NYS 2018 Section 303(d) List included in Appendix D because construction activities could cause or contribute to further degradation of the waterbodies with these pollutants.
  - The “Segment ID” has been added as parenthetical information with the waterbody name in the table also consistent with the NYS 2018 Section 303(d) List. Using the Segment ID, an owner or operator may utilize the Stormwater Interactive Map on NYSDEC’s website as a tool to more easily determine if a construction site will directly discharge to one of the 303(d) segments listed in Appendix D. Note that if discrepancy exists between the Stormwater Interactive Map and Appendix D in draft GP-0-25-001, Appendix D in draft GP-0-25-001 controls.

## **Appendix E**

- Addresses and telephone numbers were updated as needed in the list of NYS DEC Regional Offices.

## **Appendices F, G, H, I, and J**

- Appendices F, G, H, I, and J were added to draft GP-0-25-001 to include the certification forms required with eNOI submissions.