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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2025-0760; FRL 12061-01-OW]

National Pollutant Discharge Elimination System (NPDES) 2027 Issuance of General Permit for Stormwater Discharges from Construction Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: All 10 Environmental Protection Agency (EPA) Regions are proposing for public comment the draft 2027 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from construction activities, also referred to as the "proposed 2027 Construction General Permit (CGP)" or the "proposed permit." The proposed permit, if finalized, will replace the existing 2022 CGP that will expire on February 17, 2027. The EPA proposes to issue this permit for five (5) years, and to provide permit coverage to eligible operators in all areas of the country where the EPA is the NPDES permitting authority, including Massachusetts, New Hampshire, New Mexico, most Indian country lands, the District of Columbia, U.S. territories and protectorates except for the U.S. Virgin Islands, Lands of Exclusive Federal Jurisdiction, and certain other Federal areas. The EPA seeks comment on the proposed permit and on the accompanying fact sheet, which contains supporting documentation. The fact sheet and proposed permit can be found at https://www.epa.gov/npdes/proposed-2027-construction-general-permit-cgp-and-related-documents.

DATES: Comments on the proposed permit must be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL**

REGISTER]. The EPA will host a webinar during the comment period that will provide an overview of the proposed 2027 CGP and an opportunity for participants to ask questions. The EPA will announce details of the webinar at https://www.epa.gov/npdes/proposed-2027-construction-general-permit-cgp-and-related-documents.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OW-2025-0760, to the *Federal eRulemaking Portal:* http://www.regulations.gov. Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID No. for this proposed permit, Docket ID No. EPA-HQ-OW-2025-0760. Comments received may be posted without change to https://www.regulations.gov/, including any personal information provided.

For detailed instructions on sending comments and additional information on the permit issuance process, see the "Written Comments" (section I.C of this document) and "What Process will the EPA Follow to Finalize the Permit" (section I.E of this document) headings of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Greg Schaner, Office of Wastewater Management at schaner.greg@epa.gov.

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I. General Information

A. *Does this Action Apply to Me?*

1. Entities Covered by this Permit

This proposed permit would cover the following entities, as categorized in the North American Industry Classification System (NAICS):

Table 1—Entities Covered by this Proposed Permit

Category	Examples of Affected Entities	North American Industry Classification System (NAICS) Code
Industry	Construction site operators disturbing one or more acres of land, or less than one acre but part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, and performing the following activities:	
	Construction of Buildings	236
	Heavy and Civil Engineering Construction	237

This table is not intended to be exhaustive but rather provides a guide for readers regarding entities likely to be affected by this action. This table includes the types of entities that the EPA is now aware could potentially be affected by this action. Other types of entities not included could also be affected. To determine whether your entity may be affected by this action, you should carefully examine the definition of "construction activity" and "small construction activity" in existing EPA regulations at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15), respectively. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

2. Construction Projects for which Operators are Eligible for Permit Coverage

Coverage under this permit would be available to operators of eligible projects located in those areas where the EPA is the permitting authority. A list of eligible areas is included in Appendix B of the proposed permit. Eligibility for permit coverage would be limited to operators of "new sites," operators of "existing sites," "new operators of new

or existing sites," and operators of "emergency-related projects." A "new site" would be a site where construction activities commence on or after the effective date of the final 2027 CGP. An "existing site" would be a site where construction activities commenced prior to the effective date of the final 2027 CGP. A "new operator of a new or existing site" would be an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site. An "emergency-related project" would be a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish public services.

3. Geographic Coverage

The 2027 CGP would provide coverage to eligible operators for stormwater discharges from construction activities that occur in areas not covered by an approved state NPDES program. The areas of geographic coverage for the proposed 2027 CGP are listed in Appendix B, and include the states of New Hampshire, Massachusetts, and New Mexico, as well as most Indian country lands, Lands of Exclusive Federal Jurisdiction, and areas in selected states for federally-operated projects. The area of coverage would also include the District of Columbia, Puerto Rico, and the Pacific Island territories (i.e., Island of American Samoa, Island of Guam, Johnston Atoll, Commonwealth of the Northern Mariana Islands, Midway Island, and Wake Island).

B. How Can I Get Copies of these Documents and Other Related Information?

You may access this *Federal Register* document and other associated documents electronically through the United States government on-line source for Federal

regulations at http://www.regulations.gov. Electronic versions of this proposed permit and fact sheet are available on the EPA's NPDES web site at https://www.epa.gov/npdes/proposed-2027-construction-general-permit-cgp-and-related-documents.

C. Written Comments

Submit your comments, identified by Docket ID No. EPA-HQ-OW-2025-0760, at https://www.regulations.gov (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the EPA's docket at https://www.regulations.gov any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). Please visit https://www.epa.gov/dockets/commenting-epa-dockets for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

D. Will a Public Hearing be Held on this Action?

The EPA does not currently intend to schedule a public hearing concerning the proposed permit. However, interested persons may request a public hearing pursuant to 40 CFR 124.12 concerning the proposed permit. Requests for a public hearing should be

sent or delivered in writing to the same address as provided above for public comments prior to the close of the comment period. Requests for a public hearing should state the nature of the issues proposed to be raised in the hearing. Pursuant to 40 CFR 124.12, the EPA shall hold a public hearing if it finds, on the basis of requests, a significant degree of public interest in a public hearing on the proposed permit. If the EPA finds there is a significant degree of public interest and holds a public hearing, a public notice of the date, time, and place of the hearing will be made at least 30 days prior to the hearing in accordance with 40 CFR 124.10. Any person may provide written or oral statements and data pertaining to the proposed permit at the public hearing.

E. What Process will the EPA Follow to Finalize the Permit?

After the comment period closes, the EPA intends to issue a final permit prior to the expiration date of the current 2027 CGP. The EPA will consider all significant comments before issuing a final permit. The EPA's responses to public comments received will be included in the docket as part of the final permit issuance.

F. Who Would be Covered Under the 2027 CGP?

Assuming the EPA issues a final permit, eligible operators of existing and new construction sites may seek authorization under the final 2027 CGP. If the 2027 CGP is finalized, any construction site operator that obtained permit coverage under the 2022 CGP prior to its expiration date would automatically remain covered under the 2022 CGP as described in Part 1.4.3 and Table 1 of the proposed permit. The purpose of providing, consistent with 40 CFR 122.6, a limited period of extended coverage under the expired CGP to already permitted sites is to address the additional time needed by these operators to review the new permit, update their stormwater plans to conform with any new

requirements, and submit a new Notice of Intent (NOI) for coverage under the new CGP.

G. Who are the EPA Regional Contacts for this Permit?

For EPA Region 1, contact Meridith Finegan: e-mail at *finegan.meridith@epa.gov*.

For EPA Region 2, contact Sieglinde Pylypchuk: e-mail at *pylypchuk.sieglinde@epa.gov*, or for Puerto Rico, contact Sergio Bosques: e-mail at *bosques.sergio@epa.gov.*

For EPA Region 3, contact Shana Stephens: e-mail at *stephens.shana@epa.gov.*

For EPA Region 4, contact Mary Kuo: e-mail at *kuo.mary@epa.gov*.

For EPA Region 5, contact John Nguyen: e-mail at *nguyen.john@epa.gov*.

For EPA Region 6, contact Suzanna Perea: e-mail at: *perea.suzanna@epa.gov*.

For EPA Region 7, contact Mark Matthews: e-mail at: *matthews.mark@epa.gov*.

For EPA Region 8, contact Amy Maybach: e-mail at: *maybach.amy@epa.gov*.

For EPA Region 9, contact Kelsey Husted: e-mail at *husted.kelsey@epa.gov*.

For EPA Region 10, contact Jill Seale: e-mail at *seale.jill@epa.gov*.

II. Background of Permit

The Clean Water Act (CWA) establishes a comprehensive program "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. 1251(a). The CWA also includes the objective of attaining "water quality which provides for the protection and propagation of fish, shellfish and wildlife and recreation in and on the water." 33 U.S.C. 1251(a)(2). To achieve these goals, the CWA requires the EPA to control discharges of pollutants from point sources into waters of the United States through the issuance of National Pollutant Discharge Elimination System

(NPDES) permits. 33 U.S.C. 1342.

The Water Quality Act of 1987 added section 402(p) to the CWA, which directed the EPA to develop a phased approach to regulate stormwater discharges under the NPDES program. 33 U.S.C. 1342(p). The EPA published a final regulation, often called the "Phase I Rule," in the *Federal Register* on November 16, 1990, establishing permit application requirements for, among other things, "storm water discharges associated with industrial activity." *See* 55 FR 47990. The EPA defines the term "storm water discharge associated with industrial activity" in a comprehensive manner to cover a wide variety of facilities. *See id*. Construction activities, including activities that are part of a larger common plan of development or sale, that ultimately disturb at least five acres of land and have point source discharges to waters of the U.S., were included in the definition of "industrial activity" pursuant to 40 CFR 122.26(b)(14)(x). The second rule implementing section 402(p), often called the "Phase II Rule," was published in the *Federal Register* on December 8, 1999. 64 FR 68722. The Phase II Rule requires NPDES permits for discharges from construction activities disturbing at least one acre but less than five acres, including activities that are part of a larger common plan of development or sale that will ultimately disturb at least one acre but less than five acres, pursuant to 40 CFR 122.26(b)(15)(i). *See id*.

NPDES permits for construction stormwater discharges are required under section 402(a)(1) of the CWA to include conditions to meet technology-based effluent limits established under CWA section 301 and, where applicable, section 306, and water quality-based limits under CWA section 301(b)(1)(C), 33 U.S.C. 1342(a)(1), 1311, and 1316. Technology- and water quality-based limitations for construction stormwater

discharges are discussed in that order in sections II.A and II.B of this document.

A. Technology-Based Effluent Limitations

Effluent Limitations Guidelines (ELGs) and New Source Performance Standards (NSPS) are technology-based effluent limitations that are based on the degree of control that can be achieved using various levels of pollutant control technology as defined in Subchapter III of the CWA. Once a new ELG and NSPS are established in accordance with CWA sections 301 and 306, NPDES permits must incorporate limits based on such technology-based standards. *See* 33 U.S.C. 1311 and 1316; *see also* 40 CFR 122.44(a)(1). On December 1, 2009, the EPA published final regulations establishing technology-based ELGs and NSPS for the Construction & Development (C&D) point source category. *See* 40 CFR part 450 and 74 FR 62996. The EPA amended the C&D rule on March 6, 2014 to satisfy the EPA's obligations pursuant to a litigation settlement of a challenge to the 2009 rule. *See* 79 FR 12661.

All NPDES construction stormwater permits issued by the EPA or states, including the proposed permit, must incorporate the requirements of the C&D rule, as amended. 40 CFR 450.21. The technology-based effluent limitations in the C&D rule are non-numeric limitations. The non-numeric effluent limitations in the C&D rule are designed to prevent or minimize the mobilization and discharge of sediment and sediment-bound pollutants, such as metals and nutrients, and to prevent or minimize the exposure of stormwater to construction materials, debris, and other sources of pollutants on construction sites.

The fact sheet that accompanies the proposed permit summarizes how the EPA has incorporated the effluent limits from the C&D rule into the proposed permit and

provides the Agency's accompanying rationale.

B. Water Quality-Based Limitations

In accordance with CWA section 301(b)(1)(C) and the EPA's regulations at 40 CFR 122.44(d)(1), the EPA and states are required to include additional or more stringent permit requirements when necessary to achieve water quality standards. 33 U.S.C. 1311(b)(1)(C). The 2022 CGP contains several provisions to protect water quality, including heightened inspection and stabilization requirements for sites discharging to certain sensitive waters, monitoring requirements for certain dewatering discharges, requirements for discharges to waters impaired for polychlorinated biphenyls (PCBs), and corrective action procedures.

In March 2025, the U.S. Supreme Court in its *City and County of San Francisco v. EPA* opinion (*San Francisco v. EPA, No. 23-753)* invalidated certain narrative water quality-based requirements that were included in the city's NPDES permit. The 2022 CGP includes narrative requirements in the water quality-based section of the permit (Part 3) that are similar to the type of provision that was invalidated in the *San Francisco* decision.[1] As discussed in section IV of this document, the EPA is proposing changes to the water quality-based requirements in the proposed 2027 CGP to ensure consistency with the *San Francisco* decision.

III. Process Used to Identify Proposed Permit Changes

As with prior iterations of the CGP, the EPA has continued to prioritize seeking input during the development of the draft permit from various stakeholders that have

[1] The EPA notes that an April 2025 modification to the CGP included targeted changes to the permit's water quality-based requirements as they apply to projects within Lands of Exclusive Federal Jurisdiction to comport with the *San Francisco* decision. 90 FR 15653 (April 15, 2025).

expressed an interest in construction stormwater in the past. The EPA met with stakeholders representing the construction industry and environmental interests. A summary of these meetings is included in the docket for this proposal. The purpose of these meetings was to help identify areas of the 2022 CGP that may benefit from further clarification or modification to more effectively achieve the pollutant reduction objectives of the permit. The feedback obtained from these meetings helped inform the types of clarifications and other changes the EPA is proposing here, as well as the areas where the Agency is soliciting further feedback during the public comment period. Also, the EPA is proposing changes to the permit as informed by the EPA's learned experiences in implementing the 2022 CGP and working directly with covered operators. As introduced in section II.B of this document, the EPA is proposing additional changes to the permit to ensure the water quality-based limitations in Part 3 are consistent with the Supreme Court's *San Francisco* decision, which was published after the EPA's issuance of the current 2022 CGP.

IV. Summary of Proposed Permit Changes

The EPA proposes to make several modifications in the 2027 CGP, which are summarized below and discussed in more detail in the fact sheet, along with EPA's accompanying rationale for each proposed permit condition. The EPA also specifically requests comment on several potential permit modifications, which are summarized in section V of this document. The fact sheet and proposed permit can be found at https://www.epa.gov/npdes/proposed-2027-construction-general-permit-cgp-and-related-documents. A comprehensive list of all the proposed changes, as well as the corresponding parts of the permit that could be modified, is included in a table in section

III.B of the fact sheet.

The following is a detailed summary of the more significant changes proposed to be included in the final permit.

1. Changes to Conform to a Recent Supreme Court Decision

The EPA is proposing changes to specific water quality-based requirements to address the Supreme Court's decision in *City and County of San Francisco v. EPA*, No. 23-753 (S. Ct. Mar. 4, 2025) (referred to as "the *San Francisco* decision). The Supreme Court found that the CWA does not authorize what the Court referred to as "end-result" permit requirements that "do not spell out what a permittee must do or refrain from doing but instead make a permittee responsible for the quality of the water in the body of water into which the permittee discharges pollutants." *City and County of San Francisco v. EPA*, 604 U.S. 334, 338 (2025). The 2022 CGP includes language that could be considered the type of end-result provision addressed in the *San Francisco* decision. The proposed changes to the permit include removing a narrative limitation that required discharges to be "controlled as necessary to meet applicable water quality standards" and replacing it with a set of more specific narrative limits that are indicators of water quality problems in the discharge. These indicator conditions were previously incorporated into the 2022 CGP as part of the EPA's April 2025 modification of the permit; however, at that time, these requirements were only made applicable to newly eligible sites within Lands of Exclusive Federal Jurisdiction given the narrow modification being made to the permit. The proposed change in the 2027 CGP would make these indicator conditions applicable to all CGP permittees. The EPA also proposes further conforming edits to other parts of the CGP that contain similar language implicated by the San Francisco

decision. Refer to Sections 3 and 3.1 of the proposed permit fact sheet for further information on the rationale supporting adoption of these changes.

2. Modernizing Permitting Through Electronic Exchange of Site Information

Currently, the EPA does not have real-time access to information from CGP permittees' Stormwater Pollution Prevention Plans (SWPPPs), which can delay the Agency's ability to provide assistance to operators and answer questions from the public about specific sites. Under the CGP, SWPPPs are required to be developed before the NOI is submitted. While the operator is required to make the SWPPP available to the EPA upon request or at the time of an on-site inspection (Part 7.3), it is not currently required to be submitted with the NOI. The lack of real-time access to the SWPPP, or key aspects of the SWPPP, such as the site map and a description of stormwater controls to be used at the site, has meant that the EPA is often limited in its ability to provide compliance assistance to permittees or answer basic questions about how a site is planning to comply with permit requirements. To address this issue, the EPA proposes to require the operator to include as part of the NOI either a copy of the full SWPPP, a Uniform Resource Locator (URL) where a copy of the SWPPP can be viewed, or a copy of the SWPPP site map and the signed certification required by Part 7.2.10. It has been EPA's experience in reviewing SWPPPs for compliance purposes that were developed by permittees covered under the CGP that nearly all of them are developed in digital format. Since these SWPPPs are already saved as digital files, requiring this information as part of the electronic submittal of the NOI will not impose a significant additional burden. In acknowledgment of the need for the SWPPP to change during the project, the EPA would also specify in the permit that the version of the SWPPP submitted with the NOI would

be used by the Agency for reference purposes only and would not form a definitive basis for determinations of compliance. The EPA also proposes to clarify that if the SWPPP includes restricted information (i.e., information that is privileged or that is otherwise protected from disclosure pursuant to applicable statutes, Executive Orders, or regulations, including for example classified national security information, protected critical infrastructure information, sensitive security information, and proprietary business information) it may be withheld from public access. The EPA is requesting specific comment on this proposed change as well as recommendations on suggested alternatives.

3. Updates to Reflect Best Industry Practice

A proposed change related to sediment basins is intended to reflect current best practices in stormwater management at construction sites. Where operators choose to install a sediment basin at their site, they must comply with the design, installation, and maintenance requirements of Part 2.2.12 of the current permit. The EPA inspections under the 2022 CGP found instances where significant downstream sediment discharges occurred as a result of operators immediately starting to use the basin after excavation and prior to sufficient stabilization. To address this concern, for those operators installing a sediment basin at their site, the EPA proposes to require stabilization measures to be implemented prior to first directing stormwater to the sediment basin to ensure that soil from the basin itself does not become a source of sediment discharge. At a minimum, the permit would specify that the sediment basin embankment and side slopes, as well as related conveyance structures and discharge points, must be stabilized following the initial construction of the basin and prior to its first use. The specific type of stabilization,

whether vegetative or non-vegetative, is left to the discretion of the operator and whatever design specifications prevail in the area of the project. This requirement is consistent with Federal and State design manuals as is discussed below in the section addressing Part 2.2.12.

4. Permit Streamlining

The EPA's proposal also includes several modifications intended to streamline permit requirements while maintaining continued water quality protection. The following is a summary of the more noteworthy of these proposed changes:

- *Clarify that perimeter controls are only needed in specific areas of the site* – The EPA has found during inspections that operators frequently interpret the CGP to require the entire perimeter of the construction site to be surrounded by a sediment control regardless of whether stormwater flows in the direction of the control. Perimeter controls installed in areas that are not receiving stormwater are not achieving a stormwater control purpose and are therefore an unnecessary expenditure for CGP compliance. For this reason, the EPA proposes to further clarify Part 2.2.3 to emphasize that perimeter controls are necessary only for areas that have the potential to receive stormwater from disturbed areas.
- *Clarify stabilization deadlines for sites in arid, semi-arid, or drought-stricken areas* – The EPA has found that the stabilization provisions applying to arid, semi-arid, and drought-stricken areas have proven to be unnecessarily confusing. Specifically, the current stabilization deadlines differ depending on an overlapping set of factors related to whether construction will occur during the "seasonally dry period," whether the site disturbs more or less than five acres, and

whether the site discharges to a sensitive water. The EPA is proposing to simplify the permit by establishing a more straightforward approach to determine which stabilization deadline applies.

- *Provide flexibility for stabilization during sudden snow or frozen conditions* – The 2022 CGP does not provide clear direction for sites experiencing unforeseeable winter weather conditions (such as unforeseeable snow or frozen ground conditions) that result in triggering the permit requirement for operators to stabilize the exposed portions of the site for 14 or more days of inactivity. The EPA is aware of at least one site permitted under the 2022 CGP that faced this same situation as a result of an unexpected snowstorm during the current permit term. Though there is currently a provision addressing "unforeseen circumstances" (Part 2.2.14b.ii in the 2022 CGP) such as "problems with supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding," this provision is not directly applicable to the unforeseeable winter weather conditions scenario explained above. To provide clarity on this issue and flexibility in the timelines for unforeseeable winter conditions that could cause unplanned delays in construction, the EPA proposes to allow construction sites in these specific circumstances to temporarily suspend the need to stabilize the site while the conditions persist. Providing this flexibility would acknowledge the impracticability of complying with standard stabilization timeframes during these extreme weather conditions while also ensuring that these sites achieve

stabilization at the soonest practicable time after these conditions dissipate consistent with the CGP's overall erosion control objectives.

- Reduce the number of photos that must be submitted with the Notice of Termination (NOT) – Under the current 2022 CGP, when a site terminates coverage because the construction activities are completed, the permit requires the operator to submit both "before and after" photographs of the site to demonstrate compliance with the stabilization requirements. Through evaluating the photos submitted during the current permit term, the EPA is finding that it is likely unnecessary to compare before and after photos to substantiate compliance with the stabilization requirements, and that having just the post-stabilization photos of a construction site should be sufficient to ensure the site's compliance with these requirements. For this reason, the EPA proposes to no longer require operators to submit before photos with their NOT form. See *2022 Construction General Permit (CGP) - Evaluation of Stabilization Photo Requirements*, EPA # 833-R-26-001 (EPA, 2026), available in the docket for the proposed permit at https://www.regulations.gov for Docket ID No. EPA-HQ-OW-2025-0760.
- Consider streamlining of specific turbidity monitoring and reporting requirements – Under the current 2022 CGP, sites discharging dewatering water to sensitive waters are required to conduct turbidity monitoring daily when there is a discharge. The site is also required to report on the weekly average turbidity levels every quarter. Based on the EPA's evaluation of the submitted data and feedback received from permittees for the 2022 CGP (see *Evaluation of Turbidity Data from EPA's 2022 Construction General Permit*, EPA # 833-R2-6002 (EPA,

2025), available in the docket for the proposed permit at https://www.regulations.gov for Docket ID No. EPA-HQ-OW-2025-0760), the Agency is considering potential changes to these requirements as follows:

- Request public feedback on reducing monitoring frequency for certain dewatering discharges – The EPA is contemplating whether to reduce the frequency of turbidity monitoring from daily to weekly for sites that will be discharging dewatering water continuously for an extended period of time. In particular, the EPA is requesting comment (1) generally on the proposal to reduce the monitoring frequency for sites discharging dewatering water for longer periods of time, and (2) specifically on the option of allowing sites discharging continuously for more than three days to monitor weekly if the average value of the first three days of turbidity monitoring does not exceed the benchmark. This potential permit change is predicated on the general understanding that where sites are being dewatered by pumping out underlying groundwater the turbidity levels in the discharge are not expected to fluctuate significantly after the first few days because the dewatered water is not exposed to the surface level soil disturbances. EPA is seeking any data or other technical information to help inform the Agency's decision on whether to provide additional monitoring flexibility for this type of dewatering.
- *Request comment on streamlining the reporting requirements for certain sites* – Where a group of operators coordinate turbidity monitoring efforts at the same site, the 2022 CGP requires each operator to submit a monitoring report

every quarter regardless of the role that the individual is taking with respect to collecting the actual samples. During the 2022 CGP permit term, the EPA heard from operators who inquired whether it is necessary for all operators in the operator group to submit reports when the EPA is already receiving the turbidity data from one of the operators. The EPA is open to ways in which it may be able to reduce unnecessary reporting burden while still continuing to receive the same level of turbidity data it needs to ensure that on-site controls are working to protect water quality. For this reason, the EPA invites public input on whether the 2027 CGP should relieve some operators of the reporting requirement for turbidity benchmark monitoring as long as they submit an initial quarterly report informing the Agency that they are relying on another permitted operator at the same site to monitor and report and identifying the specific operator.

5. Changes in Formatting, Correcting Errors, and Updating References

The EPA identifies several proposed, non-substantive changes including permit formatting, corrections of typographical errors, and updates to technical references. Included in this category is one set of changes that is focused on improving permit readability by reducing the overall number of footnotes from the 2022 CGP. Over the course of the past three CGP permit terms, the number of footnotes used to provide examples and additional information and references grew from 26 in the 2012 CGP to 95 in the 2022 CGP. While these footnotes provide useful information, the EPA is concerned that the location of footnotes at the bottom of the page in smaller font makes this text less accessible. For these reasons, the EPA is proposing to cut back on the use of

footnotes by instead incorporating much of the same information into the body of the permit. Where the current footnote included examples or additional notations that further clarify what is meant by specific permit text, the EPA generally moved this text to the body of the permit. Where changes to the text are proposed, they are shown in a different font at https://www.epa.gov/npdes/proposed-2027-construction-general-permit-cgp-and-related-documents. The vast majority of these changes would result in no substantive edits to the footnote text in the 2022 CGP. If finalized as proposed, this would result in reducing the number of footnotes from 95 to 31. For further information on where the footnote text is proposed to be moved, see *Proposed 2026 Construction General Permit (CGP) - Tracking of Changes to Footnotes from 2022 CGP* (EPA, 2026).

V. Specific Provisions for Which the EPA is Soliciting Comment

While the EPA encourages the public to review and comment on all provisions in the proposed permit, the EPA has included in the body of the proposed permit several proposed provisions on which the EPA specifically requests feedback. The following list summarizes

these specific requests for comment, and where they are included in the permit. The EPA notes that this section only includes summaries of the requests for comment on specific provisions. The Agency recommends that the public read each comment request within the body of the permit itself for more information.

1. Request for comment on specific aspects of the EPA's proposal to require the NOI to include a copy of the operator's SWPPP, an internet site where the SWPPP may be viewed, or a copy of the SWPPP site map and signed certification. See request for comment in Part 1.4.1 of the proposed permit.

2. Request for comment on the water quality conditions included in Parts 3.1 related to proposed changes to conform with the *San Francisco* decision. See request for comment in Part 3.1 of the proposed permit.
3. Request for comment on whether flexibility for submitting monitoring reports should be provided for individual operators who are part of a larger group of operators coordinating to comply with their site's turbidity monitoring and whether submitting reports should still be required when there is no dewatering discharge during a monitoring quarter. See request for comment in Part 3.3 of the proposed permit.
4. Request for comment on a potential alternative turbidity monitoring framework for sites that will be discharging dewatering water for an extended period of time (e.g., more than 2-3 days). See request for comment in Part 3.3.1 of the proposed permit.

VI. Paperwork Reduction Act (PRA)

The information collection activities in this proposed permit have been submitted for approval to the Office of Management and Budget (OMB) under the PRA. A copy of the ICR can be found in the docket for this permit (Docket ID No. EPA-HQ-OW-2025-0760), and it is briefly summarized here.

Section 402 of the CWA and the NPDES regulations require collection of information primarily used by permitting authorities, permittees (operators), and the EPA to make NPDES permitting decisions. Certain changes in this permit require revisions to the ICR to reflect changes to the forms and other information collection requirements. The EPA is reflecting the paperwork burden and costs associated with this permit in a

separate ICR instead of revising the existing ICR for the entire program for administrative reasons.

The EPA is proposing to collect new information as part of the 2027 CGP, if finalized. Under the proposed permit, the NOI form would be updated from the 2022 CGP to collect new information related to the following: adding an erroneously omitted question about the type of operator (required by eReporting regulations at 40 CFR part 127, appendix A, table 2); and requiring operators to provide access to their full SWPPP or to the SWPPP site plan and signed certification. The EPA is also proposing to add a question to the NOT form for the operator to indicate which of the CGP's final stabilization criteria it has met.

The ICR for this proposed permit estimates the incremental change in recordkeeping and reporting burden for the proposed 2027 CGP (which includes burden introduced in the 2022 CGP) compared to the total EPA CGP burden accounted for in the 2023 NPDES Program ICR. Any increases in burden are attributable to changes made in the 2022 CGP; the proposed changes in the 2027 CGP would decrease incremental burden as compared to the 2022 CGP.

Respondents/affected entities: Construction operators in the areas where the EPA is the NPDES permitting authority.

Respondent's obligation to respond: Compliance with the CGP's information collection and reporting requirements is mandatory for CGP operators.

Estimated number of respondents: the EPA estimates that for the duration of the three-year ICR period approximately 7,800 operators will obtain coverage under the 2027 CGP, or 2,600 operators per year.

Frequency of response: Response frequencies in the 2027 CGP vary from once per permit term to quarterly.

Total estimated burden: the EPA estimates that the incremental change in information collection burden from the 2027 CGP is 29,367 hours per year. Burden is defined at 5 CFR 1320.3(b). This burden estimate reflects a decrease from the 2022 CGP burden, which is attributable to proposed changes that streamline reporting requirements, such as reducing the number of photographs required to be submitted with the NOT.

Total estimated cost: the EPA estimates that the incremental change in the annual information collection cost from the 2027 CGP is $2,886,987 per year. This estimate reflects an incremental decrease in costs of $25,383 from the 2022 CGP, which is attributable to the streamlining changes that are proposed as part of this permit.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. Submit your comments on the EPA's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the EPA using the docket identified at the beginning of this notice. The EPA will respond to any ICR-related comments in the final permit. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs using the interface at www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under Review - Open for Public Comments" or by using the search function. OMB must receive comments no later than **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].**

VII. Proposed 2027 CGP Incremental Cost Analysis

The cost analysis accompanying this proposed permit monetizes and quantifies certain incremental cost impacts of the proposed permit changes as compared to the 2022 CGP. The EPA analyzed each change in the proposed 2027 CGP considering the previous permit's (i.e., the 2022 CGP) requirements. The objective of this incremental cost analysis is to show where or to what extent the proposed 2027 CGP requirements impose an incremental increase in administrative and compliance costs (such as the cost to conduct site inspections or to prepare compliance reports) on operators in relation to costs that are already accounted for in the 2022 CGP.

The EPA expects there would be an incremental decrease in costs to operators that would be covered under the proposed 2027 CGP, including small businesses. The EPA anticipates the estimated total average annual incremental cost decrease (compared to the 2022 CGP) would be $25,383 per year. A copy of the EPA's incremental cost analysis for the proposed permit, titled "Incremental Cost Impact Analysis for the Proposed 2027 Construction General Permit (CGP)," is available in the docket (Docket ID No. EPA-HQ-OW-2025-0760).

VIII. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. The EPA prepared an interim cost analysis, summarized in section VIII of this preamble, which is available in the

docket (Docket ID No. EPA-HQ-OW-2025-0760). This proposed permit, if finalized as proposed, is expected to be an Executive Order 14192 deregulatory action.

IX. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

This proposed action, which, if finalized, will apply in broad areas of Indian country to a wide range of potential operators, including potential Tribal operators, has Tribal implications as specified in Executive Order 13175. The EPA does not expect this proposed action, if finalized, to result in any substantial direct costs to Tribes; nor would the action preclude or preempt Tribes' ability to develop their own water quality codes or regulations under Tribal law. Nonetheless, in developing this proposed action the EPA was, as described in the Executive Order, mindful of the Federal Government's unique government-to-government relationship with Tribes and the Federal Government's trust relationship with Tribes. To help inform the EPA about Tribal views, interests, and concerns, and consistent with the EPA's "Policy on Consultation with Indian Tribes" (December 7, 2023), the Agency consulted with Tribal officials during the development of this proposed action to gain an understanding of and, where appropriate, to address the Tribal implications of the proposed permit.

The EPA conducted Tribal consultation between July 7, 2025, and September 5, 2025, during which time there were 574 federally recognized Tribes. The EPA emailed letters to the Leaders and Environmental Directors of these 574 Tribes upon initiation of consultation, providing background information about the proposed reissuance of the permit and the consultation plan, and requesting Tribal input on potential revisions to the

proposed 2027 CGP. During this consultation, the EPA conducted the following activities:

- July 9, 2025 – The EPA participated in the National Tribal Water Council monthly conference call and received written comments in response.
- July 22, 2025 – The EPA led an informational webinar to provide an overview of the current CGP and information regarding the ongoing consultation. Tribal representatives were given the opportunity to ask questions about the current CGP and to provide any feedback on issues for the EPA to consider during the development of the proposed permit. A total of 30 Tribal representatives attended.
- July 24, 2025 – The EPA led a second informational webinar to provide an additional opportunity for engagement on the CGP.

The EPA received comments providing input from Tribes and took these into consideration when developing the proposed permit. These comments are described in the EPA's Tribal consultation summary, which can be accessed at https://www.epa.gov/dockets in the docket for this permit (refer to Docket No. EPA-HQ-OW-2025-0760).

The EPA will provide email notification to Tribes of the proposed permit and invite those interested to provide the Agency with comments.

X. Compliance with the National Environmental Policy Act (NEPA) for the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities

Pursuant to NEPA and the EPA's regulations for implementing NEPA (40 CFR part 6), the EPA made the determination on July 27, 2026 that the potential issuance of

the EPA's final 2027 CGP was eligible for a categorical exclusion requiring documentation under 40 CFR 6.204(a)(1)(iv). See "Categorical Exclusion: Issuance of the EPA 2027 National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities," Document Number N2026213 at https://cdxapps.epa.gov/cdx-enepa-II/public/action/nepa/details?nepaId=566594. The EPA has reviewed the proposed permit and has found that it does not affect the EPA's prior categorical exclusion determination for the permit, including that it does not involve any extraordinary circumstances listed in 40 CFR 6.204(b)(1) through (10). The EPA has documented these findings as part of a revised categorical exclusion memorandum that is available to the public at https://cdxapps.epa.gov/cdx-enepa-II/public/action/nepa/details?nepaId=566594. If new information or changes to the proposed permit before final issuance involve or relate to at least one of the extraordinary circumstances or otherwise indicate that the permit may not meet the criteria for categorical exclusion, the EPA will prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

(Authority: Clean Water Act, 33 U.S.C. 1251 et seq.)

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