

**Department of Environmental Conservation
Response to Comments**

For

**MULTI-SECTOR GENERAL PERMIT FOR STORM WATER
DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY
(MSGP)
APDES Permit No. AKR060000**

Public Noticed November 9, 2025 to January 12, 2026



March 24, 2026

Alaska Department of Environmental Conservation
Wastewater Discharge Authorization Program
555 Cordova Street; Anchorage, AK 99501

1 Introduction

1.1 Summary of Facility / Permit

The Multi-Sector General Permit (MSGP) has provided permit coverage for industrial facilities statewide since 2003, when the program was run under EPA authority. The Department of Environmental Conservation assumed authority for the permit in 2009 and has issued its own versions in 2010, 2015, and 2020. The permit authorizes stormwater runoff discharges and specific discharges of clean non-stormwater from industrial facilities, with permit requirements tailored specifically to which of 29 industrial sectors a permittee is in.

1.2 Opportunities for Public Participation

The Department of Environmental Conservation proposed to reissue an Alaska Pollutant Discharge Elimination System (APDES) wastewater discharge general permit for statewide construction projects. To ensure public, agency, and tribal notification and opportunities for participation, the Department:

- Identified the permit on the annual Permit Issuance Plan posted online at: <https://dec.alaska.gov/water/wastewater/>
- Notified potentially affected tribes that the Department would be working on this permit via letter, fax, and/or email
- Posted a preliminary draft of the permit on-line for a 10-day applicant review from 8/1/2025 to 8/15/2025 and notified tribes and agencies
- Formally published public notice of the draft permit on November 9, 2025 in the following newspapers: Alaska Daily News, Fairbanks Daily Newsminer, and the Juneau Empire; and posted on the Department's public notice website and the Alaska Online Public Notice System.
- Posted the proposed final permit on-line for a 5-day applicant review
- Sent email notifications via the APDES Program List Serve when the preliminary draft, draft, and proposed final permits were available for review

The Department received comments from 17 interested parties on the draft permit and supporting documents during the public comment period, and one interested party outside of the public comment period. The Department also requested comment from Department of Natural Resources (DNR), Fish and Game (DFG), the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Environmental Protection Agency (EPA).

This document summarizes the comments submitted and the justification for any action taken or not taken by DEC in response to the comments.

1.3 Final Permit

The final permit was adopted by the Department on **TBD**. There were changes from the public notice permit. Significant changes are identified in the response to comments and reflected in the final fact sheet for the permit.

2 Comments Requesting Clarification

These comments did not request changes in practice but wanted the requirements of the permit to be expressed differently.

2.1 Minor wording changes:

The Department received comments from several commentors suggesting changes to single words, phrases, or grammar to improve clarity or correct typographic errors.

Response:

Suggestions were implemented when they enhanced clarity or addressed grammatical issues, without introducing alternative interpretations. DEC prioritized maintaining existing wording to ensure consistency for the regulated community, thereby avoiding confusion regarding whether revisions signified changes to regulatory requirements.

2.2 Requests for forms:

A request was made for DEC to supply a PDF containing various forms and templates, such as inspection forms and the SWPPP template, for use by permittees in accordance with previous permits. These documents were removed along with Appendix F.

Response

The inspection form and SWPPP template are available on the Storm Water Program website. Notice of Intent and Notice of Termination forms must be completed in EDMS, not in PDF format. EDMS provides an option to print a blank preview prior to data entry.

2.3 Clarify No Exposure Certifications:

Requested that DEC clarify the conditions under which No Exposure Certifications will be granted or denied, specifically questioning how benchmark results would be used in this process.

Response

Denial of a no exposure certification is extremely rare. The key language is that a permit is no longer required “upon submission of a complete *and accurate* no exposure certification”. While it is not standard practice for DEC to conduct an inspection upon receipt of a certification, things like benchmark exceedances or complaints from the public may indicate to DEC that there is, in fact, industrial activity being exposed to stormwater. If the conditions causing the concern (exceedances, complaints, etc) are due to natural background, run-on, or other extenuating circumstances then DEC may still approve the certification. This part of the permit is infrequently used and it is even more rare for there to be problems with the application. No changes will be made to the permit, and interested parties should consult with DEC on any issues.

2.4 Documentation for annual SWPPP review:

Requested confirmation that a simple sign-off in the SWPPP amendment log is adequate for the annual review documentation in part 5.6.6.

Response

The commentor is correct: a simple sign-off in the SWPPP log is adequate to satisfy that requirement. An amendment log template is included in the SWPPP template that will be available on the Storm Water Program website.

2.5 When does “discovery” of an exceedance occur:

Questioned the timing of corrective actions taken in response to samples analyzed at a lab.

Response

Part 8.4.3 states that response timing is based on the date that lab results are received.

2.6 How is glycol limit verified:

For Sector S airports, how is the benchmark-trigger of 100,000 gallons of glycol verified and which entity is responsible for determining whether the limit is exceeded?

Response

Verification can take place during DEC inspections through checking usage or purchase records. According to permit part 11.S.3.2, the glycol threshold may be monitored either by individual permittees or by the airport operator. In the first two options, the airport authority checks if the threshold is met; in the third, each operator determines whether the airport exceeds the threshold.

2.7 Define “structural control measures”:

Multiple commentors requested clarification of “structural control measures” as used in the list of items to be included on site maps in Part 5.2.3.3.

Response

Clarified that the control measures to be included on the map are those which are described in Part 5.2.5.1 as being used to achieve effluent limits.

2.8 Corrections to phone numbers and links:

A few comments identified outdated web links or contact information for resources or other agencies.

Response

Links and info were fixed.

2.9 Benchmarks vs. Effluent Limits:

Numerous commentors asked for clarification about the differences between Benchmark Thresholds and Effluent Limits in the permit and how these two monitoring schemes interact.

Response

Effluent limitations are national wastewater discharge standards that are developed by the EPA on an industry-by-industry basis. These are technology-based regulations and are intended to represent the greatest pollutant reductions that are economically achievable for an industry. Exceeding these is a permit violation. The DEC sets benchmark thresholds to help avoid such breaches; exceeding a benchmark means corrective action is needed but is less serious than an effluent limit exceedance.

Benchmark sampling occurs quarterly in the first year (or longer if issues persist), providing ways to show the exceedance isn't the permittee's fault. Effluent limit monitoring is annual and remains in effect as it is a legally enforceable standard.

Both types of monitoring are reported through EDMS and NetDMR.

2.10 SIC and NAICS codes:

The Draft permit says that NAICS codes may be used to identify industrial sector, but does not provide a reference for which MSGP sector each NAICS code corresponds to.

Response

Appendix D was updated to identify sectors by NAICS code as well as SIC.

2.11 Storm event documentation:

In Part 6.2.1.2, relating to quarterly visual assessments (QVAs), please clarify how a permittee should document representative local storm event timing.

Response

Storm conditions should be documented in the QVA documentation per Part 6.2.1.3.

2.12 Purpose of collecting 4 annual samples in cold climates:

Part 6.2 requires that if no runoff occurs due to frozen conditions in a quarter, the four annual samples be distributed through the season where runoff occurs. One commentor questioned what purpose that served and whether the winter quarter sample could be waived instead.

Response

Part 6.2.2.3 requires that at least one sample capture snowmelt, where applicable. In the climates described, a representative sampling schedule might include a snowmelt sample, a spring storm sample, a summer storm sample, and a fall storm sample, thus hitting four annual samples even when no runoff occurs during the winter. The amount of pollutants a facility deposits on the ground is not impacted by the climate conditions, and it is good consistency across the state to require four samples to capture the annual pollutant discharge regardless of when that discharge occurs.

2.13 Differences in sampling for discharge to WOTUS vs SWOTS:

Asked how monitoring requirements are different when discharging to Waters of The United States (WOTUS) vs discharging to non-WOTUS Surface Waters of The State.

Response

There is no difference in permit effluent requirements or conditions dependent on jurisdictional status.

2.14 Definition of discharge:

Requested a more specific definition of “discharge”, especially in cases where only a trace amount of water is leaving the outfall, where an outfall sits in standing water, or where months pass without “substantial” discharge.

Response

The definition of discharge used is from the federal Clean Water Act and cannot be changed. Permit Parts 6.2, 7.1, and 7.2 all contain various provisions for situations where insufficient discharge to conduct monitoring occurs. For unusual circumstances not covered by the permit text, please contact DEC with questions.

2.15 Definition of spill:

Requested that the definition of “spill” be aligned to 18 AAC 75, the Spill Prevention and Response regulations.

Response

There is not an explicit definition of “spill” in 18 AAC 75, and the word is used exclusively in reference to oil spills, as opposed to other hazardous substances. Rather, the term “release” is used more generally to describe any hazardous substances entering the environment and is defined in AS 46.03.826 to include “spilling” as well as discharging and other methods of release. Within this permit, the term “spill” is specifically used for accidental releases from containment and is differentiated from allowed discharges. The current definition will be kept to maintain meaning in the context of the permit.

2.16 Appendix E questions:

One commentor has a series of specific questions about how to apply Appendix E, Calculating Hardness in Receiving Waters.

Response

The appendix contains the basic calculations, permittees should ask DEC about unusual circumstances that apply to their site. If a more generic user guide is justified, DEC could add an FAQ to our website in the future.

2.17 Clarify procedures for sampling ponded waters:

Requested clarification on how to sample ponded or contained waters that are regularly contained until released by pumps, valves, etc.

Response

Sampling should be done at the time of discharge. Contained water prior to discharge may not be representative of the discharge, since it may partially infiltrate or evaporate, or additional stormwater may be added. These processes may change the nature and concentration of pollutants present.

2.18 Seasonal receiving waters:

Requested clarification on how to handle situations where an outfall discharge location is inundated at some times of year but not others.

Response

In most cases, this would still count as a discharge. Wetlands are defined by soil types and vegetation and so remain wetlands when the water table is below the surface, and many creek beds that dry up seasonally would convey water from the outfall to a permanent waterbody. Sampling the discharge from

the outfall should occur as usual. If there is no discharge during a quarter, then the established protocols for arid or cold climates would apply.

2.19 Guidance on DMR unavailability:

Asked what to do if NetDMR is unavailable when submissions are due.

Response

Submissions should be made via NetDMR as soon as possible, and a noncompliance notification submitted with the reason for the delay and screenshots of any error message received.

3 Comments on Protective Measures and Monitoring

3.1 Enhanced requirements for qualified personnel

Many commentors noted that the change to Appendix C adding specific training courses or professional licenses to be “qualified personnel” were not practicable and/or necessary for their facilities. A smaller number of commentors appreciated the change for clarifying what was required.

Response

The definition will be returned to the language used in the prior version of the permit. DEC acknowledges that the MSGP covers a wide array of facility types and situations, and that the proposed language was not appropriate for all permittees.

3.2 Timeline for corrective action

The 14-day deadline for several steps of corrective action in Part 8 is a challenge due to the remote location of some sites, especially in winter, the complexities of investigating exceedance causes, and other factors. Commentors requested 30 days instead, or a procedure to ask for extensions.

Response

The deadline has been extended to 30 days to facilitate timely action and improve permittee compliance. Part 8 was revised for clearer corrective procedures, and further feedback is encouraged. The 14-day window remains unchanged in other sections, including Appendix A compliance schedules and sector-specific requirements.

3.3 Natural background, run-on, and other exceptions:

Several commentors requested that demonstrating exceptions to Benchmark exceedances be simplified, so permittees would not need to undertake corrective actions for circumstances beyond their control. Key concerns included establishing natural background conditions, managing run-on situations, and addressing scenarios outside the specified four categories. Some commentors found the requirements overly restrictive and prescriptive, while others considered them insufficiently defined.

Response

These exceptions are outlined in Part 8.3.4.3. The divergent feedback—some viewing the rules as too limited, others as too ambiguous—highlights the challenge of crafting effective exception provisions intended to address a wide range of infrequent scenarios. Enumerating every possible situation is impractical; therefore, two broadly applicable options are included: economic or technological

infeasibility, and abnormal events. This broad language provides flexibility for permittees, allowing DEC to consider exceptions for unforeseen circumstances. However, this approach necessitates negotiating appropriate evidence on a case-by-case basis to determine eligibility for exemptions.

Regarding concerns about the requirement to notify other parties when claiming a run-on exemption, DEC maintains this requirement. Facility operators possess greater knowledge of their sites and are best positioned to coordinate and facilitate necessary property line adjustments.

3.4 24-hour reporting rule

One commentor stated that a supposed new rule in Part 8 to report corrective actions within 24 hours is excessive.

Response

The 24-hour reporting rule in Appendix A.3.4, referenced in 8.5.1, is unchanged from previous iterations of the permit and only applies in specific circumstances outlined in A.3.4.3. Other sections of Part 8 lay out other deadlines for different types of responses.

3.5 QVA monitoring locations

Two commentors who operate at airports pointed out that the requirement in Part 6.2.1.1 for samples to be collected at an “outfall” may not be representative of the runoff from the permittee’s facility, since at airports surface flow from multiple operators may comeingle on the tarmac or in the stormwater collection lines.

Response

This is a known issue at airports and is not limited to QVAs but impacts all monitoring or sampling to be done at outfalls. DEC has historically interpreted the definition of “outfalls” to allow for sampling at the point where “flows are discharged from the facility”.

3.6 Routine facility inspection frequency

A commentor from the oil and gas industry requested that routine facility inspections be reduced from quarterly to semi-annually to match the requirements of the North Slope General Permit and the Pipeline General Permit, as well as to better reflect the “operational realities” of sites where winter access is difficult. The commentor proposed inspections be done once before and after breakup.

Response

The facilities covered under the MSGP are located in much more diverse regions of the state than those covered by the NSGP or Pipeline GP and conduct a wider array of industrial activities. Under Part 6.1.3 of the permit there are existing procedures for sites which undergo winter shutdown to reduce inspections. Semi-annual inspections would not be appropriate for most sites covered by this permit, and there has not been a demonstrated need for additional exceptions. Adding exceptions increases the length and complexity of the permit.

3.7 Allowable non-stormwater discharges

Requested to add additional non-stormwater discharges to maintain consistency with other APDES permits. Specifically requested:

- Fire water storage vessel drainage, periodic fire-suppression system testing, and fire-training discharges
- Water used for dust control
- Pipeline and power-line washdowns conducted without detergents
- Electrical insulator steaming
- Vehicle and equipment washwater (one commentor in the Land Transportation Sector (P) provided a detailed description of why this issue in particular is problematic for them)

Response

Added or re-phrased several categories of allowable non-stormwater discharge which are allowed under other APDES permits to maintain consistency. Permittees are reminded that if their facility generates uncontaminated discharge not listed explicitly in Part 1.2.3 they may identify that discharge in the NOI or request it in writing later to gain authorization for the discharge (see 1.2.3.14).

For the vehicle washwater issue, the MSGP covers such a wide array of facilities that a blanket authorization would not be protective. However, specific facilities could include vehicle washwater under Part 1.2.3.14 when it is possible for control measures to ensure the discharge is acceptable.

3.8 Objections to new benchmark monitoring

Commenters from various industrial sectors have expressed concerns about the new benchmark monitoring requirements, citing increased costs, added administrative work, inconsistencies with other APDES permits or MSGP programs from other jurisdictions, and questions regarding the data used to support these benchmarks.

Response

DEC maintains that the additional costs tied to benchmark monitoring are justified by the resulting environmental benefits and reduced regulatory expenses. Benchmark monitoring serves as an early warning system for permit holders, allowing them to identify the makeup of their discharge and address any issues before they pose a risk to human health or the environment. If facilities consistently meet monitoring targets, the requirement may be lifted after four quarters of acceptable results, meaning compliant sites could average less than one sample per year throughout the duration of their permit.

Although other APDES permits may not use benchmark monitoring, they often require Effluent Limit Monitoring instead, which can occur monthly or even daily and typically demand stricter corrective action and greater DEC compliance involvement.

The justification for sector-specific benchmarks is detailed in Part 2.1.3 of the permit's Fact Sheet, primarily drawing on a 2019 EPA-funded national study by the National Research Council. Benchmarks were added where either 20% or more of facilities exceeded thresholds or where average values surpassed those limits. Some commenters argued against relying on national data, claiming Alaskan facilities differ significantly; however, there is no supporting evidence for this claim, and collecting such specific data would incur substantial unjustified costs when representative national data is already available. Besides Alaska MSGP's monitoring requirements, the EPA MSGP includes Indicator Monitoring—used solely for future policy guidance without direct regulatory impact but requiring every permittee to submit relevant data. If DEC stopped using national datasets, it would need to collect its

own data to justify future permit changes, imposing higher costs on regulated entities than the current benchmark additions, and potentially still leading to benchmark monitoring requirements.

One commenter from the Land Transportation sector objected to using the EPA's Toxic Release Inventory (TRI). While DEC has previously criticized how TRI data is presented publicly, this does not diminish the dataset's usefulness for regulatory purposes.

Some comments referenced specific compliance challenges, such as tight timelines for corrective actions or procedures to prove exceedances result from natural background conditions. These concerns are addressed separately in corresponding responses.

3.9 Benchmark exceedances should not be noncompliance

Stated that DEC overstepped its authority by treating benchmark exceedances as noncompliance in Parts 8.3, 8.4, and 8.5, and the new corrective action system violates 18 AAC 83.410(f) by requiring that benchmark exceedances be documented within 24 hours.

Response

Part 8 does not necessarily treat a benchmark exceedance as noncompliance, it simply requires the permittee to evaluate the situation and, if necessary, take actions to prevent further exceedances. It is possible that a benchmark exceedance is also an effluent limit exceedance, which would trigger the 24-hour reporting rule per Appendix A Part 3.4. Part 8.5.1 of the permit has been reworded to clarify that the reference to the 24-hour reporting rule is only a reminder, not an expansion of those requirements.

3.10 Comments on how airport permit coverage is managed

Several commentors had concerns with how responsibility is assigned for obtaining permit coverage at airports. Comments included suggestions that the airport owner be responsible for permitting the entire facility, requests for clarification about when permit coverage is needed, and questions about boundaries of facilities.

Response

DEC recognizes airports as a permitting challenge. Permit Part 11.S.3.2 enables airport owners and tenants to collaborate, allowing owners to handle some responsibilities for the entire airport, reduce redundancy, and increase efficiency. DEC encourages exploring this option but does not mandate its use.

Permit coverage for airport owners is required under the same conditions that permit coverage is for all other facilities: anywhere a discharge occurs that is associated with an industrial activity, as defined by SIC codes or the narrative descriptions of industrial sectors. At airports, key activities that an airport owner may conduct are vehicle maintenance and runway deicing or anti-icing operations. The EPA fact sheet for Sector S (downloadable at <https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series>) provides further detail. Note: a common misconception is that Sector S operators only need MSGP coverage if they either use 10,000 gallons of glycol, or if they have over 1,000 non-propeller aircraft departures annually. That is not correct, those thresholds determine what types of monitoring and effluent limits apply.

In cases where multiple operators conduct industrial activities in the same location (e.g., a shared deicing pad for aircraft from multiple airlines) the more efficient solution is for the airport owner to take

responsibility for the discharge from that location, otherwise all permittees using the space would need to monitor it. See response 3.5 for detailed discussion of defining an “outfall” for airport tenants.

3.11 Chromium Benchmarks

Two issues were identified with complying with the new hexavalent chromium benchmarks for sectors I, O, R, and AB: the Cr(VI) laboratory test has a 24-hour hold time, which is difficult to achieve in most of the state, and the proposed benchmark is lower than the detection limit of available laboratory methods.

Response

40 CFR Chapter 136 allows the use of EPA 218.6 for hexavalent chromium, in which using a buffer and adjusting the pH to 9.3-9.7 extends the hold time to 28 days, for the purposes of meeting NPDES (Clean Water Act) requirements. DEC consulted one lab who said that they could test to the levels of the proposed benchmark. Consecutive quarters of benchmark monitoring:

3.12 Consecutive Samples

Requested to be able to use alternate datasets to the “consecutive quarterly samples” specified in Draft Part 7.2.1.3 and 7.2.1.4 in situations when a revised sample schedule is used.

Response

Changed the quoted phrase to “consecutive samples” in both Parts. Per Part 7.2.1.2 these will be quarterly for most permittees, but in cases where conditions prevent the collection of quarterly samples it will still allow the benchmark exceedance/non-exceedance determination to be made after four sampling events.

3.13 Averaging effluent limitations:

Questions how to calculate “annual average” and “30-day average” for effluent limits in sectors D, E, and J, since the permit requires only one grab sample per year. Requests clarifying language be added to permit.

Response

A single grab sample is the minimum required to meet the requirement for a 30-day average. If that is all that is collected, the value of that grab sample will be used as the average. If multiple samples are collected within a 30-day period, they should be averaged. Depending on the sampling scheme, either a straight averaging or time-weighted averaging system could be used, but the rationale should be justified. No reference to annual average was present in the effluent limitations. References to monthly averages were updated to 30-day averages for consistency across industrial sectors.

3.14 Facility inspections for corrective action:

Requested that routine facility inspections conducted as a part of corrective action only need cover those parts of the facility which contributed to the triggering event.

Response

This is a reasonable protocol to reduce the burden of corrective action and focus the response on the actual problems. Part 8.3.2.1 has been modified accordingly.

3.15 Corrective action based on a single sample:

Objected to corrective action being triggered by a single sample because multiple lower samples could reduce the average to below the benchmark.

Response

The applicable language in Part 8.3.1.2 triggers the early corrective action review when the collected sample (or sum of samples) is greater than four times the benchmark average. The only way this would not mathematically dictate a benchmark exceedance is if the permittee is reporting more than four benchmark samples per year, which is not envisioned by this permit. If a permittee did want to submit additional monitoring data, DEC would still stand by this requirement because taking extra samples during a time of year with cleaner discharge cannot offset the excessively high pollutants of four times the benchmark level.

3.16 Sampling from first 30 minutes of a storm:

Objected to sampling from the first 30 minutes of a storm for a variety of reasons including inaccurate weather forecasts, lack of discharge due to infiltration, and unrepresentative data.

Response

Part 7.1 already addresses most of the objections raised. It requires sampling from the first 30 minutes of discharge from a storm event, not every storm event. So if a storm arrives at 2am or if samplers aren't ready when it starts raining earlier than forecast, the facility will likely have another opportunity. There are also procedures in place for documenting that sampling in the first 30 minutes of discharge is not possible, and the permit text is based on timing of discharge, not the storm, so any delay due to infiltration capacity is already built in. As for the representativeness of data, there is no single point in time that captures the dynamic nature of runoff pollutant concentrations. A complex sample composite system would cost permittees more effort than it is worth, and sampling during the first 30 minutes of discharge is better than any other single point in time.

4 Comments on Documentation

4.1 Comments on use of Environmental Data Management System (EDMS):

Requested that DEC revert to the prior system of allowing PDF or hardcopy submissions instead of the current requirement to submit through the online EDMS portal.

Response

No changes were made in response to this comment. EDMS saves significant DEC staff time (which leads to lower permit fees) and allows greater consistency, transparency, and document retention. Additionally, the use of an online portal is necessitated by the federal e-Reporting Rule.

4.2 Request for time to implement changes:

Requested that DEC allow at least 120 days from the issuance of this permit for SWPPPs to be updated to the new requirements.

Response

The permit already allows 120 days from the effective date of the permit, which will be 30 days after issuance, giving a total of 150 days from issuance until the SWPPP must be updated. No changes were made in response to this comment.

4.3 Records retention requirements:

One commentor pointed out that Part 5.9 requires all documentation to be retained for three years after permit termination, while Appendix A.1.11.2 requires sample information to be kept for three years after the sample date. The commentor viewed this as a discrepancy to be corrected. A separate commentor asserted that since most records are submitted via EDMS this requirement is outdated and should be removed.

Response

The standard conditions in Appendix A apply to all APDES permits and are tightly tied to requirements from federal law, so retention of records by the permittee is not going to be removed from this permit. There are many aspects of this permit and other general permits where requirements more specific or stringent than Appendix A are included in the body of the permit. The specific requirements included in the body of the permit should always be regarded as authoritative. The permit-specific requirements should always be in addition to Appendix A requirements, not contradictory.

4.4 Question about corrective action log:

Asked how the comprehensive site inspection documentation will be reported on the corrective action log.

Response

Comprehensive site inspections as described in Part 6.3 are a regular part of site monitoring and are not typically considered a corrective action.

4.5 Snow dump requirements for site map:

Multiple commentors had issues with the new requirement for snow dumps to be identified on site maps. Comments addressed the specificity of size and location, as well as concerns about what entity was responsible for that snow dump.

Response

Updated the description to clarify that permittees only need to identify snow storage areas which they operate and changed the “location and size” language to say “boundaries”. The change to “boundaries” hopefully will be clear that permittees don’t need to know how much snow will be stored, they just need to indicate what area the storage will take place within.

4.6 Spill kit requirements for site map:

Multiple commentors had issues with the new requirement for spill kits to be identified on site maps. Most of these comments were focused on the fact that spill kits can be mobile, while others pointed out that they have spill response storage facilities that are not “kits”.

Response

Removed the separate requirement for spill kits to be on the map. When feasible, permittees should include spill response supplies/kits with the item “locations of control measures described in Part 5.2.5.1.” Per part 4.2.4.3 all facilities are required to have spill response equipment available, appropriate to the type and quantity of hazardous materials used on-site. If spill response supplies are kept in mobile kits and not included on the map, facility staff should have ready access to alternate information about how to locate the response supplies in the event of a spill.

4.7 Site inspection personnel:

Multiple commentors questioned how to document the virtual attendance of a stormwater pollution prevention team member.

Response

No special requirements are being added, documentation can be done in the same way as under previous versions of the MSGP.

4.8 NetDMR and EDMS reporting deadlines:

Two commentors submitted nearly identical comments about Part 9.0 requiring sample results to be submitted within 15 days, while NetDMR has fixed monthly deadlines.

Response

DEC believes this may have been a misreading of the permit, Part 9.0 says that results should be submitted by the 15th day of the month following receipt of sample results, which is consistent with fixed monthly deadlines. If there is a miscommunication here, clarifying comments are welcome during the review period of the Proposed Final MSGP.

4.9 Terminating benchmark monitoring:

Multiple commentors had questions or suggestions about the procedures for terminating benchmark monitoring after four quarters of non-exceedance.

Response

Revised language in 7.2.1.3 to clarify that a permittee may cease monitoring immediately after confirming that they meet the requirements. An EDMS form submittal will be required so that DEC is aware that requirements have been met and not to expect further data. In the past few permittees have used this option and it has been handled by email or phone calls, the new EDMS form is being launched to streamline the process and make it more accessible.

4.10 Visual inspection photos:

Requested clarification on how to acceptably record the date of QVA photos, or to only require a date “if practicable”.

Response

Revised language in 6.2.1.3 to clarify that if the date is written legibly somewhere in the photo that is acceptable, along with the prior options of metadata or a timestamp. Given these multiple options, one

of them should always be practicable. Undated photos have been a recurring problem for DEC inspectors.

4.11 Comprehensive site inspection in the annual report:

Noted added language in Part 6.3.2 stating that the comprehensive site inspection should be documented in the annual report. Suggested that since comprehensive site inspections may be done many months before the annual reporting deadline a separate report be used instead.

Response

Part 9.2 has required that the comprehensive site inspection be documented in the annual report in previous versions of this permit. The added language in 6.3.2 is not a new requirement, but a reminder of existing procedures. Requiring two separate reports (comprehensive site inspection report and annual report) would be an increase in paperwork and is not justified at this time.

4.12 Routine facility inspection signature:

Requested that the requirement for routine facility inspections to be signed and certified be removed, since those are not always required to be submitted to DEC.

Response

This is a long-standing requirement of the MSGP and ensures that documentation is accurate and accountable if there is an issue or an inspection. No change will be made.

4.13 Monthly DMR submissions:

Requested that DMR submissions be quarterly instead of being required by the 15th day of the month after results are received.

Response

This requirement is the same as in the previous version of the MSGP and is consistent with DEC's implementation of the e-reporting rule. In the interest of maintaining consistency, no change will be made.

4.14 Optional reporting:

Pointed out that QVAs and comprehensive site inspections do not need to be submitted unless requested by DEC and requested that all forms be submitted via EDMS for consistency.

Response

This permit already requires a lot of submissions and documentation. DEC does not have plans to review these documents from all facilities every quarter, and so allowing permittees to document them without scheduled submission deadlines can reduce the paperwork burden of the permit without decreasing protectiveness. No change will be made.

4.15 Redundant corrective action reporting:

Requested that the Annual Report could reference Corrective Action Reports previously submitted in EDMS, instead of including them in their entirety.

Response

Request granted, Part 8.5.3 has been rewritten so that prior Corrective Action Reports can be referenced in the Annual Report instead of having a copy attached.

4.16 Permits to organizations, not individuals:

Requested that permits be issued to organizations, not individuals so that staff turnover is not as disruptive to permit management.

Response

Having clearly identified points of contact is essential for DEC to be able to know who to communicate with about permit compliance, and the requirements for individuals names and contact information will not change. That said, staff turnover and changes to contact information is something that has been recognized as a problem for a while. DEC is already in the process of an update to EDMS that should make updating this information easier for permittees.

5 Programmatic Comments**5.1 Better coordination with EPA:**

Requested better communication and coordination between DEC and the EPA to ensure that EPA inspectors do not cite violations in a manner conflicting with DEC interpretations. Provide a clear path to elevate issues.

Response

Better coordination with partner agencies is always a DEC goal, but ultimately we cannot control federal agencies and may not always be aware of internal guidance they have received. Stormwater permitting staff meet with EPA on a monthly basis and had separate meetings to specifically discuss the Draft of this permit. If you receive guidance or compliance actions from the EPA that is inconsistent with DEC positions, please contact DEC.

5.2 CGP vs MSGP requirements:

Objected to the use of standards and training from the CGP and suggested MSGP-specific standards instead.

Response

There are several sectors where the MSGP covers construction activity, and referencing the carefully developed CGP practices and standards is appropriate. The draft included a more stringent definition of “qualified personnel” which used the AK-CESCL training (a construction certification), but that definition has been removed (see Response 3.1). The proposed resources for BMP development have been added to Part 4.2.12 to assist permittees.