

**Department of Environmental Conservation
Response to Comments**

For

**General Permit for Discharges from Large and Small Construction
Activities (Construction General Permit)
APDES Permit No. AKR100000**

Public Noticed October 15, 2025 to November 14, 2025



December 22, 2025

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

1 Introduction

1.1 Summary of Facility / Permit

The Construction General Permit (CGP) has provided permit coverage for construction projects statewide since 2003, when the program was run under EPA authority. The Department of Environmental Conservation assumed authority for the permit in 2009 and issued its own versions in 2010, 2011, 2016, and 2021. The permit authorizes stormwater runoff discharges and specific discharges of clean non-stormwater from construction projects disturbing greater than one acre of land. The primary focus of the permit is the implementation of Best Management Practices (BMPs) to control erosion and sediment runoff, since these are the most common pollutants from construction sites. The CGP is the most used general permit in Alaska, with nearly 500 projects authorized in 2025 alone.

1.2 Opportunities for Public Participation

The Department of Environmental Conservation proposed to issue 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 9/12/2025 to 9/25/2025 and notified tribes and agencies
- Formally published public notice of the draft permit on October 15, 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 5 interested parties on the draft permit and supporting documents. 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 December 22, 2025. 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.

Response:

The suggestions were accepted in cases where they improved clarity or corrected grammar without opening the section to new interpretations. DEC erred on the side of keeping prior language so that the regulated community could continue with business as usual and not have to wonder if the word change was intended to change requirements.

2.2 Adding or modifying definitions:

Multiple commentors requested adding or modifying the definitions of various terms in Appendix C. Terms requested include but were not limited to “Drought-stricken area”, “soil disturbing”, a map showing areas with less than 20 inches of precipitation, “Storm event”, and “groundwater”.

Response:

Several definitions were added, while other suggested definitions were not. The decision was made based on whether the term had a commonly understood definition, or specific meaning in this permit. The suggestion to add a map for climate-related definitions was impractical due to the changing nature of available data.

2.3 Fixing links:

Several links to external websites were identified as not working.

Response:

In most cases the websites worked as expected for DEC and no change was made. In a couple of cases related to climate and weather data, the new text was still linked to an outdated website and the hyperlink has been corrected.

2.4 Adding examples or detailed clarification:

Multiple commentors requested that the permit provide further details on certain requirements or provide examples of how it is used in practice.

Response:

Unless noted in a separate comment response, no changes were made in response to these requests. The CGP is an 87-page document used by hundreds of workers around the state, so brevity is key. While a specific elaboration may be relevant to a certain permittees use-case, it often is not applicable to everyone. DEC recorded all areas where clarification was requested and will use those requests to inform an upcoming effort to update the Stormwater Guide and to publish more guidance documents related to stormwater permits.

2.5 Climate data source:

Commentors asked about the rationale of removing the old WRCC data source for estimating fall freeze-up and spring thaw.

Response:

No changes were made in response to these comments. That data source was removed because it is no longer up to date with changing climatic conditions in Alaska. The preferred xmACIS2 data source allows for more recent data to be used.

3 Comments on Application and Documentation Requirements

These comments relate to the submission requirements to obtain permit coverage such as the Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and the processes for filing and maintaining such documents.

3.1 Allow electronic records

Multiple commentors requested that records required to be kept on-site in Parts 5.10 and 9.4 such as SWPPPs, NOI authorization letters, etc. may be kept digitally instead of necessarily having a physical copy. One commentor specifically cited being able to provide these records digitally during winter shutdown.

Response

Revised Parts 5.10.1, 5.10.3 and 9.4 to reduce redundant statements of requirements and allow for digital documents provided that those documents are equally able to serve the required functions as a physical copy would be. Per part 5.10.2.4, this means that during winter shutdown providing a digital SWPPP is sufficient without the need for an NOI modification, provided contact information is posted for a person able to provide access to the digital SWPPP.

3.2 Time-limit the common plan of development:

Suggested adding a qualifier to Part 1.4.2 that multiple phases of a project should only count as a common plan of development if they will occur within 5 years.

Response

No changes were made in response to this comment. Few, if any, projects would naturally be impacted by this change, and adding a new qualifier could encourage some developers to try and use it as a loophole.

3.3 Redundant record keeping

Stated that requirements for keeping grading and stabilization logs (Part 5.8) and corrective action logs (Part 8.3) are redundant with portions of the inspection reports (Part 6.4.2) and that these record keeping requirements should be eliminated or combined.

Response

No changes were made in response to this comment. Not all information is redundant; for example an inspection report would document corrective action needed while the corrective action log would

document the date such action actually took place, or the need for corrective action may be discovered outside of an inspection. Combining these requirements in such a way as to keep all the same information recorded in an up-to-date manner would require significant restructuring, and the paperwork efficiency gains do not justify the costs of re-training all project operators statewide on the new system.

3.4 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.

3.5 On-site Notice of Intent (NOI) retention:

Requested that NOI submission forms no longer be a part of the required onsite documentation in Table 2.

Response

Removed that requirement from Table 2, since the information contained in submission form is available in other documents and EDMS allows for rapid retrieval of NOI documents.

3.6 Provide SWPPP template:

Requested that DEC update the SWPPP template.

Response

This work is underway and the new template will be available on the Stormwater web page shortly: <https://dec.alaska.gov/water/wastewater/stormwater/permits-approvals/construction/>.

4 Comments on Authorized Activities

4.1 Support activities

Suggest removing or rewriting Part 1.4.2.3.3 and portions of 1.4.4, which both state that support activities such as asphalt plants or gravel pits are only authorized until completion of the permitted project. Many support activities are re-used during subsequent projects.

Response

No changes were made in response to this comment. It is true that many support facilities are reused, but it is important that they are permitted appropriately. A commercial facility intended to support multiple projects should obtain coverage under the Multi-Sector General Permit, while a one-off facility that will go inactive until needed again should be closed appropriately then re-permitted as part of the new project. These scenarios come up frequently and DEC has been able to successfully work through them with permittees under the current language.

4.2 Discharge for compaction

Request authorizing the discharge of water for compaction of earthen materials in the authorized non-stormwater discharges (Part 1.4.3).

Response

No changes were made in response to this comment. These discharges are not intended to be authorized and are not authorized in other jurisdictions' CGPs either.

5 Comments on BMPs, Monitoring, and Inspections

These comments deal with the substantive requirements of the permit: what actions a permittee must take to prevent pollution and ensure those measures are working.

5.1 Stabilization deadline applicability

Suggest that deadlines for stabilizing soil after disturbance in Part 4.5.1.1 only apply to areas of the project that have the potential to discharge to Waters Of The United States (WOTUS)

Response

No change was made. The permit contains many requirements and specifying how each one individually should be applied to sub-regions within a project would cause confusion and make it more difficult to determine if projects were in compliance.

5.2 Linear project inspections

Stated that the optional modifications to inspections for linear projects in Part 6.5 is not useful and should be removed.

Response

No change was made. While the commentor may not use that section, it is relevant and useful for other permittees.

5.3 Reduction in inspection frequency

Comment contained two parts: requested that a change in inspection frequency allowed by Part 6.2 be documented in the SWPPP and requested that the permit explicitly allow for a project to have a portion of the site in winter shutdown while other parts remain active.

Response

Both changes were made to part 6.2, along with minor wording fixes. The protocol for shutting down only a portion of a site was added in the new Part 6.2.3.1.

5.4 Rock pile BMP requirements

Requested that piles of rock be exempted from the requirements for soil stockpiles in Part 4.3.7.

Response

Added an exemption in new Part 4.3.7.1, using language adapted from the EPA's 2022 CGP.

5.5 Final stabilization of pits

Requested that pits from which runoff does not occur be exempt from final stabilization requirements, including stockpiles and other features within the pit.

Response

No changes made in response to this comment. If soil stockpiles are being left unstabilized that implies future use, and the facility will likely need some type of ongoing stormwater permit coverage. Very few facilities truly have zero runoff, and this type of exemption would open the door to unpermitted discharge.

5.6 Final stabilization in the arctic

Proposed a new set of criteria for establishing final stabilization at sites above the Arctic Circle.

Response

No changes made in response to this comment. This is a good suggestion but would represent a significant change to be added after the public comment period and will require some fine-tuning with impacted stakeholders. This will likely be adopted in the next reissuance of the CGP, and DEC will work with permittees and subject matter experts in the interim to have good language ready for the preliminary draft.

6 Comments On Other Permits

DEC received two comments that are not under the jurisdiction of the CGP. One comment asked about which cities are required to get Municipal Separate Storm Sewer System (MS4) permits: that is determined by a formula that considers total population and population density after each census, with certain waivers and exceptions available. Currently Anchorage, Fairbanks, and a few military installations have MS4s. Communities which are close to meeting requirements and may be reevaluated in the foreseeable future include the Mat-Su valley (Wasilla and Palmer), and Juneau. The other question suggested that other general permits require photo documentation. DEC agrees with this idea and is already in the process of rolling it out in the MSGP which is in the process of being renewed.