American Road & Transportation Builders Association
250 E Street, S.W.
Suite 900
Washington D.C. 20024
P 202.289.4434
F W artba.org
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Transportation Makes America Work
TMAW

September 17, 2026

VIA ELECTRONIC SUBMISSION

U.S. Environmental Protection Agency
Attn: Greg Schaner, Office of Wastewater Management
1200 Pennsylvania Ave NW
Washington, D.C. 20460

Re: National Pollutant Discharge Elimination System (NPDES) 2027 Issuance of General Permit for Stormwater Discharges From Construction Activities (Docket No. EPA-HQ-OW-2025-0760).

Dear Mr. Schaner:

On behalf of the American Road & Transportation Builders Association (ARTBA) and our more than 8,000 members in the transportation construction industry, we submit these comments on the Environmental Protection Agency's (EPA) proposed 2027 Construction General Permit.[1] ARTBA appreciates EPA's publication of the proposal in advance of the current permit's February 2027 expiration and urges the Agency to ensure timely issuance of the finalized permit so that coverage does not lapse. Prior to finalization, we request the agency make modest revisions to the proposal to reduce potential administrative burdens for permit applicants and provide additional regulatory clarity. We offer the following brief recommendations to assist EPA in this process.

Background

ARTBA represents all components of the nation's transportation construction industry, including contractors, materials suppliers, planning and design firms, public agencies, research institutions, and equipment manufacturers. Our members design, build, and maintain the nation's roads, bridges, airports, ports, transit systems, and other critical infrastructure that supports economic growth, public safety, and mobility. Collectively, our members generate more than $650 billion annually in U.S. economic activity, sustain more than 4.4 million American jobs, and work to improve the safety and quality of life of the traveling public.

ARTBA members regularly navigate Clean Water Act (CWA) permitting requirements as part of their work and have a long track record of compliance and environmental stewardship. Under the CWA, discharges of pollutants to waters of the United States (WOTUS) generally must be authorized through the National Pollutant Discharge Elimination System (NPDES).[2] Because certain construction activities can result in stormwater discharges containing sediment and other pollutants, those activities may require NPDES permit coverage.[3] Rather than requiring every eligible construction site to obtain an individual permit, EPA uses the

[1] Proposed 2027 NPDES Construction General Permit, 91 Fed. Reg. 48,862, 48,862 (Aug. 3, 2026).
[2] *See* 33 U.S.C. §§ 1311(a), 1342.
[3] *See* 33 U.S.C. § 1342(p); 40 C.F.R. § 122.26(b)(14)(x), (c)(1).

Construction General Permit (CGP) to establish a standardized set of requirements under which eligible construction projects may obtain coverage. The CGP establishes requirements for stormwater controls, inspections, stabilization, pollution prevention, monitoring, recordkeeping and reporting. Like other NPDES permits, the CGP has a permit term of no more than five years. The current 2022 CGP expires in February 2027, and EPA has proposed a new CGP to replace it.

While EPA's 2027 CGP applies only in areas where EPA is the permitting authority, changes to the permit can directly affect the compliance responsibilities and administrative burdens of project owners and contractors operating in those areas. ARTBA appreciates EPA's efforts to update the CGP, including its efforts to clarify existing requirements and identify opportunities to reduce unnecessary compliance burdens. ARTBA offers the following targeted comments aimed at ensuring that the final permit provides necessary environmental protections while avoiding redundant compliance burdens for construction contractors. As EPA considers these revisions, ARTBA also encourages the agency to prioritize timely issuance of the 2027 CGP. Individual proposed changes that may warrant additional consideration should not delay the broader permitting process. Where questions remain regarding the practical implications of a new requirement, EPA should consider maintaining the existing approach while continuing to engage affected stakeholders and evaluating potential alternatives. EPA can continue that process after issuance of the 2027 CGP and consider a future modification to the permit, with appropriate opportunities for public input, rather than delaying issuance of this proposal.

ARTBA's Comment on the Proposal

I. EPA should reconsider the proposed SWPPP submission requirement.

Within the proposal, EPA contemplates requiring permit applicants to submit a stormwater pollution prevention plan (SWPPP) in conjunction with their permit application (notice of intent or NOI). A SWPPP is a site-specific plan that identifies potential sources of stormwater pollution associated with construction activities and describes the practices and controls used to minimize pollutants in stormwater discharges. ARTBA recognizes that permit applicants must already develop and maintain SWPPPs as part of their CGP requirements and appreciates EPA's efforts to improve access to relevant compliance information. However, the proposed requirement to provide additional SWPPP information as part of the NOI process warrants further consideration. EPA acknowledges that SWPPPs are living documents that may change throughout the course of construction and that a SWPPP submitted with the NOI would be for reference rather than definitive for purposes of determining compliance. Furthermore, EPA acknowledges that these plans may contain protected confidential and proprietary information. While EPA provides mechanisms for withholding certain confidential information from public access, the collection or sharing of SWPPPs still generates concerns regarding the treatment and disclosure of sensitive material.

ARTBA believes these considerations raise important questions regarding the regulatory value and implementation mechanisms for routinely submitting or posting entire SWPPPs as part of the NOI process. Before finalizing this requirement, ARTBA encourages EPA to engage further with impacted permit applicants to better understand the potential compliance and administrative effects of the proposal. ARTBA therefore requests EPA finalize the 2027 permit without including this new requirement, and to conduct further outreach to determine the best approach for achieving its stated objectives.

II. ARTBA supports streamlined dewatering reporting.

Under the current CGP framework, permittees subject to dewatering monitoring requirements must submit quarterly reports related to their dewatering discharges. Dewatering generally involves removing

accumulated water from a construction site and discharging it elsewhere. The current requirements do not provide relief from quarterly reporting when no dewatering discharge occurs during a reporting period. As a result, permittees may still be required to submit a quarterly report even though there is nothing to report. EPA is considering whether to eliminate quarterly reporting requirements when no dewatering activity has occured. ARTBA supports this approach as a reasonable way to reduce unnecessary administrative requirements without reducing the water-quality information available to EPA. The association encourages the agency to incorporate this change into the final CGP.

Conclusion

Transportation infrastructure improvements support jobs for American workers, facilitate private-sector investment, and result in the roads, bridges, transit and aviation systems that communities depend on every day. ARTBA members have long supported the CGP and utilized it as a mechanism for providing necessary environmental protection while allowing critical transportation infrastructure projects to move forward efficiently. The CGP provides an important, streamlined permitting mechanism, protecting water quality while providing regulatory clarity. Timely finalization of the 2027 CGP will ensure the permit does not lapse and allow ARTBA members to continue implementing these important environmental protections. ARTBA appreciates EPA's consideration of these comments and encourages the Agency to incorporate the recommendations outlined above.

Should you have any questions or require additional information, please do not hesitate to contact Prianka Sharma, Deputy General Counsel and Vice President for Regulatory Affairs, at psharma@artba.org.

Sincerely,

Prianka Sharma

Prianka P. Sharma
Deputy General Counsel and
Vice President for Regulatory Affairs