



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT GENERAL PERMIT

DISCHARGE AUTHORIZED: DISCHARGES FROM CONSTRUCTION ACTIVITIES THAT RESULT IN A TOTAL LAND DISTURBANCE OF ONE ACRE OR GREATER AND SITES LESS THAN ONE ACRE BUT ARE PART OF A LARGER COMMON PLAN OR DEVELOPMENT

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALG _____

RECEIVING WATERS: ALL WATERS OF THE STATE OF ALABAMA

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE:

EFFECTIVE DATE:

EXPIRATION DATE:

Table of Contents

PART I Coverage Under This General Permit 3

- A. *Permit Coverage* 3
- B. *Eligibility*..... 3
- C. *Prohibited Discharges* 4

PART II Notice of Intent (NOI) Requirements..... 5

- A. *Deadlines for Notices of Intent*..... 5
- B. *Continuation of the Expired General Permit* 5
- C. *Contents of the Notice of Intent*..... 5
- D. *Submittal of Documents* 6
- E. *Authorization to Discharge* 6

PART III Stormwater Pollution Prevention Requirements 7

- A. *Erosion Controls and Sediment Controls*..... 7
- B. *Soil Stabilization* 7
- C. *Pollution Prevention Measures*..... 8
- D. *Construction Best Management Practices Plan (CBMPP)*..... 8
- E. *Spill Prevention, Control, and Management*..... 9
- F. *Inspection Requirements*..... 10
- G. *Precipitation Measurement*..... 11
- H. *Training*..... 12

PART IV Standard and General Permit Conditions..... 13

- A. *Duty to Comply* 13
- B. *Need to Halt or Reduce Activity Not a Defense* 13
- C. *Duty to Mitigate* 13
- D. *Proper Operation and Maintenance* 13
- E. *Permit Actions*..... 13
- F. *Property Rights*..... 13
- G. *Duty to Provide Information* 13
- H. *Inspection and Entry*..... 14
- I. *Noncompliance Notification*..... 14
- J. *Retention of Records* 14
- K. *Signatory Requirements* 15
- L. *Transfers* 15
- M. *Bypass* 15
- N. *Upset*..... 15

O. Severability..... 15

P. Modification, Revocation and Reissuance, and Termination..... 15

Q. Issuance of an Individual Permit..... 15

R. Termination of Coverage 15

S. Facility Identification..... 16

T. Definitions..... 16

PART V Effluent Monitoring and Turbidity Limits..... **20**

A. Applicability..... 20

B. Stormwater Effluent Turbidity Limits..... 20

C. Stormwater Effluent Monitoring 20

D. Representative Outfalls 20

E. Test Procedures..... 21

F. Monitoring Equipment and Instrumentation..... 21

G. Reports of Turbidity Monitoring 21

DRAFT

PART I Coverage Under This General Permit

A. Permit Coverage

This permit authorizes, subject to the conditions of this permit, discharges associated with construction activity that will result in land disturbance equal to or greater than one (1) acre or from construction activities involving less than one (1) acre and which are part of a larger common plan of development or sale occurring on or before, and continuing after the effective date of this permit, except for discharges identified under Part I.C. of the permit. Coverage under this permit is not required for discharges of stormwater associated with minor land disturbing activities (such as home gardens or individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion), normal agricultural practices and silvicultural operations.

B. Eligibility

1. Allowable Stormwater Discharges

This permit authorizes the following stormwater discharges:

- (a) Stormwater associated with construction activities defined in Part I.A. of this permit;
- (b) Stormwater discharges determined by the Director to require coverage under this permit;
- (c) Discharges from support activities (e.g., equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
 - (i) The support activity is directly related to the construction site covered under this permit;
 - (ii) The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
 - (iii) Pollutant discharges from support activity areas are minimized to the maximum extent practicable and do not pose a reasonable potential to exceed applicable water quality standards.

2. Allowable Non-Stormwater Discharges

This permit authorizes the following non-storm water discharges provided the non-stormwater component of the discharge is in compliance with Part III.C.:

- (a) Discharges from fire-fighting activities;
- (b) Fire hydrant flushings;
- (c) Waters used to wash vehicles where detergents are not used;
- (d) Water used to control dust;
- (e) Potable water including uncontaminated water line flushings not associated with hydrostatic testing;
- (f) Routine external building wash associated with construction down that does not use detergents;
- (g) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
- (h) Uncontaminated air conditioning or compressor condensate associated with temporary office trailers and other similar buildings;
- (i) Uncontaminated ground water or spring water;
- (j) Foundation or footing drains where flows are not contaminated with process materials such as solvents;
- (k) Landscape irrigation.

C. Prohibited Discharges

The following discharges associated with construction are not authorized by this permit:

1. Stormwater discharges that are mixed with sources of non-stormwater unless such stormwater discharges are:
 - (a) In compliance with a separate NPDES permit, or
 - (b) Determined by the Department not to be a significant contributor of pollutants to waters of the State.
2. Stormwater discharges currently covered under another NPDES permit;
3. Wastewater from washout of concrete, unless managed by an appropriate control;
4. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
5. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
6. Soaps or solvents used in vehicle and equipment washing;
7. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate controls;
8. Discharges from sediment basins or impoundments, unless an outlet structure that withdraws water from the surface is utilized;
9. Discharges that will cause a substantial visible contrast with the natural appearance of the receiving water;
10. Discharges that will cause the turbidity of the receiving water to increase by more than 50 NTUs above background. For the purposes of determining compliance with this limitation, background will be interpreted as the natural condition of the receiving water without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.
11. Discharges of any pollutant into any water for which a total maximum daily load (TMDL) has been finalized or approved by EPA unless the discharge is consistent with the TMDL; and
12. Discharges to waters listed on the most recently approved 303(d) list of impaired streams unless the discharge will not cause or contribute to the listed impairment.

PART II Notice of Intent (NOI) Requirements

A. Deadlines for Notices of Intent

Any person wishing to obtain coverage under this general permit shall submit a notice of intent in accordance with the following schedule:

1. Owners or operators of new construction sites or sites for which a complete and correct NOR has not been submitted to the Department in accordance with ADEM Admin Code r. 335-6-12-.10 prior to the effective date of this general permit must submit a notice of intent prior to the initiation of construction.
2. Owners or operators of construction sites that have or will disturb less than 10 acres and have submitted a complete and correct NOR to the Department in accordance with ADEM Admin Code r. 335-6-12-.10 prior to the effective date of this general permit must submit a notice of intent at least 30 days prior to the expiration of the NOR.
3. Owners or operators of construction sites that have or will disturb greater than or equal to 10 acres and less than 20 acres, and have submitted a complete and correct NOR to the Department in accordance with ADEM Admin Code r. 335-6-12-.10 prior to the effective date of this general permit, must submit a notice of intent at least 30 days prior to the expiration of the NOR, or by February 2, 2014, whichever occurs earlier.
4. Owners or operators of construction sites that have or will disturb greater than or equal to 20 acres, and have submitted a complete and correct NOR to the Department in accordance with ADEM Admin Code r. 335-6-12-.10 prior to the effective date of this general permit, must submit a notice of intent at least 30 days prior to the expiration of the NOR, or by August 1, 2011, whichever occurs earlier.

B. Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the ADEM Administrative Code Chapter 335-6-6 and remain in force and effect if the Permittee submits an updated Notice of Intent meeting the requirements of Part II.C. before the expiration of this permit. Any Permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time the Permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
2. Issuance of an individual permit; or
3. A formal permit decision by the Department not to reissue this general permit, at which time the Permittee must seek coverage under an alternative general permit or an individual permit.

C. Contents of the Notice of Intent

1. The notice of intent shall include:
 - (a) A general description of the construction activity for which coverage is desired, which shall be in sufficient detail to allow the Department to determine that the stormwater and non-stormwater discharges are included in the category of this general permit.
 - (b) The latitude and longitude to the nearest second of the entrance to the construction site and each point of discharge for which coverage under this general permit is desired. For the purposes of this requirement the entrance to the construction site will be identified as the primary point of access by normal vehicle traffic.
 - (c) Identification of the waterbodies receiving discharges for which coverage under this general permit is desired.

- (d) A contact person, address and phone number for the location to be covered under the general permit.
 - (e) For sites which discharge to priority waters, the notice of intent must be accompanied by a copy of the CBMPP prepared and certified as required by Part III.D.
2. The notice of intent shall be signed by a person meeting the requirements for signatories under ADEM Admin. Code r. 335-6-6-.09 and the person signing the notice of intent shall make the certification required for submission of documents under ADEM Admin Code. r 335-6-6-.09.

D. Submittal of Documents

The notice of intent and all other documents required to be submitted to the Department by this general permit shall be delivered to the following address:

Alabama Department of Environmental Management
Water Division
Post Office Box 301463 (Zip Code: 36130-1463)
1400 Coliseum Boulevard (Zip Code: 36110-2059)
Montgomery, Alabama

E. Additional Permittees Under a Single Notice of Intent

Multiple operators conducting regulated land disturbances in a common plan of development may jointly submit an NOI. An NOI covering multiple operators must include a site plan clearly describing each operator's areas of operational control.

F. Authorization to Discharge

1. Except as otherwise limited by Part II.E.2 or II.E.3., the Operator is authorized to discharge in accordance with the requirements of this permit upon the Department's receipt of a complete and timely notice of intent which meets the requirements of this permit and ADEM Admin. Code r. 335-6-6-.23.
2. Coverage under this permit is conditionally granted, and the requirement to submit an NOI is suspended for governmental agencies and utilities for construction activity associated with immediate and effective emergency repairs and response to natural disasters, human health or environmental emergencies, or to avert/avoid imminent, probable, or irreparable harm to the environment or severe property damage. The Operator or controlling/participating federal, State, or local government agencies/entities conducting emergency construction activity shall document the emergency condition, ensure compliance with the requirements of this permit to the extent possible, and shall notify the Department as promptly as possible regarding the occurrence of the emergency construction disturbance and measures that have been implemented and are being implemented to protect water quality. Unless the requirement to permit pursuant to the requirements of this permit are suspended or voided by the Director on a categorical or individual emergency basis, the Operator shall submit the appropriate project information, NOI, and the required application fee for construction or reconstruction activity after emergency repairs have been accomplished, according to a schedule acceptable to the Department.
3. For sites discharging to priority waters, the Operator is not authorized to discharge until the Department has formally acknowledged the receipt of a complete and technically adequate Notice of Intent and CBMPP meeting the requirements of Parts II.C. and III.D.

PART III Stormwater Pollution Prevention Requirements

A. Erosion Controls and Sediment Controls

The Permittee shall design, install, and maintain effective erosion controls and sediment controls, appropriate for site conditions to, at a minimum:

1. Control the discharge of stormwater volume and velocity within the site to minimize soil erosion;
2. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion;
3. Minimize the amount of soil exposed during construction activity through the use of project phasing or other appropriate techniques.
4. Minimize the disturbance of steep slopes;
5. Minimize sediment discharges from the site;
6. Minimize the generation of dust and off-site tracking of sediment from vehicles;
7. Stabilize all construction entrances and exits
8. Where applicable, install storm drain inlet protection measures to further prevent sediment discharges
9. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;
10. Minimize soil compaction and, unless infeasible, preserve topsoil; and
11. Implement measures or requirements to achieve the pollutant reductions consistent with a TMDL finalized or approved by EPA. Applicable TMDLs are located and/or can be accessed at <http://adem.alabama.gov/programs/water/approvedTMDLs.htm>
12. Additional Design Requirements
 - (a) Sediment control measures, erosion control measures, and other site management practices are required to be properly selected based on site-specific conditions, and installed and maintained to effectively minimize discharges for storm events up to and including a 2-year, 24-hour storm event.
 - (b) Sediment control measures, erosion control measures, and other site management practices selected for the purposes of complying with this permit must meet or exceed the technical standards outlined in the Alabama Handbook and the site-specific CBMPP prepared in accordance with Part III.D.
 - (c) The Permittee is encouraged to design the site, the erosion prevention measures, sediment controls measures, and other site management practices with consideration of minimizing stormwater runoff, both during and following construction ,including facilitating the use of low-impact development (LID) and green technologies.

B. Soil Stabilization

Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 13 calendar days. In drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the Department.

C. Pollution Prevention Measures

The Permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, concrete washout, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; and
3. Minimize the discharge of pollutants from any spills and leaks from, including but not limited to, vehicles; mechanical equipment; chemical storage; and refueling activities.

D. Construction Best Management Practices Plan (CBMPP)

1. Except as provided by Part II.E, construction activity may not commence until a CBMPP has been prepared in a format acceptable to the Department and certified by a QCP as adequate to meet the requirements of this Permit.
2. The CBMPP shall include:
 - (a) A general description of the construction site activity, including:
 - (i) The function of the construction site activity (e.g. residential subdivision, shopping mall, highway, etc.);
 - (ii) Identification of all known operators of the construction site, and the areas of the site over which each operator has control; and
 - (iii) A general location map (e.g. USGS quadrangle map) with sufficient detail to identify the location of the construction site and waters of the State within one mile of the site.
 - (b) A description of the intended sequence of major activities which disturb soils, including but not limited to, grubbing, excavation, and/or grading;
 - (c) Estimates of the total area expected to be disturbed by grubbing, excavation, and/or grading, including offsite borrow and fill areas;
 - (d) A detailed description of the erosion controls, sediment controls, and management practices to be implemented at the site during each sequence of activity in accordance with Part III.A;
 - (e) A detailed description of controls needed to meet State water quality standards, waste load allocations or other measures necessary for consistency with applicable TMDLs finalized or approved by EPA.
 - (f) A detailed description of enhanced or special controls needed to meet State water quality to eliminate, to the maximum extent practicable, noncompliant discharges to priority waters;
 - (g) A description of temporary and permanent stabilization practices, including a schedule and/or sequence for implementation;
 - (h) A description of energy or flow velocity dissipation devices at discharge locations and along the length of any outfall channel;

- (i) Identification of all allowable sources of non-stormwater discharges listed in Part I.B.2, except for flows from fire fighting activities that are combined with stormwater discharges associated with construction activity at the site;
 - (j) A description of the pollution prevention measures used to manage non-stormwater discharges;
 - (k) A description of the best management practices to be installed during site construction and operated and maintained following final stabilization at sites where the post-construction volumes or velocities of stormwater runoff are significantly different from conditions existing prior to the construction activity; and
 - (l) For non-linear projects, a site topographic map, certified by a land surveyor presently registered by the Board of Registration for Professional Engineers and Land Surveyors, clearly showing:
 - (i) Pre-construction contours at a sufficient interval to adequately determine pre-construction stormwater runoff patterns throughout the site;
 - (ii) The external and internal (if subdivided) property boundaries of the project;
 - (iii) Areas to be disturbed by excavation, grading, or other activities;
 - (iv) Identification of sediment control measures, erosion control measures, planned stabilization measures, and other site management practices;
 - (v) Locations of surface waters, including wetlands, and riparian zones; and
 - (vi) Locations of all points of discharge to waters of the State;
 - (vii) Locations of all sampling points.
3. Maintain an Updated CBMPP
- (a) The CBMPP shall be updated as necessary to address changes in the construction activity, site weather patterns, new TMDLs finalized or approved by EPA, new 303(d) listings approved by EPA, or manufacturer specifications for specific control technologies.
 - (b) The CBMPP shall be amended if inspections or investigations by site staff or by local, state, or federal officials determine that the existing sediment control measures, erosion control measures, or other site management practices are ineffective or do not meet the requirements of this Permit. All necessary modifications to the CBMPP shall be made within seven (7) calendar days following notification of the inspection unless granted an extension of time by the Department.
 - (c) If existing sediment control measures, erosion control measures, or other site management practices prove ineffective in protecting water quality or need to be modified or if additional sediment control measures, erosion control measures, or other site management practices are necessary to meet the requirements of Part III.A. B. C. and E., implementation shall be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, then new land disturbance activities must cease until the modified or additional controls can be implemented.
 - (d) A copy of the CBMPP shall be maintained on-site during regulated land disturbing activities.

E. Spill Prevention, Control, and Management

The Permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 and 335-6-6-.12(r) as a separate document or as part of the CBMPP Plan required in Part III.D. above for all applicable onsite fuel, chemical, or pollutant storage tanks. The Permittee shall implement appropriate

structural and/or non-structural spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. The plan must be consistent with the requirements of 40 CFR 112 for tanks which meet or exceed the applicable size thresholds. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided. The applicant shall maintain onsite or have readily available sufficient oil & grease absorbing material and a flotation booms to contain and clean-up fuel or chemical spills and leaks. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up, remediated, or be removed and disposed of in an approved manner.

F. Inspection Requirements

1. General Requirements

- (a) Comprehensive inspections of the construction site, including areas used for storage of materials that are exposed to precipitation, affected ditches and other stormwater conveyances, as well as all receiving waters and stream banks shall be performed by a QCP, or where applicable a QCI, in accordance with Part III.F.2. to determine if, and ensure that, effective erosion controls and sediment controls have been fully implemented and maintained, pollutant discharges have been prevented/minimized to the maximum extent practicable, and discharges do not result in a contravention of applicable State water quality standards for the receiving stream(s) or other waters impacted or affected by the Permittee.
- (b) The inspection shall be recorded in a written format acceptable to the Department. The inspection record shall include:
 - (i) The site name and location, discharge point number, date, time and exact place of any sampling performed;
 - (ii) The name(s) of person(s) who performed the inspection and/or obtained any samples or measurements taken;
 - (iii) The dates and times of the inspection and any samples or measurements taken;
 - (iv) A description of any sampling and analytical techniques or methods used, including source of method and method number; and
 - (v) The results of any analyses performed.
 - (vi) Weather conditions at the time of the inspection.
 - (vii) Description of any discharges of sediment or other pollutants from the site.
 - (viii) Locations of discharges of sediment or other pollutants from the site.
 - (ix) Locations of BMPs that need to be maintained.
 - (x) Locations of BMPs that failed to operate as designed.
 - (xi) Locations where additional BMPs are needed that did not exist at the time of the inspection.
 - (xii) Corrective action(s) required including any changes to the CBMPP.
- (c) The QCP, or where applicable a QCI, shall evaluate and note on the inspection record if the erosion controls or sediment controls being implemented are adequate and if additional or improved control measures are needed.

2. Inspection Schedule

- (a) Each day there is activity at the site, the Permittee, a QCP, a qualified person under the direct supervision of a QCP, a QCI, or other qualified persons, shall visually observe that portion of the construction project where active disturbance, work, or construction occurred and report any apparent BMP deficiencies observed to the Permittee or QCP. The Permittee shall maintain a log of all daily inspections required.
- (b) Complete and comprehensive inspections/evaluations of the entire construction site including all outfalls and receiving streams shall be performed by a QCP, or where applicable a QCI:
 - (i) Once each month by a QCI or QCP;
 - (ii) For non-linear projects after any qualifying precipitation event by a QCI or QCP, commencing as promptly as possible, but no later than 48-hours after resuming or continuing active construction or disturbance, and completed no later than 72-hours following the qualifying precipitation event;
 - (iii) For linear projects where active construction or areas where annual or perennial vegetation has not been fully established, a complete and comprehensive inspection/evaluation of the project shall be performed by a QCI or QCP after any qualifying precipitation event since the last inspection, beginning as promptly as possible, but no later than 48-hours after resuming or continuing active construction or disturbance and completed no later than five (5) days after the qualifying precipitation event ;
 - (iv) As often as is necessary by a QCP until any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during a prior inspection are corrected and documented as being in compliance with the requirements of this Permit; and
 - (v) Every six months by a QCP.
- (c) On all active disturbance, dredging, excavation, or construction undertaken or located within the banks of a waterbody, including but not limited to, equipment, vehicle crossing, pipelines, or other transmission line installation, conveyor structure installation, and waterbody relocation, streambank stabilization, or other alterations, a complete and comprehensive inspection/evaluation of the project shall be performed by a QCP or a qualified person under the direct supervision of a QCP at least once a week and as often as is necessary until the disturbance/activity impacting the waterbody is complete and reclamation or effective stormwater quality remediation is achieved.

3. Corrective Action Schedule

- (a) Any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during the inspections required under Part III.F.2 should be corrected within 5 days of the inspection.
- (b) In the event of a breach of a sediment basin/pond temporary containment measures should be taken within 24 hours after the inspection. Permanent corrective measures should be implemented within 5 days of the inspection; however, if permanent corrective measures cannot be implemented within the timeframes provided herein the Permittee shall contact the Department.

G. Precipitation Measurement

The Permittee shall measure and record all precipitation occurring at the construction site. Precipitation measurements shall be in tenths of inches using continuous recorders or daily readings of an onsite rain gauge or other measurement device acceptable to the Department. Precipitation measurements must be representative of the Permittee's site.

H. Training

Unless the Permittee has employed or contracted with a QCP that performs duties as required by this permit, and the QCP, is readily available and able to be present onsite as often as is necessary to ensure full compliance with the requirements of this Permit, the Permittee shall ensure that:

1. At least one onsite employee shall maintain a valid QCI Certification. Each individual holding a QCI Certification need not be on-site continuously and they may represent multiple sites.
2. Each individual holding QCI certification shall obtain annual certification of satisfactory completion of formal refresher education or training regarding general erosion controls and sediment controls, the requirements of this Permit, and the general operation of a turbidity meter or similar device intended for the measurement of turbidity. The refresher training requirements, including but not limited to, appropriate curricula, course content, course length, and any participant testing, shall be subject to acceptance by the Director prior to use.

DRAFT

PART IV Standard and General Permit Conditions

A. Duty to Comply

1. The Permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for enforcement action, for termination or denial of coverage under this permit.
2. Any person who violates a permit condition is subject to a civil penalty as authorized by Code of Alabama (1975) §22-22A-5(18) (1987 Cum. Supp.) and/or a criminal penalty as authorized by the AWPCA.

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce construction activities in order to maintain compliance with the conditions of the permit.

C. Duty to Mitigate

The Permittee shall promptly take all reasonable steps to mitigate and minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with any limitation or requirement of this permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as necessary to determine the nature and impact of the non-complying discharge, removal of sediment deposited offsite, and responsible removal and/or remediation of sediment, debris, or other pollutants deposited in or allowed to enter any stream or stormwater conveyance structure.

D. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of this Permit.

E. Permit Actions

This permit may be modified, revoked and reissued, suspended, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

F. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

G. Duty to Provide Information

1. The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and re-

issuing, suspending, or terminating this permit or to determine compliance with this Permit. The Permittee shall also furnish to the Director upon request, copies of records required to be kept by this Permit.

2. The Permittee shall inform the Director of any change in the Permittee's mailing address or telephone number or in the Permittee's designation of a facility contact or officer having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's Rules and the terms and conditions of this permit, in writing, no later than ten (10) days after such change. Upon request of the Director, the Permittee shall furnish an update of any information provided in the Notice of Intent.
3. If the Permittee becomes aware that it failed to submit any relevant facts in the Notice of Intent; or submitted incorrect information in the Notice of Intent; or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

H. Inspection and Entry

The Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

1. Enter upon the Permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this Permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any activities, substances or parameters at any location.

I. Noncompliance Notification

1. If for any reason, the Permittee's discharge does not comply with any limitation or condition of this Permit, the Permittee shall verbally notify the Director within 24 hours followed by a written report within 5 days of the non-compliant event.
2. A written noncompliance notification shall be in a format acceptable to the Department and shall include:
 - (a) A description of the noncompliant event, its cause, if known, and location;
 - (b) The expected period of noncompliance, including dates and times.
 - (c) A description of any corrective measures taken or to be taken to correct the noncompliance and mitigate any associated effects to the environment.

J. Retention of Records

1. The Permittee shall retain records of all inspection records, monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete such reports, for a period of at least three years from the date of the inspection, sample measurement, or report. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of these records, the records shall be kept until the litigation is resolved.

2. All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location identified to the Department in writing and shall be available for inspection.

K. Signatory Requirements

The notice of intent and all reports or information submitted to the Director shall be signed and certified according to the requirement of ADEM Admin Code r. 335-6-6-.09. Where required by this Permit, documents will also be signed by a QCP or QCI.

L. Transfers

This permit is not transferable to any person except after notice to the Department. The Department may require the submittal of an updated notice of intent to change the name of the Permittee and any other information affected by the proposed transfer.

M. Bypass

Any bypass of erosion controls, sediment controls, or any other stormwater management/treatment controls specified in the CBMPP is prohibited except as provided by ADEM Admin Code r. 335-6-6-.12(m).

N. Upset

Any upset claimed by the Permittee is subject to the requirements of ADEM Admin Code r. 335-6-6-.12(n).

O. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

P. Modification, Revocation and Reissuance, and Termination

The Director may modify, revoke and reissue, or terminate this permit in accordance with ADEM Admin. Code r. 335-6-6-.23(7).

Q. Issuance of an Individual Permit

The Director may require the Permittee to obtain an individual permit for discharges covered by this permit in accordance ADEM Admin. Code r. 335-6-6-.23(9).

R. Termination of Coverage

1. The Director may suspend or terminate coverage under this permit for cause without the consent of the Permittee. Cause shall include, but not be limited to noncompliance with this permit or the applicable requirements of Department rules, or a finding that this permit does not control the stormwater discharge sufficiently to protect water quality.
2. Notice of Termination

The Permittee must submit a Notice of Termination (NOT) in a format acceptable to the Department within thirty 30 days of one of the following conditions:

- (a) Final stabilization has been achieved on all portions of the site;
 - (b) Another operator has assumed control over all areas of the site that have not achieved final stabilization and the new operator has submitted an NOI for coverage under this permit;
 - (c) Coverage under an individual permit or alternative general permit has been obtained.
3. Content of the Notice of Termination

The NOT shall include:

- (a) The Permittee name, permit number, and location of the site; and
- (b) Certification by the Permittee and the QCP that all construction activity covered by this permit has been completed and final stabilization has been achieved; or
- (c) Identification, including complete contact information, of the person that has assumed legal or operational control over the construction site.

S. Facility Identification

The Permittee shall post and maintain sign(s) at the front gate/entrance, and if utility installation, where project crosses paved county, State, or federal highways/roads, and/or at other easily accessible location(s) to adequately identify the site prior to commencement of and during NPDES construction until registration is properly terminated. Such sign shall display the name of the Permittee, "ADEM NPDES ALG" followed by the six digit NPDES permit number, facility or project name, and other descriptive information deemed appropriate by the Permittee.

T. Definitions

- 1. 2-year, 24-hour storm event means the maximum 24-hour precipitation event with a probable recurrence interval of once in two years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed there from.
- 2. Alabama Handbook means the most recent edition of *Alabama Handbook For Erosion Control, Sediment Control, And Stormwater Management On Construction Sites And Urban Areas, Alabama Soil and Water Conservation Committee* (ASWCC).
- 3. ADEM means the Alabama Department of Environmental Management.
- 4. AWPCA means the Alabama Water Pollution Control Act.
- 5. Best Management Practices (BMPs) means implementation and continued maintenance of appropriate structural and non-structural practices and management strategies to prevent and minimize the introduction of pollutants to stormwater and to treat stormwater to remove pollutants prior to discharge.
- 6. Common Plan of Development or Sale means any announcement or piece of documentation (e.g., sign, public notice, or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (e.g., boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.
- 7. Construction means any land disturbance or discharges of pollutants associated with, or the result of building, excavation, land clearing, grubbing, placement of fill, grading, blasting, reclamation, areas in which construction materials are stored in association with a land disturbance or handled above ground, and other associated areas including, but not limited to, construction site vehicle parking, equipment or supply storage areas, material stockpiles, temporary office areas, and access roads. Construction also means significant pre-construction land disturbance activities performed in support or in advance of construction activity including, but not limited to, land clearing, dewatering and geological testing.

8. Construction Activity means the disturbance of soils associated with clearing, grading, excavating filling of land, or other similar activities which may result in soil erosion. Construction activity does not include agricultural and silvicultural practices, but does include agricultural buildings.
9. Construction Site means any site regardless of size where construction or construction associated activity has commenced, or is continuing, and associated areas, including sites where active work is suspended or has ceased, until the activity is completed and effective reclamation and/or stormwater quality remediation has been achieved.
10. Construction Waste means construction and land disturbance generated materials, including but not limited to, waste chemicals, sediment, trash, debris, litter, garbage, construction demolition debris, land clearing and logging slash or other materials or pollutants located or buried at the site prior to disturbance activity or that is generated at a construction site.
11. Control Measure refers to any Best Management practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
12. CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
13. Department means the Alabama Department of Environmental Management or an authorized representative.
14. Director means the Director of the Department or his designee.
15. Discharge, when used without a qualifier, refers to “discharge of a pollutant” as defined in ADEM Administrative Code 335-6-6-.02(m).
16. EPA refers to the U.S. Environmental Protection Agency.
17. Final Stabilization means that all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures 100% of the soil surface is uniformly covered in permanent vegetation with a density of 85% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction
18. FWPCA means the Federal Water Pollution Control Act
19. Green Infrastructure refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated.
20. Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product.
21. Maximum extent practicable (MEP) means full implementation and regular maintenance of available industry standard technology and effective management practices, such as those contained in the Alabama Handbook and site-specific CBMPP, designed to prevent and/or minimize discharges of pollutants and ensure protection of groundwater and surface water quality.
22. Nephelometric Turbidity Unit (NTU) means a numerical unit of measure based upon photometric analytical techniques for measuring the light scattered by fine particles of a substance in suspension.
23. Normal Operating Hours means from 6:00 a.m. to 6:00 p.m, Monday through Friday, excluding federal holidays established pursuant to 5 U.S.C. § 6103. Normal operating hours

also include any time when workers are present or when construction activity is occurring, regardless of the particular day or time of day.

24. Operator means any person or other entity, that (owns), operates, directs, conducts, controls, authorizes, approves, determines, or otherwise has responsibility for, or exerts financial control over the commencement, continuation, or daily operation of activity regulated by this permit. An operator includes any person who treats and discharges stormwater or in the absence of treatment, the person who generates and/or discharges stormwater, or pollutants. An operator may include but may not be limited to, property owners, agents, general partners, LLP partners, LLC members, leaseholders, developers, builders, contractors, or other responsible or controlling entities.
25. Plan or Sale as included in the phrase “larger common plan of development or sale” is broadly defined to mean any announcement or documentation, sales program, permit application, presentation, zoning request, physical demarcation, surveying marks, etc., associated with or indicating construction activities may occur in an area.
26. Pollutant of concern refers to sediment, turbidity, and any other pollutant known or reasonably expected to be found in untreated discharges associated with the construction site.
27. Post-construction refers to any phase of construction where final stabilization has been achieved, and all but minor construction activities have been completed. The term post-construction is not affected by the final operational status of the site or whether the site has been placed into operation according to its final intended use.
28. Priority water means any waterbody which is listed on the most recently approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation, or sedimentation, and any waterbody assigned the Outstanding Alabama Water use classification or the Outstanding National Resource Water designation in accordance with ADEM Admin. Code r. 335-6-10-.09 and 335-6-10-.10.
29. Qualified Credentialed Inspector (QCI) means an Operator, employee of Operator, or Operator designated qualified person who has successfully completed initial training and annual refresher Qualified Credentialed Inspection Program (QCIP) training, and holds a valid certification from a Department approved cooperating training entity.
30. Qualified Credentialed Inspector Program means a Department approved program conducted by a cooperating training entity. Approved programs provide training in the requirements of the Alabama NPDES rules, the Department’s construction stormwater management program, evaluation of construction sites to ensure that QCP designed and certified erosion controls and sediment controls detailed in a CBMPP are effectively implemented and maintained, and evaluation of conveyance structures, receiving waters and adjacent impacted offsite areas to ensure the protection of water quality and compliance with the requirements of this permit.
31. Qualified Credentialed Professional (QCP) means a professional engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC) as determined by the Soil and Water Conservation Society (SWCS) and the International Erosion Control Association (IECA). Other registered or certified professionals such as a landscape architect, registered land surveyor, registered geologist, registered forester, Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS. The qualified credentialed professional must be in good standing with the authority granting the registration. The qualified credentialed professional must be familiar with current industry standards for erosion and sediment controls and must be able to inspect and assure that nonstructural BMPs or other pollution control devices (silt fences, erosion control fabric, rock check devices, etc.) and erosion control efforts (grading, mulching, seeding, growth management, etc.) or management strategies have been properly implemented and regularly maintained according to good engineering practices and the requirements of this permit. Pursuant to ADEM Admin. Code r. 335-6-3 a professional engineer (PE) registered in the state of Alabama must certify the design and construction of structural practices such as SPCC plan containment structures, dam construction, etc.

32. Qualifying precipitation event refers to any precipitation of 0.75 inches or greater in any 24-hour period.
33. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
34. Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land use in connection with the facility or activity.
35. State water quality standards refer to numeric and narrative standards set forth at ADEM Admin Code r. 335-6-10 and 335-6-11.
36. Stormwater means runoff, accumulated precipitation, process water, and other wastewater generated directly or indirectly as a result of construction activity, the operation of a construction material management site, including but not limited to, precipitation, upgradient or offsite water that cannot be diverted away from the site, and wash down water associated with normal construction activities. Stormwater does not mean discharges authorized by the Department via other permits or regulations.
37. Total Maximum Daily Load (TMDL) means the calculated maximum permissible pollutant loading to a waterbody at which water quality standards can be maintained; The sum of wasteload allocations (WLAs) and load allocations (LAs) for any given pollutant.

DRAFT

PART V Effluent Monitoring and Turbidity Limits

A. Applicability

The requirements of Part V apply when there is a discharge at facilities beginning August 1, 2011 for sites disturbing 20 acres or more at one time and beginning February 2, 2014 for sites disturbing 10 acres or more at one time. This includes non-contiguous land disturbances that take place at the same time and are part of a larger common plan of development or sale.

B. Stormwater Effluent Turbidity Limits

1. Except as provided by Part V.B.2., the average turbidity of any discharge over any 24-hour period must not exceed 280 NTUs.
2. If stormwater discharges in any day occur as a result of a storm event in that same day that is larger than a 2-year, 24-hour storm event, the effluent limitation in Part V.B.1. does not apply for that day.

C. Stormwater Effluent Monitoring

1. Representative discharges of stormwater shall be sampled/collected at the nearest accessible location just prior to discharge from the property boundary and after final treatment.
2. Samples shall be obtained and analyzed by a Qualified Credentialed Inspector (QCI); a Qualified Credentialed Professional (QCP); or a qualified person under the direct supervision of a QCP.
3. All daily turbidity measurements shall be recorded and used in the calculation of the maximum daily average.
4. Sites with a continuous daily discharge must take a minimum of 3 turbidity measurements per day. The measurements must be taken with a minimum of one hour between each sample collected. Additional measurements may be collected and used in calculating the maximum daily average, if applicable.
5. Sites that discharge on a batch basis must take a minimum of 3 turbidity measurements per day or during the period of the discharge if the discharge event occurs for less than one day.
6. Sites that discharge only during a rain event must begin taking turbidity measurements of all representative discharges occurring after the first 0.75 inches of rainfall if rainfall begins during normal operating hours. For rainfall events occurring after normal operating hours, the Permittee must begin taking turbidity measurements of all representative discharges no more than twelve hours after the first 0.75 inches of rainfall. A minimum of 3 turbidity measurements must be taken at no less than a 15-minute interval and no more than a 1-hour interval.
7. Samples and turbidity measurements are not required outside of normal operating hours or during unsafe weather conditions.

D. Representative Outfalls

For the purposes of conducting stormwater effluent monitoring required by this permit, the Permittee may designate one or more stormwater discharge points as representative of all stormwater discharges from the construction site. This designation may only occur after the submittal of a certification by the QCP that the selected discharge point(s) adequately represent the flow and pollutant characteristics of the construction site. The certification must be submitted in writing and approved by the Department prior to any land disturbance designated in Part V.A.

All discharge points are subject to compliance with the effluent limitation as defined in Part V.B. of this permit.

E. Test Procedures

Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h). If more than one method for analysis of a substance is approved for use, a method having a detection limit lower than the permit limit shall be used. If the detection limit of all methods is higher than the permit limit the method having the lowest detection limit shall be used and a report of less than detection limit shall constitute compliance, however should EPA approve a method with a lower detection limit during the term of this permit the Permittee shall use the newly approved method. The Permittee shall request and obtain approval in writing from the Director or his designee prior to using a procedure when an EPA approved test procedure for analysis of a pollutant does not exist.

F. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. If used, flow measurement devices shall be calibrated at least once every 12 months.

G. Reports of Turbidity Monitoring

The Permittee shall submit reports of all required turbidity monitoring in a format acceptable to the Department on a quarterly basis. The reports for the daily data collected in the months of January, February, and March must be received electronically by the Department no later than the 28th day of April. The reports for the daily data collected in the months of April, May, and June must be received electronically by the Department no later than the 28th day of July. The reports for the daily data collected in the months of July, August, and September must be received electronically by the Department no later than the 28th day of October. The reports for the daily data collected in the months of October, November, and December must be received electronically by the Department no later than the 28th day of January. Written reports will not be accepted.