ADEM NPDES GENERAL PERMIT NOTES: (THESE NOTES ARE NOT ALL INCLUSIVE OF THE ADEM NPDES GENERAL PERMIT REQUIREMENTS. IT SHALL BE THE PERMITTEE'S RESPONSIBILITY TO ASSURE COMPLIANCE WITH ALL STORMWATER GENERAL PERMIT REQUIREMENTS)

PART I 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 common plan of development or sale equal to or greater than one (1) acre 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 associated with minor land disturbing activities (such as home gardens or individual home landscaping, repairs, maintenance work, fences and other similar activities which result in minor soil erosion), small dwelling operation (APO) or concentrated animal feeding operation (CAFO) construction activity that has been granted NPDES registration coverage pursuant to Chapter 335-6-7, normal agricultural practices and silvicultural operations as defined in Part V.

B. Eligibility

1. Allowable Storm-water Discharges

This permit authorizes the following storm-water discharges:

(a) Storm-water associated with construction activities defined in Part I.A. of this permit;

(b) The following storm-water discharges have been determined by the Director to require coverage under this permit:

(i) Sites, irrespective of size, whose storm-water discharges have a reasonable potential to be a significant contributor of pollutants to a water of the state, as determined by the Department;

(ii) Sites, irrespective of size, whose storm-water discharges have a reasonable potential to cause or contribute to a violation of an applicable Alabama water quality standard as determined by the Department;

(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 solely 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-Storm-water Discharges

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

(a) Discharges from fire-fighting activities;

(b) Fire hydrant flushings;

(c) Water used to wash vehicles where detergent is 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 down associated with construction 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. The operator is prohibited from directing pavement wash waters directly into any surface water, storm drain inlet, or storm water conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control);

(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. Storm-water discharges that are mixed with sources of non-storm-water unless such storm-water discharges are:

(a) In compliance with a separate NPDES permit, or

(b) Determined by the Department not to be a contributor of pollutants to waters of the State.

2. Storm-water discharges currently covered under another NPDES permit.

3. Wastewater from washout of concrete, unless managed by an appropriate control. (Wastewater from Concrete Batch Plants are prohibited unless such discharges are authorized by and in compliance with a separate NPDES permit);

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;

6. Soaps or solvents used in vehicle and equipment washing;

7. Discharges from dewatering activities, including discharges of ground water or accumulated storm-water from dewatering of trenches, excavations, foundations, vaults, or other similar points of accumulation, unless managed by appropriate controls;

8. OMIT;

9. Discharges where the turbidity of such discharge will cause or contribute to a substantial visible contrast with the natural appearance of the receiving water;

10. Discharges where the turbidity of such discharge will cause or contribute to a substantial visible contrast with the natural appearance of the receiving water, except where the turbidity of the receiving water is 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 in an 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 stream unless the discharge will not cause or contribute to the listed impairment.

PART II Notice of Intent (NOI) Requirements

D. Submittal of Documents

The Permittee must complete and submit the NOI electronically, using the Department's eNOI system, unless the Permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing the utilization of hard copy submittals. The eNOI system can be accessed at the following link:

https://app.adem.alabama.gov/eNOI/Default.aspx. Permit requests for initial issuance and modifications of the existing permit should all be submitted through the eNOI system. 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

Storm-water Management Branch

Post Office Box 301463 (Zip Code: 36130-1463)

1400 Coliseum Boulevard (Zip Code: 36110-2059)

Montgomery, Alabama

PART III Storm-water Pollution Prevention Requirements

B. Provide Natural Riparian Buffers or Equivalent Sediment Controls

Natural riparian buffer requirements apply to all waters of the state adjacent to construction sites or contained within their overall project boundary. A 25-foot natural riparian buffer zone adjacent to all waters of the state at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The natural riparian buffer should be preserved between the top of stream bank and the disturbed construction area. The water quality buffer zone aids in the protection of waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project. Natural riparian buffers are not primary sediment control measures and should not be relied on as such. The natural riparian buffer requirement only applies to new construction sites.

1. **Compliance Alternatives**

(a) Provide and maintain a 25-foot undisturbed natural riparian buffer; or

(b) If land disturbances are located 25 feet or further from surface water, then compliance with this alternative has been achieved.

(c) Rehabilitation and enhancement of a natural riparian buffer is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state.

(d) Any preexisting structures (e.g., buildings, parking lots, roadways, utility lines, structures, impervious surfaces) are allowed in the natural riparian buffer, provided the Permittee retains and protects from disturbance any additional natural buffer area contained within the natural riparian buffer but outside the preexisting structures footprint.

(b) Provide and maintain an undisturbed natural riparian buffer that closely follows 25 feet and is supplemented by additional erosion and sediment controls, which in combination achieve the pollutant load reduction equivalent to a 25-foot undisturbed natural riparian buffer.

(c) All discharges from the area of earth disturbance to the natural riparian buffer must first be treated by the site's erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by storm-water within the natural riparian buffer.

(d) All compliance alternatives must be documented in the CBMPP and comply with all requirements. The natural riparian buffer boundary should be indicated on the site plan.

(f) Compliance alternatives must be maintained throughout the duration of permit coverage.

(g) All natural riparian buffer areas should be delineated, and clearly marked off with flags, tape, or similar marking device.

2. Construction activities at sites that have been permitted prior to April 1, 2016, are exempt from the requirements of this Part III.B. Confirmation of permit coverage prior to April 1, 2016, must be submitted with the NOI.

3. If there is no discharge of storm water to waters of the state through the area between the construction site and any waters of the state located within 25 feet of the construction site, compliance with this requirement is achieved.

4. Where no natural riparian buffer exists due to preexisting development disturbances (e.g., buildings, parking lots, roadways, utility lines), the Permittee is not required to create a buffer through the initiation of planning for the current development of the site, the Permittee is not required to apply all of the requirements in this section, unless portions of the preexisting development will be removed.

5. Where some natural riparian buffer exists but portions of the area within 25 feet of the waters of the state are occupied by preexisting development disturbances (e.g., buildings, parking lots, roadways, utility lines, structures, and impervious surfaces), the Permittee is required to comply with the requirements in this section.

Only the portion of the buffer zone that contains the footprint of the existing "structure" is exempt from the natural riparian buffer. Activities necessary to maintain uses are allowed provided that no additional vegetation is removed from the natural riparian buffer.

6. For "linear construction projects", the Permittee is not required to comply with the requirements in this section if site constraints (e.g., limited right-of-way) prevent the Permittee from meeting any of the compliance alternatives provided that, to the extent practicable, the Permittee locates the construction site limits at least one limit and/or supplemental erosion and sediment controls to treat storm-water discharges from earth disturbances within 25 feet of the waters of the state are provided. It must be documented in the CBMP as to why compliance with this section is infeasible, and describe any buffer with retained and/or supplemental erosion and sediment controls installed.

(a) The following disturbances within 25 feet of a water of the state are exempt from the requirements in this Part:

(a) Construction approved under a CWA Section 404 permit; or

(b) Construction of a water-dependent structure or water access area (e.g., pier, boat ramp, seawall, bridge, drainage structure, trail, etc.).

C. Soil Stabilization

Final stabilization of disturbed areas in use, 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.

Temporary stabilization of disturbed areas must be initiated immediately whenever work toward project completion and final stabilization of any portion of the site will not resume for a period exceeding fourteen (13) calendar days.

D. 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;

(a) Liquid waste shall not be directly discharged into storm sewers.

(b) Washout and cleanout activities should be located as far away as possible from surface waters, natural buffer areas, storm-water inlets, and conveyances.

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 storm water;

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; and

4. Use of polymers, flocculants, or other treatment chemicals at the site may only be applied where treated storm water is directed to a sediment control prior to discharge.

E. Construction Best Management Practices Plan (CBMPP)

1. Maintain an Updated CBMPP

(a) The CBMPP shall be updated as necessary to address changes in the contractor(s), site activity, site plan, or where new TMDLs finalized or approved by EPA, new 303(d) listings approved by EPA, or manufacturer specifications for specific controls or 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 in achieving 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.D. 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 at the site during normal operating hours as defined by Part V of this permit when regulated land disturbing activities are occurring.

F. Spill Prevention, Control, and Management

The Permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCCP) Plan in accordance with 40 CFR Part 112 and ADEM Admin Code r. 335-6-6-.12(r) for all applicable onsite petroleum storage. The Permittee shall also prepare, implement, and maintain a Hazardous Waste Plan in accordance with ADEM Admin Code r. 335-6-6-.12(r) for stored pollutants (other than oil, if spilled, be reasonably expected to enter a water of the state or the collection system for a publicly or privately owned treatment works). The SPCC Plan(s) shall be maintained as a separate document or as part of the CBMPP Plan required in Part III.E. above. The Plan shall identify appropriate structural and/or non-structural spill prevention, control, and/or management controls to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. The plan(s) must be consistent with the requirements of 40 CFR Part 112 and/or ADEM Admin Code r. 335-6-6-.12(r), as applicable. Controls for materials compatible with the substance(s) contained and of materials which shall prevent the contamination of groundwater and shall be capable of retaining 110 percent of the volume of the largest container of pollutants for which the containment system is provided. The Permittee shall maintain onsite or have readily available sufficient oil-&-grease absorbing material and siltation 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 a Department approved manner.

G. 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 familiar with the site, the Permittee must assign to ensure full compliance with the requirements of this permit, the Permittee shall have:

1. At least one onsite employee shall be certified as a Qualified Credentialed Inspector (QCI) by completing an initial training and annual refreshers through an ADEM-approved Qualified Credentialed Inspector Program (QCP) conducted by a cooperating training entity.

2. The QCP must be approved by the Department prior to use and provide training in the following areas:

(a) The applicable requirements of the Alabama NPDES rules;

(b) The requirements of this permit;

(c) The selection, installation, and maintenance of storm-water BMPs to ensure the QCP designed and certified erosion controls and sediment controls detailed in a CBMPP are effectively implemented and maintained;

(d) The 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; and

(e) The general operation of a turbidity meter or on-line device intended for the measurement of turbidity.

3. Each individual holding a QCI Certification need not be on-site continuously and they may conduct site inspections at multiple sites permitted by them or their employer.

4. 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, duration, and method of delivery and testing, shall be subject to acceptance by the Director prior to use.

H. Inspection and Records

1. Pre-Construction Observations

(a) A pre-construction site inspection shall be conducted prior to the placement of any BMPs, or the commencement of land disturbing activities.

(b) Pre-construction inspection shall consist of a complete and comprehensive inspection of the entire construction site including all proposed areas of land disturbance, proposed areas used for storage of materials that may be exposed to precipitation, affected ditches, and other storm water conveyances, as well as all proposed outfalls receiving waters and stream banks to determine if there are pre-existing areas of concern.

(c) Pre-construction inspections shall be conducted by the QCP or qualified person under the direct supervision of a QCP.

(d) The inspection shall be documented and made available to the Department upon request.

(e) Pre-construction inspection shall include dated electronic photographic documentation of all areas described in paragraph (b) above.

(f) The Permittee shall maintain record of the pre-construction site inspection pursuant to Part IV.K.

2. Daily Observations

(a) Each day there is activity at the site, the Permittee shall visually observe that portion of the construction project where active disturbance, work, or construction occurred to note any rainfall measurements occurring since the previous observation, and any apparent BMP deficiencies in the area of active disturbance.

(b) Such daily observations may be performed by appropriate site personnel.

(c) The Permittee shall maintain a log of all daily observations and record in such log any rainfall measurements and BMP deficiencies observed.

3. Site Inspections

(a) A site inspection shall consist of a complete and comprehensive observation of the entire construction site including all areas of land disturbance, areas used for storage of materials that are exposed to precipitation, equipment storage and maintenance areas, affected ditches and other storm water conveyances, as well as all receiving waters and stream banks to determine if, and ensure that:

(i) Effective erosion controls and sediment controls have been fully implemented and/or maintained in accordance with this permit, the site CBMPP, and the Alabama Handbook;

(ii) Pollutant discharges are being minimized/minimized and

(iii) Discharges do result in a contravention of applicable State water quality standards for the receiving stream(s) or other waters impacted or affected by the discharge.

(b) Site inspections shall be performed by a QCI, QCP, or a qualified person under the direct supervision of a QCP.

(c) For non-linear projects, a site inspection shall be performed once each month and after any qualifying precipitation event, commencing as promptly as possible, but no later than 24 hours after resuming or continuing active construction or disturbance, and completed no later than 72-hours following the qualifying precipitation event;

(d) For linear projects where active construction or areas where perennial vegetation has not been fully established, meeting the definition of final stabilization, a site inspection shall be performed at least once a month and after any qualifying precipitation event, since the last inspection, beginning as promptly as possible, but no later than 24-hours after resuming or continuing active construction or disturbance and completed no later than five (5) days after the qualifying precipitation event;

(e) A site inspection shall also be performed as often as is necessary until any poorly functioning erosion controls or sediment controls, non-compliant discharges, or other deficiencies observed during a prior inspection are corrected and documented as being in compliance with the requirements of this permit.

(f) On all active disturbance, dredging, excavation, or construction undertaken or located within the banks of a waterbody, including but not limited to, equipment/vehicle crossings, pipelines, or other transmission line installation, conveyor structure installation, etc., all construction, stream bank stabilization, or other alterations, a site inspection shall be performed at least once a week and as often as is necessary until the disturbance/activity impacting the waterbody is complete and restoration or effective storm-water quality remediation is achieved.

(g) 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 number;

(v) The results of any analyses performed;

(vi) Weather conditions at the time of sampling;

(vii) Descriptions of the findings of each inspection, conclusions, and recommendations;

(viii) Identification of BMPs that need to be maintained;

(ix) Identification of BMPs that failed to operate as designed or proved inadequate for a particular location;

(x) Identification of additional BMPs that were needed that did not exist at the time of the inspection. This record is applicable only to inspections performed by a QCP or qualified persons under the direct supervision of a QCP.

(h) Inspection reports and records of inspections shall be available for review during the 11-days following the date of the inspection or sampling.

(i) Each inspection report shall be signed and bear an original signature or in accordance with the requirements of Part V.L. of this permit, an electronic signature.

4. CBMPP Evaluations

(a) The QCP shall perform an onsite evaluation of all erosion and sediment controls being implemented for adequacy and consistency with site conditions.

(b) The CBMPP evaluation shall be performed as often as necessary until poorly functioning or damaged erosion controls or sediment controls are corrected, and, at a minimum, once every six months.

(c) If, based on the CBMPP evaluation, the QCP identifies any needed modifications or additions to erosion and sediment controls, the CBMPP shall be updated in accordance with Part III.E.4.

I. Maintenance

1. The Permittee shall maintain appropriate documentation of the CBMPP evaluation.

J. Corrective Actions

1. Any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during the inspection required under Part III.G.2 shall be corrected as soon as possible, but not to exceed five (5) days of the date of the inspection unless impracticable.

2. In the event of a breach of a sediment basin/pond temporary containment measures shall be taken within 24 hours after the inspection. Permanent containment measures shall be implemented within five (5) days of the inspection; however, if permanent containment measures cannot be implemented within the ten allowed days the Permittee shall contact the Department; and

3. The operator shall promptly take all reasonable steps to remove, to the maximum extent practical, pollutants deposited offsite or in any waterbody as a result of construction activities.

K. Suspension of Monitoring

Suspension of routine monitoring and inspection requirements for phased projects or developments may be granted provided:

1. The Department is notified in writing at least thirty days prior to the requested suspension;

2. The Permittee and the QCP certify in the request that all disturbances have been graded, stabilized, and/or fully vegetated or otherwise permanently covered, and the appropriate, effective steps have been and will be taken by the Permittee to ensure compliance with the requirements of this permit are maintained and these measures will remain continually effective until the permit is modified or terminated;

3. The request should be accompanied by a construction storm-water pollution prevention/monitoring permanent stabilization of all previously disturbed areas, including material storage areas, and associated support activities, in addition, photo documentation may be submitted for confirmation purposes; and

4. The Permittee notifies the Department in writing within 15 days prior to resumption of land disturbance or commencement of the next phase of development and the Permittee complies with the monitoring requirements of this permit prior to commencement of additional disturbance.

L. Pollutant Monitoring and Measurement

The Permittee shall measure and record all precipitation occurring at the construction site (including rainfall and snowfall). Precipitation measurements shall be taken using continuous recorders, daily readings of on-site rain gauge, daily readings of an offsite precipitation gauge located adjacent to or in close proximity (for non-linear projects a minimum 1 mile distance) to the facility, or by other reasonable means as approved by the Department (e.g. online resources). Precipitation measurements must be recorded as a part of the Permittee's site.

M. Impaired Waters and Total Maximum Daily Load (TMDL) Waters

1. The Permittee must determine whether the discharge from any part of the construction site contributes directly or indirectly to a waterbody listed on the latest 303(d) list or designated by the Department as impaired, or a waterbody included in an approved TMDL.

2. If the Permittee's construction site discharges to a waterbody included on the latest 303(d) list or designated by the Department as impaired, it must demonstrate the discharges, as controlled by the Permittee, do not cause or contribute to the impairment. The CBMPP must detail the BMPs that are being utilized to control discharges of the pollutant causing the impairment. If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within sixty (60) days following the publication of the latest final §303(d) list, Department designation, or the effective date of coverage (whichever is later) CBMPP detailing new or modified BMPs. The CBMPP must be revised as necessary to document the new or modified BMPs must be implemented within ninety (90) days from the publication of the latest final §303(d) list or Department designation.

3. Permittees discharging to construction sites into waters with EPA-approved TMDLs and/or EPA-established WLAs

(a) The Permittee must determine whether its construction site discharges to a waterbody for which a total maximum daily load (TMDL) has been approved by EPA or established by the Department. If the construction site discharges into a water body with an EPA approved or established TMDL, then the CBMPP must be designed to meet the assumptions and requirements of the TMDL. If additional BMPs will be necessary to meet the assumptions and requirements of the TMDL, the CBMPP must include a schedule for installation and/or implementation of such BMPs.

(b) If, during this permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which a construction site discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the construction site.

(c) If it is found that the Permittee must implement specific allocations of the TMDL, it must review the assumptions and requirements of the TMDL to see if it includes requirements for control of storm water discharges from the construction site.

(d) If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The CBMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If existing BMPs are not sufficient, the Permittee must, within sixty (60) days following the approval or establishment of the TMDL by EPA, submit a revised CBMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within ninety (90) days, unless an alternate date is approved by the Department, from the approval or establishment of the TMDL by EPA.

PART IV Standard and General Permit Conditions

A. Duty to Comply

1. The Permittee must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for enforcement action, termination, or suspension of coverage under this permit, denial of a NOI for renewal, a requirement that the Permittee submit an application for an individual NPDES permit.

2. For any violation(s) of this Permit, the Permittee may be subject to a civil penalty as authorized by the AWPCA, the FWPCA and Code of Alabama 1975, §§22-22A-1 et. seq., as amended, and/or a criminal penalty as authorized by Code of Alabama 1975 §22-22-1 et. seq., as amended.

3. The discharge of a pollutant(s) not specifically identified in the NOI to be covered under this Permit and not specifically included in the CBMPP or evaluation of all outfall(s) where applicable) in this permit constitutes a violation of this permit and unauthorized discharge with this Permit.

4. Any Permittee or applicant who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished as provided by AWPCA, the FWPCA, and the ADEM Admin Code, and/or Federal law.

B. Duty to Reapply

1. The Permittee is not authorized to discharge under this General Permit after the expiration date of this General Permit, unless this General Permit is administratively continued. The Permittee must submit a complete NOI for reissuance of coverage under this permit at least 30-days prior to the Department's expiration will void the automatic continuation of the Authorization to discharge under this permit as provided by ADEM Admin. Code r. 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, Permittees who failed to meet the 30-day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.

C. 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.

D. Duty to Mitigate

The Permittee shall take all reasonable steps to mitigate or prevent any violation of the permit or to minimize or prevent any adverse impact of any violation.

E. 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 control, 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.

F. Permit Modification, Revocation and Reissuance, Suspension, and Termination

1. During the term of this General Permit the Director may, for cause, and subject to the public notice procedures of ADEM Admin. Code r. 335-6-6-.21, modify or revoke and reissue this General Permit for the following causes (or causes included elsewhere in this Permit or applicable State law or regulation) listed below:

(a) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;

(b) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;

(c) Upon failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;

(d) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the discharge under 40 CFR 125.3(c)(1994);

(e) To correct technical mistakes, such as errors in calculations, or mistaken interpretations of this Permit or applicable law or rule; or

(f) When the permit limitations are found not to be protective of water quality standards; or

(g) For any applicable cause set forth in 40 CFR Sections 122.41, 122.62, 122.63, and 122.64 (1994).

2. Subject to the public notice procedures of rule 335-6-6-.21, the Director may also terminate this General Permit during its term for any of the causes for modification listed in ADEM Admin Code r. 335-6-6-.21(7)(a).

3. The Director may terminate coverage of a discharge under this general permit for cause. Cause shall include but not be limited to noncompliance by the Permittee, failure by the Permittee to disclose fully all relevant facts, or changes in the Permittee's operations that could affect the ability of the Permittee to comply with applicable NPDES requirements.

4. The Permittee may request termination of coverage under this General Permit by notifying the Director in writing at least thirty days prior to the requested suspension.

5. The Permittee and the QCP certify in the request that all disturbances have been graded, stabilized, and/or fully vegetated or otherwise permanently covered, and the appropriate, effective steps have been and will be taken by the Permittee to ensure compliance with the requirements of this permit are maintained and these measures will remain continually effective until the permit is modified or terminated;

3. The request should be accompanied by a construction storm-water pollution prevention/monitoring permanent stabilization of all previously disturbed areas, including material storage areas, and associated support activities, in addition, photo documentation may be submitted for confirmation purposes; and

4. The Permittee notifies the Department in writing within 15 days prior to resumption of land disturbance or commencement of the next phase of development and the Permittee complies with the monitoring requirements of this permit prior to commencement of additional disturbance.

L. Pollutant Monitoring and Measurement

The Permittee shall measure and record all precipitation occurring at the construction site (including rainfall and snowfall). Precipitation measurements shall be taken using continuous recorders, daily readings of on-site rain gauge, daily readings of an offsite precipitation gauge located adjacent to or in close proximity (for non-linear projects a minimum 1 mile distance) to the facility, or by other reasonable means as approved by the Department (e.g. online resources). Precipitation measurements must be recorded as a part of the Permittee's site.

M. Impaired Waters and Total Maximum Daily Load (TMDL) Waters

1. The Permittee must determine whether the discharge from any part of the construction site contributes directly or indirectly to a waterbody included on the latest §303(d) list or designated by the Department as impaired, or a waterbody included in an approved TMDL.

2. If the Permittee's construction site discharges to a waterbody included on the latest §303(d) list or designated by the Department as impaired, it must demonstrate the discharges, as controlled by the Permittee, do not cause or contribute to the impairment. The CBMPP must detail the BMPs that are being utilized to control discharges of the pollutant causing the impairment. If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within sixty (60) days following the publication of the latest final §303(d) list, Department designation, or the effective date of coverage (whichever is later) CBMPP detailing new or modified BMPs. The CBMPP must be revised as necessary to document the new or modified BMPs must be implemented within ninety (90) days from the publication of the latest final §303(d) list or Department designation.

3. Permittees discharging to construction sites into waters with EPA-approved TMDLs and/or EPA-established WLAs

(a) The Permittee must determine whether its construction site discharges to a waterbody for which a total maximum daily load (TMDL) has been approved by EPA or established by the Department. If the construction site discharges into a water body with an EPA approved or established TMDL, then the CBMPP must be designed to meet the assumptions and requirements of the TMDL. If additional BMPs will be necessary to meet the assumptions and requirements of the TMDL, the CBMPP must include a schedule for installation and/or implementation of such BMPs.

(b) If, during this permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which a construction site discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the construction site.

(c) If it is found that the Permittee must implement specific allocations of the TMDL, it must review the assumptions and requirements of the TMDL to see if it includes requirements for control of storm water discharges from the construction site.

(d) If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The CBMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If existing BMPs are not sufficient, the Permittee must, within sixty (60) days following the approval or establishment of the TMDL by EPA, submit a revised CBMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within ninety (90) days, unless an alternate date is approved by the Department, from the approval or establishment of the TMDL by EPA.

PART IV Standard and General Permit Conditions

A. Duty to Comply

1. The Permittee must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for enforcement action, termination, or suspension of coverage under this permit, denial of a NOI for renewal, a requirement that the Permittee submit an application for an individual NPDES permit.

2. For any violation(s) of this Permit, the Permittee may be subject to a civil penalty as authorized by the AWPCA, the FWPCA and Code of Alabama 1975, §§22-22A-1 et. seq., as amended, and/or a criminal penalty as authorized by Code of Alabama 1975 §22-22-1 et. seq., as amended.

3. The discharge of a pollutant(s) not specifically identified in the NOI to be covered under this Permit and not specifically included in the CBMPP or evaluation of all outfall(s) where applicable) in this permit constitutes a violation of this permit and unauthorized discharge with this Permit.

4. Any Permittee or applicant who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished as provided by AWPCA, the FWPCA, and the ADEM Admin Code, and/or Federal law.

B. Duty to Reapply

1. The Permittee is not authorized to discharge under this General Permit after the expiration date of this General Permit, unless this General Permit is administratively continued. The Permittee must submit a complete NOI for reissuance of coverage under this permit at least 30-days prior to the Department's expiration will void the automatic continuation of the Authorization to discharge under this permit as provided by ADEM Admin. Code r. 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, Permittees who failed to meet the 30-day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.

C. 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.

D. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any violation of the permit or to minimize or prevent any adverse impact of any violation.

E. 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 control, 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.

F. Permit Modification, Revocation and Reissuance, Suspension, and Termination

1. During the term of this General Permit the Director may, for cause, and subject to the public notice procedures of ADEM Administrative Code r. 335-6-6-.21, modify or revoke and reissue this General Permit for the following causes (or causes included elsewhere in this Permit or applicable State law or regulation) listed below:

(a) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;

(b) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;

(c) Upon failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;

(d) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the discharge under 40 CFR 125.3(c)(1994);

(e) To correct technical mistakes, such as errors in calculations, or mistaken interpretations of this Permit or applicable law or rule; or

(f) When the permit limitations are found not to be protective of water quality standards; or

(g) For any applicable cause set forth in 40 CFR Sections 122.41, 122.62, 122.63, and 122.64 (1994).

2. Subject to the public notice procedures of rule 335-6-6-.21, the Director may also terminate this General Permit during its term for any of the causes for modification listed in ADEM Admin Code r. 335-6-6-.21(7)(a).

3. The Director may terminate coverage of a discharge under this general permit for cause. Cause shall include but not be limited to noncompliance by the Permittee, failure by the Permittee to disclose fully all relevant facts, or changes in the Permittee's operations that could affect the ability of the Permittee to comply with applicable NPDES requirements.

4. The Permittee may request termination of coverage under this General Permit by notifying the Director in writing at least thirty days prior to the requested suspension.

5. The Permittee and the QCP certify in the request that all disturbances have been graded, stabilized, and/or fully vegetated or otherwise permanently covered, and the appropriate, effective steps have been and will be taken by the Permittee to ensure compliance with the requirements of this permit are maintained and these measures will remain continually effective until the permit is modified or terminated;

3. The request should be accompanied by a construction storm-water pollution prevention/monitoring permanent stabilization of all previously disturbed areas, including material storage areas, and associated support activities, in addition, photo documentation may be submitted for confirmation purposes; and

4. The Permittee notifies the Department in writing within 15 days prior to resumption of land disturbance or commencement of the next phase of development and the Permittee complies with the monitoring requirements of this permit prior to commencement of additional disturbance.

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