

PART I Part Coverage Under This General Permit

Permit Coverage

This permit authorizes the following stormwater discharges provided the non-storm water component of the discharges is in compliance with Part II.B.

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) The following stormwater discharges have been determined by the Director to require coverage under this permit:

(i) Sites, irrespective of size, whose stormwater 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 stormwater 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 on site; and

(iii) Pollutant discharges from support activities 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-stormwater discharges provided the non-storm water component of the discharges is in compliance with Part II.B.

(a) Discharges from fire-fighting activities;

(b) Fire hydrant flushings;

(c) Water used to wash vehicles where detergents are not used;

(d) Water used to control dust;

(e) Potable water including unconfined water line flushings not associated with hydrostatic testing;

(f) Routine external washing wash down associated with construction that does not use detergents;

(g) Preventing 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 shall prevent from directing pavement wash waters directly into any surface water, storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similar filtration control;

(h) Uncontaminated air conditioning or compressor condensate associated with temporary office trailers and other mobile 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 contributor of pollutants to waters of the State;

2. Stormwater discharges currently covered under another NPDES permit;

3. Wastewater from wash of concrete, unless authorized 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 cleanup of trucks, equipment, 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 stormwater from dewatering of trenches, excavations, foundations, vaults, or other similar points of accumulation, unless managed by appropriate controls;

D. EROSION CONTROL

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 an increase in the turbidity of the receiving water by more than 50 NTU above background. For the purposes of determining compliance with this limitation, background water turbidity shall be 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 under the TMDL and CWA;

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

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 a request for 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 be submitted through the eNOI system. All other documents required to be submitted to the Department on this general permit shall be delivered to the following address:

Alabama Department of Environmental Management

Water Division

Stormwater Management Branch

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

1400 Coliseum Boulevard (Zip Code: 36110-2059)

Montgomery, Alabama

PART III Stormwater 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 boundaries. 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 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, IMPROVED SURFACES) ARE ALLOWED IN THE NATURAL RIPARIAN BUFFER AREA CONTAINED WITHIN THE NATURAL RIPARIAN BUFFER BUT OUTSIDE THE PREEXISTING STRUCTURES FOOTPRINT;

(e) PROVIDE AND MAINTAIN AN UNDISTURBED NATURAL RIPARIAN BUFFER THAT IS LESS THAN 25 FEET AND IS SUPPLEMENTED BY ADDITIONAL EROSION AND SEDIMENT CONTROLS, WHICH COMBINATION ACHIEVES A SEDIMENT LOAD REDUCTION EQUIVALENT TO A 25-FOOT UNDISTURBED NATURAL RIPARIAN BUFFER;

(f) IF IT IS INFEASIBLE TO PROVIDE AND MAINTAIN AN UNDISTURBED NATURAL RIPARIAN BUFFER AT ALL TIMES, THE PERMITTEE MUST IMPLEMENT EROSION AND SEDIMENT CONTROLS THAT ACHIEVE THE SEDIMENT LOAD REDUCTION EQUIVALENT TO A 25-FOOT UNDISTURBED NATURAL RIPARIAN BUFFER;

(g) ALL DISCHARGES FROM THE AREA OF FURTHER DISTURBANCE TO THE NATURAL RIPARIAN BUFFER MUST BE TREATED BY THE SITE'S EROSION AND SEDIMENT CONTROL MEASURES. ADDITIONAL MEASURES ARE NEEDED TO PREVENT EROSION CAUSED BY STORMWATER WITHIN THE NATURAL RIPARIAN BUFFER;

(h) ALL COMPLIANCE ALTERNATIVES MUST BE DOCUMENTED IN THE CONSTRUCTION PLAN WITH ALL REQUIREMENTS. THE NATURAL RIPARIAN BUFFER REQUIREMENT SHALL BE IDENTIFIED ON THE SITE PLAN;

(i) COMPLIANCE ALTERNATIVES MUST BE MAINTAINED THROUGHOUT THE PERMIT COVERAGE;

(j) 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 IDENTIFIED 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 STORMWATER TO WATERS OF THE STATE THROUGH THE AREAS 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, STRUCTURES, IMPROVED SURFACES) THAT OCCURRED PRIOR TO THE INITIATION OF PLANNING FOR THE CURRENT DEVELOPMENT OF THE SITE, THE PERMITTEE IS NOT REQUIRED TO COMPLY WITH 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, IMPROVED SURFACES), THE PERMITTEE IS REQUIRED TO COMPLY WITH THE REQUIREMENTS IN THIS SECTION.

ONLY THE PORTION OF THE BUFFER ZONE THAT CONTAINS THE PORTION 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, DISTURBANCES WITHIN 25 FEET OF THE WATER OF THE STATE ARE LIMITED AND/OR SUPPLEMENTAL EROSION AND SEDIMENT CONTROLS TO TREAT STORMWATER DISCHARGES FROM LAND DISTURBANCES WITHIN 25 FEET OF THE WATERS OF THE STATE ARE PROVIDED. IT MUST BE DOCUMENTED IN THE CONSTRUCTION PLAN THAT THE REMEDIATION IS INFEASIBLE, AND DESCRIBE ANY BUFFER WIDTH RETAINED AND/OR SUPPLEMENTAL EROSION AND SEDIMENT CONTROLS INSTALLED.

7. 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 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.

TEMPORARY STABILIZATION OF DISTURBED AREAS MUST BE INITIATED IMMEDIATELY WHENEVER WORK TOWARD PROJECT COMPLETION AND FINAL STABILIZATION OF ANY PORTION OF THE SITE HAS TEMPORARILY CEASED ON ANY PORTION OF THE SITE AND WILL NOT RESUME FOR A PERIOD EXCEEDING THIRTY (30) 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, STORMWATER SEWERS, AND CONVEYANCES;

2. MINIMIZE THE EXPOSURE OF BUILDING MATERIALS, BUILDING PRODUCTS, CONSTRUCTION WASTES, TRASH, LANDSCAPE MATERIALS, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASH AND OTHER MATERIALS PRESENT ON THE SITE TO PRECIPITATION AND TO STORMWATER;

3. MINIMIZE THE DISCHARGE OF POLLUTANTS FROM ANY SPILL OR LEAKAGE ACTIVITIES, BUT NOT LIMITED TO FUELS, MECHANICAL EQUIPMENT, CHEMICAL STORAGE, OR FUEL REFUELING ACTIVITIES; AND

4. USE OF POLYMERS, COAGULANTS, OR OTHER TREATMENT CHEMICALS AT THE SITE MAY ONLY BE APPLIED WHERE TREATED STORMWATER IS DIRECTED TO A SEDIMENT CONTROL PRIOR TO DISCHARGE.

E. CONSTRUCTION BEST MANAGEMENT PRACTICES PLAN (CBMP)

5. MAINTAIN AN UPDATED CBMP

(a) THE CBMP 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 CBMP 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 CBMP 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 WATERS OF THE STATE, PERMANENT CORRECTIVE MEASURES CANNOT BE IMPLEMENTED WITHIN THE TIMEFRAMES PROVIDED HEREIN 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 OFF-SITE OR IN ANY WATER BODY OR STORMWATER CONVEYANCE STRUCTURE.

F. SUSPENSION OF MONITORING

SUSPENSION OF APPLICABLE 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 OCP CERTIFY IN THE REQUEST THAT ALL DISTURBANCE HAS BEEN GRADED, STABILIZED AND/OR FULLY VEGETATED OR OTHERWISE PERMANENTLY COVERED, AND THAT APPROPRIATE, EFFECTIVE STEPS HAVE BEEN TAKEN TO PREVENT THE PERMITTEE FROM VIOLATING THE REQUIREMENTS OF THIS PERMIT AND COMMIT THAT THESE MEASURES WILL REMAIN CONTINUALLY EFFECTIVE UNTIL THE PERMIT IS PROPERLY TERMINATED;

3. THE REQUEST SHOULD BE ACCOMPANIED BY A CONSTRUCTION STORMWATER INSPECTION REPORT CONFIRMING PERMANENT STABILIZATION OF ALL PREVIOUSLY DISTURBED AREAS, INCLUDING MATERIAL STORAGE AREAS, AND ASSOCIATED SUPPORT ACTIVITIES. IN ADDITION, PHOTO DOCUMENTATION MAY BE SUBMITTED FOR CONSTRUCTION PURPOSES; AND

4. THE PERMITTEE NOTifies THE DEPARTMENT IN WRITING WITHIN 10 DAYS PRIOR TO RESUMPTION OF DISTURBANCE OR COMMENCEMENT OF THE NEXT PHASE OF DEVELOPMENT AND THE PERMITTEE COMPLIES WITH THE REQUIREMENTS OF THIS PERMIT PRIOR TO COMMENCEMENT OF ADDITIONAL DISTURBANCE.

G. PRECIPITATION MEASUREMENT

THE PERMITTEE SHALL MEASURE AND RECORD ALL PRECIPITATION OCCURRING AT THE CONSTRUCTION SITE. PRECIPITATION MEASUREMENTS SHALL BE TAKEN USING CONTINUOUS RECORDERS, DAILY READINGS OF AN ON-SITE RAIN GAUGE, DAILY READINGS OF AN OFFSITE PRECIPITATION GAUGE LOCATED ADJACENT TO OR IN CLOSE PROXIMITY FOR NON-LINEAR PROJECTS A MAXIMUM 1 MILE DISTANCE TO THE CONSTRUCTION SITE, OR OTHER MEASUREMENT DEVICES ACCEPTABLE TO THE DEPARTMENT. ETC. ALL PRECIPITATION MEASUREMENTS MUST BE REPRESENTATIVE OF THE PERMITTEE'S SITE.

1. IMPAIRED WATERS AND TOTAL MAXIMUM DAILY LOAD (TMDL) WATERS;

2. THE PERMITTEE MUST DETERMINE WHETHER THE DISCHARGE FROM A PART OF THE CONSTRUCTION SITE CONTRIBUTES DIRECTLY OR INDIRECTLY TO A WATERBODY THAT IS INCLUDED IN THE LATEST TMDL OR IS DESIGNATED BY THE DEPARTMENT AS IMPAIRED;

3. IF THE PERMITTEE'S CONSTRUCTION SITE DISCHARGE TO A WATERBODY INCLUDED ON THE LATEST TMDL OR DESIGNATED BY THE DEPARTMENT AS IMPAIRED, IT MUST DETERMINE THE DISCHARGE, AS CONTROLLED BY THE PERMITTEE, DOES NOT CAUSE OR CONTRIBUTE TO THE IMPAIRMENT. THE CBMP MUST DETAIL THE BMPs THAT ARE BEING UTILIZED TO CONTROL DISCHARGES TO THE WATERBODY. 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, DEVELOP AND DESIGNATE THE EFFECTIVE DATE OF THIS CBMP TO SUBMIT A REVISED CBMP DETAILING NEW OR IMPROVED BMPs TO THE DEPARTMENT AND THE NEW OR MODIFIED BMPs MUST BE IMPLEMENTED WITHIN NINETY (90) DAYS FROM THE PUBLICATION OF THE FINAL 303(d) LIST OR DEPARTMENT DESIGNATION.

3. PERMITTEES DISCHARGING TO NEW CONSTRUCTION SITES TO WATERS WITH EPA-APPROVED TMDLs AND/OR IMPAIRED WATERS SHALL:

(a) THE PERMITTEE MUST DETERMINE WHETHER ITS CONSTRUCTION SITE DISCHARGES TO A WATERBODY FOR WHICH TOTAL MAXIMUM DAILY LOAD (TMDL) HAS BEEN ESTABLISHED OR APPROVED BY EPA. IF A CONSTRUCTION SITE DISCHARGE IS TO A WATER BODY WITH AN EPA APPROVED OR ESTABLISHED TMDL, THEN THE CBMP MUST BE DESIGNED TO MEET THE ASSUMPTIONS AND REQUIREMENTS OF THE TMDL. IF ADDITIONAL BMPs WILL BE NECESSARY TO MEET THE REQUIREMENTS OF THE TMDL, THE CBMP MUST INCLUDE A SCHEDULE FOR INSTALLATION AND AN IMPLEMENTATION PLAN OF SUCH BMPs;

(b) 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 THE TMDL. IF ADDITIONAL BMPs ARE NECESSARY, THE CBMP MUST INCLUDE A SCHEDULE FOR INSTALLATION AND AN IMPLEMENTATION PLAN OF SUCH BMPs;

(c) 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 THE TMDL. IF ADDITIONAL BMPs ARE NECESSARY, THE CBMP MUST INCLUDE A SCHEDULE FOR INSTALLATION AND AN IMPLEMENTATION PLAN OF SUCH BMPs;

(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 THE TMDL. IF ADDITIONAL BMPs ARE NECESSARY, THE CBMP MUST INCLUDE A SCHEDULE FOR INSTALLATION AND AN IMPLEMENTATION PLAN OF SUCH BMPs;

(e) 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 THE TMDL. IF ADDITIONAL BMPs ARE NECESSARY, THE CBMP MUST INCLUDE A SCHEDULE FOR INSTALLATION AND AN IMPLEMENTATION PLAN OF SUCH BMPs;

(f) 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 THE TMDL. IF ADDITIONAL BMPs ARE NECESSARY, THE CBMP MUST INCLUDE A SCHEDULE FOR INSTALLATION AND AN IMPLEMENTATION PLAN OF SUCH BMPs;

(g) 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 THE TMDL. IF ADDITIONAL BMPs ARE NECESSARY, THE CBMP MUST INCLUDE A SCHEDULE FOR INSTALLATION AND AN IMPLEMENTATION PLAN OF SUCH BMPs;

H. INSPECTION REQUIREMENTS

1. PRE-CONSTRUCTION OBSERVATIONS

(a) A PRE-CONSTRUCTION SITE INSPECTION SHALL BE CONDUCTED PRIOR TO THE INITIATION OF BMPs, OR THE COMMENCEMENT OF LAND DISTURBING ACTIVITIES;

(b) THE PRE-CONSTRUCTION INSPECTION SHALL CONSIST OF A COMPLETE AND COMPREHENSIVE OBSERVATION OF THE ENTIRE PROPOSED CONSTRUCTION SITE INCLUDING ALL AREAS OF LAND DISTURBANCE AND/OR INSTALLATION AND/OR REMEDIATION OF EXISTING DISTURBANCES, AS WELL AS ALL OUTFALLS, RECEIVING WATERS AND STREAM BANKS TO DETERMINE IF, AND ENSURE THAT:

(i) EFFECTIVE EROSION CONTROLS AND SEDIMENT CONTROLS HAVE BEEN FULLY IMPLEMENTED AND MAINTAINED IN ACCORDANCE WITH THIS PERMIT, THE SITE CBMP, AND THE ALABAMA HANDBOOK;

(ii) POLLUTANT DISCHARGES ARE BEING PREVENTED/MINIMIZED AND

(iii) DISCHARGES DO RESULT IN A CONTRAVENTION OF APPLICABLE STATE WATER QUALITY STANDARDS FOR THE RECEIVING STREAMS OR OTHER WATERS OF THE STATE;

(c) PRE-CONSTRUCTION INSPECTIONS SHALL INCLUDE DATED PHOTOGRAPHIC DOCUMENTATION OF ALL AREAS DESCRIBED IN PARAGRAPH (b) ABOVE;

(d) THE PERMITTEE SHALL MAINTAIN A LOG OF THE PRE-CONSTRUCTION SITE INSPECTION PURSUANT TO PART III.B.1.

2. DAILY OBSERVATIONS

(a) EACH TIME THERE IS ACTIVITY AT THE SITE, THE PERMITTEE SHALL VISUALLY OBSERVE THAT PORTION OF THE SITE WHICH IS DIRECTLY WHERE ACTIVE DISTURBANCE, WORK, OR CONSTRUCTION OCCURRED TO NOTE ANY RELEASES OR COMPLIANCE WITH THE PREVIOUS OBSERVATION, AND ANY APPARENT BMP DEFICIENCIES IN THE AREA OF LAND DISTURBANCE;

(b) SUCH DAILY OBSERVATIONS MAY BE PERFORMED BY APPROPRIATE SITE PERSONNEL

THE PERMITTEE SHALL MAINTAIN A LOG OF ALL DAILY OBSERVATIONS AND RECORD IN SUCH LOG ANY RAINFALL EVENTS 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 STORMWATER CONVEYANCES, AS WELL AS ALL OUTFALLS, RECEIVING WATERS AND STREAM BANKS TO DETERMINE IF, AND ENSURE THAT:

(i) EFFECTIVE EROSION CONTROLS AND SEDIMENT CONTROLS HAVE BEEN FULLY IMPLEMENTED AND MAINTAINED IN ACCORDANCE WITH THIS PERMIT, THE SITE CBMP, AND THE ALABAMA HANDBOOK;

(ii) POLLUTANT DISCHARGES ARE BEING PREVENTED/MINIMIZED AND

(iii) DISCHARGES DO RESULT IN A CONTRAVENTION OF APPLICABLE STATE WATER QUALITY STANDARDS FOR THE RECEIVING STREAMS OR OTHER WATERS OF THE STATE;

(c) PRE-CONSTRUCTION INSPECTIONS SHALL INCLUDE DATED PHOTOGRAPHIC DOCUMENTATION OF ALL AREAS DESCRIBED IN PARAGRAPH (b) ABOVE;

(d) THE PERMITTEE SHALL MAINTAIN A LOG OF THE PRE-CONSTRUCTION SITE INSPECTION PURSUANT TO PART III.B.1.

4. WHERE NO NATURAL RIPARIAN BUFFER EXISTS DUE TO PREEXISTING DEVELOPMENT DISTURBANCES (E.G., BUILDINGS, PARKING LOTS, ROADWAYS, UTILITY LINES, STRUCTURES, IMPROVED SURFACES) THAT OCCURRED PRIOR TO THE INITIATION OF PLANNING FOR THE CURRENT DEVELOPMENT OF THE SITE, THE PERMITTEE IS NOT REQUIRED TO COMPLY WITH 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, IMPROVED SURFACES), THE PERMITTEE IS REQUIRED TO COMPLY WITH THE REQUIREMENTS IN THIS SECTION.

ONLY THE PORTION OF THE BUFFER ZONE THAT CONTAINS THE PORTION 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, DISTURBANCES WITHIN 25 FEET OF THE WATER OF THE STATE ARE LIMITED AND/OR SUPPLEMENTAL EROSION AND SEDIMENT CONTROLS TO TREAT STORMWATER DISCHARGES FROM LAND DISTURBANCES WITHIN 25 FEET OF THE WATERS OF THE STATE ARE PROVIDED. IT MUST BE DOCUMENTED IN THE CONSTRUCTION PLAN THAT THE REMEDIATION IS INFEASIBLE, AND DESCRIBE ANY BUFFER WIDTH RETAINED AND/OR SUPPLEMENTAL EROSION AND SEDIMENT CONTROLS INSTALLED.

7. 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 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.

TEMPORARY STABILIZATION OF DISTURBED AREAS MUST BE INITIATED IMMEDIATELY WHENEVER WORK TOWARD PROJECT COMPLETION AND FINAL STABILIZATION OF ANY PORTION OF THE SITE HAS TEMPORARILY CEASED ON ANY PORTION OF THE SITE AND WILL NOT RESUME FOR A PERIOD EXCEEDING THIRTY (30) 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, STORMWATER SEWERS, AND CONVEYANCES;

2. MINIMIZE THE EXPOSURE OF BUILDING MATERIALS, BUILDING PRODUCTS, CONSTRUCTION WASTES, TRASH, LANDSCAPE MATERIALS, FERTILIZERS, PESTICIDES, HERBICIDES, DETERGENTS, SANITARY WASH AND OTHER MATERIALS PRESENT ON THE SITE TO PRECIPITATION AND TO STORMWATER;

3. MINIMIZE THE DISCHARGE OF POLLUTANTS FROM ANY SPILL OR LEAKAGE ACTIVITIES, BUT NOT LIMITED TO FUELS, MECHANICAL EQUIPMENT, CHEMICAL STORAGE, OR FUEL REFUELING ACTIVITIES; AND

4. USE OF POLYMERS, COAGULANTS, OR OTHER TREATMENT CHEMICALS AT THE SITE MAY ONLY BE APPLIED WHERE TREATED STORMWATER IS DIRECTED TO A SEDIMENT CONTROL PRIOR TO DISCHARGE.

E. CONSTRUCTION BEST MANAGEMENT PRACTICES PLAN (CBMP)

5. MAINTAIN AN UPDATED CBMP

(a) THE CBMP 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 CBMP 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 CBMP 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 WATERS OF THE STATE, PERMANENT CORRECTIVE MEASURES CANNOT BE IMPLEMENTED WITHIN THE TIMEFRAMES PROVIDED HEREIN THE PERMITTEE SHALL CONTACT THE DEPARTMENT; AND