



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 COMMON PLAN OF DEVELOPMENT OR SALE

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALR100000

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: April 1, 2011

EFFECTIVE DATE: April 1, 2011

EXPIRATION DATE: March 31, 2016

Glenda L. Dean

Alabama Department of Environmental Management

Table of Contents

PART I	Coverage Under This General Permit	3
A.	<i>Permit Coverage</i>	3
B.	<i>Eligibility.....</i>	3
C.	<i>Prohibited Discharges.....</i>	4
PART II	Notice of Intent (NOI) Requirements.....	5
A.	<i>Deadlines for Notices of Intent.....</i>	5
B.	<i>Continuation of the Expired General Permit</i>	5
C.	<i>Contents of the Notice of Intent (NOI).....</i>	5
D.	<i>Submittal of Documents.....</i>	6
E.	<i>Additional Permittees Under a Single NOI</i>	6
F.	<i>Authorization to Discharge</i>	6
PART III	Stormwater Pollution Prevention Requirements	8
A.	<i>Erosion Controls and Sediment Controls.....</i>	8
B.	<i>Soil Stabilization</i>	9
C.	<i>Pollution Prevention Measures</i>	9
D.	<i>Construction Best Management Practices Plan (CBMPP)</i>	9
E.	<i>Spill Prevention, Control, and Management</i>	11
F.	<i>Training.....</i>	11
G.	<i>Inspection Requirements</i>	12
H.	<i>Corrective Action</i>	14
I.	<i>Suspension of Monitoring.....</i>	14
J.	<i>Precipitation Measurement</i>	14
PART IV	Standard and General Permit Conditions	15
A.	<i>Duty to Comply.....</i>	15
B.	<i>Need to Halt or Reduce Activity Not a Defense.....</i>	15
C.	<i>Duty to Mitigate</i>	15
D.	<i>Proper Operation and Maintenance.....</i>	15
E.	<i>Permit Actions</i>	15
F.	<i>Property Rights</i>	15
G.	<i>Duty to Provide Information</i>	15
H.	<i>Inspection and Entry</i>	16
I.	<i>Noncompliance Notification.....</i>	16
J.	<i>Retention of Records</i>	16
K.	<i>Signatory Requirements</i>	17
L.	<i>Transfers</i>	17
M.	<i>Bypass</i>	17
N.	<i>Upset</i>	17
O.	<i>Severability.....</i>	17

<i>P.</i>	<i>Modification, Revocation and Reissuance, and Termination</i>	17
<i>Q.</i>	<i>Issuance of an Individual Permit</i>	17
<i>R.</i>	<i>Termination of Coverage</i>	17
<i>S.</i>	<i>Facility Identification</i>	18
<i>T.</i>	<i>Definitions</i>	18
PART V	Turbidity Monitoring	22
<i>A.</i>	<i>Applicability</i>	22
<i>B.</i>	<i>Sampling and Monitoring Requirements</i>	22
<i>C.</i>	<i>Representative Monitoring Points</i>	22
<i>D.</i>	<i>Test Procedures</i>	22
<i>E.</i>	<i>Monitoring Equipment and Instrumentation</i>	23
<i>F.</i>	<i>Reports of Turbidity Monitoring</i>	23

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 related activities which result in minor soil erosion), animal feeding operation (AFO) 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.

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-stormwater 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 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;
- (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 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;
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 to surface waters from sediment basins or impoundments, unless an outlet structure that withdraws water from the surface, unless infeasible, is utilized;
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 an increase in the turbidity of the receiving water 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 an NOI 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 NOI prior to the initiation of construction activity.
2. Owners or operators of construction sites that have an expired registration 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 NOI prior to the continuation of construction.
3. Owners or operators of construction sites that 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 NOI at least thirty (30) days prior to the expiration of the NOR.

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 NOI 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 (NOI)

1. The NOI 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) The correct fee pursuant to ADEM Admin. Code R. 335-1.
 - (e) A portion or copy of a U.S. Geological Survey map showing the site location.
 - (f) A contact person, address and phone number for the site to be covered under the general permit.
 - (g) For priority construction sites, the NOI must be accompanied by a copy of the CBMPP prepared and certified as required by Part III.D.

2. The NOI 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 NOI shall make the certification required for submission of documents under ADEM Admin Code r. 335-6-6-.09.
3. The NOI shall be signed by a QCP and shall have the following certification statement: *"I certify under penalty of law that a comprehensive Construction Best Management Practices Plan (CBMPP) for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff has been prepared under my supervision for this site/activity, and associated regulated areas/activities. The CBMPP meets the requirements of this permit and if properly implemented and maintained by the operator, discharges of pollutants in stormwater runoff can reasonably be expected to be effectively minimized to the maximum extent practicable according to the requirements of ADEM Administrative Code Chapter 335-6-6-.23 and this Permit. The CBMPP describes the erosion and sediment control measures that must be fully implemented and regularly maintained as needed at the permitted site in accordance with sound sediment and erosion control practices to ensure the protection of water quality."*

D. Submittal of Documents

The NOI 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 NOI

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.F.2 or II.F.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 NOI 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 obtain a 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 priority construction sites, the operator is authorized to discharge thirty (30) days from the Department's receipt of a complete and technically adequate NOI and CBMPP meeting the requirements of Parts II.C. and III.D, unless, within thirty (30) days from the Department's receipt of the NOI, the Department notifies the operator that additional time is needed to review the NOI and CBMPP. Where the operator receives such notification from the Department, that operator may not discharge until the Department formally acknowledges receipt of a complete and technically adequate NOI and CBMPP.

PART III Stormwater Pollution Prevention Requirements

The stormwater control requirements in this Part are the technology-based, non-numeric effluent limitations and conditions that apply to all discharges from construction projects eligible for coverage under this permit. These requirements apply the national effluent limitations guidelines and new source performance standards found at 40 CFR Part 450.

Where the requirements in this Part are stricter than any corresponding Federal, State, or local requirements, the requirements in this permit take precedence.

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 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, unless infeasible;
5. Minimize sediment discharges from the site;
6. Minimize the generation of dust;
7. Minimize all stream crossings;
8. Stabilize all construction entrances and exits; and minimize off-site tracking of sediment from vehicles;
9. Where applicable, install storm drain inlet protection measures to further prevent sediment discharges;
10. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;
11. Minimize soil compaction and, unless infeasible, preserve topsoil; and
12. 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>
13. Additional Design Requirements
 - (a) Sediment control measures, erosion control measures, and other site management practices must be properly selected based on site-specific conditions, must meet or exceed the technical standards outlined in the Alabama Handbook and the site-specific CBMPP prepared in accordance with Part III.D.
 - (b) Unless specified otherwise by the Alabama Handbook, sediment control measures, erosion control measures, and other site management practices shall be designed and maintained to minimize erosion and maximize sediment removal resulting from a 2-year, 24-hour storm event.
 - (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

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 thirteen (13) calendar days.

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.F.2, 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 Permittee shall properly implement and regularly maintain the controls, practices, devices, and measures specified in the CBMPP.
3. 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.); and
 - (ii) Identification of all known operators of the construction site, and the areas of the site over which each operator has control;
 - (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 prevent or eliminate discharges of sediment and other pollutants of concern from priority construction sites, to the maximum extent practicable;
- (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 or may be 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;
- (l) A site topographic map (e.g.USGS quadrangle map), clearly showing:
 - (i) Sufficient detail to identify the location of the construction site;
 - (ii) For non-linear projects, pre-construction contours at a sufficient interval to adequately determine pre-construction stormwater runoff patterns throughout the site. These pre-construction contours must be certified by a professional engineer or land surveyor presently licensed by the Board of Registration for Professional Engineers and Land Surveyors;
 - (iii) The external and internal (if subdivided) property boundaries of the project;
 - (iv) Areas to be disturbed by excavation, grading, or other activities;
 - (v) Identification of sediment control measures, erosion control measures, planned stabilization measures, and other site management practices;
 - (vi) Locations of all waters of the state within a 1 mile radius of the site
 - (vii) Locations of wetlands and riparian zones;
 - (viii) Locations of all points of discharge to waters of the State; and
 - (ix) Locations of all points of discharge to waters of the State; and
 - (x) Locations of all stormwater monitoring points.
- (m) A description of procedures for:
 - (i) Sweeping or removal of sediment and other debris that has been tracked from the site or deposited from the site onto streets and other paved surfaces;
 - (ii) Removal of sediment or other pollutants that have accumulated in or near any sediment control measures, stormwater conveyance channels, storm drain inlets, or water course conveyance within or immediately outside of the construction site; and
 - (iii) Removal of accumulated sediment that has been trapped by sediment control measures at the site, in accordance with applicable maintenance requirements covered under this permit.
- (n) A description of the procedures for handling and disposing of wastes generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

4. 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 at the site during normal operating hours as defined by Part IV. T. of this permit when regulated land disturbing activities are occurring.

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 ADEM Admin Code r.335-6-6-.12(r) for all applicable onsite petroleum storage tanks. The Permittee shall also prepare, implement, and maintain a SPCC Plan in accordance with ADEM Admin Code r.335-6-6-.12(r) for any stored pollutant(s) that may, 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.D. above. 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(s) must be consistent with the requirements of 40 CFR Part 112 and/or ADEM Admin Code r.335-6-6-.12(r). Any containment system used to implement this requirement shall be constructed of 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 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 a Department approved manner.

F. 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 be certified as a Qualified Credentialed Inspector (QCI) by completing an initial training and annual refreshers through an ADEM-approved Qualified Credentialed Inspector Program (QCIP) conducted by a cooperating training entity.
2. The QCIP 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 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;
 - (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 similar 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, course length, and any participant testing, shall be subject to acceptance by the Director prior to use.

G. Inspection Requirements

1. 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.

2. 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, 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 CBMPP, and the Alabama Handbook;
 - (ii) Pollutant discharges have been prevented/minimized to the maximum extent practicable, and

- (iii) 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) Site inspections shall be performed by a QCI, QCP, 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 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 any 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, and waterbody relocation, streambank 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 reclamation or effective stormwater 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 method number;
 - (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 BMPs required by the CBMPP are not installed or installed in a manner inconsistent with the CBMPP; and
 - (xii) Locations where additional BMPs are needed that did not exist at the time of the inspection. This requirement is applicable only to site inspections performed by a QCP or qualified persons under the direct supervision of a QCP.

3. 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.D.4.
- (d) The Permittee shall maintain appropriate documentation of the CBMPP evaluation.

H. Corrective Action

- 1. Any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during the inspections required under Part III.G.2 shall be corrected as soon as possible, but not to exceed five (5) days of the inspection unless prevented by unsafe weather conditions.
- 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 corrective measures shall be implemented within five (5) days of the inspection; however, if 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 offsite or in any waterbody or stormwater conveyance structure.

I. 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 QCP 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 and will be taken by the Permittee to ensure compliance with the requirements of this permit and commit that these measures will remain continually effective until the permit is properly terminated.
- 3. The Permittee notifies the Department 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.

J. Precipitation Measurement

The Permittee shall measure and record all precipitation occurring at the construction site. Precipitation measurements shall be taken 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.

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

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. Operation of backup or auxiliary facilities is required 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 in writing 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 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 NOI.

3. If the Permittee becomes aware that it failed to submit any relevant facts in the NOI; or submitted incorrect information in the NOI; 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 of the noncompliant event followed by a written report within five (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 (3) 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 (3) 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 NOI 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 written notice to the Department. The Department may require the submittal of an updated NOI 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 with 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; or

- (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 permit coverage is properly terminated. Such sign shall display the name of the Permittee, "ADEM NPDES ALR10" followed by the five 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 March, 2009 edition of Alabama Handbook For Erosion Control, Sediment Control, And Stormwater Management On Constructions 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 or BMPs** mean 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 r. 335-6-6-.02(m).
16. **EPA** refers to the U.S. Environmental Protection Agency.
17. **Final Stabilization** means the application and establishment of the permanent ground cover (vegetative, pavements of erosion resistant hard or soft material or impervious structures) planned for the site to permanently eliminate soil erosion to the maximum extent practicable. Established vegetation will be considered final if 100% of the soil surface is uniformly covered in permanent vegetation with a density of 85% or greater. Permanent vegetation shall consist of; planted trees, shrubs, perennial vines; an agricultural or a perennial crop of vegetation 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. **Linear Project** means land disturbing activities conducted by an underground /overhead utility or highway department, including, but not limited to any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for utility communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas, and borrow/spoil sites associated with the linear project.
21. **Low Impact Development or LID** is an approach to the maintenance of predevelopment hydrology in 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.
22. **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.
23. **Minor Land Disturbing Activities** means activities which will result in minor soil erosion such as home gardens or individual home landscaping, repairs, maintenance work, fences, routine maintenance and other related activities.

24. **Mixing Zones** means that portion of the receiving waters where mixture of effluents and natural waters take place. Mixing zones in streams shall not preclude passage of aquatic life up or down stream, shall not exceed a width of 50 percent of the stream width, shall not exceed a length of 5 times the width of the mixing zone, and shall not exceed an area of 25 percent of the stream cross-sectional area, and a mixing zone shall not encompass drinking water intakes. The total area of all mixing zones in a lake shall not encompass more than ten percent of the surface area of the lake, the radius of any one zone shall not encompass water intakes.
25. **Nephelometric Turbidity Unit or 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.
26. **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.
27. **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.
28. **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.
29. **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.
30. **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.
31. **Priority construction site** means any site that discharges to a waterbody which is listed on the most recently EPA 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, any waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code r. 335-6-10-.09, and any waterbody assigned a special designation in accordance with ADEM Admin. Code r. 335-6-10-.10.
32. **Qualified Credentialed Professional or QCP** means a professional engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc. Other registered or certified professionals such as a registered landscape architect, registered land surveyor, registered geologist, registered forester, Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other Department accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that enable recognized individuals to prepare CBMPPs, to make sound professional judgments regarding Alabama NPDES rules, the requirements of this chapter, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated land disturbances, that meet or exceed recognized technical standards and guidelines, effective

industry standard practices, and the requirements of this chapter. The QCP shall be in good standing with the authority granting the registration or designation. The design and implementation of certain structural BMPs may involve the practice of engineering and require the certification of a professional engineer pursuant to Alabama law.

33. A **qualified person under the direct supervision of a QCP** refers to an individual who is an employee of the QCP or the QCP's firm, and is familiar with current industry standards for erosion and sediment controls and able to inspect and assure that 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. Such individual may not certify the CBMPP or modifications to the CBMPP.
34. **Qualifying precipitation event** refers to any precipitation of 0.75 inches or greater in any 24-hour period.
35. **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.
36. **Site** means the land or water area where any facility or activity for which coverage under this permit is required is physically located or conducted, including adjacent land use in connection with the facility or activity.
37. **State water quality standards** refer to numeric and narrative standards set forth at ADEM Admin Code chaps. 335-6-10 and 335-6-11.
38. **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.
39. **Steep Slope** means a slope of 15% or greater.
40. **Temporary Stabilization** means the application and establishment of temporary ground cover (vegetative, pavements of erosion resistant hard or soft materials or impervious structures) for the purpose of temporarily reducing raindrop impact and sheet erosion in areas where Final Stabilization cannot be established due to project phasing, seasonal limitations or other project related restrictions.
41. **Total Maximum Daily Load or 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.

PART V Turbidity Monitoring

A. Applicability

Beginning six months after the effective date of this permit, the Permittee of a priority construction site disturbing ten (10) acres or more at one time shall conduct turbidity monitoring in accordance with Part V .

B. Sampling and Monitoring Requirements

1. Required samples shall be collected:
 - (a) At the nearest accessible location just prior to discharge and after final treatment, or at the point(s) where stormwater runoff leaves the property boundary;
 - (b) In the receiving stream at the nearest accessible location upstream of the point of discharge; and
 - (c) In the receiving stream at the nearest accessible location immediately downstream of the mixing zone.
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 turbidity measurements shall be recorded in a format acceptable to the Department.
4. Discharge turbidity monitoring shall be performed:
 - (a) In conjunction with any comprehensive inspection when discharges are occurring; or
 - (b) Following a qualifying precipitation event if discharges occur as a result of the event.
5. Samples and turbidity measurements are not required outside of normal operating hours or during unsafe weather conditions.

C. Representative Monitoring Points

For the purposes of conducting turbidity monitoring required by this permit, the Permittee may designate one or more stormwater monitoring points as representative of all stormwater runoff 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 the regulated land disturbance exceeding ten (10) acres. Any modifications to stormwater monitoring points that occur as a result of changing site conditions must also be certified by the QCP, submitted in writing and approved by the Department.

D. Test Procedures

Sample collection and preservation 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). Samples collected for turbidity may be analyzed using a turbidimeter that is properly calibrated according to the manufacturer's instructions. The Permittee must maintain a calibration log which shall be made available to the Department for review upon inspection or request. In the event that the sample exceeds the upper range of the turbidimeter, the sample must be analyzed in accordance with the requirements of 40 CFR Part 136 and guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h).

E. 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 twelve (12) months.

F. Reports of Turbidity Monitoring

All monitoring data should be recorded and retained with the inspection reports and be made available to the Department during inspections or submitted to the Department upon request.