

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM 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: DRAFT

EFFECTIVE DATE: DRAFT

EXPIRATION DATE: DRAFT

DRAFT

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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.

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) 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 of concern to a water of the State (e.g., bridge construction, stream restoration), 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 construction support activities provided:
 - (i) The support activity is solely related to the construction site covered under this Permit;
 - (ii) The support activity is not an operation serving multiple unrelated construction projects and does not operate beyond the completion of the construction activity at the construction project it supports;
 - (iii) The support activity is located in close proximity (two-mile radius) to the construction site covered under this Permit, or as otherwise approved by the Department;
 - (iv) Stormwater controls are implemented in accordance with Part III for discharges from the support activity area; and
 - (v) 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.D. and Part III.E.:

- (a) Discharges from fire-fighting activities;
- (b) Fire hydrant flushings;
- (c) Water used to wash vehicles and equipment 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. The operator is prohibited 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 similarly effective control;
- (h) Uncontaminated air conditioning or compressor condensate associated with temporary office trailers and other similar buildings;
- (i) Uncontaminated, non-turbid discharges of ground water or spring water;
- (j) Foundation or footing drains where flows are not contaminated with process materials such as solvents;
- (k) Landscape irrigation; and
- (l) Uncontaminated construction dewatering water.

C. Exempt Discharges

1. Coverage under this Permit is not required for the following:
 - (a) 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;
 - (b) Normal agricultural practices; and
 - (c) Silvicultural activities.
2. Coverage under this Permit is not required for discharges associated with minor land disturbing activities such as the following:
 - (a) Home gardens or individual home landscaping;
 - (b) Home repairs and/or maintenance;
 - (c) Home fence installation or maintenance; and
 - (d) Clearing/mulching underbrush or brush/bush hogging;
3. The following discharges are eligible for exemption from this Permit if the project meets the conditions in Part I.C.4.:
 - (a) Routine maintenance associated with the following:
 - (i) Road construction projects that consist of routine maintenance for the original purpose of the facility and are performed to maintain the original footprint, grade, and vehicular traffic;
 - (ii) Guardrail, cable barrier, shoulder and minor improvements associated with roadway pavement resurfacing;
 - (iii) Water and/or sewer line maintenance projects on pre-existing infrastructure and/or within existing stabilized right-of-way; and
 - (iv) Power line maintenance projects on pre-existing infrastructure and/or within existing stabilized right-of-way.
 - (b) The installation of infrastructure associated with the following activities provided that the installation is not associated with allowable stormwater discharges as described in Part I.B.1.:
 - (i) Buried utility lines installed via horizontal directional drilling, or vibratory plow, and occurs within an existing stabilized right-of-way (boring under water(s) of the State may require permit coverage);
 - (ii) Buried fiber optic utility lines to be located within an existing stabilized right-of-way.
4. To be eligible for exemption under Part I.C.3., the project must comply with the following conditions:
 - (a) No mass grading or mass exposure of disturbed soils shall occur on the project;
 - (b) Implement and maintain appropriate best management practices (BMPs) to prevent and minimize erosion and sediment loss, and the active portion of the project must be stabilized with effective temporary or permanent stabilization measures within 7 calendar days;
 - (c) Project shall have a duration of no more than 180 calendar days; and
 - (d) Final stabilization must be implemented at the end of the project.

D. 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. Discharges from coal/metallic mining, dry processing, wet processing, and areas associated with these activities.
4. Wastewater from washout of concrete, unless managed by an appropriate control (wastewater from concrete batch plants are prohibited unless such discharges are authorized by and in compliance with a separate NPDES permit).
5. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
6. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
7. Soaps or solvents used in vehicle and equipment washing.
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 to 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.
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.
13. Toxic or hazardous substances from a spill or release.

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. Any person wishing to be permitted to discharge under this General Permit shall submit a complete NOI and appropriate permit application fee prior to the initiation of construction activity.
2. Any Permittee authorized to discharge under the 2021 NPDES Construction General Permit, who wishes to continue to discharge upon the expiration of that permit, shall submit a complete reissuance NOI and permit application fee, to be covered by this reissued General Permit. Such reissuance NOI and permit application fee shall be submitted at least 30 days prior to the expiration date of the 2021 NPDES Construction General Permit.
3. Failure of the Permittee to submit a complete reissuance NOI and permit application fee for reauthorization under this Permit at least 30 days prior to the previous permit's expiration will void the automatic continuation of the authorization to discharge under that permit as provided by ADEM Admin. Code r. 335-6-6-.06.
4. Any Permittee authorized to discharge under this 2026 NPDES Construction General Permit, who wishes to continue to discharge upon the expiration of this Permit, shall submit a complete reissuance NOI and permit application fee, to be covered by the 2031 reissued General Permit. Such reissuance NOI and fee shall be submitted no later than sixty (60) days after the effective date of the 2031 NPDES Construction General Permit.
5. Failure of the Permittee to submit a complete reissuance NOI for reauthorization under the 2031 NPDES Permit no later than sixty (60) days after the effective date of that permit will void the automatic continuation of the authorization to discharge under that permit as provided by ADEM Admin. Code r. 335-6-6-.06.

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 in effect. 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 NOI 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. Prerequisite for NOI Submittal

1. A Construction Best Management Practices Plan (CBMPP) consistent with Part III.F. must be developed for all proposed construction sites before submitting the NOI requesting coverage under this Permit.
2. The CBMPP is required to be submitted with the NOI for priority construction sites.
3. The CBMPP may be requested to be submitted with the NOI based on the scope of the construction project, proximity to waters of the State, amount of proposed disturbed acreage or other factors deemed appropriate by the Department.

D. Contents of the Notice of Intent (NOI)

1. The NOI shall include:
 - (a) Electronic payment of all applicable fees pursuant to ADEM Admin. Code R. 335-1, as related to construction activities;
 - (b) 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 authorized discharges category of this General Permit;
 - (c) The latitude and longitude, to the nearest second, for the entrance to the construction site, and each outfall 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. For linear projects, the latitude and longitude, to the nearest second, should be provided for the starting and ending point of the project boundaries;
 - (d) Identification of the waterbodies receiving discharges for which coverage under this General Permit is desired;
 - (e) A recent topographical map or series of maps (e.g., USGS quadrangle map or LIDAR contour map) at an appropriate contour interval, including perennial, intermittent, and ephemeral streams/lakes/springs/wetlands. Several maps/pages may be necessary depending on the size and scope of the project;
 - (f) The topographic map(s) at a minimum must include the following, which should be clearly visible and/ or identified (include

a key for symbols and a scale) on the map(s):

- (i) Proposed permit boundaries (all disturbed areas, material staging areas, offsite construction support activity, etc.);
 - (ii) Property/parcel boundaries (stand-alone construction or non-linear project only);
 - (iii) Common plan of development or sale external boundaries (e.g. entire subdivision or phase) for residential, commercial, and industrial subdivisions;
 - (iv) One (1) mile radius;
 - (v) Begin and end project locations (linear project only);
 - (vi) Location of outfall(s); and
 - (vii) Identification of all waters of the State within the one (1) mile radius of the site receiving discharges from site.
- (g) Construction erosion, sediment and stormwater management control (ESC) site plan sheet or series of sheets. The ESC site plan sheet(s) shall be legible, and shall include the following site-specific features (include a key for symbols and a scale):
- (i) Identification of structural and non-structural erosion and sediment control measures, planned stabilization measures, and other site management practices for each phase of construction;
 - (ii) Locations of, if known at the time of NOI submittal, onsite and/or offsite construction support activity areas such as material storage/stockpiles, equipment /material staging, vehicle parking, borrow pits, etc.;
 - (iii) Existing topography and drainage patterns and features, existing structures, proposed roads, rights-of-way (ROWs), and waterbodies;
 - (iv) Designated entrances/exits;
 - (v) Location of outfalls;
 - (vi) Temporary and/or permanent stream crossings;
 - (vii) Locations of wetlands and buffer zones; and
 - (viii) A clear outline and identification of the buffer zone and any shared stormwater controls for all sites that discharge directly to waters of the State and where a water of the State lies within the boundaries of the project.
- (h) For residential, commercial or industrial subdivisions and/or common plans of development or sale, the NOI must be accompanied by a copy of a current plat map with all parcels/lots clearly identified that are to be covered by the permit;
- (i) A facility contact person, address, and phone number for the site to be covered under this General Permit;
- (j) For priority construction sites, the NOI must be accompanied by a copy of the CBMPP prepared and certified by a Qualified Credentialed Professional (QCP) as required by Part III.F.;
- (k) The total estimated acreage to be disturbed/permittted;
- (l) The estimated start and completion dates of project; and
- (m) Provide a list of all treatment chemicals anticipated to be used at the site, including the most recently published Safety Data Sheets (SDS) and the dosage(s) to be used and the location(s) where these materials will be applied. If this information is not known at the time of the NOI submittal, the information shall be submitted to the Department through an information update, as timely as possible, and update the CBMPP as required by Part III.F.8.
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 have the following certification statements:
- (a) "I certify under penalty of law that this document, and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
 - (b) "I certify under penalty of law that I have received and reviewed a comprehensive Construction Best Management Practices Plan (CBMPP) for the prevention and minimization of all sources of pollution in stormwater runoff that has been prepared and certified by a Qualified Credentialed Professional (QCP)."
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 r. 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.”

E. NOI Modification and Information Update

When information on the NOI needs to be changed and /or updated, this may require an NOI permit coverage modification or an NOI information update. Modification of permit coverage may require an application fee.

1. NOI Permit Coverage Modification. The following changes will require the submittal of a Modification NOI and applicable fee via AEPACS, requesting modification to the permit coverage:
 - (a) Change in Permittee name or transfer of permit coverage to new Permittee, which requires a transfer agreement form;
 - (b) Change in project or site name;
 - (c) Addition/removal of receiving water(s);
 - (d) Addition/removal of outfalls;
 - (e) Change in acreage;
 - (i) For a stand-alone project or linear project only, an increase in acreage outside of the current permit coverage boundary if the acreage is adjacent to current permitted acreage or if related to support activities;
 - (ii) For common plan of development, change to site/plat map regarding lots within the current permit coverage boundary (e.g. addition and/or removal of lots);
 - (iii) For common plan of development, the addition of new subdivision phase(s) not previously permitted are not authorized to be added by permit modification; new NOI requesting permit coverage will be required.
2. Information Update. For information changes to the permit coverage, the changes should be submitted via AEPACS on an Information Update form. There is no fee for submitting an Information Update. The following changes are eligible to be submitted as an Information Update:
 - (a) Change or addition of new Responsible Official and/or permit contacts;
 - (b) Change or addition of new Qualified Credentialed Professional (QCP);
 - (c) Change in mailing address of Permittee;
 - (d) Other updates specifically approved by the Department.

F. Submittal of Documents

The Permittee must complete and submit the NOI electronically, using the Department's Alabama Environmental Permitting and Compliance System (AEPACS), unless the Permittee has an approved waiver from such electronic submissions pursuant to ADEM Admin. Code r. 335-6-1-.04(6). The AEPACS can be accessed at the following link: <http://adem.alabama.gov/AEPACS>. Permit requests for initial issuance, modifications of the existing permit, information updates, and voluntary terminations should all be submitted through the AEPACS system.

G. Additional Permittees (Co-Permittee) 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.

H. Authorization to Discharge

1. Except as otherwise limited by Part II.H.2 or II.H.3, the operator is authorized to discharge in accordance with the requirements of this Permit upon the Department's receipt of a complete NOI which meets the requirements of this Permit and ADEM Admin. Code r. 335-6-6-.23, and the appropriate permit application fee.
 - (a) ADEM expects that full compliance with the requirements of this Permit will be protective of instream water quality and ensure consistency with applicable instream State water quality standards.
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 NOI, appropriate permit application fee and CBMPP meeting the requirements of this Permit, 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 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, Sediment Controls, and Construction Stormwater Management

The Permittee shall design, install, and maintain effective stormwater controls, erosion controls, and sediment controls appropriate for site conditions that meet or exceed the guidance in the *Alabama Handbook*. To meet this requirement, the following factors shall be accounted for in designing controls:

1. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features;
2. Control stormwater volume and velocity within the site to minimize soil erosion;
3. Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of points of discharge;
4. The soil series and range of soil particle sizes expected to be present on the site;
5. Complete installation of stormwater controls by the time each phase of construction activities has begun:
 - (a) By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, basins, perimeter controls, storm drain inlet protection, etc.) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities;
 - (b) Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities; and
 - (c) The requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.
6. Ensure that all erosion, sediment, and stormwater management controls are properly implemented, maintained, and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness;
7. Minimize the amount of soil exposed and the duration of exposure during construction activity through the use of project phasing, sequence of construction, or other appropriate techniques;
8. Preserve and maintain existing vegetation wherever possible;
9. Provide and maintain a 25-foot buffer zone, 50-foot buffer zone for priority construction sites, or equivalent compliance option, around surface waters as discussed in detail in Part III.B.;
10. 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 the following link:
<http://adem.alabama.gov/programs/water/approvedTMDLs.htm>
11. Minimize the disturbance of steep slopes;
12. Minimize sediment discharges from the site;
13. Control turbidity levels in discharges to meet requirements in Part I.D.;
14. Minimize the generation of dust through the appropriate application of water or other dust suppression techniques;
15. Minimize all stream crossings;
16. Minimize sediment track-out:
 - (a) Use appropriate stabilization techniques at all construction entrances and exits onto paved roads;
 - (b) Restrict vehicle use to properly designated entrances and exits;
 - (c) Implement and maintain additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit; and
 - (d) Sediment that has been tracked-out from the site onto paved roads, sidewalks, or other paved areas outside of the site boundaries should be removed by the end of the same business day and/or normal operating hours. Removal shall be by sweeping, shoveling, or vacuuming the surfaces. The operator is prohibited 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 similarly effective control. Removal by hosing or sweeping tracked out sediment into any water of

the State is prohibited. Fine grains that remain visible (e.g., staining) on the surfaces of offsite streets, other paved areas, and sidewalks after sediment removal practices have been implemented are not a violation of this requirement.

17. Protect storm drain inlets, where applicable:
 - (a) Install storm drain inlet protection measures that remove coarse sediment particles from discharges prior to entry into any storm drain inlet that routes stormwater flow from the site and/or to a water of the State to further prevent sediment discharges; and
 - (b) Storm drain inlet protection measures should not be utilized where flooding of a roadway may occur causing a safety hazard to passing vehicles. Inlet protection measures can be removed in the event of flood conditions.
18. Direct stormwater to vegetated areas to increase sediment removal from runoff and maximize stormwater infiltration, unless infeasible;
19. Minimize soil compaction;
20. Preserve and protect topsoil for use in vegetation establishment;
21. Manage stockpiles or land clearing debris composed, in whole or in part, of sediment and/or soil:
 - (a) Locate the stockpiles outside of any natural buffers established under Part III.B., and away from any stormwater conveyances, storm drain inlets, and areas where stormwater flow is concentrated;
 - (b) Install a sediment barrier along all downgradient areas; and
 - (c) Provide cover or appropriate temporary stabilization for stockpiles that will not be used for 13 days or more.
22. Sediment basins, or detention/retention basins used as a sediment basin during construction shall be installed and stabilized prior to commencement of other construction activities:
 - (a) Locate the sediment basin outside of any water of the State;
 - (b) Design sediment basin to provide minimum sediment storage for 3,600 cubic feet per acre drained. Local ordinance storage requirements may exceed this requirement;
 - (c) Utilize outlet structures that withdraw water captured for sediment control from the surface of the sediment basin or detention/retention basin (i.e., skimmer device);
 - (d) Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and
 - (e) Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure sediment basins or detention/retention basins remain in effective operating condition.
23. Treatment chemicals (e.g., polymers, flocculants, coagulants):
 - (a) Treatment chemicals may only be applied where treated stormwater is directed to a sediment control practice (e.g., sediment basin, perimeter control) that allows for onsite particle settlement before final discharge;
 - (b) Select appropriate treatment chemicals. Chemicals must be appropriately suited to the soil likely to be exposed during construction and present in the discharges being treated (i.e., the expected turbidity, pH, and flow rate of the stormwater flowing into the chemical treatment system or area);
 - (c) Ensure proper chemical storage of all treatment chemicals, such as in leak-proof containers, spill proof pallets, covered storage, or in secondary containment designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means; and
 - (d) Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier. Use treatment chemicals and chemical treatment systems in accordance with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals.
24. Additional Design Requirements
 - (a) Erosion control measures, sediment control measures, and other site construction stormwater management practices must be properly selected based on site-specific conditions and must meet or exceed the technical guidance outlined in the *Alabama Handbook* and the site-specific CBMPP prepared in accordance with Part III.F;
 - (b) Unless specified otherwise by the *Alabama Handbook*, erosion control measures, sediment 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) Construction phasing is recommended on all projects regardless of size as an effective practice for minimizing erosion and limiting sedimentation. The Permittee is encouraged to disturb no more than 25% of total land disturbance at any one time for projects that have less than 100 acres of total land disturbance. For projects with more than 100 acres to be disturbed in total, to not exceed more than 50 acres of disturbance at any one time;
 - (d) The Permittee is encouraged to design the site, the erosion prevention measures, sediment control 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 infrastructure. The Alabama Low Impact Development Handbook for the State of Alabama (LID Handbook) can be found at the following link: <http://adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf>.

B. Buffer Zone or Equivalent Sediment Controls

Buffer zone requirements apply to all waters of the State adjacent to construction sites or contained within their overall project boundary. Buffer zones are not primary sediment control measures and should not be relied on as such. The buffer zone requirement applies to new construction sites, or new additional acreage not previously covered by the initial permit.

1. Buffer Zone Requirements

- (a) Preserve and maintain a 25-foot buffer zone adjacent to all waters of the State at the construction site, to the maximum extent practicable, during construction activities at the site;
- (b) All discharges into a buffer zone should not be channelized and/or concentrated to prevent erosion. All discharges from the area of earth disturbance to the buffer zone must first be treated by erosion and sediment controls on the site. Velocity dissipation devices should be used if necessary to prevent erosion caused by stormwater within the buffer zone;
- (c) All compliance options must be documented in the CBMPP and comply with all requirements. The buffer zone should be indicated on the ESC site plan sheet or series of sheets;
- (d) Compliance options must be maintained throughout the duration of permit coverage;
- (e) All buffer zones should be delineated and clearly marked off with flags, tape, or similar marking device;
- (f) The buffer zone is measured horizontally from the top of the streambank and extends out perpendicular to flow; and
- (g) The buffer zone should meet local requirements, if more restrictive.

2. Extended Buffer Zone Requirements for Priority Construction Sites

- (a) Preserve and maintain a 50-ft buffer zone adjacent to all waters of the State at the priority construction site, to the maximum extent practicable, during construction activities at the site.

3. Compliance Options

- (a) If land disturbances are located outside of the required buffer zone from waters of the State, then compliance with this option has been achieved;
- (b) Provide and maintain the entire undisturbed buffer zone;
- (c) Rehabilitation and enhancement of a buffer is allowed and encouraged, if necessary, for improvement for its effectiveness of protection of the waters of the State;
- (d) Provide and maintain an undisturbed buffer zone that is less than the required buffer zone and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to the required buffer zone;
- (e) Any pre-existing structures (e.g., buildings, parking lots, roadways, utility lines, structures, impervious surfaces) are allowed in the buffer zone; provided the Permittee retains and protects, from disturbance, any additional buffer area contained within the buffer zone but outside the pre-existing structures footprint; and
- (f) If it is infeasible to provide and maintain an undisturbed buffer zone of any size, the Permittee must implement erosion and sediment controls that achieve the sediment load reduction equivalent to the required buffer zone.

4. Exceptions

- (a) If there is no discharge of stormwater to waters of the State through the areas between the construction site and the required buffer zone adjacent to the waters of the State, compliance with Part III.B. is achieved;
- (b) Where no buffer zone exists due to pre-existing development disturbances (e.g., buildings, parking lots, roadways, utility lines, structures, impervious 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 Part III.B., unless portions of the pre-existing development will be removed;
- (c) Where some buffer zone exists but portions of the area within the buffer zone of the waters of the State are occupied by pre-existing development disturbances (e.g., buildings, parking lots, roadways, utility lines, structures, and impervious surfaces), the Permittee is required to comply with the requirements in Part III.B. Only the portion of the buffer zone that contains the footprint of the existing "structure" is exempt from the buffer zone. Activities necessary to maintain uses are allowed provided that no additional vegetation is removed from the buffer zone; and
- (d) For "linear construction projects" the Permittee is not required to comply with the requirements in Part III.B., 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 the buffer zone of the water of the State are limited and/or supplemental erosion and

sediment controls to treat stormwater discharges from earth disturbances within the buffer zone of the waters of the State are provided. It must be documented in the CBMPP as to why compliance with this section is infeasible and describe any buffer width retained and/or supplemental erosion and sediment controls installed.

5. Exemptions

The following disturbances within the buffer zone of a water of the State are exempt from the requirements in Part III.B.1-4.:

- (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

The Permittee should minimize, as feasible, the area disturbed to maintain the natural soil cover for stability. The Permittee must stabilize the exposed bare soil portions of the site:

- 1. Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that minimize erosion from exposed portions of the site.
- 2. 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.
- 3. 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.
- 4. The requirement to initiate temporary or permanent stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for more than thirteen (13) calendar days, or as soon as you know that construction work has permanently ceased. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.
- 5. Both temporary and permanent vegetation shall be completed as provided by the guidance in the *Alabama Handbook*.

D. Construction Dewatering

The Permittee shall minimize the discharge of pollutants from dewatering operations.

- 1. Discharges from dewatering activities, including discharges of groundwater or accumulated stormwater from dewatering of trenches, excavations, foundations, vaults, or other similar points of accumulation, are prohibited, unless managed by appropriate controls or BMPs to address sediment and prevent erosion.
- 2. If feasible, route the dewatering water to an onsite well-vegetated upland area or collection area and allow to evaporate or infiltrate into the soil (and groundwater concerns do not exist), or use for onsite irrigation, dust control or other onsite construction-related purpose.
- 3. Route dewatering water through a sediment control (e.g. sediment trap or basin, pumped water filter bag) to minimize and/or prevent turbid discharges.
- 4. Use stable, erosion resistant surfaces, avoiding steep slopes, to discharge water from dewatering controls, (e.g. clean filter stone, geotextile underlayment, well-vegetated grassy areas), and meet requirements in Part III.A.
- 5. The dewatering discharge shall not cause a visible sheen on the receiving water surface or visible oily deposits on the bottom or the streambank or shoreline of the receiving water.
- 6. Permittees must inspect the dewatering controls and the dewatering discharge as described in Part III.J.4., when the dewatering activity results in an offsite discharge to a water of the State.
- 7. Using a water of the State as part of the treatment area is prohibited.

E. 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. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, concrete washout, washing applicators and/or containers used for stucco, paint, concrete, or other compounds/materials and other wash waters;
 - (a) Direct wash waters to a control such as a lined pit designed to prevent overflows, or alternative control (e.g., sediment trap, filtration device, filter bags, or similar effective controls) that provides equivalent or better treatment prior to discharge;
 - (b) Liquid waste shall not be directly discharged into stormwater inlets, storm sewers, constructed or natural site drainage

features, or receiving waters;

- (c) Washout and cleanout activities should be located as far away as possible from surface waters, buffer zones, stormwater inlets, and conveyances; and
 - (d) For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., plastic sheeting or temporary roofs) to minimize exposure of these detergents to precipitation and to stormwater or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.
2. Provide an effective means of minimizing 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;
- (a) Provide either (1) cover (e.g., plastic sheeting or temporary roofs) to minimize exposure of these detergents to precipitation and to stormwater or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas;
 - (b) Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain construction wastes;
 - (c) Locate waste containers as far away as possible from waters of the State and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach any water of the State;
 - (d) For sanitary waste, position portable toilets so that they are on level ground and are located as far away as possible from waters of the State and stormwater inlets or conveyances; and
 - (e) Comply with all application and disposal requirements included on the fertilizer, pesticide, herbicide, or detergent label.
3. Provide an effective means of minimizing the discharge of pollutants caused by spills and leaks from, including but not limited to, vehicles, mechanical equipment, chemical storage, and refueling activities; and
- (a) Locate activities away from waters of the State and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach any water of the State;
 - (b) Provide secondary containment and cover where appropriate;
 - (c) Ensure adequate supplies are available at all times to manage spills, leaks, and disposal of used liquids. Have a spill kit available on site and ensure personnel are available and trained to respond expeditiously in the event of a leak or spill; and
 - (d) Clean up spills or contaminated surfaces immediately (do not clean contaminated surfaces by hosing the area down) and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

F. Construction Best Management Practices Plan (CBMPP)

- 1. Except as provided by Part II.H.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 NOI and CBMPP must be prepared in accordance with the requirements of this Permit by the QCP prior to commencing construction at a new construction site or prior to continued construction at an existing construction site, or as otherwise required by the Director.
- 3. The Permittee shall properly implement and regularly maintain the controls, practices, devices, and measures specified in the CBMPP.
- 4. The CBMPP shall include a site-specific narrative, topographic map(s), and erosion, sediment and stormwater management control (ESC) plan sheets.
- 5. The CBMPP narrative shall include the following:
 - (a) A general description of the construction site activity, including the function of the construction site activity (e.g., residential subdivision, shopping mall, highway, etc.);
 - (b) Identification of all known operators of the construction site and the areas of the site over which each operator has control;
 - (c) A description of the intended sequence of major activities which disturb soils, including but not limited to, grubbing, excavation, and/or grading. The sequence shall be accomplished in a manner which minimizes the area disturbed at any one time and minimizes the duration that the areas are disturbed;
 - (d) Estimates of the total area expected to be disturbed by grubbing, excavation, and/or grading, including support activities such as offsite borrow and fill areas, vehicle parking, and material storage/staging areas;
 - (e) 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;
 - (i) For engineered controls and practices, site specific dimensions, storage capacity, and drainage calculations are required.
 - (ii) For engineered controls such as sediment basin, federal, state, and local requirements should be followed.

- (f) 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;
 - (g) A detailed description of best management practices (BMPs) needed to minimize and/or reduce discharges of sediment and other pollutants of concern from non-priority construction sites;
 - (h) A detailed description of BMPs needed to prevent or eliminate discharges of sediment and other pollutants of concern from priority construction sites;
 - (i) A description of temporary and permanent stabilization practices, including a schedule and/or sequence for implementation;
 - (j) A description of energy or flow velocity dissipation devices at discharge locations and along the length of any outfall channel;
 - (k) Identification of all allowable sources of non-stormwater discharges listed in Part I.B.2.;
 - (l) A description of the pollution prevention measures used to manage non-stormwater discharges;
 - (m) A description of the BMPs 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;
 - (n) A listing of all treatment chemicals to be used at the site, including Safety Data Sheets (SDS), and the location(s) where these materials will be used;
 - (o) A description of procedures for sweeping or removal and proper disposal or utilization of sediment and other debris that have been tracked from the site or deposited from the site onto streets and other paved surfaces;
 - (p) A description of procedures for removal and proper disposal or utilization 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;
 - (q) Removal and proper disposal or utilization of accumulated sediment that has been trapped by sediment control measures at the site, in accordance with applicable maintenance requirements covered under this Permit; and
 - (r) 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.
6. Topographic map or series of maps (e.g., USGS quadrangle map or LIDAR contour map) at an appropriate contour interval, with list of requirements in Part II.D.1(f).
7. Construction site erosion, sediment and stormwater management control (ESC) plan sheets. Include a legible map, or series of maps, with the list of requirements in Part II. D.I.(g).
- (a) Three separate ESC plan sheets should be developed for most sites, with the exception of residential lots, commercial lots/projects of less than 5 acres, or linear infrastructure projects of less than 5 acres, for which a single plan sheet may be sufficient;
 - (i) The first plan sheet should address the erosion and sediment control measures necessary to manage stormwater runoff, erosion and sediment during the initial land disturbance (grading) phase;
 - (ii) The second plan sheet should address the erosion and sediment control measures necessary to manage stormwater runoff, erosion and sediment during interim grading and construction phases; and
 - (iii) The third plan sheet should address the erosion and sediment control measures necessary to manage stormwater runoff, erosion and sediment during the final, grading phase while permanent/final site stabilization is being achieved.
8. 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 this Permit, implementation shall be completed as soon as possible, but not to exceed five (5) days of the observation or site inspection unless prevented by unsafe weather conditions. If adverse weather conditions are present, they should be documented as described in Part III.J.5. 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; and

- (d) A copy of the CBMPP shall be maintained at the site during normal operating hours when regulated land disturbing activities are occurring.

G. Spill Prevention, Control, and Management

1. 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;
2. The Permittee shall 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;
 - (a) The SPCC Plan(s) shall be maintained as a separate document or as part of the CBMPP Plan required in Part III.E. above;
 - (b) 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;
 - (c) The Permittee shall maintain onsite or have readily available sufficient oil & grease absorbing material and flotation booms to contain and clean-up fuel or chemical spills and leaks; and
 - (d) 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.
3. Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part I.D.
 - (a) Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302 occurs during a 24-hour period, the National Response Center (NRC) must be notified at (800) 424-8802, in accordance with the requirements of 40 CFR 110, 40 CFR 117, or 40 CFR 302 as soon as the Permittee has knowledge of the release; and
 - (b) Within five (5) calendar days of knowledge of the release, the Permittee must provide a description of the release, the circumstances leading to the release, and the date of the release.

H. ADEM Qualified Credentialed Inspector Program (QCIP)

The ADEM Qualified Credentialed Inspector Program (QCIP) is a voluntary program. The QCIP has been established to provide a flexible alternative to the Permittee where the Permittee finds use of a QCI advantageous.

1. A permittee, operator, and/or owner can utilize other available options and can fully comply with ADEM rules and regulations without having a QCI employee.
2. The QCIP must include 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 erosion controls and sediment controls designed and certified by a QCP and detailed in a site-specific 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. The ADEM-approved Training Provider (TP) must provide an initial training course and a refresher training course.
 - (a) Appropriate curricula, course content, course length, and participant testing that shall be subject to acceptance by the Department prior to use and applied according to guidelines provided by the Department in the form of QCIP Training Provider Recognition Information.

I. Qualified Credentialed Inspector (QCI)

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 course and subsequent refresher training course, as required, through an ADEM-approved QCIP conducted by an ADEM-approved Training Provider (TP);

2. Each individual holding a QCI Certification need not be onsite continuously, and they may conduct site inspections at multiple sites permitted by them or their employer;
3. Each individual holding QCI certification shall obtain satisfactory completion of refresher 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, as required by the QCIP requirements.

J. Inspection Requirements

1. Pre-Construction Inspection
 - (a) A pre-construction site inspection shall be conducted prior to the placement of any BMPs, or the commencement of land disturbing activities.
 - (b) Pre-construction site inspection shall consist of a complete and comprehensive inspection of the entire proposed construction site including all proposed areas of land disturbance, proposed areas used for storage of materials that may be exposed to precipitation, affected ditches, and other stormwater conveyances, as well as all proposed outfalls, receiving waters and stream banks to determine if there are pre-existing areas of concern;
 - (c) Pre-construction inspections shall be conducted by the QCP, or by a qualified person under the direct supervision of a QCP;
 - (d) The inspection shall be documented and made available to the Department upon request;
 - (e) Pre-construction inspection shall include dated electronic photographic documentation of all areas described in paragraph (b) above; and
 - (f) The Permittee shall maintain record of the pre-construction site inspection pursuant to Part IV.K.
2. Daily Observations
 - (a) Each day there is activity at the site, the Permittee shall visually observe that portion of the construction project where active disturbance, work, or construction occurred to note any rainfall measurements occurring since the previous observation and any apparent BMP deficiencies in the area of active disturbance;
 - (b) Such daily observations may be performed by appropriate site personnel; and
 - (c) The Permittee shall maintain a log of all daily observations and record in such log any rainfall measurements and BMP deficiencies observed.
3. Site Inspections
 - (a) Site inspections shall be performed by a QCI, QCP, or a qualified person under the direct supervision of a QCP;
 - (b) 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 CBMPP, and the *Alabama Handbook*;
 - (ii) Pollutant discharges are being prevented/minimized; 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.
 - (c) For non-linear projects, a site inspection shall be performed once each month and after any qualifying precipitation event since the last inspection, 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, a site inspection shall be performed at least once a month and after any qualifying precipitation event since the last inspection, commencing 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, on areas of active construction and/or where perennial vegetation has not been fully established, or meeting the definition of final stabilization;
 - (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 daily 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 report shall include:
 - (i) The site name and location, date and entry/exit time, outfall identification(s), date, time, and exact place of any turbidity sampling performed;
 - (ii) The name(s) of person(s) who performed the inspection and/or obtained any turbidity samples or measurements;
 - (iii) The analytical results of any samples or measurements performed;
 - (iv) A description of any sampling and analytical techniques or methods used, including source of method and method number;
 - (v) Weather conditions at the time of the inspection;
 - (vi) Description of any discharges of sediment or other pollutants from the site;
 - (vii) Locations of discharges of sediment or other pollutants from the site;
 - (viii) Locations of BMPs that need repair, replacement and/or maintenance;
 - (ix) Locations of BMPs that failed to operate as designed;
 - (x) Locations where BMPs required by the CBMPP are not installed or installed in a manner inconsistent with the CBMPP;
 - (xi) 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; and
 - (xii) Dated electronic photographic documentation of the site, with particular attention to outfalls, areas of concern related to poorly functioning erosion controls, or sediment controls, or non-compliant discharges, or any other deficiencies observed.
- (h) Results of all required inspections shall be available for inspection no later than 15 days following the date of the inspection, monitoring, or sampling;
- (i) Inspection reports shall be legible and bear an original signature or in the case of electronic reports, an electronic signature; and
- (j) Inspection reports shall be signed by the Permittee and by a QCI, QCP, or a qualified person under the direct supervision of a QCP.

4. Dewatering Inspections

- (a) Dewatering inspections shall be performed by a QCI, QCP, or a qualified person under the direct supervision of a QCP;
- (b) Dewatering inspections are only required if the dewatering activity results in an offsite discharge. If the dewatering discharge is routed to an onsite collection area or allowed to evaporate or infiltrate into the soil (and groundwater concerns do not exist), or is used onsite for irrigation, dust control or other onsite construction-related purpose, then an inspection is not required;
- (c) For dewatering activities that are anticipated to occur for no more than 5 (five) calendar days in a calendar month, whether intermittent or continuous, an inspection shall be conducted each day a dewatering discharge occurs. The person conducting the inspection shall visually inspect the discharge, any constructed or natural drainage features, receiving waters, storm drain inlets and/or any other conveyances to receiving waters at least once each day discharge is occurring;
- (d) For continuous dewatering activities that are anticipated to exceed 5 (five) calendar days in a calendar month, the person conducting the inspection shall visually inspect the discharge daily. When the inspections document no indications of pollutant discharges for 5 (five) consecutive days, inspection frequency may be reduced to bi-weekly with a minimum of 36 hours between inspections.
- (e) After inspection, complete any necessary maintenance repairs;
- (f) In the event of indications of pollutant discharges are observed, corrective actions must be implemented as required in Part III.K.; and
- (g) The following shall be recorded in an inspection report within 3 days of completing the inspection:
 - (i) The name(s) of person(s) who performed the inspection and/or obtained any turbidity samples or measurements;
 - (ii) Inspection date and time;
 - (iii) Approximate times that the dewatering discharge began and ended on the day of the inspection;
 - (iv) Estimates of the rate (in gallons per day) of discharge on the day of inspection;
 - (v) Permitted outfall where discharge was routed; and
 - (vi) Visual observations of the discharge as to whether or not any indications of pollutant discharge were observed at the

point of discharge (e.g. sheen on the water surface, foam, noticeable odor, floating solids, suspended sediment, or other obvious indicators of stormwater pollution).

5. Adverse Weather Conditions

- (a) Adverse weather conditions are conditions that are dangerous to personnel (e.g. high winds, excessive lightening) or conditions that prohibit access to the site (e.g. flooding, freezing conditions).
- (b) Requirements for inspections may be temporarily suspended for adverse weather conditions. Adverse weather conditions that result in the temporary suspension of a permit requirement to inspect must be documented, to include:
 - (i) Name of inspector;
 - (ii) Date and time of the adverse weather condition; and
 - (iii) Description of the nature of the adverse weather condition.
- (c) In the event of adverse weather conditions which prohibit access to the site for inspection, inspections must be conducted as soon as access is practicable.

6. 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 three (3) months for a priority construction site or once every six (6) months for non-priority construction site;
- (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.F.5; and
- (d) The Permittee shall maintain appropriate documentation of the CBMPP evaluation.

7. Reference Table for inspections:

	Conduct Pre-Construction Inspection	Conduct Daily Observations	Conduct Monthly Inspections	Conduct Rain Event Inspections	Conduct Dewatering Inspections	Conduct 6-Month CBMPP (3-Month if Priority) Evaluation Inspection	Sign the Self-Reported Inspection Report (SRIR)
Permittee 1		✓					✓
QCI		✓	✓	✓	✓		✓
QCP	✓	✓	✓	✓	✓	✓	✓
Qualified Person under the direct supervision of a QCP	✓	✓	✓	✓	✓	✓	✓

1. The Permittee cannot sign the SRIR as having conducted a required inspection unless the Permittee is a QCI or QCP. The signature of the Permittee on the SRIR is a requirement on the form as the Responsible Official.

K. Corrective Action

- 1. Any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during daily observations, site inspections required under Part III.J, shall be corrected as soon as possible, but not to exceed five (5) days of the observation or site inspection unless prevented by unsafe weather conditions. If adverse weather conditions are present, they should be documented as described in Part III.J.5.
- 2. In the event of a breach of a sediment basin/pond or 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 notify the Department;
- 3. In the event of indicators of pollutant discharges observed during a dewatering inspection, immediately cease the dewatering discharge until:
 - (a) Determination whether the dewatering controls are operating effectively and/or whether the controls are causing the conditions; and
 - (b) Make any necessary adjustment, repairs, or replacement to the dewatering controls to minimize the discharge of pollutants

from dewatering operations.

4. 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.

L. Suspension and Resumption of Monitoring

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

1. The Permittee submits a Request for Suspension of Monitoring electronically via AEPACS at least ten (10) 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 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 confirmation purposes.
4. The Permittee should submit a Notification of Resumption of Monitoring electronically via AEPACS at least five (5) 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.

M. Precipitation Measurement

1. The Permittee shall measure and record all precipitation occurring at the construction site (including rainfall and snowfall). Precipitation measurements must be representative of the Permittee's site. Records shall be maintained and available for inspection.
2. Precipitation measurements should be read and recorded during normal operating hours, even if no precipitation occurs. To facilitate determination of a qualifying precipitation event, the measuring device or method should have a scale that is readable to 0.5 inches or smaller unit.
3. Recording of rainfall outside of normal operating hours may be read and recorded on the next business day and noted as "accumulated." If the outside of normal operating hours accumulation is greater than 0.75 inches, a qualifying rainfall event inspection must occur regardless of whether that accumulation occurred over 24 hours, as described in Part III.J.
4. Precipitation measurements shall be taken using one or more of the following:
 - (a) Continuous recorders;
 - (b) Daily readings of an onsite rain gauge;
 - (c) Daily readings of an offsite precipitation gauge located adjacent to or in close proximity (for non-linear projects a maximum one (1) mile distance) to the facility; or
 - (d) Other measurement devices such as online resources (e.g. NOAA) are acceptable if all requirements in this Part are met.

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

1. Permittees discharging from construction sites into waters included on the latest EPA Approved §303(d) list or designated by the Department as impaired.
 - (a) The Permittee must determine whether the discharge from any part of the construction site contributes directly or indirectly to a waterbody that is included on the latest EPA-approved §303(d) list or designated by the Department as impaired.
 - (b) If the construction site discharges either directly or indirectly to a waterbody included on the latest EPA-approved §303(d) list or designated by the Department as impaired, then the CBMPP must detail the BMPs that are being utilized to control discharges of pollutants of concern associated with the impairment of the waterbody.
 - (c) The Permittee must demonstrate the discharges, as controlled by the Permittee, and in conjunction with the implementation of the CBMPP, do not cause or contribute to the impairment of the waterbody.
 - (d) If during this Permit cycle a new EPA-approved §303(d) list is published, or Department designation, includes any waterbody into which the construction site discharges, the Permittee and QCP must review the CBMPP and the site to determine if existing BMPs are sufficient and discharges do not cause or contribute to the impairment of the waterbody.
 - (e) If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within sixty (60) days following the publication of the latest final §303(d) list, Department designation, or the effective date of this Permit, submit a revised CBMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within ninety (90) days, unless an alternate date is approved by the Department, from the publication of the latest final §303(d) list or Department designation.

2. Permittees discharging from construction sites into waters with EPA-approved TMDLs and/or EPA-established TMDLs.
 - (a) The Permittee must determine whether its construction site discharges to a waterbody for which a TMDL has been established or approved by EPA.
 - (b) If a construction site discharges into a water body with an EPA-approved or EPA-established TMDL, then the CBMPP must include BMPs targeted to control the discharges of pollutants of concern and to meet the assumptions and requirements of the TMDL. If additional BMPs will be necessary to meet the requirements of the TMDL, the CBMPP must include a schedule for installation and/or implementation of such BMPs.
 - (c) If, during this Permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which a construction site discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the construction site.
 - (d) If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The CBMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL.
 - (e) If existing BMPs are not sufficient, the Permittee must, within sixty (60) days following the approval or establishment of the TMDL by EPA, submit a revised CBMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within ninety (90) days, unless an alternate date is approved by the Department, from the establishment or approval of the TMDL by EPA.

PART IV: Standard and General Permit Conditions

A. Duty to Comply

1. The Permittee must comply with all terms and conditions of this Permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for: enforcement action, termination, or suspension of coverage under this Permit; denial of an NOI for renewal; a requirement that the Permittee submit an application for an individual NPDES permit.
2. For any violation(s) of this Permit, the Permittee may be subject to a civil penalty as authorized by the AWPCA, the FWPCA, and Code of Alabama 1975, §§22-22A-1 et. seq., as amended, and/or a criminal penalty as authorized by Code of Alabama 1975, §22-22-1 et. seq., as amended.
3. The discharge of a pollutant from a source not specifically identified in the NOI to be covered under this Permit and not specifically included in the description of an outfall (where applicable) in this Permit is not authorized and shall constitute noncompliance with this Permit.
4. Nothing in this Permit shall be construed to preclude or negate the Permittee's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals.

B. Duty to Reapply

1. Refer to Part II.A.

C. Need to Halt or Reduce Activity Not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

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

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

1. During the term of this General Permit the Director may, for cause, and subject to the public notice procedure of ADEM Administrative Code r. 335-6-6-.21, modify or revoke and reissue this General Permit. The causes for this action include the causes listed below:
 - (a) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
 - (b) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;
 - (c) Upon failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;
 - (d) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the discharge under 40 CFR 125.3(c)(1994);
 - (e) To correct technical mistakes, such as errors in calculations, or mistaken interpretations of the law made in determining permit conditions;
 - (f) When the permit limitations are found not to be protective of water quality standards; or
 - (g) For any applicable cause set forth in 40 CFR Sections 122.61, 122.62, 122.63, and 122.64 (1994).
2. Subject to the public notice procedures of rule 335-6-6-.21, the Director may terminate this General Permit during its term for any of the causes for modification listed in ADEM Admin Code r. 335-6-6-.23(7)(a).
3. The Director may terminate coverage of a discharge under this General Permit for cause. Cause shall include, but not be limited to, noncompliance with Department rules or a finding that the General Permit does not control the discharge sufficiently to protect water quality or comply with treatment-based limits applicable to the discharge.

4. Any person may petition the Director for withdrawal of this General Permit authority from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.

G. Property Rights

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, State, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the State or of the United States.

H. Duty to Provide and Update 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 issuing, modifying, revoking and reissuing, 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 via AEPACS 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.
4. All information and/or documents required to be submitted to the Department by this Permit shall be submitted via the AEPACS, which can be accessed at the following link: <http://adem.alabama.gov/AEPACS>, or delivered to the following address: Alabama Department of Environmental Management Water Division, Stormwater Management Branch, Post Office Box 301463, Montgomery, Alabama 36130-1463, or 1400 Coliseum Boulevard, 36110-2400, Montgomery, Alabama.

I. Right of Entry and Inspection

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.

J. Noncompliance Notification

1. The Permittee must notify the Department if, for any reason, the Permittee's discharge:
 - (a) Potentially threatens human health or welfare;
 - (b) Threatens fish or aquatic life;
 - (c) Causes an in-stream water quality criterion as stated in ADEM. Admin. Code Ch. 335-6-10 to be exceeded;
 - (d) Does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. §1317(a); or
 - (e) Contains a quantity of a hazardous substance which has been determined may be harmful to the public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. §1321(b)(4).
2. The Permittee shall orally report the occurrences, describing the circumstances and potential effects of such discharge to the Director no later than 24-hours after the Permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the Permittee shall submit to the Director via AEPACS, a written report as provided in Part IV.J.3 below, no later than five (5) days after becoming aware of the occurrence of such discharge.
3. The written report 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 period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
- (c) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

K. 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 this 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 upon request.

L. 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.

M. Transfers

This Permit may not be transferred without notice to the Director and subsequent modification or revocation and reissuance of this Permit. In the case of a change in name, ownership, or control of the Permittee's premises, the Permittee must submit a request for modification electronically, using the Department's AEPACS at <http://adem.alabama.gov/AEPACS> within fifteen (15) days of the change occurring.

N. 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).

O. Upset

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

P. 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.

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. Request for Individual Permit by General Permit Holder

1. Any person covered by this General Permit may apply for termination of coverage by applying for an individual NPDES permit.
2. A permit application submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in accordance with the rules found in ADEM Admin. Code Ch. 335-6-6 applicable to individual permits.

S. Termination of Coverage

1. Voluntary Notice of Termination – Initiated by Permittee

The Permittee must submit a Notice of Termination (NOT) request electronically, using the Department's AEPACS at <http://adem.alabama.gov/AEPACS>, within thirty (30) days of one of the following conditions:

- (a) Final stabilization as defined in Part V 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.

2. Content of the Voluntary Notice of Termination

- (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, all temporary BMPs have been removed 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.
 - (i) Loss of operational control does not relieve the operator from liability and responsibility for compliance with the provisions of this Permit until the complete and correct request for termination is received by the Department.
 - (ii) Sale or transfer of operational responsibility for the site by the operator prior to the succeeding operator obtaining permit coverage required by this chapter does not relieve the operator from the responsibility to comply with the requirements of this Permit.

T. 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 be legible and display the name of the Permittee, "ADEM NPDES ALR10" followed by the four-digit NPDES permit number, facility or project name, and other descriptive information deemed appropriate by the Permittee.

U. Schedule of Compliance

The Permittee shall achieve compliance with the requirements of this Permit on the effective date of coverage under this Permit.

V. Discharge of Wastewater Generated by Others

The discharge of wastewater generated by any process, facility, or by any other means not under the operational control of the Permittee or not identified in the application for this Permit or not identified specifically in the description of an outfall in this Permit is not authorized by this Permit except as allowed by Part I.

W. Compliance with Water Quality Standards and Other Provisions

- 1. On the basis of the Permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this Permit will assure compliance with applicable water quality standards. However, this Permit does not relieve the Permittee from compliance with applicable State water quality standards established in ADEM Admin. Code Ch. 335-6-10, and does not preclude the Department from taking action as appropriate to address the potential for contravention of applicable State water quality standards which could result from discharges of pollutants from the permitted facility.
- 2. Compliance with Permit terms and conditions notwithstanding, if the Permittee's discharge(s) cause(s) or contribute(s) to a condition in contravention of State water quality standards, the Department may require abatement action to be taken by the Permittee, modify the Permit pursuant to the Department's rules and regulations, or both.
- 3. If the Department determines, on the basis of any investigation, inspection, or sampling, that a modification of this Permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification and, in cases of emergency, the Director may prohibit the noticed act until the Permit has been modified.

X. Civil and Criminal Liability

- 1. **Tampering:** Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under this Permit shall, upon conviction, be subject to penalties and/or imprisonment as provided by the AWPCA and/or the AEMA.
- 2. **False Statements:** Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished as provided by applicable State and federal law.
- 3. **Permit Enforcement:** This NPDES Permit is a Permit for the purpose of the AWPCA, the AEMA, and the FWPCA, and as such all terms, conditions, or limitations of this Permit are enforceable under State and federal law.
- 4. **Relief From Liability:** Except as provided in Part IV.N. (Bypass) and Part IV.O. (Upset), nothing in this Permit shall be construed to relieve the Permittee of civil or criminal liability under the AWPCA, AEMA, or FWPCA for noncompliance with any term or condition of this Permit.

Y. Oil and Hazardous Substance Liability

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Section 311 of the FWPCA, 33 U.S.C. §1321.

Z. Availability of Reports

Except for data determined to be confidential under Code of Alabama 1975, §22-22-9(c), all reports prepared and submitted in accordance with the terms of this Permit shall be available for public inspection at the offices of the Department or the Department's electronic filing system (eFile) at <http://app.adem.alabama.gov/eFile/>. Effluent data shall not be considered confidential. Knowingly making any false statement in any such report may result in the imposition of criminal penalties as provided for in Section 309 of the FWPCA, 33 U.S.C. §1319, and Code of Alabama 1975, §22-22-14.

AA. Coastal Zone Management for Baldwin and Mobile Counties

1. Except for those activities described in Part IV.AA.2 below, this Permit is conditionally consistent with the Alabama Coastal Area Management Plan (ACAMP) upon continued compliance with the ACAMP.
2. The Permittee shall obtain, as appropriate, a coastal permit or coastal consistency determination from the Department if any activity constitutes a use as described in ADEM Admin. Code r. 335-8-1-.08, 335-8-1-.09, 335-8-1-.10 or 335-8-1-.11.

BB. Removed Substances

Solids, sludges, or any other pollutants or other wastes removed in the course of treatment or control of stormwater shall be disposed of in a manner that complies with all applicable Department rules and regulations.

CC. Compliance with Statutes and Rules

1. This Permit has been issued under ADEM Admin. Code Ch. 335-6-6. All provisions of this chapter, that are applicable to this Permit, are hereby made a part of this Permit.
2. This Permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

PART V: Definitions

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.

24-hour precipitation event means that amount of precipitation which occurs within any 24-hour period.

ADEM means the Alabama Department of Environmental Management.

AEMA means the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1, et seq.

Agricultural practices means practices commensurate with the size of the farming operation that are implemented in a manner that meet or exceed Natural Resources Conservation Service technical standards and guidelines, including but not limited to, farm ponds that are constructed for the primary purpose of irrigation and/or watering of livestock, terraces, grassed waterways, vegetative filter strips, cropland grade stabilization measures, drainage tiles, underground outlets, land leveling, dike/diversion structures, and other grade stabilization structures.

Alabama Handbook means the current edition of the *Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas*, published by the Alabama Soil and Water Conservation Committee (ASWCC) at the time permit coverage is obtained. The *Alabama Handbook* is often referred to as The Blue Book.

AWPCA means the Alabama Water Pollution Control Act.

Best Management Practices or BMPs means implementation and continued maintenance of appropriate structural and non-structural practices and management strategies to prevent and minimize the introduction of pollutants to stormwater and to treat stormwater to remove pollutants prior to discharge.

Borrow area or "Pit" means the activity of removing material (soil, gravel, sand) from one area to use in another area. For the purposes of this Permit, this activity is solely in conjunction with the project requesting permit coverage and the material is not to be sold for profit. The borrow area and associated activity shall be located within a two-mile radius of the project requesting permit coverage to be considered as part of the project and will open and close with the project requesting permit coverage.

Buffer zone means a strip of dense undisturbed perennial vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, and wetlands. Where feasible, native vegetation is preferred. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Natural buffers help stabilize streambanks and therefore are important in minimizing production of sediment from bank erosion. The importance increases in relation to the size of the stream. Buffer zones are most effective when stormwater runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Sediment removal is most often achieved with a grass filter strip as part of the riparian buffer. Flow through the grass filter must be uniform (laminar) and not concentrated.

Chronic and catastrophic precipitation means precipitation events which may result in failure of the properly designed, located, implemented, and maintained BMPs or other structure/practices required by this Permit. Catastrophic precipitation conditions mean any single event of significant total volume, or of increased intensity and shortened duration, that exceeds normally expected or predicted precipitation over the time period that the disturbance is planned or is ongoing, as determined by the Department. Catastrophic conditions could also include tornadoes, hurricanes, or other climatic conditions which could cause failure due to winds or mechanical damage. Chronic precipitation is also that series of wet-weather conditions over a limited time-period which does not provide any opportunity for emergency maintenance, reinstallation, and corrective actions and which equals or exceeds the volume of normally expected or predicted precipitation for the time period that the disturbance is planned or is ongoing.

Common plan of development or sale means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "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.

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, excavation, harvesting of timber or tree removal, grubbing, removal of existing buildings, dewatering, and geological testing. For the purposes of this Permit, any activity related to mining operations is excluded.

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. For the purposes of this Permit, construction activity does not include mining operations, agricultural and silvicultural practices. However, construction activity does include the construction of agricultural buildings.

Construction Best Management Practices Plan (CBMPP) means any research, planning considerations, systems, procedures, processes, activities, and practices implemented for the prevention and/or minimization of pollutants in stormwater to the maximum extent practicable, and collection, storage, treatment, handling, transport, distribution, land application, or disposal of construction stormwater and onsite management of construction waste generated by the construction activity, and to comply with the requirements of this Permit. The CBMPP shall be prepared and certified, and when necessary updated by a qualified credentialed professional (QCP) in accordance with the requirements of this Permit.

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.

Construction support activity means a construction-related activity that specifically supports the construction activity solely related to the construction site covered under this Permit and involves earth disturbance or pollutant-generating activities of its own, and may include activities including but not limited to equipment staging yards, materials storage areas, excavated material disposal areas, and temporary borrow areas.

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.

Control measure means any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.

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.

Department means the Alabama Department of Environmental Management or an authorized representative.

Dewatering means the act of draining accumulated stormwater and/or groundwater from building foundations, vaults, and trenches, or other similar points of accumulation.

Director means the Director of the Department or his designee.

Discharge means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other waste into waters of the State." Code of Alabama 1975, §22-22-1(b)(8).

EPA refers to the U.S. Environmental Protection Agency.

Ephemeral stream means a stream or portion of a stream which flows briefly in direct response to precipitation in the immediate vicinity and whose channel is at all times above the ground-water reservoir.

Facility see the definition for construction site

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; and/or an agricultural or a perennial crop of vegetation appropriate for the region and accomplished according to the Alabama Handbook. Final stabilization applies to each phase of construction.

FWPCA means the Federal Water Pollution Control Act

Green infrastructure means 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.

Hazardous substances or toxic substances for the purpose of this Permit means any liquid, solid or contained gas that contain or maintain properties that are dangerous or potentially harmful to human health or the environment.

Intermittent stream means a stream where portions flow continuously only at certain times of the year. At low flow there may be dry segments alternating with flowing segments.

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.

Low Impact Development or LID is an approach to the maintenance of predevelopment hydrology in land development (or redevelopment) 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.

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.

Mining operations shall mean all or any part of the process of recovering coal, lignite, iron, clay, sand, bauxite, gravel, ores, gold, marble or any other material or mineral by removal of such mineral from the surface or by removal or displacement of the strata or material which overlies such mineral deposits in its natural condition, and shall include but not be limited to the open-pit or open-cut method, the auger method, and the highwall mining method. For the purposes of this Permit, mining operations are commercial operations that do not meet the definition of a construction support activity. Additionally, this Permit does not cover pre-mining construction and land preparation, including but not limited to, clearing, grubbing, testing, and advanced prospecting in advance of mining activity/operations.

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.

National Pollutant Discharge Elimination System "NPDES" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits for the discharge of pollutants into waters of the State.

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.

New construction site means any initial construction or construction activity covered under this Permit where the disturbance begins after the effective date of this Permit. This includes subsequent phases of a previously permitted development.

Non-stormwater discharges means discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

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.

NOI means Notice of Intent.

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.

Outfall means the location where stormwater in a discernible, confined and discrete conveyance leaves a facility or construction site prior to discharging into the receiving water.

Perennial stream means a stream or portion of a stream that flows year-round, is considered a permanent stream, and for which base flow is maintained by ground-water discharge to the streambed due to the ground-water elevation adjacent to the stream typically being higher than the elevation of the streambed.

Permittee means a person to whom a permit has been issued.

Phasing means to schedule or sequence construction activities so as to concentrate work in certain areas to minimize the amount of soil that is exposed at one time

Plan or Sale as included in the phrase "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.

Pollutant(s) of concern for the purposes of this Permit, refers to sediment, siltation, turbidity, and any other pollutant known or reasonably expected to be found in untreated discharges associated with the construction site.

Post-construction means 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.

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.

Qualified Credentialed Inspector or QCI means a Permittee, or Permittee employee, who has successfully completed initial training and required refresher Qualified Credentialed Inspection Program (QCIP) training, and holds a valid certification from a Department approved cooperating training entity. A QCI 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.

Qualified Credentialed Inspector Program or QCIP means a Department approved program conducted by a cooperating training entity. Approved programs provide training in the requirements of the Alabama NPDES rules and regulations to ensure that QCP designed and certified BMPs detailed in a CBMPP are effectively implemented and maintained, and evaluation of conveyance structures, receiving waters and adjacent impacted offsite areas to ensure the protection of water quality and compliance with the requirements of this Permit.

Qualified Credentialed Professional or QCP means a qualified erosion control specialist such as licensed (in the State of Alabama) professional engineer (PE) with appropriate training in erosion and sediment control, a Certified Professional in Erosion and Sediment Control (CPESC) as determined by EnviroCert International, or a Certified Designer of Sediment and Erosion Control (CDSEC) as determined by Ecopliant Environmental Inc. Other registered or certified professionals eligible to be classified as a QCP, with appropriate training in erosion and sediment control, include Alabama registered landscape architect, Alabama licensed land surveyor, Alabama registered geologist, Alabama 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 the Soil Science Society of America, and any other Department accepted and/or recognized professional designation or certification. The QCP shall have relevant experience and continuing education, that enable the recognized individual to prepare CBMPPs, to make sound professional judgements regarding Alabama NPDES rules, know the requirements of this Permit, and are trained and experienced in planning, design, implementation, maintenance, and inspection of construction sites, and receiving waters. The QCP shall be familiar with the use of soil loss prediction models and design of erosion and sediment control plans based on these models or equivalent soil loss prediction tools, are familiar with remediation/cleanup of accumulated offsite pollutants from regulated sites, and reclamation or effective stormwater quality remediation of construction associated land disturbances. The QCP shall be in good standing with the authority granting the registration, certification 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.

A qualified person under the direct supervision of a QCP means 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. This individual is 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.

Qualifying precipitation event means any precipitation of 0.75 inches or greater in any 24-hour period.

Receiving stream means the "waters" receiving a "discharge" from a construction site.

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.

Silvicultural operations:

Non-point source silvicultural activities means activities such as nursery operations, site preparation, reforestations, and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff.

Point source silvicultural activities means any discernable, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in conjunction with silvicultural activities and from which pollutants are discharged into waters of the State. Silvicultural point sources, excluding mining operations regulated pursuant to ADEM Administrative Code rule 335-6-9; 40 CFR Part 122.27 (1994).

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. See also the definition of Construction Site.

Stand-alone project means land disturbing activities that are not part of a linear project or a common development or sale.

State water quality standards means numeric and narrative standards set forth at ADEM Admin Code chaps. 335-6-10 and 335-6-11.

Steep slope means a slope of 15% or greater.

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.

Stormwater control means any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the State.

Surface water means a water of the State of Alabama as defined in ADEM Admin. Code R. 335-6-10-.02.

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.

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 waste load allocations (WLAs) and load allocations (LAs) for any given pollutant.

Toxic substances— see Hazardous Substances

Treatment chemicals means polymers, coagulants, flocculants, or other chemicals used to reduce turbidity in stormwater. For the purposes of this Permit, treatment chemicals are used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM) and chitosan.

Treatment facility and treatment system means all structures which contain, convey, and as necessary, chemically or physically treat stormwater. This includes all pipes, channels, ponds, tanks, and all other equipment serving such structures.

TSS means the pollutant parameter Total Suspended Solids.

Turbidity means a condition of water quality characterized by the presence of suspended solids and/or organic material. Sources of turbidity include soil erosion, waste discharge, urban runoff, eroding streambanks, and excessive algal growth.

Uncontaminated discharge in the context of authorized non-stormwater discharges, means a discharge that meets applicable water quality standards.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation. For purposes of this definition, Chronic and Catastrophic Precipitation constitutes an exceptional incident.

Waters of the State means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership, or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, §22-22-1(b)(2). "Waters" include all "navigable waters" as defined in §502(7) of the FWPCA, 33 U.S.C. §1362(7), which are within the State of Alabama.

Week means the period beginning at twelve midnight Saturday and ending at 11:59 pm the following Friday.

**NPDES GENERAL PERMIT RATIONALE
CONSTRUCTION GENERAL PERMIT
NPDES PERMIT NO. ALR100000**

DATE November 3, 2025

PREPARED BY: Shelane P. Bergquist

PERMIT IS A REISSUANCE DUE TO EXPIRATION

PERMIT DISCHARGER

This permit is intended to cover 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.

GEOGRAPHIC AREA COVERED

State of Alabama

RECEIVING WATERS

All Waters of the State of Alabama

PERMIT PROCEDURES

This draft Permit has been developed in accordance with all applicable procedures of ADEM Admin. Code r. 335-6-6.

DISCUSSION

The Department is proposing to reissue NPDES General Permit ALR100000. This permit is intended to cover 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.

This permit requires that each Permittee have a site specific Construction Best Management Practices Plan (CBMPP) developed, designed, and implemented, to minimize the discharge of pollutants to protect water quality and to satisfy the appropriate water quality requirements of the ADEM Rules and Regulations and the Clean Water Act. For construction sites that will discharge to a waterbody which is listed on the most recent EPA approved 303(d) list of impaired waters for a pollutant of concern, a waterbody for which a TMDL has been finalized or approved by EPA for a pollutant of concern, a waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code r. 335-6-10-.09, or a waterbody assigned a special designation in accordance with ADEM Admin. Code r. 335-6-10-.10., the site specific CBMPP must be submitted to the Department for review.

The permit requirements have been developed to assure that permitted discharges should not cause or contribute to a violation of applicable instream State water quality standards for the receiving water(s). Full compliance with the permit terms and conditions is expected to be protective of instream water quality and ensure consistency with applicable instream State water quality standards for the receiving stream(s).

Pursuant to ADEM Admin. Code r. 335-6-6-.12(r) and Part III.G., of this permit, the Permittee is required to design and implement a Spill Prevention Control and Countermeasures (SPCC) plan for all stored chemicals, fuels and/or stored pollutants that have the potential to discharge to a water of the State. This plan must meet the minimum engineering requirements as defined in 40 CFR Part 112 and must provide for secondary containment adequate to control a potential spill.

The facility otherwise eligible for coverage, or currently covered, under this Permit must determine whether its discharge(s) contributes directly or indirectly to a waterbody that is included on the current §303(d) list or otherwise designated by the Department as impaired or is included in an EPA approved or EPA finalized

or approved total maximum daily load (TMDL) for a pollutant of concern. If the facility has discharges meeting either of these criterion, it must demonstrate that the discharges, as controlled by the Permittee, do not cause or contribute to the impairment. If existing Best Management Practices (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, submit a revised CBMPP detailing new or modified BMPs. The CBMPP must be revised as directed by the Department and the new or modified BMPs must be implemented within ninety (90) days, unless an alternate date is approved by the Department, from the publication of the latest final §303(d) list.

The Permittee must determine whether its discharges to a waterbody for which a TMDL has been finalized or approved by EPA. If a TMDL is approved during this permit cycle by EPA or a TMDL is finalized by EPA for any waterbody into which the site discharges, the Permittee must review the applicable TMDL to see if it includes applicable requirements for the site. If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the allocations are being met through implementation of existing BMPs or if additional BMPs are necessary. Any such determination must be reviewed and approved by the Department. If it is determined that existing BMPs are not effectively meeting the TMDL allocations, then, within sixty (60) days following the approval or establishment of the TMDL by EPA, the Permittee must submit a revised CBMPP that includes BMPs specifically targeted to achieve the TMDL allocations. The CBMPP must be revised as directed by the Department and any new or modified BMPs must be implemented within ninety (90) days, unless an alternate date is approved by the Department, from the establishment or approval of the TMDL by EPA.

Coverage under this general permit will be initiated by submitting a Notice of Intent (NOI) for any operator conducting the activities covered by this permit.

PERMIT CHANGES

This draft general permit renewal contains the same basic framework of requirements as the current permit. However, some language in this draft general permit renewal has been revised in order to clarify permit requirements, by streamlining and simplifying language throughout the permit to present the requirements in a generally more clear and readable manner. This structure should enhance operators' understanding of and compliance with the permit's requirements. Although not inclusive of all changes proposed to the permit, the following list contains notable proposed changes:

Eligibility

Permit Part I.B.2. Updated for clarity and readability. Modified to clarify the permit authorizes the non-stormwater discharges associated with uncontaminated construction dewatering water.

Exempt Discharges:

Permit Part I.C. Added eligible exemptions regarding routine maintenance on road projects, water/sewer line maintenance, power line maintenance, and buried utility lines within existing stabilized right-of-way.

Deadlines for Notices of Intent (NOI):

Permit Part II.A. Modified the deadline for submittal of a reissuance NOI to no later than sixty (60) days after the effective date of the 2031 NPDES Construction General Permit.

Prerequisite for NOI Submittal:

Permit Part II.C. Added to clarify the Construction Best Management Practices Plan (CBMPP) must be developed for all proposed sites prior to submitting the NOI requesting permit coverage, the CBMPP is required to be submitted for priority construction sites, and the CBMPP can be requested to be submitted with the NOI based on the scope of the construction project, proximity to waters of the State, amount of proposed disturbed acreage.

Contents of the NOI:

Permit Part II.D.1. Modified to clarify appropriate map submittal information, added requirement to provide construction erosion, sediment and stormwater management control (ESC) site plan sheet or sheet(s), and the site-specific features to be included on the ESC site plan.

Permit Part II.D.2. Modified to include the certification statements for the person signing the NOI as the responsible official.

NOI Modification and Information Update

Permit Part II.E. Added to provide clarity on when an NOI is required to be modified or when an information update is required to be submitted.

Submittal of Document:

Permit Part II.F. Modified to include language related to an approved waiver from electronic submissions pursuant to ADEM Admin Code r. 335-6-1-.04(6).

Authorization to Discharge

Permit Part II.H. Modified to include ADEM expects that full compliance with the requirements of this permit will be protective of instream water quality and ensure consistency with applicable instream State water quality standards.

Erosion Controls, Sediment Controls and Construction Stormwater Management:

Permit Part III.A. Renamed Permit Part to reflect construction stormwater management. Updated for clarity and readability. These requirements have been revised to include factors to consider when designing controls for the construction site to include; preserve and maintain existing vegetation wherever possible, control turbidity levels in discharge to meet permit requirements, construction phasing is recommended on all projects and the permittee is encouraged to disturb no more than 25% of total land disturbance at any one time for projects that have less than 100 acres, for projects over 100 acres to be disturbed to not exceed more than 50 acres of disturbance.

Buffer Zone or Equivalent Sediment Controls

Permit Part III.B. Renamed this Permit Part to reflect buffer zone. Added an extended 50-ft buffer zone requirement for priority construction sites.

Construction Dewatering

Permit Part III.D. Added this Permit Part to clarify permit requirements regarding construction dewatering.

Pollution Prevention Measures

Permit Part III.E. Updated for clarity and readability.

Best Management Practices Plan:

Permit Part III.F. Modified language to clarify that the CBMPP shall include a site-specific narrative, topographic map(s), and erosion, sediment and stormwater management control (ESC) plan sheets.

ADEM Qualified Credentialed Inspector Program (QCIP)

Permit Part III.H. Renamed this Permit Part and reorganized into two parts to provide clarity on the QCIP Program.

Qualified Credentialed Inspector (QCI)

Permit Part III.I. Added this Permit Part to provide clarity on the QCI.

Inspection Requirements:

Permit Part III.J.4. Added dewatering inspection and the inspection requirements.

Permit Part III.J.5. Added adverse weather conditions and how to properly document.

Permit Part III.J.7. Added a reference table on who can perform required inspections.

Corrective Action

Permit Part III.K. Modified to include corrective actions related to dewatering.

Suspension and Resumption of Monitoring

Permit Part III.L. Renamed part for clarity. Changed timeframe for submittal of request for suspension to ten (10) days prior to the requested suspension and the notification of resumption to at least five (days) prior to the resumption of disturbance.

Precipitation Measurement:

Permit Part III.M. Expanded to clarify online resources are acceptable if all requirements in this part are met.

Impaired Waters:

Permit Part III.N. Updated for clarity and readability.

Duty to Provide and Update Information

Permit Part IV.H. Updated for clarity and readability.

Transfers

Permit Part IV.M. Updated for clarity and readability.

Definitions:

Permit Part V. The following definitions have been added or updated in the draft permit: buffer zone, common plan of development or sale, construction, dewatering, hazardous substances or toxic substances, phasing, pollutant(s) of concern, Qualified Credentialed Professional (QCP), stand-alone project, uncontaminated discharge, and week.

FACT SHEET

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE TO WATERS OF THE STATE OF ALABAMA GENERAL PERMIT

Date: November 3, 2025

Prepared By: Shelane P. Bergquist

NPDES Permit No. ALR100000

1. Description of Category:

This permit is intended to cover 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.

2. Geographic area covered:

State of Alabama

3. Receiving waters:

All Waters of the State of Alabama

4. Types of discharge:

This draft permit authorizes, subject to the conditions of this general permit, discharges associated with construction activity (as defined in Part V. of the draft permit) that will result in a cumulative land disturbance equal to or greater than one (1) acre or from construction activities involving less than one (1) acre which are part of a common plan of development or sale equal to or greater than one (1) acre, and specific non-stormwater discharges as defined Part I.B.2 of the proposed General Permit.

5. Permit conditions:

The permit conditions are based on 40 CFR Parts 122.26, 40 CFR Part 450, ADEM Admin Code 335-6.

6. Procedures for the formulation of final determinations:

a. Comment Period

The Alabama Department of Environmental Management proposes to reissue this General NPDES Permit subject to the conditions outlined above. These determinations are tentative.

Interested persons are invited to submit written comments on the proposed general permit to the following address:

Daphne Y. Lutz, Chief
Water Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; 36130-1463)
Montgomery, Alabama 36110-2400
(334) 271-7714

All comments received prior to the closure of the public notice period (see attached public notice) will be considered in the formulation of final determinations with regard to this general permit.

b. Public Hearing

A written request for a public hearing may be filed within the public notice period and must state the nature of the issues proposed to be raised in the hearing. A request for a hearing should be filed with the Department at the following address:

Daphne Y. Lutz, Chief
Water Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; 36130-1463)
Montgomery, Alabama 36110-2400
(334) 271-7714

The Director shall hold a public hearing whenever it is found, on the basis of the hearing request, that there exists a significant degree of public interest in a permit application or draft permit. The Director may hold a public hearing whenever such a hearing might clarify one or more issues involved in the permit decision. Public notice of such a hearing will be made in accordance with ADEM Admin. Code r. 335-6-6-.21.

c. Issuance of the Permit

All comments received during the public comment period shall be considered in making the final permit decision. At the time that any final permit decision is issued, the Department shall prepare a response to comments in accordance with ADEM Admin. Code r. 335-6-6-.21. **The permit record, including the response to comments, will be available to the public via the eFile System (<http://app.adem.alabama.gov/eFile>) or an appointment to review the record may be made by writing the Permits and Services Division at the above address.**

Unless a request for a stay of the permit or permit provision is granted by the Environmental Management Commission, the proposed permit contained in the Director's determination shall be issued and effective; and such issuance will be the final action of the Alabama Department of Environmental Management.

d. Appeal Procedures

As allowed under ADEM Admin. Code chap. 335-2-1, any person aggrieved by the Department's final administrative action may file a request for hearing to contest such action. Such requests should be received by the Environmental Management Commission within thirty days of issuance of the permit. Requests should be filed with the Commission at the following address:

Alabama Environmental Management Commission
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2400

All requests must be in writing and shall contain the information provided in ADEM Admin. Code r. 335-2-1-.04.