National Pollutant Discharge Elimination System Manual

Storm Water Management Guidelines for Construction and Industrial Activities

Revision 2

August 2012

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FOREWORD

This August 2012 edition of the *Storm Water Management Guidelines for Construction and Industrial Activities* is to be used as guidance for construction projects and industrial sites. The project designer should attempt to meet all criteria presented in this manual, however, this manual should not be considered a standard that must be met regardless of impacts. Designers must exercise good judgment on individual projects and frequently must be innovative in their approach to storm water management. The manual is designed to be used in all parts of the state of New Mexico, both in urban and rural areas.

This manual is the result of a collaborative effort between the New Mexico Department of Transportation, the City of Albuquerque, the Albuquerque Metropolitan Arroyo Flood Control Authority, the University of New Mexico, the Southern Sandoval County Arroyo Flood Control Authority, the City of Rio Rancho, Bernalillo County, and the New Mexico Environment Department Surface Water Quality Bureau. This manual is endorsed by the participants, and its use is encouraged for any entity that has the potential to generate storm water runoff through either construction or industrial activities with exposure to storm water.

This revision to the NPDES permitting manual was necessitated by the revisions to the MS4 individual Permit dated February 2012 and by the Construction General Permit dated March 2012. These revisions changed numerous items in the original manual. Although this manual is intended to provide guidance in meeting the current regulations, updates may be required periodically due to changes in regulatory prerogatives of state and federal agencies and other affected parties. In addition, it is vital that the users of this manual inform us of any inconsistencies, errors, or omissions so that this publication may remain current and accurate. Should anyone discover the need for corrections, please direct your concerns to the New Mexico Department of Transportation (NMDOT) Drainage Section.

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ACRONYMS

AMAFCA	Albuquerque Metropolitan Arroyo Flood Control Authority
BMP	Best Management Practice
CFR	*Code of Federal Regulations*
CGP	Construction General Permit
CN	curve number
COA	City of Albuquerque
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EPA	U.S. Environmental Protection Agency
MS4	Municipal Separate Storm Sewer System
MSGP	Multi-Sector General Permit
NEC	No Exposure Certification
NMDOT	New Mexico Department of Transportation
NMED	New Mexico Environment Department
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NRC	National Response Center
NRCS	Natural Resources Conservation Service
OSHA	Occupational Safety and Health Administration
RQ	reportable quantity
SCP	Sediment Control Plan
SSCAFCA	Southern Sandoval County Arroyo Flood Control Authority
SIC	Standard Industrial Classification
SWPPP	Storm Water Pollution Prevention Plan
T&E	Threatened and Endangered Species
TESCP	Temporary Erosion and Sediment Control Plan (equivalent to SCP)
TMDL	total maximum daily load
UNM	University of New Mexico
USGS	U.S. Geological Survey

GLOSSARY OF TERMS

Throughout the manual, the reader will find references to specific terms. To understand the process and goal of the storm water program, these specific terms are listed below with definitions as determined by the U.S. Environmental Protection Agency (EPA) in the draft manual *Storm Water Pollution Prevention for Construction Activities*.

Best Management Practices (BMPs) — Management measures or practices used to protect air, soil, or water quality or reduce the potential for pollution associated with storm water runoff. BMPs may be a structural device or non-structural practice, including processes, land use alternatives, activities, or physical structures.

Multi-Sector General Permit (MSGP) — An umbrella permit given to a state under which certain Standard Industrial Classification (SIC) industries may be granted a permit to discharge storm water by notifying EPA of their intent to do so, in compliance with the regulatory provisions of the General Permit.

Municipal Separate Storm Sewer System (MS4) — A conveyance or system of conveyances (including roads with drainage systems and municipal streets) that is "owned or operated by a state, city, town, borough, county, parish, district, association, or other public body. . . designed or used for collecting or conveying storm water. . ."

National Pollutant Discharge Elimination System (NPDES) — The national program for administering and regulating Sections 307, 318, 402, and 405 of the Clean Water Act. A storm water permit issued under NPDES is authorization by the EPA to discharge storm water under certain specified conditions. The NPDES General Permit provides those specified conditions for construction.

Non-Exposure Certification (NEC) — A permit exemption for certain outfalls or pollutant constituents, granted to facilities that can demonstrate no discharge or absence of particular constituents through monitoring.

Notice of Intent (NOI) — A formal notice to the EPA that, under the NPDES General Permit, a storm water discharge will take place. The NOI provides information on the permittee, location of discharge, and the type of discharge. It also certifies that the permittee will comply with certain specified conditions as outlined in the General Permit.

Notice of Termination (NOT) — A formal notice to the EPA that a specific site permitted under the NPDES Program is no longer discharging storm water.

Storm Water Pollution Prevention Plan (SWPPP) — A plan consisting of site maps, construction/contractor activities that could cause pollutants in storm water, and a description of measures or practices to control those pollutants.

Sediment Control Plan (SCP) — The formal compilation of required erosion- and sediment-control activities prepared for a specific site and project.

Temporary Erosion and Sediment Control Plan (TESCP) — Equivalent to SCP (i.e., the formal compilation of required erosion- and sediment-control activities prepared for a specific site and project).

INTRODUCTION

PURPOSE OF THIS MANUAL

This manual:

Is designed to provide guidance in the National Pollutant Discharge Elimination System (NPDES) application and permitting process consistent with the February 2012 General Permit revisions. The NPDES Storm Water Permit Program is a federal program developed under the Section 402 of the Clean Water Act (CWA). In this effort the manual will:

- Assist regulated entities in the permitting and notification process
- Assist regulated entities in understanding the importance of storm water management
- Provide the basics of planning and design for storm water management
- Assist regulated entities' coverage under the General Permit instead of under a site-specific permit
- Assist Municipal Separate Storm Sewer Systems (MS4s) with their programmatic requirements

Was developed for the New Mexico Department of Transportation (NMDOT), the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA), the City of Albuquerque (COA), the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA), and the University of New Mexico (UNM) to meet the requirements of the local ordinances and regulations, as well as the NPDES program. The manual is designed for general use statewide.

Provides information regarding the development of Storm Water Pollution Prevention Plans (SWPPPs), as well as application of best management practices (BMPs) for construction and industrial sites. This manual describes many BMPs in detail. The user must exercise careful consideration when selecting or modifying BMPs for a specific site. Many of the suggested BMPs are general in nature, and their applicability should be evaluated for each specific project site. The suggested BMPs should be used only as a guide, and should not substitute for good engineering judgment.

Is meant to provide basic guidance on complying with the NPDES requirements under a General Permit. Users are encouraged to check the U.S. Environmental Protection Agency (EPA) website (www.epa.gov/npdes/stormwater/cgp) for updated versions of requirements and forms. Users with complex sites, issues, or questions should consult with the regulatory agencies or an expert in NPDES requirements.

Provides guidance on coverage under a General Permit and does not address obtaining a site-specific NPDES Permit where required.

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I. CONSTRUCTION ACTIVITIES

I.A. INTRODUCTION

Storm water from construction sites can be a major cause of water pollution. Storm water includes rainfall, melting snow, surface runoff and drainage, and rainfall or snowmelt from an adjacent site running onto or through a construction site. Pollution in storm water can include soil, sand, natural debris (leaves, grass, etc.), construction debris (woodchips, insulation scraps, cement), and chemicals (fuel, oil, lubricants, paint, tar, etc.).

When soil, vegetative cover, tree canopies, etc. are disturbed on a construction site, soil is loosened, making it easier for storm water to carry the soil off the site, along with any debris or chemicals on the soil. Additionally, any new or existing paved surfaces onto which dirt and debris are tracked, or on which construction debris or chemicals are stored or spilled, make it easier for storm water to collect and carry those materials off the site.

Once storm water leaves a site, it can run directly into a river or lake, or can be carried to a river or lake through an arroyo, ditch, storm sewer, or other conveyance. If the storm water is polluted, it will carry those pollutants into the receiving waters and degrade the quality of that water.

The three main goals of the NPDES permitting program for storm water discharges associated with construction activities are to reduce erosion, minimize sedimentation, and control the discharge of non-storm water pollutants.

With this document, users can develop a storm water management plan tailored to the needs of their particular project. Users will also be assisted in meeting regulatory requirements of storm water management. Although runoff control measures are required by law in most instances, these measures are applicable anywhere soil is disturbed and erosion and sedimentation are potential problems.

Users should also consult with their local government authority to determine the local processing procedures for Stormwater Pollution Prevention Plans (SWPPPs). For example, SWPPPs for construction activities within COA must conform to the submission procedures outlined in the Albuquerque Development Process Manual.

I.B. REGULATORY SUMMARY

I.B.1. NPDES Regulations

As part of the Water Quality Act of 1987, storm water discharge associated with industrial activity from a point source to waters of the United States is unlawful, unless authorized by an NPDES Permit. Construction activities that disturb an area greater than

one acre by grading, clearing, grubbing, or other construction activity are subject to the requirement of an NPDES Permit.

In order to effectively manage the permit process, the EPA has produced a General Permit for Discharges from Construction Activities (CGP), which defines specific conditions and requirements to be met as part of the General Permit. The General Permit establishes the procedures required for proper coverage, the requirement for an SWPPP, and requirements for termination of permit coverage.

In addition to NPDES Permits for construction activities, large, medium, and some small sized municipalities (as identified by the EPA) are required to obtain NPDES Permits for their MS4s to control storm water outflow into waters of the United States. This NPDES Permit will require local jurisdictions to take an active role in monitoring and controlling pollution due to storm water runoff from a variety of sources, including construction activities. Therefore, in addition to meeting the requirements for the General Permit, the site operator is obligated to contact the local jurisdiction to determine if local requirements must be met in addition to General Permit coverage.

The NPDES Storm Water Permitting Program in New Mexico is administered by the EPA. Requirements for the NPDES Storm Water Discharge Permit are defined by federal law in Section 402(p) of the CWA, and added by Section 405 of the Water Quality Act of 1987.

In November 1990, EPA published regulations for NPDES Permits for certain storm water discharges. On September 9, 1992, EPA issued an NPDES General Permit that applies to the majority of storm water discharges associated with specific industrial activities, including construction that disturbs five acres or more. In July 2003, EPA published a new General Permit for discharges from large and small construction activities, which changed the disturbed area requiring a permit from five acres to one acre, and included some small MS4s. The new Construction General Permit replaces the previous Permit issued by EPA Region 6.

Construction activities and MS4s are covered by separate NPDES Permits with distinct conditions, but the federal compliance requirements for these two NPDES Permits include related activities.

As noted above, all construction activities that disturb one acre or more, or that are a part of a common development or plan of sale, are subject to the NPDES Permit requirement. Failure to abide by the terms of the General Permit or failure to develop and implement a site-specific NPDES Permit is a violation of federal law, which can subject the owner or operator to severe fines or imprisonment.

Compliance with the requirements of the General Permit consists of four major components that must be accomplished:

- Determination of eligibility
- Preparation and implementation of an SWPPP
- Submission of a Notice of Intent (NOI)
- Submission of a Notice of Termination (NOT)

Note: The SWPPP is usually prepared in conjunction with the construction design documents for the site, and before the submission of the NOI to the EPA, depending on local authority requirements.

I.B.1.a. Eligibility Determination

Permittees are only eligible for coverage under the Construction General Permit (CGP) if their storm water discharges and storm water discharge-related activities do not adversely impact federally listed endangered or threatened species or critical habitats. Applicants are required to conduct an assessment of the impacts of their storm water discharges and storm water discharge-related activities on endangered and threatened species and critical habitat. Appendix D of the CGP provides detailed instructions to assist applicants in conducting an assessment and pursuing formal consultation with federal wildlife protection agencies if necessary.

I.B.1.b. Permittees

The operator(s) of a construction site are the *permittees*, and are responsible for submitting an NOI and complying with the NPDES Permit. The term *operator* is defined by the EPA as "Operator – for the purpose of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

> 1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
>
> 2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit)".

The operator may be the owner, developer, engineer, or general contractor. Other parties responsible for construction activities on the site are identified as *co-permittees*. The construction contract is an appropriate place for the permittee and any co-permittee to be identified, and their respective responsibilities listed.

Any user of this manual should be apprised that EPA regulations are periodically amended. The user is referred to EPA's storm water website for Region 6 (http://www.epa.gov/region6/6en/w/sw/home.htm) to investigate possible storm water amendments or updates to the regulations copied herein.

I.B.2. NPDES General Permit

The NPDES General Permits are termed *umbrella permits*, and will consolidate permit compliance requirements for many common sources of pollutants, activities, and sites under one permit. The coverage of these *umbrella permits* is broad, with general compliance requirements, and is effective for five years. Future permitting strategies will be more specific to individual facilities, specific types of activities, and watershed areas. The permitting strategy developed by EPA outlines the method of compliance and the role of the permittee.

A primary area of concern centers on the requirement to permit MS4s at lower population levels. In urban areas all MS4s are regulated. The other primary concern related to the construction-activity General Permit is that sites as small as one-acre disturbed areas are required or eligible to obtain coverage under the General Permit. The salient feature is that many more entities (MS4s) and developments (greater than one-acre areas) are now required to go through the permit process. See Appendix E for the complete Permit as published.

Regulated municipalities are responsible for development of a management program for construction activities in their jurisdiction under their NPDES Permit application. A large or medium MS4's application must include the six program elements that address appropriate planning and construction procedures; ensures the implementation, inspection, and monitoring of construction sites that discharge storm water into their MS4s; and provides for education or training for construction site operators. Small MS4s must apply under the General Permit numbered NMR040000 or NMR04000I. The format and program requirements are outlined under these permits.

The permittee must adhere to general compliance requirements established in the NPDES Construction General Permit. The program is intended to be self-regulating and requires the permittee to prepare and implement the project SWPPP. During the construction phase, the permittee is responsible for:

- Maintaining a copy of the SWPPP onsite
- Inspecting the site to ensure that SWPPP improvements are in place and functional
- Revising the SWPPP as site conditions and construction activities change
- Maintaining temporary erosion and sediment controls and housekeeping measures
- Keeping records

Each construction project will vary in scope and responsible parties. For the purpose of pollution controls for storm water discharges, the construction project site and construction activities to be covered by the SWPPP include:

- Areas cleared or disturbed for installation of improvements
- Areas cleared for construction activities, such as temporary construction yards, material storage, and preparation areas
- Onsite and offsite areas excavated for fill or borrow material
- Disposal areas, when not within a controlled landfill
- Transportation of loose fill, materials, or debris to and from the site

In addition to the general filing requirements of the CGP, there are other requirements that may impact construction activities. These items follow, along with methods to address the requirements, where applicable.

I.B.2.a. Stabilization Requirements for Inactive Areas

During construction, some areas may be inactive for long periods of time. The CGP requires areas inactive for more than 14 days to be temporarily stabilized. Thus, appropriate sequencing and phasing within a project can minimize or eliminate the need for temporary stabilization. There are special provisions for this requirement when the 14-day period occurs during the dry season for arid and semi-arid regions.

The General Permit states that, for common drainage areas that serve an area of ten or more acres that are disturbed at one time, a sediment basin may be provided where attainable until final stabilization of the site occurs. As stated in the BMP, the required volume for the sediment basin must provide storage for the calculated volume of runoff from a two-year, 24-hour storm for each acre of drainage area that is disturbed. Sediment basins shall be designed and constructed to the minimum standards provided in Appendix A, Best Management Practices.

By phasing development and the amount of land disturbed at one time, the size of the basin can be reduced or eliminated. However, if necessary, sediment basins provide excellent temporary and permanent storm water treatment and can serve as an amenity to the site. Where a sediment basin with the above storage requirements is not attainable, smaller sediment basins and/or sediment traps may be used. However, at a minimum, silt fences or equivalent controls are required on all sideslopes and downslope boundaries of the site.

I.B.2.b. Storm Water Management Measures

As part of the SWPPP, storm water management measures must be addressed to reduce pollutants in storm water runoff from the site once construction is complete and the development is occupied or placed in operation. Although sometimes referred to as “post-construction” controls, BMPs to control the quality of storm water runoff from developed areas need to be considered during the earliest stages of planning for the project. Practices such as reducing the amount of impervious surface, open drainage swales, extended detention wet ponds, and others should be given consideration. Appropriate measures must be incorporated into project plans and the SWPPP.

Specific techniques listed in the Permit include storm water detention (dry sedimentation basins), retention structures (extended detention wet ponds), measures to allow for infiltration (trenches, open drainage swales), and velocity dissipation.

I.B.2.c. Coverage of Support Activities

The Permit also authorizes storm water discharges from support activities, including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas, provided that:

- The support activity is directly related to a construction site having NPDES Permit coverage for discharges of storm water associated with construction activity

- The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports

- Appropriate controls and measures are identified in an SWPPP covering the discharges from the support activity

I.B.2.d. Spill Notification

The General Permit allows for storm water discharge from construction sites only. Discharges of other substances from construction activities or from operations on a site during construction are not permitted. (See General Permit in Appendix E.) In the event of a spill of a hazardous substance, the operator is required to notify the National Response Center (NRC) at (800) 424-8802, the New Mexico Environment Department (NMED) at (505) 827-9329, and the local fire department to properly report the spill. A written description of the release must be provided to the EPA Regional Office, which includes the date and circumstances of the release, mitigation measures, and steps taken to prevent another release. In addition, the SWPPP must be revised within 7 calendar days after the release to reflect the release, stating the type and quantity of material released, the date of the release, the circumstances of the release, and actions to be taken to prevent further spills.

If fuels, oils, or other substances are to be present onsite, it is imperative that closed containers be provided along with secondary containment areas for large-quantity spills. Hazardous chemicals include fertilizers, paints, oils, grease, pesticides, and fuels, along with other construction chemicals. While much of this manual focuses on the sediment- and erosion-control aspects of the SWPPP, the potential for damaging pollution from chemicals is great. Provisions must be made to address potential pollution through the use of the BMPs, as well as compliance with Occupational Safety and Health Administration (OSHA) and other regulatory requirements.

A list of agencies/individuals to be notified in the event of a spill should be specified in the SWPPP.

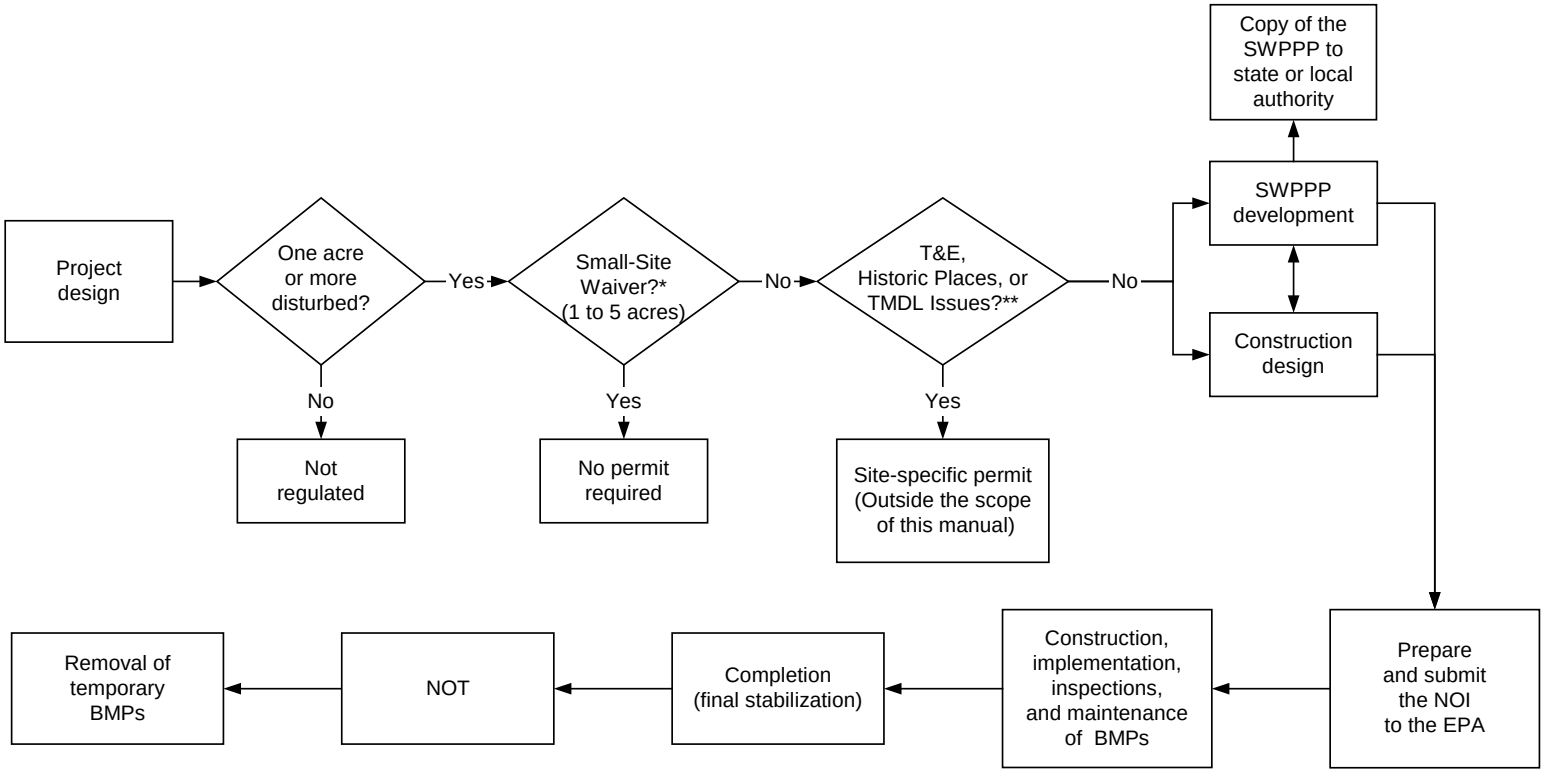
I.B.2.e. Retention of Records

As part of the General Permit, the SWPPP and supporting documentation must be retained for a period of three years after the completion of the project. This is to protect the owner/operator of the site from future claims concerning water quality and measures implemented at the site. It is recommended that each of the owner/operators maintains a copy of the SWPPP for the three-year period to protect against potential lawsuits.

I.B.3. NPDES Permitting Process

Figure I-1 shows a typical construction project sequence, including permitting requirements. During the design of a construction project, determine if the site will be regulated. Currently, if the area to be disturbed is one or more acres, the NPDES requirements will need to be met, and coverage obtained under the General Permit by following this guidance, or by obtaining a site-specific permit (which is not covered by this guidance).

If the site meets the size requirements, a determination must be made if there are any threatened and endangered species (T&E) or historic properties issues for the site. (See Appendices D & E of the General Permit.) If these issues arise, an appropriate site-specific permit application is required and this guidance is not applicable. If none of these items is an issue, proceed with the preparation of an SWPPP for the construction.



* See Section I.C.6., Small Site Waivers
** See Appendices C5 and E

BMP = Best Management Practice
EPA = U.S. Environmental Protection Agency
NOI = Notice of Intent
NOT = Notice of Termination
T&E = Threatened or Endgangered Species
TMDL = Total Maximum Daily Load
SWPPP = Storm Water Pollution Prevention Plan

Figure I-1. NPDES Construction Project Flowchart

The SWPPP should be prepared and completed prior to the start of construction of a project. Once the SWPPP is complete, both the owner and the operator must prepare an NOI and send it to the EPA. A copy must be sent to the local MS4 operator, if any are in the area of construction activities.

If the preparer of the SWPPP intends to subjugate any of the responsibilities outlined in the SWPPP to a builder/subcontractor, these actions need to be specifically addressed in the SWPPP. Construction can begin seven calendar days after acknowledgement of receipt of the complete NOI is posted on EPA's NPDES website (www.epa.gov/npdes/stormwater/cgp).

During construction, the measures and inspections that are given in the SWPPP need to be completed as they are given in the SWPPP. If site conditions, design changes, or construction sequencing warrant a change in the type, design, or scheduling of the storm water pollution control measures, then the SWPPP needs to be revised, signed, and dated. Inspections of the site will be conducted, and any maintenance to BMPs/controls will be made, as necessary, to ensure that the SWPPP is being followed.

Upon completion of the construction, an NOT must be prepared and submitted to the EPA by the contractor/operator. The owner/operator shall prepare and submit the NOT to the EPA when 70 percent planned stabilization is established.

I.C. NOTICE OF INTENT

I.C.1. Description

The NOI is the primary document used by the EPA to monitor and enforce compliance with the NPDES permitting requirements. The NOI is to be submitted after preparation of construction plans and the SWPPP. You are authorized to discharge storm water from construction activities under the terms and conditions of the CGP fourteen (14) calendar days after acknowledgement of receipt of your complete NOI is posted on EPA's NPDES website (www.epa.gov/npdes/stormwater/cgp), except as noted below.

EPA may delay your authorization based on eligibility considerations of Subpart 1.1 of the CGP (e.g., Endangered Species Act concerns). In these instances, you are not authorized for coverage under the CGP until you receive notice from EPA of your eligibility.

The operator (see Section I.1.a.) of the site is required to submit a complete and accurate NOI, and is ultimately responsible for the effective reduction of pollution and sediment loss from the site. An NOI or permit number must be placed at the site throughout the construction and until final stabilization.

I.C.2. Preparing an NOI

Figure I-2 is a sample of a completed EPA NOI form for construction activities. A blank NOI form and instructions are included in Appendix B1 of this manual and Appendix J of the CGP, which is printed in its entirety as Appendix E of this document. Users should check the EPA website (www.epa.gov/npdes/stormwater/cgp) for updated versions of requirements and forms.

Figure I-2. Sample of a Completed EPA Notice of Intent (NOI) Form for Construction Activities

NPDES FORM 3510-9	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER AN NPDES GENERAL PERMIT	Form Approved. OMB Nos. 2040-2040

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section II of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section I of this form. Submission of this NOI also constitutes notice that the operator identified in Section II of this form meets the eligibility requirements of Part 1.1.1 of the CGP for the project identified in Section III of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOI Form

Have you been given approval from the Regional Office to use this paper NOI form*? ☐ Yes ☐ NO

If yes, provide the reason you need to use this paper form, the name of the EPA Regional Office staff person who approved your use of this form, and the date of approval:

Reason for using paper form:

Name of EPA staff person:

Date approval obtained:

* Note: You must have been given approval by the Regional Office prior to using this paper NOI form.

II. Permit Information: **Tracking Number (EPA Use Only) NMR12AA11**

Permit Number: NMR120000 (see Appendix B of the CGP for the list of eligible permit numbers)

III. Operator Information

Name: NMDOT District Three

Phone: 505-798-6690 **Fax (Optional):** 505-490-3752

Email: timothyr.trujillo@state.nm.us

IRS Employer Identification Number (EIN): 85-6000581

Point of Contact (First Name, Middle Initial, Last Name): Timothy R Trujillo

Mailing Address:

Street: 7500 Pan American Frwy.

City: Albuquerque **State:** NM **Zip:** 87199

NOI Preparer (Complete if NOI was prepared by someone other than the certifier):

Prepared by (First Name, Middle Initial, Last Name): Christopher D Sinclair

Organization: NMDOT

Phone: 505-798-6686 **Fax (Optional):** 505-798-6687

E-mail: chris.sinclair@state.nm.us

IV. Project/Site Information

Project/Site Name: NMDOT 3100190

Project/Site Address:

Street:

City: Bernardo **State:** NM **Zip:** 87801

County or similar government subdivision: Soccoro

EPA Form 3510-9 Status: Active Page: 1 of 3

Figure I-2. Sample of a Completed EPA Notice of Intent (NOI) Form for Construction Activities (continued)

For the project/site for you are seeking permit coverage, provide the following information:

Latitude/Longitude (Use one of three possible formats, and specify method)

Latitude 1.	"34°25'16.85"" N(degrees, minutes, seconds)	Longitude 1.	"106°41'28"" W(degrees, minutes, seconds)
2. _____	N(degrees, minutes, decimal)	2. _____	W(degrees, minutes, decimal)
3. _____	N(degrees, decimals)	3. _____	W(degrees, decimals)

Latitude/Longitude Data Source: ☐ U.S.G.S topographical map ☐ EPA web site ☐ GPS ☑ Other: Google Earth

Horizontal Reference Datum: ☐ NAD 27 ☑ NAD 83 or WGS 84 ☐ Unknown

Is your project/site located in Indian Country lands, or located on a property of religious or cultural significance to an Indian tribe? ☐ Yes ☑ No

If yes, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property:

Are any of your activities for which you are requesting coveraged under this NOI occurring on areas considered "federal facilities" as defined in Appendix A? ☐ Yes ☑ No

Estimated Project Start Date: 07/31/2012 **Estimated Project Completion Date:** 01/31/2013

Estimated Area to be Disturbed (to the nearest quarter acre): 41.0

Have earth-disturbing activities commenced on your project/site? ☐ Yes ☑ No

If yes, is your project an "emergency-related project? ☐ Yes ☑ No

Have stormwater discharges from your project/site been covered previously under an NPDES permit? ☐ Yes ☑ No

If yes, provide the Tracking Number if you had coverage under EPA's CGP or the NPDES permit number if you had coverage under an EPA individual permit:

V. Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ Yes ☑ No

Do any surface waters exist within or immediately adjacent to the property on which the construction activities will occur? ☑ Yes ☐ No

Receiving Waters and Wetlands Information: (Attach a separate list if necessary)

Surface water(s) to which discharge	Impaired Water	Listed Water Pollutant(s)	Source
Rio Grande	Yes	PATHOGENS TEMPERATURE	New Mexico Environment Department

Impaired Waters

Describe the methods you used to complete the above table:

Are any of the surface waters to which you discharge designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier 3 water (Outstanding Natural Resource Water)? (See Appendix F).

☐ Yes ☑ No

If yes, name(s) of receiving water(s) and its designation (Tier 2, Tier 2.5 or Tier 3):

VI. Chemical Treatment Information

Will you use polymers, flocculants, or other treatment chemicals at your construction site? ☐ Yes ☑ No

If yes, will you use cationic treatment chemicals* at your construction site? ☐ Yes ☐ No

If yes, have you been authorized to use cationic treatment chemicals by your applicable EPA Regional Office in advance of filing your NOI*?

☐ Yes ☐ No

If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

Please indicate the treatment chemicals that you will use:

Figure I-2. Sample of a Completed EPA Notice of Intent (NOI) Form for Construction Activities (continued)

* Note: You are ineligible for coverage under this permit unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

VII. Stormwater Pollution Prevention Plan (SWPPP) Information

Has the SWPPP been prepared in advance of filing this NOI? ☑ Yes ☐ No

SWPPP Contact Information:

First Name, Middle Initial, Last Name: Christopher D Sinclair

Organization: NMDOT

Phone: 505-798-6686 **Fax (Optional):** 505-7986687

E-mail: chris.sinclair@state.nm.us

VIII. Endangered Species Protection

Using the instructions in Appendix D of the CGP, under which criterion listed in Appendix D are you eligible for coverage under this permit (only check 1 box)?

☑ A ☐ B ☐ C ☐ D ☐ E ☐ F

Provide the basis for criterion selection listed in Appendix D (e.g., communication with U.S. Fish and Wildlife Service or National Marine Fisheries Service, specific study): U.S.F.W.S Critical Habitat Portal

If you select criterion B, provide the Tracking Number from the other operator's notification of authorization under this permit:

If you select criterion C, you must attach a copy of your site map (see Part 7.2.6 of the permit), and you must answer the following questions:

What federally-listed species or federally-designated critical habitat are located in your "action area":

What is the distance between your site and the listed species or critical habitat (miles):

If you select criterion D, E, or F, attach copies of any letters or other communications between you and the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

IX. Historic Preservation

Are you installing any stormwater controls as described in Appendix E that require subsurface earth disturbance? ☐ Yes ☑ No

If yes, have prior surveys or evaluations conducted on the site have already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E, Step 2) ☐ Yes ☐ No

If no, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? (Appendix E, Step 3) ☐ Yes ☐ No

If no, did the SHPO, THPO, or other tribal representative (whichever applies) respond to you within the 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? (Appendix E, Step 4) ☐ Yes ☐ No

If yes, describe the nature of their response:

- ☐ Written indication that no historic properties will be affected by the installation of stormwater controls on the site.
- ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.
- ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.
- ☐ Other: ____

X. Certification Information

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 gathered and evaluated 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.

First Name, Middle Initial, Last Name: Tamara P Haas

Title: District Engineer - D3

Signature: **Date:** Friday, July 20, 2012

E-mail: tamarap.haas@state.nm.us

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EPA prefers you to use the electronic NOI system, or "eNOI" system, to prepare and submit your NOI. Electronic filing is located at www.epa.gov/npdes/stormwater/cgpenoi . EPA Regional Office, however, may give an applicant approval to use a paper NOI form. If EPA approves the use of a paper form you must use the NOI form provided in Appendix J of the CGP or Appendix B1 of this manual (or a photocopy thereof). If EPA makes other NOI forms available (either directly, by public notice, or by making information available on the Internet), you may take advantage of any of those options to satisfy the NOI use requirement.
You must provide the following information on the NOI form:

- The applicable permit number for which you are requesting coverage (See Appendix B of the CGP).
- Operator name, address, telephone number, and Employer Identification Number as established by the U.S. Internal Revenue Service.
- Project/Site name, address, county or similar governmental subdivision, and latitude/longitude of your construction project or site.
- Whether your site is located in Indian country and if so, the name of the Reservation, if applicable.
- Whether the SWPPP has been prepared in advance of filing of this NOI and the location where the applicable SWPPP may be viewed.
- Name of the water(s) of the U.S. into which your site discharges, including MS4 informaiton, adjacent surface water information, and impaired waters information..
- Indication whether your discharge is consistent with the assumptions and requirements of applicable EPA approved or established total maximum daily loads (TMDLs).
- Whether you will utilize polymers, flocculants, or other treatment chemicals.
- Estimated dates of commencement of construction activity and final stabilization (i.e., project start and completion dates) and total acreage to be disturbed..
- Whether any federally-listed threatened or endangered species, or federally-designated critical habitat are in your project area to be covered by this permit, and the basis for certifying eligibility for permit coverage based on the instructions in Appendix C of the CGP.
- A certification statement, signed and dated by an authorized representative as defined in Appendix I, Section 11, of the CGP, and the name and title of that authorized representative.

I.C.3. Where to Submit

Part 1.7.1 requires you to use the electronic NOI system, or "eNOI" system, to prepare and submit your NOI. Electronic filing is located at www.epa.gov/npdes/stormwater/cgpenoi . EPA Regional Office, however, may give an applicant approval to use a paper NOI form. If a paper form is utilized, you must send your complete and accurate NOI to EPA to one of the following addresses:

For Regular U.S. Mail Delivery:
EPA Storm Water Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
EPA Storm Water Notice Processing Center
EPA East Building - Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Note: Please check the EPA website (www.epa.gov/npdes/stormwater/cgp) for the most current addresses.

If the operator for a permitted site changes, a new NOI must be filed with the EPA. A new SWPPP is not required if the project is continued as originally proposed. The permittee is required to file the new NOI with the MS4 owner (city, county, etc.) if the storm water discharge is to an MS4.

I.C.4. Signatory Requirements

The site operator (contractor)/owner must file the NOI. Operators are defined as those individuals having day-to-day operational control over activities that are necessary to ensure compliance with the SWPPP, or who have operational control over construction plans and specifications and the ability to modify same. Operator changes or additions require the filing of a new NOI.

If the operator is a corporation, a responsible corporate officer must sign the NOI. If the operator is a partnership or sole proprietorship, a general partner or the sole proprietor must sign the form. For any governmental entity, the signing person must be a principal executive, officer, or ranking elected official.

I.C.5. Approval Process

Unless notified to the contrary by the EPA, operators who submit a completed and accurate NOI, in accordance with the requirements of the General Permit, are authorized to discharge storm water from construction activities under the terms and conditions of the General Permit fourteen (14) calendar days after acknowledgement of receipt of the NOI is posted on EPA's NPDES website.

(www.epa.gov/npdes/ stormwater/cgp). EPA may deny coverage under the General Permit and require submittal of an application for an individual NPDES Permit, based on a review of the NOI or other information. Such an alternate application would be submitted to the EPA Region 6 in Dallas, Texas.

I.C.6. Small Site Waivers

The Construction Activities General Permit dated February 16, 2012 provides waivers for three scenarios predicated on certain conditions being met and notification procedures being followed. The three scenarios are:

- Rainfall Erosivity Waiver
- TMDL Waiver
- Equivalent Analysis Waiver

I.C.6.a. Rainfall Erosivity Waiver

The Rainfall Erosivity Waiver is the most viable in New Mexico. The procedure involves calculating a rainfall erosivity factor based on several factors presented here to facilitate the calculation. An electronic Erosivity Index Calculator (developed by Texas A&M) is available online at ei.tamu.edu/index.html. EPA has also developed an online rainfall erosivity calculator to help small construction sites determine potential eligibility for the rainfall erosivity waiver. You can access the calculator from EPA's website at: www.epa.gov/npdes/stormwater/lew. The methodology below comes from Chapter 2 of Agriculture Handbook Number 703, *Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation*, pp. 21-64, dated January 1997; United States Department of Agriculture, Agriculture Research Service. The related "R" Zones map is presented as Figure I-3 (the Isoerodent Map of New Mexico), and Figure I-4 is the Erosivity Index Map. Table I-1 is the Erosivity Index Table. The appropriate use of these figures is required to determine the "R" value for a 1–5 acre construction site, given the project's location and duration. Since New Mexico contains only Erosivity Index Zones 72 thru 91, only that page is presented as part of this document.
The process is as follows:

1. Determine the base "R" value from the Isoerodent Map of New Mexico (Figure I-3) for the site location.

2. Go to the Erosivity Index (Table I-1) and enter the row that corresponds to the zone where the site is from the Erosivity Index Zone Map (Figure I-4).

3. Look across the row determined in Step 2 above and:

   (a) Locate the project beginning date and write that value down.

   (b) Looking across that row further, locate the value for the project end date and write that value down.

   (c) Subtract Step (a) from Step (b), and write down that difference.

4. Multiply the result of Step (c) above by the "R" value from Step 1. If the result is greater than 5, the site is NOT eligible for the small site erosivity waiver. If the result is 5 or less, the site is eligible for the waiver.

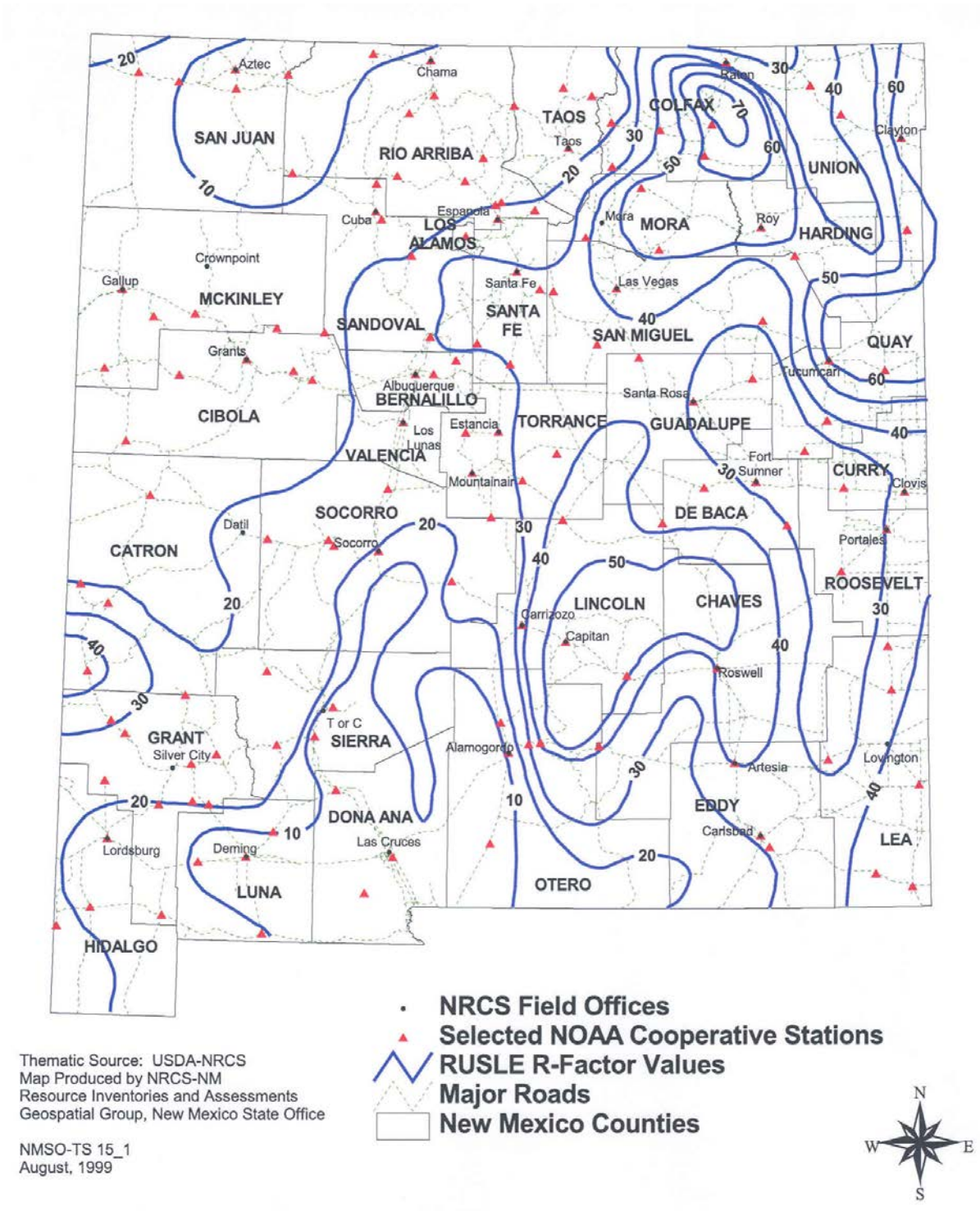


Figure I-3. Isoerodent Map of New Mexico

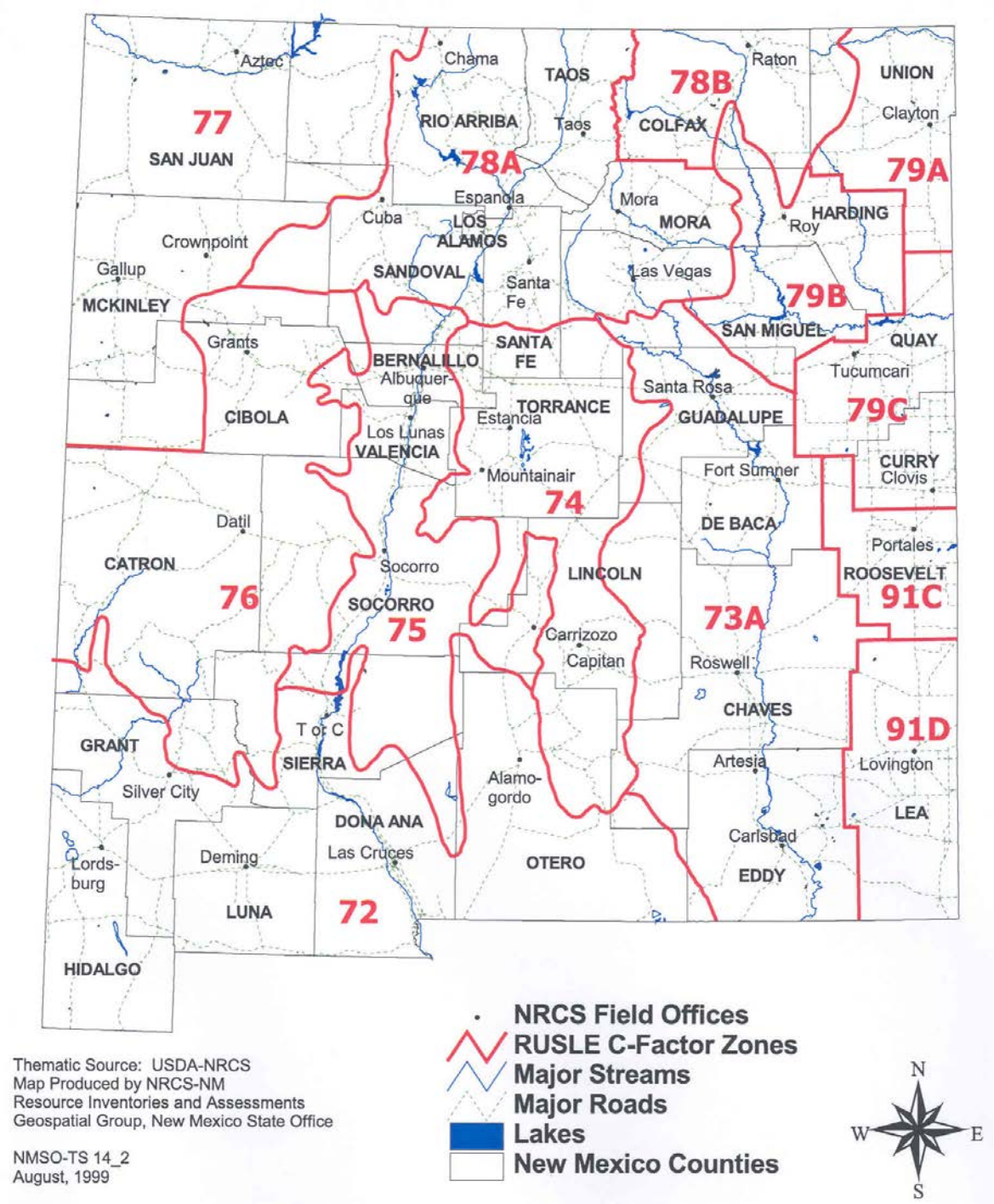


Figure I-4. Erosivity Index Zone Map of New Mexico

Table I-1. Erosivity Index for New Mexico Zones

	Jan	Jan	Feb	Feb	Mar	Mar	Apr	Apr	May	May	Jun	Jun	Jul	Jul	Aug	Aug	Sep	Sep	Oct	Oct	Nov	Nov	Dec	Dec
EI#	1-15	16-31	1-15	16-29	1-15	16-31	1-15	16-30	1-15	16-31	1-15	16-30	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31	1-15	16-31
72	0	0	0	0	0	0	0.1	0.2	0.7	0.8	1.3	3.5	9.9	24.7	51.4	71.5	83.6	93.8	97.7	99.2	99.8	99.9	99.9	100
73	0	0	0.1	0.1	0.2	0.2	0.3	0.6	1.3	4.1	11.5	18.1	28.3	40.2	54.1	67	77.2	87.7	93.3	97.5	99.1	99.6	99.8	100
74	0	0	0	0	0	0.1	0.2	0.5	1.2	2.7	6.4	10.2	18.4	31	50.7	68.7	81.2	91.6	96.1	98.4	99.2	99.8	100	100
75	0	0.1	0.1	0.1	0.2	0.5	1.3	1.9	3	4.1	6.6	10	17.6	28.3	44.7	59.4	71.6	83.9	90.3	94.7	96.7	98.8	99.6	99.9
76	0	0	0	0	0	0.1	0.2	0.6	1.3	2	3.5	4.9	8.4	17.4	37.3	57.5	72.9	83.7	89.5	95.8	98.4	99.6	100	100
77	0	0.2	0.3	0.3	0.4	0.8	1.5	2	2.8	3.9	5.9	7.2	10.3	21.5	46.5	66.3	78.3	86.5	90.8	96	98.2	99.1	99.5	99.8
78	0	0	0	0	0	0	0.2	0.5	1.6	3.8	8.9	13.2	21.8	35.8	56.6	75.4	86	92.9	95.9	98.2	99.2	99.8	100	100
79	0	0	0	0	0	0.2	0.7	1.3	2.7	5.8	12.7	18.8	28.8	41.6	58.4	75.7	86.5	94.2	97.3	98.9	99.5	99.9	100	100
91	0	0	0	0	1	1	1	2	6	16	29	39	46	53	60	67	74	81	88	95	99	99	100	100

5. A final step is to redo the above calculations for different construction periods to see if changing the construction schedule will net the contractor a waiver.

Please note that if the project is NOT completed during the prescribed period, a new calculation of the "R" value must be made. If the new value is greater than 5, a Permit, NOI, SWPPP, and Sediment Control Plan (SCP) are required.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you can submit a rainfall erosivity waiver electronically via EPA's eNOI system (www.epa.gov/npdes/cgpenoi) or provide the following information on the waiver certification form in order to be waived from permitting requirements:

- Name, address and phone number of the site operators
- Name, address, county and latitude/longitude of the site
- Estimated construction start and completion dates, and total acreage (to the nearest quarter acre) to be disturbed
- The rainfall erosivity factor calculation that relates to the active construction phase at the site
- A statement certifying that the construction activity will take place during the period when the "R" value is 5 or less, signed and dated by an authorized representative (owner/operator)

I.C.6.b. TMDL Waiver

This waiver is available only when EPA has determined that the pollutant(s) of concern require no storm water controls at the site to protect water quality.

I.C.6.c. Equivalent Analysis Waiver

This waiver is available for non-impaired waters only and requires the owner/operator to develop an equivalent analysis showing that no allocations for the pollutants of concern are required to protect water quality. This waiver is not likely to apply in New Mexico.

On all of the above Waivers, the owner/operator is not allowed to proceed with construction activities until approval is received from EPA. The approval should be posted and retained on site. These Waivers are in lieu of having to obtain permit coverage under the CGP.

I.C.7. Violations

The permittee must comply with all conditions of the Permit. Any Permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; Permit termination, revocation, and re-issuance or modification; or denial of a Permit renewal application. Penalties for violations of Permit conditions fall into the following general categories:

- Criminal

  Negligent violations

A fine of not less than $2,500 and not more than $25,000 per day of violation, or imprisonment of not more than one year, or both

Knowing violations
A fine of not less than $5,000 and not more than $50,000 per day of violation, or imprisonment of not more than three years, or both

Knowing endangerment
A fine of not more than $250,000 or imprisonment of not more than 15 years, or both

False statement
A fine of not more than $10,000 or imprisonment of not more than two years, or both. Upon a second conviction, a fine of not more than $20,000 per day of violation or imprisonment of not more than four years, or both.

- Civil

  A fine of not more than $32,500 per day per violation

- Administrative

  Class I penalty
  A fine of not more than $11,000 per violation, with a maximum fine of $32,500

  Class II penalty
  A fine of not more than $11,000 per day of violation, with a maximum fine of $157,500

The specific dollar amounts for each of the above types of violations and any associated imprisonment of guilty parties are specified Appendix E.

I.D. SWPPP DEVELOPMENT

I.D.1. Description

The SWPPP is a document that defines the construction activities and BMPs/controls to be employed to control the release of pollution from the construction site. The SWPPP consists of two components: a narrative description of the project and a drawing of the site showing the limits of soil disturbance, storm water drainages, and locations and types of BMPs/controls.

The SWPPP identifies the techniques that the operator will use to reduce site erosion and sediment loss, and manage construction-related wastes. It identifies the maintenance procedures that the operator will perform to preserve the efficiency of the technique used. The SWPPP must clearly describe the control measures, the timing and sequence of implementation, and which permittee (contractor) is responsible for implementation and maintenance of the control measures.

The SWPPP is very likely to change during the course of construction due to variations in construction techniques and/or site conditions. In order to maintain the effectiveness of the original SWPPP design, these modifications should be made by personnel experienced in the design of erosion- and sediment-control systems. The EPA requires that the SWPPP documents be updated within seven (7) calendar days of any change in the pollution prevention systems employed on the site.

The SWPPP is not submitted to the EPA as part of the NOI; instead, it must be available onsite or nearby for inspection by EPA personnel, state and/or local jurisdiction staff, and the public upon request. An EPA Permit Information form (see Figure I-5 and Appendix B1) must be posted at the site. Additionally, if it impossible to store the SWPPP, NOI, and EPA acknowledgement letter onsite the EPA information form must state the location of the documents. If the Permit number has not yet been received, a copy of the NOI must be posted onsite.

The SWPPP must also contain the following:

- Stormwater Team
- Nature of Construction Activities
- Emergency-Related Projects
- Identification of Other Site Operators
- Sequence and Estimated Dates of Construction Activities
- Site Map
- Construction Site Pollutants
- Non-Stormwater Discharges
- Buffer Documentation
- Description of Stormwater Control Measures
- Pollution Prevention Procedures
- Procedures for Inspection, Maintenance, and Corrective Action
- Staff Training
- Documentation of Compliance with Other Federal Requirements
- SWPPP Certification
- Post-Authorization Additions to the SWPPP

I.D.2. Developing and Implementing an SWPPP for Construction Activities

An outline of a step-wise SWPPP preparation process is given in Figure I-6. If an SWPPP is going to be prepared from scratch, it is recommended that this outline be followed to ensure completeness and to expedite the SWPPP review. A detailed explanation of this outline follows in Sections I.D.2.a. through h., derived from EPA's *Brief Guide to Requirements for Developing and Implementing Pollution Prevention Plans for Construction Activities*. The user of this manual should check EPA's storm water website for Region 6 for the most current version of the guide.. A SWPPP outline, a blank certification form, a checklist, a requirements list, and alternate SWPPP forms are provided in Appendix B1.

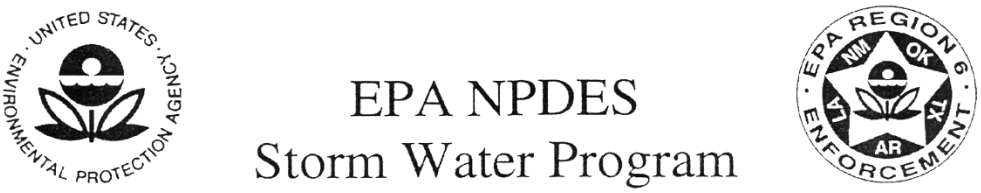
I.D.2.a. Need for Storm Water Management

Storm water runoff is part of the natural hydrologic cycle. However, human activities, particularly urbanization, can alter natural drainage patterns and add pollutants to the rainwater and snowmelt that run off the earth's surface and enter our nation's rivers, lakes, streams, and coastal waters. In fact, recent studies have shown that storm water runoff is a major source of the pollutants that are damaging our sport and commercial fisheries, restricting swimming, and affecting the navigability of many of our nation's waters.

Many states and municipalities have been taking the initiative to manage storm water discharges more effectively. Recognizing the importance of this problem, Congress also

directed the EPA to develop a federal program under the CWA to regulate certain high-priority storm water sources. The issuance of storm water discharge permits under the NPDES is a major part of EPA's efforts to restore and maintain the nation's water quality.

Under NPDES General Permits for storm water discharges from construction activities, EPA requires the development and implementation of an SWPPP designed to reduce pollution at the source, before it can cause environmental problems that cost the public and private sectors in terms of lost resources and the expense of environmental restoration activities.



The following information is posted in compliance with Part IV.B.2. of the NPDES Region 6 Storm Water Construction General Permit [63 Fed. Reg. 36502]. All parties that either individually, or taken together, meet the definition of "operator," must be permitted. Each party should complete a separate form at the construction facility. Each of these parties must have separate and distinct NPDES permit numbers (e.g. a separate permit is typically needed for each Owner/Developer, General Contractor, and/or Builder). If you do not know your NPDES Permit Number, contact the NOI Processing Center at (703)931-3230. EPA's Region 6 storm water hotline phone number is (800)245-6510. If you have mailed your NOI application form and have not received a permit number, you must post a copy of the NOI application form next to this document until you receive your permit number. This form should be posted in a conspicuous place accessible by the public on or at the edge of the facility. This form was prepared as an example and it is not a required form for use with the permit. This information may be displayed in alternative form or formats within guidelines set forth in the permit. Additional information regarding the NPDES Region 6 storm water program may be found on the Internet at http://www.epa.gov/region6/sw/. Any person with a complaint about the operation of this facility in regards to this permit should contact EPA Region 6 at (214)665-7595.

Permit Number	NMR10 B406
Contact Name	James E. Doe
Contact Phone	(505) 123-4567
Project Description	Redo Mosquito Creek overpass - Repave approaches
SWPPP Location (Only necessary if the site is inactive or does not have an on-site location to store the plan.)	Onsite

Figure I-5. Sample of a Completed EPA Permit Information Form for Construction Activities

SWPPP DEVELOPMENT

SITE EVALUATION AND DESIGN DEVELOPMENT

- Collect site information
- Develop site plan
- Describe construction activity

↓

ASSESSMENT

- Measure site area
- Determine drainage area
- Determine runoff coefficient

↓

CONTROL SELECTION AND SWPPP DESIGN

- Select erosion and sediment controls
- Select other controls
- Select storm water management controls
- Prepare Sediment Control Plan (SCP)
- Indicate the location of controls in the SCP
- Prepare an inspection and maintenance plan
- Prepare a sequence of major activities
- Incorporate state or local requirements

↓

CERTIFICATION AND NOTIFICATION

- Certify SWPPP
- Submit NOI

↓

CONSTRUCTION/IMPLEMENTATION

- Implement controls
- Implement and document training programs for onsite inspectors
- Inspect and maintain controls
- Maintain records of construction activities
- Update/change the SWPPP
- Report releases of reportable quantities
- Plan location and access

↓

FINAL STABILIZATION/TERMINATION

- Implement final stabilization
- Submit NOT

Figure I-6. Outline for Developing and Implementing an SWPPP for Construction Activities

I.D.2.b. Overview of SWPPP Requirements

The following sections are organized according to the phases of the pollution prevention planning and implementation process. A set of worksheets is provided in Appendix B1 to further clarify requirements. As shown in Figure I-6, pollution prevention planning requirements have been organized to provide users with a step-by-step process for ensuring that pollutants are not making their way into the storm water discharges from a site. The six major phases of the process are:

1. Site evaluation and design development
2. Assessment
3. Control selection and SWPPP design
4. Certification and notification
5. Construction/implementation
6. Final stabilization/termination

In addition, all Permit holders must meet a number of general requirements, and certain Permit holders will have to meet special requirements.

The following sections provide background information on pollution prevention planning requirements for General Permit applicants. A checklist and a blank SWPPP form are provided in Appendix B1.

I.D.2.c. Site Evaluation and Design Development

The first phase in a preparing an SWPPP for a construction project is to define the characteristics of the site and the type of construction that will be occurring. This phase includes the following:

(A) Collect site information

In evaluating a site, the following existing information must be collected:

- Site map – The map should be a drawing, preferably to scale and preferably topographic, of the construction site. The best way to obtain a site map is to have the site surveyed by a professional surveyor. Alternatively, topographic maps may be available from state or local governments, or United States Geological Survey (USGS) topographical maps may be used. A site map will be used in subsequent steps of the development of the SWPPP. The scale of the map should be small enough so that important features, such as drainage swales and control measures that will be added later, can be easily distinguished.

- Soils information – Soils information should be based on information from the specific site. Sources of soils information could include soil borings or other geotechnical investigations. Natural Resources Conservation Service (NRCS) soil surveys may also be used, and NRCS surveys typically indicate whether a soil is erodible.

- Runoff water quality – Runoff water quality data may sometimes be available from a state or local government (e.g., the local municipal separate storm sewer authority). Runoff water quality information may also be available from the USGS, state, or local watershed protection agencies.

- Name of receiving water – Identify the name and location of the body of water (e.g., stream, creek, run, wetland, river, lake, bay, ocean) that will receive the runoff from the construction site. If the receiving water is a tributary, include the name of the ultimate receiving body of water if possible. If the site drains into an MS4, identify the system and indicate the receiving water to which the system discharges. This information is usually available from county, state, or USGS maps.

(B) Develop the construction site phasing plan

The next step is to develop a phasing plan based primarily on the goals and objectives of the proposed facility. There are several pollution prevention principles that should be considered when developing the site plan for the project:

- Disturb the smallest vegetated area possible
- Minimize the amount of cut and fill
- Limit impacts to sensitive areas such as:
  - Steep and/or unstable slopes
  - Surface waters, including wetlands
  - Areas with erodible soils
  - Existing drainage channels

(C) Describe construction activity

In preparing the plan, describe the purpose or goal of the construction project (e.g., a single-family residential development, a multi-story office building, or a highway interchange) and list the soil-disturbing activities necessary to complete the project. Soil-disturbing activities might include clearing, excavation and stockpiling, rough grading, final or finish grading, preparation for seeding or planting, excavation of trenches, demolition, etc.

I.D.2.d. Assessment

Once the characteristics of the site and the construction have been defined, the next phase in developing an SWPPP is to measure the size of the land disturbance and estimate the impact the project will have on storm water runoff from the site, based on information collected during site evaluation and design. This phase includes the following:

(A) Measure the site area

The General Permit requires that the SWPPP indicates estimates of the total site area and the area that will be disturbed. If the information is not available from one of these sources, measurements may be made using the grid method or a planimeter. Planimeters are available from engineering and surveyor supply stores.

(B) Determine the drainage area

Determine the size of each drainage area for each point where concentrated flow will leave the site. Drainage areas are portions of the site where runoff will flow in one

particular direction or to a particular discharge point. These data will help in the selection and design of the sediment control and storm water management measures for the project in the next phase of the plan. Use the drainage patterns indicated on the site map to determine the drainage areas. (Drainage areas are not required to be included in the SWPPP.)

(C) Determine the runoff coefficient

The General Permit requires estimation of the development's impact on runoff after construction is complete. This is done by estimating a runoff coefficient of the site. The runoff coefficient is an estimate of the fraction of total rainfall that will appear as runoff. For example, the "C" value of lawn area is 0.2, which indicates that only 20 percent of the water that falls on grassed areas will end up as surface runoff. In contrast, the "C" value of a paved area can be 0.9 or higher, indicating that 90 percent of the rain falling on this type of surface will run off. See Section I.D.3. for information on calculating the runoff coefficient.

I.D.2.e. Control Selection and SWPPP Design

After collecting the information and making measurements, the next phase is to design an SWPPP to control pollution of storm water runoff from the construction site. This phase includes the following:

(A) Select erosion and sediment controls

The SWPPP must include a description of the measures to be used for erosion and sediment controls throughout the construction project. These controls include stabilization measures for disturbed areas and structural controls to divert runoff and control sediment. Erosion and sediment controls are implemented during the construction period to control the loss of soil from the construction site into the receiving waters. The selection of the most appropriate erosion and sediment controls depends on a number of factors, but is most dependent on site conditions. The information collected in the site evaluation, design, and assessment phases is used to select controls. See Appendix A for control measures.

(B) Select other controls

In addition to erosion and sediment controls, the SWPPP for the project must address the other potential pollutant sources that may exist on a construction site. These include proper waste disposal; compliance with applicable state or local waste disposal, sanitary sewer, or septic system regulations; control of offsite vehicle tracking; and control of allowable non-storm water discharges, as explained in the following bullets:

- Ensure proper disposal of construction site waste materials.

- Treat or dispose of sanitary wastes that are generated onsite in accordance with state or local requirements. Contact the local government or state regulatory agency.

- Prevent offsite tracking of sediments and generation of dust. Stabilized construction entrances or vehicle washing racks should be installed at locations where vehicles leave the site. Where dust is a problem, implement dust control measures such as irrigation.

- Identify and prevent contamination of non-storm water discharges. Where non-storm water discharges allowed by the General Permit exist, they should be identified and steps should be taken to prevent contamination of these discharges.

(C) Select storm water management controls

Storm water management controls are constructed to control pollution of storm water after the construction is completed. These controls include the following:

- Retention pond – A pond that holds runoff in a reservoir without release except by means of evaporation, infiltration, or emergency bypass.

- Detention pond – A pond that holds or detains runoff in a basin for a limited time, releasing it very slowly and allowing most of the sediments to drop out.

- Infiltration measures – Measures that allow the percolation of water though the ground surface into subsurface soil. Specific measures include infiltration trenches, basins, and dry wells.

- Vegetated swales and natural depressions – Grass-lined ditches or depressions that transport runoff, filter sediments from the runoff, and enhance infiltration of the runoff.

The EPA General Permit requires that a if a sediment basin is installed , the sediment basin must provide at least 3,600 cubic feet of storage for every acre of land that drains to it or provide the calculated volume from a 2-year 24-hour storm.

Selection of the most appropriate storm water management measures depends upon a number of factors, but most of all upon site conditions. EPA expects that most measures can be designed to remove 80 percent of the total suspended solids from post-construction runoff. When storm water management measures are selected for a development project, consider the impacts of these measures on other environmental media (i.e., land, air, and ground water). For example, if the water table is unusually high in the area, a retention pond for contaminated storm water could lead to contamination of a ground water source unless special preventive measures are taken. EPA strongly discourages the transfer of pollution from one environmental medium to another and prohibits the adoption of any storm water management practice that results in a violation of other federal, state, or local environmental laws.

In addition to pollutant removal, the storm water management portion of the plan must address velocity dissipation at discharge locations. Development usually means an increase in speed with which the site will drain because of the addition of paved areas, storm sewers, curbs, gutters, etc. The General Permit requires that velocity dissipation devices be placed along the length of any outfall where erosive conditions exist. The potential for erosion is primarily dependent upon the velocity of the storm water discharge and the type of material that lines the channel. One velocity dissipation device is the riprap outlet protection, which is stone or riprap placed at the discharge point to reduce the speed of concentrated storm water flows.

(D) Prepare a Site Map

The Site Map shall include, but is not limited to, the following:

- Boundaries of the property and locations of construction activities including: earth-disturbing locations, approximate slopes before and after grading, locations of stockpiles, locations of surface waters, vehicle access locations, locations of structures and impervious surfaces, and locations of construction support activities.
- Locations of surface waters and wetlands
- Boundary lines of any natural buffers
- Areas of federally listed critical habitat
- Topography of the site, including:
  - Existing vegetative cover
  - Drainage patterns of stormwater and authorized non-stormwater flows, onto, over, and from the site
- Locations of stormwater and allowable non-stormwater discharge locations
- Locations of all pollutant generating activities
- Locations where polymers, flocculants, orother treatment chemicals will be

(E) Indicate the location of controls on the Site Map

Pollution prevention measures must be shown in the Site Map, including the location of each measure used for erosion and sediment control, storm water management, and other controls. When this has been done, the Site Map is ready to be included in the SWPPP.

(F) Prepare an inspection and maintenance plan

After the SWPPP is prepared and the necessary controls are installed, the owner/operator is responsible for inspecting and maintaining them. The General Permit requires preparation of a description of the procedures to maintain the pollution prevention measures onsite. An inspection and maintenance report (Figure I-7 and Appendix B1), which indicates each of the control measures proposed for the construction site, should be included in the SWPPP prior to starting construction.

NMDOT SWPPP INSPECTION AND MAINTENANCE REPORT

CN: XXXX PROJECT NO: 00-000-0(0)00 ROUTE: US 285 DATE: 9/25/00

INSPECTOR: John Doe Date of Last Rainfall: 9/7/00 Amount of Last Rainfall: 0.75 in.

Approximate Stations From	To	Lt/Rt	Date of Last Disturbance	Date of Next Disturbance	Control Measure	Current Condition	Corrective Action and Remarks
986+00	986+27	RT	9/7/00	N/A	7	S	
995+00	1415+00	LT	9/7/00	N/A	3	U	Finish Mulching
995+00	1415+00	RT	9/7/00	N/A	3	S	
1047+07		LT	9/7/00	N/A	10	S	
1087+50		LT	9/7/00	N/A	10	S	
1397+00		LT	9/7/00	N/A	12	U	Need check dam at the berm
1390+50		RT	9/7/00	N/A	10	S	
1394+64		RT	9/7/00	N/A	10	S	
1335+39		RT	9/7/00	N/A	10	U	Replace the silt fence with check dam
1339+66		RT	9/7/00	N/A	10	U	Replace the silt fence with check dam
Median	Check Dams	M					Median Check Dams will be cleaned as required
1244+50		M	9/7/00	N/A	12		for Contract completion
1272+50		M	9/7/00	N/A	12		
1329+00		M	9/7/00	N/A	12		

GENERAL NOTES

1. Inspect erosion and sediment control measures weekly or after each rainfall event.
2. List personnel/organizations participating in the inspection on the last page of the report. The Inspector listed at the top of the form shall sign the last page of the report.
3. This whole report shall be retained as a part of the PPP.
4. Note the required sediment basin and trap ponded volume next to the control measure code.

CONTROL MEASURE CODES

Stabilization Measures:
1. Temporary Seeding
2. Permanent Seeding
3. Mulch
4. Soil Stabilant
5. Soil Retention Blanket
6. Buffer Strip .

Structural Measures:

Check Dam Slopes
7. Silt Fence
8. Check Earth Berm

Dam Ditches
9. Silt Fence
10. Stone or Rock
11. Check Dam (Silt Fence)
12. Check Dam (Rock)
13. Earth Berm
14. Pipe Slope Drain

Ditch Liner
15. Soil Retention Blanket
16. Rock Plating
17. Sediment Trap
18. Sediment Basin
19. Pipe Outlet Protection
20. Drop Inlet Protection

CONDITION CODES

U Upgrade Needed
R Replacement Needed
M Maintenance Needed
C Cleaning Needed
I Increase Measures
S Stable (No action)
01 _____
02 _____
03 _____

Falsifying Information on this Inspection and Maintenance Report may result in fine of up to $27,500 by Federal Law.

Figure I-7. Sample of a Completed NMDOT SWPPP Inspection and Maintenance Report

(G) Prepare a sequence of major activities

A sequence of major activities should be prepared that includes the installation of all the controls, earth-disturbing activities, stabilization activities, and maintenance required for the controls. The sequence should clearly indicate the order in which each of the activities described takes place. Several general principles are helpful in developing the sequence of major activities:

- Install downslope and sideslope perimeter controls before the land-disturbing activity occurs.
- Do not disturb an area until it is necessary for construction to proceed.
- Cover or stabilize disturbed areas as soon as possible.
- Time activities to limit impact from seasonal climate changes or weather events.
- Delay construction of infiltration measures until the end of the construction project when upstream drainage areas have been stabilized.
- Do not remove temporary perimeter controls until after all upstream areas are finally stabilized.

(H) Incorporate state or local requirements

The plan must be in compliance with applicable state or local storm water management, erosion and sediment control requirements. This is done by incorporating the state or local requirements (by reference) into the plan, thereby allowing states and localities the flexibility to maintain their existing programs and provide additional authority for enforcement.

The state or local sediment control or storm water management program requirements may be identical to requirements in the General Permit. In New Mexico, the requirement for an SCP has been added to the other General Permit requirements. The SWPPP components of an NPDES Storm Water Permit ensure that a minimum level of pollution prevention is required.

I.D.2.f. Certification and Notification

Once the site description and controls portion of the SWPPP have been prepared, the following must be completed:

(A) Certify the SWPPP

Construction activities often have a number of different short-term contractors and subcontractors coming onsite during each phase of the project development. The EPA General Permit requires that the contractors and subcontractors responsible for implementing measures in the SWPPP be listed in the plan, and that they sign a certification statement that they understand the Permit requirements. This requirement holds each contractor/subcontractor responsible for certain Permit conditions.

The SWPPP should identify the authorized representative. The authorized representative should be someone at or near the top of the management chain, such as the president, vice president, or a general partner, who has been delegated the authority to sign and certify this type of document. In signing the plan, the authorized representative certifies that the information is true, and assumes liability for the plan. Please note that Section 309 of the CWA provides for significant penalties (see Appendix E) where information is false or where the permittee violates Permit requirements, either knowingly or negligently.

(B) Submit the NOI

The General Permit for storm water discharges associated with construction activities requires that an NOI be submitted before construction activities begin. The NOI is essentially an application and contains important information about the site, including site location, owner information, operator (general contractor) information, receiving water(s), existing NPDES Permit Number (if any), existing quantitative data, and a brief description of the project.

EPA has developed a four-page NOI form to be used for construction activities. (See Figure I-2 and Appendix B1.) This form indicates all the information required to be provided and must be used in order for the NOI to be processed correctly. NOIs for the EPA General Permit will be submitted directly to EPA's central processing center at one of the following addresses.

For Regular U.S. Mail Delivery:
EPA Storm Water Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
EPA Storm Water Notice Processing Center
EPA East Building - Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Note: Please check the EPA website (www.epa.gov/npdes/stormwater/cgp) for the most current addresses.

The party or parties who have day-to-day responsibilities for site operations, and the party or parties who have control over the designs and specifications necessary to ensure compliance with SWPPP requirements and Permit conditions, must submit an NOI. It is anticipated that there will be projects where more than one entity (e.g., the owner or general contractor) will each need to submit an NOI.

I.D.2.g. Construction/Implementation

Once an SWPPP has been prepared and an NOI has been filed and acknowledged, project construction may begin. However, not all requirements of the permit have been met. The construction/implementation phase includes the following:

(A) Implement controls

The first action that should be taken is to construct or perform the controls that were selected for the SWPPP. The controls should be constructed or applied in accordance with state or local specifications. If there are no state or local specifications for control measures, then the controls should be constructed in accordance with good engineering practices. The controls should be constructed and the stabilization measures should be applied in the order indicated in the sequence of major activities.

To ensure that controls are adequately implemented, it is important that the work crews who install the measures are experienced and/or adequately trained. Improperly installed controls can have little or no effect and may actually increase the pollution of storm water. It is also important that all other workers on the construction site be made aware of the controls so that they do not inadvertently disturb or remove them.

(B) Implement and document training programs for onsite inspectors

It is the responsibility of the operator to provide trained inspectors and training of new inspectors.

(C) Inspect and maintain controls

As discussed previously, inspection and maintenance of the protective measures that are part of this plan are as important to pollution prevention as proper planning, design/selection, and installation.

- Inspection – The EPA General Permit for New Mexico requires inspection every 7 days or every 14 days and within 24 hours of a storm of 0.25 inch or greater. All disturbed areas of the site, areas for material storage, and all of the erosion and sediment controls that were identified as part of the plan, should be inspected. Controls must be in good operating condition until the areas they protect have been completely stabilized and the construction activity is complete.

- Maintenance/repairs – The inspector should note any damages or deficiencies in the control measures on the inspection report forms provided for this purpose (Figures I-7 and I-8 and Appendix B1). These reports document the inspection of the pollution prevention measures. These same forms can be used to request maintenance and repair and to prove that inspection and maintenance were performed. The operator should correct damage or deficiencies as soon as practicable after the inspection, and any changes that may be required to correct deficiencies in the SWPPP should be made as soon as practicable after the inspection.

EPA NPDES Construction Inspection Form

The following inspection is being performed in compliance with Part IV.D.4. of the NPDES Region 6 Storm Water Construction General Permit [63 Fed. Reg. 36502] and being retained in accordance with Part V of the Permit. Qualified personnel (provided by the permittee or cooperatively by multiple permittees) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, placement and effectiveness of structural control measures, and locations where vehicles enter or exit the site. Inspections shall be performed at least once every 14 days and within 24 hours of the end of a storm event of 0.5 inches or greater. Where sites have been temporarily stabilized, runoff is unlikely due to winter conditions, or during seasonal arid periods in arid areas (0-10 inches of rainfall annually) and semi-arid areas (10-20 inches annually) such inspections shall be conducted at least once every month. This form is primarily intended for use with construction projects in Texas and New Mexico. Permittees on Indian Country lands in Oklahoma, Louisiana and Arkansas and some oil and gas facilities in Oklahoma may use this form if they are eligible for this permit. Other facilities need to check with their NPDES authority before using this form.

If you do not know your NPDES Permit Number, contact the NOI Processing Center at (301)495-4145. This form was prepared as an example and it is not a required form for use with the permit. Alternative forms may be used if they contain all of the required information as set forth in the permit. This form and additional information regarding the NPDES Region 6 storm water program may be found on the Internet at http://www.epa.gov/region6/sw/. Any person with a complaint about the operation of this facility in regards to this permit should contact EPA Region 6 at (214)665-7112.

Permit Number(s) covered by this inspection (e.g. owners, developers, general contractor, builders)	NMR10 B406
Signature and Certification in accordance with Part VI.G of the permit:	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 gathered and evaluated 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. Signature James E. Doe Date 01/01/02
Date of Inspection	01/01/02
Inspector Name	William Smith
Is there a copy of the permit language with the SWPPP?	XX YES • NO
Is the inspector qualified and are the qualifications documented in the SWPPP?	XX YES • NO
Is an NPDES storm water construction sign posted at the entrance for all permittees?	XX YES • NO
You may want to use EPA Region 6 construction checklist to assure components of the SWPPP are complete. This form, the construction sign, and the checklist are available on the Region 6 NPDES Storm Water Forms and Documents web page which may be found on the internet at http://www.epa.gov/earth1r6/6en/w/formsw.htm In addition to the checklist, you should provide a narrative (see next page) on the existing Best Management Practices and Structural Controls found during each inspection. Any problems identified in an inspection should be corrected within 7 days. The inspection should cover all components of the SWPPP and all potential pollutants. While eroded soil is the primary pollutant of concern, do not forget to inspect for other pollutant sources such as fuel tanks, paints, solvents, stabilization materials, concrete hardner, batch plants, and construction debris. The inspector will need to update the SWPPP to reflect findings of the inspection. The site map should be updated after an inspection to show controls that have been added or removed, to ensure the site map is kept current in accordance with Part IV.C. of the permit.	

Figure I-8. Sample of a Completed EPA NDPES Construction Inspection Form

(D) Maintain records of construction activities

In addition to the inspection and maintenance reports, the operator should keep records of the construction activity on the site. In particular, the operator should keep a record of the following information:

- Dates when major grading activities occur in a particular area
- Dates when construction activities cease in an area, temporarily or permanently
- Dates when an area is stabilized, temporarily or permanently

These records can be used to make sure that areas where there is no construction activity will be stabilized within the required timeframe.

(E) Update/change the SWPPP and Corrective Action

For a construction activity to be in full compliance with its NPDES Storm Water Permit, and for the SWPPP to be effective, the SWPPP must accurately reflect site features and operations. When it does not, the SWPPP must be changed. The SWPPP must also be changed if the operator observes that it is not effective in minimizing pollutant discharge from the site.

The General Permit defined Corrective Actions in Section 5.2 of the General Permit. Deficiencies as defined in this section must be noted in Corrective Action Reports, which are required to be included within the SWPPP document. Required schedule for SWPPP and physical BMP modifications vary, but are generally required within 7 calendar days of noting a deficiency.

(F) Report releases of reportable quantities

Because construction activities may handle certain hazardous substances over the course of the project, spills of these substances in amounts that equal or exceed reportable quantity (RQ) levels are a possibility. EPA has issued regulations that define the RQ levels for oil and hazardous substances. These regulations are found at 40 *Code of Federal Regulations* (CFR) Part 110, 40 CFR Part 117, or 40 CFR Part 302. If there is an RQ release during the construction period, the following steps must be taken:

- Immediately notify the NRC at (800) 424-8802; NMED at (505) 827-9329; and the local fire department.

- Submit a written description of the release to the EPA regional office providing the date and circumstances of the release and the steps to be taken to prevent another release.

- Modify the SWPPP to include the information listed above.

(G) Plan location and access

The General Permit has specific requirements regarding the SWPPP location and access.

- SWPPP location – A copy of the SWPPP, a copy of the Permit, the NOI, and acknowledgement letter must be kept at the construction site from the time construction begins until the site is finally stabilized.

- Retention of records – Copies of the SWPPP and all other reports required by the Permit, as well as all of the data used to complete the NOI, must be retained for three years after the completion of final site stabilization.

- Access – Although plans and associated records are not necessarily required to be submitted to EPA, these documents are considered to be "reports" according to Section 308(b) of the CWA. Upon request, the owner or operator must make these plans available to EPA, to any state or local agency that is approving erosion and SCPs or storm water management plans, to the U.S. Fish and Wildlife Service, or to the National Marine Fisheries Service. The documents should be available from the date of commencement of construction activities to the date of final stabilization.

  The SWPPP copy that is required to be kept onsite or locally available must be accessible to EPA staff for inspections. If site storm water runoff is discharged to an MS4, the plans must be made available upon request to the municipal operator of the system.

- Additional submittals – Discharge Monitoring Reports (DMRs), Permit applications, and all other reports required by the Permit are also required to be submitted to:

  Program Manager
  Point Source Regulation Section
  Surface Water Quality Bureau
  New Mexico Environment Department
  PO Box 26110
  Santa Fe, New Mexico 87502

I.D.2.h. Final Stabilization/Termination

The permit for discharge of storm water associated with a construction activity will remain in effect until the construction is completed. Typically, the storm water discharge associated with a construction activity is eliminated when the site is finally stabilized. When storm water discharge associated with a construction activity ceases, the owner/operator of the facility can be relieved of responsibilities under the Permit by submitting an NOT.

(A) Implement final stabilization

The NOT cannot be submitted until all construction activities for the project have been completed and all areas are finally stabilized. The General Permit defines final stabilization as uniform perennial vegetative cover with a density of 70 percent or

equivalent measures, such as riprap, for the areas of the site not covered by permanent structures or pavement.

(B) Submit the NOT

The NOT must include the name and address of both the owner and operator, as well as a certification signed by both parties. It will note that construction activities are complete, the site has been finally stabilized, and the site no longer has a discharge associated with a construction activity covered under the Permit. When the Permit is terminated, it will relieve the permittees of their responsibility. EPA has developed a one-page NOT form (Figure I-9 and Appendix B1) to be submitted to the same addresses as the NOI. Users should check the EPA website (www.epa.gov/npdes/stormwater/cgp) for updated requirements and forms.

(C) Transfer Storm Water Management Authority by the NMDOT

Once a construction project is completed by the contractor, who is the owner/operator during the construction phase, a Transfer of Storm Water Management Authority form (Figure I-10 and Appendix B1) is used to formally transfer ownership of the project to the NMDOT District Engineer. Along with this form, all documents related to the project, including the SWPPP and the final inspection report, are forwarded to the NMDOT District Engineer.

(D) NPDES personnel qualification

Proof of qualification is required in the state of New Mexico for personnel constructing and implementing storm water pollution prevention measures. To demonstrate their expertise and experience, responsible parties must complete an NPDES New Mexico Qualification form, which is submitted with the SWPPP. A blank form is available in Appendix B1.

I.D.3. Runoff Volume and Flow Rate

I.D.3.a. General Consideration

The performance of structural erosion control measures is governed by the total volume of runoff or the rate of runoff from the area tributary to the measure. The tributary area to an erosion and sediment control measure should include both disturbed and undisturbed areas subject to the adjustments addressed in the following sections.

The procedure for computing the amount of erosion is not an exact science. The processes that govern soil erosion are complicated. The complicated nature of the processes yields methodologies with many simplified assumptions in order to create a manageable solution to the problem. It is unlikely that any equation, statistical or otherwise, could accurately predict the response of all soil types to all the natural or man-made forces affecting the erosion process. Therefore, the NRCS method may be utilized as a tool, despite its limitation, to estimate the volume of runoff in determining what types of erosion control measures are applicable.

1/30/04
(DATE)

TRANSFER OF STORM WATER MANAGEMENT AUTHORITY
NEW MEXICO DEPARTMENT OF TRANSPORTATION

AC-TPM-TPE-039-1(9)42/CN 3102
(PROJECT NUMBER)

On 1/20/04 (DATE), NMDOT Project Number AC-TPM-TPE-039-1(9)42/CN 3102 was completed per NMDOT specifications by XYZ Construction (CONTRACTOR). For the purposes of compliance with the Storm Water General Permit for Construction, control of the project for Storm Water Management purposes is hereby transferred to the District 6 Engineer representing the New Mexico Department of Transportation.

Attached to this transfer document is the original of the complete Storm Water Pollution Prevention Plan for the project that includes a "Final Inspection Report" conducted on 1/23/04 (DATE) by the Storm Water Competent Persons representing XYZ Construction (CONTRACTOR) and NMDOT. The joint inspection was conducted on 1/24/04 (DATE).

John Doe
(NAME)

President
(TITLE)

XYZ Construction
(COMPANY)

On the above date, I, Robert Smith (NAME), Engineer for District 6 of the New Mexico Department of Transportation, do hereby accept management control of Project Number AC-TPM-TPE-039-1(9)42/CN 3102 for purposes of Storm Water Management under the provisions of the Storm Water General Permit for Construction. I further certify that NMDOT has a Notice of Intent (NOI) established for this project as required by the Construction General Permit.

It is further acknowledged that the completed Storm Water Pollution Prevention Plan document and all attachments thereto have been received as part of this transfer of authority.

Robert Smith
(NAME)

Engineer
(TITLE)

New Mexico Department of Transportation
District 6

Figure I-9. Sample of a Completed Transfer of Storm Water Management Authority Form

I.D.3.b. Runoff Volume

The direct runoff volume to a Temporary Erosion and Sediment Control Measure is the sum of the total undisturbed tributary area multiplied by the direct runoff (for the undisturbed area) and the total disturbed area multiplied by the direct runoff (for the disturbed area).

The direct runoff from both disturbed and undisturbed areas shall be based on the two-year, 24-hour precipitation event. The precipitation amount should be obtained from the National Oceanic and Atmospheric Administration (NOAA) *Precipitation-Frequency Atlas of the Western United States*.

Hydrologic abstractions shall be estimated by the NRCS Curve Number (CN) Technique. The average NRCS hydrologic soil classification for soils within the project area should be used. CNs for undisturbed areas should be chosen considering the vegetation cover. Recommended CNs for disturbed areas based on the hydrologic soil classification are as follows:

A — 77 B — 86 C — 91 D — 94

The direct runoff from disturbed areas within the project limits is determined from Table I-2. The volume of runoff is used for the design of sediment basins and sediment traps.

$V = (D.A. \times q)/12$

Where: V = Volume of runoff (ft^3)
D.A. = Drainage area (ft^2)
q = Direct runoff (inches)
P = Rainfall (inches)

I.D.3.c. Runoff Flow Rate

The runoff flow rate is calculated using the Rational Method. The can be done by estimating a runoff coefficient for post-construction conditions. The runoff coefficient or "C" value for a variety of land uses may be found in Tables I-3 and I-4. For disturbed areas when CN is provided, runoff coefficient can be estimated by dividing direct runoff (q) by rainfall (P).

The flow rate of runoff is needed for the design of check dams, earth dikes, silt fences, pipe slope drains, and drop inlet protection.

The following guidelines are provided for runoff flow rate determination:

1. Determine the area of the drainage basin in acres.

2. Determine the two-year, one-hour rainfall using the two-year, 24-hour rainfall from the NOAA *Precipitation-Frequency Atlas of the Western United States*.

Table I-2. Direct Runoff in Inches

Curve No. 77, "A" Soil		Curve No. 86, "B" Soil		Curve No. 91, "C" Soil		Curve No. 94, "D" Soil	
24-Hour Rainfall (P)	Direct Runoff (q)	24-Hour Rainfall (P)	Direct Runoff (q)	24-Hour Rainfall (P)	Direct Runoff (q)	24-Hour Rainfall (P)	Direct Runoff (q)
1.0	0.048	1.0	0.198	1.0	0.359	1.0	0.504
1.1	0.072	1.1	0.250	1.1	0.430	1.1	0.587
1.2	0.101	1.2	0.306	1.2	0.504	1.2	0.672
1.3	0.134	1.3	0.365	1.3	0.581	1.3	0.759
1.4	0.170	1.4	0.427	1.4	0.660	1.4	0.847
1.5	0.209	1.5	0.492	1.5	0.740	1.5	0.937
1.6	0.252	1.6	0.560	1.6	0.822	1.6	1.027
1.7	0.297	1.7	0.629	1.7	0.906	1.7	1.118
1.8	0.345	1.8	0.701	1.8	0.991	1.8	1.210
1.9	0.396	1.9	0.774	1.9	1.077	1.9	1.303
2.0	0.448	2.0	0.849	2.0	1.164	2.0	1.396
2.1	0.503	2.1	0.925	2.1	1.252	2.1	1.490
2.2	0.560	2.2	1.003	2.2	1.340	2.2	1.584
2.3	0.618	2.3	1.082	2.3	1.430	2.3	1.679
2.4	0.678	2.4	1.162	2.4	1.520	2.4	1.774
2.5	0.740	2.5	1.243	2.5	1.610	2.5	1.869
2.6	0.804	2.6	1.326	2.6	1.702	2.6	1.965
2.7	0.869	2.7	1.409	2.7	1.793	2.7	2.061
2.8	0.935	2.8	1.493	2.8	1.886	2.8	2.157
2.9	1.002	2.9	1.577	2.9	1.978	2.9	2.253
3.0	1.071	3.0	1.662	3.0	2.071	3.0	2.350
3.1	1.141	3.1	1.748	3.1	2.165	3.1	2.447
3.2	1.212	3.2	1.835	3.2	2.258	3.2	2.544
3.3	1.284	3.3	1.922	3.3	2.352	3.3	2.641
3.4	1.357	3.4	2.010	3.4	2.447	3.4	2.738
3.5	1.430	3.5	2.098	3.5	2.541	3.5	2.836

Table I-3. Typical "C" Values for Urban Areas (Rational Method)

Description of Area	Runoff Coefficient
Business	
Downtown areas	0.70-0.95
Neighborhood areas	0.50-0.70
Residential	
Single-family areas	0.30-0.50
Multi-units, detached	0.40-0.60
Multi-units, attached	0.60-0.75
Residential (suburban)	0.25-0.40
Apartment-dwelling areas	0.50-0.70
Industrial	
Light areas	0.50-0.80
Heavy areas	0.60-0.90
Parks, cemeteries	0.10-0.25
Playgrounds	0.20-0.35
Railroad yard areas	0.20-0.40
Unimproved areas	0.10-0.30
Streets/roads	
Asphalt	0.70-0.95
Concrete	0.80-0.95
Brick	0.70-0.85
Drives and walks	0.75-0.85
Roofs	0.75-0.95
Lawns – course-textured soil (greater than 85% sand)	
Flat slope (2%)	0.05-0.10
Average slope (2% - 7%)	0.10-0.15
Steep slope (greater than 7%)	0.15-0.20
Lawns – fine-textured soil (greater than 40% clay)	
Flat slope (2%)	0.13-0.17
Average slope (2% - 7%)	0.18-0.22
Steep slope (greater than 7%)	0.25-0.35

Table I-4. Typical "C" Values for Rural Areas (Rational Method)

Description of Area	Flat	Rolling 2% – 10%	Hilly Over 10%
Pavement	0.90	0.90	0.90
Earth shoulders	0.50	0.60	0.60
Grass shoulders	0.40	0.50	0.50
Side slopes – earth	0.50	0.60	0.60
Side slopes – turf	0.30	0.40	0.50
Medial strips – earth	0.25	0.30	0.30
Cultivated land	0.50	0.55	0.60
Meadows and pastures	0.25	0.30	0.35
Forested land	0.10	0.15	0.20

3. Determine the average runoff coefficient for soils within the disturbed area from Table I-3 or Table I-4.

4. Calculate the rainfall intensity (I),

$$I = \frac{14.97\,(i)}{T_c^{(0.661)}}$$

Where: I = 2-year, 1-hour rainfall (inches)
T_c = Time of concentration (minutes [minimum 10 minutes])

5. Calculate the runoff flow rate (Q),

$$Q = CIA$$

Where: Q = Runoff flow rate (cfs)
C = Runoff coefficient
I = Rainfall intensity (inches per hour)
A = Area of the drainage basin (acres)

I.D.3.d. SWPPP Information Sheet

The SWPPP requires all drainage parameters shown in the SWPPP Information Sheet (Figure I-11 and Appendix B1). The following guidelines are provided to complete this form:

- Enter the 2-year, 24-hour and 1-hour rainfalls from the NOAA *Precipitation–Frequency Atlas of the Western United States* or locally accepted precipitation data.

- Calculate the rainfall intensity as described in Section I.D.3.c. For areas within construction limits, time of concentration (T_c) could be assumed ten minutes. For offsite runoff or large drainage areas, the time of concentration and appropriate rainfall intensity should be calculated.

- Enter the average NRCS hydrologic soil group for soils within the disturbed area.

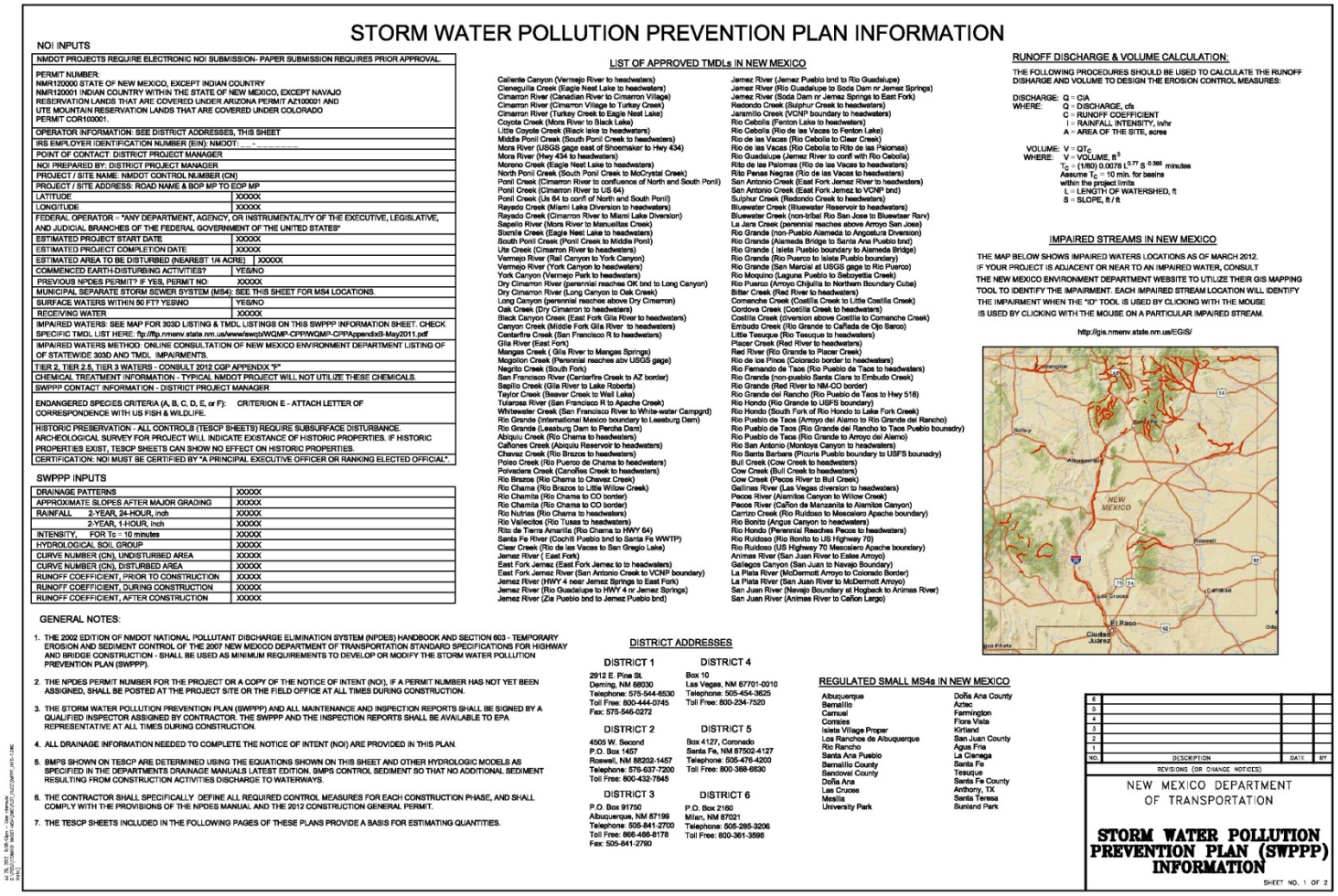
- Enter the average NRCS CN for soils within the disturbed area during construction. Determine the direct runoff from the two-year, 24-hour event using Table I-2.

- Enter the runoff coefficient within the disturbed area during and after construction.

- Enter the average NRCS CN for offsite soils and onsite soils outside the disturbed area. Determine the direct runoff from the two-year, 24-hour event per above procedure.

- Calculate the volume of runoff by multiplying the drainage area (D.A.) in square feet with the direct runoff (q) and dividing by 12 to convert to cubic feet. Calculate the rate of runoff (Q) using the Rational Method as described in Section I.D.3.c.

SWPPP INFORMATION SHEET



STORM WATER POLLUTION PREVENTION PLAN INFORMATION

NOI INPUTS

NMDOT PROJECTS REQUIRE ELECTRONIC NOI SUBMISSION- PAPER SUBMISSION REQUIRES PRIOR APPROVAL.
PERMIT NUMBER: NMR120000 STATE OF NEW MEXICO, EXCEPT INDIAN COUNTRY NMR120001 INDIAN COUNTRY WITHIN THE STATE OF NEW MEXICO, EXCEPT NAVAJO RESERVATION LANDS THAT ARE COVERED UNDER ARIZONA PERMIT AZ10000? AND UTE MOUNTAIN RESERVATION LANDS THAT ARE COVERED UNDER COLORADO PERMIT COR100001.
OPERATOR INFORMATION: SEE DISTRICT ADDRESSES, THIS SHEET
IRS EMPLOYER IDENTIFICATION NUMBER (EIN): NMDOT: __-_______
POINT OF CONTACT: DISTRICT PROJECT MANAGER
NOI PREPARED BY: DISTRICT PROJECT MANAGER
PROJECT / SITE NAME: NMDOT CONTROL NUMBER (CN)
PROJECT / SITE ADDRESS: ROAD NAME & BOP MP TO EOP MP
LATITUDE XXXXX
LONGITUDE XXXXX
FEDERAL OPERATOR - "ANY DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE FEDERAL GOVERNMENT OF THE UNITED STATES"
ESTIMATED PROJECT START DATE XXXXX
ESTIMATED PROJECT COMPLETION DATE XXXXX
ESTIMATED AREA TO BE DISTURBED (NEAREST 1/4 ACRE) [ ] XXXXX
COMMENCED EARTH-DISTURBING ACTIVITIES? YES/NO
PREVIOUS NPDES PERMIT? IF YES, PERMIT NO: XXXXX
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): SEE THIS SHEET FOR MS4 LOCATIONS.
SURFACE WATERS WITHIN 50 FT? YES/NO YES/NO
RECEIVING WATER XXXXX
IMPAIRED WATERS: SEE MAP FOR 303D LISTING & TMDL LISTINGS ON THIS SWPPP INFORMATION SHEET. CHECK SPECIFIC TMDL LIST HERE: ftp://ftp.nmenv.state.nm.us/www/swqb/WQM/P-CPP/WQMP-CPPAppendix9-May2011.pdf
IMPAIRED WATERS METHOD: ONLINE CONSULTATION OF NEW MEXICO ENVIRONMENT DEPARTMENT LISTING OF STATEWIDE 303D AND TMDL IMPAIRMENTS.
TIER 2, TIER 2.5, TIER 3 WATERS - CONSULT 2012 CGP APPENDIX "F"
CHEMICAL TREATMENT INFORMATION - TYPICAL NMDOT PROJECT WILL NOT UTILIZE THESE CHEMICALS.
SWPPP CONTACT INFORMATION - DISTRICT PROJECT MANAGER
ENDANGERED SPECIES CRITERIA (A, B, C, D, E, or F): CRITERION E - ATTACH LETTER OF CORRESPONDENCE WITH US FISH & WILDLIFE.
HISTORIC PRESERVATION - ALL CONTROLS (TESCP SHEETS) REQUIRE SUBSURFACE DISTURBANCE. ARCHEOLOGICAL SURVEY FOR PROJECT WILL INDICATE EXISTANCE OF HISTORIC PROPERTIES. IF HISTORIC PROPERTIES EXIST, TESCP SHEETS CAN SHOW NO EFFECT ON HISTORIC PROPERTIES.
CERTIFICATION: NOI MUST BE CERTIFIED BY "A PRINCIPAL EXECUTIVE OFFICER OR RANKING ELECTED OFFICIAL".

SWPPP INPUTS

DRAINAGE PATTERNS	XXXXX
APPROXIMATE SLOPES AFTER MAJOR GRADING	XXXXX
RAINFALL 2-YEAR, 24-HOUR, inch	XXXXX
2-YEAR, 1-HOUR, inch	XXXXX
INTENSITY, FOR Tc = 10 minutes	XXXXX
HYDROLOGICAL SOIL GROUP	XXXXX
CURVE NUMBER (CN), UNDISTURBED AREA	XXXXX
CURVE NUMBER (CN), DISTURBED AREA	XXXXX
RUNOFF COEFFICIENT, PRIOR TO CONSTRUCTION	XXXXX
RUNOFF COEFFICIENT, DURING CONSTRUCTION	XXXXX
RUNOFF COEFFICIENT, AFTER CONSTRUCTION	XXXXX

GENERAL NOTES:

1. THE 2002 EDITION OF NMDOT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) HANDBOOK AND SECTION 603 - TEMPORARY EROSION AND SEDIMENT CONTROL OF THE 2007 NEW MEXICO DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION - SHALL BE USED AS MINIMUM REQUIREMENTS TO DEVELOP OR MODIFY THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP).
2. THE NPDES PERMIT NUMBER FOR THE PROJECT OR A COPY OF THE NOTICE OF INTENT (NOI), IF A PERMIT NUMBER HAS NOT YET BEEN ASSIGNED, SHALL BE POSTED AT THE PROJECT SITE OR THE FIELD OFFICE AT ALL TIMES DURING CONSTRUCTION.
3. THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND ALL MAINTENANCE AND INSPECTION REPORTS SHALL BE SIGNED BY A QUALIFIED INSPECTOR ASSIGNED BY CONTRACTOR. THE SWPPP AND THE INSPECTION REPORTS SHALL BE AVAILABLE TO EPA REPRESENTATIVE AT ALL TIMES DURING CONSTRUCTION.
4. ALL DRAINAGE INFORMATION NEEDED TO COMPLETE THE NOTICE OF INTENT (NOI) ARE PROVIDED IN THIS PLAN.
5. BMPS SHOWN ON TESCP ARE DETERMINED USING THE EQUATIONS SHOWN ON THIS SHEET AND OTHER HYDROLOGIC MODELS AS SPECIFIED IN THE DEPARTMENTS DRAINAGE MANUALS LATEST EDITION. BMPS CONTROL SEDIMENT SO THAT NO ADDITIONAL SEDIMENT RESULTING FROM CONSTRUCTION ACTIVITIES DISCHARGE TO WATERWAYS.
6. THE CONTRACTOR SHALL SPECIFICALLY DEFINE ALL REQUIRED CONTROL MEASURES FOR EACH CONSTRUCTION PHASE, AND SHALL COMPLY WITH THE PROVISIONS OF THE NPDES MANUAL AND THE 2012 CONSTRUCTION GENERAL PERMIT.
7. THE TESCP SHEETS INCLUDED IN THE FOLLOWING PAGES OF THESE PLANS PROVIDE A BASIS FOR ESTIMATING QUANTITIES.

LIST OF APPROVED TMDLs IN NEW MEXICO

Caliente Canyon (Vermejo River to headwaters)
Cienegulla Creek (Eagle Nest Lake to headwaters)
Cimarron River (Canadian River to Cimarron Village)
Cimarron River (Cimarron Village to Turkey Creek)
Cimarron River (Turkey Creek to Eagle Nest Lake)
Coyote Creek (Mora River to Black Lake)
Little Coyote Creek (Black lake to headwaters)
Middle Ponil Creek (South Ponil Creek to headwaters)
Mora River (USGS gage east of Shoemaker to Hwy 434)
Mora River (Hwy 434 to headwaters)
Moreno Creek (Eagle Nest Lake to headwaters)
North Ponil Creek (South Ponil Creek to McCrystal Creek)
Ponil Creek (Cimarron River to confluence of North and South Ponil)
Ponil Creek (Cimarron River to US 64)
Ponil Creek (Us 64 to confl of North and South Ponil)
Rayado Creek (Miami Lake Diversion to headwaters)
Rayado Creek (Cimarron River to Miami Lake Diversion)
Sapello River (Mora River to Manuelitas Creek)
Sixmile Creek (Eagle Nest Lake to headwaters)
South Ponil Creek (Ponil Creek to Middle Ponil)
Ute Creek (Cimarron River to headwaters)
Vermejo River (Rail Canyon to York Canyon)
Vermejo River (York Canyon to headwaters)
York Canyon (Vermejo Park to headwaters)
Dry Cimarron River (perennial reaches OK bnd to Long Canyon)
Dry Cimarron River (Long Canyon to Oak Creek)
Long Canyon (perennial reaches above Dry Cimarron)
Oak Creek (Dry Cimarron to headwaters)
Black Canyon Creek (East Fork Gila River to headwaters)
Canyon Creek (Middle Fork Gila River to headwaters)
Centerfire Creek (San Francisco R to headwaters)
Gila River (East Fork)
Mangas Creek (Gila River to Mangas Springs)
Mogollon Creek (Perennial reaches abv USGS gage)
Negrito Creek (South Fork)
San Francisco River (Centerfire Creek to AZ border)
Sapillo Creek (Gila River to Lake Roberts)
Taylor Creek (Beaver Creek to Wall Lake)
Tularosa River (San Francisco R to Apache Creek)
Whitewater Creek (San Francisco River to White-water Campgrd)
Rio Grande (International Mexico boundary to Leasburg Dam)
Rio Grande (Leasburg Dam to Percha Dam)
Abiquiu Creek (Rio Chama to headwaters)
Canones Creek (Abiquiu Reservoir to headwaters)
Chavez Creek (Rio Brazos to headwaters)
Poleo Creek (Rio Puerco de Chama to headwaters)
Polvadera Creek (Candelas Creek to headwaters)
Rio Brazos (Rio Chama to Chavez Creek)
Rio Chama (Rio Brazos to Little Willow Creek)
Rio Chamita (Rio Chama to CO border)
Rio Chamita (Rio Chama to CO border)
Rio Nutrias (Rio Chama to headwaters)
Rio Vallecitos (Rio Tusas to headwaters)
Rito de Tierra Amarilla (Rio Chama to HWY 64)
Santa Fe River (Cochiti Pueblo bnd to Santa Fe WWTP)
Clear Creek (Rio de las Vacas to San Gregio Lake)
Jemez River (East Fork)
East Fork Jemez (East Fork Jemez to to headwaters)
East Fork Jemez River (San Antonio Creek to VCNP boundary)
Jemez River (HWY 4 near Jemez Springs to East Fork)
Jemez River (Rio Guadalupe to HWY 4 nr Jemez Springs)
Jemez River (Zia Pueblo bnd to Jemez Pueblo bnd)
Jemez River (Jemez Pueblo bnd to Rio Guadalupe)
Jemez River (Rio Guadalupe to Soda Dam nr Jemez Springs)
Jemez River (Soda Dam nr Jemez Springs to East Fork)
Redondo Creek (Sulphur Creek to headwaters)
Jaramillo Creek (VCNP boundary to headwaters)
Rio Cebolla (Fenton Lake to headwaters)
Rio Cebolla (Rio de las Vacas to Fenton Lake)
Rio de las Vacas (Rio Cebolla to Clear Creek)
Rio de las Vacas (Rio Cebolla to Rito de las Palomas)
Rio Guadalupe (Jemez River to confl with Rio Cebolla)
Rito de las Palomas (Rio de las Vacas to headwaters)
Rito Penas Negras (Rio de las Vacas to headwaters)
San Antonio Creek (East Fork Jemez River to headwaters)
San Antonio Creek (East Fork Jemez to VCNP bnd)
Sulphur Creek (Redondo Creek to headwaters)
Bluewater Creek (Bluewater Reservoir to headwaters)
Bluewater Creek (non-tribal Rio San Jose to Bluewater Rsrv)
La Jara Creek (perennial reaches above Arroyo San Jose)
Rio Grande (non-Pueblo Alameda to Angostura Diversion)
Rio Grande (Alameda Bridge to Santa Ana Pueblo bnd)
Rio Grande (Isleta Pueblo boundary to Alameda Bridge)
Rio Grande (Rio Puerco to Isleta Pueblo boundary)
Rio Grande (San Marcial at USGS gage to Rio Puerco)
Rio Moquino (Laguna Pueblo to Seboyetita Creek)
Rio Puerco (Arroyo Chijuilla to Northern Boundary Cube)
Bitter Creek (Rad River to headwaters)
Comanche Creek (Costilla Creek to Little Costilla Creek)
Cordova Creek (Costilla Creek to headwaters)
Costilla Creek (diversion above Costilla to Comanche Creek)
Embudo Creek (Rio Grande to Cañada de Ojo Sarco)
Little Tesuque (Rio Tesuque to headwaters)
Placer Creak (Red River to headwaters)
Red River (Rio Grande to Placer Creek)
Rio de los Pinos (Colorado border to headwaters)
Rio Fernando de Taos (Rio Pueblo de Taos to headwaters)
Rio Grande (non-pueblo Santa Clara to Embudo Creek)
Rio Grande (Red River to NM-CO border)
Rio Grande del Rancho (Rio Pueblo de Taos to Hwy 518)
Rio Hondo (Rio Grande to USFS bounadry)
Rio Hondo (South Fork of Rio Hondo to Lake Fork Creek)
Rio Pueblo de Taos (Arroyo del Alamo to Rio Grande del Rancho)
Rio Pueblo de Taos (Rio Grande del Rancho to Taos Pueblo bounadry)
Rio Pueblo de Taos (Rio Grande to Arroyo del Alamo)
Rio San Antonio (Montoya Canyon to headwaters)
Rio Santa Barbara (Picuris Pueblo boundary to USFS bounadry)
Bull Creek (Cow Creek to headwaters)
Cow Creek (Bull Creek to headwaters)
Cow Creek (Pecos River to Bull Creek)
Gallinas River (Las Vegas diversion to headwaters)
Pecos River (Alamitos Canyon to Willow Creek)
Pecos River (Cañon de Manzanita to Alamitos Canyon)
Carrizo Creek (Rio Ruidoso to Mescalero Apache boundary)
Rio Bonito (Angus Canyon to headwaters)
Rio Hondo (Perennial Reaches Pecos to headwaters)
Rio Ruidoso (Rio Bonito to US Highway 70)
Rio Ruidoso (US Highway 70 Mescalero Apache boundary)
Animas River (San Juan River to Estes Arroyo)
Gallegos Canyon (San Juan to Navajo Boundary)
La Plata River (McDermott Arroyo to Colorado Border)
La Plata River (San Juan River to McDermott Arroyo)
San Juan River (Navajo Boundary at Hogback to Animas River)
San Juan River (Animas River to Cañon Largo)

RUNOFF DISCHARGE & VOLUME CALCULATION:

THE FOLLOWING PROCEDURES SHOULD BE USED TO CALCULATE THE RUNOFF DISHARGE AND VOLUME TO DESIGN THE EROSION CONTROL MEASURES:

DISCHARGE: $Q = CIA$
WHERE: Q = DISCHARGE, cfs
C = RUNOFF COEFFICIENT
I = RAINFALL INTENSITY, in/hr
A = AREA OF THE SITE, acres

VOLUME: $V = QT_C$
WHERE: V = VOLUME, ft^3
$T_C = (1/60)\ 0.0078\ L^{0.77}\ S^{-0.385}$ minutes
Assume T_C = 10 min. for basins within the project limits
L = LENGTH OF WATERSHED, ft
S = SLOPE, ft / ft

IMPAIRED STREAMS IN NEW MEXICO

THE MAP BELOW SHOWS IMPAIRED WATERS LOCATIONS AS OF MARCH 2012. IF YOUR PROJECT IS ADJACENT OR NEAR TO AN IMPAIRED WATER, CONSULT THE NEW MEXICO ENVIRONMENT DEPARTMENT WEBSITE TO UTILIZE THEIR GIS MAPPING TOOL TO IDENTIFY THE IMPAIRMENT. EACH IMPAIRED STREAM LOCATION WILL IDENTIFY THE IMPAIRMENT WHEN THE "ID" TOOL IS USED BY CLICKING WITH THE MOUSE IS USED BY CLICKING WITH THE MOUSE ON A PARTICULAR IMPAIRED STREAM.

http://gis.nmenv.state.nm.us/EGIS/

DISTRICT ADDRESSES

DISTRICT 1
2912 E. Pine St.
Deming, NM 88030
Telephone: 575-544-6530
Toll Free: 800-444-0745
Fax: 575-546-0272

DISTRICT 2
4505 W. Second
P.O. Box 1457
Roswell, NM 88202-1457
Telephone: 575-637-7200
Toll Free: 800-432-7845

DISTRICT 3
P.O. Box 91750
Albuquerque, NM 87199
Telephone: 505-841-2700
Toll Free: 866-466-8178
Fax: 505-841-2780

DISTRICT 4
Box 10
Las Vegas, NM 87701-0010
Telephone: 505-454-3625
Toll Free: 800-234-7320

DISTRICT 5
Box 4127, Coronado
Santa Fe, NM 87502-4127
Telephone: 505-476-4200
Toll Free: 800-388-6630

DISTRICT 6
P.O. Box 2190
Milan, NM 87021
Telephone: 505-285-3206
Toll Free: 800-361-3598

REGULATED SMALL MS4s IN NEW MEXICO

Albuquerque
Bernalillo
Camuel
Corrales
Isleta Village Proper
Los Ranchos de Albuquerque
Rio Rancho
Santa Ana Pueblo
Bernalillo County
Sandoval County
Doña Ana
Las Cruces
Mesilla
University Park
Doña Ana County
Aztec
Farmington
Flora Vista
Kirtland
San Juan County
Agua Fria
La Cienega
Santa Fe
Tesuque
Santa Fe County
Anthony, TX
Santa Teresa
Sunland Park

NO.	DESCRIPTION	DATE	BY
6			
5			
4			
3			
2			
1			

REVISIONS (OR CHANGE NOTICES)

NEW MEXICO DEPARTMENT OF TRANSPORTATION

STORM WATER POLLUTION PREVENTION PLAN (SWPPP) INFORMATION

SHEET NO. 1 OF 2

Figure I-10. Sample of a Completed SWPPP Information Sheet

I.D.4. Sediment Control Plans

The performance of structural erosion control measures is governed by the total volume of runoff, the rate of runoff from the area tributary to the measure, and the erosional characteristics of the site. The tributary area to an erosion and sediment control measure should include both disturbed and undisturbed areas subject to the adjustments addressed in the following sections.

The procedure for computing the amount of erosion is not an exact science. The processes that govern soil erosion are complicated. The complicated nature of the processes yields methodologies with many simplified assumptions in order to create a manageable solution to the problem. It is unlikely that any equation, statistical or otherwise, could accurately predict the response of all soil types to all the natural or man-made forces affecting the erosion process. Therefore, using an appropriate soil-loss protection model (e.g., SEDCAD 4.0, RUSLE, Sediment II, MILLISED, etc.), the operator must demonstrate that site-specific practices yield less sediment after construction than before. For demonstration purposes, the RUSLE methodology and its Internet-available spreadsheet will be used. Other models may be equally available and appropriate. See www.nm.nrcs.usda.gov/technical/tech-notes/agro/ag28-2-soil-loss-computation.xls to download the spreadsheet. (Figure I-12 is a sample of the completed spreadsheet.) See also www.nm.nrcs.usda.gov/technical/tech-notes/agro/ag28-1-c-factor-rusle.xls for assistance in using the correct C values. For a more rigorous development of RUSLE, see www.sedlab.olemiss.edu/ rusle/download.html to download the RUSLE program, templates and databases for a more comprehensive development of the topic.

I.E. BEST MANAGEMENT PRACTICES FOR CONSTRUCTION

In selecting BMPs to be incorporated into an SWPPP, the user must understand the causes of pollution. Again, the three goals of the NPDES storm water program are to reduce erosion, minimize sedimentation, and control the discharge of non-storm water pollutants. Understanding how these processes occur will help the user choose the best BMPs for a site.

Two types of erosion can occur: surface erosion and stream erosion. Surface erosion is caused by the impact of raindrops on the soil, and the very shallow sheet flow at low velocities across the soil. Surface erosion is best controlled using stabilization practices, minimizing the area disturbed (including tree/brush/vegetative clearing and grubbing), and minimizing the time that disturbed areas are exposed. Minimizing surface erosion results in less sedimentation to be dealt with in storm water leaving the site. Stream erosion occurs when water collects and moves through rills, gullies, and channels that can develop and enlarge by the concentrated flow. Stream erosion is usually controlled using structural controls or leveling. The key to reducing stream erosion is to reduce the velocity of the flow.

USDA-Natural Resources Conservation Service | Attachment 1 | **NM-ECS-2** Revised 9/03 mas

SOIL LOSS COMPUTATION

Benchmark:		**Client:**	NMDOT
Alternative Treatment:	(check one)	**Location:**	Los Alamos
Rainfall Factor (RUSLE):	25	**County:**	Los Alamos
Soil Name & Tex:	Nijack	**Date:**	11/20/2003
Soil Loss Tolerance (T):	t/ac/yr	**Field Office:**	
Wind Climate Factor:		**Planner:**	Mayne
RUSLE C factor (field 1):	0.17	**Crop Rotation:**	
(field 2):			
(field 3):		**Mgt. Condition:**	
(field 4):			
(field 5):			
(field 6):			
Type of Land:	Rangeland		

WIND EROSION (Mgt. Period Method)

Note: Attach WEQ run

(Wind erosion field number and size must be filled out to use in other forms of erosion.)

Field (num)	Size (ac)	Climatic C (factor)	Wnd I (factor)	Actual Loss (t/ac/yr)	Ton Ero by Field (t/yr)
1	0.92	0	0		0

WATER EROSION (RUSLE)-sheet and rill erosion

R x K x LS x C x P = A

Field (num)	Size (ac)	Rainfall R (factor)	Soil K (factor)	Slope (%)	Length (ft)	Length-Slope LS (factor)	Cover-Mgt C (factor)	Support Practices P (factor)	Soil Loss A (t/ac/yr)	Tons by Field (t/yr)
1	0.92	25	0.28	1.00	260	0.15	0.17	0.6	0.1	0.1
									0.0	
									0.0	
									0.0	
									0.0	
									0.0	

EPHEMERAL GULLY EROSION (voided area method for the group of fields)*

Rill formula: (top width+bottom width)/2 x Depth = Tons of Soil Loss from each Rill on per Ac bases.

Rill Number:	1	2	3	4	5	6	7	8	
Top width (in):									measured
Bottom width (in):									measured
Sum (in):									
Average Width (in):									
Average Depth (in):									measured
WxD (in^2=tons loss):									

Total Loss (tons/ac): 0 **Yrs to Create:** **Tt Loss per Year (t/ac/yr):** 0.0

Figure I-11. Sample of Completed Calculations Spreadsheet

Sedimentation is the particles of sand, soil, and debris collected and suspended in the storm water as it travels across the surface or in stream flow. Again, the less erosion that occurs, the less sediment there will be in the water. Once suspended in water, sediments are most easily removed by settling or filtration methods. Slowing the velocity of the water in a sediment trap, tank, or pond allows the heavier particles to settle out of the water due to gravity. Passing the water through filtering devices such as silt fences or straw bales will also reduce the amount of sediment in the water. These are types of structural controls.

The discharge of non-storm water pollutants occurs when chemicals or non-natural materials come in contact with and are picked up and carried offsite by storm water. This can include a wide variety of materials such as trash, paint, fuels, lubricants, adhesives, and raw cement. Non-storm water pollution is controlled through good housekeeping practices. Storing these materials in protected storage areas or containers prevents contact with the storm water. Picking up and removing trash on a regular basis are important to good housekeeping. Cleaning up spills immediately lessens the chance of contact with storm water. Keeping equipment maintained reduces the likelihood of leaks. The goal is to prevent contact of these materials with storm water because, if there is no contact, the materials cannot be carried offsite by the storm water. Appendix A provides summaries of current BMPs to be considered for adoption into SWPPPs. The BMPs are organized into six classifications: Construction Site Planning and Management (Appendix A1), Erosion Controls (Appendix A2), Runoff Control (Appendix A3), Sediment Control (Appendix A4), Good Housekeeping and Materials Management (Appendix A5), and Post Construction Phase BMPs (appendix A6). BMPs should be used, combined, and/or modified using good engineering judgment to meet the three NPDES storm water program goals. They must also conform to all federal, state, local, and other authorities' requirements.

II. INDUSTRIAL ACTIVITIES

II.A. INTRODUCTION

Storm water runoff from industrial sites can be a major cause of water pollution. Storm water can include rainfall, melting snow, surface runoff and drainage, and rainfall or snowmelt from adjacent sites running onto and/or through a facility. Storm water can pick up and carry materials and debris from uncovered material storage areas and areas where chemicals or industrial materials have been spilled, even if the material has been cleaned up and only a residue remains. Unless mitigation measures are designed and implemented appropriately, industrial locations are subject to transporting onsite pollutants to waterways by storm water runoff.

The permit for storm water discharges from industrial sites, the NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP), requires the development of a Stormwater Pollution Prevention Plan (SWPPP), which is the documentation of the measures that will be implemented to ensure that pollution does not occur. There are requirements in the Multi-Sector General Permit (MSGP) for industry-specific BMPs, and for monitoring and analytical activities, based on Standard Industrial Classification (SIC)-code determinations for the particular industrial activity. The analytical requirements ensure that industrial activity-specific pollutants aren't being transported in storm water runoff. The SWPPP itself serves as the self-generated tracking mechanism developed for the EPA by the individual site operator.

With this document, users can develop a storm water management plan tailored to the needs of their particular industrial site. Users will also be assisted in meeting regulatory requirements of storm water management.

II.B. REGULATORY SUMMARY

II.B.1. NPDES Regulations

As part of the Water Quality Act of 1987, storm water discharge associated with industrial activity from a point source to waters of the United States is unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) Permit. In order to effectively manage the permit process, the EPA has produced an MSGP for industrial activities, which defines specific conditions and requirements to be met as part of the Permit. The MSGP establishes the procedures required for proper coverage, the requirement for an SWPPP, and requirements for termination of Permit coverage. In addition to meeting the requirements for the MSGP, the site operator may be obligated to contact the local MS4, if requested, to determine if local requirements must be met in addition to MSGP coverage, although at present there are no MS4s in New Mexico that require such notification.

The NPDES Storm Water Permitting Program in New Mexico is administered by the EPA. Requirements for the NPDES Storm Water Discharge Permit are defined by federal law in Section 402(p) of the CWA, as added by Section 405 of the Water Quality Act of 1987.

In November 1990, EPA published regulations for NPDES Permits for certain storm water discharges. On October 30, 1995, EPA issued the first NPDES MSGP that applied to the majority of storm water discharges associated with specific industrial activities. It also added provisions to protect endangered species and designated national historic preservation sites from industrial storm water runoff. EPA issued a new MSGP in 2005 followed by the most recent MSGP issued on September 29, 2008.

As noted above, all industrial activities that discharge storm water are subject to the NPDES Permit requirement. Failure to abide by the terms of the MSGP, or failure to develop and implement a site-specific NPDES Permit, is a violation of federal law, which can subject the owner or operator to severe fines or imprisonment.

Compliance with the requirements of the MSGP consists of six major components that must be accomplished:

- Determination of eligibility
- Preparation and implementation of an SWPPP
- Submission of an NOI
- Monitoring and analytical requirements
- Description of the facility and pollution potential
- Submission of an NOT

Note: The SWPPP is prepared in conjunction with the site design, before the submission of the NOI to the EPA.

II.B.1.a. Eligibility Determination

Eligibility under the Permit is summarized in Part 1.1. of the MSGP. Permittees are only eligible for coverage under the MSGP if their storm water discharges and storm water discharge-related activities do not adversely impact the following:

- Federally listed T&E, or critical habitats

  Applicants are required to conduct an assessment of the impacts of their storm water discharges and storm water discharge-related activities on T&E and critical habitat. Appendix E of the MSGP provides procedures to assist applicants in conducting an assessment and pursuing formal consultation with federal wildlife protection agencies if necessary.Appendix E of this manual contains a copy of the most recent NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) .

- Historic properties

  Appendix F of the MSGP provides procedures to assist applicants in conducting an assessment and pursuing formal consultation with the State Historic Preservation Office if necessary.

- New Discharges to Water Quality Impaired Waters

No new discharges to water quality impaired waters are permitted without a determination by EPA Region 6 (Sec. 1.1.4.7. MSGP)

II.B.1.b. Permittees

The operator of an industrial site is the permittee, and is responsible for submitting an NOI and complying with the NPDES Permit. The term *operator* is defined by the EPA as "the responsible party who has day-to-day supervision and control of activities occurring at the site." The operator may be the owner, developer, engineer, or general contractor. Other parties responsible for industrial activities on the site are to be identified as *co-permittees*. The operations contract is an appropriate place for the permittee and any co-permittee to be identified, and their respective responsibilities listed.

II.B.2. NPDES Multi-Sector General Permit

The EPA NPDES MSGP will consolidate permit compliance requirements for many common sources of pollutants, activities, and sites under one permit. The coverage of these permits is broad, with general compliance requirements, and is effective for five years. The original federal baseline industrial MSGP was discontinued in September 1998. Future permitting strategies will be more specific to individual facilities, specific types of activities, and watershed areas. The permitting strategy developed by the EPA outlines the method of compliance and the role of the permittee.

MSGPs were issued on September 29, 1995, expired October 1, 2000, and were continued until October 30, 2000, when they were republished. The 2000 MSGP was continued until 2008. The current MSGP, was published on September 29, 2008 and will continue until it expires on September 29, 2013. The current MSGP can be found at http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf.

The MSGP has established general compliance requirements that the permittee must observe. The program is intended to be self-regulating, and requires the permittee to prepare and implement the project SWPPP. During the Permit term, the permittee is responsible for:

- Maintaining the description of the facility and potential pollution sources
- Maintaining a copy of the SWPPP onsite
- Inspecting the site to ensure that SWPPP improvements are in place and functional
- Revising the SWPPP as site conditions and industrial activities change
- Performing monitoring and analytical activities as specified
- Keeping records

Each industrial site will vary in activity and responsible party.

In addition to the general filing requirements of the MSGP, there are other requirements that may impact industrial activities. These items follow, along with methods to address the requirements, where applicable.

II.B.2.a. Monitoring Requirements

Under the MSGP, the following three monitoring types are required:

1. Analytical Monitoring — Analytical monitoring requirements involve laboratory chemical analysis of samples collected by the permittee. Analytical results (data) are compared to other sampling events, other facilities, or national benchmarks. A listing

of SIC codes eligible for Permit coverage under the MSGP is found in Appendix D of the MSGP. The list identifies those SIC-code activities that require analytical monitoring due to the likelihood of discharging pollutants at concentrations of concern.

EPA has established material benchmark concentrations for specific pollutants. Part 8, Sector Specific Requirements contains lists of monitoring concentration limits in SIC-code categories. Such monitoring takes place quarterly until the average of four consecutive quarterly monitoring values is below the benchmark value. If constituent values are above national benchmarks, analytical monitoring continues until the average of four consecutive quarterly monitoring values is below the benchmark value, or a determination that no further pollutant reductions are technologically available and economically practicable and achievable.

2. Compliance Monitoring — Compliance monitoring is mandatory for landfills to ensure conformity with the effluent guidelines established for such facilities. These facilities are generally sampled annually.

3. Quarterly Visual Examination — Quarterly visual examination is required of all sectors governed by the MSGP. Grab samples are inspected for color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, or other indicators of storm water pollution. Samples shall be taken within the first 30 minutes after storm water discharges begin.

Sampling wavers are available for the following circumstances:

- Unstaffed and inactive facilities may have sampling waived, but a Discharge Monitoring Report (DMR) still has to be filed to explain the unstaffed and inactive circumstance.

- Dischargers are not subject to the analytical monitoring requirement if a certificate is filed for each pollutant and each outfall, attesting that those constituents are not exposed to storm water for the certification period.

II.B.2.b. Storm Water Management Measures

As part of the SWPPP, storm water management measures must be addressed to reduce pollutants in storm water runoff from the site. Practices such as reducing the amount of impervious surface, open drainage swales, extended detention wet ponds, and others should be given consideration. Appropriate measures must be incorporated into project plans and the SWPPP.

Specific techniques listed in the Permit include storm water detention (dry sedimentation basins), retention structures (extended detention wet ponds), measures to allow for infiltration (trenches, open drainage swales), and velocity dissipation. Specific SIC-code requirements are listed for permitted industrial activities in Part 8 of the MSGP, Sector Specific Requirements

II.B.2.c. Coverage of Support Activities

The Permit also authorizes storm water discharges from support activities, including equipment staging yards, material storage areas, excavated material disposal areas, and borrow areas, provided that:

- The support activity is directly related to an industrial site having NPDES Permit coverage for discharges of storm water associated with the activity
- The support activity is not a commercial operation serving multiple unrelated sites of different operators, and does not operate beyond the completion of the activity it supports
- Appropriate controls and measures are identified in an SWPPP covering the discharges from the support activity

II.B.2.d. Spill Notification

The MSGP allows for storm water discharge from industrial sites only. Discharges of other substances from industrial activities are not permitted. (See Part 2.1.2.4 of the MSGP.) In the event of a spill of a hazardous substance, the operator is required to notify the National Response Center (NRC) at (800) 424-8802, the New Mexico Environment Department (NMED) at (505) 827-9329, and the local fire department to properly report the spill. A written description of the release must be provided to the EPA Regional Office, which includes the date and circumstances of the release, mitigation measures, and steps taken to prevent another release. In addition, the SWPPP must be revised within 14 calendar days after the release to reflect the release, stating the type and quantity of material released, the date of the release, the circumstances of the release, and actions to be taken to prevent further spills.

If fuels, oils, or other substances are to be present onsite, it is imperative that closed containers be provided along with containment areas for large-quantity spills. Hazardous chemicals include fertilizers, paints, oils, grease, pesticides, and fuels, along with other industrial chemicals. If these materials are not subjected to storm water flows, a No Exposure Certification (NEC) may be filled out and filed with the intent of exempting these materials from management and monitoring requirements. Provisions must be made to address potential pollution through the use of the BMPs, as well as compliance with OSHA and other regulatory requirements.

II.B.2.e. Retention of Records

As part of the MSGP, the SWPPP, DMRs, and supporting documentation must be retained for a period of three years after the event that generated the data or filing of an NOT. This is to protect the operator of the site from future claims concerning water quality and measures implemented at the site. It is recommended that each operator maintain a copy of the SWPPP for the three-year period to protect against potential lawsuits.

II.B.3. NPDES Permitting Process

Figure II-1 shows a typical simplified analysis procedure for determining if a specific facility's storm water discharge requires an NPDES Permit, and how the permitting process flows. The first task for a facility is to determine if it is regulated.. If the facility has storm water runoff, it will require an NPDES Permit, and the process is outlined in this manual. Any industrial facility having an SIC code covered by the industrial storm water regulations is presumed to have the potential to discharge, and requires a permit.

The second step for a regulated facility is to identify the industry's SIC code and check Appendix D of the MSGP for that SIC code. If the SIC code is listed, the industry is eligible for coverage under the MSGP, following the guidance in this manual. If it is not listed, the facility will have to obtain a site-specific NPDES Permit, which is outside the scope of this manual.

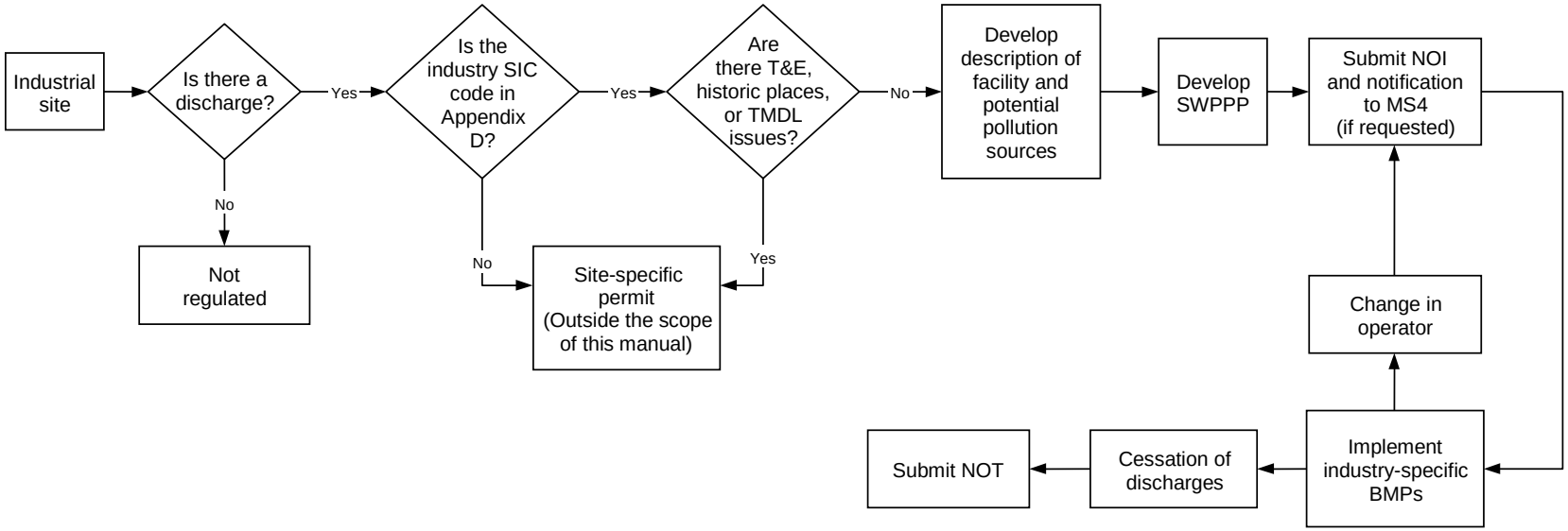
The third step for regulated facilities is to check for T&E, Historic Places, and water quality impaired waters. The process for investigating these issues is covered in Section II.B.1.a. If a facility's discharge will have an effect on any of these issues, a site-specific Permit may be required, which is outside the scope of this manual. If no such issues are present, a Permit under the MSGP is required, and the process is detailed in the remaining sections of this manual.

At this point, the facility must develop a facility description, including an assessment of potential pollution sources. After a facility assessment is complete, an SWPPP must be developed responsive to the need to mitigate the transport by storm water, those constituents characteristic of the specific industry. Figure II-2 shows, step-wise, the operating requirements, including monitoring, for any permitted facility.

Once the SWPPP is complete and contains the requirements for each specific SIC category (as detailed in Part 8 of the MSGP), including a monitoring plan, the NOI is prepared and sent to EPA. If no comments are received about the NOI, legal discharge can begin under NPDES Permit coverage.

A facility that can demonstrate no exposure to storm water by the industrial activity can file an NEC form, which may exempt the facility from Permit coverage requirements. A blank NEC form and instructions are contained in Appendix B2. A discussion of the process of de-regulating a facility is found in Appendix K of the MSGP.

During operation of the site, the measures and procedures detailed in the SWPPP will be followed, including all monitoring and inspections, at the frequency specified. If site conditions or operations change, or monitoring or inspections indicate a need to change practices, the SWPPP shall be modified to facilitate meeting the benchmark constituent concentrations in the runoff discharge.



BMP = Best Management Practice
MS4 = Municipal Separate Storm Sewer System
NOI = Notice of Intent
NOT = Notice of Termination
SIC = Standard Industrial Classification
SWPPP = Storm Water Pollution Prevention Plan
T&E = Threatened and Endangered Species
TMDL = Total Maximum Daily Load

Figure II-1. NPDES-Specific Industrial Project Flowchart

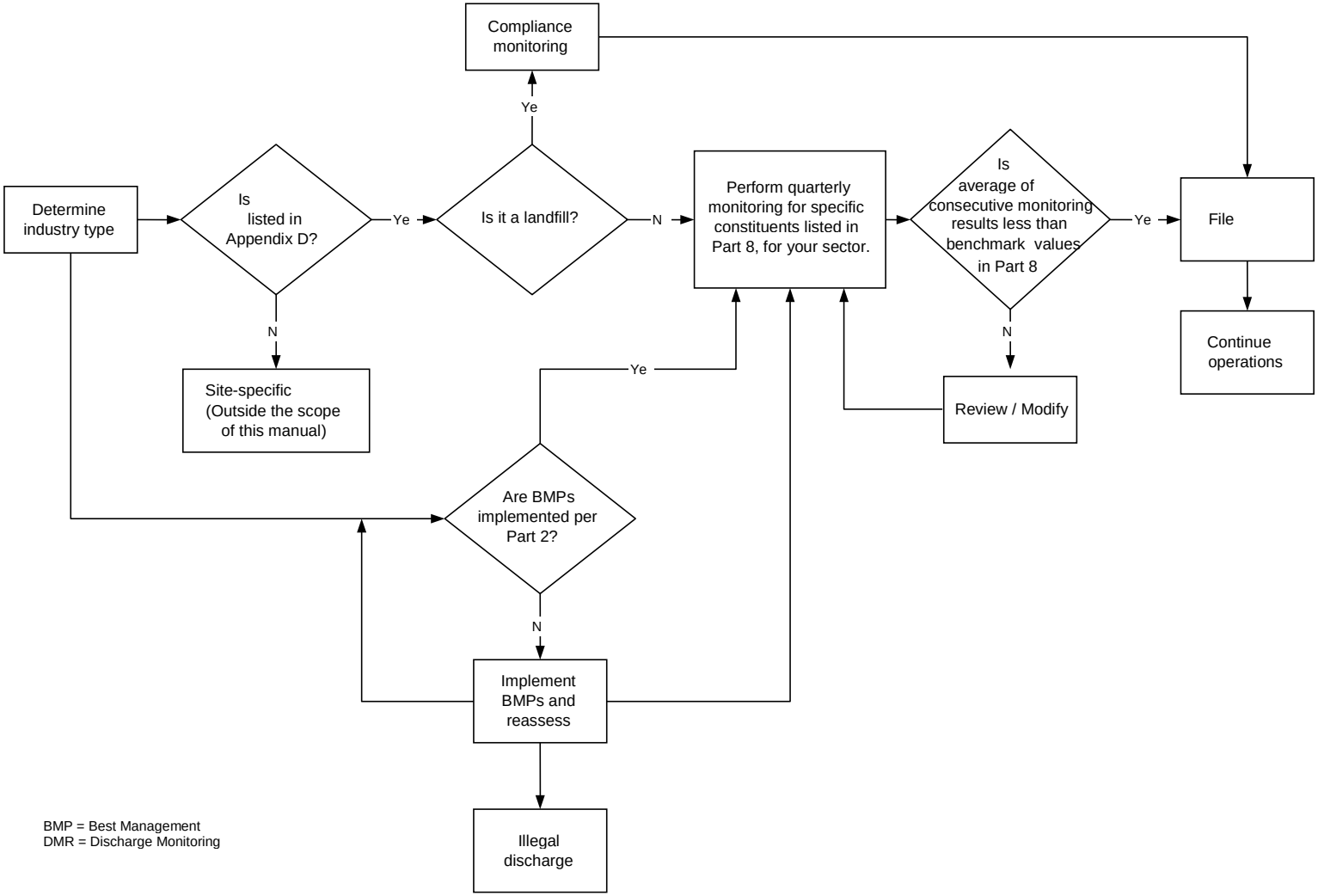


Figure II-2. Multi-Sector Permitting and Operation Sequence for Industrial Activities

If and when the site is no longer discharging storm water, an NOT is prepared and filed with the EPA. A certification is made that there are no longer discharges, that the site activity has ceased, and that there is no longer exposure to storm water and runoff processes.

II.C. NOTICE OF INTENT

II.C.1. Description

The NOI is the primary document used by the EPA to monitor and enforce compliance with the NPDES permitting requirements. The NOI is to be submitted after development of the facility description, identification of potential pollution sources, and development of the SWPPP. Unless notified by the EPA, the NOI is considered acceptable, and discharging storm water may begin 30 days following the posting of the NOI on EPA's web site, under assumed coverage of the NPDES MSGP.

The operator (see Section II.B.1.b, Permittees) of the site is required to submit the NOI, and is ultimately responsible for the effective reduction of pollution from the site. An NOI must be in place for the site throughout the time the site is active.

II.C.2. Preparing an NOI

Figure II-3 is a sample of a completed EPA NOI form for industrial activities. A blank NOI form and instructions are included in Appendix B2 of this manual.

Blank copies of the NOI can be obtained by:

- Photocopying the form in this manual (check for the latest version)
- Downloading the form from the website http://www.epa.gov/npdes/pubs/msgp2008_appendixg.pdf

Completed NOIs should be submitted to EPA's electronic Notice of Intent (eNOI) system (accessible at www.epa.gov/npdes/eNOI) or using a paper form (included in Appendix G of the MSGP) and then submitting that paper form to:

NOIs sent regular mail:
Stormwater Notice Processing Center (4203M)
USEPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

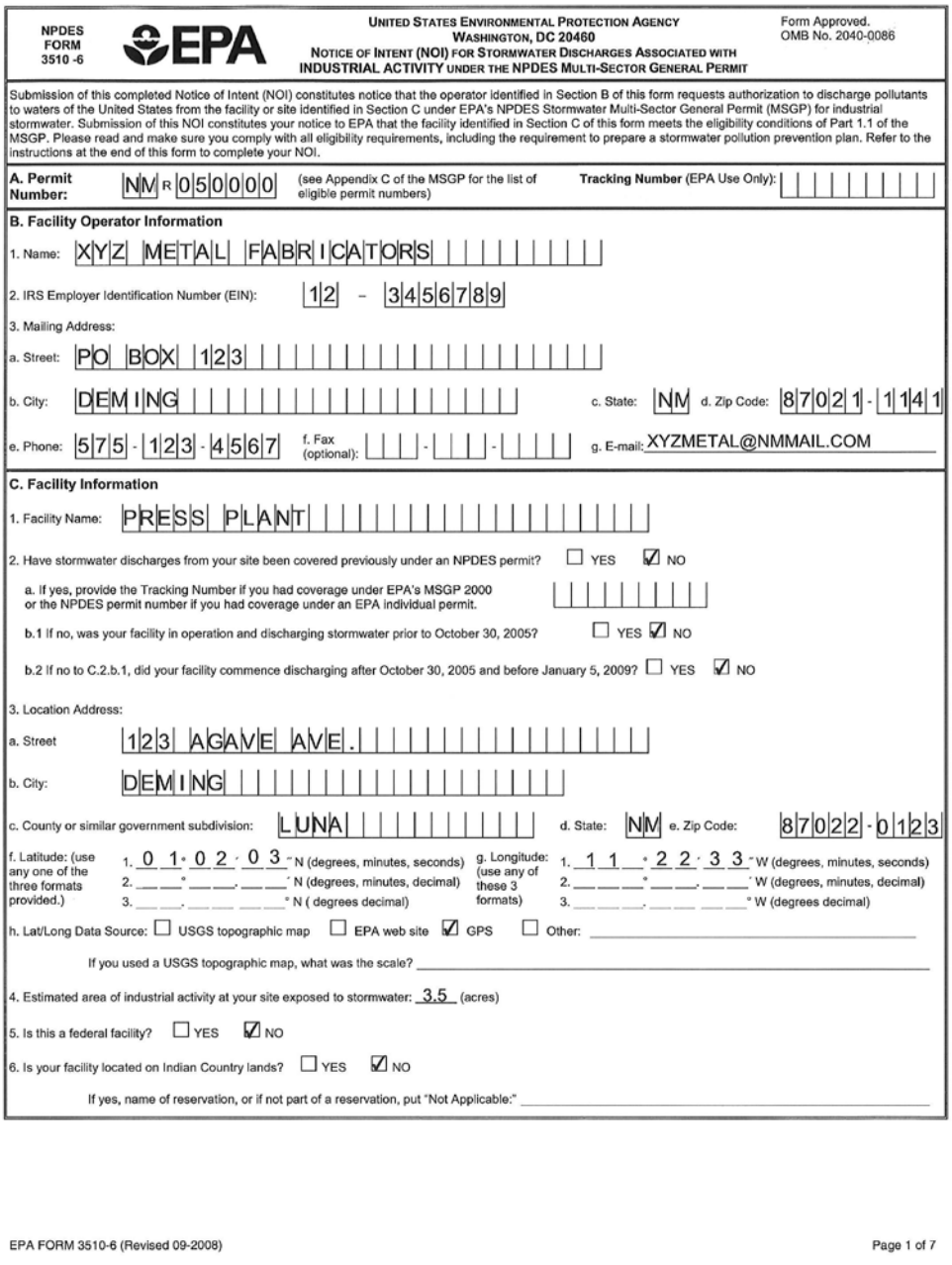
NOIs sent overnight/express mail:
Stormwater Notice Processing Center
EPA East Building, Rm. 7420
1201 Constitution Avenue, NW
Washington, DC 20004
202-564-9545

In the event of a change of operator for the site permitted, a new NOI must be filed. A new SWPPP is not required if the project is continued as originally proposed. The

permittee is required to file the NOI with the MS4 if the storm water discharge is to an MS4, and if the MS4 operation requests same.

II.C.3. Signatory Requirements

The site operator must file the NOI. Operators are defined as those individuals having day-to-day operational control over activities that are necessary to ensure compliance with the SWPPP.



NPDES FORM 3510-6

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE NPDES MULTI-SECTOR GENERAL PERMIT

Form Approved. OMB No. 2040-0086

Submission of this completed Notice of Intent (NOI) constitutes notice that the operator identified in Section B of this form requests authorization to discharge pollutants to waters of the United States from the facility or site identified in Section C under EPA's NPDES Stormwater Multi-Sector General Permit (MSGP) for industrial stormwater. Submission of this NOI constitutes your notice to EPA that the facility identified in Section C of this form meets the eligibility conditions of Part 1.1 of the MSGP. Please read and make sure you comply with all eligibility requirements, including the requirement to prepare a stormwater pollution prevention plan. Refer to the instructions at the end of this form to complete your NOI.

A. Permit Number: NMR05000 (see Appendix C of the MSGP for the list of eligible permit numbers) **Tracking Number** (EPA Use Only):

B. Facility Operator Information

1. Name: XYZ METAL FABRICATORS
2. IRS Employer Identification Number (EIN): 12 - 3456789
3. Mailing Address:
   a. Street: PO BOX 123
   b. City: DEMING c. State: NM d. Zip Code: 87021-1141
   e. Phone: 575-123-4567 f. Fax (optional): g. E-mail: XYZMETAL@NMMAIL.COM

C. Facility Information

1. Facility Name: PRESS PLANT
2. Have stormwater discharges from your site been covered previously under an NPDES permit? ☐ YES ☑ NO
   a. If yes, provide the Tracking Number if you had coverage under EPA's MSGP 2000 or the NPDES permit number if you had coverage under an EPA individual permit.
   b.1 If no, was your facility in operation and discharging stormwater prior to October 30, 2005? ☐ YES ☑ NO
   b.2 If no to C.2.b.1, did your facility commence discharging after October 30, 2005 and before January 5, 2009? ☐ YES ☑ NO
3. Location Address:
   a. Street 123 AGAVE AVE.
   b. City: DEMING
   c. County or similar government subdivision: LUNA d. State: NM e. Zip Code: 87022-0123
   f. Latitude: (use any one of the three formats provided.)
      1. 01 02 03 ° N (degrees, minutes, seconds)
      2. ___ ___ ° ___ ___ . ___ ___ ' N (degrees, minutes, decimal)
      3. ___ ___ . ___ ___ ___ ___ ° N (degrees decimal)
   g. Longitude: (use any of these 3 formats)
      1. 111 22 33 ° W (degrees, minutes, seconds)
      2. ___ ___ ° ___ ___ . ___ ___ ' W (degrees, minutes, decimal)
      3. ___ ___ ___ . ___ ___ ___ ___ ° W (degrees decimal)
   h. Lat/Long Data Source: ☐ USGS topographic map ☐ EPA web site ☑ GPS ☐ Other:
   If you used a USGS topographic map, what was the scale?
4. Estimated area of industrial activity at your site exposed to stormwater: 3.5 (acres)
5. Is this a federal facility? ☐ YES ☑ NO
6. Is your facility located on Indian Country lands? ☐ YES ☑ NO
   If yes, name of reservation, or if not part of a reservation, put "Not Applicable:"

EPA FORM 3510-6 (Revised 09-2008) Page 1 of 7

Figure II-3. Sample of a Completed EPA Notice of Intent (NOI) Form for Industrial Activities

D. Discharge Information

1. Does your facility discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☑ YES ☐ NO

If yes, name of MS4 operator: CITY OF DEMING NM

2. Receiving Waters and Wetlands (**Note**: If additional space is needed for this question, fill out Attachment 1.)

a. What is the name(s) of your receiving water(s) that receive stormwater directly and/or through an MS4)? If your receiving water is impaired then identify the name of the impaired segment, if applicable, in parentheses following the receiving water name.	b. Are any of your discharges directly into any segment of an "impaired" water?	If you answered yes to question D.2.b, then answer the following three questions:		
		b.1. What pollutant(s) are causing the impairment?	b.2. Are the pollutant(s) causing the impairment present in your discharge?	b.3. Has a TMDL been completed for the pollutant(s) causing the impairment?
UNDER GROUND WATER BASIN	☐ YES ☑ NO		☐ YES ☐ NO	☐ YES ☐ NO
RIO GRANDE RIVER BASIN	☐ YES ☑ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO

3. Water Quality Standards (for new dischargers only)

a. Are any of your discharges into any portion of a receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)? ☐ YES ☑ NO

b. Has the receiving water(s) been designated by the state or tribal authority under its antidegradation policy as a Tier 3 water (Outstanding Natural Resource Water)? ☐ YES ☑ NO

4. Federal Effluent Limitation Guidelines and Sector-Specific Requirements

a. Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? ☐ YES ☑ NO

b. If yes, which effluent limitation guidelines apply to your stormwater discharges?

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	Check if Applicable
Part 411, Subpart C	Runoff from material storage piles at cement manufacturing facilities	E	☐
Part 418 Subpart A	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	C	☐
Part 423	Coal pile runoff at steam electric generating facilities	O	☐
Part 429, Subpart I	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	A	☐
Part 436, Subpart B, C, or D	Mine dewatering discharges at crushed stone mines, construction sand and gravel mines, or industrial sand mines	J	☐
Part 443, Subpart A	Runoff from asphalt emulsion facilities	D	☐
Part 445, Subparts A & B	Runoff from hazardous waste and non-hazardous waste landfills	K, L	☐

c. If you are a Sector S (Air Transportation) facility, do you anticipate using more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis? ☐ YES ☐ NO

5. Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in MSGP:

Primary SIC Code: ☐☐☐☐ OR Primary Activity Code ☐☐

6. Identify the applicable sector(s) and subsector(s) of industrial activity, including co-located industrial activity, for which you are requesting permit coverage:

a. Sector F Subsector 1 b. Sector F Subsector 2 c. Sector F Subsector 3

d. Sector F Subsector 4 e. Sector F Subsector 5 f. Sector ☐☐ Subsector ☐

7.a. Is your site presently inactive and unstaffed? ☐ YES ☑ NO

b1. If yes, is your site expected to be inactive and unstaffed for the entire permit term? ☐ YES ☐ NO

b2. If you select "no" in 7.b1 above, then indicate the length of time that you expect your facility to be inactive and unstaffed _____

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Figure II-3. Sample of a Completed EPA Notice of Intent (NOI) Form for Industrial Activities

E. Stormwater Pollution Prevention Plan (SWPPP) Contact Information

1a. SWPPP Contact Name: JOHN DOE

b. Phone: 575-123-4567 Ext. c. E-mail: XYZMETAL@NMMAIL.COM

2. URL of SWPPP (if applicable): _____

F. Endangered Species Protection

1. Using the instructions in Appendix E of the MSGP, under which criterion listed in Part 1.1.4.5 are you eligible for coverage under this permit?

☑ A ☐ B ☐ C ☐ D ☐ E ☐ F

2. If you select criterion E from Part 1.1.4.5:

a. What federally-listed species or federally-designated critical habitat are in your "action area?" _____

b. List the pollutants expected to be present in your discharge _____

c. If you are an existing discharger, do you have effluent monitoring data from EPA's MSGP 2000, or another previous NPDES permit? ☐ YES ☐ NO

c.1 If no, why not? ☐ No monitoring required for my sector ☐ Inactive/unstaffed site ☐ Other _____

c.2 Do you have any other data characterizing pollutants in your stormwater (describe)? _____

c.3 If you have benchmark monitoring data, did you exceed any of the applicable benchmarks? ☐ YES ☐ NO

c.4 Did you exceed any applicable effluent limitation guideline or cause or contribute to an exceedance of a State or Tribal water quality standard? ☐ YES ☐ NO

c.5 If you answered "yes" to either question F.2.c.3 or F.2.c.4 above, for what pollutant(s)? _____

d. Attach documentation supporting criterion E eligibility. Documentation should address species and habitat listed in F.2.a and the potential effects of pollutants listed in F.2.b (including any monitoring data for these pollutants) on the listed species and habitat.

3. If you select criterion F from Part 1.1.4.5, provide the operator's NPDES Tracking Number under which you are certifying eligibility:

G. Historic Preservation

Using the instructions in Appendix F of the MSGP, under which criterion listed in Part 1.1.4.6 are you eligible for coverage under this permit?

☑ A ☐ B ☐ C ☐ D

H. Certifier Name and Title

I certify under penalty of law that I meet the eligibility conditions of this permit and 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, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Print Name: JANE DOE

Title: PRESIDENT

Signature: Jane Doe Date: 05/28/12

E-mail: XYZMETAL@NMMAIL.COM

NOI Preparer (Complete if NOI was prepared by someone other than the certifier)

Prepared by:

Organization:

Phone: - - Ext. E-mail: _____

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Figure II-3. Sample of a Completed EPA Notice of Intent (NOI) Form for Industrial Activities

Attachment 1. (Fill in as necessary if more space is required for D.2 a-e)

a. What is the name(s) of your receiving water(s) that receive stormwater from your facility (directly and/or through an MS4)? If your receiving water is impaired then identify the name of the impaired segment, if applicable, in parentheses following the receiving water name.	b. Are any of your discharges directly into any segment of an "impaired" water?	If you answered yes to question D.2.b, then answer the following three questions:		
		b.1. What pollutant(s) are causing the impairment?	b.2. Are the pollutant(s) causing the impairment present in your discharge?	b.3. Has a TMDL been completed for the pollutant(s) causing the impairment?
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO

If the operator is a corporation, a responsible corporate officer must sign the NOI. If the operator is a partnership or sole proprietorship, a general partner or the sole proprietor must sign the forms. For any governmental entity, the signing person must be a principal executive official or ranking elected official.

II.C.4. Approval Process

Unless notified to the contrary by the EPA, operators who submit a correctly completed NOI, in accordance with the requirements of the MSGP, are authorized to discharge storm water from industrial activities under the terms and conditions of the MSGP thirty (30) days after the date the NOI is posted on the EPA web site. EPA may deny coverage under the MSGP and require submittal of an application for an individual NPDES Permit, based on a review of the NOI or other information. Such alternate application would be submitted to EPA Region 6 in Dallas, Texas.

II.C.5. Violations

The permittee must comply with all conditions of the Permit. Any Permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for Permit termination, revocation, and re-issuance or modification; or for denial of a Permit renewal application. Penalties for violations of Permit conditions fall into the following general categories:

- Criminal

  Negligent violations
  A fine of not less than $2,500 and not more than $25,000 per day of violation, or imprisonment of not more than one year, or both

  Knowing violations
  A fine of not less than $5,000 and not more than $50,000 per day of violation, or imprisonment of not more than three years, or both

  Knowing endangerment
  A fine of not more than $250,000 or imprisonment of not more than 15 years, or both

  False statement
  A fine of not more than $10,000 or imprisonment of not more than two years, or both. Upon a second conviction, a fine of not more than $20,000 per day of violation or imprisonment of not more than four years, or both.

- Civil

  A fine of not more than $32,500 per day per violation (as of Sept. 29, 2008).

- Administrative

  Class I penalty
  A fine of not more than $11,000 per violation, with a maximum fine of $32,500 (as of Sept. 29, 2008).

Class II penalty
A fine of not more than $11,000 per day of violation, with a maximum fine of $157,500 (as of Sept. 29, 2008).

The specific dollar amounts for each of the above types of violations and any associated imprisonment of guilty parties are specified in Federal Register Volume 65, No. 210, October 30, 2000, Notices, p. 64853 (Appendix C8), and adjusted according to the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359-69366, as corrected in 62 FR 54, March 20, 1997, pp.13514-13517).

II.D. SWPPP PREPARATION

II.D.1. Description

The SWPPP is the document that defines the measures to be employed to minimize the release of pollution from an industrial site. The SWPPP consists of two components: a narrative description of the project, and a drawing of the site with proposed improvements and pollution reduction methods shown.

The SWPPP identifies the techniques that the operator will use to reduce and manage activity-related wastes, and maintenance procedures that the operator will perform to preserve the efficiency of the technique used. The SWPPP must clearly describe the control measures, the timing and sequence of implementation, and which permittee (contractor) is responsible for implementation of the control measures.

II.D.2. Development of the SWPPP

The SWPPP is very likely to change during the course of the life of the industrial activity, due to variations in site conditions. In order to maintain the effectiveness of the original SWPPP design, these modifications should be made by the original preparer of the SWPPP or someone else experienced in the design of erosion- and sediment-control systems. The EPA requires that the SWPPP documents be updated within seven days of any change in the pollution prevention system employed on the site.

The SWPPP is not submitted to the EPA as part of the NOI; instead, it must be available onsite or nearby for inspection by EPA personnel, state and/or local jurisdiction staff, and the public upon request.

II.D.3. Preparing an SWPPP

For coverage under this permit, your SWPPP must contain all of the following elements:

A. Stormwater pollution prevention team
B. Site description
C. Summary of potential pollutant sources
D. Description of control measures
E. Schedules and procedures
F. Documentation to support eligibility considerations under other federal laws
G. Signature requirements

In preparing the SWPPP, the following information must be presented:

1. Site Description

A. Activities at the Facility. Provide a description of the nature of the industrial activities at your facility.
B. General location map. Provide a general location map (e.g., U.S. Geological Survey (USGS) quadrangle map) with enough detail to identify the location of your facility and all receiving waters for your stormwater discharges.
C. Site map. Provide a map showing:
    - the size of the property in acres;
    - the location and extent of significant structures and impervious surfaces;
    - directions of stormwater flow (use arrows);
    - locations of all existing structural control measures;
    - locations of all receiving waters in the immediate vicinity of your facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
    - locations of all stormwater conveyances including ditches, pipes, and swales;
    - locations of potential pollutant sources identified under Part 5.1.3.2;
    - locations where significant spills or leaks identified under Part 5.1.3.3 have occurred;
    - locations of all stormwater monitoring points;
    - locations of stormwater inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc), indicating if you are treating one or more outfalls as "substantially identical" under Parts 4.2.3, 5.1.5.2, and 6.1.1, and an approximate outline of the areas draining to each outfall;
    - municipal separate storm sewer systems, where your stormwater discharges to them;
    - locations and descriptions of all non-stormwater discharges identified under Part 2.1.2.10;
    - locations of the following activities where such activities are exposed to precipitation:
        - fueling stations;
        - vehicle and equipment maintenance and/or cleaning areas;
        - loading/unloading areas;
        - locations used for the treatment, storage, or disposal of wastes;
        - liquid storage tanks;
        - processing and storage areas;
        - immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
        - transfer areas for substances in bulk;
        - machinery;
- locations and sources of run-on to your site from adjacent property that contains significant quantities of pollutants.

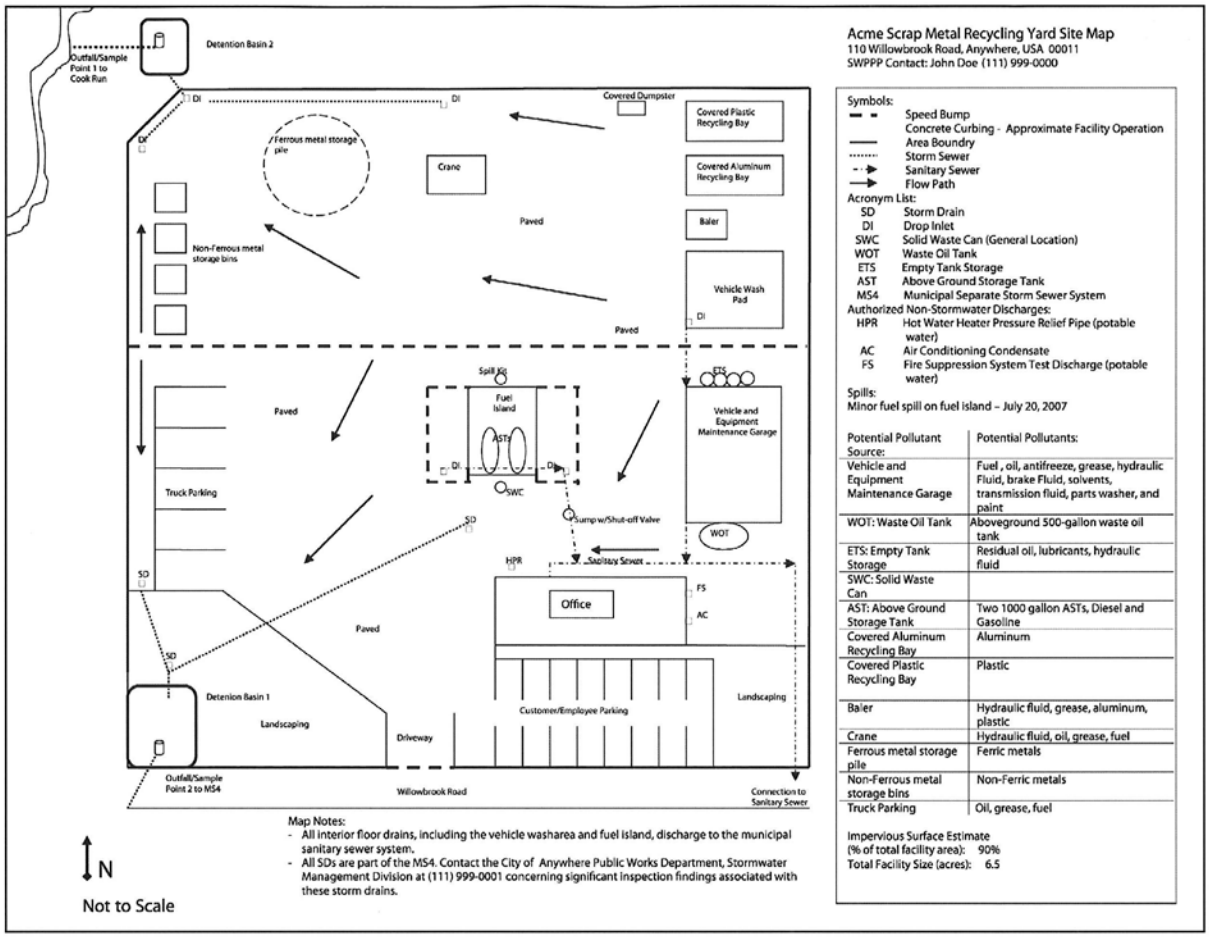


Figure II-4. Sample Site Plan

2. Storm water management controls to be used onsite
   A. Erosion and sediment controls
      1. Stabilization practices
      2. Structural controls
      3. Storm water management controls
      4. Flow and pollutant reduction practices
      5. Velocity dissipation devices

   B. Other controls
      1. Solid material discharge
      2. Compliance with state and local requirements for waste disposal
      3. Waste materials storage
      4. Pollutant sources from support activities
      5. Protection measures for listed species or critical habitat
      6. Spill prevention of non-aqueous petroleum liquids

3. Maintenance procedures for control measures

4. Inspection requirements
   - Monitoring and filing of DMRs

5. Prohibition of non-storm water discharges
   - Program for control of spills

6. Monitoring and analytical requirements

7. Employee training procedures and program

An outline of a step-wise SWPPP preparation process is given in Figure II-5. To ensure that each of the above issues is addressed, a suggested Table of Contents for an industrial SWPPP is also included in Appendix B2 of this manual.

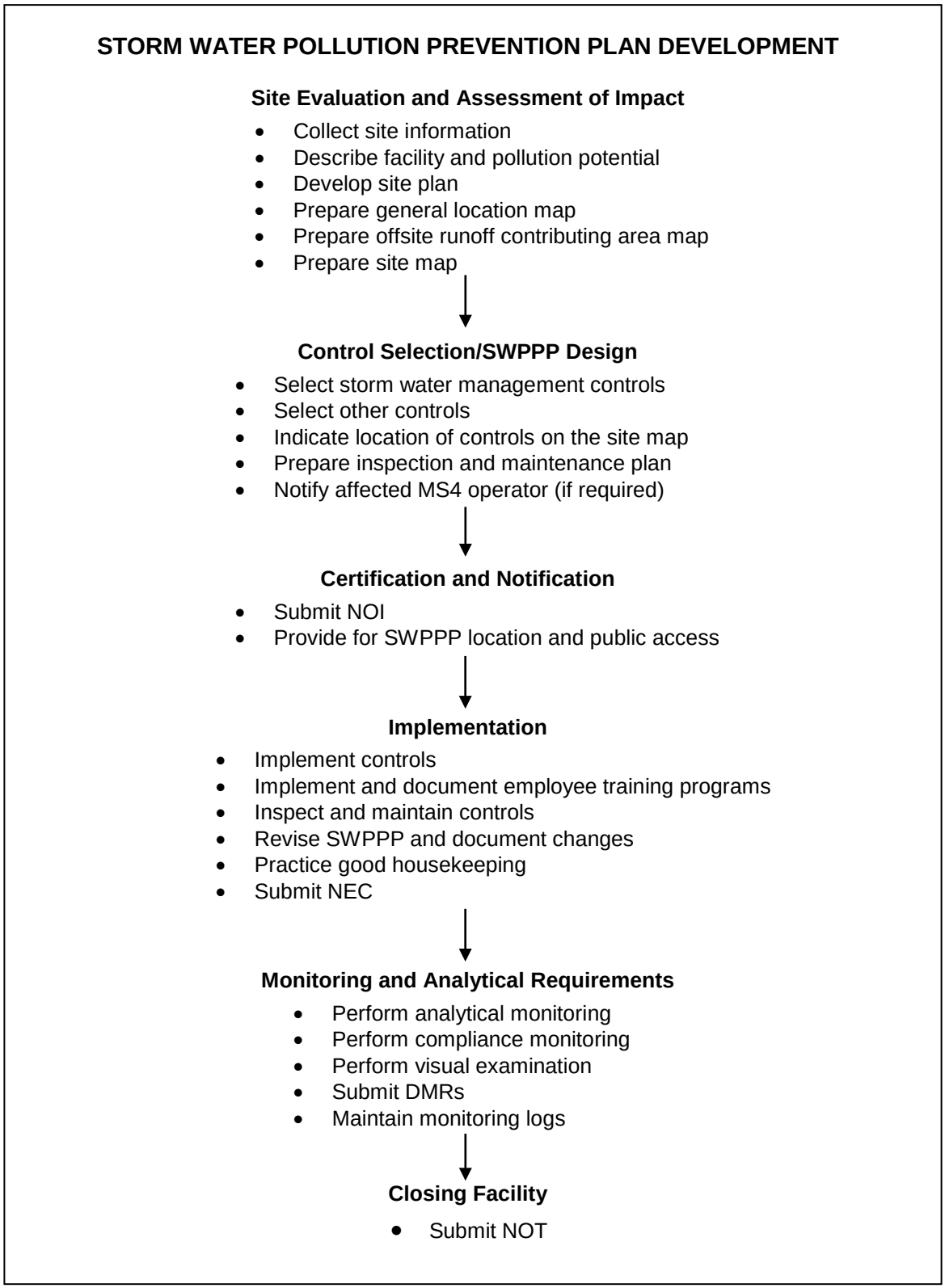


Figure II-5. Outline for Developing and Implementing an SWPPP for Industrial Sites

II.D.4. Signatory Requirements

The site operator must sign the SWPPP. Operators are defined as those individuals having day-to-day operational control over activities that are necessary to ensure compliance with the SWPPP. Operator changes or additions require the filing of a new NOI. The operator must sign a certification for the routine inspections (monthly, quarterly, etc.) and Comprehensive Site Compliance Evaluation reports.

If the operator is a corporation, a responsible corporate officer must sign the SWPPP. If the operator is a partnership or sole proprietorship, a general partner or the sole proprietor must sign the forms. For any governmental entity, the signing person must be a principal executive official or ranking elected official.

II.D.5. Approval Process

The SWPPP is retained at the industrial site office and is to be available for inspection and review by the EPA and affected state, local, and public entities. The SWPPP is intended to be a dynamic document that will be changed, modified, and updated as site conditions change. The permittee is required to amend the SWPPP whenever there is a change in design, operation, or maintenance that affects the potential for discharge of pollutants, or if the SWPPP is found to be ineffective. If the plan does not meet Permit conditions of the EPA or an appropriate state or local agency, the operator has seven days to provide certification that the requested changes have been made.

The SWPPP has no formal approval process other than its continued usefulness in pollution prevention at the industrial site.

II.D.6. No Exposure Certification

A facility that can demonstrate no exposure to storm water by the industrial activity can file an NEC form, which may exempt the facility from Permit coverage requirements. A discussion of the process of de-regulating a facility is found in Appendix K of the MSGP. A sample of a completed NEC form is provided in Figure II-6. A blank NEC form and instructions are contained in Appendix B2.

II.D.7. Document Retention

These documents (the NOI, SWPPP, and DMRs) must be retained onsite for the duration of permitted activities and are subject to the three-year record-keeping requirement mentioned in Section II.B.2.e.

NPDES FORM 3510-11

United States Environmental Protection Agency
Washington, DC 20460

Form Approved
OMB No. 2040-0211

NO EXPOSURE CERTIFICATION for Exclusion from NPDES Storm Water Permitting

Submission of this No Exposure Certification constitutes notice that the entity identified in Section A does not require permit authorization for its storm water discharges associated with industrial activity in the State identified in Section B under EPA's Storm Water Multi-Sector General Permit due to the existence of a condition of no exposure.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in storm water discharges (e.g., rock salt).

A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.

By signing and submitting this No Exposure Certification form, the entity in Section A is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of 40 CFR 122 26(g).

ALL INFORMATION MUST BE PROVIDED ON THIS FORM.

Detailed instructions for completing this form and obtaining the no exposure exclusion are provided on pages 3 and 4.

A. Facility Operator Information

1. Name: XYZ METAL FABRICATORS INC 2. Phone: 505 123 4567
3. Mailing Address: a. Street: PO BOX 1123
b. City: DEMING c. State: NM d. Zip Code: 87012 1111

B. Facility/Site Location Information

1. Facility Name: PRESS PLANT
2. a. Street Address: 123 AGAVE AVE
b. City: DEMING c. County: LUNA
d. State: NM e. Zip Code: 87022 0123
3. Is the facility located on Indian Lands? Yes [ ] No [X]
4. Is this a Federal facility? Yes [ ] No [X]
5. a. Latitude: 01° 02' 03" b. Longitude: 111° 22' 33"
6. a. Was the facility or site previously covered under an NPDES storm water permit? Yes [X] No [ ]
b. If yes, enter NPDES permit number: NMR05 023
7. SIC/Activity Codes: Primary: 3411 Secondary (if applicable): 3317
8. Total size of site associated with industrial activity: 1.2 acres
9. a. Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the no exposure exclusion? Yes [ ] No [X]
b. If yes, please indicate approximately how much area was paved or roofed over. Completing this question does not disqualify you for the no exposure exclusion. However, your permitting authority may use this information in considering whether storm water discharges from your site are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.

Less than one acre [ ] One to five acres [ ] More than five acres [ ]

EPA Form 3510-11 (10-99) Page 1 of 4

Figure II-6. Sample of a Completed EPA No Exposure Certification (NEC) Form for Industrial Activities

NPDES FORM 3510-11 | EPA | **NO EXPOSURE CERTIFICATION for Exclusion from NPDES Storm Water Permitting** | Form Approved OMB No. 2040-0211

C. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) **If you answer "Yes" to any of these questions (1) through (11), you are not eligible for the no exposure exclusion.**

	Yes	No
1. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storm water	☐	☒
2. Materials or residuals on the ground or in storm water inlets from spills/leaks	☐	☒
3. Materials or products from past industrial activity	☐	☒
4. Material handling equipment (except adequately maintained vehicles)	☐	☒
5. Materials or products during loading/unloading or transporting activities	☐	☒
6. Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to storm water does not result in the discharge of pollutants)	☐	☒
7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	☐	☒
8. Materials or products handled/stored on roads or railways owned or maintained by the discharger	☐	☒
9. Waste material (except waste in covered, non-leaking containers [e.g., dumpsters])	☐	☒
10. Application or disposal of process wastewater (unless otherwise permitted)	☐	☒
11. Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the storm water outflow	☐	☒

D. Certification Statement

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from NPDES storm water permitting.

I certify under penalty of law that there are no discharges of storm water contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)).

I understand that I am obligated to submit a no exposure certification form once every five years to the NPDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the NPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an NPDES permit prior to any point source discharge of storm water from the facility.

Additionally, 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 gathered and evaluated 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.

Print Name: JOHN DOE

Print Title: PRESIDENT

Signature: John Doe

Date: 01/02/02

EPA Form 3510-11 (10-99) Page 2 of 4

Figure II-6. Sample of a Completed EPA No Exposure Certification (NEC) Form for Industrial Activities (continued)

II.E. BEST MANAGEMENT PRACTICES FOR INDUSTRIAL ACTIVITIES

As mentioned previously, there are specific BMP requirements identified in the MSGP regulations (see, Part 8 of the MSGP), which are separate and distinct requirements from BMPs that might be necessary for pollution prevention activities. The generalized list of BMPs, found in Appendix A, is organized into three separate classifications: Stabilization Practices (Appendix A1), Structural Controls (Appendix A2), and Housekeeping Practices (Appendix A3).

II.F. NOTICE OF TERMINATION

II.F.1. Description

The operator of a facility may file an NOT form if and when the facility no longer discharges storm water.

II.F.2. Preparing an NOT

The information required on the NOT is similar to that on the NOI. The NOT should include the NPDES Permit number that was assigned to the industrial site by the EPA after the submittal of the NOI. The NOT also requires a certification that the operator is no longer authorized to discharge storm water from the industrial site. The certification also states that the NOT does not release an operator from liability for any violation of the Permit or the CWA. Figure II-7 is a sample of a completed EPA NOT form. A blank NOT form and instructions are included in Appendix B2 of this manual.

Blank NOT forms can be obtained by:

- Photocopying the form in this manual (check for the latest version)
- Downloading the form from Addendum E of the website http://www.epa.gov/npdes/pubs/msgp2008_appendixh.pdf

Where to File NOT form

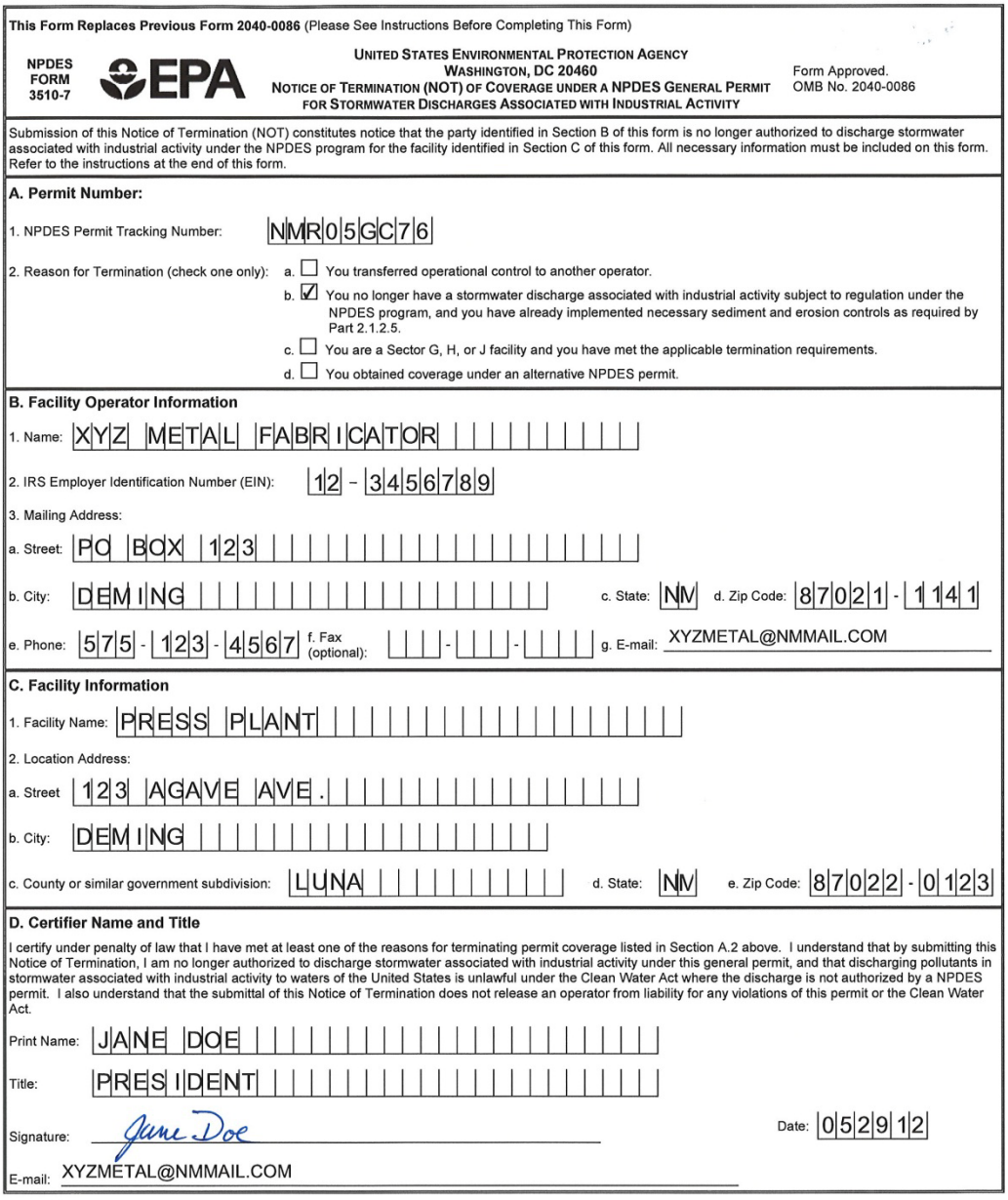
EPA encourages you to complete the NOT form online, via the Internet. The Electronic Notice of Intent System (eNOI) is found at www.epa.gov/npdes/eNOI. If you cannot access the electronic system, you must send the NOT to the address listed below. NOTs sent regular mail:

Stormwater Notice of Termination (4203M)
USEPA
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

NOTs sent overnight/express
Stormwater Notice of Termination
US EPA East Building, Rm 7420
1201 Constitution Avenue, NW
Washington, D.C. 20004
(202) 564-9545

II.F.3. Signatory Requirements

The site operator must file the NOT. Operators are defined as those individuals having day-to-day operational control over activities that are necessary to ensure compliance with the NOT.



This Form Replaces Previous Form 2040-0086 (Please See Instructions Before Completing This Form)

NPDES FORM 3510-7 — EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
NOTICE OF TERMINATION (NOT) OF COVERAGE UNDER A NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

Form Approved. OMB No. 2040-0086

Submission of this Notice of Termination (NOT) constitutes notice that the party identified in Section B of this form is no longer authorized to discharge stormwater associated with industrial activity under the NPDES program for the facility identified in Section C of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

A. Permit Number:

1. NPDES Permit Tracking Number: NMR05GC76

2. Reason for Termination (check one only):
- a. ☐ You transferred operational control to another operator.
- b. ☑ You no longer have a stormwater discharge associated with industrial activity subject to regulation under the NPDES program, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5.
- c. ☐ You are a Sector G, H, or J facility and you have met the applicable termination requirements.
- d. ☐ You obtained coverage under an alternative NPDES permit.

B. Facility Operator Information

1. Name: XYZ METAL FABRICATOR

2. IRS Employer Identification Number (EIN): 12-3456789

3. Mailing Address:

a. Street: PO BOX 123

b. City: DEMING c. State: NM d. Zip Code: 87021-1141

e. Phone: 575-123-4567 f. Fax (optional): ---- g. E-mail: XYZMETAL@NMMAIL.COM

C. Facility Information

1. Facility Name: PRESS PLANT

2. Location Address:

a. Street 123 AGAVE AVE.

b. City: DEMING

c. County or similar government subdivision: LUNA d. State: NM e. Zip Code: 87022-0123

D. Certifier Name and Title

I certify under penalty of law that I have met at least one of the reasons for terminating permit coverage listed in Section A.2 above. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with industrial activity under this general permit, and that discharging pollutants in stormwater associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

Print Name: JANE DOE

Title: PRESIDENT

Signature: Jane Doe Date: 05/29/12

E-mail: XYZMETAL@NMMAIL.COM

EPA FORM 3510-7 (Revised 09-2008) Page 1 of 2

Figure II-7. Sample of a Completed EPA Notice of Termination (NOT) Form for Industrial Activities

Appendix A

Best Management Practices (BMPs)

- Appendix A1 – Construction Site Planning and Management
- Appendix A2 – Erosion Control
- Appendix A3 – Runoff Control
- Appendix A4 – Sediment Control
- Appendix A5 – Good Housekeeping/Materials Management
- Appendix A6 – Post-Construction Phase BMPs

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Best Management Practices (BMPs)

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INTRODUCTION

In selecting the best management practices (BMPs) to be incorporated into a Storm Water Pollution Prevention Plan (SWPPP), the user must understand the causes of pollution. Again, the three goals of the National Pollutant Discharge Elimination System (NPDES) storm water program are to reduce erosion, minimize sedimentation, and control the discharge of non-storm water pollutants. Understanding how these processes occur will help the user choose the best BMPs to use on a site.

Two types of erosion can occur: surface erosion and stream erosion. Surface erosion is caused by the impact of raindrops on the soil and the very shallow sheet flow at low velocities across the soil. Surface erosion is best controlled using stabilization practices, minimizing the area disturbed (including tree/brush/vegetative clearing and grubbing), and minimizing the time disturbed areas are exposed. Minimizing the surface erosion results in less sedimentation to be dealt with in storm water leaving the site. Stream erosion occurs when water collects and moves through rills, gullies, and channels, which can develop and be caused or enlarged by the concentrated flow. Stream erosion is usually controlled using structural controls or leveling. The key to reducing stream erosion is to reduce the velocity of the flow.

This manual also provides information regarding the development of SWPPPs, as well as application of BMPs for construction sites. This manual describes many BMPs in detail. The user must use careful consideration when selecting or modifying BMPs for a specific site. Many of the suggested BMPs are general in nature, and their applicability should be evaluated for each specific project site. The suggested BMPs should be used only as a guide, and should not substitute for good engineering judgment.

In all areas, training for people using this or other manuals should be provided by some responsible entity related to storm water management. In New Mexico, training is presently provided by the New Mexico Association of General Contractors. This manual, or the one like it developed by the North Central Texas Council of Governments, is suitable for use as a basis for such training.

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Construction Site Planning and Management

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Construction Site Planning and Management

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Dust Control	A1-3
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Open Space Design	A1-7
Protection of Natural Features	A1-9

SYMBOLS

Open Space Design	OSD
Protection of Natural Features	PNF

Dust Control

DESCRIPTION

A comprehensive dust control plan is used to limit offsite sedimentation by controlling the sites potential for producing airborne fugitive dust and track-out of sediments.

Sediments that are transported from construction sites by storm water runoff, wind, erosion and vehicle trackout are often re-dispersed to the air by subsequent vehicular traffic and high winds. Likewise, these sediments may be transported by the next rainfall into public storm sewer systems. Implementation of control measures to minimize the generation of fugitive dust from construction sites will also limit the quantity of sediments in storm water.

APPLICATIONS

Primary sources of dust from development and construction activities are:

- Grading Operations (land clearing and earthmoving)
- Drilling and blasting
- Batch drop operations (loader operation)
- Exposed areas, cleared unstabilized areas
- Vehicle traffic on unpaved surfaces
- Sediment tracking on paved surfaces
- Blasting and wrecking ball operations
- Soil and debris storage piles

The contractor is responsible for complying with the requirements of the air pollution control permit, if required. The approach to reduce air pollution from construction sites should require:

- Dust control plans for construction or land-clearing projects
- Enforcement activities with priority given to citizen complaints
- Maintenance of records by contactors

Many of the reasonably available control measures for controlling fugitive dust from construction sites can also be implemented as BMPs for storm water pollution prevention. The following BMPs can be used:

- Pave, vegetate, or chemically stabilize access points to paved roads.
- Provide covers for trucks transporting materials that contribute dust.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

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Protection of Trees

DESCRIPTION

Trees can provide superior, low-maintenance, and long-term erosion protection. They are also useful for site aesthetics.

PRIMARY USE

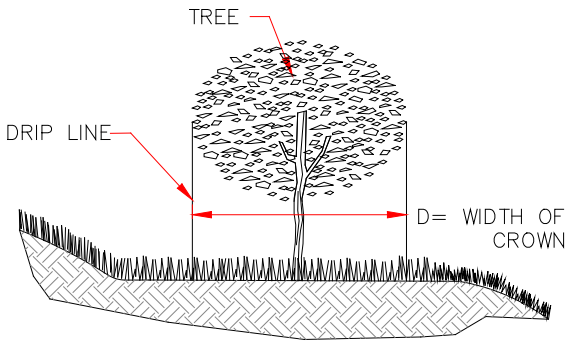
Preserving and protecting trees can result in a more stable and aesthetically pleasing development. Trees stabilize the soil and help prevent erosion, decrease storm water runoff, moderate temperatures, provide buffers and screens, filter pollutants from the air, supply oxygen, provide wildlife habitat, and increase property values.

APPLICATIONS

Trees are desirable on steep or rocky slopes where mowing is not feasible; where ornamentals are desired for landscaping purposes; and where woody plants are desired for soil conservation or for establishment or maintenance of wildlife habitats.

NOTES

- Mark trees to be protected at a height visible to equipment operators.
- Equipment operators shall not clean their equipment by slamming it against the protected trees.
- Roots, trunk, and tops of trees can be protected by fencing. The fence shall be erected at the tree drip line.
- Limits for clearing must be located at the tree drip line.
- Trenching shall always be performed as far away from trees as possible. Consider tunneling as an option.
- Damaged trees should be repaired. Appropriate repairs should be prescribed by a forester or a tree specialist.



Applications

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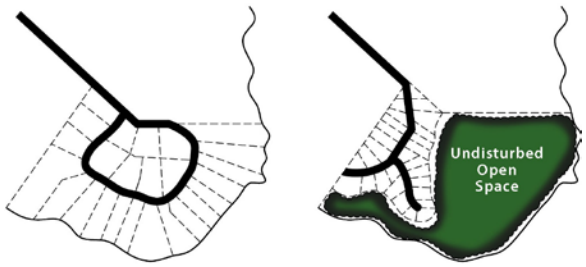
Open Space Design



AS DENSITY IS HELD CONSTANT, LOT SIZE IS REDUCED, DISTURBED AREA IS DECREASED, AND UNDISTURBED OPEN SPACE IS INCREASED.

DESCRIPTION

Open space design, also known as conservation development or cluster development, is a better site design technique that concentrates dwelling units in a compact area in one portion of the development site in exchange for providing open space and natural areas elsewhere on the site. Open space designs have many benefits in comparison to the conventional subdivisions that they replace: they can reduce impervious cover, stormwater pollutants, construction costs, grading, and the loss of natural areas.

PRIMARY USE

Open space design is widely applicable to most forms of residential development. The greatest stormwater and pollutant reduction benefits typically occur when open space design is applied to residential zones that have larger lots. In these types of large lot zones, a great deal of natural or community open space can be created by shrinking lot sizes.

APPLICATIONS

Open space design can be employed in nearly all geographic regions of the country, with the result of different types of open space being conserved (forest, prairie, farmland, chaparral, or desert).

LIMITATIONS

Many communities lack zoning ordinances to permit open space development, and even those that have enacted ordinances might need to revise them to achieve greater water quality and environmental benefits.

MAINTENANCE REQUIREMENTS

Once established, common open space and natural conservation areas must be managed by a responsible party able to maintain the areas in a natural state in perpetuity.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

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- Construction Wastes

Impact

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OSD

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Protection of Natural Features

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- ✓ Channel Protection
- Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
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- Construction Wastes

Impact

- Significant
- ✓ Medium
- Low
- Unknown or Questionable

PNF

DESCRIPTION

Undeveloped sites can have numerous natural features that provide environmental, aesthetic, and recreational benefits if preserved and protected from the impacts of construction and development. These features include wetlands, riparian areas, floodplains, aquifer recharge areas, mature trees, woodlands, and other wildlife habitat. Restricted areas such as floodplains and steep slopes should also be protected from possible impacts from construction activities.

PRIMARY USE

Protection of Natural Features is utilized to identify and preserve portions of properties that are being developed or redeveloped that might have attractive open space, well-drained soils, or riparian areas.

APPLICATIONS

Developments can be planned around significant environmental features, which can then be marketed as amenitiesLIMITATIONS

LIMITATIONS

Local zoning codes might restrict the use of clustering, reduced road widths, and other techniques for natural area preservation. Developers should work with local regulatory agencies to determine whether they can obtain waivers to protect natural features.

MAINTENANCE REQUIREMENTS

Once established, common open space and natural conservation areas must be managed by a responsible party able to maintain the areas in a natural state in perpetuity.

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Appendix A2

Erosion Control

- Seeding – Temporary/Vegetation
- Mulching
- Surface Roughening
- Erosion Control Mat
- Land Imprinting

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Erosion Control

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Erosion Control

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Mulching	A2-5
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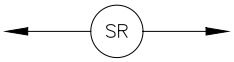
SYMBOLS

Seeding - Temporary	**Surface Roughening** 
Mulching	**Erosion Control Mat**
Land Imprinting	

Seeding – Temporary/Vegetation

DESCRIPTION

As a BMP, temporary seeding/vegetation is used to establish a temporary vegetative cover on disturbed areas by seeding with appropriate rapidly growing annual vegetation, annual grasses, small grains, or legumes. This short-term vegetative area will reduce erosion and sedimentation on disturbed areas that will not be permanently stabilized within an acceptable period of time. Temporary seeding will also reduce problems associated with mud and dust from construction activities on bare, unprotected soil surfaces.

PRIMARY USE

Temporary seeding should be considered for disturbed areas that will not be permanently stabilized or have work performed thereon for a period of 21 days or more. Such areas include denuded areas, soil stockpiles, dikes, berms, temporary embankments, excavation slopes, etc. As a temporary control, vegetation is used to stabilize stockpiles and barren areas that are inactive for long periods of time. As a permanent control, grasses and other vegetation provide good protection for the soil, along with some filtering for overland runoff. Subjected to acceptable runoff velocities, vegetation can provide a good method of permanent storm water management, as well as a visual amenity to the site.

Other BMPs may be required to assist in the establishment of vegetation. These other techniques include erosion control matting; swales and dikes to direct flow around newly seeded areas; and proper grading to limit runoff velocities during construction.

APPLICATIONS

Planting should take place when conditions are most favorable for growth (as long as the planting does not interfere with the schedule of other activities and/or regulatory requirements). Before seeding, other erosion control practices such as dikes, basins, and surface runoff-control measures (e.g., interceptor dikes and swales, etc.) should be installed. Temporary bale barriers and silt fences may have to be placed/replaced after seeding operations, since they may get in the way of the machinery. However, use common sense to coordinate operations to maximize the effectiveness of the erosion control measures. Temporary seeding may not be an effective practice in arid and semi-arid regions where the climate prevents fast plant establishment. In those areas, or when seasonal planting restrictions prohibit, temporary mulching may be better for the short term.

For further information, refer to Section 632 of *Standard Specifications for Highway and Bridge Construction* (New Mexico State Highway and Transportation Department [NMSHTD] 2000).

Applications

- Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- ✓ Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- Medium
- Low
- Unknown or Questionable

Seeding – Temporary/Vegetation (continued)

All seeded areas should be covered with mulch to provide protection from the weather. Frequent inspections are necessary to check that conditions for growth are good. If the plants do not grow quickly or thick enough to prevent erosion, the area should be reseeded as soon as possible.

Temporary seed selection should take into account the season and location. Specific seed mixes can usually be found in the construction plans. The plans and specifications should reflect temporary seeding locations, quantities, and pay items. For suggested seed types, see Appendix D, Guidance on Seed Selection and Seeding of Temporary Vegetation on Disturbed Areas.

Native grasses should not be used for temporary seeding. Irrigation or a temporary watering facility should be provided. Seed should be selected in accordance with local Natural Resources Conservation Service (NRCS) rules.

Vegetative techniques can and should apply to every construction project, with few exceptions. Vegetation effectively reduces erosion in swales, stockpiles, berms, mild to medium slopes, and along roadways. Vegetative strips can provide some protection when used as a perimeter control for utility and site development construction.

Surface Preparation

- Interim or final grading must be completed prior to seeding, minimizing all steep slopes.
- Install all necessary erosion structures such as dikes, swales, diversions, etc., prior to seeding.
- Groove or furrow slopes steeper than 3:1 on the contour line before seeding.
- Provide 4-6 inches of topsoil over rock, gravel, or otherwise unsuitable soils.
- Seedbed should be well pulverized, loose, and uniform.

Plant Selection, Fertilization and Seeding

- Use only high quality, U.S. Department of Agriculture (USDA)-certified seed.
- Use an appropriate species or species mixture adapted to local climate, soil conditions, and season. Consult with the local NRCS office or local County Extension Service as necessary for selection of proper species and application techniques in the area. Seeding rate should be in accordance with recommendations by the NRCS or Engineering Extension Service.
- Fertilizer shall be applied according to the manufacturer's recommendation with proper spreader equipment. Typical application rate for 10-10-10 grade fertilizer is 700-1000 lb/acre. DO NOT OVER APPLY FERTILIZER.
- If hydro-seeding is used, do not mix seed and fertilizer more than 30 minutes before application.
- Evenly apply seed using cyclone seeder, seed drill, cultipacker, or hydroseeder.
- Provide adequate water to aid in establishment of vegetation.
- Use appropriate mulching techniques where necessary.

Mulching

DESCRIPTION

Mulching is used to provide a stabilized surface for seeding or to prevent erosion using chemical soil stabilizers and a variety of organic or inorganic materials, netting, or mats.

PRIMARY USE

Mulching is used to prevent erosion by creating a permanent material to slow surface velocity, trap sediment, and protect surface areas around structures.

APPLICATIONS

Mulching is used in areas where permanent velocity control and sediment trapping will be required. Follow Section 632, pp. 684-685 of *Standard Specifications for Highway and Bridge Construction* (NMSHTD 2000).

NOTES

- Hay should consist of native grasses free of noxious weed seeds (certified weed-free hay or straw may be required in designated areas of the state).
- Straw should consist of clean cereal shafts.
- Hay and straw mulch should be spread at a rate of 1.5 to 2 tons per acre.
- At a minimum, 65% of the mulch, by weight, should be 10 inches or more in length.
- Applied mulch depth should not be less than 1 inch and not more than 2 inches. The mulch should be uniformly applied so that no more than 10% of the soil surface is exposed.
- Hay and straw mulch should be anchored to the soil surface using tackifiers, blankets, or nets, or with a mulch-crimping machine. Mechanical anchoring, or crimping, is preferred and recommended for slopes flatter than 2:1. Blankets or nets on slopes steeper than 2:1 should be anchored to the soil.
- Tackifiers (for anchoring) should consist of a free-flowing non-corrosive powder. This material shall not contain any mineral filler, recycled cellulose fiber, clays, or other substances that may inhibit germination or growth of plants.
- Tackifiers (for anchoring) shall be applied in a slurry with water and wood fiber (100 lbs of powder and 150 lbs of fiber per 700 gallons of water). Application rate of powder should be between 80 and 200 lbs per acre.

Applications

- Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

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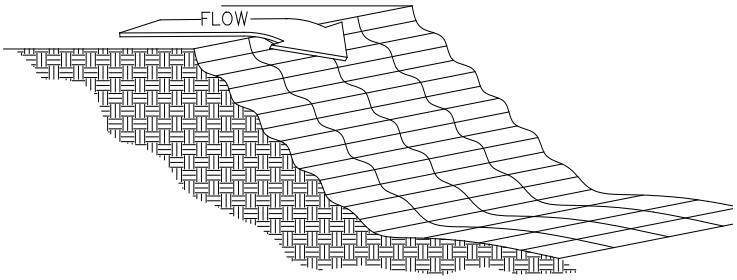
Surface Roughening



Applications

- Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

Surface roughening provides a rough soil surface with horizontal depressions created on the contour, leaving slopes in a roughened condition by not fine grading them.

PRIMARY USE

Surface roughening is used to slow surface flow and to allow material and water deposition in steps, which encourages plant growth.

APPLICATIONS

Surface roughening is used on steep slopes prior to or in conjunction with seeding or mulching; on slopes where seeding and mulching cannot be accomplished due to wrong season or lack of water.

NOTES

- Horizontal depressions must be created approximately 2-4 inches deep, and spaced 4-6 inches apart.
- Use stair-step grading, grooving, or tracking.
- Roughening of ridges and depressions should follow along the contours of the slope.
- Use machinery to create a series of ridges and depressions that run perpendicular to the slope (on the contour). Operate the machinery up and down the slope to leave horizontal depressions in the soil. Make as few passes as possible to minimize compaction.
- Seed and mulch roughened areas as soon as possible.
- Do not drive vehicles or equipment over areas that have been roughened.

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

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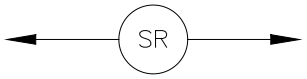
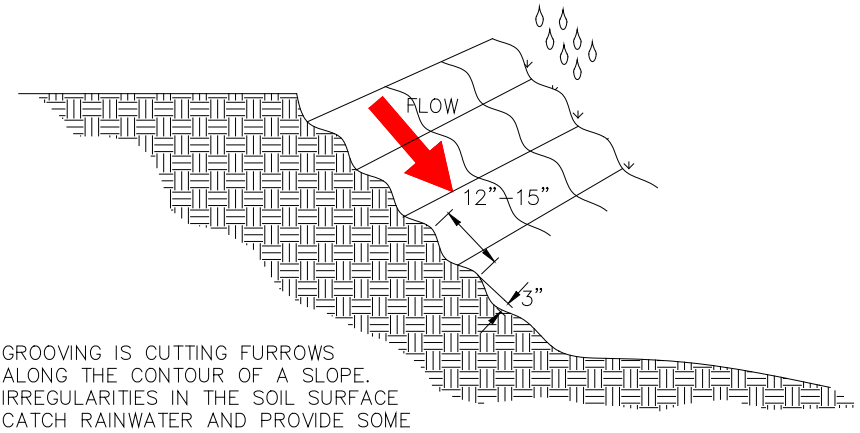
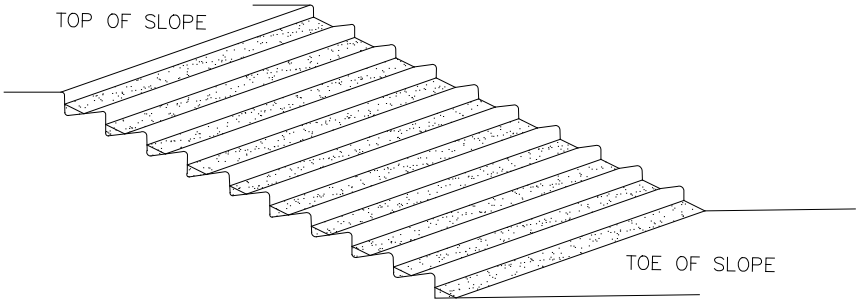


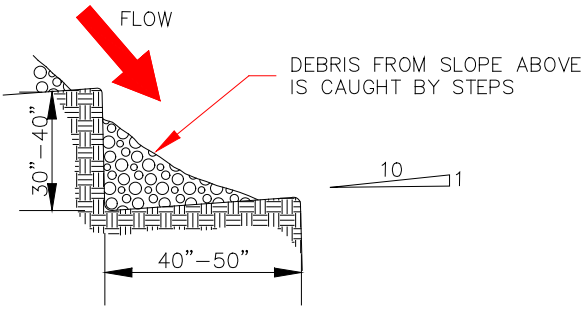
Surface Roughening (continued)



GROOVING IS CUTTING FURROWS ALONG THE CONTOUR OF A SLOPE. IRREGULARITIES IN THE SOIL SURFACE CATCH RAINWATER AND PROVIDE SOME RETENTION OF LIME, FERTILIZER AND SEED.

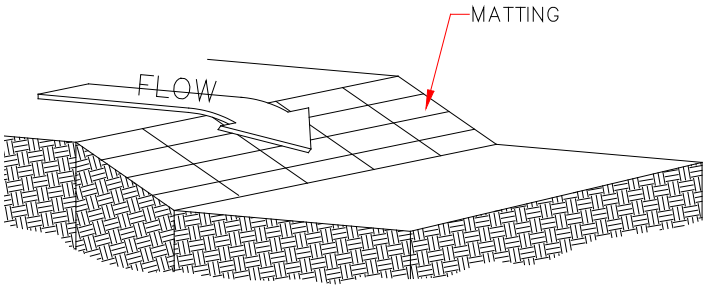
GROOVING SLOPES





STAIR STEPPING CUT SLOPE

Erosion Control Mat



Applications

- Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

Organic or synthetic erosion control matting is placed on disturbed areas or slopes to aid in erosion control and to promote the establishment of vegetative cover.

PRIMARY USE

Erosion control mats provide either temporary or permanent stabilization for barren or disturbed areas on steep slopes, drainage swales, embankments, or high-traffic areas.

APPLICATIONS

Erosion control mats can be used in any construction-related disturbed area; areas with fine-grained soils; short steep slopes; or where vegetation growth is slow.

See, for instance, Class 'D' seeding and geotextiles, Section 604, p. 618 in *Standard Specifications for Highway and Bridge Construction* (NMSHTD 2000).

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- Medium
- Low
- Unknown or Questionable

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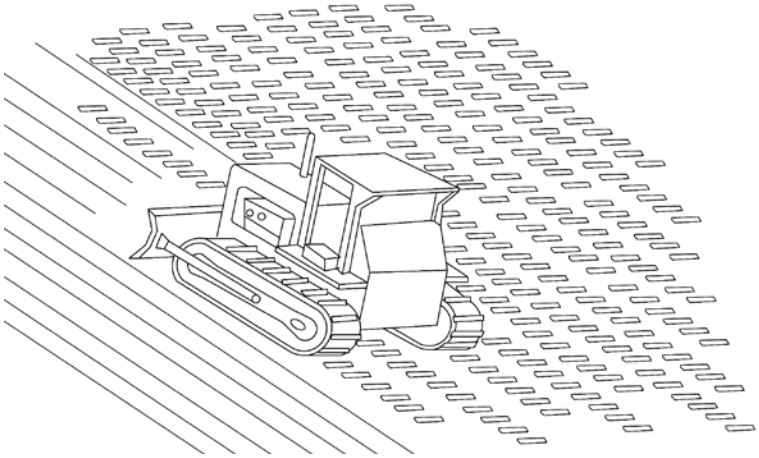
Land Imprinting



Applications

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Impact

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LI

DESCRIPTION

Land Imprinting is an erosion control practice used in conjunction with final grading, seeding, and revegetation. Land Imprinting involves increasing the relief of a bare soil surface with horizontal grooves by mechanical equipment to track the surface.

PRIMARY USE

Land Imprinting reduces runoff velocity, increases infiltration, reduces erosion, traps sediment, and prepares the soil for seeding and planting by giving seed an opportunity to take hold and grow and providing pocket depressions which provide: protection from wind erosion and micro-areas of moisture accumulation.

APPLICATIONS

Soil roughening is appropriate for all slopes, but works especially well on slopes greater than 3:1, on piles of excavated soil, and in areas with highly erodible soils. Use this practice in conjunction with seeding, planting, and temporary mulching to stabilize an area. A combination of surface roughening and vegetation is appropriate for steeper slopes and slopes that will be left bare for longer periods of time.

LIMITATIONS

Soil roughening is not appropriate for rocky slopes or very fine sands. Tracked machinery can excessively compact the soil. Typically, soil roughening is effective only for gentle or shallow depth rains.

MAINTENANCE REQUIREMENTS

Inspections should be made on a monthly basis. If roughening is washed away in a heavy storm, re-roughen the surface and reseed.

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Appendix A1

Construction Site Planning and Management

- Dust Control
- Protection of Trees
- Open Space Design
- Protection of Natural Features

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Appendix A3

Runoff Control

- Diversion Channel Dike and Swale
- Slope Drain
- Check Dam
- Bioretention
- Brush Barrier
- Detention Basin
- Fiberschines/Biologs
- Wood Chip Bern
- Toe Rock
- Outlet Structure
- Guardrail End Treatment

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Runoff Control

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Runoff Controls

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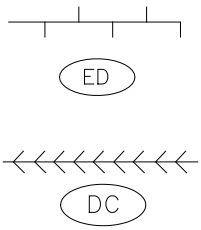
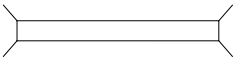
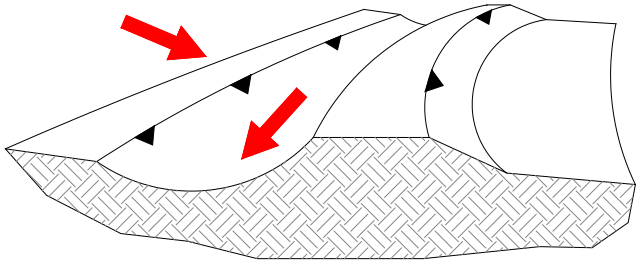
Toe Rock	A3-23
Outlet Structure	A3-25
Guardrail End Treatment	A3-27

SYMBOLS

Diversion Channel Dike and Swale 	**Slope Drain** 
Check Dam	**Bioretention** BR
Brush Barrier	**Detention Basin** DB
Fiberschines/Biologs	**Wood Chip Berm**
Toe Rock	**Outlet Structure** OS
Guardrail Treatment	

Diversion Channel Dike and Swale



TYPICAL SWALE CONFIGURATION

Applications

- ✓ Perimeter Control
- ✓ Slope Protection
- Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

Diversion channel dikes and swales are constructed conveyances that concentrate and route flow away from construction areas or toward certain locations, treatments, or BMP locations.

PRIMARY USE

Diversion channels can be used to direct sediment-laden flow into a controlled outlet, or to clean flow around disturbed areas.

APPLICATIONS

Dikes and swales are useful when significant offsite flow could disturb a site; when flow needs to be directed away from staging, storage, or fueling areas; or where routing is required to treatment.

LIMITATIONS

Earth Dike (Berm)

Compacted earth dikes require stabilization immediately upon placement so as not to contribute to the problem they are addressing.

The diversion dikes can be a hindrance to construction equipment moving on the site; therefore, their locations must be carefully planned prior to installation.

Diversion Channel (Swale)

Interceptor swales must be stabilized quickly upon excavation so as not to contribute to the erosion problem they are addressing.

Swales may be unsuitable to the site conditions (too flat or steep).

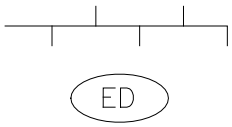
Limited flow capacity for temporary swales. For permanent swales, the 1.5-foot maximum depth can be increased as long as provisions for public safety are implemented.

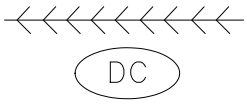
Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable





Diversion Channel Dike and Swale (continued)

MAINTENANCE REQUIREMENTS

Earth Dike (Berm)

Dikes must be inspected on a weekly basis and after each significant (>0.5 inch) rainfall to determine if silt is building up behind the dike, or if erosion is occurring on the face of the dike. Silt shall be removed in a timely manner. If erosion is occurring on the face of the dike, the slopes of the face shall either be stabilized through mulch or seeding, or the slopes of the face shall be reduced.

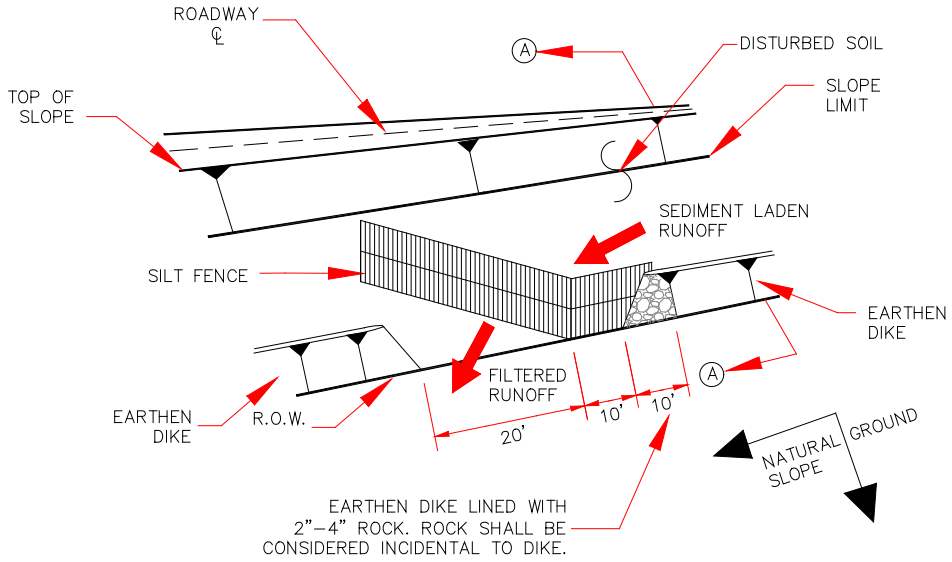
Diversion Channel (Swale)

Inspection must be made weekly and after each significant (>0.5 inch) rainfall to locate and repair any damage to the channel or to clear debris or other obstructions so as not to diminish flow capacity. Damage from storms or normal construction activities, such as tire ruts or disturbance of swale stabilization, shall be repaired as soon as practical.

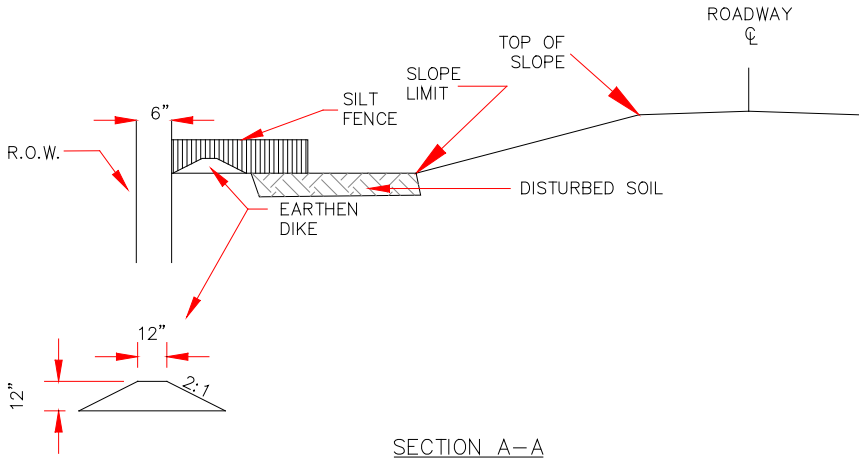
NOTES

- Berms shall have a minimum height of 18 inches, side slopes of 2:1 or flatter, and a minimum base width of 2 feet.
- The minimum freeboard shall be 6 inches.
- Berms and diversions should be constructed of compacted soil or coarse aggregate.
- All berms shall have an uninterrupted positive grade to a stabilized outlet.
- Diversion channels shall be excavated or shaped to line, grade, and cross section as indicated in the plans and as required to meet the criteria specified.
- Berrns and diversion channels should be stabilized within 14 days of their construction.
- Periodically, and after each rain event, berms and dikes should be inspected, and accumulated sediments against berms should be removed.

Diversion Channel Dike and Swale (continued)



PLAN



SECTION A–A

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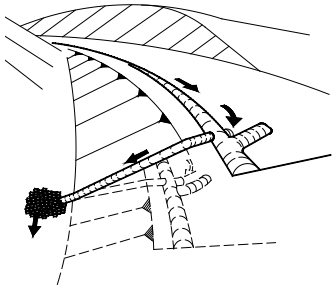
Slope Drain



Applications

- Perimeter Control
- ✓ Slope Protection
- Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

A slope drain is a temporary pipeline that conveys flow down an unstabilized slope. The drain is anchored on the upstream end with some form of headwall to limit erosion and secure the pipe.

PRIMARY USE

Slope drains are used on long, unstablized, steep slopes subject to erosion from overland flow. Flow from the drain should be routed to a sediment-reduction treatment.

APPLICATIONS

Slope drains are useful on sites with large berms or grade changes. Since flow must be directed into the drain, some upstream grading is usually required, as is some form of velocity reduction treatment at the downstream end to reduce velocity and spread the flow.

The allowable runoff flow rates to a temporary slope drain are as follows:

Runoff Flow Rate (cfs)	Pipe Diameter Required (inches)
0 – 6.0	18
6.0 – 9.0	21
9.0 – 12.0	24
12.0 – 20.0	30

LIMITATIONS

Drains must be located away from construction areas, since the drain can easily be damaged by construction traffic.

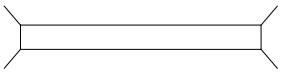
Securing the pipe to the slope can be difficult and require significant maintenance during the life of the system.

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable



Slope Drain (continued)

In situations where pipe slope drains convey sediment-laden runoff, pipes can become clogged during large rain events, causing water to overtop the diversion dike and thereby creating a serious erosion condition.

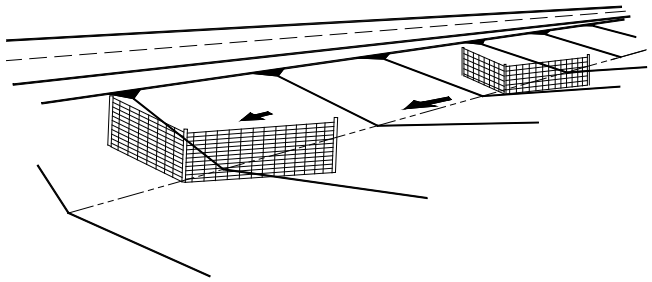
Grading is normally required upstream of the pipe slope drain in order to direct flow into the system. This can cause additional cost and maintenance.

A pipe slope drain reduces erosion but does not prevent it or reduce the amount of sediment in the runoff. Additional measures should be used in conjunction with the pipe slope drain to treat the flow.

MAINTENANCE REQUIREMENTS

Inspection must be made of the pipe after each significant (>0.5 inch) rainfall to locate and repair any damage to joints or clogging of the pipe. In cases where the diversion dike has deteriorated from around the entrance of the pipe, it may be necessary to reinforce the dike with sandbags or to install a concrete collar to prevent failure. Signs of erosion around the pipe drain should be addressed in a timely manner by stabilizing the area with erosion control mats, crushed stone, concrete, or other acceptable method.

Check Dam



Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- ✓ Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

Check dams are small temporary dams constructed across a swale or drainage ditch.

PRIMARY USE

Check dams are used to reduce the velocity of concentrated storm water flows, thus reducing erosion in the swale or ditch; to slow the flow velocity to allow sediment capture.

APPLICATIONS

Check dams are used to slow velocity in smaller channels and temporary swales (i.e., open channels that drain ten acres or less).

The maximum allowable runoff flow rate to an individual check dam is as follows:

Longitudinal Slope (%)	Runoff Flow Rate (cfs)
0 – 2	1.0
2.1 - 4	0.5

LIMITATIONS

Minor ponding will occur upstream of the check dams.

For heavy flows or high-velocity flows, extensive maintenance or replacement of the dams will be required.

Check dams are not a total treatment technique.

MAINTENANCE REQUIREMENTS

Maintenance of the dams should adhere to the maintenance requirements of the management practice used for the dam.

Targeted Constituents

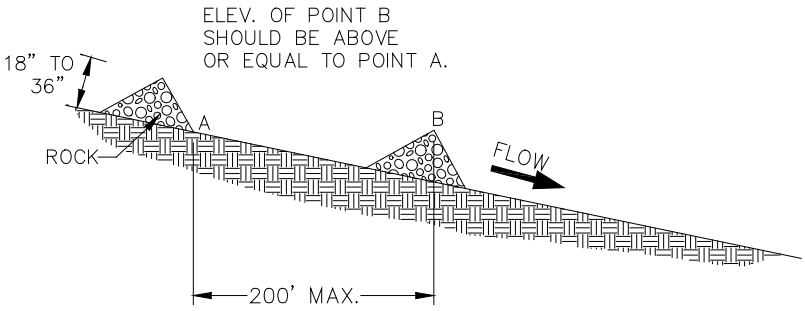
- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

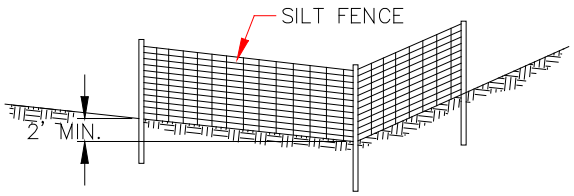
- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

CD

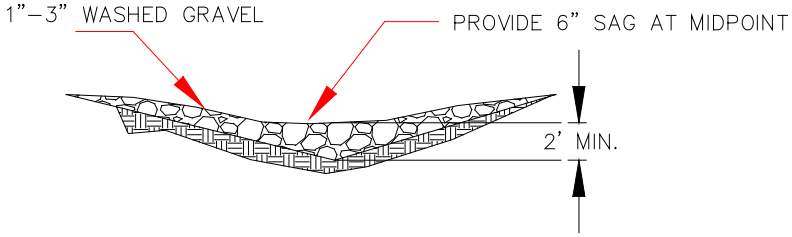
Check Dam (continued)

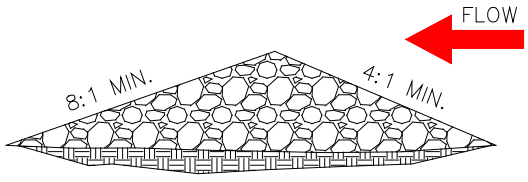


CHECK DAMS



TYPE I
SILT FENCE





TYPE II
STONE DAM

Check Dam (continued)

Check dams at roadside ditch

Check dam at roadside ditch

Check dams at median

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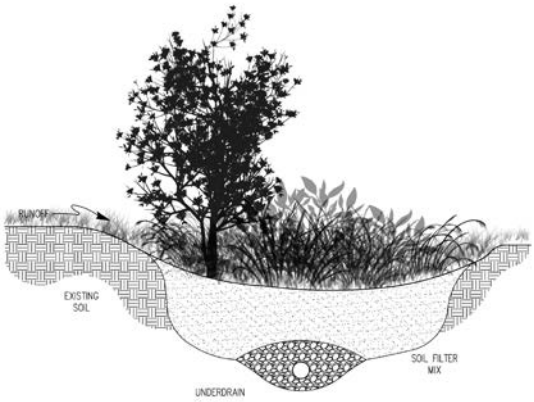
BioRetention



DESCRIPTION

A soil and vegetation filtration device utilizing natural media for pollutant removal through a variety of physical, biological, and chemical treatments. Can provide reduction in velocity, filtration and extended detention. Typical application includes a buffer strip and a depressed ponding area. Absorption of ponded water into the Bioretention area is dependant on porosity of subsurface soils and media.

PRIMARY USE

Removal of stormwater pollutants through adsorption, filtration, plant uptake, sedimentation, and microbial activity. Common particulates removed include organics, nutrients, and suspended solids. Sedimentation can occur at the surface of a depressed Bioretention area as velocities are reduced and solids fall out of suspension.

APPLICATIONS

Bioretention is appropriate for urban developed conditions. Perimeter landscaping in developments affords an excellent opportunity for Bioretention. Underdrains may be required with low soil permeability of existing soils.

LIMITATIONS

Not suitable for steep slopes or high velocity flows.

Not suitable at locations with water table within 6 feet of ground surface.

May provide mosquito breeding habitat.

MAINTENANCE REQUIREMENTS

Inspections should be made on an annual basis. Removal and replacement of dead vegetation, pruning and weeding, and removal of deposited sediment may be necessary.

Applications

- ✓ Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- ✓ Channel Protection
- Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

BR

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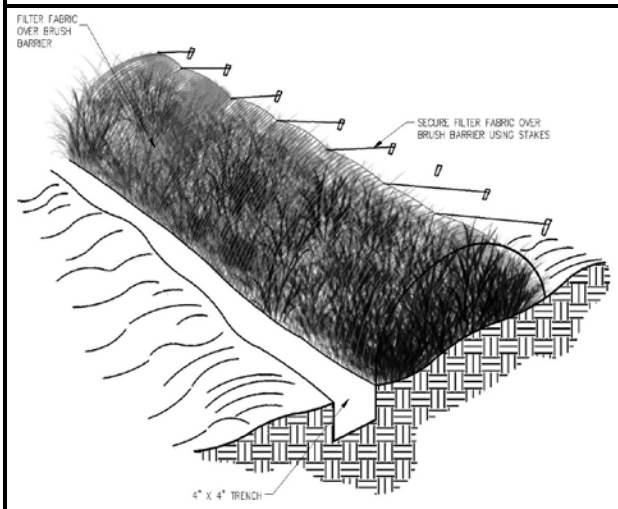
Brush Barrier



DESCRIPTION

A perimeter sediment control structure utilizing cleared and grubbed materials from the job site. A brush barrier can be constructed of small tree branches, vegetative matter, root systems, cobble, and other organic material from the clearing operation. The barrier can be covered with filter cloth or tied with stakes and twine to stabilize the structure and provide improved performance.

PRIMARY USE

Perimeter control to promote sediment deposition and filtration. Provides a low impact use of clear and grubbed organic materials onsite.

APPLICATIONS

Suitable for sheet flow situations where approaching slopes are less than 3:1. Drainage area flowing into a brush barrier should not exceed ¼ acre per 100 linear feet of brush barrier.

LIMITATIONS

Not appropriate in steep areas, high velocities, or concentrated flows.

Temporary BMP as the organic material comprising barrier will decompose over time.

Brush Barriers without filter fabric covering may erode if barrier material is light and fine.

MAINTENANCE REQUIREMENTS

Inspections should be made on a weekly basis, especially after large storm events. If the filter becomes eroded, maintenance may be required to reconstruct berm.

Applications

- ✓ Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- Significant
- ✓ Medium
- Low Unknown or Questionable

BB

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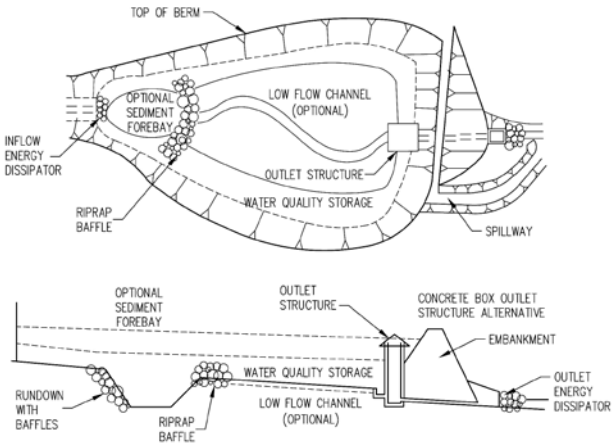
Detention Basin



DESCRIPTION

A constructed basin with a restrictive outlet sized to slowly release collected storm water runoff. Detention basins improve stormwater runoff quality by holding sediment laden runoff in a quiescent zone, allowing sediment and associated pollutants to settle out prior to effluent discharge.

PRIMARY USE

Detention basins can provide: reduction of flowrates, reduced velocities, and provision of a sedimentation area. Provides Stormwater collection area for larger projects and mitigates release rates.

APPLICATIONS

Suitable for larger projects where drainage can be channelized or otherwise conveyed into basin. Can be utilized as a construction phase BMP and then modified to a permanent post-construction BMP.

LIMITATIONS

Not effective at removing liquid and dissolved pollutants.

Requires appropriate topography for drainage consideration.

Must be designed with downstream and failure considerations taken into account.

May become a site safety and public welfare concern.

MAINTENANCE REQUIREMENTS

Inspections should be made on a bi-weekly basis, prior to storm events, and after storm events. To minimize vector viability, regular removal of vegetation should be part of maintenance program.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- ✓ Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- ✓ Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

DB

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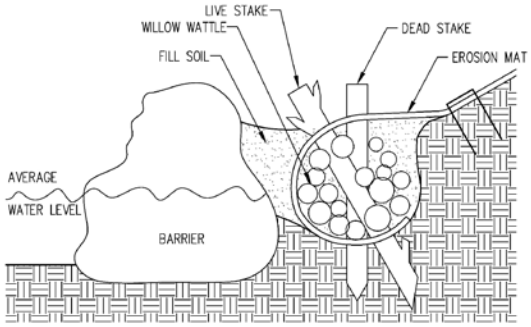
Fiberschines/Biologs



DESCRIPTION

Vegetated rolls typically utilizing coconut-fiber used to stabilize slopes. Plant cuttings or seeding are applied into the fiberschine or under the roll. As the fiberschine decomposes, plantings and seeds are rooted, providing permanent stabilization.

PRIMARY USE

Primarily used for streambank slope stabilization. May be suitable for perimeter control and final stabilization enhancement. Provides enhanced organic environment for planting and seeding germination.

APPLICATIONS

May be suitable as temporary perimeter control BMP. Provides lighter weight linear BMP.

LIMITATIONS

Fairly expensive for a temporary construction phase BMP.

MAINTENANCE REQUIREMENTS

Inspections should be made on a monthly basis, especially after large storm events. Watering may be required if seeding or plantings are applied.

Applications

- ✓ Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- ✓ Channel Protection
- ✓ Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- Significant
- Medium
- ✓ Low Unknown or Questionable

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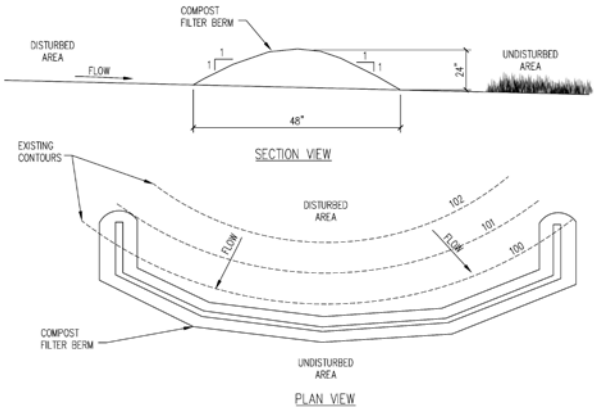
Wood Chip Berm



DESCRIPTION

Raised berm utilizing wood chips or composted solids. Linear berm is comprised or wood chips, recycled vegetative matter, or compost. Provides a sediment trapping mechanism for low-sloped sheet flow conditions.

PRIMARY USE

Appropriate for perimeter BMP in light sheet flow conditions. Wood chip berms reduce sediment from runoff by slowing and filtering runoff and dissipating flows. A Compost Filter Berm is a sediment filter consisting of composted material blown into a berm configuration below a disturbed area for the purpose of filtering the sediment-laden runoff before exiting the site.

APPLICATIONS

Wood Chip Berms may be vegetated or unvegetated and may be left in place to provide long-term filtration of stormwater as a post-construction BMP. Should be placed on existing level grades, and ends or berms should be warped to provide sheet flow containment.

LIMITATIONS

Maximum slope upstream should not exceed 3%.

Repetitive storm occurrences may inundate and render wood chip berm ineffective.

Any section which has been undermined or overtopped may require immediate reconstruction.

MAINTENANCE REQUIREMENTS

Inspections should be made on a bi-weekly basis, especially after large storm events. Immediate repair is required to maintain efficiency.

Applications

- ✓ Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- Significant
- ✓ Medium
- ✓ Low
- Unknown or Questionable

WB

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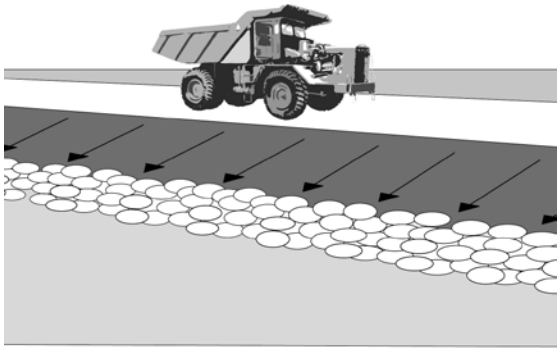
Toe Rock



DESCRIPTION

Rock toe of slope protection is a rock or rip rap matrix placed against a failed portion of slope or at toe of slope to provide a buttress against additional failure and to provide a check structure at the toe of steep slopes. The weight and interlocking characteristics of large rip rap provides a stabilizing force.

PRIMARY USE

Steep slope stabilization and screening of flows at the toe of slopes.

APPLICATIONS

Typically utilized at toe of slopes draining to small streams or rovers, may also be utilized for slope and toe of slope protection. May be employed to stabilize small slides, or to protect grade transitions adjacent to small structures against erosion. Can be utilized as temporary BMP during construction phase.

LIMITATIONS

Toe rock protection does not provide protection against erosion due to overland flow

Fairly expensive for a temporary construction phase BMP.

Higher solids loading will cover BMP.

MAINTENANCE REQUIREMENTS

Inspections should be made on a monthly basis, especially after large storm events. If the rock becomes inundated with sediment, screening and reconstruction may be required.

Applications

- ✓ Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- Significant
- ✓ Medium
- ✓ Low Unknown or Questionable

TR

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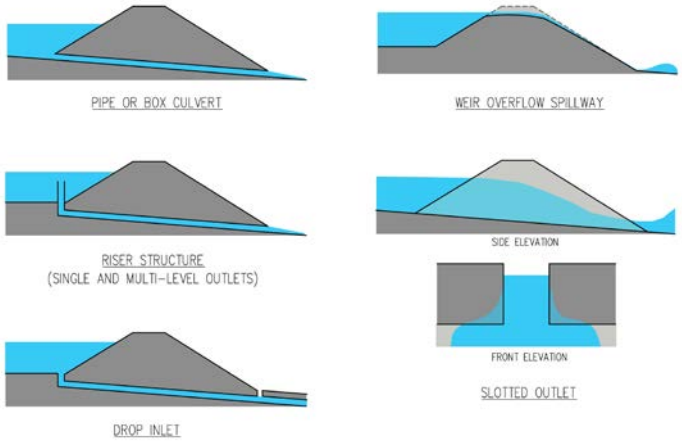
Outlet Structure



DESCRIPTION

A flow restrictive device placed at the discharge point of a storm water detention basin or check structure. Outlet structures can provide mitigation for flowrates, velocities, floatables, and can provide sedimentation. Outlet Structures include a wide range of designs, including orifice plates, baffle-boxes, mechanical screens, ported risers, trash racks, and weir configurations.

PRIMARY USE

Primarily utilized to be utilized in conjunction with detention basins. May be utilized as temporary BMP for construction phase activities. Out Structures provide mechanism for metering flowrates and reducing velocities to allow particles and associated pollutants to settle.

APPLICATIONS

If constructed with initial grading operations, an outlet structure can provide a site-wide BMP for sediment control. In post-construction applications, Outlet Structures can provide mitigation of a wide range of pollutants. Outlet Structures are also utilized for site storm water flowrate mitigation, and are typically designed to provide both storm water quality as well as flowrate mitigation.

LIMITATIONS

Construction phase Outlet Structure may require regular maintenance to remove accumulated sediment.

Outlet Structure requires an impoundment mechanism to convey flows into structure.

MAINTENANCE REQUIREMENTS

Inspections should be made on a monthly basis, especially after large storm events. If the Outlet Structure becomes inundated, debris and sediment removal are immediately required.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- ✓ Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low Unknown or Questionable

OS

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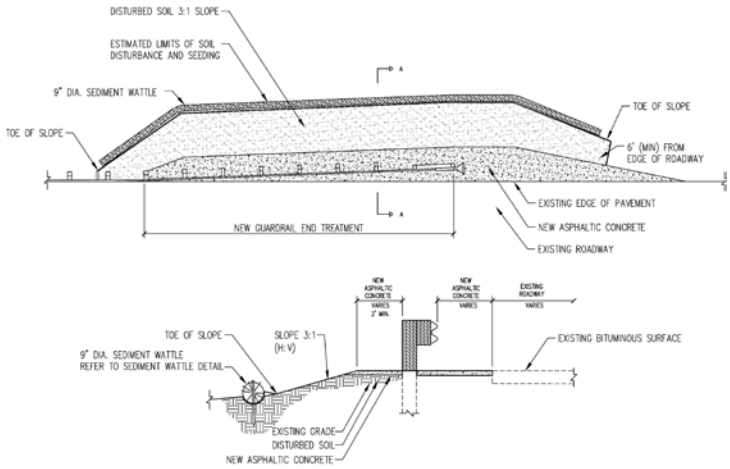
Guardrail End Treatment



DESCRIPTION

Guardrail end sections may lie on road embankments where slopes convey roadway sheet flows and roadway embankment may not be appropriately compacted and revegetated due to guardrail post construction. Guardrail end treatment extends hardened surface through post area and provides toe-of-slope protection.

PRIMARY USE

Mitigation of erosion near guardrail end treatments and storm water quality treatment at these locations. Local roadway drainage is often designed to exit roadway near end of guardrail to flow to culverts.

APPLICATIONS

Guardrail End treatment is applicable to new projects a s project design, or to existing guardrail end sections where roadway sheet flows may have erodes road embankment adjacent to guardrail ends.

LIMITATIONS

May only be suitable if roadway sheet flows exit roadway at this location.

As permanent BMP, wattle maintenance and replacement may be required.

MAINTENANCE REQUIREMENTS

Inspections should be made on a monthly basis, especially after large storm events. If the wattle becomes damaged by flows, it will need to be replaced.

Applications

- Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- Significant
- ✓ Medium
- Low
- Unknown or Questionable

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Appendix A4

Sediment Control

- Buffer Strip
- Silt Fence
- Straw Bale
- Drop Inlet Protection
- Culvert Protection
- Sediment Trap – Berm/Excavated
- Sediment Basin
- Triangular Sediment Filter Dike
- Compost Filter Berm
- Straw Wattle
- Filter Strips
- Media Filter
- Mechanical Devices
- Live Wattles

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Sediment Control

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Sediment Control

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Straw Wattle	A4-31
Filter Strips	A4-33
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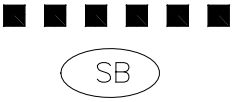
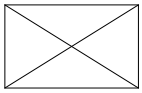
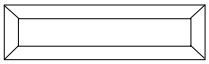
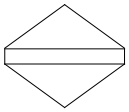
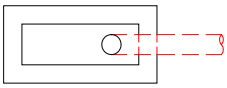
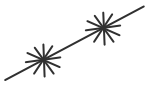
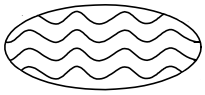
SYMBOLS

Silt Fence		**Straw Bale**	
Drop Inlet Protection		**Culvert Protection**	
Sediment Trap, Excavated		**Sediment Trap, Berm**	
Sediment Basin		**Triangular Sediment Filter Dike**	
Compost Filter Berm		**Straw Wattle**	
Filter Strips		**Media Filter**	
Mechanical Devices		**Live Wattles**	

Buffer Strip

DESCRIPTION

A buffer strip is intended for use where sheet flow from a disturbed area discharges onto an undisturbed slope where the sheet flow regime will be maintained. A buffer strip does not require supplemental measures if installed following these guidelines.

APPLICATIONS

The maximum allowable disturbance width is 30 feet (width measured parallel to flow path). An overland flow buffer width on an undisturbed slope sufficient to provide a minimum 20-minute sheet-flow travel time is required to attain adequate sediment removal. Therefore, this measure should only be used at locations where sheet flow over the required width can reasonably be ensured. The maximum buffer strip width is generally limited to 400 feet. Since the widths required will generally fall outside of the right-of-way, possible conflicts with private land use should be considered.

The required buffer strip width is as follows. These widths are measured from the edge of the disturbed area.

2-YEAR, 24-HOUR PRECIPITATION

Buffer Strip Slope (%)	0-1.8 inch		1.9-2.7 inch	
	Poor Cover Width (ft)	Fair Cover Width (ft)	Poor Cover Width (ft)	Fair Cover Width (ft)
0.5	167	78	216	101
1	237	110	305	142
2	335	156	431	201
4	473	221	—	285
6	—	271	—	349
8	—	312	—	403
10	—	349	—	—

Applications

- ✓ Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- Medium
- Low
- Unknown or Questionable

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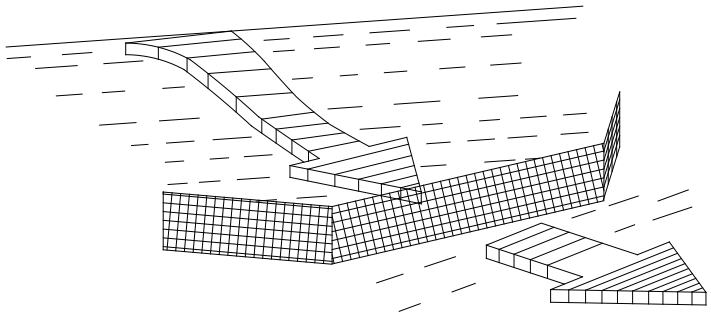
Silt Fence



Applications

- ✓ Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

A silt fence consists of geotextile fabric supported by backing stretched between posts, with the lower edge securely embedded in soil downstream of disturbed areas. Intercepts runoff in the form of sheet flow and provides filtration, sedimentation, and velocity reduction.

PRIMARY USE

Silt fences are used as perimeter control downstream of disturbed areas, and for non-concentrated sheet-flow conditions.

APPLICATIONS

Silt fences provide an economical way to mitigate overflow, non-concentrated flows, and as a perimeter control device. Best with coarse to silty soil types and to control wind erosion on sandy soils.

LIMITATIONS

Minor ponding will likely occur at the upstream side of the silt fence, resulting in minor localized flooding.

Fences that are constructed in swales or low areas subject to concentrated flow may be overtopped, resulting in failure of the filter fence. Silt fences subject to areas of concentrated flow (waterways with flows >1 cfs) are not acceptable.

Silt fence can interfere with construction operations; therefore, planning of access routes onto the site is critical.

Silt fence can fail structurally under heavy storm flows, creating maintenance problems and reducing the effectiveness of the system.

MAINTENANCE REQUIREMENTS

Inspections should be made on a weekly basis, especially after large storm events. If the fabric becomes clogged, it should be cleaned or, if necessary, replaced.

Sediment should be removed when it reaches approximately one-half the height of the fence.

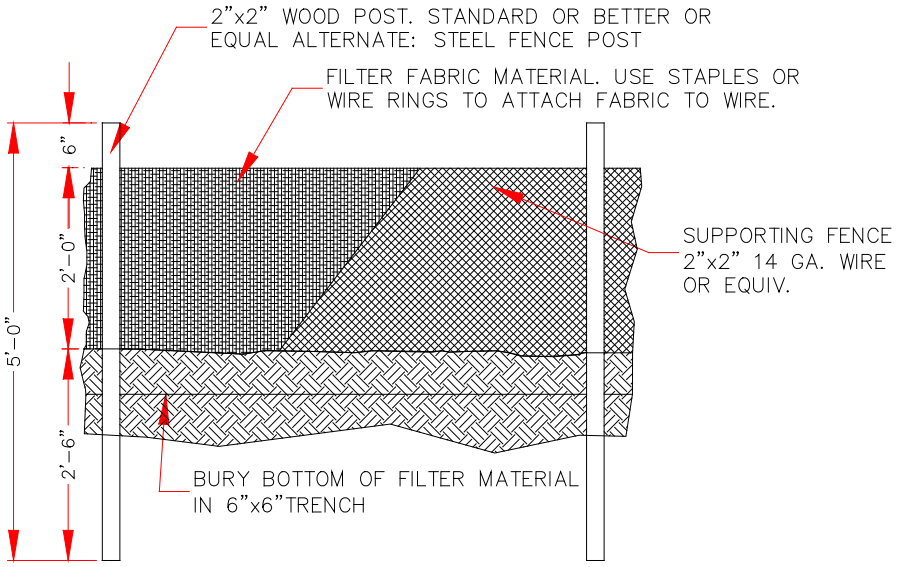
Targeted Constituents

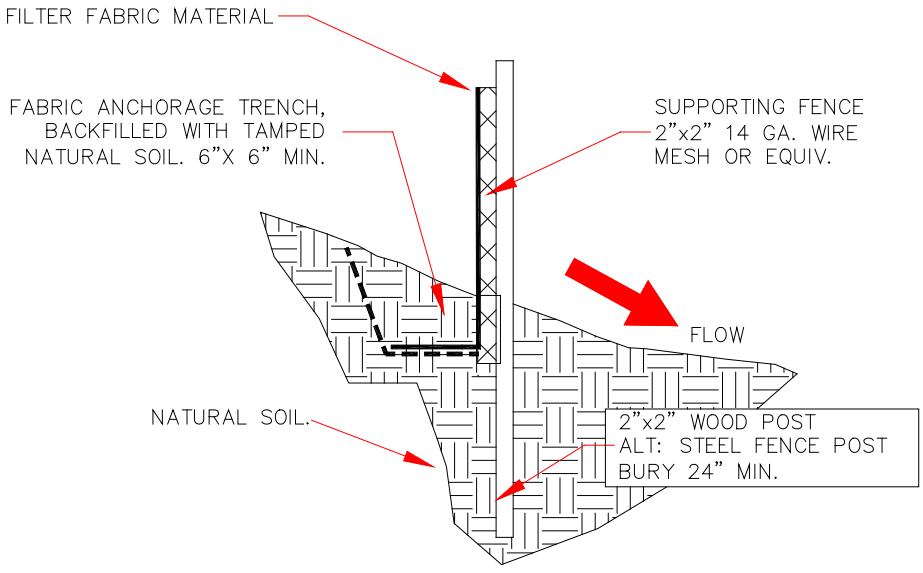
- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

Silt Fence (continued)





Silt Fence (continued)

Silt fence in urban area

Silt fence in urban area

Silt fence in rural area

Silt fence at outlet of box

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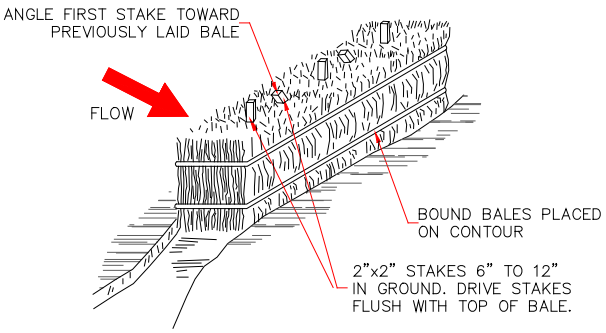
Straw Bale



ANCHORING DETAIL

DESCRIPTION

A temporary barrier can be constructed of straw bales anchored with posts or stakes, which intercepts sediment-laden runoff from small, disturbed areas. Straw-bales barriers can provide filtration or serve as a dam/device to direct flow.

PRIMARY USE

Straw bales barriers trap sediment-laden runoff from small, relatively level areas; velocity reduction causes sediment to settle out.

APPLICATIONS

Straw bales barriers treat flow from small sites for short-duration projects. Can be used as check dams on small watercourses. Problems with uniformity, degradation and installation; residential applications suggested.

Sheet-Flow Applications

- Place the bales in a single row, lengthwise on the contour, with ends of adjacent bales tightly abutting.

LIMITATIONS

Due to a short effective life caused by biological decomposition, straw bales must be replaced after a period of no more than 3 months. During the wet and warm seasons, however, they must be replaced more frequently as is determined by periodic inspections for structural integrity.

Straw bale dikes are not recommended for use with concentrated flows.

The effectiveness of straw bales in reducing sediment is very limited. Improperly maintained, straw bales can have a negative impact on the water quality of the runoff.

Applications

- ✓ Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

SB

Straw Bale (continued)

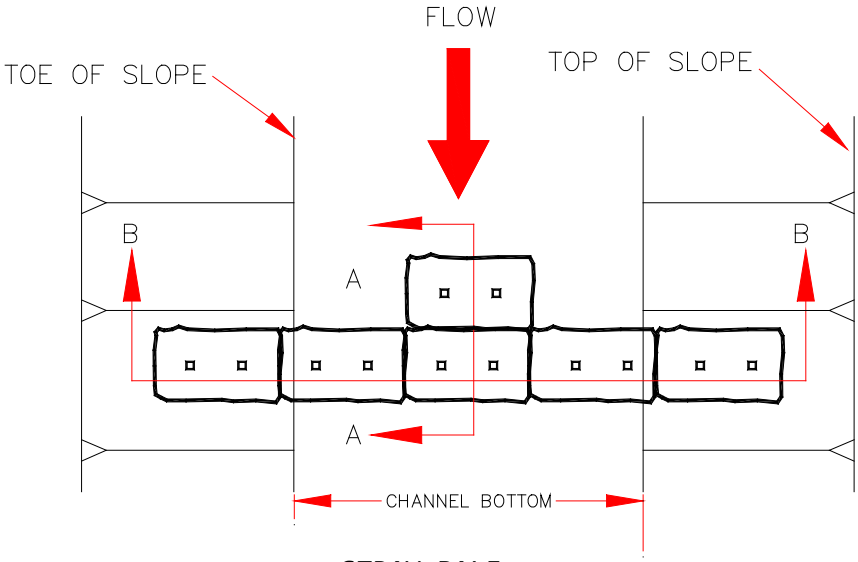
MAINTENANCE REQUIREMENTS

Straw bales shall be replaced if there are signs of degradation such as straw located downstream from the bales, structural deficiencies due to rotting straw in the bale, or other signs of deterioration. Sediment should be removed from behind the bales when it reaches a depth of approximately 6 inches.

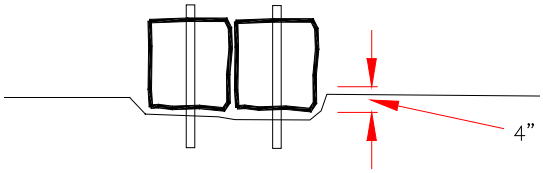
NOTES

- The straw bale barrier must be entrenched, anchored, and backfilled. A trench should be excavated the width of a bale and the length of the proposed barrier to a minimum depth of 4 inches. After the bales are staked, the excavated soil must be backfilled against the barrier. Backfill soil should conform to the ground level on the downhill side and should be built up to 4 inches against the uphill side of the barrier.
- Each bale must be securely anchored by at least two wooden stakes driven toward the previously laid bale to force the bales together. Stakes should be driven 6–12 inches into the ground. Stakes should have a minimum diameter or cross section of 2 inches.
- All bales must be either wire-bound or string-tied.
- Fill gaps between bales by wedging with straw.
- Along toe of fills, install the straw bales along a level contour and leave enough area behind the barrier for runoff to pond and sediment to settle. A minimum of 5 feet away from the fill toe is recommended.
- Inspect frequently during construction. Repair or replacement should be made as promptly as needed.
- Remove sediment accumulated against the straw bale barrier when it reaches half the exposed barrier height.
- Remove bales after they have served their usefulness.
- Trenches where straw bales were located should be graded and stabilized.

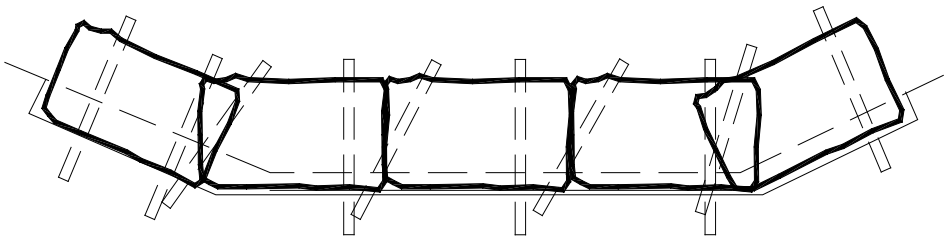
Straw Bale (continued)



STRAW BALE



SECTION A-A



SECTION B-B

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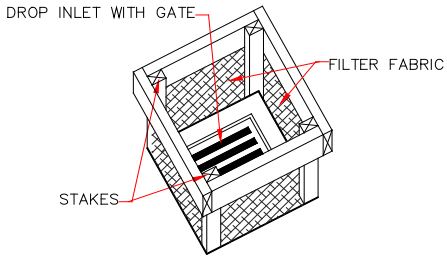
Drop Inlet Protection



TYPE I

DESCRIPTION

A variety of drop inlet protection methods are used to intercept sediments at inlets through the use of stone, filter fabric, or other materials.

PRIMARY USE

Drop inlet protection is normally used as a second defense in site erosion control. A backup to onsite systems that have limited effectiveness.

APPLICATIONS

- Filter barrier when site is less than one acre and slope is less than 5%
- Block and gravel are used when flows exceed 0.5 cfs
- Wire mesh and gravel are used where traffic crosses inlet

LIMITATIONS

Ponding will occur at the inlet, with possible flooding as a result.

Inlet protection is only viable at low-point inlets. Inlets that are on a slope cannot be effectively protected because storm water will bypass the inlet and continue downstream, causing an overload condition at inlets beyond.

MAINTENANCE REQUIREMENTS

Inspections should be made on a weekly basis, especially after large (>0.5 inches) storm events. When silt fence is used and the fabric becomes clogged, it should be cleaned or, if necessary, replaced. Also, sediment should be removed when it reaches approximately one-half the height of the fence. If a sump is used, sediment should be removed when the volume of the basin is reduced by 50%.

For systems using stone filters, when the stone filter becomes clogged with sediment, the stones must be pulled away from the inlet and cleaned or replaced. Since cleaning of gravel at a construction site may be difficult, an alternative approach would be to use the clogged stone as fill material and put new stone around the inlet.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

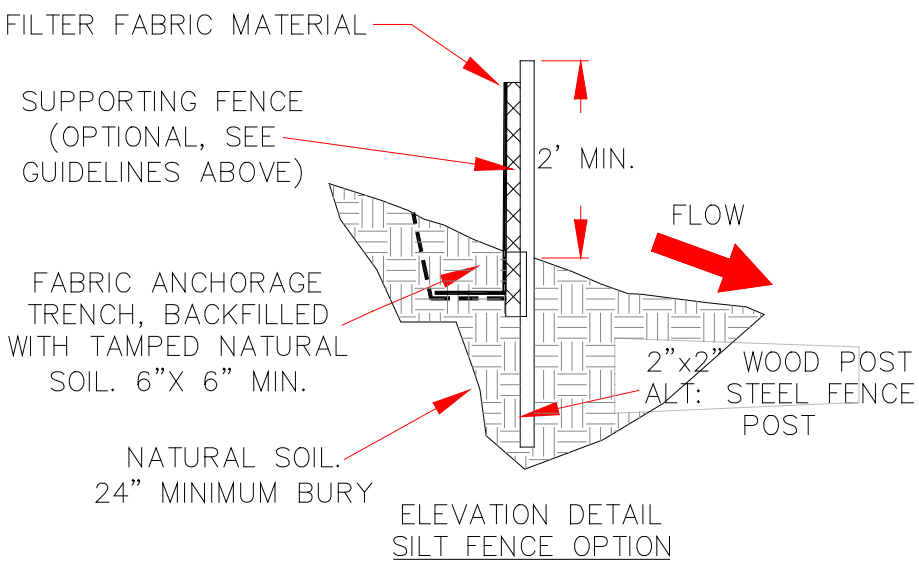
Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

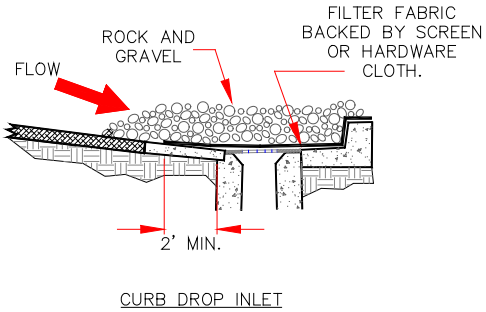
Impact

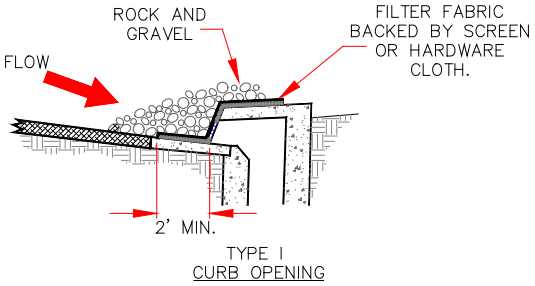
- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

Drop Inlet Protection (continued)



TYPE I





TYPE II

Drop Inlet Protection (continued)

Curb drop inlet protection in urban area – Type II

Drop inlet protection in urban area – Type I

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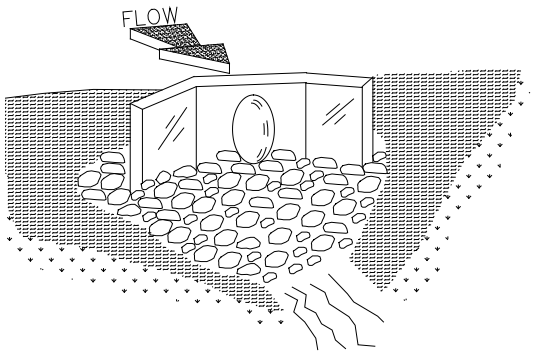
Culvert Protection



Applications

- Perimeter Control
- Slope Protection
- Sediment Trapping
- ✓ Channel Protection
- ✓ Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

Culvert protection is a section of rock, riprap, or concrete rubble that protects the inlet and outlet end of culverts, conduits, or channels.

PRIMARY USE

Culvert protection is used to reduce the velocity and energy of flow such that the flow will not erode the receiving downstream reach.

APPLICATIONS

Culvert protection is use where velocities are high enough to cause downstream erosion. Easier to install and less expensive than concrete aprons or energy dissipators. Also serves to trap sediment and reduce velocities.

LIMITATIONS

Culvert protection may need continual maintenance because large storms often wash away the stone and leave the area susceptible to erosion. Grouted or wire-tied rock riprap can minimize maintenance requirements.

MAINTENANCE REQUIREMENTS

Inspect monthly and after each rainfall. Replace rocks as needed.

For more information, refer to *Standard Specifications for Highway and Bridge Construction* (NMSHTD 2000).

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- Significant
- ✓ Medium
- Low
- Unknown or Questionable

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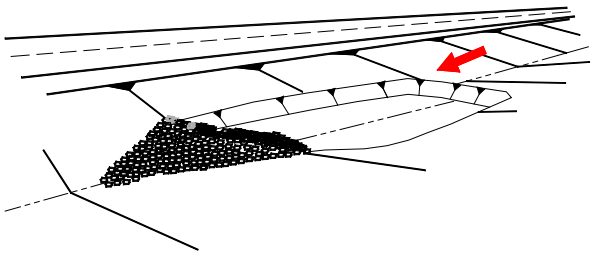
Sediment Trap – Berm/Excavated



Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

A sediment trap is a small temporary ponding area with a gravel outlet, either excavated or formed by an embankment.

PRIMARY USE

Sediment traps are used to collect and store sediment from small sites cleaned or graded during construction. A temporary measure maintained until permanent measures are installed.

APPLICATIONS

Sediment traps are used where the site area is less than ten acres, usually installed in drainage way or point of discharge from disturbed area.

LIMITATIONS

There are limited applications for sediment traps due to the cost of construction, the availability of materials, and the amount of land required.

Can cause minor flooding upstream of dam, impacting construction operations.

This technique serves as a temporary measure during construction. It should not be used for more than 18 months due to reduced efficiency.

MAINTENANCE REQUIREMENTS

Sediment shall be removed and the area directly behind the berm shall be re-graded to its original dimensions when the capacity of the impoundment has been reduced to one-half of its original storage capacity. The removed sediment shall be stockpiled or redistributed in areas that are protected from erosion.

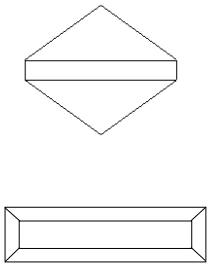
The stone outlet structure should be inspected frequently and after each major rain event to check for clogging of the void spaces between stones. If the aggregate appears to be silted in such that efficiency is diminished, the stone should be replaced.

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- Significant
- ✓ Medium
- Low
- Unknown or Questionable



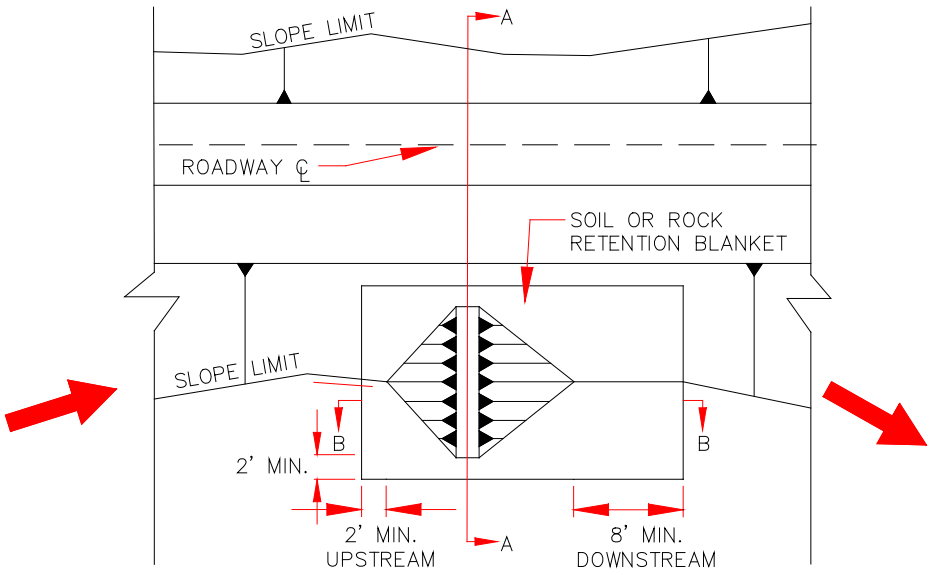
Sediment Trap – Berm/Excavated (continued)

NOTES

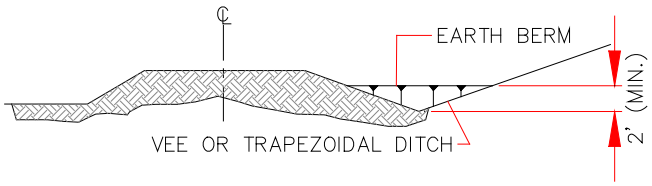
- Traps should be located at points of discharge from disturbed areas.
- A rectangular and shallow trap with a length-to-width ratio of 2:1 or greater is recommended.
- Maximum embankment height shall be 5 feet measured on the downstream side. The minimum top embankment width shall be 4 feet. Side slopes for the embankment and the excavated areas shall be 2:1 or flatter.
- The outlet structure shall consist of a stone section in the embankment formed by a combination coarse aggregate/riprap to provide for filtering/detention capability. Riprap shall be 4 inches to 8 inches of rock, while the coarse aggregate shall be ½ inch to ¾ inch.
- The outlet crest shall be at least 1 foot below the top of the embankment.
- The minimum outlet length in feet shall be 1.5 times the contributing drainage area to the trap.
- Sediment traps, along with other perimeter controls, shall be installed before any land disturbance takes place in the drainage area.
- A geotextile can be placed at the stone-soil interface to act as a separator.
- Sediment shall be removed from the trap when the wet storage volume is reduced by one half.
- Outlet structure should be regularly inspected; rocks clogged with sediment shall be cleaned or replaced.

Sediment Trap – Berm/Excavated (continued)

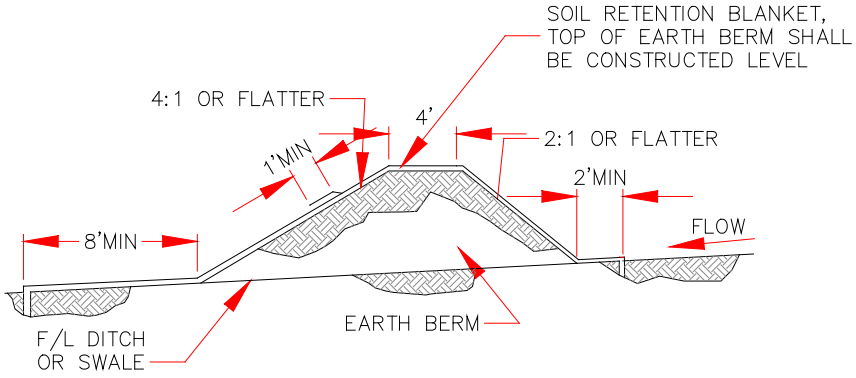
EARTH BERM



PLAN



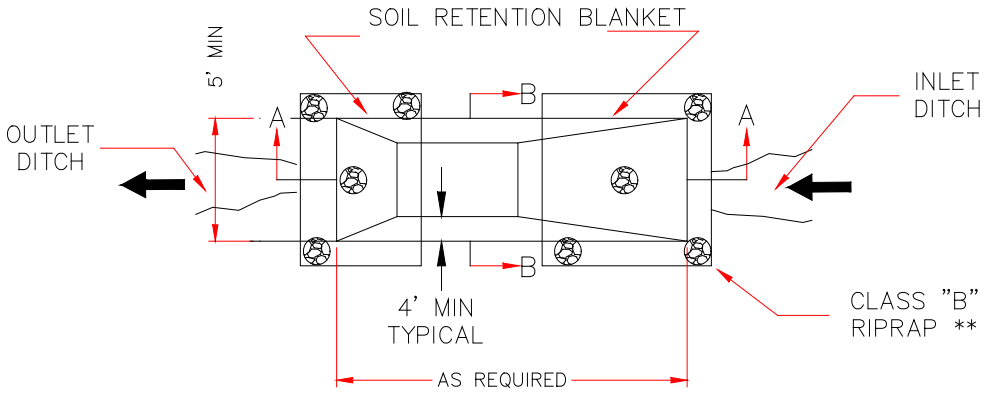
SECTION A–A



SECTION B–B

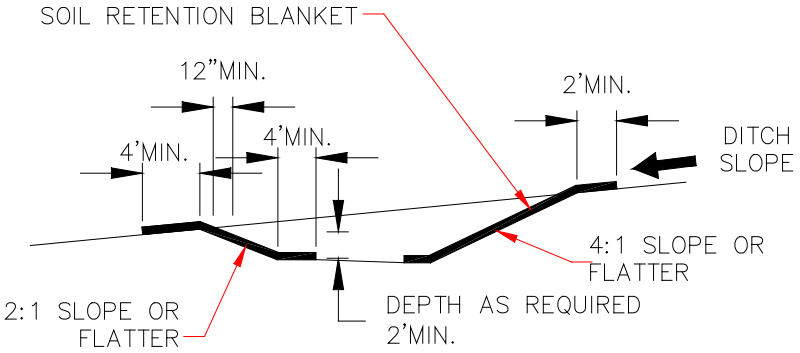
Sediment Trap – Berm/Excavated (continued)

EXCAVATED

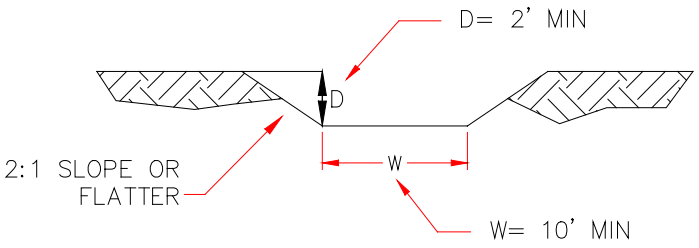


** NOTE: CLASS "B" RIPRAP INCIDENTAL TO PLACEMENT ON TEMPORARY SEDIMENT TRAP.

PLAN

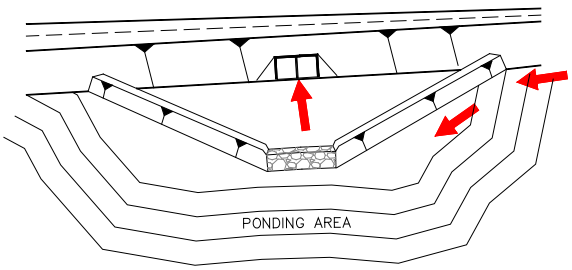


SECTION A–A



SECTION B–B

Sediment Basin



Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

A sediment basin is a pond area with a controlled outlet in which suspended sediment is allowed to settle. Provides treatment plus controlled outflow, minimizing flood problems down gradient.

PRIMARY USE

Sediment basins should be used where there is adequate open space to direct most of the site drainage into the basin. For sites with disturbed areas of more than 10 acres that are part or the same drainage area, sediment basins are required as either temporary or permanent controls, if there are no site limitations.

APPLICATIONS

A sediment basin is a treatment device, highly effective for removing sediment and other pollutants for the design storm event. Sediment basins shall be designed for two-year storm runoff. Maximum embankment height shall be 9 feet with a minimum top width of 8 feet. The side slopes shall be 2:1 or flatter.

LIMITATIONS

Sediment basins can be rather large, depending on site conditions, requiring the use of expensive development area and comprehensive planning for construction phasing prior to implementation.

Storm events that exceed the design storm event can cause damage to the spillway structure of the basin and may impact downstream concerns.

MAINTENANCE REQUIREMENTS

Sediment shall be removed and the basin shall be re-graded to its original dimensions when the capacity of the impoundment has been reduced to 20% of its original storage capacity. The removed sediment shall be stockpiled or redistributed in areas that are protected from erosion.

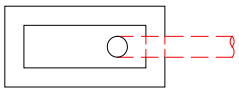
The basin outlet structure and emergency spillway (if present) should be checked frequently and after each major rain event to inspect for damage and to insure that obstructions are not diminishing the effectiveness of the structures.

Targeted Constituents

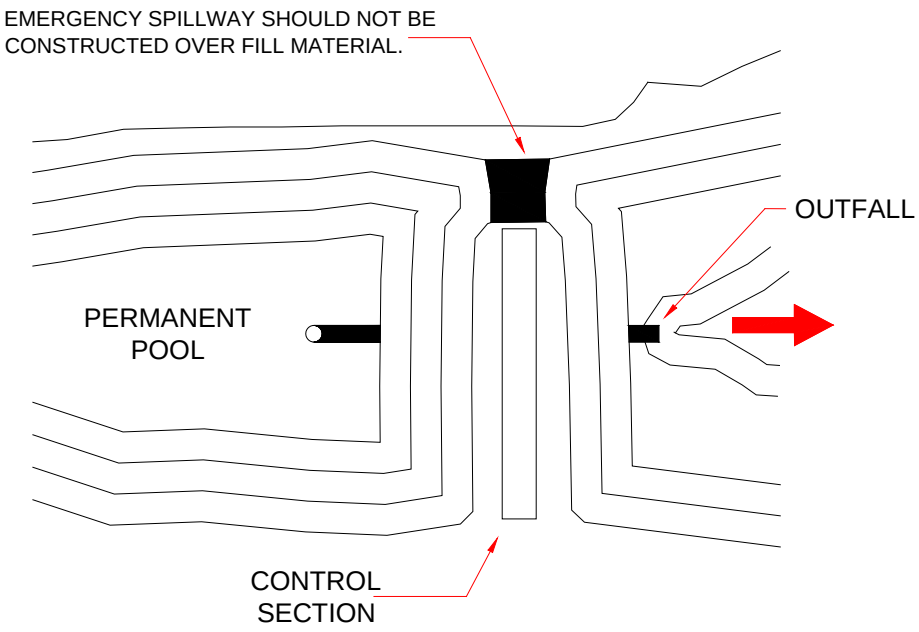
- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

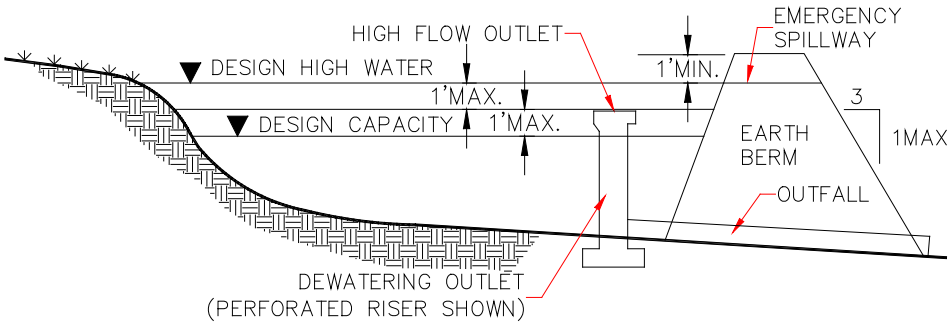
- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable



Sediment Basin (continued)



PLAN VIEW



CROSS SECTION

Sediment Basin (continued)

Sediment pond at inlet of box

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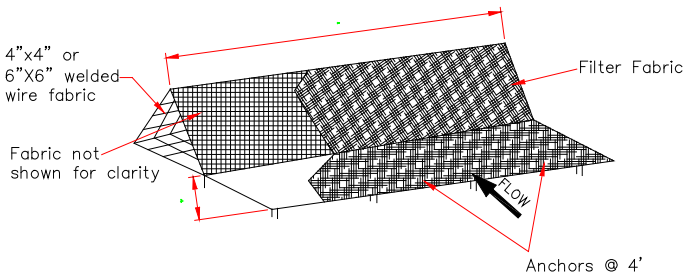
Triangular Sediment Filter Dike



Applications

- ✓ Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- ✓ Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

A self-contained silt fence constructed of filter fabric wrapped around welded wire fabric, shaped into a triangular cross section. The dike is reusable, sturdy, and transportable. Can be used on paved or other areas where embedded posts cannot be used.

PRIMARY USE

Used in place of silt fences, treating sediment flow at the perimeter of construction areas site streams and as check dams on small scales. Useful on paved areas where silt fences or bales cannot be used.

APPLICATIONS

Useful for perimeter control by detaining sediment on disturbed areas and along stream banks. Can be used for control for more concentrated, higher, flow rates than silt fence.

LIMITATIONS

Ponding will likely occur directly adjacent to the dike, which may possibly cause flooding.

Due to the potential for flow concentration and overtopping, triangular sediment filter dikes are not effective for conditions that include substantial concentrated flows or when they are not constructed along a contour line.

MAINTENANCE REQUIREMENTS

Inspections should be made on a weekly basis, especially after large (>0.5 inches) storm events. If the fabric becomes clogged, it should be cleaned or, if necessary, replaced.

Sediment should be removed when it reaches approximately 6 inches in depth. In addition, inspections should be made on a regular basis to check the structural integrity of the dike. If structural deficiencies are found, the dike should be immediately repaired or replaced.

As with silt fence, integrity of the filter fabric is important to the effectiveness of the dike. Overlap between dike sections must be checked on a regular basis and repaired if deficient.

Targeted Constituents

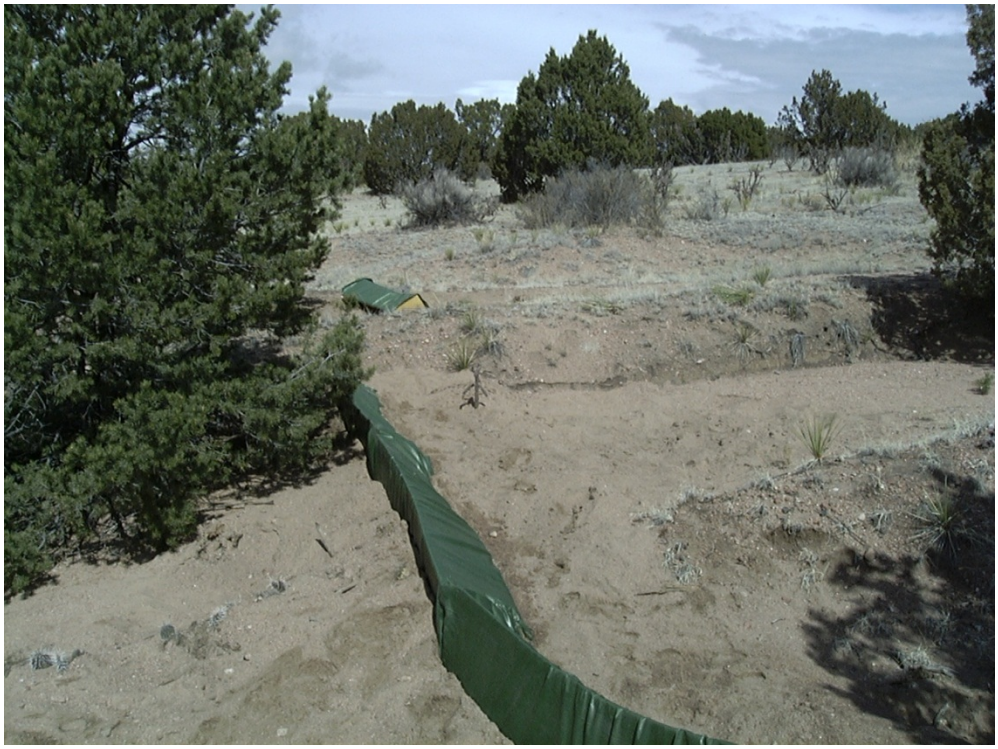
- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

TSFD

Triangular Sediment Filter Dike (continued)



Triangular sediment filter dike

Compost Filter Berm

DESCRIPTION

Compost filter berms are constructed of blown, scraped, or formed mass of ordinary compost material.

PRIMARY USE

As a check dam structure or to assist in relocating flows.

APPLICATIONS

Where low-density check dams or routing structures are required on a short-term basis.

LIMITATIONS

Not for use where through-flow can reach high-quality waters or where side velocity is great.

MAINTENANCE REQUIREMENTS

Must be periodically replaced for long-term use.

Applications

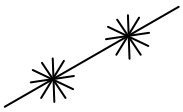
- ✓ Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- Permanent Stabilization
- ✓ Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- ✓ Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable



Compost Filter Berm (continued)

Compost berm under construction

Compost berm

Straw Wattle

DESCRIPTION

Geotextile fabric cylinders filled with rice straw.

PRIMARY USE

Used on bare, steep slopes to control sediment movement.

APPLICATIONS

Use anywhere on slopes to limit the length of flow and velocity to prevent sediment transport.

LIMITATIONS

May be a proprietary product. May not be considered a permanent measure.

MAINTENANCE REQUIREMENTS

Must be periodically replaced for long-term use.

Applications

- Perimeter Control
- ✓ Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- ✓ Oil and Grease
- ✓ Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
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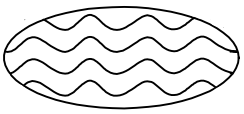
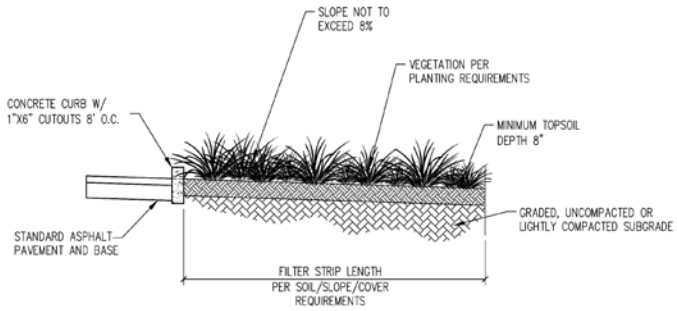
- Low
- Unknown or Questionable



Straw Wattle (continued)

Straw wattles

Filter Strips



DESCRIPTION

Vegetated filter strips (grassed filter strips, filter strips, and grassed filters) are vegetated surfaces that are designed to treat sheet flow from adjacent surfaces. Filter strips function by slowing runoff velocities and filtering out sediment and other pollutants, and by providing some infiltration into underlying soils.

PRIMARY USE

Treatment of sheet flow from nearby and adjacent hardened surfaces. Primarily utilized for pretreatment of sheet flows and erosion protection at the edge of hardened surfaces. Can also provide modest infiltration and pollutant removal.

APPLICATIONS

Filter strips are best suited to treating runoff from roads and highways, roof downspouts, very small parking lots, and pervious surfaces. They are also ideal components of the "outer zone" of a stream buffer or as pretreatment to a structural practice.

LIMITATIONS

The practice has not been shown to achieve high pollutant removal.

Filter strips require a large amount of space, typically equal to the impervious area they treat.

Improper grading can render the practice ineffective in terms of pollutant removal.

MAINTENANCE REQUIREMENTS

Inspections should be made on an annual basis. Erosion or sediment deposition requires repair, and vegetation must be replanted if it is not thriving.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- Significant
- Medium
- ✓ Low Unknown or Questionable

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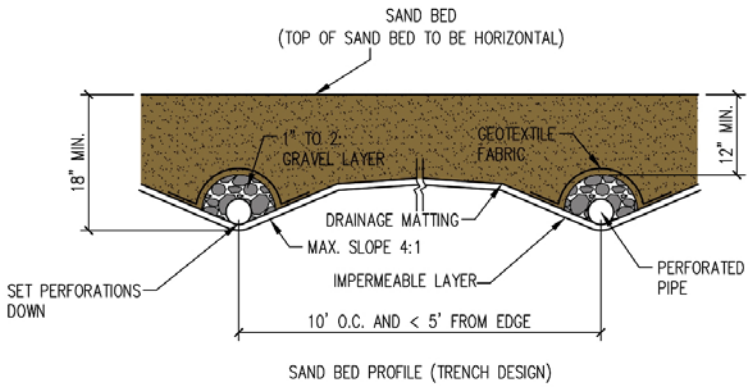
Media Filter



SAND BED PROFILE (TRENCH DESIGN)

DESCRIPTION

A filter bed filled with sand or gravel media utilized for removal of pollutants through filtration. Typical application includes a pretreatment settling pool to remove coarser materials and debris by settlement or screening.

PRIMARY USE

Media Filters are used as filters to remove nutrients, some metals, BOD, suspended solids, and hyrdrocarbons from storm water flows.

APPLICATIONS

Media Filters are suitable for urban settings with high imperviousness. As they are subject to clogging, pretreatment is required where flows with high sediment loading. Best with urbanized paved areas. Especially effective in nutrient removals.

LIMITATIONS

Lack of adequate hydraulic head my result in standing water, potentially promoting mosquito breeding.

Fairly expensive for a temporary construction phase BMP.

Higher solids loading will clog filter.

Heavy hydrocarbon loading can clog filter.

MAINTENANCE REQUIREMENTS

Inspections should be made on a monthly basis, especially after large storm events. If the filter becomes clogged, media may need to be screened or replaced.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low Unknown or Questionable

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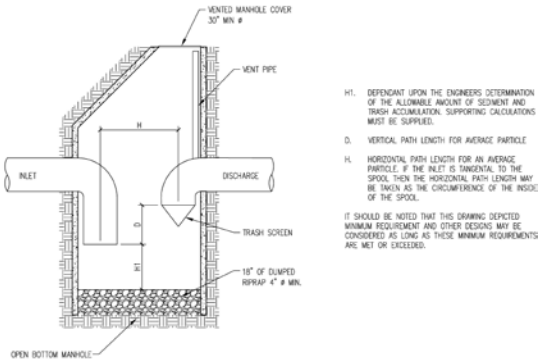
Mechanical Devices



DESCRIPTION

A range of structural and mechanical devices exist to remove non-point source pollutants from storm water runoff. Regionally utilized devices include trash racks, baffle walls, screening systems, gravity separators, filters and hydrodynamic devices. Many devices are commercially available, and many local designs are available from as-built plans from local agencies.

PRIMARY USE

Mechanical devices are generally utilized to remove floatables, particulate contaminants including sediment, oil and grease, and litter and debris. They can provide specific area treatment for particular pollutants. The selection and design of an appropriate mechanical device should be carefully considered.

APPLICATIONS

Typically, mechanical devices are suitable for urban settings with high levels of sediment and debris. Appropriate locations may include parking lots, commercial developments, detention facilities, and locations where sheet flows are initially channelized.

LIMITATIONS

Site conditions need to be matched to manufacturer's specifications.

Fairly expensive BMP.

Higher solids loading can render some devices ineffective.

MAINTENANCE REQUIREMENTS

Manufacturers generally provide maintenance schedules. Typical maintenance will require bi-weekly inspections, and post-construction applications may require bi-monthly inspections.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- ✓ Floatable Materials
- ✓ Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

MD

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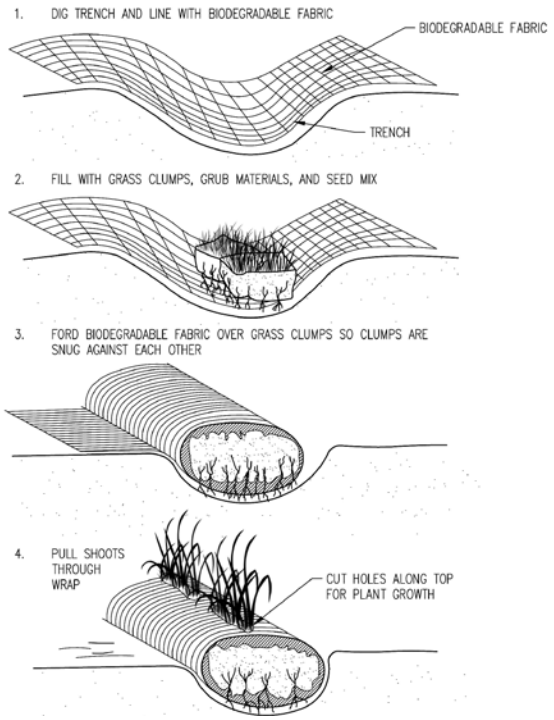
Live Wattles



Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- Significant
- ✓ Medium
- Low
- Unknown or Questionable

DESCRIPTION

A filter wattle filled with a blend of onsite clear and grubbed materials, and possibly seed mixture, wrapped in filter cloth and utilized for removal of pollutants through filtration and sedimentation.

PRIMARY USE

Live Wattles are used as a linear control BMP to promote continued vegetative growth. Used to slow, filter, and spread overland flows. Can be installed on slopes with careful design and redundancy.

APPLICATIONS

Can be suitable for: toe, top, face, of shallow slopes, along the perimeter of a project, as check dams in unlined ditches, downslope of exposed soil areas, and around temporary stockpiles.

LIMITATIONS

Are not effective unless trenched.

Can be disturbed or moved by high flows.

MAINTENANCE REQUIREMENTS

Inspections should be made on a bi-weekly basis, and may require reconstruction if undermined or eroded.

LW

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Appendix A5

Good Housekeeping / Materials Management

- Sanitary Facilities
- Equipment Maintenance
- Protected Chemical and Materials Storage Areas
- Spill Prevention Plan
- Protection of Trees
- Concrete Waste Management
- Solid Waste Management
- Hazardous Waste Management
- Stabilized Construction Entrance/Exit

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Good Housekeeping / Materials Management

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Good Housekeeping / Materials Management

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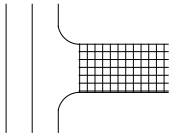
Protection of Trees	A5-11
Concrete Waste Management	A5-13
Solid Waste Management	A5-15
Hazardous Waste Management	A5-17
Stabilized Construction Entrance/Exit	A5-19

SYMBOL

Stabilized Construction Entrance/Exit



Sanitary Facilities

DESCRIPTION

Portable sanitary facilities that store sanitary waste should be emptied periodically, kept clean, and stocked with supplies.

PRIMARY USE

Sanitary facilities prevent onsite disposal of sanitary wastes or illicit discharges.

APPLICATIONS

Sanitary facilities are required for all work sites or construction areas. Domestic waste haulers should be contracted to regularly remove wastes and maintain facilities in good working order.

Applications

- Perimeter Control
- Slope Protection
- Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- ✓ Waste Management
- ✓ Housekeeping Practices

Targeted Constituents

- Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- Medium
- Low
- Unknown or Questionable

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Equipment Maintenance

DESCRIPTION

Establishment of a program of equipment maintenance procedures will reduce contamination of onsite soils.

PRIMARY USE

Non-sediment storm water pollution can occur through improper disposal of equipment fluids, filters, batteries, and tires. Proper equipment maintenance can prevent this kind of pollution.

APPLICATIONS

Equipment maintenance is important for large construction sites where heavy equipment storage, truck storage, and maintenance yards are located onsite.

Applications

- Perimeter Control
- Slope Protection
- Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- ✓ Waste Management
- ✓ Housekeeping Practices

Targeted Constituents

- Sediment
- Nutrients
- ✓ Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- Medium
- Low
- Unknown or Questionable

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Protected Chemical and Materials Storage Areas

DESCRIPTION

Construction materials and chemicals should be sheltered in covered storage areas that has a spill-proof perimeter around it.

PRIMARY USE

Rain can wash pollutants from improperly stored materials into local drainage systems. By properly covering and storing chemicals, materials, and waste containers so that they are protected from rainwater, non-sediment pollution of storm water can be prevented.

APPLICATIONS

Locate chemical storage areas away from low-lying areas, drainage ways, and stream banks.

Applications

- Perimeter Control
- Slope Protection
- Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- ✓ Waste Management
- ✓ Housekeeping Practices

Targeted Constituents

- Sediment
- ✓ Nutrients
- ✓ Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- ✓ Construction Wastes

Impact

- ✓ Significant
- Medium
- Low
- Unknown or Questionable

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Spill Prevention Plan

DESCRIPTION

The Spill Prevention Plan is an emergency plan to contain spills of dangerous, hazardous, or toxic wastes that mitigates environmental damage and provides prompt notice to proper authorities.

PRIMARY USE

The Spill Prevention Plan shall include measures to limit the scope of the spill and minimize environmental damage.

APPLICATIONS

Spill Prevention Plans are applicable to all construction sites. Those sites closest to watercourses, canals, and reservoirs are at highest risk of contaminating surface waters with an uncontained spill.

NOTES

- Select a designated area for storage.
- All containers must be tightly sealed and labeled.
- Storage areas should be surrounded by a berm. Construct berms to provide a storage volume of no less than 1.5 times the total volume of the stored material.
- Cleanup procedures should be clearly posted and cleanup materials should be readily available.
- Storage area should be covered and lined with an impermeable liner.
- If a spill occurs, the source of the spill should be stopped as practicable. The spill should be covered with an absorbent material.
- Dispose of any contaminated material in accordance with state or local requirements.
- Do not store chemicals or hazardous substances within 50 feet of any receiving water.

In the event of a spill of a hazardous substance, notify the National Response Center (NRC) at (800) 424-8802, the New Mexico Environment Department (NMED) at (505) 827-9329, and the local fire department.

Applications

- Perimeter Control
- Slope Protection
- Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- ✓ Waste Management
- ✓ Housekeeping Practices

Targeted Constituents

- Sediment
- Nutrients
- ✓ Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- Medium
- Low
- Unknown or Questionable

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Protection of Trees

DESCRIPTION

Trees can provide superior, low-maintenance, and long-term erosion protection. They are also useful for site aesthetics.

PRIMARY USE

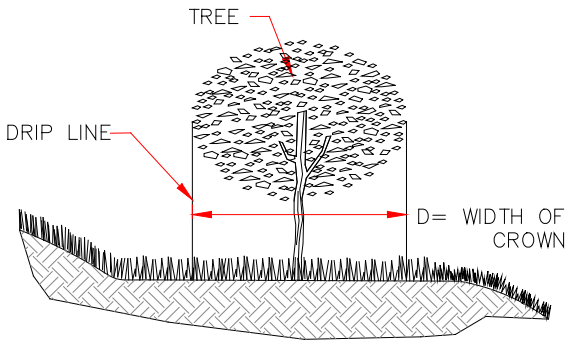
Preserving and protecting trees can result in a more stable and aesthetically pleasing development. Trees stabilize the soil and help prevent erosion, decrease storm water runoff, moderate temperatures, provide buffers and screens, filter pollutants from the air, supply oxygen, provide wildlife habitat, and increase property values.

APPLICATIONS

Trees are desirable on steep or rocky slopes where mowing is not feasible; where ornamentals are desired for landscaping purposes; and where woody plants are desired for soil conservation or for establishment or maintenance of wildlife habitats.

NOTES

- Mark trees to be protected at a height visible to equipment operators.
- Equipment operators shall not clean their equipment by slamming it against the protected trees.
- Roots, trunk, and tops of trees can be protected by fencing. The fence shall be erected at the tree drip line.
- Limits for clearing must be located at the tree drip line.
- Trenching shall always be performed as far away from trees as possible. Consider tunneling as an option.
- Damaged trees should be repaired. Appropriate repairs should be prescribed by a forester or a tree specialist.



Applications

- Perimeter Control
- ✓ Slope Protection
- Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

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Concrete Waste Management

DESCRIPTION

Concrete waste management prevents or reduces the discharge of pollutants to storm water by conducting washout offsite, performing onsite washout in a designated area, and training employees and subcontractors.

APPLICATIONS

The following low-cost measures will help reduce storm water pollution from concrete wastes:

- Store dry and wet materials under cover, away from drainage areas.
- Avoid mixing excess amounts of fresh concrete or cement onsite.
- Perform washout of concrete trucks offsite or in designated areas only.
- Do not wash out concrete trucks into storm drains, open ditches, streets, or streams.
- Do not allow excess concrete to be dumped onsite except in designated areas.
- For onsite washout:
  - Locate washout area at least 50 feet from storm drains, open ditches, or water bodies. Prevent runoff from this area by constructing a temporary pit or bermed area large enough for liquid and solid waste.
  - Wash out wastes into the temporary pit where the concrete can set, be broken up, and then disposed of properly.
- When washing concrete to remove fine particles and expose the aggregate, avoid creating runoff by draining the water to a bermed or level area.
- Do not wash sweepings from exposed aggregate concrete into the street or storm drain. Collect and return sweepings to aggregate base stock pile, or dispose in the trash.
- Train employees and subcontractors in proper concrete waste management.

LIMITATIONS

Offsite washout of concrete wastes may not always be possible.

MAINTENANCE REQUIREMENTS

Inspect subcontractors to ensure that concrete wastes are being properly managed.

If using a temporary pit, dispose of hardened concrete on a regular basis.

Applications

- Perimeter Control
- Slope Protection
- Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- ✓ Waste Management
- ✓ Housekeeping Practices

Targeted Constituents

- Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- ✓ Construction Wastes

Impact

- Significant
- ✓ Medium
- Low
- Unknown or Questionable

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Solid Waste Management

DESCRIPTION

Prevent or reduce the discharge of pollutants to storm water from solid or construction waste by providing designated waste collection areas and containers, arranging for regular disposal, and training employees and subcontractors.

APPLICATIONS

Solid waste is one of the major pollutants resulting from construction. Construction debris includes:

- Solid waste generated from trees and shrubs removed during land clearing, demolition of existing structures (rubble), and building construction
- Packaging materials including wood, paper, and plastic
- Scrap or surplus building materials including scrap metals, rubber, plastic, glass pieces, and masonry products
- Domestic wastes, including food containers such as beverage cans, coffee cups, paper bags, plastic wrappers, and cigarettes

The following low-cost measures will help keep a clean site and reduce storm water pollution:

- Select designated waste collection areas onsite.
- Inform trash-hauling contractors that you will accept only watertight dumpsters for onsite use. Inspect dumpsters for leaks and repair any dumpsters that are not watertight.
- Locate containers in a covered area and/or in a secondary containment.
- Provide an adequate number of containers with lids or covers that can be placed over the containers to keep rain out or to prevent loss of waste during windy conditions.
- Plan for additional containers and more frequent pickup during the demolition phase of construction.
- Collect site trash daily, especially during rainy and windy conditions.
- Erosion and sediment control devices tend to collect litter. Remove this solid waste promptly.
- Make sure that toxic liquid wastes (used oils, solvents, paints) and chemicals (acids, pesticides, additives, curing compounds) are not disposed of in dumpsters designated for construction debris.

Applications

- Perimeter Control
- Slope Protection
- Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- ✓ Waste Management
- ✓ Housekeeping Practices

Targeted Constituents

- Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- ✓ Construction Wastes

Impact

- ✓ Significant
- Medium
- Low
- Unknown or Questionable

Solid Waste Management (continued)

- Salvage or recycle any useful material. For example, trees and shrubs from land clearing can be used as a brush barrier or converted into wood chips and used as mulch on graded areas.
- Do not hose out dumpsters on the construction site. Leave dumpster cleaning to the trash hauling contractor.
- Arrange for regular waste collection before containers overflow.
- If a container does spill, clean it up immediately.
- Make sure that construction waste is collected, removed, and disposed of only at authorized disposal areas.
- Train employees and subcontractors in proper solid waste management.

LIMITATIONS

No major limitations.

MAINTENANCE REQUIREMENTS

- Collect site trash daily.
- Inspect construction waste area regularly.
- Arrange for regular waste collection.

Hazardous Waste Management

DESCRIPTION

Prevent or reduce the discharge of pollutants to storm water from hazardous waste through proper material use, waste disposal, and training of employees and subcontractors.

APPLICATIONS

Many of the chemicals used onsite can be hazardous materials that become hazardous waste upon disposal. These wastes may include:

- Paints and solvents
- Petroleum products such as oils, fuels, and grease
- Herbicides and pesticides
- Acids for cleaning masonry
- Concrete-curing compounds

In addition, sites with existing structures may contain wastes that must be disposed of in accordance with federal, state, and local regulations. These wastes include:

- Sandblasting grit mixed with lead-, cadmium-, or chromium-based paints
- Asbestos
- Polychlorinated biphenyls (PCBs) (particularly in older transformers)

The following low-cost measures will help reduce storm water pollution from hazardous wastes:

Material Use

- Use all of the product before disposing of the container.
- Do not remove the original product label. It contains important safety and disposal information.
- Do not over-apply herbicides and pesticides. Prepare only the amount needed. Follow the recommended usage instructions. Over-application is expensive and environmentally harmful. Apply surface dressings in several smaller applications, as opposed to one large application, to allow time for infiltration and to avoid excess material being carried offsite by runoff. Do not apply these chemicals just before it rains. People applying pesticides must be certified in accordance with federal and state regulations.
- Do not clean out brushes or rinse paint containers into the dirt, gutter, storm drain, or stream. "Paint out" brushes as much as possible. Rinse water-based paints to the sanitary sewer. Filter and reuse thinners and solvents. Dispose of excess oil-based paints and sludge as hazardous waste.

Applications

- Perimeter Control
- Slope Protection
- Sediment Trapping
- Channel Protection
- Temporary Stabilization
- Permanent Stabilization
- ✓ Waste Management
- Housekeeping Practices

Targeted Constituents

- Sediment
- Nutrients
- ✓ Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- Medium
- Low
- Unknown or Questionable

Hazardous Waste Management (continued)

Waste Recycling/Disposal

- Select designated hazardous waste collection areas onsite.
- Hazardous materials and wastes should be stored in covered containers and protected from vandalism.
- Place hazardous waste containers in secondary containment.
- Do not mix wastes. This can cause chemical reactions, make recycling impossible, and complicate disposal.
- Recycle any useful material such as used oil or water-based paint.
- Make sure that toxic liquid wastes (used oils, solvents, paints) and chemicals (acids, pesticides, additives, curing compounds) are not disposed of in dumpsters designated for construction debris.
- Arrange for regular waste collection before containers overflow.
- Make sure that hazardous waste (e.g. excess oil-based paint and sludges) is collected, removed, and disposed of only at authorized disposal areas.

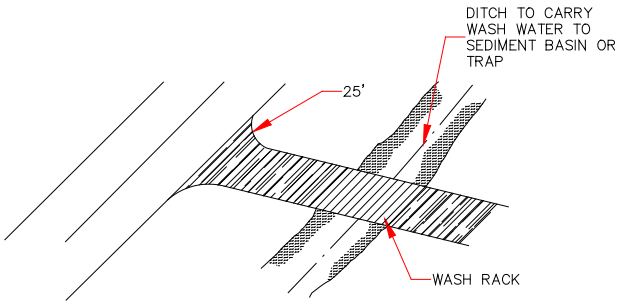
LIMITATIONS

A licensed hazardous waste hauler must dispose of hazardous waste that cannot be reused or recycled.

MAINTENANCE REQUIREMENTS

- Inspect hazardous waste receptacles and area regularly.
- Arrange for regular hazardous waste collection.

Stabilized Construction Entrance/Exit



Applications

- Perimeter Control
- Slope Protection
- Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- Permanent Stabilization
- Waste Management
- Housekeeping Practices

DESCRIPTION

A stabilized construction entrance consists of a pad of crushed stone, recycled concrete, or other rock-like material on top of a geotextile filter cloth, which is used to facilitate the washdown and removal of sediment and other debris from construction equipment prior to exiting the site. During the construction phase of a project, regular street sweeping should be performed to remove debris carried from the site.

PRIMARY USE

Stabilized construction entrances are used to reduce offsite sediment tracking from trucks and construction equipment, and for sites where considerable truck traffic occurs each day. They also reduce the need to clean adjacent pavement as often, and help route site traffic through a single point.

APPLICATIONS

As a part to the erosion-control plan required for sites larger than five acres, and recommended for all construction sites.

LIMITATIONS

Selection of the construction entrance location is critical. To be effective, it must be used exclusively.

Stabilized entrances are rather expensive, considering that they must be installed in combination with one or more other sediment control techniques. It may be more cost effective, however, than labor-intensive street cleaning.

MAINTENANCE REQUIREMENTS

Inspections should be made on a regular basis and after large storm events in order to ascertain whether or not sediment and pollution are being effectively detained on site.

When sediment has substantially clogged the void area between the rocks, the aggregate mat must be washed down or replaced.

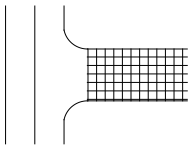
Periodic re-grading and top dressing with additional stone must be done to keep the efficiency of the entrance from diminishing.

Targeted Constituents

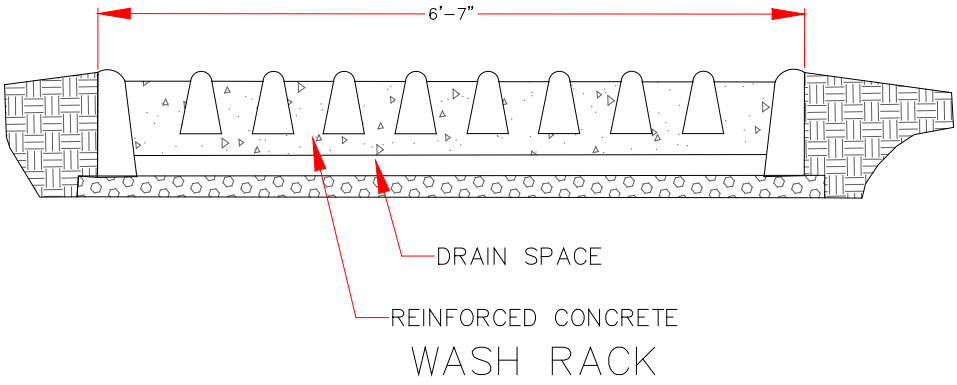
- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

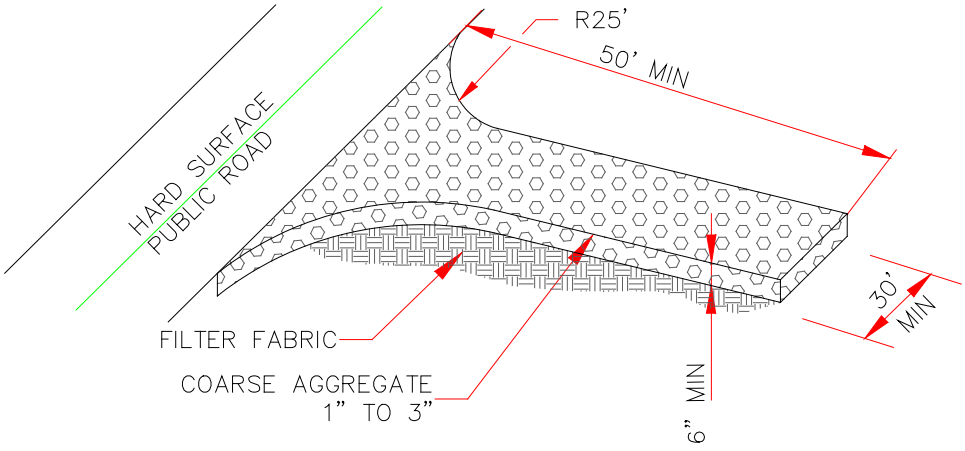
- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable



Stabilized Construction Entrance/Exit (continued)



WASH RACK



Appendix A6

Post-Construction Phase BMPs

- Below Grade Storage
- Green Parking
- Alternative Pavers
- Street Design and Patterns
- Urban Forestry

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Post-Construction Phase BMPs

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Post-Construction Phase BMPs

TABLE OF CONTENTS

BMP	Page
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Below Grade Storage	A6-3
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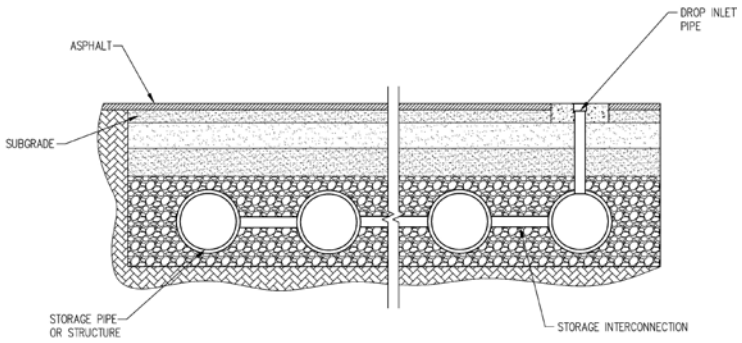
Alternative Pavers	A6-7
Street Design and Patterns	A6-9
Urban Forestry	A6-11

SYMBOLS

Below Grade Storage	BGS
Alternative Pavers	AP
Urban Forestry	UF
Diversion Channel (Swale)	DC
Slope Drain	
Drop Inlet Protection	
Culvert Protection	

Green Parking	GP
Street Design and Patterns	SD
Sediment Trap, Excavated	
Sediment Basin	
Triangular Sediment Filter Dike	TSFD
Compost Filter Berm	
Straw Wattle	

Below Grade Storage



DESCRIPTION

Below Grade Storage can be utilized as a detention system with perforated pipes or direct infiltration into ground, or can be utilized in high pollutant areas as retention facilities for zero-discharge facilities.

PRIMARY USE

Utilized in urban dense development locations where surface area may not be available for storm water facilities. Also utilized for industrial facilities where zero discharge is required and pumping truck removal of Stormwater is desired.

APPLICATIONS

Below Grade Storage is utilized in parking lots, industrial areas, or other urban locations with low sediment loads and lack of available surface area.

LIMITATIONS

Difficult to inspect and maintain.

Fairly expensive BMP.

Standing water may create mosquito habitat.

MAINTENANCE REQUIREMENTS

Retention design requires regular pumping and removal of stored stormwater. Inspections should be made on a monthly basis, especially after large storm events.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

BGS

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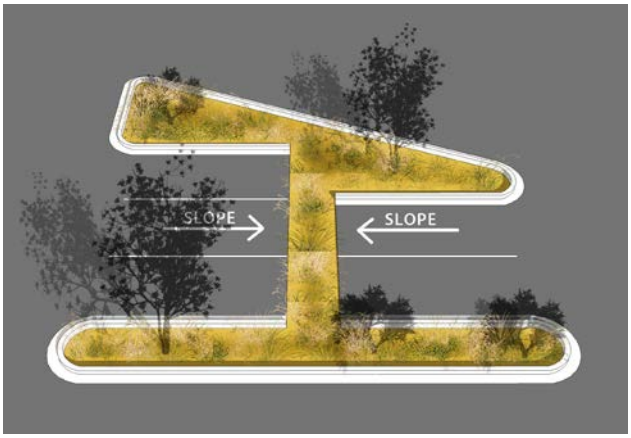
Green Parking



DESCRIPTION

Green Parking refers to several techniques that applied together reduce the contribution of parking lots to total impervious cover. From a stormwater perspective, green parking techniques applied in the right combination can dramatically reduce impervious cover and, consequently, reduce the amount of stormwater runoff. Green parking lot techniques include: setting maximums for the number of parking lots created; minimizing the dimensions of parking lot spaces; utilizing alternative pavers in overflow parking areas; using bioretention areas to treat stormwater; encouraging shared parking; and providing economic incentives for structured parking.

PRIMARY USE

Green Parking is primarily utilized in commercial development where large impermeable parking lots are required.

APPLICATIONS

All of the green parking techniques can be applied in new developments, and some can be applied in redevelopment projects.

LIMITATIONS

Limitations to green parking techniques include applicability, cost, and maintenance. Alternative pavers can have expensive maintenance costs.

MAINTENANCE REQUIREMENTS

Dependant on type of green parking utilized, regular inspection and maintenance may be required.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

GP

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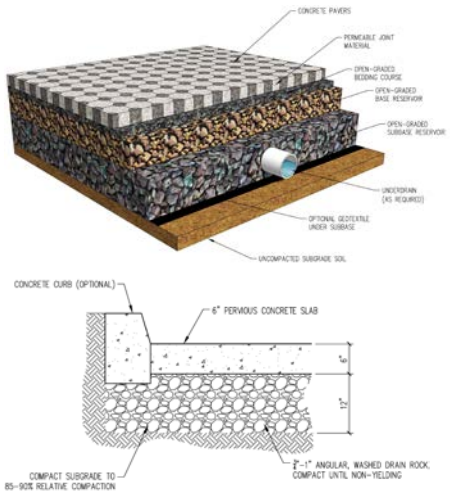
Alternative Pavers



DESCRIPTION

Alternative Pavers or permeable pavement refers to any one of several types of pavements and surface hardening that allows infiltration of stormwater below the pavement surface.

PRIMARY USE

Alternative Pavers provide an alternative to standard impermeable pavements in traffic and pedestrian areas. They can be utilized to improve flood control, to recue nuisance drainage, and can improve adjacent vegetation by infiltrating Stormwater to root systems.

APPLICATIONS

Alternative pavers are suitable for urban settings with pedestrian traffic or lower volume vehicular traffic. As they are subject to clogging, pretreatment is required where offsite flows with high sediment loading may enter paved area. Best with urbanized areas.

LIMITATIONS

May be impacted by groundwater.

Careful design required to maintain structural integrity if surface.

MAINTENANCE REQUIREMENTS

Inspections should be made on a monthly basis, especially after large storm events. If alternative pavement becomes clogged, surface may need to be cleaned of sediment.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- Significant
- ✓ Medium
- Low
- Unknown or Questionable

AP

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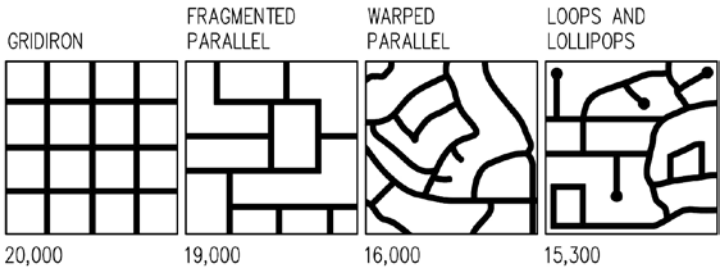
Street Design and Patterns



DESCRIPTION

Street Design affords many instances where imperviousness can be reduced. Possibilities include reducing overall paved width, street siting, street patterns and overall street networks. (Source: Prince George's County)

PRIMARY USE

Street Design and Patterns is a planning BMP utilized to decrease amount of paved surfaces.

APPLICATIONS

Can be applied at planning level and design level of development. Applies to residential, commercial, and regional concepts.

LIMITATIONS

Local Ordinances may not allow reduced street widths.

Future growth must be considered in design.

MAINTENANCE REQUIREMENTS

Regular road maintenance programs apply.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- ✓ Nutrients
- Toxic Materials
- ✓ Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low Unknown or Questionable

SD

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Urban Forestry

DESCRIPTION

Urban Forestry is the study of trees and forests located in and around towns and cities. This BMP can include post-development planting of trees, bushes and shrubs, as well as design and construction phase preservation of pre-existing trees and vegetation. Since trees absorb water, patches of forest and the trees that line streets can help provide some of the stormwater management required in an urban setting. Urban forests help break up a landscape of impervious cover, provide small but essential green spaces, and link walkways and trails.

PRIMARY USE

Urban Forestry is primarily used to provide natural buffers and reduce the quantity of stormwater runoff. Urban Forestry can also help to improve the quality of overall storm water runoff.

APPLICATIONS

Urban Forestry has the greatest impact when planted in a continuous dense footprint. Related benefits to urban Forestry include noise absorption, shade, privacy screening, moderation of local temperatures, and provision of a wind barrier.

LIMITATIONS

Plant species must be carefully considered related to watering, root systems, and nearby infrastructure.

Irrigation requirements.

New urban Forests will require extensive time to mature.

Heavy foot traffic can compact forest floor and erode ground cover.

MAINTENANCE REQUIREMENTS

Initial maintenance may require regular watering and weeding.

Applications

- Perimeter Control
- Slope Protection
- ✓ Sediment Trapping
- Channel Protection
- ✓ Temporary Stabilization
- ✓ Permanent Stabilization
- Waste Management
- Housekeeping Practices

Targeted Constituents

- ✓ Sediment
- Nutrients
- Toxic Materials
- Oil and Grease
- Floatable Materials
- Construction Wastes

Impact

- ✓ Significant
- ✓ Medium
- Low
- Unknown or Questionable

UF

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Transfer of Storm Water Management Authority Form

_____
(DATE)

TRANSFER OF STORM WATER MANAGEMENT AUTHORITY
NEW MEXICO DEPARTMENT OF TRANSPORTATION

_____
(PROJECT NUMBER)

On _____, NMDOT Project Number _____
(DATE)
was completed per NMDOT specifications by _____.
(CONTRACTOR)
For the purposes of compliance with the Storm Water General Permit for Construction, control of the project for Storm Water Management purposes is hereby transferred to the District _____ Engineer representing the New Mexico Department of Transportation.

Attached to this transfer document is the original of the complete Storm Water Pollution Prevention Plan for the project that includes a "Final Inspection Report" conducted on _____ by the
(DATE)
Storm Water Competent Persons representing _____
(CONTRACTOR)
and NMDOT. The joint inspection was conducted on _____.
(DATE)

_____
(NAME)

_____
(TITLE)

_____
(COMPANY)

On the above date, I, _____, Engineer for District _____
(NAME)
of the New Mexico Department of Transportation, do hereby accept management control of Project Number _____ for purposes of Storm Water Management under the provisions of the Storm Water General Permit for Construction. I further certify that NMDOT has a Notice of Intent (NOI) established for this project as required by the Construction General Permit.

It is further acknowledged that the completed Storm Water Pollution Prevention Plan document and all attachments thereto have been received as part of this transfer of authority.

_____
(NAME)

_____
(TITLE)

New Mexico Department of Transportation
District _____

Notice of Termination (NOT) Form and Instructions

NPDES FORM 3510-13	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF TERMINATION (NOT) FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER AN NPDES GENERAL PERMIT	Form Approved. OMB No. 2040-0004

Submission of this Notice of Termination constitutes notice that the operator identified in Section II of this form is no longer authorized discharge pursuant to the NPDES Construction General Permit (CGP) from the site identified in Section III of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOT Form

Have you been given approval from the Regional Office to use this paper NOT form*? ☐ YES ☐ NO

*** Note: You must have been given approval by the Regional Office prior to using this paper NOT form.**

II. Permit Information

NPDES Stormwater General Permit Tracking Number:

Reason for Termination (Check only one):

- ☐ You have completed earth-disturbing activities at your site, and you have met all other requirements in Part 8.2.1.
- ☐ Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.
- ☐ You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

III. Operator Information

Name:

IRS Employer Identification Number (EIN): –

Mailing Address:

Street:

City: State: Zip Code: -

Phone: - - Ext. Fax (optional): - -

E-mail:

IV. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City: State: Zip Code: -

County or similar government subdivision:

V. Certification Information

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 gathered and evaluated 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.

First Name, Middle Initial, Last Name:

Title:

Signature: _____ Date: / /

Email:

Notice of Termination (NOT) of Coverage Under an NPDES General Permit for Stormwater Discharges Associated with Construction Activity

NPDES Form Date (2/16) This Form Replaces Form 3510-13 (12/08) Form Approved OMB No. 2040-0004

Who May File an NOT Form

Permittees who are presently covered under the EPA-issued 2012 Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activity may submit an NOT form when: (1) earth-disturbing activities at the site are completed and the conditions in Parts 8.2.1.1 thru 8.2.1.5 are met; or (2) the permittee has transferred all areas under its control to another operator, and that operator has submitted and obtained coverage under this permit; or (3) the permittee has obtained coverage under a different NPDES permit for the same discharges.

Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to www.epa.gov/npdes/stormwater/cgp or telephone EPA's NOI Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Approval to Use Paper NOT Form

You must indicate whether you have been given approval by the EPA Regional Office to use a paper NOT. Note that you are not authorized to use this paper NOT form unless the Regional Office has approved its use.

Section II. Permit Number

Enter the existing NPDES Stormwater General Permit Tracking Number assigned to the project by EPA's Stormwater Notice Processing Center. If you do not know the permit tracking number, refer to http://www.epa.gov/npdes/stormwater/cgp or contact EPA's NOI Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one:

You have completed earth-disturbing activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.6.3) and you have met all other requirements in Part 8.2.1.

Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.

You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this application and is covered by the permit tracking number identified in Section I. Refer to Appendix A of the permit for the definition of "operator". Provide the employer identification number (EIN from the Internal Revenue Service; IRS). If the applicant does not have an EIN enter "NA" in the space provided. Enter the complete mailing address, telephone number, and email address of the operator. Optional: enter the fax number of the operator.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

Section V. Certification Information

All applications, including NOIs, must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per notice, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB number on any correspondence. Do not send the completed form to this address.

Notice of Termination (NOT) of Coverage Under an NPDES General Permit for Stormwater Discharges Associated with Construction Activity

NPDES Form Date (2/16) This Form Replaces Form 3510-13 (12/08) Form Approved OMB No. 2040-0004

Submitting Your Form:
Submit your NOI form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:
Stormwater Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
EPA East Building - Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:
www.epa.gov/npdes/stormwater/cgpenoi

NMDOT SWPPP Inspection and Maintenance Report

NMSHTD SWPPP INSPECTION AND MAINTENANCE REPORT

CN: _____ PROJECT NO: _____ ROUTE: _____ DATE: _____

INSPECTOR: _____ Date of Last Rainfall: _____ Amount of Last Rainfall: _____

Approximate Stations From	To	Lt/Rt	Date of Last Disturbance	Date of Next Disturbance	Control Measure	Current Condition	Corrective Action and Remarks

GENERAL NOTES

1. Inspect erosion and sediment control measures weekly or after each rainfall event.
2. List personnel/organizations participating in the inspection on the last page of the report. The Inspector listed at the top of the form shall sign the last page of the report.
3. This whole report shall be retained as a part of the PPP.
4. Note the required sediment basin and trap ponded volume next to the control measure code.

CONTROL MEASURE CODES

Stabilization Measures:
1. Temporary Seeding
2. Permanent Seeding
3. Mulch
4. Soil Stabilant
5. Soil Retention Blanket
6. Buffer Strip .

Structural Measures:

Check Dam Slopes
7. Silt Fence
8. Check Earth Berm

Dam Ditches
9. Silt Fence
10. Stone or Rock
11. Check Dam (Silt Fence)
12. Check Dam (Rock)
13. Earth Berm
14. Pipe Slope Drain

Ditch Liner
15. Soil Retention Blanket
16. Rock Plating
17. Sediment Trap
18. Sediment Basin
19. Pipe Outlet Protection
20. Drop Inlet Protection

CONDITION CODES

U Upgrade Needed
R Replacement Needed
M Maintenance Needed
C Cleaning Needed
I Increase Measures
S Stable (No action)
01 _____
02 _____
03 _____

Falsifying information on this Inspection and Maintenance Report may result in fine of up to $27,500 by federal law.

EPA NPDES Construction Inspection Form & Expedited Settlement Agreement Form

Sample Inspection Report

Instructions

This sample inspection report has been developed as a helpful tool to aid you in completing your site inspections. This sample inspection report was created consistent with EPA's Developing Your Stormwater Pollution Prevention Plan. You can find both the guide and the sample inspection report (formatted in Microsoft Word) at www.epa.gov/npdes/swpppguide

This inspection report is provided in Microsoft Word format to allow you to easily customize it for your use and the conditions at your site. You should also customize this form to help you meet the requirements in your construction general permit related to inspections. **If your permitting authority provides you with an inspection report, please use that form.**

For more information on inspections, please see Developing Your Stormwater Pollution Plan Chapters 6 and 8.

Using the Inspection Report
This inspection report is designed to be customized according to the BMPs and conditions at your site. For ease of use, you should take a copy of your site plan and number all of the stormwater BMPs and areas of your site that will be inspected. A brief description of the BMP or area should then be listed in the site-specific section of the inspection report. For example, specific structural BMPs such as construction site entrances, sediment ponds, or specific areas with silt fence (e.g., silt fence along Main Street; silt fence along slope in NW corner, etc.) should be numbered and listed. You should also number specific non-structural BMPs or areas that will be inspected (such as trash areas, material storage areas, temporary sanitary waste areas, etc).

You can complete the items in the "General Information" section that will remain constant, such as the project name, NPDES tracking number, and inspector (if you only use one inspector). Print out multiple copies of this customized inspection report to use during your inspections.

When conducting the inspection, walk the site by following your site map and numbered BMPs/areas for inspection. Also note whether the overall site issues have been addressed (customize this list according to the conditions at your site). Note any required corrective actions and the date and responsible person for the correction in the Corrective Action Log.

Stormwater Construction Site Inspection Report

General Information			
Project Name			
NPDES Tracking No.		**Location**	
Date of Inspection		**Start/End Time**	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications	Insert qualifications or add reference to the SWPPP. (See Section 5 of the SWPPP Template)		
Describe present phase of construction			
Type of Inspection: ❑ Regular ❑ Pre-storm event ❑ During storm event ❑ Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? ❑Yes ❑No **If yes, provide:** Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? ❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snowing ❑ High Winds ❑ Other: Temperature:			
Have any discharges occurred since the last inspection? ❑Yes ❑No **If yes, describe:**			
Are there any discharges at the time of inspection? ❑Yes ❑No **If yes, describe:**			

Site-specific BMPs

- *Number the structural and non-structural BMPs identified in your SWPPP on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.*
- *Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.*

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1		❑Yes ❑No	❑Yes ❑No	
2		❑Yes ❑No	❑Yes ❑No	
3		❑Yes ❑No	❑Yes ❑No	
4		❑Yes ❑No	❑Yes ❑No	
5		❑Yes ❑No	❑Yes ❑No	

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
6		❑Yes ❑No	❑Yes ❑No	
7		❑Yes ❑No	❑Yes ❑No	
8		❑Yes ❑No	❑Yes ❑No	
9		❑Yes ❑No	❑Yes ❑No	
10		❑Yes ❑No	❑Yes ❑No	
11		❑Yes ❑No	❑Yes ❑No	
12		❑Yes ❑No	❑Yes ❑No	
13		❑Yes ❑No	❑Yes ❑No	
14		❑Yes ❑No	❑Yes ❑No	
15		❑Yes ❑No	❑Yes ❑No	
16		❑Yes ❑No	❑Yes ❑No	
17		❑Yes ❑No	❑Yes ❑No	
18		❑Yes ❑No	❑Yes ❑No	
19		❑Yes ❑No	❑Yes ❑No	
20		❑Yes ❑No	❑Yes ❑No	

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	❑Yes ❑No	❑Yes ❑No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	❑Yes ❑No	❑Yes ❑No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	❑Yes ❑No	❑Yes ❑No	
4	Are discharge points and receiving waters free of any sediment deposits?	❑Yes ❑No	❑Yes ❑No	
5	Are storm drain inlets properly protected?	❑Yes ❑No	❑Yes ❑No	
6	Is the construction exit preventing sediment from being tracked into the street?	❑Yes ❑No	❑Yes ❑No	
7	Is trash/litter from work areas collected and	❑Yes ❑No	❑Yes ❑No	

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
	placed in covered dumpsters?			
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	❑Yes ❑No	❑Yes ❑No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No	❑Yes ❑No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No	❑Yes ❑No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	❑Yes ❑No	❑Yes ❑No	
12	(Other)	❑Yes ❑No	❑Yes ❑No	

Non-Compliance

Describe any incidents of non-compliance not described above:

CERTIFICATION STATEMENT

"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 gathered and evaluated 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."

Print name and title: _____
Signature:_____ Date:_____

ENVIRONMENTEL PROTECTION AGENCY

EXPEDITED SETTLEMETN AGREEMENT FORM FOR CONSTRUCTION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MAY 19 2006

MEMORANDUM

SUBJECT: Revised Expedited Settlement Offer Program for Storm Water (Construction)

FROM: Walker B. Smith, Director
Office of Civil Enforcement

TO: Water Management Division Directors
Regions I, III, IV, V, VII, IX

Enforcement Division Directors
Regions II, VI, VIII, X

Regional Counsels
Regions I - X

This memorandum transmits the final revised framework for the Expedited Settlement Offer (ESO) Program for Storm Water, which supersedes the "Expedited Settlement Offer (ESO) Program for Storm Water" originally issued on August 21, 2003. The revised ESO program includes a variety of modifications based on issues identified during the initial pilot implementation period. This ESO program is intended to promote compliance with NPDES storm water regulations at construction sites by providing an expedited enforcement mechanism in situations where environmental impacts are potentially less significant, violations can be quickly corrected and appropriate penalties easily collected. I want to thank the Regions for their participation in revising this enforcement tool; their knowledge and experience were extremely valuable throughout the revision process.

Storm water violations at construction sites can involve potentially significant cumulative negative environmental impacts. Issuing timely and consistent enforcement actions to compel compliance with storm water requirements at construction sites ensures prompt correction of potentially harmful violations and deters future noncompliance. An expedited settlement offer provides an efficient "real time" enforcement mechanism in situations where violations can be quickly corrected and an appropriate penalty promptly collected.

The purpose of expedited settlements is to supplement, not replace, other more traditional enforcement approaches. ESOs should be part of a comprehensive compliance and enforcement strategy that encompasses the full range of compliance and enforcement tools. Regions implementing the ESO program should also use traditional administrative and judicial enforcement mechanisms to ensure a well-balanced enforcement program. Traditional enforcement actions should be pursued for violations where an expedited settlement offer does not adequately address the level of noncompliance or the nature of the violator (*e.g.*, where there is evidence of significant environmental harm, large economic benefit, or a recalcitrant violator).

In using the ESO approach, we encourage regions to consult additional storm water guidance in reaching their decisions. In particular, we recommend that the regions refer to the *Enforcement Response Guide for Storm Water (Construction) (ERG)*. The *ERG* describes factors to consider when selecting from the different types of enforcement actions. The *2003 Storm Water Compliance and Enforcement Strategy* and the *2005 Performance-Based Strategy for Storm Water*, both of which rely on an environmental harm-based targeting approaches, should also be consulted to focus priorities on storm water dischargers/discharges that pose the most significant harm to the environment (e.g., non-filers or high growth communities where storm water runoff may result in high sediment loadings).

Before applying the ESO, regions should familiarize themselves with the revised ESO program. The revisions have altered both the scope and the process of the program. The most significant revisions include the following:

- eliminating the 50-acre limit for ESO-eligible sites;
- extending eligibility to all operators except those who, in the past five years, have been issued a formal enforcement action for violation of either the multi-sector general permit (MSGP), the construction general permit (CGP), or an individual storm water permit issued by EPA or a state: 1) at the facility where the instant violation occurred; or 2) at two or more facilities, under the ownership, operation, or control of the operator;
- increasing the appropriate time between an inspection and EPA's mailing of an ESO from seven (7) to twenty-one (21) days;
- limiting the scope of respondent's certification in the *Expedited Settlement Agreement* to correction of deficiencies identified during the inspection and payment of penalties;
- capping the total penalties for Storm Water Pollution Protection Plan (SWPPP) violations at $4500 so as not to exceed the penalty for failure to submit a SWPPP, which has been increased from $4000 to $5000; and
- clarifying that generally ESOs should not be issued simultaneously with administrative compliance orders for the same violation.

A joint regional and OCE workgroup revised the following documents: the ESO procedures (see Attachment 1), the penalty calculation worksheet (now called the *Expedited Settlement Deficiencies Form* or *Deficiencies Form*, see Attachment 2), the *Expedited Settlement Agreement Instructions* (see Attachment 3), and the *Expedited Settlement Agreement* (see

Attachment 4). Additionally, OCE has created a new informational document for site operators, the *Preliminary Inspection Observations* (see Attachment 5).

Each Region has provided my office with its commitment to use the storm water construction ESO as part of its comprehensive storm water compliance and enforcement effort. This revised guidance should replace the previous 2003 guidance as your reference for how to implement an effective and appropriate ESO program for storm water construction violations. We look forward to continuing to work with the Regions in exploring meaningful and effective opportunities to use the ESO for storm water enforcement. For specific questions regarding this memorandum and its attachments, please contact Everett Volk at (202) 564-2828, or Lauren Kabler at (202) 564-4052.

cc: Mark Pollins, Water Enforcement Division
Michael Alushin, Office of Compliance
Linda Boornazian, Office of Wastewater Management
Carol Ann Siciliano, Office of General Counsel
NPDES Regional Enforcement Managers

Attachments

REVISED EXPEDITED SETTLEMENT OFFER FOR STORM WATER (CONSTRUCTION)
May 2006[1]

Appropriate Use of the ESO

Storm water cases often involve facilities or sites where the cumulative effect of discharges can have significant environmental impact. In storm water cases, issuing timely and consistent enforcement actions is necessary to deter future violations and promote prompt return to compliance. This can be achieved through issuing an expedited settlement offer pursuant to the revisions to the *"Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits"* (*Consolidated Rules*), 40 C.F.R. Part 22. This document provides guidance in implementing Part 22 with respect to certain violations of Clean Water Act storm water regulations for construction activities.

The *Consolidated Rules* provide that, where the parties agree to settle one or more causes of action before the filing of an administrative penalty complaint, a proceeding may be commenced and concluded simultaneously by issuance of a consent agreement and final Clean Water Act section 309(g) penalty order. 40 C.F.R. § 22.13(b).[2] As formulated in the Expedited Settlement Agreement Offer (ESO) program, this provides "real time" enforcement in situations where violations can be quickly corrected and a penalty collected within a short amount of time, generally a few months from EPA's discovery of the violation. Under the ESO approach, in specified circumstances, a violator of storm water regulations may resolve its violation through an expedited process in which the violator (1) corrects identified deficiencies, (2) signs an agreement with EPA certifying prompt correction, and (3) pays a penalty.

Violations appropriate for expedited settlements are those that are easily correctable and that may pose some potential harm to human health or the environment, but which do not *result* in significant harm to, or present an imminent and substantial endangerment to, human health or the environment. EPA regions are strongly encouraged to continue targeting for serious violations that result in harm to the environment and human health. However, in those instances where easily correctable violations are discovered that pose some potential harm, the ESO would be an appropriate response mechanism.

The ESO is designed to provide an administratively streamlined approach to resolving violations where a full administrative compliance order (ACO) is not warranted. In requiring a respondent to correct deficiencies, certify to those corrections and pay a penalty, the *Expedited Settlement Agreement* achieves the same ends as an ACO, but in a shorter, more easily administered format. As a result, a separate compliance order requiring corrective action is

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[1]This version supersedes the "Expedited Settlement Offer (ESO) for Storm Water (Construction)" issued on August 21, 2003.

[2]An ESO developed under the approach described here is a tool for quickly resolving certain CWA storm water violations. It is not appropriate for use as a penalty demand in an administrative penalty hearing or a judicial trial. Further, whether the Agency decides to use the ESO approach at all is purely within EPA's discretion.

unnecessary, and regions should generally not issue ACOs at the same time that they issue ESOs.[3]

Criteria

The criteria below describe when a site should be considered for the ESO program. The purpose of the ESO Criteria is to ensure that ESOs are issued under the appropriate circumstances. Sites that meet all of the following criteria may be eligible for an ESO: (1) sites where the penalty calculated via the ESO *Deficiencies Form* is no more than $15,000; (2) sites where there is no evidence of significant environmental impact (*e.g.*, turbidity observed in receiving water); (3) sites where the operator is not a repeat violator[4]; and (4) sites where there is no evidence of non-allowable, non-storm water discharges (*e.g.*, industrial process wastewater discharge, such as discharge from a concrete batch plant operation). While there are no site size restrictions on the use of the ESO, generally the bigger the site the greater the potential for significant environmental harm. Therefore, Regions should carefully consider site size prior to using the ESO.

Terminology

Expedited Settlement Deficiencies Form. The *Deficiencies Form* is provided to the regions to calculate a proposed or recommended penalty for the site based on the inspector's findings. The values assigned to each permit requirement in the *Deficiencies Form* reflect the costs the operator would have incurred had the operator obtained and complied with a permit, and a gravity component. Penalties should be based on all deficiencies found at a site, including (1) statutory violations, (2) violations of an NPDES permit, and (3) in the case of facilities without an NPDES permit, deficiencies that would have constituted a violation at a properly permitted facility. In short, the region should consider all deficiencies at a site, whether or not the operator obtained a permit, when calculating a penalty. The *Deficiencies Form* will be incorporated by reference into the *Expedited Settlement Agreement.*

Preliminary Inspection Observations. The *Preliminary Inspection Observations* is an optional form that regions may choose to leave with a site operator at the time of inspection. It provides a simple checklist inspectors may use to highlight their initial observations about potential problems at a site. It is not a formal settlement offer and imposes no obligations on site operators who receive it. However, providing site-specific deficiency information at the time of inspection will afford operators an opportunity to achieve prompt compliance if they so choose.

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[3]If regions believe the joint issuance of an ACO/ESO is necessary to ensure compliance, they must consult with the Water Enforcement Division (WED) on a case-by-case basis prior to issuance.

[4]A repeat violator is any operator who, in the past five years, has been issued a formal enforcement action, or an administrative penalty order (APO), by either EPA or a state for violation of either the multi-sector general permit (MSGP), the construction general permit (CGP), or an individual storm water permit issued by EPA or a state: 1) at the facility where the instant violation occurred; or 2) at two or more facilities, under the ownership, operation, or control of the operator.

Expedited Settlement Agreement. This agreement is a "Consent Agreement and Final Order" pursuant to 40 C.F.R. § 22.

Procedure

This section describes the steps the regions should follow in developing an individual ESO, and finalizing an *Expedited Settlement Agreement*:

1. The inspector targets a site after consulting appropriate storm water targeting guidance and conducts a storm water inspection.

2. The inspector consults the ESO Criteria (and other storm water guidance, including that referenced above) to determine whether the site is eligible for the ESO.

3. If the inspector determines that the site is eligible for the ESO, the inspector completes the *Deficiencies Form* (Attachment 2) and calculates a proposed penalty.

4. Regions should not leave a *Deficiencies Form* at a site after an inspection. Instead, regions can choose to have the inspector leave a *Preliminary Inspection Observations* (Attachment 5) form at the time of the inspection. It is important to note, however, that the *Preliminary Inspection Observations* form is only an informational tool and, if the inspector does leave a copy on site, the Region retains the ability to make a determination as to what type of enforcement action to take, if any, for alleged violations observed during the inspection. Inspectors should receive regional training in the use of this tool so that the inspector can explain the expedited settlement approach to the inspected entity, and, in particular, be able to clearly indicate that the *Preliminary Inspection Observations* form does not reflect EPA decisions regarding violations discovered during inspection and imposes no obligations on the facility/site operator.

5. Regional management reviews the *Deficiencies Form* and finalizes the appropriate penalty. Once the penalty is finalized, an *Expedited Settlement Agreement* (Attachment 4), along with *Expedited Settlement Agreement Instructions* sheet (Attachment 3) and the *Deficiencies Form* (Attachment 2) are mailed to each operator at the site within 21 business days of the inspection.

6. The site representative is given 30 days to return a signed *Expedited Settlement Agreement* and penalty payment to the Region in the manner outlined in the *Expedited Settlement Agreement Instructions*.[5] If the signed *Expedited Settlement Agreement* is not received within 30 days, it is automatically withdrawn without prejudice to EPA's ability to institute an enforcement action for noncompliance as identified in the *Deficiencies Form*. Regions have the discretion to extend the offer, for cause, but generally should

[5]Requesting the penalty payment prior to public notice guards against having to file collection actions in the future; however, some regions may choose not to require payment prior to public notice. If this is the case, a region may request that the respondent submit payment within ten days of receiving notice from EPA that the Agreement is effective.

not grant an extension beyond 60 to 90 days after the violator's receipt of the ESO. If the offer is withdrawn, the region should be prepared to escalate its enforcement response by commencing a traditional administrative enforcement proceeding under 40 C.F.R. Part 22.

7. Before issuing an *Expedited Settlement Agreement*, the region must provide public notice and a reasonable opportunity to comment on the proposed issuance of the ESO. See CWA section 309(g)(4)(A). EPA's regulations require that the agency must provide, in the case of settlement by consent agreement and final order, notice no less than 40 days before issuance of an order assessing a penalty. 40 C.F.R. § 22.45(b). We recommend a thirty-day comment period. Regions should consider any public comments received in that period regarding the *Expedited Settlement Agreement*. If, after reviewing the public comments, a region determines that the *Expedited Settlement Agreement* is appropriate (*e.g.* in the public interest), the region should proceed with issuance. The appropriate delegatee in the region must sign as complainant. 40 C.F.R. § 22.18(b)(2). No sooner than ten days after the close of the recommended comment period, 40 C.F.R. § 22.18(a), an appropriate official at the region (*e.g.*, a Regional Judicial Officer) may sign and ratify the consent agreement. 40 C.F.R. § 22.18(b)(3). No settlement is final without a final order from the Regional Administrator or Regional Judicial Officer ratifying the *Expedited Settlement Agreement*.

8. Regions should file the original signed *Expedited Settlement Agreement* with the Regional Hearing Clerk, mail a copy back to the respondent, and mail a copy to any commenters informing them of their right to file, within 30 days of receipt of their copy of the *Expedited Settlement Agreement*, either a request with the Regional Administrator for a hearing on the penalty pursuant to CWA Section 309(g)(4)(c), or a petition for judicial review to set aside the *Expedited Settlement Agreement* pursuant to CWA Section 309(g)(8) and Part 22. The *Expedited Settlement Agreement* is effective 30 days after signature by the Appropriate Official, unless a request for a hearing on the penalty or a petition to set aside the *Expedited Settlement Agreement* is filed by a commenter. See CWA Section 309(g)(5).

9. Regions should consult the most current Office of Compliance (OC) "Call Memo" for reporting requirements. Pursuant to the discussion above, ESOs should not have accompanying AOs and therefore the only action reported in ICIS should be the ESO. Regions should report the environmental benefits of ESOs in ICIS. Environmental benefits can be calculated by estimating the sediment reduction at construction sites where deficiencies have been corrected pursuant to an ESO. The Storm Water Pollutant Reduction Calculator, which can be obtained from OC's Enforcement Targeting and Data Division or found online at: http://intranet.epa.gov/oeca/oc/etdd/fy05eoy/wetweathercalculationtools.html, should be used to estimate sediment reduction.

EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION [Region]

INSTRUCTIONS

The United States Environmental Protection Agency (EPA) has authority under Section 309 of the Clean Water Act to pursue civil penalties for violations of the storm water regulations. EPA encourages the expedited settlement of certain violations of storm water requirements, such as the violations cited in the Expedited Settlement Agreement (**"Agreement"**) for which these instructions are provided.

You may resolve this matter quickly by: (1) correcting all deficiencies identified by EPA in the *Deficiencies Form*; (2) detailing your corrective actions in a written report; (3) signing the original Agreement; and (4) submitting your penalty payment by check with case name and docket number noted.

[Within THIRTY (30) DAYS from your receipt of the Agreement, you must send the original, signed Agreement, the report detailing your corrective actions, and a photocopy of your penalty check, via certified mail, to:

INSERT - REGION ADDRESS

***

You must also send a photocopy of the Agreement and your original penalty check with the case name and docket number noted, via certified mail, to:

INSERT- REGION'S PITTSBURGH P.O. BOX ADDRESS]

OR

[Within THIRTY (30) DAYS from your receipt of the Agreement, you must send the original, signed Agreement, which includes a certification that you will submit your penalty payment within TEN (10) days from the date you receive notice from EPA that the Agreement is effective, and the report detailing your corrective actions via certified mail, to:

INSERT- REGION ADDRESS

***

Within TEN (10) days from the date you receive notice from EPA that the Agreement is effective, you must send your original check with the case name and docket number noted and a copy of the Agreement, via certified mail, to:

INSERT- REGION'S PITTSBURGH P.O. BOX. ADDRESS]

Please retain copies of the signed agreement, the report detailing your corrective actions and the penalty checks for your own records.

You may contact the person listed below and request an extension. EPA will consider whether to grant an extension on a case-by-case basis. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations) you must provide such information to EPA as soon as possible but no later than THIRTY

(30) days from your receipt of the Agreement.

If you choose to sign and return the Agreement, you waive your opportunity for a hearing and to appeal pursuant to Section 309 of the Clean Water Act. If you choose not to sign and return the Agreement, or contact EPA, within THIRTY (30) days, the Agreement will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations alleged herein or any other violations. EPA may choose to pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to a maximum penalty of $32,500 per day per violation. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations.

[Insert Region-specific public notice procedure(s)].

[Insert Region-specific contact instructions].

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
[Region, Address]
EXPEDITED SETTLEMENT AGREEMENT
Docket Number: CWA-_____-_____, NPDES No._____

[XXX] ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent **[had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311,]** or **[failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.]**

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of $_____. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

[Respondent certifies that it has submitted a bank, cashiers, or certified check, with case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to: INSERT- REGION'S PITTSBURGH P.O. Box No.]
or
[Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective (thirty (30) days from the date it is signed by the [Appropriate Official]), Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to: INSERT - REGION'S PITTSBURGH P.O. BOX.]

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective **[thirty (30) days from the date it is signed by the Presiding Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22]** or **[upon filing with the Regional Hearing Clerk.]**

APPROVED BY EPA:
_____ Date:_____
[Complainant]
[Title]

APPROVED BY RESPONDENT:
Name (print): _____
Title (print): _____
Signature: _____ Date: _____

[More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.]

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

_____ Date_____
[Appropriate Official]
[Title]

Expedited Settlement Offer Worksheet
Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use

version 10.3.4

		LEGAL NAME AND MAILING ADDRESS OF OPERATOR	Telephone Number	NPDES Permit Number
1				
			Inspector Name:	
			Inspector Agency:	Other
			Entrance Interview Conducted:	
			Exit Interview Conducted:	
		LOCATION AND ADDRESS OF SITE	Exit Interview given to:	
2			Exit Interview time:	Date:

		FACILITY DESCRIPTION / CONTACT NAMES		
		Name of Site Contact (ESO Worksheet recipient):		
		Name of Authorized Official (40 CFR 122.22):		
		Inspection Date:		
		Start Construction Date:		
		Estimated Completion Construction Date:		
		If Unpermitted, Number of Months Unpermitted:		
		Name of Receiving Water Body (Indicate whether 303(d) listed):		
		Acres Currently Disturbed | Acres to be Disturbed in Whole Common Plan:		
		Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?		

		PERMIT COVERAGE	Findings	Citation Reference**	RCA*	No. of Deficien-cies		Dollar Amount		Total
3		Operator unpermitted for _____months (# months unpermitted equals number of violations)		CWA 301			X	$500.00	=	
		SWPPP REVIEW								
4		SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)		CGP 3.1.A				$5,000.00	=	
5		SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 3.1.A			X	$75.00	=	
6		SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...		CGP 3.1.B				$250.00	=	
7		SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		CGP 3.3.A				$500.00	=	
8		SWPPP does not have site description, as follows:								
	A	Nature of activity in description		CGP 3.3.B.1				$100.00	=	
	B	Intended sequence of major activities		CGP 3.3.B.2				$100.00	=	
	C	Total disturbed acreage		CGP 3.3.B.3				$100.00	=	
	D	General location map		CGP 3.3.B.4				$100.00	=	
	E	Site map		CGP 3.3.C				$500.00	=	
	F	Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage ageas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		CGP 3.3.C.1-8			X	$50.00	=	
	G	Location/description industrial activities, like concrete or asphalt batch plants		CGP 3.3.D				$500.00	=	
9		SWPPP does not:								
	A	Describe all pollution control measures (e.g. BMPs)		CGP 3.4.A				$750.00	=	

	B	Describe sequence for implementation		CGP 3.4.A				$250.00	=	
	C	Detail operator(s) responsible for implementation		CGP 3.4.A				$250.00	=	
10		SWPPP does not describe interim stabilization practices		CGP 3.4.B				$250.00	=	
11		SWPPP does not describe permanent stabilization practices		CGP 3.4.B				$250.00	=	
12		SWPPP does not describe a schedule to implement stabilization practices		CGP 3.4.B				$250.00	=	
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		CGP 3.4.C.1-3			X	$250.00	=	
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		CGP 3.4.D				$500.00	=	
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed		CGP 3.4.E				$500.00	=	
16		SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit		CGP 3.4.F				$500.00	=	
17		SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust		CGP 3.4.G				$500.00	=	
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials		CGP 3.4.H				$250.00	=	
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		CGP 3.4.I				$500.00	=	
20		SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP		CGP 3.5				$500.00	=	
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		CGP 3.5				$500.00	=	
22		Endangered Species Act documentation is not in SWPPP		CGP 3.7				$500.00	=	
23		Historic Properties (Reserved)								
24		Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)		CGP 3.8			X	$250.00	=	
25		SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)		CGP 3.9				$750.00	=	
26		SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		CGP 3.9				$250.00	=	
27		Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		CGP 3.10.G				$500.00	=	
28		SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)		CGP 3.11.C			X	$50.00	=	
29		Copy of SWPPP not retained on site		CGP 3.12.A				$500.00	=	
		A SWPPP not made available upon request		CGP 3.12.C				$500.00	=	
30		SWPPP not signed/certified		CGP 3.12.D				$500.00	=	

		INSPECTIONS								
31		Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).		CGP 3.10.A, 3.10.B			X	$250.00	=	
		No inspections conducted and documented (if True, then leave elements 32-39 blank)						True or False		
		Number of Inspections expected if performed every 7 days:	0							
		Number of Inspections expected if performed bi-weekly:	0							
		If known, number of days of rainfall of >0.5"								
32		Inspections not conducted by qualified personnel		CGP 3.10.D				$50.00	=	
33		All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		CGP 3.10.E.				$50.00	=	
34		All pollution control measures not inspected to ensure proper operation		CGP 3.10.E.				$50.00	=	
35		Discharge locations are not observed and inspected		CGP 3.10.E.				$50.00	=	
36		For discharge locations that are not accessible, nearby locations are not inspected		CGP 3.10.E.				$50.00	=	
37		Entrance/exit not inspected for off-site tracking		CGP 3.10.E.				$50.00	=	
38		Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)		CGP 3.10.G			X	$50.00	=	
39		Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)		CGP 3.10.G			X	$50.00	=	
						Subtotal Inspections Deficiencies				$0
		AVAILABILITY OF RECORDS								
40		Sign/notice not posted		CGP 3.12.B				$250.00	=	
	A	Does not contain copy of complete NOI		CGP 3.12.B				$50.00	=	
	B	Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign		CGP 3.12.B				$50.00	=	
						Subtotal Records Deficiencies				$0
		BEST MANAGEMENT PRACTICES								
41		No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		CGP 3.13.F				$500.00	=	
42		Control measures are not properly:								
	A	Selected, installed and maintained		CGP 3.13.A				$500.00	=	
	B	Maintenance not performed prior to next anticipated storm event		CGP 3.6.B				$250.00	=	
		(count each failure to select, install, maintain each BMP as one violation								
43		When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CGP 3.13.B				$500.00	=	
44		Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)		CGP 3.13.C				$500.00	=	

45		Stabilization measures are not initiated as soon as practible on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation		CGP 3.13.D				$500.00	=	
		*Exceptions:								
		(a) Snow or frozen ground conditions								
		(b) Activities will be resumed within 14 days								
		(c) Arid or Semi-arid areas (<20 inches per								
46		Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained		CGP 3.13.E.1				$1,000.00	=	
	A	Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope		CGP 3.13.E.2				$1,000.00	=	
	B	Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		CGP 3.6.C				$500.00	=	
47		Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sediment basin meeting criteria in 46 above)		CGP 3.13.E.3				$500.00	=	
	A	Sediment not removed from sediment trap when design capacity reduced by 50% or more		CGP 3.6.C			X	$500.00	=	
								Subtotal BMP Deficiencies		$0

		SMALL BUSINESS EVALUATION								
48		Is the Owner/Operator a Small Business?								
		A *small business* is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer indiviudals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.								
								Total Expedited Settlement:		**$0**

* **R**equires **C**orrective **A**ction

** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, http://cfpub.epa.gov/npdes/stormwater/cgp.cfm

Cost of Compliance for Construction based on Acres

Assumption: Start, Inspection and Est. Completion Dates in E25-27 are correct.

0	No. of Acres Disturbed for Common Plan of Development or Sale
	- Change # of Acres to a particular Operators acreage to determine their Cost of Compliai
70%	Implementation Efficiency (100% = doing everything, 0% = did nothing)
50%	Paperwork completeness (SWPPP & NOI) (100% = all done right)

Based on 63 FR 7896 & 1.7% annual inflation since 1997

For Acres: $6382 annual costs for 5 acre site, $882 in fixed NOI/SWPPP costs

For Case Conclusion Data Sheet: 0.00

$0 Cost of Physical Actions

$86 Cost of Non-Physical Actions (SWPPI

$86 Total Cost of Compliance Saved

Numbers to use for the EPA BEN model:

Capital Investment	$0	01/00/1900
One-Time, Nondepreciable Expenditure:	$172	01/00/1900
Annually Recurring:	$0	01/00/1900
Noncompliance Date:	01/00/1900	
Compliance:	01/30/1900	(Inspection Date + 30 days)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
[Region, Address]
Preliminary Inspection Observations

This form is provided for informational purposes only and does not reflect EPA decisions regarding violations discovered during inspection. EPA retains the ability to pursue an enforcement action for alleged violations it observes. Operators are not obligated to respond to this form.

	PERMIT COVERAGE	
3		Operator unpermitted for _____months (# months unpermitted equals number of violations)
	SWPPP REVIEW	
4		SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)
5		SWPPP prepared but prepared after construction start (# of months = # of violations)
6		SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc…
7		SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control
8		SWPPP does not have site description, as follows:
	A	Nature of activity in description
	B	Intended sequence of major activities
	C	Total disturbed acreage
	D	General location map
	E	Site map
	F	Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage ageas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)
	G	Location/description industrial activities, like concrete or asphalt batch plants
9		SWPPP does not:
	A	Describe all pollution control measures (e.g. BMPs)
	B	Describe sequence for implementation
	C	Detail operator(s) responsible for implementation
10		SWPPP does not describe interim stabilization practices

11		SWPPP does not describe permanent stabilization practices
12		SWPPP does not describe a schedule to implement stabilization practices
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed
16		SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit
17		SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials
20		SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges
22		Endangered Species Act documentation is not in SWPPP
23		Historic Properties (Reserved)
24		Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)
25		SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)
26		SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans
27		Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates
28		SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)
29		Copy of SWPPP not retained on site
		A SWPPP not made available upon request
30		SWPPP not signed/certified

	INSPECTIONS	
31		Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).
		No inspections conducted and documented (if True, then leave elements 32-39 blank)
		Number of Inspections expected if performed every 7 days:
		Number of Inspections expected if performed bi-weekly:
		If known, number of days of rainfall of >0.5"
32		Inspections not conducted by qualified personnel
33		All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected
34		All pollution control measures not inspected to ensure proper operation
35		Discharge locations are not observed and inspected
36		For discharge locations that are not accessible, nearby locations are not inspected
37		Entrance/exit not inspected for off-site tracking
38		Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)
39		Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)
	AVAILABILITY OF RECORDS	
40		Sign/notice not posted
	A	Does not contain copy of complete NOI
	B	Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign
	BEST MANAGEMENT PRACTICES	
41		No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water
42		Control measures are not properly:

	A	Selected, installed and maintained
	B	Maintenance not performed prior to next anticipated storm event
		(count each failure to select, install, maintain each BMP as one violation
43		When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts
44		Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)
45		Stabilization measures are not initiated as soon as practible on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation
		*Exceptions:
		(a) Snow or frozen ground conditions
		(b) Activities will be resumed within 14 days
		(c) Arid or Semi-arid areas (<20 inches per year)
46		Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained
	A	Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries
	B	Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more
47		Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)
	A	Sediment not removed from sediment trap when design capacity reduced by 50% or more
	SMALL BUSINESS EVALUATION	
48		Is the Owner/Operator a Small Business?
		A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer indiviudals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.

SWPPP Information Sheet

~~SWPPP INFORMATION SHEET~~

STORM WATER POLLUTION PREVENTION PLAN INFORMATION

NOI INPUTS

NMDOT PROJECTS REQUIRE ELECTRONIC NOI SUBMISSION- PAPER SUBMISSION REQUIRES PRIOR APPROVAL.	
PERMIT NUMBER: NMR120000 STATE OF NEW MEXICO, EXCEPT INDIAN COUNTRY NMR120001 INDIAN COUNTRY WITHIN THE STATE OF NEW MEXICO, EXCEPT NAVAJO RESERVATION LANDS THAT ARE COVERED UNDER ARIZONA PERMIT AZ100001 AND UTE MOUNTAIN RESERVATION LANDS THAT ARE COVERED UNDER COLORADO PERMIT COR100001.	
OPERATOR INFORMATION: SEE DISTRICT ADDRESSES, THIS SHEET	
IRS EMPLOYER IDENTIFICATION NUMBER (EIN): NMDOT: __-_____	
POINT OF CONTACT: DISTRICT PROJECT MANAGER	
NOI PREPARED BY: DISTRICT PROJECT MANAGER	
PROJECT / SITE NAME: NMDOT CONTROL NUMBER (CN)	
PROJECT / SITE ADDRESS: ROAD NAME & BOP MP TO EOP MP	
LATITUDE	XXXXX
LONGITUDE	XXXXX
FEDERAL OPERATOR = "ANY DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE FEDERAL GOVERNMENT OF THE UNITED STATES"	
ESTIMATED PROJECT START DATE	XXXXX
ESTIMATED PROJECT COMPLETION DATE	XXXXX
ESTIMATED AREA TO BE DISTURBED (NEAREST 1/4 ACRE) | XXXXX	
COMMENCED EARTH-DISTURBING ACTIVITIES?	YES/NO
PREVIOUS NPDES PERMIT? IF YES, PERMIT NO:	XXXXX
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): SEE THIS SHEET FOR MS4 LOCATIONS.	
SURFACE WATERS WITHIN 50 FT? YES/NO	YES/NO
RECEIVING WATER	XXXXX
IMPAIRED WATERS: SEE MAP FOR 303D LISTING & TMDL LISTINGS ON THIS SWPPP INFORMATION SHEET. CHECK SPECIFIC TMDL LIST HERE: ftp://ftp.nmenv.state.nm.us/www/swqb/WQMP-CPP/WQMP-CPPAppendixB-May2011.pdf	
IMPAIRED WATERS METHOD: ONLINE CONSULTATION OF NEW MEXICO ENVIRONMENT DEPARTMENT LISTING OF STATEWIDE 303D AND TMDL IMPAIRMENTS.	
TIER 2, TIER 2.5, TIER 3 WATERS - CONSULT 2012 CGP APPENDIX "F"	
CHEMICAL TREATMENT INFORMATION - TYPICAL NMDOT PROJECT WILL NOT UTILIZE THESE CHEMICALS.	
SWPPP CONTACT INFORMATION - DISTRICT PROJECT MANAGER	
ENDANGERED SPECIES CRITERIA (A, B, C, D, E, or F): CRITERION E - ATTACH LETTER OF CORRESPONDENCE WITH US FISH & WILDLIFE.	
HISTORIC PRESERVATION - ALL CONTROLS (TESCP SHEETS) REQUIRE SUBSURFACE DISTURBANCE. ARCHEOLOGICAL SURVEY FOR PROJECT WILL INDICATE EXISTANCE OF HISTORIC PROPERTIES. IF HISTORIC PROPERTIES EXIST, TESCP SHEETS CAN SHOW NO EFFECT ON HISTORIC PROPERTIES.	
CERTIFICATION: NOI MUST BE CERTIFIED BY "A PRINCIPAL EXECUTIVE OFFICER OR RANKING ELECTED OFFICIAL".	

SWPPP INPUTS

DRAINAGE PATTERNS	XXXXX
APPROXIMATE SLOPES AFTER MAJOR GRADING	XXXXX
RAINFALL 2-YEAR, 24-HOUR, inch	XXXXX
2-YEAR, 1-HOUR, inch	XXXXX
INTENSITY, FOR Tc = 10 minutes	XXXXX
HYDROLOGICAL SOIL GROUP	XXXXX
CURVE NUMBER (CN), UNDISTURBED AREA	XXXXX
CURVE NUMBER (CN), DISTURBED AREA	XXXXX
RUNOFF COEFFICIENT, PRIOR TO CONSTRUCTION	XXXXX
RUNOFF COEFFICIENT, DURING CONSTRUCTION	XXXXX
RUNOFF COEFFICIENT, AFTER CONSTRUCTION	XXXXX

GENERAL NOTES:

1. THE 2002 EDITION OF NMDOT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) HANDBOOK AND SECTION 603 - TEMPORARY EROSION AND SEDIMENT CONTROL OF THE 2007 NEW MEXICO DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION - SHALL BE USED AS MINIMUM REQUIREMENTS TO DEVELOP OR MODIFY THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP).
2. THE NPDES PERMIT NUMBER FOR THE PROJECT OR A COPY OF THE NOTICE OF INTENT (NOI), IF A PERMIT NUMBER HAS NOT YET BEEN ASSIGNED, SHALL BE POSTED AT THE PROJECT SITE OR THE FIELD OFFICE AT ALL TIMES DURING CONSTRUCTION.
3. THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND ALL MAINTENANCE AND INSPECTION REPORTS SHALL BE SIGNED BY A QUALIFIED INSPECTOR ASSIGNED BY CONTRACTOR. THE SWPPP AND THE INSPECTION REPORTS SHALL BE AVAILABLE TO EPA REPRESENTATIVE AT ALL TIMES DURING CONSTRUCTION.
4. ALL DRAINAGE INFORMATION NEEDED TO COMPLETE THE NOTICE OF INTENT (NOI) ARE PROVIDED IN THIS PLAN.
5. BMPS SHOWN ON TESCP ARE DETERMINED USING THE EQUATIONS SHOWN ON THIS SHEET AND OTHER HYDROLOGIC MODELS AS SPECIFIED IN THE DEPARTMENTS DRAINAGE MANUALS LATEST EDITION. BMPS CONTROL SEDIMENT SO THAT NO ADDITIONAL SEDIMENT RESULTING FROM CONSTRUCTION ACTIVITIES DISCHARGE TO WATERWAYS.
6. THE CONTRACTOR SHALL SPECIFICALLY DEFINE ALL REQUIRED CONTROL MEASURES FOR EACH CONSTRUCTION PHASE, AND SHALL COMPLY WITH THE PROVISIONS OF THE NPDES MANUAL AND THE 2012 CONSTRUCTION GENERAL PERMIT.
7. THE TESCP SHEETS INCLUDED IN THE FOLLOWING PAGES OF THESE PLANS PROVIDE A BASIS FOR ESTIMATING QUANTITIES.

LIST OF APPROVED TMDLs IN NEW MEXICO

Caliente Canyon (Vermejo River to headwaters)
Cieneguilla Creek (Eagle Nest Lake to headwaters)
Cimarron River (Canadian River to Cimarron Village)
Cimarron River (Cimarron Village to Turkey Creek)
Cimarron River (Turkey Creek to Eagle Nest Lake)
Coyote Creek (Mora River to Black Lake)
Little Coyote Creek (Black lake to headwaters)
Middle Ponil Creek (South Ponil Creek to headwaters)
Mora River (USGS gage east of Shoemaker to Hwy 434)
Mora River (Hwy 434 to headwaters)
Moreno Creek (Eagle Nest Lake to headwaters)
North Ponil Creek (South Ponil Creek to McCrystal Creek)
Ponil Creek (Cimarron River to confluence of North and South Ponil)
Ponil Creek (Cimarron River to US 64)
Ponil Creek (Us 64 to confl of North and South Ponil)
Rayado Creek (Miami Lake Diversion to headwaters)
Rayado Creek (Cimarron River to Miami Lake Diversion)
Sapello River (Mora River to Manuelitas Creek)
Sixmile Creek (Eagle Nest Lake to headwaters)
South Ponil Creek (Ponil Creek to Middle Ponil)
Ute Creek (Cimarron River to headwaters)
Vermejo River (Rail Canyon to York Canyon)
Vermejo River (York Canyon to headwaters)
York Canyon (Vermejo Park to headwaters)
Dry Cimarron River (perennial reaches OK bnd to Long Canyon)
Dry Cimarron River (Long Canyon to Oak Creek)
Long Canyon (perennial reaches above Dry Cimarron)
Oak Creek (Dry Cimarron to headwaters)
Black Canyon Creek (East Fork Gila River to headwaters)
Canyon Creek (Middle Fork Gila River to headwaters)
Centerfire Creek (San Francisco R to headwaters)
Gila River (East Fork)
Mangas Creek (Gila River to Mangas Springs)
Mogollon Creek (Perennial reaches abv USGS gage)
Negrito Creek (South Fork)
San Francisco River (Centerfire Creek to AZ border)
Sapillo Creek (Gila River to Lake Roberts)
Taylor Creek (Beaver Creek to Wall Lake)
Tularosa River (San Francisco R to Apache Creek)
Whitewater Creek (San Francisco River to White-water Campgrd)
Rio Grande (International Mexico boundary to Leasburg Dam)
Rio Grande (Leasburg Dam to Percha Dam)
Abiquiu Creek (Rio Chama to headwaters)
Cañones Creek (Abiquiu Reservoir to headwaters)
Chavez Creek (Rio Brazos to headwaters)
Poleo Creek (Rio Puerco de Chama to headwaters)
Polvadera Creek (Canones Creek to headwaters)
Rio Brazos (Rio Chama to Chavez Creek)
Rio Chama (Rio Brazos to Little Willow Creek)
Rio Chamita (Rio Chama to CO border)
Rio Chamita (Rio Chama to CO border)
Rio Nutrias (Rio Chama to headwaters)
Rio Vallecitos (Rio Tusas to headwaters)
Rito de Tierra Amarilla (Rio Chama to HWY 64)
Santa Fe River (Cochiti Pueblo bnd to Santa Fe WWTP)
Clear Creek (Rio de las Vacas to San Gregio Lake)
Jemez River (East Fork)
East Fork Jemez (East Fork Jemez to to headwaters)
East Fork Jemez River (San Antonio Creek to VCNP boundary)
Jemez River (HWY 4 near Jemez Springs to East Fork)
Jemez River (Rio Guadalupe to HWY 4 nr Jemez Springs)
Jemez River (Zia Pueblo bnd to Jemez Pueblo bnd)
Jemez River (Jemez Pueblo bnd to Rio Guadalupe)
Jemez River (Rio Guadalupe to Soda Dam nr Jemez Springs)
Jemez River (Soda Dam nr Jemez Springs to East Fork)
Redondo Creek (Sulphur Creek to headwaters)
Jaramillo Creek (VCNP boundary to headwaters)
Rio Cebolla (Fenton Lake to headwaters)
Rio Cebolla (Rio de las Vacas to Fenton Lake)
Rio de las Vacas (Rio Cebolla to Clear Creek)
Rio de las Vacas (Rio Cebolla to Rito de las Palomas)
Rio Guadalupe (Jemez River to confl with Rio Cebolla)
Rito de las Palomas (Rio de las Vacas to headwaters)
Rito Penas Negras (Rio de las Vacas to headwaters)
San Antonio Creek (East Fork Jemez River to headwaters)
San Antonio Creek (East Fork Jemez to VCNP bnd)
Sulphur Creek (Redondo Creek to headwaters)
Bluewater Creek (Bluewater Reservoir to headwaters)
Bluewater Creek (non-tribal Rio San Jose to Bluewtaer Rsrv)
La Jara Creek (perennial reaches above Arroyo San Jose)
Rio Grande (non-Pueblo Alameda to Angostura Diversion)
Rio Grande (Alameda Bridge to Santa Ana Pueblo bnd)
Rio Grande (Isleta Pueblo boundary to Alameda Bridge)
Rio Grande (Rio Puerco to Isleta Pueblo boundary)
Rio Grande (San Marcial at USGS gage to Rio Puerco)
Rio Moquino (Laguna Pueblo to Seboyetita Creek)
Rio Puerco (Arroyo Chijuilla to Northern Boundary Cuba)
Bitter Creek (Red River to headwaters)
Comanche Creek (Costilla Creek to Little Costilla Creek)
Cordova Creek (Costilla Creek to headwaters)
Costilla Creek (diversion above Costilla to Comanche Creek)
Embudo Creek (Rio Grande to Cañada de Ojo Sarco)
Little Tesuque (Rio Tesuque to headwaters)
Placer Creek (Red River to headwaters)
Red River (Rio Grande to Placer Creek)
Rio de los Pinos (Colorado border to headwaters)
Rio Fernando de Taos (Rio Pueblo de Taos to headwaters)
Rio Grande (non-pueblo Santa Clara to Embudo Creek)
Rio Grande (Red River to NM-CO borcer)
Rio Grande del Rancho (Rio Pueblo de Taos to Hwy 518)
Rio Hondo (Rio Grande to USFS boundary)
Rio Hondo (South Fork of Rio Hondo to Lake Fork Creek)
Rio Pueblo de Taos (Arroyo del Alamo to Rio Grande del Rancho)
Rio Pueblo de Taos (Rio Grande del Rancho to Taos Pueblo bounadry)
Rio Pueblo de Taos (Rio Grande to Arroyo del Alamo)
Rio San Antonio (Montoya Canyon to headwaters)
Rio Santa Barbera (Picuris Pueblo boundary to USFS bounadry)
Bull Creek (Cow Creek to headwaters)
Cow Creek (Bull Creek to headwaters)
Cow Creek (Pecos River to Bull Creek)
Gallinas River (Las Vegas diversion to headwaters)
Pecos River (Alamitos Canyon to Willow Creek)
Pecos River (Cañon de Manzanita to Alamitos Canyon)
Carrizo Creek (Rio Ruidoso to Mescalero Apache boundary)
Rio Bonito (Angus Canyon to headwaters)
Rio Hondo (Perennial Reaches Pecos to headwaters)
Rio Ruidoso (Rio Bonito to US Highway 70)
Rio Ruidoso (US Highway 70 Mescalero Apache boundary)
Animas River (San Juan River to Estes Arroyo)
Gallegos Canyon (San Juan to Navajo Boundary)
La Plata River (McDermott Arroyo to Colorado Border)
La Plata River (San Juan River to McDermott Arroyo)
San Juan River (Navajo Boundary at Hogback to Animas River)
San Juan River (Animas River to Cañon Largo)

RUNOFF DISCHARGE & VOLUME CALCULATION:

THE FOLLOWING PROCEDURES SHOULD BE USED TO CALCULATE THE RUNOFF DISHARGE AND VOLUME TO DESIGN THE EROSION CONTROL MEASURES:

DISCHARGE: $Q = CIA$
WHERE:
Q = DISCHARGE, cfs
C = RUNOFF COEFFICIENT
I = RAINFALL INTENSITY, in/hr
A = AREA OF THE SITE, acres

VOLUME: $V = QT_C$
WHERE: V = VOLUME, ft^3
$T_C = (1/60)\ 0.0078\ L^{0.77}\ S^{-0.385}$ minutes
Assume T_C = 10 min. for basins within the project limits
L = LENGTH OF WATERSHED, ft
S = SLOPE, ft / ft

IMPAIRED STREAMS IN NEW MEXICO

THE MAP BELOW SHOWS IMPAIRED WATERS LOCATIONS AS OF MARCH 2012.
IF YOUR PROJECT IS ADJACENT OR NEAR TO AN IMPAIRED WATER, CONSULT THE NEW MEXICO ENVIRONMENT DEPARTMENT WEBSITE TO UTILIZE THEIR GIS MAPPING TOOL TO IDENTIFY THE IMPAIRMENT. EACH IMPAIRED STREAM LOCATION WILL IDENTIFY THE IMPAIRMENT WHEN THE "ID" TOOL IS USED BY CLICKING WITH THE MOUSE IS USED BY CLICKING WITH THE MOUSE ON A PARTICULAR IMPAIRED STREAM.

http://gis.nmenv.state.nm.us/EGIS/

DISTRICT ADDRESSES

DISTRICT 1
2912 E. Pine St.
Deming, NM 88030
Telephone: 575-544-6530
Toll Free: 800-444-0745
Fax: 575-546-0272

DISTRICT 2
4505 W. Second
P.O. Box 1457
Roswell, NM 88202-1457
Telephone: 575-637-7200
Toll Free: 800-432-7845

DISTRICT 3
P.O. Box 91750
Albuquerque, NM 87199
Telephone: 505-841-2700
Toll Free: 866-466-8178
Fax: 505-841-2790

DISTRICT 4
Box 10
Las Vegas, NM 87701-0010
Telephone: 505-454-3825
Toll Free: 800-234-7520

DISTRICT 5
Box 4127, Coronado
Santa Fe, NM 87502-4127
Telephone: 505-476-4200
Toll Free: 800-368-6630

DISTRICT 6
P.O. Box 2160
Milan, NM 87021
Telephone: 505-285-3206
Toll Free: 800-361-3596

REGULATED SMALL MS4s IN NEW MEXICO

Albuquerque
Bernalillo
Camuel
Corrales
Isleta Village Proper
Los Ranchos de Albuquerque
Rio Rancho
Santa Ana Pueblo
Bernalillo County
Sandoval County
Doña Ana
Las Cruces
Mesilla
University Park
Doña Ana County
Aztec
Farmington
Flora Vista
Kirtland
San Juan County
Agua Fria
La Cienega
Santa Fe
Tesuque
Santa Fe County
Anthony, TX
Santa Teresa
Sunland Park

NO.	DESCRIPTION	DATE	BY
6			
5			
4			
3			
2			
1			

REVISIONS (OR CHANGE NOTICES)

NEW MEXICO DEPARTMENT OF TRANSPORTATION

STORM WATER POLLUTION PREVENTION PLAN (SWPPP) INFORMATION

SHEET NO. 1 OF 2

Jul 29, 2013 - 8:56:43pm - User Name
S:\PROJ\1234567 NMDOT-MS4\ENG\PLAT_FILES\SWPPP_INFO-1.DWG

Alternate SWPPP Forms

Sequence of Control Measure Implementation/Construction Activity

Control Measure	Associated Construction Activity	Site Location	Estimated Date		Actual Date	
			Installation	Removal	Installation	Removal

Include all erosion and sediment controls; interim and permanent stabilization practices (establishment of vegetation, vegetative buffer strips, preservation of mature vegetation, protection of trees, etc.); structural practices (silt fences, straw-bale dikes, earth dikes, drainage swales, sediment traps, sediment basins, inlet protection, etc.); litter control; hazardous material containment; post-construction storm water management practices (storm water retention/detention structures, open vegetated swales and depressions, infiltration, etc.); and measures necessary to protect listed endangered or threatened species or critical habitat.

Responsibility for Control Measure Implementation, Maintenance, and Removal

Control Measure	Associated Construction Activity	Site Location	Responsible Contractor		
			Installation	Maintenance	Removal

Include all erosion and sediment controls; interim and permanent stabilization practices (establishment of vegetation, vegetative buffer strips, preservation of mature vegetation, protection of trees, etc.); structural practices (silt fences, straw-bale dikes, earth dikes, drainage swales, sediment traps, sediment basins, inlet protection, etc.); litter control; hazardous material containment; post-construction storm water management practices (storm water retention/detention structures, open vegetated swales and depressions, infiltration, etc.); and measures necessary to protect listed endangered or threatened species or critical habitat.

Control Measure Inspection Log

Date	Inspector	Control Measures Inspected	Observations/Maintenance Needs Identified	Maintenance Log Entry Made* (Yes/No/NA)	Initials

* If maintenance or repairs are needed, fill out Control Measure Maintenance Log to initiate corrective action.

Control Measure Maintenance Log

Control Measure/ Location	Deficiency	Date Identified	Maintenance/Repair Performed	Date Maintenance Completed	Responsible Contractor Signature

SWPPP Template

Construction SWPPP Template

Instructions

To help you develop your construction project Stormwater Pollution Prevention Plan (SWPPP), the U.S Environmental Protection Agency (EPA) has created this SWPPP Template. The template is designed to help you develop a SWPPP that is compliant with the minimum requirements of EPA's 2012 Construction General Permit ("2012 CGP"), and is customizable to your specific project and site.

Using the SWPPP Template

Each section of the SWPPP Template includes "instructions" and space for your project and site information. You should read the instructions for each section before you complete that section. The SWPPP Template was developed as an editable document file so that you can easily add tables and additional text, and delete unneeded or non-applicable fields. Note that some sections may require only a brief description while others may require several pages of explanation.

The following tips for using this template will help you ensure that the minimum permit requirements are met:

- Read the 2012 CGP thoroughly before you begin preparation of your SWPPP to ensure that you have a working understanding of the permit's underlying requirements. You will also need to consult Part 9 of the permit to determine if your state or tribe has included additional requirements that affect you.
- Complete the SWPPP prior to submitting your Notice of Intent (NOI) for permit coverage. This is required in Parts 1.4 and 7.1.1.
- If you prepared a SWPPP for coverage under a previous version of EPA's CGP, you must review and update your SWPPP to ensure that the 2012 CGP requirements are addressed prior to submitting your NOI.

  Note: If your project is an "existing project" (see Part 1.4.2.b) or if you are a "new operator of an existing project" (see Part 1.4.2.c), and it is infeasible for you to comply with a specific requirement in Part 2.1 and 2.3.3 through 2.3.5 of the permit (except for Parts 2.3.3.1, 2.3.3.2b, 2.3.3.3c.i, and 2.3.3.4) because (1) the provision was not part of the permit you were previously covered under (i.e., the 2003 or 2008 CGP), and (2) because you are prevented from compliance due to the nature or location of earth disturbances that commenced prior to February 16, 2012, or because you are unable to comply with the requirement due to the manner in which stormwater controls have already been installed or were already designed prior to February 16, 2012, you are required to include documentation in your SWPPP of the reasons why it is infeasible for you to meet the specific requirement, and then you may be waived from complying with the requirement. You must include a separate justification why it is infeasible for you to meet each of the applicable requirements.

- If there is more than one construction operator for your project, consider coordinating development of your SWPPP with the other operators. However, while multiple operators may share the same SWPPP, make sure that responsibilities and scope of work are clearly described for each operator.
- Once you have been provided coverage under the CGP, include your NOI and authorization email, as well as a copy of the CGP, as attachments to the SWPPP. See Appendices B and C of the SWPPP Template.

EPA notes that while EPA has made every effort to ensure the accuracy of all instructions and guidance contained in the SWPPP Template, the actual obligations of regulated construction activities are determined by the relevant provisions of the permit, not by the Template. In the event of a conflict between the SWPPP Template and any corresponding provision of the 2012 CGP, you must abide by the requirements in the permit. EPA welcomes comments on the SWPPP Template at any time and will consider those comments in any future revision of this document. You may contact EPA for CGP-related inquiries at cgp@epa.gov.

Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

Insert Project/Site Name
Insert Project Site Location/Address
Insert City, State, Zip Code
Insert Project/Site Telephone Number

SWPPP Prepared For:

Insert Company or Organization Name
Insert Name
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email

SWPPP Prepared By:

Insert Company or Organization Name
Insert Name
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email

SWPPP Preparation Date:

__ __ / __ __ / __ __ __ __

Estimated Project Dates:

Project Start Date: __ __ / __ __ / __ __ __ __
Project Completion Date: __ __ / __ __ / __ __ __ __

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SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Instructions (see definition of "operator" at CGP Part 1.1.a):

- Identify the operator(s) who will be engaged in construction activities at the site. Indicate respective responsibilities, where appropriate. Also include the 24-hour emergency contact.
- List subcontractors expected to work on-site. Notify subcontractors of stormwater requirements applicable to their work.
- Consider using Subcontractor Agreements such as the type included as a sample in Appendix G of the Template.

Operator(s):

Insert Company or Organization Name:
Insert Name:
Insert Address:
Insert City, State, Zip Code:
Insert Telephone Number:
Insert Fax/Email:
Insert area of control (if more than one operator at site):

[Repeat as necessary.]

Subcontractor(s):

Insert Company or Organization Name:
Insert Name:
Insert Address:
Insert City, State, Zip Code:
Insert Telephone Number:
Insert Fax/Email:
Insert area of control (if more than one operator at site):

[Repeat as necessary.]

Emergency 24-Hour Contact:

Insert Company or Organization Name:
Insert Name:
Insert Telephone Number:

1.2 Stormwater Team

Instructions (see CGP Part 7.2.1):

- Identify the staff members (by name or position) that comprise the project's stormwater team as well as their individual responsibilities. At a minimum the stormwater team is comprised of individuals who are responsible for overseeing the development of the SWPPP, any later modifications to it, and for compliance with the requirements in this permit (i.e., installing and maintaining stormwater controls, conducting site inspections, and taking corrective actions where required).
- Each member of the stormwater team must have ready access to either an electronic or paper copy of applicable portions of the 2012 CGP and your SWPPP.

Insert Role or Responsibility:
Insert Position:
Insert Name:
Insert Telephone Number:
Insert Email:

Insert Role or Responsibility:
Insert Position:
Insert Name:
Insert Telephone Number:
Insert Email:

Insert Role or Responsibility:
Insert Position:
Insert Name:
Insert Telephone Number:
Insert Email:

[Repeat as necessary.]

SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1 Project/Site Information

Instructions (see "Project/Site Information" section of Appendix J – NOI form):

- In this section, you are asked to compile basic site information that will be helpful to you when you file your NOI.
- Detailed information on determining your site's latitude and longitude can be found at www.epa.gov/npdes/stormwater/latlong

Project Name and Address

Project/Site Name: INSERT TEXT HERE
Project Street/Location: INSERT TEXT HERE
City: INSERT TEXT HERE
State: INSERT TEXT HERE
ZIP Code: INSERT TEXT HERE
County or Similar Subdivision: INSERT TEXT HERE

Project Latitude/Longitude

(Use **one** of three possible formats, and specify method)

Latitude:	Longitude:
1. _ _ º _ _ ' _ _" N (degrees, minutes, seconds)	1. _ _ º _ _ ' _ _" W (degrees, minutes, seconds)
2. _ _ º _ _ . _ _' N (degrees, minutes, decimal)	2. _ _ º _ _ . _ _' W (degrees, minutes, decimal)
3. _ _ . _ _ _ _ º N (decimal)	3. _ _ . _ _ _ _ º W (decimal)

Method for determining latitude/longitude:
☐ USGS topographic map (specify scale: _____) ☐ EPA Web site ☐ GPS
☐ Other (please specify): _____

Horizontal Reference Datum:
☐ NAD 27 ☐ NAD 83 or WGS 84 ☐ Unknown

If you used a U.S.G.S topographic map, what was the scale? _____

Additional Project Information

Is the project/site located on Indian country lands, or located on a property of religious or cultural significance to an Indian tribe? ☐ Yes ☐ No

If yes, provide the name of the Indian tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property: INSERT TEXT HERE

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency *(e.g., natural disaster, extreme flooding conditions)*, information substantiating its occurrence *(e.g., state disaster declaration)*, and

a description of the construction necessary to reestablish effective public services: INSERT TEXT HERE

Are you applying for permit coverage as a "federal operator" as defined in Appendix A of the 2012 CGP? ☐ Yes ☐ No

2.2 Discharge Information

Instructions (see "Discharge Information" section of Appendix J – NOI form):

- In this section, include information relating to your site's discharge. This information corresponds to the "Discharge Information" section of the NOI form. Because you may be using EPA's mapping tool to answer some of these questions, and the tool is accessed in the eNOI system, you may find it necessary to leave some questions unanswered until you have completed that portion of the NOI.
- For Table 1, list the name of the first surface water that receives discharges from your site. If your site has discharges to multiple surface waters, indicate the names of all such waters.
- For Table 2, if any of the surface waters you listed out in Table 1 are listed as impaired by the applicable State or Tribe, provide specified information about pollutants causing the impairment and whether or not a Total Maximum Daily Load (TMDL) has been completed for the surface water. For more information on TMDLs and impaired waters, including a list of TMDL contacts and links by state, visit www.epa.gov/npdes/stormwater/tmdl.
- For Table 3, indicate whether any of the surface waters you listed out in Table 1 are designated as Tier 2, 2.5, or 3 waters by your State or Tribe. See Appendix F for more information.

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ Yes ☐ No

Are there any surface waters that are located within 50 feet of your construction disturbances?
☐ Yes ☐ No

Table 1 – Names of Receiving Waters

Name(s) of the first surface water that receives stormwater directly from your site and/or from the MS4 (note: multiple rows provided where your site has more than one point of discharge that flows to different surface waters)
1.
2.
3.
4.
5.
6.

[Include additional rows as necessary.]

Table 2 – Impaired Waters / TMDLs (Answer the following for each surface water listed in Table 1 above)

	Is this surface water listed as "impaired"?	If you answered yes, then answer the following:			
		What pollutant(s) are causing the impairment?	Has a TMDL been completed?	Title of the TMDL document	Pollutant(s) for which there is a TMDL
1.	☐ YES ☐ NO		☐ YES ☐ NO		
2.	☐ YES ☐ NO		☐ YES ☐ NO		
3.	☐ YES ☐ NO		☐ YES ☐ NO		
4.	☐ YES ☐ NO		☐ YES ☐ NO		
5.	☐ YES ☐ NO		☐ YES ☐ NO		
6.	☐ YES ☐ NO		☐ YES ☐ NO		

[Include additional rows as necessary.]

Describe the method(s) you used to determine whether or not your project/site discharges to an impaired water: INSERT TEXT HERE

Table 3 – Tier 2, 2.5, or 3 Waters (Answer the following for each surface water listed in Table 1 above)

	Is this surface water designated as a Tier 2, Tier 2.5, or Tier 3 water? (see Appendix F)	If you answered yes, specify which Tier (2, 2.5, or 3) the surface water is designated as?
1.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
2.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
3.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
4.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
5.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
6.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"

2.3 Nature of the Construction Activity

Instructions (see CGP Parts 1.3.c and 7.2.2):

- Provide a general description of the nature of the construction activities at your project.
- Describe the size of the property (in acres) and the total area expected to be disturbed by the construction activities (in acres), construction support activities covered by this permit (see Part 1.3.c of the permit), and the maximum area expected to be disturbed at any one time.

General Description of Project

Provide a general description of the construction project:

INSERT TEXT HERE

Size of Construction Project

What is the size of the property (in acres), the total area expected to be disturbed by the construction activities (in acres), and the maximum area expected to be disturbed at any one time?

INSERT SIZE OF PROPERTY (in acres)

INSERT TOTAL AREA OF CONSTRUCTION DISTURBANCES (in acres)

INSERT MAXIMUM AREA TO BE DISTURBED AT ANY ONE TIME (in acres)

[Repeat as necessary for individual project phases.]

Construction Support Activities (only provide if applicable)
Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas)

INSERT DESCRIPTION OF CONSTRUCTION SUPPORT ACTIVITY

INSERT CONTACT INFORMATION FOR CONSTRUCTION SUPPORT ACTIVITY (Name, Telephone No., Email Address)

INSERT LOCATION INFORMATION FOR CONSTRUCTION SUPPORT ACTIVITY (Address and/or Latitude/Longitude)

[Repeat as necessary.]

2.4 Sequence and Estimated Dates of Construction Activities

Instructions (see CGP Part 7.2.5):

- Describe the intended construction sequence and timing of major activities.
- For each phase of construction, include the following information:
  - ✓ Installation of stormwater controls, and when they will be made operational;
  - ✓ Commencement and duration of earth-disturbing activities, including clearing and grubbing, mass grading, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
  - ✓ Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site;
  - ✓ Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which you are subject to in Part 2.2.1; and
  - ✓ Removal of temporary stormwater conveyances/channels and other stormwater control measures, removal of construction equipment and vehicles, and cessation of any pollutant-generating activities.
- The construction sequence must reflect the following requirements:
  - ✓Part 2.1.1.1 (area of disturbance);
  - ✓Part 2.1.1.3.a (installation of stormwater controls); and
  - ✓Parts 2.2.1.1, 2.2.1.2, 2.2.1.3 (stabilization deadlines).
- Also, see EPA's *Construction Sequencing BMP Fact Sheet* at http://www.epa.gov/npdes/stormwater/menuofbmps/construction/cons_seq)

Phase I

INSERT GENERAL DESCRIPTION OF PHASE

- INSERT ESTIMATED START AND END DATES OF CONSTRUCTION DISTURBANCES ASSOCIATED WITH THIS PHASE
- FOR EACH STORMWATER CONTROL, INSERT ESTIMATED DATE(s) OF INSTALLATION OF EACH STORMWATER CONTROL
- FOR AREAS OF THE SITE REQUIRED TO BE STABILIZED, INSERT ESTIMATED DATE(s) OF APPLICATION OF STABILIZATION MEASURES
- INSERT ESTIMATED DATE(s) WHEN STORMWATER CONTROLS WILL BE REMOVED

Phase II

INSERT GENERAL DESCRIPTION OF PHASE

- INSERT ESTIMATED START AND END DATES OF CONSTRUCTION DISTURBANCES ASSOCIATED WITH THIS PHASE
- FOR EACH STORMWATER CONTROL, INSERT ESTIMATED DATE(s) OF INSTALLATION OF EACH STORMWATER CONTROL
- FOR AREAS OF THE SITE REQUIRED TO BE STABILIZED, INSERT ESTIMATED DATE(s) OF APPLICATION OF STABILIZATION MEASURES
- INSERT ESTIMATED DATE(s) WHEN STORMWATER CONTROLS WILL BE REMOVED

[Repeat as needed.]

2.5 Allowable Non-Stormwater Discharges

Instructions (see CGP Parts 1.3.d and 7.2.8):

- Identify all allowable sources of non-stormwater discharges. The allowable non-stormwater discharges identified in Part 1.3.d of the 2012 CGP include:
  - ✓ Discharges from emergency fire-fighting activities;
  - ✓ Fire hydrant flushings;
  - ✓ Landscape irrigation;
  - ✓ Waters used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
  - ✓ Water used to control dust;
  - ✓ Potable water including uncontaminated water line flushings;
  - ✓ Routine external building wash down that does not use detergents;
  - ✓ Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and detergents are not used. You are prohibited from directing pavement was 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;
  - ✓ Uncontaminated air conditioning or compressor condensate;
  - ✓ Uncontaminated, non-turbid discharges of ground water or spring water;
  - ✓ Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

List of Allowable Non-Stormwater Discharges Present at the Site

Type of Allowable Non-Stormwater Discharge	Likely to be Present at Your Site?
Discharges from emergency fire-fighting activities	☐ YES ☐ NO
Fire hydrant flushings	☐ YES ☐ NO
Landscape irrigation	☐ YES ☐ NO
Waters used to wash vehicles and equipment	☐ YES ☐ NO
Water used to control dust	☐ YES ☐ NO
Potable water including uncontaminated water line flushings	☐ YES ☐ NO
Routine external building wash down	☐ YES ☐ NO
Pavement wash waters	☐ YES ☐ NO
Uncontaminated air conditioning or compressor condensate	☐ YES ☐ NO
Uncontaminated, non-turbid discharges of ground water or spring water	☐ YES ☐ NO
Foundation or footing drains	☐ YES ☐ NO
Construction dewatering water	☐ YES ☐ NO

(Note: You are reminded of the requirement to identify the likely locations of these allowable non-stormwater discharges on your site map. See Section 2.6, below, of the SWPPP Template.)

2.6 Site Maps

Instructions (see CGP Part 7.2.6):

- Attach site maps in Appendix A of the Template. For most projects, a series of site maps is necessary and recommended. The first should show the undeveloped site and its current features. An additional map or maps should be created to show the developed site or, for more complicated sites, show the major phases of development.

These maps must include the following features:

- Boundaries of the property and of the locations where construction will occur, including:
  - ✓ Locations where earth-disturbing activities will occur, noting any phasing of construction activities;
  - ✓ Approximate slopes before and after major grading activities. Note areas of steep slopes, as defined in Appendix A;
  - ✓ Locations where sediment, soil, or other construction materials will be stockpiled;
  - ✓ Locations of any crossings of surface waters;
  - ✓ Designated points on the site where vehicles will exit onto paved roads;
  - ✓ Locations of structures and other impervious surfaces upon completion of construction; and
  - ✓ Locations of construction support activity areas covered by this permit.
- Locations of all surface waters, including wetlands, that exists on or near your site. Indicate which waterbodies are listed as impaired, and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters.
- The boundary lines of any natural buffer areas. See CGP Part 2.1.2.1.a.
- Areas of federally-listed critical habitat for endangered or threatened species.
- Topography of the site, existing vegetative cover (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of stormwater and allowable non-stormwater flow onto, over, and from the site property before and after major grading activities.
- Stormwater and allowable non-stormwater discharge locations, including:
  - ✓ Locations of any storm drain inlets on the site and in the immediate vicinity of the site; and
  - ✓ Locations where stormwater or allowable non-stormwater will be discharged to surface waters (including wetlands).
- Locations of all potential pollutant-generating activities.
- Locations of stormwater control measures.
- Locations where polymers, flocculants, or other treatment chemicals will be used and

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 Endangered Species Protection

Instructions (see CGP Parts 1.1.e, 7.2.14.1, Appendix D, and the "Endangered Species Protection" section of the Appendix J – NOI form):

Follow the process in Appendix D of the permit for determining which eligibility criterion (A-E) you have met with respect to the protection of endangered species. You will

- Include documentation supporting your determination of eligibility.
- Additional information on Endangered Species Act (ESA) provisions for EPA's Construction General Permit is at www.epa.gov/npdes/stormwater/esa

Eligibility Criterion

Under which criterion listed in Appendix D are you eligible for coverage under this permit?

☐ **A** ☐ **B** ☐ **C** ☐ **D** ☐ **E**

For reference purposes, the eligibility criteria listed in Appendix D are as follows:

Criterion A.	No federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's "action area" as defined in Appendix A of this permit.
Criterion B.	The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your action area under eligibility Criterion A, C, D, E, or F and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area". To certify your eligibility under this Criterion, there must be no lapse of NPDES permit coverage in the other operator's certification. By certifying eligibility under this Criterion, you agree to comply with any effluent limitations or conditions upon which the other operator's certification was based. You must include in your NOI the tracking number from the other operator's notification of authorization under this permit. If your certification is based on another operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C in your NOI form.
Criterion C.	Federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your site's "action area," and your site's discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or critical habitat. This determination may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect listed species and critical habitat. To make this certification, you must include the following in your NOI: 1) any federally listed species and/or designated habitat located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles). You must also include a copy of your site map with your NOI.

Criterion D.	Coordination between you and the Services has been concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in a written concurrence from the relevant Service(s) that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.
Criterion E.	Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat. The result of this consultation must be either:
	i. a biological opinion that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or
	ii. written concurrence from the applicable Service(s) with a finding that the site's discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.
Criterion F.	Your construction activities are authorized through the issuance of a permit under section 10 of the ESA, and this authorization addresses the effects of the site's discharges and discharge-related activities on federally-listed species and federally-designated critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

Supporting Documentation

Provide documentation for the applicable eligibility criterion you select in Appendix D, as follows:

For criterion A, indicate the basis for your determination that no federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's action area (as defined in Appendix A of the permit). Check the applicable source of information you relied upon:

- ☐ Specific communication with staff of the U.S. Fish & Wildlife Service or National Marine Fisheries Service. INSERT DATE OF COMMUNICATION AND WHO YOU SPOKE WITH
- ☐ Publicly available species list. INSERT SPECIFIC DOCUMENT AND/OR WEBSITE RELIED UPON
- ☐ Other source: INSERT SPECIFIC SOURCE

For criterion B, provide the Tracking Number from the other operator's notification of permit authorization: INSERT AUTHORIZATION TRACKING NUMBER FROM OTHER OPERATOR'S NOTIFICATION LETTER/EMAIL

Provide a brief summary of the basis used by the other operator for selecting criterion A, B, C, D, E, or F: INSERT TEXT HERE

For criterion C, provide the following information:

- INSERT LIST OF FEDERALLY-LISTED SPECIES OR FEDERALLY-DESIGNATED CRITICAL HABITAT LOCATED IN YOUR ACTION AREA
- INSERT DISTANCE BETWEEN YOUR SITE AND THE LISTED SPECIES OR CRITICAL HABITAT (in miles)

Also, provide a brief summary of the basis used for determining that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat: INSERT TEXT HERE

For criterion D, E, or F, attach copies of any letters or other communication between you and the U.S. Fish & Wildlife Service or National Marine Fisheries Service concluding consultation or coordination activities. INSERT COPIES OF LETTERS OR OTHER COMMUNICATIONS HERE

3.2 Historic Preservation

Instructions (see CGP Part 1.1.f, 7.2.14.2, Appendix E, and the "Historic Preservation" section of the Appendix J – NOI form):

Follow the screening process in Appendix E of the permit for determining whether your installation of subsurface earth-disturbing stormwater controls will have an effect on historic properties.

- Include documentation supporting your determination of eligibility.
- To contact your applicable state or tribal historic preservation office, information is available at *www.achp.gov/programs/html*.

Appendix E, Step 1

Do you plan on installing any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

- ☐ Dike
- ☐ Berm
- ☐ Catch Basin
- ☐ Pond
- ☐ Stormwater Conveyance Channel (e.g., ditch, trench, perimeter drain, swale, etc.)
- ☐ Culvert
- ☐ Other type of ground-disturbing stormwater control: INSERT SPECIFIC TYPE OF STORMWATER CONTROL

(Note: If you will not be installing any ground-disturbing stormwater controls, no further documentation is required for Section 3.2 of the Template.)

Appendix E, Step 2

If you answered yes in Step 1, have prior surveys or evaluations conducted on the site already determined that historic properties do not exist, or that prior disturbances at the site have precluded the existence of historic properties? ☐ YES ☐ NO

- If yes, no further documentation is required for Section 3.2 of the Template.
- If no, proceed to Appendix E, Step 3.

Appendix E, Step 3

If you answered no in Step 2, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? ☐ YES ☐ NO

If yes, provide documentation of the basis for your determination. INSERT REFERENCES TO DOCUMENTS, STUDIES, OR OTHER SOURCES RELIED UPON

If no, proceed to Appendix E, Step 4.

Appendix E, Step 4

If you answered no in Step 3, did the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other tribal representative (whichever applies) respond to you within 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? ☐ YES ☐ NO

If no, no further documentation is required for Section 3.2 of the Template.

If yes, describe the nature of their response:

☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions. INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE

☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls. INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE

☐ Other: INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE

3.3 Safe Drinking Water Act Underground Injection Control Requirements

Instructions (see CGP Part 7.2.14.3):

- If you will use any of the identified controls in this section, include documentation of contact between you and the applicable state agency or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR Parts 144-147.
- For state UIC program contacts, refer to the following EPA website: *http://water.epa.gov/type/groundwater/uic/whereyoulive.cfm*.

Do you plan to install any of the following controls? Check all that apply below.

☐ Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

☐ Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow

☐ Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

If yes, INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE STATE AGENCY OR EPA REGIONAL OFFICE

SECTION 4: EROSION AND SEDIMENT CONTROLS

General Instructions (See CGP Parts 2.1 and 7.2.10):

- Describe the erosion and sediment controls that will be installed and maintained at your site.
- For more information or ideas on BMPs, see EPA's National Menu of BMPs http://www.epa.gov/npdes/stormwater/menuofbmps

4.1 Natural Buffers or Equivalent Sediment Controls

Instructions (see CGP Parts 2.1.2.1 and 7.2.9, and Appendix G):

This section only applies to you if a surface water is located within 50 feet your construction activities. If this is the case, consult CGP Part 2.1.2.1 and Appendix G for information on how to comply with the buffer requirements.

- Describe the compliance alternative (CGP Part 2.1.2.1.a.i, ii, or iii) that was chosen to meet the buffer requirements, and include any required documentation supporting the alternative selected. The compliance alternative selected must be maintained throughout the duration of permit coverage. However, if you select a different compliance alternative during your period of permit coverage, you must modify your SWPPP to reflect this change.
- If you qualify for one of the exceptions in CGP Part 2.1.2.1.e, include documentation related to your qualification for such exceptions.

Buffer Compliance Alternatives

Are there any surface waters within 50 feet of your project's earth disturbances? ☐ YES ☐ NO

(Note: If no, no further documentation is required for the SWPPP Template.)

Check the compliance alternative that you have chosen:

☐ I will provide and maintain a 50-foot undisturbed natural buffer.

(Note (1): You must show the 50-foot boundary line of the natural buffer on your site map.)

(Note (2): You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site's erosion and sediment controls. Also, show on the site map any velocity dissipation devices used to prevent erosion within the natural buffer area.)

☐ I will provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

(Note (1): You must show the boundary line of the natural buffer on your site map.)

(Note (2): You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site's erosion and sediment controls. Also, show on the site map any velocity dissipation devices used to prevent erosion within the natural buffer area.)

- INSERT WIDTH OF NATURAL BUFFER TO BE RETAINED
- INSERT EITHER ONE OF THE FOLLOWING:

  (1) THE ESTIMATED SEDIMENT REMOVAL FROM A 50-FOOT BUFFER USING APPLICABLE TABLES IN APP. G, ATTACHMENT 1. INCLUDE INFORMATION ABOUT THE BUFFER VEGETATION AND SOIL TYPE THAT PREDOMINATE AT YOUR SITE

  OR

  (2) IF YOU CONDUCTED A SITE-SPECIFIC CALCULATION FOR THE ESTIMATED SEDIMENT REMOVAL OF A 50-FOOT BUFFER, PROVIDE THE SPECIFIC REMOVAL EFFICIENCY, AND INFORMATION YOU RELIED UPON TO MAKE YOUR SITE-SPECIFIC CALCULATION.
- INSERT DESCRIPTION OF ADDITIONAL EROSION AND SEDIMENT CONTROLS TO BE USED IN COMBINATION WITH NATURAL BUFFER AREA
- INSERT THE FOLLOWING INFORMATION:
  - (1) SPECIFY THE MODEL OR OTHER TOOL USED TO ESTIMATE SEDIMENT LOAD REDUCTIONS FROM THE COMBINATION OF THE BUFFER AREA AND ADDITIONAL EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE, AND
  - (2) INCLUDE THE RESULTS OF CALCULATIONS SHOWING THAT THE COMBINATION OF YOUR BUFFER AREA AND THE ADDITIONAL EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE WILL MEET OR EXCEED THE SEDIMENT REMOVAL EFFICIENCY OF A 50-FOOT BUFFER

☐ It is infeasible to provide and maintain an undisturbed natural buffer of any size, therefore I will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

- INSERT RATIONALE FOR CONCLUDING THAT IT IS INFEASIBLE TO PROVIDE AND MAINTAIN A NATURAL BUFFER OF ANY SIZE
- INSERT EITHER ONE OF THE FOLLOWING:

  (1) THE ESTIMATED SEDIMENT REMOVAL FROM A 50-FOOT BUFFER USING APPLICABLE TABLES IN APP. G, ATTACHMENT 1. INCLUDE INFORMATION ABOUT THE BUFFER VEGETATION AND SOIL TYPE THAT PREDOMINATE AT YOUR SITE

  OR

  (2) IF YOU CONDUCTED A SITE-SPECIFIC CALCULATION FOR THE ESTIMATED SEDIMENT REMOVAL OF A 50-FOOT BUFFER, PROVIDE THE SPECIFIC REMOVAL EFFICIENCY, AND INFORMATION YOU RELIED UPON TO MAKE YOUR SITE-SPECIFIC CALCULATION.
- INSERT DESCRIPTION OF ADDITIONAL EROSION AND SEDIMENT CONTROLS TO BE USED IN COMBINATION WITH NATURAL BUFFER AREA
- INSERT THE FOLLOWING INFORMATION:
  - (1) SPECIFY THE MODEL OR OTHER TOOL USED TO ESTIMATE SEDIMENT LOAD REDUCTIONS FROM THE EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE, AND

- (2) INCLUDE THE RESULTS OF CALCULATIONS SHOWING THAT THE ADDITIONAL EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE WILL MEET OR EXCEED THE SEDIMENT REMOVAL EFFICIENCY OF A 50-FOOT BUFFER

☐ I qualify for one of the exceptions in Part 2.1.2.1.e. (If you have checked this box, provide information on the applicable buffer exception that applies, below.)

Buffer Exceptions

Which of the following exceptions to the buffer requirements applies to your site?

☐ There is no discharge of stormwater to the surface water that is located 50 feet from my construction disturbances.

(Note: If this exception applies, no further documentation is required for Section 4.1 of the Template.)

☐ No natural buffer exists due to preexisting development disturbances that occurred prior to the initiation of planning for this project.

(Note (1): If this exception applies, no further documentation is required for Section 4.1 of the Template.)

(Note (2): Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you must still comply with the one of the CGP Part 2.1.2.1.a compliance alternatives.)

☐ For a "linear project" (defined in Appendix A), site constraints (e.g., limited right-of-way) make it infeasible for me to meet any of the CGP Part 2.1.2.1.a compliance alternatives. INCLUDE DOCUMENTATION HERE OF THE FOLLOWING: (1) WHY IT IS INFEASIBLE FOR YOU TO MEET ONE OF THE BUFFER COMPLIANCE ALTERNATIVES, AND (2) BUFFER WIDTH RETAINED AND/OR SUPPLEMENTAL EROSION AND SEDIMENT CONTROLS TO TREAT DISCHARGES TO THE SURFACE WATER

☐ The project qualifies as "small residential lot" construction (defined in Part 2.1.2.1.e.iv and in Appendix A).

For Alternative 1 (see Appendix G, Part G.2.3.2.a):

- INSERT WIDTH OF NATURAL BUFFER TO BE RETAINED
- INSERT APPLICABLE REQUIREMENTS BASED ON TABLE G-1
- INSERT DESCRIPTION OF HOW YOU WILL COMPLY WITH THESE REQUIREMENTS

For Alternative 2 (see Appendix G, Part G.2.3.2.b):

- INSERT (1) THE ASSIGNED RISK LEVEL BASED ON APPLICABLE TABLE IN APP. G, PART G.2.3.2.b, AND (2) THE PREDOMINANT SOIL TYPE AND AVERAGE SLOPE AT YOUR SITE
- INSERT APPLICABLE REQUIREMENTS BASED ON APP. G, TABLE G-7
- INSERT DESCRIPTION OF HOW YOU WILL COMPLY WITH THESE REQUIREMENTS

☐ Buffer disturbances are authorized under a CWA Section 404 permit. INSERT DESCRIPTION OF ANY EARTH DISTURBANCES THAT WILL OCCUR WITHIN THE BUFFER AREA

(Note (1): If this exception applies, no further documentation is required for Section 4.1 of the Template.)

(Note (2): This exception only applies to the limits of disturbance authorized under the Section 404 permit, and does not apply to any upland portion of the construction project.)

☐ Buffer disturbances will occur for the construction of a water-dependent structure or water access

area (e.g., pier, boat ramp, and trail). INSERT DESCRIPTION OF ANY EARTH DISTURBANCES THAT WILL OCCUR WITHIN THE BUFFER AREA

(Note (1): If this exception applies, no further documentation is required for Section 4.1 of the Template.)

4.2 Perimeter Controls

Instructions (see CGP Parts 2.1.2.2 and 7.2.10):

- Describe sediment controls that will be used (e.g., silt fences, filter berms, temporary diversion dikes, or fiber rolls) to meet the Part 2.1.2.2 requirement to "install sediment controls along those perimeter areas of your site that will receive stormwater from earth-disturbing activities."
- For linear projects, where you have determined that the use of perimeter controls in portions of the site is impracticable, document why you believe this is to be the case.
- Also see, EPA's *Silt Fence BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/silt_fences or *Fiber Rolls BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/fiber_rolls

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.2.a

Specific Perimeter Controls

Perimeter Control # 1

Perimeter Control Description

- INSERT DESCRIPTION OF PERIMETER CONTROL TO BE INSTALLED. INDICATE SPECIFIC CONTROLS THAT WILL BE INSTALLED AND MADE OPERATIONAL PRIOR TO EARTH DISTURBANCE
- INCLUDE COPIES OF DESIGN SPECIFICATIONS

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE PERIMETER CONTROL. AT A MINIMUM, CGP PART 2.1.2.2.b REQUIRES REMOVAL OF SEDIMENT "before it has accumulated to one-half of the above-ground height of any perimeter control."

[Repeat as needed for individual perimeter controls.]

4.3 Sediment Track-Out

Instructions (see CGP Parts 2.1.2.3 and 7.2.10):

- Describe stormwater controls that will be used to "minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting your construction site."
- Describe location(s) of vehicle exit(s), procedures to remove accumulated sediment off-site (e.g., vehicle tracking), and stabilization practices (e.g., stone pads or wash racks or both) to minimize off-site vehicle tracking of sediment. Also include the design, installation, and maintenance specifications for each control.
- Also, see EPA's *Construction Entrances BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/cons_entrance

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.3

Specific Track-Out Controls

Track-Out Control # 1

Track-Out Control Description

- INSERT DESCRIPTION OF TRACK-OUT CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE TRACK-OUT CONTROL.

  (Note: At a minimum, you must provide for maintenance that meets the following requirement in CGP Part 2.1.2.3.d: "Where sediment has been tracked-out from your site onto the surface of off-site streets, other paved areas, and sidewalks, you must remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day. You must remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.")

[Repeat as needed for individual track-out controls.]

4.4 Stockpiled Sediment or Soil

Instructions (see CGP Parts 2.1.2.4 and 7.2.10):

- Describe stormwater controls and other measures you will take to minimize the discharge of sediment or soil particles from stockpiled sediment or soil. Include a description of structural practices (e.g., diversions, berms, ditches, storage basins), including design, installation, and maintenance specifications, used to divert flows from stockpiled sediment or soil, retain or detain flows, or otherwise limit exposure and the discharge of pollutants from stockpiled sediment or soil.
- Also, describe any controls or procedures used to minimize exposure resulting from adding to or removing materials from the pile.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.4

Specific Stockpile Controls

Stockpile Control # 1
Stockpiled Sediment/Soil Control Description

- INSERT DESCRIPTION OF STOCKPILE CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE STOCKPILE CONTROL.
  (Note: At a minimum, you must comply with following requirement in CGP Part 2.1.2.4.d: Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.)

[Repeat as needed for individual stockpile controls.]

4.5 Minimize Dust

Instructions (see CGP Parts 2.1.2.5 and 7.2.10):

Describe controls and procedures you will use at your project/site to minimize the generation of dust.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.5

Specific Dust Controls

Dust Control # 1
Dust Control Description

- INSERT DESCRIPTION OF DUST CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation
- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements
- INSERT MAINTENANCE REQUIREMENTS FOR THE DUST CONTROL

[Repeat as needed for individual dust controls.]

4.6 Minimize the Disturbance of Steep Slopes

Instructions (see CGP Parts 2.1.2.6 and 7.2.10):

- Describe how you will minimize the disturbance to steep slopes (as defined by CGP Appendix A).
- Describe controls (e.g., erosion control blankets, tackifiers), including design, installation and maintenance specifications, that will be implemented to minimize sediment discharges from slope disturbances.
- Also, see EPA's *Geotextiles BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/geotextiles

General
- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.6

Specific Steep Slope Controls

Steep Slope Control # 1
Steep Slope Control Description
- INSERT DESCRIPTION OF STEEP SLOPE CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation
- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements
- INSERT MAINTENANCE REQUIREMENTS FOR THE STEEP SLOPE CONTROL

[Repeat as needed for individual steep slope controls.]

4.7 Topsoil

Instructions (see CGP Parts 2.1.2.7 and 7.2.10):

- Describe how topsoil will be preserved and identify these areas and associated control measures on your site map(s).
- If it is infeasible for you to preserve topsoil on your site, provide an explanation for why this is the case.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.7. IF IT IS INFEASIBLE FOR YOU TO COMPLY WITH THE REQUIREMENT, INCLUDE AN EXPLANATION OF WHY THIS IS THE CASE.

Specific Topsoil Controls

Topsoil Control # 1
Topsoil Control Description

- INSERT DESCRIPTION OF TOPSOIL CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE TOPSOIL CONTROL

[Repeat as needed for individual topsoil controls.]

4.8 Soil Compaction

Instructions (see CGP Parts 2.1.2.8 and 7.2.10):

- In areas where final vegetative stabilization will occur or where infiltration practices will be installed, describe the controls, including design, installation, and maintenance specifications that will be used to restrict vehicle or equipment access or condition the soil for seeding or planting.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.8

Specific Soil Compaction Controls

Soil Compaction Control # 1
Soil Compaction Control Description

- INSERT DESCRIPTION OF SOIL COMPACTION CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements
- INSERT MAINTENANCE REQUIREMENTS FOR THE SOIL COMPACTION CONTROL

[Repeat as needed for individual soil compaction controls.]

4.9 Storm Drain Inlets

Instructions (see CGP Parts 2.1.2.9 and 7.2.10):

- Describe controls (e.g., inserts, rock-filled bags, or block and gravel) including design, installation, and maintenance specifications that will be implemented to protect all inlets that will receive stormwater from your construction activities, and that you have authority to access.
- Also, see EPA's *Storm Drain Inlet Protection BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/storm_drain

General
- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.9

Specific Storm Drain Inlet Controls

Storm Drain Inlet Control # 1
Storm Drain Inlet Control Description
- INSERT DESCRIPTION OF STORM DRAIN INLET CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation
- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements
- INSERT MAINTENANCE REQUIREMENTS FOR THE STORM DRAIN INLET CONTROL
  (Note: At a minimum, you must comply with following requirement in CGP Part 2.1.2.9.b: "Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, you must remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.")

[Repeat as needed for individual storm drain inlet controls.]

4.10 Constructed Stormwater Conveyance Channels

Instructions (see CGP Parts 2.1.3.1 and 7.2.10):

If you will be installing a stormwater conveyance channel, describe control practices (e.g., velocity dissipation devices), including design specifications and details (volume, dimensions, outlet structure), that will be implemented at the construction site.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.3.1

Specific Conveyance Channel Controls

Stormwater Conveyance Channel Control # 1

Stormwater Conveyance Channel Control Description

- INSERT DESCRIPTION OF STORMWATER CONVEYANCE CHANNEL CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE STORMWATER CONVEYANCE CHANNEL CONTROL

[Repeat as needed for individual stormwater conveyance channel controls.]

4.11 Sediment Basins

Instructions (see CGP Parts 2.1.3.2 and 7.2.10):

If you will install a sediment basin, include design specifications and other details (volume, dimensions, outlet structure) that will be implemented at in conformance with CGP Part 2.1.3.2.

- At a minimum, sediment ponds must provide storage for either (1) the calculated volume of runoff from the 2-year, 24-hour storm (see CGP App. H), or (2) 3,600 cubic feet per acre drained
- Sediment ponds must also utilize outlet structures that withdraw water from the surface, , unless infeasible
- Also, see EPA's *Sediment Basin BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/sediment_basins

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.3.2. IF YOU HAVE DETERMINED THAT IT IS INFEASIBLE FOR YOU TO UTILIZE AN OUTLET STRUCTURE THAT DISCHARGES FROM THE SURFACE, PROVIDE AN EXPLANATION FOR WHY THIS IS THE CASE.

Specific Sediment Basin Controls

Sediment Basin Control # 1
Sediment Basin Control Description
- INSERT DESCRIPTION OF SEDIMENT BASIN CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation
- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements
- INSERT MAINTENANCE REQUIREMENTS FOR THE SEDIMENT BASIN CONTROL
  (Note: At a minimum, you must comply with following requirement in CGP Part 2.1.3.2.b: "Keep in effective operating condition and remove accumulated sediment to maintain at least ½ of the design capacity of the sediment basin at all times.")

[Repeat as needed for individual sediment basin controls.]

4.12 Chemical Treatment

Instructions (see CGP Parts 2.1.3.3 and 7.2.10.2):

If you are using treatment chemicals at your site, provide details for each of the items below. This information is required as part of the SWPPP requirements in CGP Part 7.2.10.2.

Soil Types
List all the soil types (including soil types expected to be found in fill material) that are expected to be exposed during construction and that will be discharged to locations where chemicals will be applied: INSERT TEXT HERE

Treatment Chemicals
List all treatment chemicals that will be used at the site and explain why these chemicals are suited to the soil characteristics: INSERT TEXT HERE

Describe the dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage: INSERT TEXT HERE

Provide information from any applicable Material Safety Data Sheets (MSDS): INSERT TEXT HERE

Describe how each of the chemicals will stored: INSERT TEXT HERE

Include references to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems: INSERT TEXT HERE

Special Controls for Cationic Treatment Chemicals (if applicable)
If you have been authorized by your applicable Regional Office to use cationic treatment chemicals, include the official EPA authorization letter or other communication, and identify the specific controls and implementation procedures you are required to implement to ensure that your use of cationic treatment

chemicals will not lead to a violation of water quality standards: INSERT (1) ANY LETTERS OR OTHER DOCUMENTS SENT FROM THE EPA REGIONAL OFFICE CONCERNING YOUR USE OF CATIONIC TREATMENT CHEMICALS, AND (2) DESCRIPTION OF ANY SPECIFIC CONTROLS YOU ARE REQUIRED TO IMPLEMENT

Schematic Drawings of Stormwater Controls/Chemical Treatment Systems
Provide schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of treatment chemicals: INSERT TEXT HERE

Training
Describe the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to the use of treatment chemicals: INSERT TEXT HERE

4.13 Dewatering Practices

Instructions (see CGP Parts 2.1.3.4 and 7.2.10):

If you will be discharging stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, include design specifications and details of all dewatering practices that are installed and maintained to comply with CGP Part 2.1.3.4.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.3.4

Specific Dewatering Practices

Dewatering Practice # 1
Dewatering Practice Description

- INSERT DESCRIPTION OF DEWATERING PRACTICE TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE DEWATERING PRACTICE
  (Note: At a minimum, you must comply with following requirement in CGP Part 2.1.3.4: "With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.")

[Repeat as needed for individual dewatering practices.]

4.14 Other Stormwater Controls

Instructions:

– Describe any other stormwater controls that do not fit into the above categories.

General

- INSERT GENERAL DESCRIPTION OF THE PROBLEM THIS CONTROL IS DESIGNED TO ADDRESS

Specific Stormwater Control Practices

Stormwater Control Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE STORMWATER CONTROL PRACTICE

[Repeat as needed.]

4.15 Site Stabilization

Instructions (see CGP Parts 2.2 and 7.2.10):

The CGP requires you to immediately initiate stabilization when work in an area of your site has permanently or temporarily stopped, and to complete certain stabilization activities within prescribed deadlines. See CGP Part 2.2.1. The CGP also requires that stabilization measures meet certain minimum criteria. See CGP Part 2.2.2. For your SWPPP, you must include the following:

– Describe the specific vegetative and/or non-vegetative practices that will be used to stabilize exposed soils where construction activities have temporarily or permanently ceased. Avoid using impervious surfaces for stabilization whenever possible.

– Also, see EPA's *Seeding BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/seeding

– Once you begin construction, consider using the Grading/Stabilization Activities log in Appendix H of the Template to document your compliance with the stabilization requirements in CGP Part 2.2

Site Stabilization Practice (only use this if you are not located in an arid, semi-arid, or drought-stricken area)
☐ *Vegetative* ☐ *Non-Vegetative*
☐ *Temporary* ☐ *Permanent*

Description of Practice
- INSERT DESCRIPTION OF STABILIZATION PRACTICE TO BE INSTALLED
- NOTE HOW DESIGN WILL MEET REQUIREMENTS OF PART 2.2.2.1 OR 2.2.2.2, WHICHEVER APPLIES
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation
- INSERT APPROXIMATE DATE OF INSTALLATION
- INSERT APPROXIMATE COMPLETION DATE CONSISTENT WITH CGP PART 2.2.1.2

Maintenance Requirements
INSERT MAINTENANCE REQUIREMENTS FOR THE STABILIZATION PRACTICE

[Repeat as needed for additional stabilization practices.]

Site Stabilization Practice (only use this if you are located in an arid, semi-arid, or drought-stricken area)
☐ *Vegetative* ☐ *Non-Vegetative*
☐ *Temporary* ☐ *Permanent*

Description of Practice
- INSERT DESCRIPTION OF STABILIZATION PRACTICE TO BE INSTALLED
- NOTE HOW DESIGN WILL MEET REQUIREMENTS OF PART 2.2.2.1 OR 2.2.2.2, WHICHEVER APPLIES
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation
- FOR VEGETATIVE STABILIZATION IN ARID OR SEMI-ARID AREAS, INDICATE THE BEGINNING AND ENDING DATES OF THE SEASONALLY DRY PERIOD AND DESCRIBE YOUR SITE CONDITIONS
- INSERT APPROXIMATE DATE OF INSTALLATION
- INSERT APPROXIMATE COMPLETION DATE CONSISTENT WITH CGP PART 2.2.1.3

Maintenance Requirements
INSERT MAINTENANCE REQUIREMENTS FOR THE STABILIZATION PRACTICE

[Repeat as needed for additional stabilization practices.]

Site Stabilization Practice (only use this if uncontrollable circumstances have delayed the initiation or completion of stabilization)
(Note: You will not be able to include this information in your initial SWPPP. If you are affected by circumstances such as those described in CGP Part 2.2.1.3.b, you will need to modify your SWPPP to include this information.)

☐ *Vegetative* ☐ *Non-Vegetative*
☐ *Temporary* ☐ *Permanent*

Justification

- INSERT DESCRIPTION OF CIRCUMSTANCES THAT PREVENT YOU FROM MEETING THE DEADLINES REQUIRED IN CGP PARTS 2.2.1.1 AND/OR 2.2.1.2 AND THE SCHEDULE YOU WILL FOLLOW FOR INITIATING AND COMPLETING STABILIZATION

Description of Practice

- INSERT DESCRIPTION OF STABILIZATION PRACTICE TO BE INSTALLED
- NOTE HOW DESIGN WILL MEET REQUIREMENTS OF PART 2.2.2.1 OR 2.2.2.2, WHICHEVER APPLIES
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT DATES OF INITIATION AND COMPLETION OF NON-VEGETATIVE STABILIZATION CONTROLS (must be completed within 14 days of the cessation of construction)

Maintenance Requirements

INSERT MAINTENANCE REQUIREMENTS FOR THE STABILIZATION PRACTICE

[Repeat as needed for additional stabilization practices.]

SECTION 5: POLLUTION PREVENTION STANDARDS

5.1 Potential Sources of Pollution

Instructions (see CGP Part 7.2.7):

- Identify and describe all pollutant-generating activities at your site (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal).
- For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents associated with that activity (e.g., sediment, fertilizers, and/or pesticides, paints, solvents, fuels), which could be exposed to rainfall or snowmelt, and could be discharged from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges.

Construction Site Pollutants

INSERT TEXT OR USE TABLE BELOW

Pollutant-Generating Activity	**Pollutants or Pollutant Constituents** (that could be discharged if exposed to stormwater)	**Location on Site** (or reference SWPPP site map where this is shown)

[Include additional rows as necessary.]

5.2 Spill Prevention and Response

Instructions (see CGP Parts 2.3 and 7.2.11):

- Describe procedures you will use to prevent and respond to leaks, spills, and other releases. You must implement the following at a minimum:
  - ✓ Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or title of the employee(s) responsible for detection and response of spills or leaks; and
  - ✓ Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies 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 consistent with Part 2.3.3.4c and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.
- Some projects/site may be required to develop a Spill Prevention Control and Countermeasure (SPCC) plan under a separate regulatory program (40 CFR 112). If you are required to develop an SPCC plan, or you already have one, you should include references to the relevant requirements from your plan.

INSERT SPILL PREVENTION AND RESPONSE PROCEDURES HERE

5.3 Fueling and Maintenance of Equipment or Vehicles

Instructions (see CGP Parts 2.3.3.1 and 7.2.11):

- Describe equipment/vehicle fueling and maintenance practices that will be implemented to eliminate the discharge of spilled or leaked chemicals (e.g., providing secondary containment *(examples: spill berms, decks, spill containment pallets)* and cover where appropriate, and/or having spill kits readily available.
- Also, see EPA's *Vehicle Maintenance and Washing Areas BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/vehicile_maintain

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH THE CGP PART 2.3.3.1 REQUIREMENT TO "provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place"

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements
- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.4 Washing of Equipment and Vehicles

Instructions (see CGP Parts 2.3.3.2 and 7.2.11):

- Describe equipment/vehicle washing practices that will be used to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing (e.g., locating activities away from surface waters and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls).
- Describe how you will prevent the discharge of soaps, detergents, or solvents by providing either (1) cover (*examples: plastic sheeting or temporary roofs*) to prevent these detergents from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.
- Also, see EPA's *Vehicle Maintenance and Washing Areas BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/vehicile_maintain

General
- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.2

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1
Description
- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation
- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements
- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5 Storage, Handling, and Disposal of Construction Products, Materials, and Wastes

Instructions (see CGP Parts 2.3.3.3 and 7.2.11):

- For any of the types of construction products, materials, and wastes below in Sections 5.5.1-5.5.6 below that are expected to be used or stored at your site, provide the information on how you will comply with the corresponding CGP provision and the specific practices that will be employed.
- Also, see EPA's *General Construction Site Waste Management BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/cons_wasteman

5.5.1 Building Products

(Note: Examples include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures.)

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.a

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.b

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.c

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED

- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation
- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements
- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5.4 Hazardous or Toxic Waste

(Note: Examples include paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids.)

General
- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.d

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1
Description
- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation
- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements
- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5.5 Construction and Domestic Waste

(Note: Examples include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials.)

General
- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.e

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1
Description
- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation
- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements
- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5.6 Sanitary Waste

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.f

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1
Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.6 Washing of Applicators and Containers used for Paint, Concrete or Other Materials

Instructions (see CGP Parts 2.3.3.4 and 7.2.11):

- Describe how you will comply with the CGP Part 2.3.3.4 requirement to "provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials."
- Also, see EPA's *Concrete Washout BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/concrete_wash

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.4

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1
Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.7 Fertilizers

Instructions (CGP Parts 2.3.5 and 7.2.11):

Describe how you will comply with the CGP Part 2.3.5 requirement to "minimize discharges of fertilizers containing nitrogen or phosphorus"

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.5

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed for individual fertilizer practices.]

5.8 Other Pollution Prevention Practices

Instructions:

Describe any additional pollution prevention practices that do not fit into the above categories.

General

- INSERT GENERAL DESCRIPTION OF THE PROBLEM THIS CONTROL IS DESIGNED TO ADDRESS

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

SECTION 6: INSPECTION AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Instructions (see CGP Parts 2.1.1.4, 2.3.2, 3.3.2, 4, 5, and 7.2.12):

Describe the procedures you will follow for conducting inspections in accordance with CGP Parts 2.1.1.4, 2.3.2, 3.3.2, 4, 5, and 7.2.12.

Personnel Responsible for Inspections

INSERT NAMES OF PERSONNEL OR TYPES OF PERSONNEL WHO WILL BE CONDUCTING SITE INSPECTIONS HERE

Note: All personnel conducting inspections must be considered a "qualified person." CGP Part 4.1.1 clarifies that a "qualified person" is a person knowledgeable in the principles and practices of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

Inspection Schedule

Specific Inspection Frequency

INSERT INSPECTION SCHEDULE BASED ON CGP PARTS 4.1.2, 4.1.3, OR 4.1.4, WHICHEVER APPLIES

Rain Gauge Location (if applicable)

SPECIFY LOCATION(S) OF RAIN GAUGE TO BE USED FOR DETERMINING WHETHER A RAIN EVENT OF 0.25 INCHES OR GREATER HAS OCCURRED (only applies to inspections conducted for Part 4.1.2.2, 4.1.3, or 4.1.4.2)

Reductions in Inspection Frequency (if applicable)

- For the reduction in inspections resulting from stabilization: SPECIFY (1) LOCATIONS WHERE STABILIZATION STEPS HAVE BEEN COMPLETED AND (2) DATE THAT THEY WERE COMPLETED

  (Note: It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this reduction (see CGP Part 4.1.4.1), you will need to modify your SWPPP to include this information.)

- For the reduction in inspections in arid, semi-arid, or drought-stricken areas: INSERT BEGINNING AND ENDING DATES OF THE SEASONALLY-DEFINED ARID PERIOD FOR YOUR AREA OR THE VALID PERIOD OF DROUGHT

- For reduction in inspections due to frozen conditions: INSERT BEGINNING AND ENDING DATES OF FROZEN CONDITIONS ON YOUR SITE

Inspection Report Forms

INSERT COPY OF ANY INSPECTION REPORT FORMS YOU WILL USE HERE OR IN APPENDIX D

6.2 Corrective Action

Instructions (CGP Parts 5 and 7.2.12):

- Describe the procedures for taking corrective action in compliance with CGP Part 5.

Personnel Responsible for Corrective Actions

INSERT NAMES OF PERSONNEL OR TYPES OF PERSONNEL RESPONSIBLE FOR CORRECTIVE ACTIONS

Corrective Action Forms

INSERT A COPY OF ANY CORRECTIVE ACTION FORMS YOU WILL USE HERE OR IN APPENDIX E

6.3 Delegation of Authority

Instructions:

- Identify the individual(s) or positions within the company who have been delegated authority to sign inspection reports.
- Attach a copy of the signed delegation of authority (see example in Appendix J of the Template.
- For more on this topic, see Appendix I, Subsection 11 of EPA's CGP.

Duly Authorized Representative(s) or Position(s):

Insert Company or Organization Name:
Insert Name:
Insert Position:
Insert Address:
Insert City, State, Zip Code:
Insert Telephone Number:
Insert Fax/Email:

SECTION 7: TRAINING

Instructions (see CGP Part 6 and 7.2.13):

- Complete the table below to provide documentation that the personnel required to be trained in CGP Part 6 completed the appropriate training
- If personnel will be taking course training (which is not required as part of the CGP), consider using Appendix I to track completion of this training
- The following personnel, at a minimum, must be receive training, and therefore should be listed out individually in the table below:
  - ✓ Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention measures);
  - ✓ Personnel responsible for the application and storage of treatment chemicals (if applicable);
  - ✓ Personnel who are responsible for conducting inspections as required in Part 4.1.1; and
  - ✓ Personnel who are responsible for taking corrective actions as required in Part 5.
- CGP Part 6 requires that the required personnel must be trained to understand the following if related to the scope of their job duties:
  - ✓ The location of all stormwater controls on the site required by this permit, and how they are to be maintained;
  - ✓ The proper procedures to follow with respect to the permit's pollution prevention requirements; and
  - ✓ When and how to conduct inspections, record applicable findings, and take

Table 7-1: Documentation for Completion of Training

Name	Date Training Completed
INSERT NAME OF PERSONNEL HERE	INSERT COMPLETION DATE HERE
INSERT NAME OF PERSONNEL HERE	INSERT COMPLETION DATE HERE
INSERT NAME OF PERSONNEL HERE	INSERT COMPLETION DATE HERE
INSERT NAME OF PERSONNEL HERE	INSERT COMPLETION DATE HERE
INSERT NAME OF PERSONNEL HERE	INSERT COMPLETION DATE HERE
INSERT NAME OF PERSONNEL HERE	INSERT COMPLETION DATE HERE
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INSERT NAME OF PERSONNEL HERE	INSERT COMPLETION DATE HERE
INSERT NAME OF PERSONNEL HERE	INSERT COMPLETION DATE HERE
INSERT NAME OF PERSONNEL HERE	INSERT COMPLETION DATE HERE

SECTION 8: CERTIFICATION AND NOTIFICATION

Instructions (CGP Appendix I, Part I.11.b):

- The following certification statement must be signed and dated by a person who meets the requirements of Appendix I, Part I.11.b.
- This certification must be re-signed in the event of a SWPPP Modification.

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 gathered and evaluated 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.

Name: _____ Title: _____

Signature: _____ Date: _____

[Repeat as needed for multiple construction operators at the site.]

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A – Site Maps

Appendix B – Copy of 2012 CGP

Appendix C – NOI and EPA Authorization Email

Appendix D – Inspection Form

(Note: EPA is in the process of developing a sample inspection form for use by CGP permittees. The form will be made available at http://cfpub.epa.gov/npdes/stormwater/cgp.cfm.)

Appendix E – Corrective Action Form

(Note: EPA is in the process of developing a sample corrective action form for use by CGP permittees. The form will be made available at http://cfpub.epa.gov/npdes/stormwater/cgp.cfm.)

Appendix F – SWPPP Amendment Log

Appendix G – Subcontractor Certifications/Agreements

Appendix H – Grading and Stabilization Activities Log

Appendix I – Training Log

Appendix J – Delegation of Authority

Appendix K – Endangered Species Documentation

Appendix L – Historic Preservation Documentation

Appendix A – Site Maps

INSERT SITE MAPS CONSISTENT WITH TEMPLATE SECTION 2.6

Appendix B – Copy of 2012 CGP

INSERT COPY OF 2012 CGP

Appendix C – Copy of NOI and EPA Authorization email

INSERT COPY OF NOI AND EPA'S AUTHORIZATION EMAIL PROVIDING COVERAGE UNDER THE CGP

Appendix D – Copy of Inspection Form

INSERT COPY OF ANY INSPECTION FORMS YOU WILL USE TO PREPARE INSPECTION REPORTS

Appendix E – Copy of Corrective Action Form

INSERT COPY OF CORRECTIVE ACTION FORMS YOU WILL USE

Appendix F – *Sample* SWPPP Amendment Log

Instructions (see CGP Part 7.4):

- Create a log here of changes and updates to the SWPPP. You may use the table below to track these modifications.
- SWPPP modifications are required pursuant to CGP Part 7.4.1 in the following circumstances:
  - ✓ Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater control measures, pollution prevention measures, or other activities at your site that are no longer accurately reflected in your SWPPP;
  - ✓ To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
  - ✓ If inspections or investigations determine that SWPPP modifications are necessary for compliance with this permit;
  - ✓ Where EPA determines it is necessary to impose additional requirements on your discharge; and
  - ✓ To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater control measures implemented at the site.
- If applicable, if a change in chemical treatment systems or chemically-enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]

Appendix G – *Sample* Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

_____

_____

Signature: _____

Title: _____

Date: _____

Appendix H – *Sample* Grading and Stabilization Activities Log

Date Grading Activity Initiated	**Description of Grading Activity**	**Description of Stabilization Measure and Location**	**Date Grading Activity Ceased** (Indicate Temporary or Permanent)	**Date When Stabilization Measures Initiated**

Appendix I – *Sample* SWPPP Training Log

Stormwater Pollution Prevention Training Log

Project Name:

Project Location:

Instructor's Name(s):

Instructor's Title(s):

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

- ❑ **Sediment and Erosion Controls**
- ❑ **Emergency Procedures**
- ❑ **Stabilization Controls**
- ❑ **Inspections/Corrective Actions**
- ❑ **Pollution Prevention Measures**

Specific Training Objective:_____

_____

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		

Appendix J – *Sample* Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit, at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, state, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix I of EPA's Construction General Permit (CGP), and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix I.

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 gathered and evaluated 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.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation

INSERT DOCUMENTATION CONSISTENT WITH SWPPP TEMPLATE SECTION 3.1

Appendix L – Historic Properties Documentation

INSERT DOCUMENTATION CONSISTENT WITH SWPPP TEMPLATE SECTION 3.2

Transfer of Storm Water Management Authority Form

_____
(DATE)

TRANSFER OF STORM WATER MANAGEMENT AUTHORITY
NEW MEXICO DEPARTMENT OF TRANSPORTATION

_____
(PROJECT NUMBER)

On _____, NMDOT Project Number _____
(DATE)
was completed per NMDOT specifications by _____.
(CONTRACTOR)
For the purposes of compliance with the Storm Water General Permit for Construction, control of the project for Storm Water Management purposes is hereby transferred to the District _____ Engineer representing the New Mexico Department of Transportation.

Attached to this transfer document is the original of the complete Storm Water Pollution Prevention Plan for the project that includes a "Final Inspection Report" conducted on _____ by the
(DATE)
Storm Water Competent Persons representing _____
(CONTRACTOR)
and NMDOT. The joint inspection was conducted on _____.
(DATE)

_____
(NAME)

_____
(TITLE)

_____
(COMPANY)

On the above date, I, _____, Engineer for District _____
(NAME)
of the New Mexico Department of Transportation, do hereby accept management control of Project Number _____ for purposes of Storm Water Management under the provisions of the Storm Water General Permit for Construction. I further certify that NMDOT has a Notice of Intent (NOI) established for this project as required by the Construction General Permit.

It is further acknowledged that the completed Storm Water Pollution Prevention Plan document and all attachments thereto have been received as part of this transfer of authority.

_____
(NAME)

_____
(TITLE)

New Mexico Department of Transportation
District _____

Notice of Termination (NOT) Form and Instructions

NPDES FORM 3510-13	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF TERMINATION (NOT) FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER AN NPDES GENERAL PERMIT	Form Approved. OMB No. 2040-0004

Submission of this Notice of Termination constitutes notice that the operator identified in Section II of this form is no longer authorized discharge pursuant to the NPDES Construction General Permit (CGP) from the site identified in Section III of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOT Form

Have you been given approval from the Regional Office to use this paper NOT form*? ☐ YES ☐ NO

*** Note: You must have been given approval by the Regional Office prior to using this paper NOT form.**

II. Permit Information

NPDES Stormwater General Permit Tracking Number:

Reason for Termination (Check only one):

- ☐ You have completed earth-disturbing activities at your site, and you have met all other requirements in Part 8.2.1.
- ☐ Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.
- ☐ You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

III. Operator Information

Name:

IRS Employer Identification Number (EIN): –

Mailing Address:

Street:

City: State: Zip Code: -

Phone: - - Ext. Fax (optional): - -

E-mail:

IV. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City: State: Zip Code: -

County or similar government subdivision:

V. Certification Information

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 gathered and evaluated 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.

First Name, Middle Initial, Last Name:

Title:

Signature: _____ Date: / /

Email:

Notice of Termination (NOT) of Coverage Under an NPDES General Permit for Stormwater Discharges Associated with Construction Activity

NPDES Form Date (2/16) This Form Replaces Form 3510-13 (12/08) Form Approved OMB No. 2040-0004

Who May File an NOT Form

Permittees who are presently covered under the EPA-issued 2012 Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activity may submit an NOT form when: (1) earth-disturbing activities at the site are completed and the conditions in Parts 8.2.1.1 thru 8.2.1.5 are met; or (2) the permittee has transferred all areas under its control to another operator, and that operator has submitted and obtained coverage under this permit; or (3) the permittee has obtained coverage under a different NPDES permit for the same discharges.

Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to www.epa.gov/npdes/stormwater/cgp or telephone EPA's NOI Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Approval to Use Paper NOT Form

You must indicate whether you have been given approval by the EPA Regional Office to use a paper NOT. Note that you are not authorized to use this paper NOT form unless the Regional Office has approved its use.

Section II. Permit Number

Enter the existing NPDES Stormwater General Permit Tracking Number assigned to the project by EPA's Stormwater Notice Processing Center. If you do not know the permit tracking number, refer to http://www.epa.gov/npdes/stormwater/cgp or contact EPA's NOI Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one:

You have completed earth-disturbing activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.6.3) and you have met all other requirements in Part 8.2.1.

Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.

You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this application and is covered by the permit tracking number identified in Section I. Refer to Appendix A of the permit for the definition of "operator". Provide the employer identification number (EIN from the Internal Revenue Service; IRS). If the applicant does not have an EIN enter "NA" in the space provided. Enter the complete mailing address, telephone number, and email address of the operator. Optional: enter the fax number of the operator.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

Section V. Certification Information

All applications, including NOIs, must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per notice, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB number on any correspondence. Do not send the completed form to this address.

Notice of Termination (NOT) of Coverage Under an NPDES General Permit for Stormwater Discharges Associated with Construction Activity

NPDES Form Date (2/16) This Form Replaces Form 3510-13 (12/08) Form Approved OMB No. 2040-0004

Submitting Your Form:
Submit your NOI form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:
Stormwater Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
EPA East Building - Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:
www.epa.gov/npdes/stormwater/cgpenoi

NMDOT SWPPP Inspection and Maintenance Report

NMSHTD SWPPP INSPECTION AND MAINTENANCE REPORT

CN: _____ PROJECT NO: _____ ROUTE: _____ DATE: _____

INSPECTOR: _____ Date of Last Rainfall: _____ Amount of Last Rainfall: _____

Approximate Stations From	To	Lt/Rt	Date of Last Disturbance	Date of Next Disturbance	Control Measure	Current Condition	Corrective Action and Remarks

GENERAL NOTES

1. Inspect erosion and sediment control measures weekly or after each rainfall event.
2. List personnel/organizations participating in the inspection on the last page of the report. The Inspector listed at the top of the form shall sign the last page of the report.
3. This whole report shall be retained as a part of the PPP.
4. Note the required sediment basin and trap ponded volume next to the control measure code.

CONTROL MEASURE CODES

Stabilization Measures:
1. Temporary Seeding
2. Permanent Seeding
3. Mulch
4. Soil Stabilant
5. Soil Retention Blanket
6. Buffer Strip .

Structural Measures:

Check Dam Slopes
7. Silt Fence
8. Check Earth Berm

Dam Ditches
9. Silt Fence
10. Stone or Rock
11. Check Dam (Silt Fence)
12. Check Dam (Rock)
13. Earth Berm
14. Pipe Slope Drain

Ditch Liner
15. Soil Retention Blanket
16. Rock Plating
17. Sediment Trap
18. Sediment Basin
19. Pipe Outlet Protection
20. Drop Inlet Protection

CONDITION CODES

U Upgrade Needed
R Replacement Needed
M Maintenance Needed
C Cleaning Needed
I Increase Measures
S Stable (No action)
01 _____
02 _____
03 _____

Falsifying information on this Inspection and Maintenance Report may result in fine of up to $27,500 by federal law.

EPA NPDES Construction Inspection Form & Expedited Settlement Agreement Form

Sample Inspection Report

Instructions

This sample inspection report has been developed as a helpful tool to aid you in completing your site inspections. This sample inspection report was created consistent with EPA's Developing Your Stormwater Pollution Prevention Plan. You can find both the guide and the sample inspection report (formatted in Microsoft Word) at www.epa.gov/npdes/swpppguide

This inspection report is provided in Microsoft Word format to allow you to easily customize it for your use and the conditions at your site. You should also customize this form to help you meet the requirements in your construction general permit related to inspections. **If your permitting authority provides you with an inspection report, please use that form.**

For more information on inspections, please see Developing Your Stormwater Pollution Plan Chapters 6 and 8.

Using the Inspection Report
This inspection report is designed to be customized according to the BMPs and conditions at your site. For ease of use, you should take a copy of your site plan and number all of the stormwater BMPs and areas of your site that will be inspected. A brief description of the BMP or area should then be listed in the site-specific section of the inspection report. For example, specific structural BMPs such as construction site entrances, sediment ponds, or specific areas with silt fence (e.g., silt fence along Main Street; silt fence along slope in NW corner, etc.) should be numbered and listed. You should also number specific non-structural BMPs or areas that will be inspected (such as trash areas, material storage areas, temporary sanitary waste areas, etc).

You can complete the items in the "General Information" section that will remain constant, such as the project name, NPDES tracking number, and inspector (if you only use one inspector). Print out multiple copies of this customized inspection report to use during your inspections.

When conducting the inspection, walk the site by following your site map and numbered BMPs/areas for inspection. Also note whether the overall site issues have been addressed (customize this list according to the conditions at your site). Note any required corrective actions and the date and responsible person for the correction in the Corrective Action Log.

Stormwater Construction Site Inspection Report

General Information			
Project Name			
NPDES Tracking No.		**Location**	
Date of Inspection		**Start/End Time**	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications	Insert qualifications or add reference to the SWPPP. (See Section 5 of the SWPPP Template)		
Describe present phase of construction			
Type of Inspection: ❑ Regular ❑ Pre-storm event ❑ During storm event ❑ Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? ❑Yes ❑No **If yes, provide:** Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? ❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snowing ❑ High Winds ❑ Other: Temperature:			
Have any discharges occurred since the last inspection? ❑Yes ❑No **If yes, describe:**			
Are there any discharges at the time of inspection? ❑Yes ❑No **If yes, describe:**			

Site-specific BMPs

- *Number the structural and non-structural BMPs identified in your SWPPP on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.*
- *Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.*

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1		❑Yes ❑No	❑Yes ❑No	
2		❑Yes ❑No	❑Yes ❑No	
3		❑Yes ❑No	❑Yes ❑No	
4		❑Yes ❑No	❑Yes ❑No	
5		❑Yes ❑No	❑Yes ❑No	

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
6		❑Yes ❑No	❑Yes ❑No	
7		❑Yes ❑No	❑Yes ❑No	
8		❑Yes ❑No	❑Yes ❑No	
9		❑Yes ❑No	❑Yes ❑No	
10		❑Yes ❑No	❑Yes ❑No	
11		❑Yes ❑No	❑Yes ❑No	
12		❑Yes ❑No	❑Yes ❑No	
13		❑Yes ❑No	❑Yes ❑No	
14		❑Yes ❑No	❑Yes ❑No	
15		❑Yes ❑No	❑Yes ❑No	
16		❑Yes ❑No	❑Yes ❑No	
17		❑Yes ❑No	❑Yes ❑No	
18		❑Yes ❑No	❑Yes ❑No	
19		❑Yes ❑No	❑Yes ❑No	
20		❑Yes ❑No	❑Yes ❑No	

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	❑Yes ❑No	❑Yes ❑No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	❑Yes ❑No	❑Yes ❑No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	❑Yes ❑No	❑Yes ❑No	
4	Are discharge points and receiving waters free of any sediment deposits?	❑Yes ❑No	❑Yes ❑No	
5	Are storm drain inlets properly protected?	❑Yes ❑No	❑Yes ❑No	
6	Is the construction exit preventing sediment from being tracked into the street?	❑Yes ❑No	❑Yes ❑No	
7	Is trash/litter from work areas collected and	❑Yes ❑No	❑Yes ❑No	

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
	placed in covered dumpsters?			
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	❑Yes ❑No	❑Yes ❑No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No	❑Yes ❑No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No	❑Yes ❑No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	❑Yes ❑No	❑Yes ❑No	
12	(Other)	❑Yes ❑No	❑Yes ❑No	

Non-Compliance

Describe any incidents of non-compliance not described above:

CERTIFICATION STATEMENT

"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 gathered and evaluated 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."

Print name and title: _____
Signature:_____ Date:_____

ENVIRONMENTEL PROTECTION AGENCY

EXPEDITED SETTLEMETN AGREEMENT FORM FOR CONSTRUCTION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MAY 19 2006

MEMORANDUM

SUBJECT: Revised Expedited Settlement Offer Program for Storm Water (Construction)

FROM: Walker B. Smith, Director
Office of Civil Enforcement

TO: Water Management Division Directors
Regions I, III, IV, V, VII, IX

Enforcement Division Directors
Regions II, VI, VIII, X

Regional Counsels
Regions I - X

This memorandum transmits the final revised framework for the Expedited Settlement Offer (ESO) Program for Storm Water, which supersedes the "Expedited Settlement Offer (ESO) Program for Storm Water" originally issued on August 21, 2003. The revised ESO program includes a variety of modifications based on issues identified during the initial pilot implementation period. This ESO program is intended to promote compliance with NPDES storm water regulations at construction sites by providing an expedited enforcement mechanism in situations where environmental impacts are potentially less significant, violations can be quickly corrected and appropriate penalties easily collected. I want to thank the Regions for their participation in revising this enforcement tool; their knowledge and experience were extremely valuable throughout the revision process.

Storm water violations at construction sites can involve potentially significant cumulative negative environmental impacts. Issuing timely and consistent enforcement actions to compel compliance with storm water requirements at construction sites ensures prompt correction of potentially harmful violations and deters future noncompliance. An expedited settlement offer provides an efficient "real time" enforcement mechanism in situations where violations can be quickly corrected and an appropriate penalty promptly collected.

The purpose of expedited settlements is to supplement, not replace, other more traditional enforcement approaches. ESOs should be part of a comprehensive compliance and enforcement strategy that encompasses the full range of compliance and enforcement tools. Regions implementing the ESO program should also use traditional administrative and judicial enforcement mechanisms to ensure a well-balanced enforcement program. Traditional enforcement actions should be pursued for violations where an expedited settlement offer does not adequately address the level of noncompliance or the nature of the violator (*e.g.*, where there is evidence of significant environmental harm, large economic benefit, or a recalcitrant violator).

In using the ESO approach, we encourage regions to consult additional storm water guidance in reaching their decisions. In particular, we recommend that the regions refer to the *Enforcement Response Guide for Storm Water (Construction) (ERG)*. The *ERG* describes factors to consider when selecting from the different types of enforcement actions. The *2003 Storm Water Compliance and Enforcement Strategy* and the *2005 Performance-Based Strategy for Storm Water*, both of which rely on an environmental harm-based targeting approaches, should also be consulted to focus priorities on storm water dischargers/discharges that pose the most significant harm to the environment (e.g., non-filers or high growth communities where storm water runoff may result in high sediment loadings).

Before applying the ESO, regions should familiarize themselves with the revised ESO program. The revisions have altered both the scope and the process of the program. The most significant revisions include the following:

- eliminating the 50-acre limit for ESO-eligible sites;
- extending eligibility to all operators except those who, in the past five years, have been issued a formal enforcement action for violation of either the multi-sector general permit (MSGP), the construction general permit (CGP), or an individual storm water permit issued by EPA or a state: 1) at the facility where the instant violation occurred; or 2) at two or more facilities, under the ownership, operation, or control of the operator;
- increasing the appropriate time between an inspection and EPA's mailing of an ESO from seven (7) to twenty-one (21) days;
- limiting the scope of respondent's certification in the *Expedited Settlement Agreement* to correction of deficiencies identified during the inspection and payment of penalties;
- capping the total penalties for Storm Water Pollution Protection Plan (SWPPP) violations at $4500 so as not to exceed the penalty for failure to submit a SWPPP, which has been increased from $4000 to $5000; and
- clarifying that generally ESOs should not be issued simultaneously with administrative compliance orders for the same violation.

A joint regional and OCE workgroup revised the following documents: the ESO procedures (see Attachment 1), the penalty calculation worksheet (now called the *Expedited Settlement Deficiencies Form* or *Deficiencies Form*, see Attachment 2), the *Expedited Settlement Agreement Instructions* (see Attachment 3), and the *Expedited Settlement Agreement* (see

Attachment 4). Additionally, OCE has created a new informational document for site operators, the *Preliminary Inspection Observations* (see Attachment 5).

Each Region has provided my office with its commitment to use the storm water construction ESO as part of its comprehensive storm water compliance and enforcement effort. This revised guidance should replace the previous 2003 guidance as your reference for how to implement an effective and appropriate ESO program for storm water construction violations. We look forward to continuing to work with the Regions in exploring meaningful and effective opportunities to use the ESO for storm water enforcement. For specific questions regarding this memorandum and its attachments, please contact Everett Volk at (202) 564-2828, or Lauren Kabler at (202) 564-4052.

cc: Mark Pollins, Water Enforcement Division
Michael Alushin, Office of Compliance
Linda Boornazian, Office of Wastewater Management
Carol Ann Siciliano, Office of General Counsel
NPDES Regional Enforcement Managers

Attachments

REVISED EXPEDITED SETTLEMENT OFFER FOR STORM WATER (CONSTRUCTION)
May 2006[1]

Appropriate Use of the ESO

Storm water cases often involve facilities or sites where the cumulative effect of discharges can have significant environmental impact. In storm water cases, issuing timely and consistent enforcement actions is necessary to deter future violations and promote prompt return to compliance. This can be achieved through issuing an expedited settlement offer pursuant to the revisions to the *"Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits"* (*Consolidated Rules*), 40 C.F.R. Part 22. This document provides guidance in implementing Part 22 with respect to certain violations of Clean Water Act storm water regulations for construction activities.

The *Consolidated Rules* provide that, where the parties agree to settle one or more causes of action before the filing of an administrative penalty complaint, a proceeding may be commenced and concluded simultaneously by issuance of a consent agreement and final Clean Water Act section 309(g) penalty order. 40 C.F.R. § 22.13(b).[2] As formulated in the Expedited Settlement Agreement Offer (ESO) program, this provides "real time" enforcement in situations where violations can be quickly corrected and a penalty collected within a short amount of time, generally a few months from EPA's discovery of the violation. Under the ESO approach, in specified circumstances, a violator of storm water regulations may resolve its violation through an expedited process in which the violator (1) corrects identified deficiencies, (2) signs an agreement with EPA certifying prompt correction, and (3) pays a penalty.

Violations appropriate for expedited settlements are those that are easily correctable and that may pose some potential harm to human health or the environment, but which do not *result* in significant harm to, or present an imminent and substantial endangerment to, human health or the environment. EPA regions are strongly encouraged to continue targeting for serious violations that result in harm to the environment and human health. However, in those instances where easily correctable violations are discovered that pose some potential harm, the ESO would be an appropriate response mechanism.

The ESO is designed to provide an administratively streamlined approach to resolving violations where a full administrative compliance order (ACO) is not warranted. In requiring a respondent to correct deficiencies, certify to those corrections and pay a penalty, the *Expedited Settlement Agreement* achieves the same ends as an ACO, but in a shorter, more easily administered format. As a result, a separate compliance order requiring corrective action is

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[1]This version supersedes the "Expedited Settlement Offer (ESO) for Storm Water (Construction)" issued on August 21, 2003.

[2]An ESO developed under the approach described here is a tool for quickly resolving certain CWA storm water violations. It is not appropriate for use as a penalty demand in an administrative penalty hearing or a judicial trial. Further, whether the Agency decides to use the ESO approach at all is purely within EPA's discretion.

unnecessary, and regions should generally not issue ACOs at the same time that they issue ESOs.[3]

Criteria

The criteria below describe when a site should be considered for the ESO program. The purpose of the ESO Criteria is to ensure that ESOs are issued under the appropriate circumstances. Sites that meet all of the following criteria may be eligible for an ESO: (1) sites where the penalty calculated via the ESO *Deficiencies Form* is no more than $15,000; (2) sites where there is no evidence of significant environmental impact (*e.g.*, turbidity observed in receiving water); (3) sites where the operator is not a repeat violator[4]; and (4) sites where there is no evidence of non-allowable, non-storm water discharges (*e.g.*, industrial process wastewater discharge, such as discharge from a concrete batch plant operation). While there are no site size restrictions on the use of the ESO, generally the bigger the site the greater the potential for significant environmental harm. Therefore, Regions should carefully consider site size prior to using the ESO.

Terminology

Expedited Settlement Deficiencies Form. The *Deficiencies Form* is provided to the regions to calculate a proposed or recommended penalty for the site based on the inspector's findings. The values assigned to each permit requirement in the *Deficiencies Form* reflect the costs the operator would have incurred had the operator obtained and complied with a permit, and a gravity component. Penalties should be based on all deficiencies found at a site, including (1) statutory violations, (2) violations of an NPDES permit, and (3) in the case of facilities without an NPDES permit, deficiencies that would have constituted a violation at a properly permitted facility. In short, the region should consider all deficiencies at a site, whether or not the operator obtained a permit, when calculating a penalty. The *Deficiencies Form* will be incorporated by reference into the *Expedited Settlement Agreement.*

Preliminary Inspection Observations. The *Preliminary Inspection Observations* is an optional form that regions may choose to leave with a site operator at the time of inspection. It provides a simple checklist inspectors may use to highlight their initial observations about potential problems at a site. It is not a formal settlement offer and imposes no obligations on site operators who receive it. However, providing site-specific deficiency information at the time of inspection will afford operators an opportunity to achieve prompt compliance if they so choose.

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[3]If regions believe the joint issuance of an ACO/ESO is necessary to ensure compliance, they must consult with the Water Enforcement Division (WED) on a case-by-case basis prior to issuance.

[4]A repeat violator is any operator who, in the past five years, has been issued a formal enforcement action, or an administrative penalty order (APO), by either EPA or a state for violation of either the multi-sector general permit (MSGP), the construction general permit (CGP), or an individual storm water permit issued by EPA or a state: 1) at the facility where the instant violation occurred; or 2) at two or more facilities, under the ownership, operation, or control of the operator.

Expedited Settlement Agreement. This agreement is a "Consent Agreement and Final Order" pursuant to 40 C.F.R. § 22.

Procedure

This section describes the steps the regions should follow in developing an individual ESO, and finalizing an *Expedited Settlement Agreement*:

1. The inspector targets a site after consulting appropriate storm water targeting guidance and conducts a storm water inspection.

2. The inspector consults the ESO Criteria (and other storm water guidance, including that referenced above) to determine whether the site is eligible for the ESO.

3. If the inspector determines that the site is eligible for the ESO, the inspector completes the *Deficiencies Form* (Attachment 2) and calculates a proposed penalty.

4. Regions should not leave a *Deficiencies Form* at a site after an inspection. Instead, regions can choose to have the inspector leave a *Preliminary Inspection Observations* (Attachment 5) form at the time of the inspection. It is important to note, however, that the *Preliminary Inspection Observations* form is only an informational tool and, if the inspector does leave a copy on site, the Region retains the ability to make a determination as to what type of enforcement action to take, if any, for alleged violations observed during the inspection. Inspectors should receive regional training in the use of this tool so that the inspector can explain the expedited settlement approach to the inspected entity, and, in particular, be able to clearly indicate that the *Preliminary Inspection Observations* form does not reflect EPA decisions regarding violations discovered during inspection and imposes no obligations on the facility/site operator.

5. Regional management reviews the *Deficiencies Form* and finalizes the appropriate penalty. Once the penalty is finalized, an *Expedited Settlement Agreement* (Attachment 4), along with *Expedited Settlement Agreement Instructions* sheet (Attachment 3) and the *Deficiencies Form* (Attachment 2) are mailed to each operator at the site within 21 business days of the inspection.

6. The site representative is given 30 days to return a signed *Expedited Settlement Agreement* and penalty payment to the Region in the manner outlined in the *Expedited Settlement Agreement Instructions*.[5] If the signed *Expedited Settlement Agreement* is not received within 30 days, it is automatically withdrawn without prejudice to EPA's ability to institute an enforcement action for noncompliance as identified in the *Deficiencies Form*. Regions have the discretion to extend the offer, for cause, but generally should

[5]Requesting the penalty payment prior to public notice guards against having to file collection actions in the future; however, some regions may choose not to require payment prior to public notice. If this is the case, a region may request that the respondent submit payment within ten days of receiving notice from EPA that the Agreement is effective.

not grant an extension beyond 60 to 90 days after the violator's receipt of the ESO. If the offer is withdrawn, the region should be prepared to escalate its enforcement response by commencing a traditional administrative enforcement proceeding under 40 C.F.R. Part 22.

7. Before issuing an *Expedited Settlement Agreement*, the region must provide public notice and a reasonable opportunity to comment on the proposed issuance of the ESO. See CWA section 309(g)(4)(A). EPA's regulations require that the agency must provide, in the case of settlement by consent agreement and final order, notice no less than 40 days before issuance of an order assessing a penalty. 40 C.F.R. § 22.45(b). We recommend a thirty-day comment period. Regions should consider any public comments received in that period regarding the *Expedited Settlement Agreement*. If, after reviewing the public comments, a region determines that the *Expedited Settlement Agreement* is appropriate (*e.g.* in the public interest), the region should proceed with issuance. The appropriate delegatee in the region must sign as complainant. 40 C.F.R. § 22.18(b)(2). No sooner than ten days after the close of the recommended comment period, 40 C.F.R. § 22.18(a), an appropriate official at the region (*e.g.*, a Regional Judicial Officer) may sign and ratify the consent agreement. 40 C.F.R. § 22.18(b)(3). No settlement is final without a final order from the Regional Administrator or Regional Judicial Officer ratifying the *Expedited Settlement Agreement*.

8. Regions should file the original signed *Expedited Settlement Agreement* with the Regional Hearing Clerk, mail a copy back to the respondent, and mail a copy to any commenters informing them of their right to file, within 30 days of receipt of their copy of the *Expedited Settlement Agreement*, either a request with the Regional Administrator for a hearing on the penalty pursuant to CWA Section 309(g)(4)(c), or a petition for judicial review to set aside the *Expedited Settlement Agreement* pursuant to CWA Section 309(g)(8) and Part 22. The *Expedited Settlement Agreement* is effective 30 days after signature by the Appropriate Official, unless a request for a hearing on the penalty or a petition to set aside the *Expedited Settlement Agreement* is filed by a commenter. See CWA Section 309(g)(5).

9. Regions should consult the most current Office of Compliance (OC) "Call Memo" for reporting requirements. Pursuant to the discussion above, ESOs should not have accompanying AOs and therefore the only action reported in ICIS should be the ESO. Regions should report the environmental benefits of ESOs in ICIS. Environmental benefits can be calculated by estimating the sediment reduction at construction sites where deficiencies have been corrected pursuant to an ESO. The Storm Water Pollutant Reduction Calculator, which can be obtained from OC's Enforcement Targeting and Data Division or found online at: http://intranet.epa.gov/oeca/oc/etdd/fy05eoy/wetweathercalculationtools.html, should be used to estimate sediment reduction.

EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION [Region]

INSTRUCTIONS

The United States Environmental Protection Agency (EPA) has authority under Section 309 of the Clean Water Act to pursue civil penalties for violations of the storm water regulations. EPA encourages the expedited settlement of certain violations of storm water requirements, such as the violations cited in the Expedited Settlement Agreement (**"Agreement"**) for which these instructions are provided.

You may resolve this matter quickly by: (1) correcting all deficiencies identified by EPA in the *Deficiencies Form*; (2) detailing your corrective actions in a written report; (3) signing the original Agreement; and (4) submitting your penalty payment by check with case name and docket number noted.

[Within THIRTY (30) DAYS from your receipt of the Agreement, you must send the original, signed Agreement, the report detailing your corrective actions, and a photocopy of your penalty check, via certified mail, to:

INSERT - REGION ADDRESS

***

You must also send a photocopy of the Agreement and your original penalty check with the case name and docket number noted, via certified mail, to:

INSERT- REGION'S PITTSBURGH P.O. BOX ADDRESS]

OR

[Within THIRTY (30) DAYS from your receipt of the Agreement, you must send the original, signed Agreement, which includes a certification that you will submit your penalty payment within TEN (10) days from the date you receive notice from EPA that the Agreement is effective, and the report detailing your corrective actions via certified mail, to:

INSERT- REGION ADDRESS

***

Within TEN (10) days from the date you receive notice from EPA that the Agreement is effective, you must send your original check with the case name and docket number noted and a copy of the Agreement, via certified mail, to:

INSERT- REGION'S PITTSBURGH P.O. BOX. ADDRESS]

Please retain copies of the signed agreement, the report detailing your corrective actions and the penalty checks for your own records.

You may contact the person listed below and request an extension. EPA will consider whether to grant an extension on a case-by-case basis. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations) you must provide such information to EPA as soon as possible but no later than THIRTY

(30) days from your receipt of the Agreement.

If you choose to sign and return the Agreement, you waive your opportunity for a hearing and to appeal pursuant to Section 309 of the Clean Water Act. If you choose not to sign and return the Agreement, or contact EPA, within THIRTY (30) days, the Agreement will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations alleged herein or any other violations. EPA may choose to pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to a maximum penalty of $32,500 per day per violation. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations.

[Insert Region-specific public notice procedure(s)].

[Insert Region-specific contact instructions].

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
[Region, Address]
EXPEDITED SETTLEMENT AGREEMENT
Docket Number: CWA-_____-_____, NPDES No._____

[XXX] ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent **[had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311,]** or **[failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.]**

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of $_____. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

[Respondent certifies that it has submitted a bank, cashiers, or certified check, with case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to: INSERT- REGION'S PITTSBURGH P.O. Box No.]
or
[Respondent certifies that, within ten (10) days of receiving notice from EPA that the Agreement is effective (thirty (30) days from the date it is signed by the [Appropriate Official]), Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to: INSERT - REGION'S PITTSBURGH P.O. BOX.]

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective **[thirty (30) days from the date it is signed by the Presiding Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22]** or **[upon filing with the Regional Hearing Clerk.]**

APPROVED BY EPA:
_____ Date:_____
[Complainant]
[Title]

APPROVED BY RESPONDENT:
Name (print): _____
Title (print): _____
Signature: _____ Date: _____

[More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.]

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

_____ Date_____
[Appropriate Official]
[Title]

Expedited Settlement Offer Worksheet
Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use

version 10.3.4

		LEGAL NAME AND MAILING ADDRESS OF OPERATOR	Telephone Number	NPDES Permit Number
1				
			Inspector Name:	
			Inspector Agency:	Other
			Entrance Interview Conducted:	
			Exit Interview Conducted:	
		LOCATION AND ADDRESS OF SITE	Exit Interview given to:	
2			Exit Interview time:	Date:

		FACILITY DESCRIPTION / CONTACT NAMES		
		Name of Site Contact (ESO Worksheet recipient):		
		Name of Authorized Official (40 CFR 122.22):		
		Inspection Date:		
		Start Construction Date:		
		Estimated Completion Construction Date:		
		If Unpermitted, Number of Months Unpermitted:		
		Name of Receiving Water Body (Indicate whether 303(d) listed):		
		Acres Currently Disturbed | Acres to be Disturbed in Whole Common Plan:		
		Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?		

		PERMIT COVERAGE	Findings	Citation Reference**	RCA*	No. of Deficien-cies		Dollar Amount		Total
3		Operator unpermitted for _____months (# months unpermitted equals number of violations)		CWA 301			X	$500.00	=	
		SWPPP REVIEW								
4		SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)		CGP 3.1.A				$5,000.00	=	
5		SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 3.1.A			X	$75.00	=	
6		SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...		CGP 3.1.B				$250.00	=	
7		SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		CGP 3.3.A				$500.00	=	
8		SWPPP does not have site description, as follows:								
	A	Nature of activity in description		CGP 3.3.B.1				$100.00	=	
	B	Intended sequence of major activities		CGP 3.3.B.2				$100.00	=	
	C	Total disturbed acreage		CGP 3.3.B.3				$100.00	=	
	D	General location map		CGP 3.3.B.4				$100.00	=	
	E	Site map		CGP 3.3.C				$500.00	=	
	F	Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage ageas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		CGP 3.3.C.1-8			X	$50.00	=	
	G	Location/description industrial activities, like concrete or asphalt batch plants		CGP 3.3.D				$500.00	=	
9		SWPPP does not:								
	A	Describe all pollution control measures (e.g. BMPs)		CGP 3.4.A				$750.00	=	

	B	Describe sequence for implementation		CGP 3.4.A				$250.00	=	
	C	Detail operator(s) responsible for implementation		CGP 3.4.A				$250.00	=	
10		SWPPP does not describe interim stabilization practices		CGP 3.4.B				$250.00	=	
11		SWPPP does not describe permanent stabilization practices		CGP 3.4.B				$250.00	=	
12		SWPPP does not describe a schedule to implement stabilization practices		CGP 3.4.B				$250.00	=	
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		CGP 3.4.C.1-3			X	$250.00	=	
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		CGP 3.4.D				$500.00	=	
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed		CGP 3.4.E				$500.00	=	
16		SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit		CGP 3.4.F				$500.00	=	
17		SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust		CGP 3.4.G				$500.00	=	
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials		CGP 3.4.H				$250.00	=	
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		CGP 3.4.I				$500.00	=	
20		SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP		CGP 3.5				$500.00	=	
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		CGP 3.5				$500.00	=	
22		Endangered Species Act documentation is not in SWPPP		CGP 3.7				$500.00	=	
23		Historic Properties (Reserved)								
24		Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)		CGP 3.8			X	$250.00	=	
25		SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)		CGP 3.9				$750.00	=	
26		SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		CGP 3.9				$250.00	=	
27		Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		CGP 3.10.G				$500.00	=	
28		SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)		CGP 3.11.C			X	$50.00	=	
29		Copy of SWPPP not retained on site		CGP 3.12.A				$500.00	=	
		A SWPPP not made available upon request		CGP 3.12.C				$500.00	=	
30		SWPPP not signed/certified		CGP 3.12.D				$500.00	=	

		INSPECTIONS								
31		Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).		CGP 3.10.A, 3.10.B			X	$250.00	=	
		No inspections conducted and documented (if True, then leave elements 32-39 blank)						True or False		
		Number of Inspections expected if performed every 7 days:	0							
		Number of Inspections expected if performed bi-weekly:	0							
		If known, number of days of rainfall of >0.5"								
32		Inspections not conducted by qualified personnel		CGP 3.10.D				$50.00	=	
33		All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		CGP 3.10.E.				$50.00	=	
34		All pollution control measures not inspected to ensure proper operation		CGP 3.10.E.				$50.00	=	
35		Discharge locations are not observed and inspected		CGP 3.10.E.				$50.00	=	
36		For discharge locations that are not accessible, nearby locations are not inspected		CGP 3.10.E.				$50.00	=	
37		Entrance/exit not inspected for off-site tracking		CGP 3.10.E.				$50.00	=	
38		Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)		CGP 3.10.G			X	$50.00	=	
39		Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)		CGP 3.10.G			X	$50.00	=	
						Subtotal Inspections Deficiencies				$0
		AVAILABILITY OF RECORDS								
40		Sign/notice not posted		CGP 3.12.B				$250.00	=	
	A	Does not contain copy of complete NOI		CGP 3.12.B				$50.00	=	
	B	Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign		CGP 3.12.B				$50.00	=	
						Subtotal Records Deficiencies				$0
		BEST MANAGEMENT PRACTICES								
41		No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		CGP 3.13.F				$500.00	=	
42		Control measures are not properly:								
	A	Selected, installed and maintained		CGP 3.13.A				$500.00	=	
	B	Maintenance not performed prior to next anticipated storm event		CGP 3.6.B				$250.00	=	
		(count each failure to select, install, maintain each BMP as one violation								
43		When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CGP 3.13.B				$500.00	=	
44		Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)		CGP 3.13.C				$500.00	=	

45		Stabilization measures are not initiated as soon as practible on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation		CGP 3.13.D				$500.00	=	
		*Exceptions:								
		(a) Snow or frozen ground conditions								
		(b) Activities will be resumed within 14 days								
		(c) Arid or Semi-arid areas (<20 inches per								
46		Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained		CGP 3.13.E.1				$1,000.00	=	
	A	Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope		CGP 3.13.E.2				$1,000.00	=	
	B	Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		CGP 3.6.C				$500.00	=	
47		Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sediment basin meeting criteria in 46 above)		CGP 3.13.E.3				$500.00	=	
	A	Sediment not removed from sediment trap when design capacity reduced by 50% or more		CGP 3.6.C			X	$500.00	=	
								Subtotal BMP Deficiencies		$0

		SMALL BUSINESS EVALUATION								
48		Is the Owner/Operator a Small Business?								
		A *small business* is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer indiviudals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.								
								Total Expedited Settlement:		**$0**

* **R**equires **C**orrective **A**ction

** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, http://cfpub.epa.gov/npdes/stormwater/cgp.cfm

Cost of Compliance for Construction based on Acres

Assumption: Start, Inspection and Est. Completion Dates in E25-27 are correct.

0	No. of Acres Disturbed for Common Plan of Development or Sale
	- Change # of Acres to a particular Operators acreage to determine their Cost of Compliai
70%	Implementation Efficiency (100% = doing everything, 0% = did nothing)
50%	Paperwork completeness (SWPPP & NOI) (100% = all done right)

Based on 63 FR 7896 & 1.7% annual inflation since 1997

For Acres: $6382 annual costs for 5 acre site, $882 in fixed NOI/SWPPP costs

For Case Conclusion Data Sheet: 0.00

$0 Cost of Physical Actions

$86 Cost of Non-Physical Actions (SWPPI

$86 Total Cost of Compliance Saved

Numbers to use for the EPA BEN model:

Capital Investment	$0	01/00/1900
One-Time, Nondepreciable Expenditure:	$172	01/00/1900
Annually Recurring:	$0	01/00/1900
Noncompliance Date:	01/00/1900	
Compliance:	01/30/1900	(Inspection Date + 30 days)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
[Region, Address]
Preliminary Inspection Observations

This form is provided for informational purposes only and does not reflect EPA decisions regarding violations discovered during inspection. EPA retains the ability to pursue an enforcement action for alleged violations it observes. Operators are not obligated to respond to this form.

	PERMIT COVERAGE	
3		Operator unpermitted for _____months (# months unpermitted equals number of violations)
	SWPPP REVIEW	
4		SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)
5		SWPPP prepared but prepared after construction start (# of months = # of violations)
6		SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc…
7		SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control
8		SWPPP does not have site description, as follows:
	A	Nature of activity in description
	B	Intended sequence of major activities
	C	Total disturbed acreage
	D	General location map
	E	Site map
	F	Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage ageas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)
	G	Location/description industrial activities, like concrete or asphalt batch plants
9		SWPPP does not:
	A	Describe all pollution control measures (e.g. BMPs)
	B	Describe sequence for implementation
	C	Detail operator(s) responsible for implementation
10		SWPPP does not describe interim stabilization practices

11		SWPPP does not describe permanent stabilization practices
12		SWPPP does not describe a schedule to implement stabilization practices
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed
16		SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit
17		SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials
20		SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges
22		Endangered Species Act documentation is not in SWPPP
23		Historic Properties (Reserved)
24		Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)
25		SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)
26		SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans
27		Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates
28		SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)
29		Copy of SWPPP not retained on site
		A SWPPP not made available upon request
30		SWPPP not signed/certified

	INSPECTIONS	
31		Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).
		No inspections conducted and documented (if True, then leave elements 32-39 blank)
		Number of Inspections expected if performed every 7 days:
		Number of Inspections expected if performed bi-weekly:
		If known, number of days of rainfall of >0.5"
32		Inspections not conducted by qualified personnel
33		All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected
34		All pollution control measures not inspected to ensure proper operation
35		Discharge locations are not observed and inspected
36		For discharge locations that are not accessible, nearby locations are not inspected
37		Entrance/exit not inspected for off-site tracking
38		Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)
39		Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)
	AVAILABILITY OF RECORDS	
40		Sign/notice not posted
	A	Does not contain copy of complete NOI
	B	Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign
	BEST MANAGEMENT PRACTICES	
41		No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water
42		Control measures are not properly:

	A	Selected, installed and maintained
	B	Maintenance not performed prior to next anticipated storm event
		(count each failure to select, install, maintain each BMP as one violation
43		When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts
44		Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)
45		Stabilization measures are not initiated as soon as practible on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation
		*Exceptions:
		(a) Snow or frozen ground conditions
		(b) Activities will be resumed within 14 days
		(c) Arid or Semi-arid areas (<20 inches per year)
46		Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained
	A	Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries
	B	Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more
47		Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)
	A	Sediment not removed from sediment trap when design capacity reduced by 50% or more
	SMALL BUSINESS EVALUATION	
48		Is the Owner/Operator a Small Business?
		A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer indiviudals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.

SWPPP Information Sheet

~~SWPPP INFORMATION SHEET~~

STORM WATER POLLUTION PREVENTION PLAN INFORMATION

NOI INPUTS

NMDOT PROJECTS REQUIRE ELECTRONIC NOI SUBMISSION- PAPER SUBMISSION REQUIRES PRIOR APPROVAL.	
PERMIT NUMBER: NMR120000 STATE OF NEW MEXICO, EXCEPT INDIAN COUNTRY NMR120001 INDIAN COUNTRY WITHIN THE STATE OF NEW MEXICO, EXCEPT NAVAJO RESERVATION LANDS THAT ARE COVERED UNDER ARIZONA PERMIT AZ100001 AND UTE MOUNTAIN RESERVATION LANDS THAT ARE COVERED UNDER COLORADO PERMIT COR100001.	
OPERATOR INFORMATION: SEE DISTRICT ADDRESSES, THIS SHEET	
IRS EMPLOYER IDENTIFICATION NUMBER (EIN): NMDOT: __-_____	
POINT OF CONTACT: DISTRICT PROJECT MANAGER	
NOI PREPARED BY: DISTRICT PROJECT MANAGER	
PROJECT / SITE NAME: NMDOT CONTROL NUMBER (CN)	
PROJECT / SITE ADDRESS: ROAD NAME & BOP MP TO EOP MP	
LATITUDE	XXXXX
LONGITUDE	XXXXX
FEDERAL OPERATOR = "ANY DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE FEDERAL GOVERNMENT OF THE UNITED STATES"	
ESTIMATED PROJECT START DATE	XXXXX
ESTIMATED PROJECT COMPLETION DATE	XXXXX
ESTIMATED AREA TO BE DISTURBED (NEAREST 1/4 ACRE) | XXXXX	
COMMENCED EARTH-DISTURBING ACTIVITIES?	YES/NO
PREVIOUS NPDES PERMIT? IF YES, PERMIT NO:	XXXXX
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): SEE THIS SHEET FOR MS4 LOCATIONS.	
SURFACE WATERS WITHIN 50 FT? YES/NO	YES/NO
RECEIVING WATER	XXXXX
IMPAIRED WATERS: SEE MAP FOR 303D LISTING & TMDL LISTINGS ON THIS SWPPP INFORMATION SHEET. CHECK SPECIFIC TMDL LIST HERE: ftp://ftp.nmenv.state.nm.us/www/swqb/WQMP-CPP/WQMP-CPPAppendixB-May2011.pdf	
IMPAIRED WATERS METHOD: ONLINE CONSULTATION OF NEW MEXICO ENVIRONMENT DEPARTMENT LISTING OF STATEWIDE 303D AND TMDL IMPAIRMENTS.	
TIER 2, TIER 2.5, TIER 3 WATERS - CONSULT 2012 CGP APPENDIX "F"	
CHEMICAL TREATMENT INFORMATION - TYPICAL NMDOT PROJECT WILL NOT UTILIZE THESE CHEMICALS.	
SWPPP CONTACT INFORMATION - DISTRICT PROJECT MANAGER	
ENDANGERED SPECIES CRITERIA (A, B, C, D, E, or F): CRITERION E - ATTACH LETTER OF CORRESPONDENCE WITH US FISH & WILDLIFE.	
HISTORIC PRESERVATION - ALL CONTROLS (TESCP SHEETS) REQUIRE SUBSURFACE DISTURBANCE. ARCHEOLOGICAL SURVEY FOR PROJECT WILL INDICATE EXISTANCE OF HISTORIC PROPERTIES. IF HISTORIC PROPERTIES EXIST, TESCP SHEETS CAN SHOW NO EFFECT ON HISTORIC PROPERTIES.	
CERTIFICATION: NOI MUST BE CERTIFIED BY "A PRINCIPAL EXECUTIVE OFFICER OR RANKING ELECTED OFFICIAL".	

SWPPP INPUTS

DRAINAGE PATTERNS	XXXXX
APPROXIMATE SLOPES AFTER MAJOR GRADING	XXXXX
RAINFALL 2-YEAR, 24-HOUR, inch	XXXXX
2-YEAR, 1-HOUR, inch	XXXXX
INTENSITY, FOR Tc = 10 minutes	XXXXX
HYDROLOGICAL SOIL GROUP	XXXXX
CURVE NUMBER (CN), UNDISTURBED AREA	XXXXX
CURVE NUMBER (CN), DISTURBED AREA	XXXXX
RUNOFF COEFFICIENT, PRIOR TO CONSTRUCTION	XXXXX
RUNOFF COEFFICIENT, DURING CONSTRUCTION	XXXXX
RUNOFF COEFFICIENT, AFTER CONSTRUCTION	XXXXX

GENERAL NOTES:

1. THE 2002 EDITION OF NMDOT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) HANDBOOK AND SECTION 603 - TEMPORARY EROSION AND SEDIMENT CONTROL OF THE 2007 NEW MEXICO DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION - SHALL BE USED AS MINIMUM REQUIREMENTS TO DEVELOP OR MODIFY THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP).
2. THE NPDES PERMIT NUMBER FOR THE PROJECT OR A COPY OF THE NOTICE OF INTENT (NOI), IF A PERMIT NUMBER HAS NOT YET BEEN ASSIGNED, SHALL BE POSTED AT THE PROJECT SITE OR THE FIELD OFFICE AT ALL TIMES DURING CONSTRUCTION.
3. THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND ALL MAINTENANCE AND INSPECTION REPORTS SHALL BE SIGNED BY A QUALIFIED INSPECTOR ASSIGNED BY CONTRACTOR. THE SWPPP AND THE INSPECTION REPORTS SHALL BE AVAILABLE TO EPA REPRESENTATIVE AT ALL TIMES DURING CONSTRUCTION.
4. ALL DRAINAGE INFORMATION NEEDED TO COMPLETE THE NOTICE OF INTENT (NOI) ARE PROVIDED IN THIS PLAN.
5. BMPS SHOWN ON TESCP ARE DETERMINED USING THE EQUATIONS SHOWN ON THIS SHEET AND OTHER HYDROLOGIC MODELS AS SPECIFIED IN THE DEPARTMENTS DRAINAGE MANUALS LATEST EDITION. BMPS CONTROL SEDIMENT SO THAT NO ADDITIONAL SEDIMENT RESULTING FROM CONSTRUCTION ACTIVITIES DISCHARGE TO WATERWAYS.
6. THE CONTRACTOR SHALL SPECIFICALLY DEFINE ALL REQUIRED CONTROL MEASURES FOR EACH CONSTRUCTION PHASE, AND SHALL COMPLY WITH THE PROVISIONS OF THE NPDES MANUAL AND THE 2012 CONSTRUCTION GENERAL PERMIT.
7. THE TESCP SHEETS INCLUDED IN THE FOLLOWING PAGES OF THESE PLANS PROVIDE A BASIS FOR ESTIMATING QUANTITIES.

LIST OF APPROVED TMDLs IN NEW MEXICO

Caliente Canyon (Vermejo River to headwaters)
Cieneguilla Creek (Eagle Nest Lake to headwaters)
Cimarron River (Canadian River to Cimarron Village)
Cimarron River (Cimarron Village to Turkey Creek)
Cimarron River (Turkey Creek to Eagle Nest Lake)
Coyote Creek (Mora River to Black Lake)
Little Coyote Creek (Black lake to headwaters)
Middle Ponil Creek (South Ponil Creek to headwaters)
Mora River (USGS gage east of Shoemaker to Hwy 434)
Mora River (Hwy 434 to headwaters)
Moreno Creek (Eagle Nest Lake to headwaters)
North Ponil Creek (South Ponil Creek to McCrystal Creek)
Ponil Creek (Cimarron River to confluence of North and South Ponil)
Ponil Creek (Cimarron River to US 64)
Ponil Creek (Us 64 to confl of North and South Ponil)
Rayado Creek (Miami Lake Diversion to headwaters)
Rayado Creek (Cimarron River to Miami Lake Diversion)
Sapello River (Mora River to Manuelitas Creek)
Sixmile Creek (Eagle Nest Lake to headwaters)
South Ponil Creek (Ponil Creek to Middle Ponil)
Ute Creek (Cimarron River to headwaters)
Vermejo River (Rail Canyon to York Canyon)
Vermejo River (York Canyon to headwaters)
York Canyon (Vermejo Park to headwaters)
Dry Cimarron River (perennial reaches OK bnd to Long Canyon)
Dry Cimarron River (Long Canyon to Oak Creek)
Long Canyon (perennial reaches above Dry Cimarron)
Oak Creek (Dry Cimarron to headwaters)
Black Canyon Creek (East Fork Gila River to headwaters)
Canyon Creek (Middle Fork Gila River to headwaters)
Centerfire Creek (San Francisco R to headwaters)
Gila River (East Fork)
Mangas Creek (Gila River to Mangas Springs)
Mogollon Creek (Perennial reaches abv USGS gage)
Negrito Creek (South Fork)
San Francisco River (Centerfire Creek to AZ border)
Sapillo Creek (Gila River to Lake Roberts)
Taylor Creek (Beaver Creek to Wall Lake)
Tularosa River (San Francisco R to Apache Creek)
Whitewater Creek (San Francisco River to White-water Campgrd)
Rio Grande (International Mexico boundary to Leasburg Dam)
Rio Grande (Leasburg Dam to Percha Dam)
Abiquiu Creek (Rio Chama to headwaters)
Cañones Creek (Abiquiu Reservoir to headwaters)
Chavez Creek (Rio Brazos to headwaters)
Poleo Creek (Rio Puerco de Chama to headwaters)
Polvadera Creek (Canones Creek to headwaters)
Rio Brazos (Rio Chama to Chavez Creek)
Rio Chama (Rio Brazos to Little Willow Creek)
Rio Chamita (Rio Chama to CO border)
Rio Chamita (Rio Chama to CO border)
Rio Nutrias (Rio Chama to headwaters)
Rio Vallecitos (Rio Tusas to headwaters)
Rito de Tierra Amarilla (Rio Chama to HWY 64)
Santa Fe River (Cochiti Pueblo bnd to Santa Fe WWTP)
Clear Creek (Rio de las Vacas to San Gregio Lake)
Jemez River (East Fork)
East Fork Jemez (East Fork Jemez to to headwaters)
East Fork Jemez River (San Antonio Creek to VCNP boundary)
Jemez River (HWY 4 near Jemez Springs to East Fork)
Jemez River (Rio Guadalupe to HWY 4 nr Jemez Springs)
Jemez River (Zia Pueblo bnd to Jemez Pueblo bnd)
Jemez River (Jemez Pueblo bnd to Rio Guadalupe)
Jemez River (Rio Guadalupe to Soda Dam nr Jemez Springs)
Jemez River (Soda Dam nr Jemez Springs to East Fork)
Redondo Creek (Sulphur Creek to headwaters)
Jaramillo Creek (VCNP boundary to headwaters)
Rio Cebolla (Fenton Lake to headwaters)
Rio Cebolla (Rio de las Vacas to Fenton Lake)
Rio de las Vacas (Rio Cebolla to Clear Creek)
Rio de las Vacas (Rio Cebolla to Rito de las Palomas)
Rio Guadalupe (Jemez River to confl with Rio Cebolla)
Rito de las Palomas (Rio de las Vacas to headwaters)
Rito Penas Negras (Rio de las Vacas to headwaters)
San Antonio Creek (East Fork Jemez River to headwaters)
San Antonio Creek (East Fork Jemez to VCNP bnd)
Sulphur Creek (Redondo Creek to headwaters)
Bluewater Creek (Bluewater Reservoir to headwaters)
Bluewater Creek (non-tribal Rio San Jose to Bluewtaer Rsrv)
La Jara Creek (perennial reaches above Arroyo San Jose)
Rio Grande (non-Pueblo Alameda to Angostura Diversion)
Rio Grande (Alameda Bridge to Santa Ana Pueblo bnd)
Rio Grande (Isleta Pueblo boundary to Alameda Bridge)
Rio Grande (Rio Puerco to Isleta Pueblo boundary)
Rio Grande (San Marcial at USGS gage to Rio Puerco)
Rio Moquino (Laguna Pueblo to Seboyetita Creek)
Rio Puerco (Arroyo Chijuilla to Northern Boundary Cuba)
Bitter Creek (Red River to headwaters)
Comanche Creek (Costilla Creek to Little Costilla Creek)
Cordova Creek (Costilla Creek to headwaters)
Costilla Creek (diversion above Costilla to Comanche Creek)
Embudo Creek (Rio Grande to Cañada de Ojo Sarco)
Little Tesuque (Rio Tesuque to headwaters)
Placer Creek (Red River to headwaters)
Red River (Rio Grande to Placer Creek)
Rio de los Pinos (Colorado border to headwaters)
Rio Fernando de Taos (Rio Pueblo de Taos to headwaters)
Rio Grande (non-pueblo Santa Clara to Embudo Creek)
Rio Grande (Red River to NM-CO borcer)
Rio Grande del Rancho (Rio Pueblo de Taos to Hwy 518)
Rio Hondo (Rio Grande to USFS boundary)
Rio Hondo (South Fork of Rio Hondo to Lake Fork Creek)
Rio Pueblo de Taos (Arroyo del Alamo to Rio Grande del Rancho)
Rio Pueblo de Taos (Rio Grande del Rancho to Taos Pueblo bounadry)
Rio Pueblo de Taos (Rio Grande to Arroyo del Alamo)
Rio San Antonio (Montoya Canyon to headwaters)
Rio Santa Barbera (Picuris Pueblo boundary to USFS bounadry)
Bull Creek (Cow Creek to headwaters)
Cow Creek (Bull Creek to headwaters)
Cow Creek (Pecos River to Bull Creek)
Gallinas River (Las Vegas diversion to headwaters)
Pecos River (Alamitos Canyon to Willow Creek)
Pecos River (Cañon de Manzanita to Alamitos Canyon)
Carrizo Creek (Rio Ruidoso to Mescalero Apache boundary)
Rio Bonito (Angus Canyon to headwaters)
Rio Hondo (Perennial Reaches Pecos to headwaters)
Rio Ruidoso (Rio Bonito to US Highway 70)
Rio Ruidoso (US Highway 70 Mescalero Apache boundary)
Animas River (San Juan River to Estes Arroyo)
Gallegos Canyon (San Juan to Navajo Boundary)
La Plata River (McDermott Arroyo to Colorado Border)
La Plata River (San Juan River to McDermott Arroyo)
San Juan River (Navajo Boundary at Hogback to Animas River)
San Juan River (Animas River to Cañon Largo)

RUNOFF DISCHARGE & VOLUME CALCULATION:

THE FOLLOWING PROCEDURES SHOULD BE USED TO CALCULATE THE RUNOFF DISHARGE AND VOLUME TO DESIGN THE EROSION CONTROL MEASURES:

DISCHARGE: $Q = CIA$
WHERE:
Q = DISCHARGE, cfs
C = RUNOFF COEFFICIENT
I = RAINFALL INTENSITY, in/hr
A = AREA OF THE SITE, acres

VOLUME: $V = QT_C$
WHERE: V = VOLUME, ft^3
$T_C = (1/60)\ 0.0078\ L^{0.77}\ S^{-0.385}$ minutes
Assume T_C = 10 min. for basins within the project limits
L = LENGTH OF WATERSHED, ft
S = SLOPE, ft / ft

IMPAIRED STREAMS IN NEW MEXICO

THE MAP BELOW SHOWS IMPAIRED WATERS LOCATIONS AS OF MARCH 2012.
IF YOUR PROJECT IS ADJACENT OR NEAR TO AN IMPAIRED WATER, CONSULT THE NEW MEXICO ENVIRONMENT DEPARTMENT WEBSITE TO UTILIZE THEIR GIS MAPPING TOOL TO IDENTIFY THE IMPAIRMENT. EACH IMPAIRED STREAM LOCATION WILL IDENTIFY THE IMPAIRMENT WHEN THE "ID" TOOL IS USED BY CLICKING WITH THE MOUSE IS USED BY CLICKING WITH THE MOUSE ON A PARTICULAR IMPAIRED STREAM.

http://gis.nmenv.state.nm.us/EGIS/

DISTRICT ADDRESSES

DISTRICT 1
2912 E. Pine St.
Deming, NM 88030
Telephone: 575-544-6530
Toll Free: 800-444-0745
Fax: 575-546-0272

DISTRICT 2
4505 W. Second
P.O. Box 1457
Roswell, NM 88202-1457
Telephone: 575-637-7200
Toll Free: 800-432-7845

DISTRICT 3
P.O. Box 91750
Albuquerque, NM 87199
Telephone: 505-841-2700
Toll Free: 866-466-8178
Fax: 505-841-2790

DISTRICT 4
Box 10
Las Vegas, NM 87701-0010
Telephone: 505-454-3825
Toll Free: 800-234-7520

DISTRICT 5
Box 4127, Coronado
Santa Fe, NM 87502-4127
Telephone: 505-476-4200
Toll Free: 800-368-6630

DISTRICT 6
P.O. Box 2160
Milan, NM 87021
Telephone: 505-285-3206
Toll Free: 800-361-3596

REGULATED SMALL MS4s IN NEW MEXICO

Albuquerque
Bernalillo
Camuel
Corrales
Isleta Village Proper
Los Ranchos de Albuquerque
Rio Rancho
Santa Ana Pueblo
Bernalillo County
Sandoval County
Doña Ana
Las Cruces
Mesilla
University Park
Doña Ana County
Aztec
Farmington
Flora Vista
Kirtland
San Juan County
Agua Fria
La Cienega
Santa Fe
Tesuque
Santa Fe County
Anthony, TX
Santa Teresa
Sunland Park

NO.	DESCRIPTION	DATE	BY
6			
5			
4			
3			
2			
1			

REVISIONS (OR CHANGE NOTICES)

NEW MEXICO DEPARTMENT OF TRANSPORTATION

STORM WATER POLLUTION PREVENTION PLAN (SWPPP) INFORMATION

SHEET NO. 1 OF 2

Jul 29, 2013 - 8:56:43pm - User Name
S:\PROJ\1234567 NMDOT-MS4\ENG\PLAT_FILES\SWPPP_INFO-1.DWG

Alternate SWPPP Forms

Sequence of Control Measure Implementation/Construction Activity

Control Measure	Associated Construction Activity	Site Location	Estimated Date		Actual Date	
			Installation	Removal	Installation	Removal

Include all erosion and sediment controls; interim and permanent stabilization practices (establishment of vegetation, vegetative buffer strips, preservation of mature vegetation, protection of trees, etc.); structural practices (silt fences, straw-bale dikes, earth dikes, drainage swales, sediment traps, sediment basins, inlet protection, etc.); litter control; hazardous material containment; post-construction storm water management practices (storm water retention/detention structures, open vegetated swales and depressions, infiltration, etc.); and measures necessary to protect listed endangered or threatened species or critical habitat.

Responsibility for Control Measure Implementation, Maintenance, and Removal

Control Measure	Associated Construction Activity	Site Location	Responsible Contractor		
			Installation	Maintenance	Removal

Include all erosion and sediment controls; interim and permanent stabilization practices (establishment of vegetation, vegetative buffer strips, preservation of mature vegetation, protection of trees, etc.); structural practices (silt fences, straw-bale dikes, earth dikes, drainage swales, sediment traps, sediment basins, inlet protection, etc.); litter control; hazardous material containment; post-construction storm water management practices (storm water retention/detention structures, open vegetated swales and depressions, infiltration, etc.); and measures necessary to protect listed endangered or threatened species or critical habitat.

Control Measure Inspection Log

Date	Inspector	Control Measures Inspected	Observations/Maintenance Needs Identified	Maintenance Log Entry Made* (Yes/No/NA)	Initials

* If maintenance or repairs are needed, fill out Control Measure Maintenance Log to initiate corrective action.

Control Measure Maintenance Log

Control Measure/ Location	Deficiency	Date Identified	Maintenance/Repair Performed	Date Maintenance Completed	Responsible Contractor Signature

NPDES New Mexico Qualification Form

National Pollutant Discharge Elimination System (NPDES)
New Mexico
Qualification Form

I _____ have taken and passed the NPDES training course and/or have experience in the construction and implementation of the Storm Water Pollution Prevention measures as follows:

Date	Project	Reference

Construction Inspector _____ Date _____

Contractor _____ Date _____

Reference: *NMDOT Standard Specifications for Highway and Bridge Construction* , Section 603, Item 603.35, paragraph 3.

Appendix B2

Forms for Industrial Activities

- Notice of Intent (NOI) Form and Instructions
- Annual Reporting Form
- Suggested Table of Contents for an Industrial SWPPP
- No Exposure Certification (NEC) Form and Instructions
- Notice of Termination (NOT) Form and Instructions

Notice of Intent (NOI) Form and Instructions

NPDES FORM 3510 -6

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY UNDER THE NPDES MULTI-SECTOR GENERAL PERMIT

Form Approved.
OMB No. 2040-0086

Submission of this completed Notice of Intent (NOI) constitutes notice that the operator identified in Section B of this form requests authorization to discharge pollutants to waters of the United States from the facility or site identified in Section C under EPA's NPDES Stormwater Multi-Sector General Permit (MSGP) for industrial stormwater. Submission of this NOI constitutes your notice to EPA that the facility identified in Section C of this form meets the eligibility conditions of Part 1.1 of the MSGP. Please read and make sure you comply with all eligibility requirements, including the requirement to prepare a stormwater pollution prevention plan. Refer to the instructions at the end of this form to complete your NOI.

A. Permit Number: | | R | | | | | | (see Appendix C of the MSGP for the list of eligible permit numbers)

Tracking Number (EPA Use Only): | | | | | | | | |

B. Facility Operator Information

1. Name:

2. IRS Employer Identification Number (EIN): | | – | | | | | | |

3. Mailing Address:

a. Street:

b. City: c. State: d. Zip Code: -

e. Phone: - - f. Fax (optional): - - g. E-mail:

C. Facility Information

1. Facility Name:

2. Have stormwater discharges from your site been covered previously under an NPDES permit? ☐ YES ☐ NO

a. If yes, provide the Tracking Number if you had coverage under EPA's MSGP 2000 or the NPDES permit number if you had coverage under an EPA individual permit.

b.1 If no, was your facility in operation and discharging stormwater prior to October 30, 2005? ☐ YES ☐ NO

b.2 If no to C.2.b.1, did your facility commence discharging after October 30, 2005 and before January 5, 2009? ☐ YES ☐ NO

3. Location Address:

a. Street

b. City:

c. County or similar government subdivision: d. State: e. Zip Code: -

f. Latitude: (use any one of the three formats provided.)
1. ___ ___° ___ ___′ ___ ___″ N (degrees, minutes, seconds)
2. ___ ___° ___ ___. ___ ___′ N (degrees, minutes, decimal)
3. ___ ___. ___ ___ ___ ___° N (degrees decimal)

g. Longitude: (use any of these 3 formats)
1. ___ ___ ___° ___ ___′ ___ ___″ W (degrees, minutes, seconds)
2. ___ ___ ___° ___ ___. ___ ___′ W (degrees, minutes, decimal)
3. ___ ___ ___. ___ ___ ___ ___° W (degrees decimal)

h. Lat/Long Data Source: ☐ USGS topographic map ☐ EPA web site ☐ GPS ☐ Other: _____

If you used a USGS topographic map, what was the scale? _____

4. Estimated area of industrial activity at your site exposed to stormwater: _____ (acres)

5. Is this a federal facility? ☐ YES ☐ NO

6. Is your facility located on Indian Country lands? ☐ YES ☐ NO

If yes, name of reservation, or if not part of a reservation, put "Not Applicable:" _____

D. Discharge information

1. Does your facility discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ YES ☐ NO

If yes, name of MS4 operator: _____

2. Receiving Waters and Wetlands (**Note**: If additional space is needed for this question, fill out Attachment 1.)

a. What is the name(s) of your receiving water(s) that receive stormwater directly and/or through an MS4)? If your receiving water is impaired then identify the name of the impaired segment, if applicable, in parentheses following the receiving water name.	b. Are any of your discharges directly into any segment of an "impaired" water?	If you answered yes to question D.2.b, then answer the following three questions:		
		b.1. What pollutant(s) are causing the impairment?	b.2. Are the pollutant(s) causing the impairment present in your discharge?	b.3. Has a TMDL been completed for the pollutant(s) causing the impairment?
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO

3. Water Quality Standards (for new dischargers only)

a. Are any of your discharges into any portion of a receiving water designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water)? ☐ YES ☐ NO

b. Has the receiving water(s) been designated by the state or tribal authority under its antidegradation policy as a Tier 3 water (Outstanding Natural Resource Water)? ☐ YES ☐ NO

4. Federal Effluent Limitation Guidelines and Sector-Specific Requirements

a. Are you requesting permit coverage for any stormwater discharges subject to effluent limitation guidelines? ☐ YES ☐ NO

b. If yes, which effluent limitation guidelines apply to your stormwater discharges?

40 CFR Part/Subpart	Eligible Discharges	Affected MSGP Sector	Check if Applicable
Part 411, Subpart C	Runoff from material storage piles at cement manufacturing facilities	E	☐
Part 418 Subpart A	Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	C	☐
Part 423	Coal pile runoff at steam electric generating facilities	O	☐
Part 429, Subpart I	Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	A	☐
Part 436, Subpart B, C, or D	Mine dewatering discharges at crushed stone mines, construction sand and gravel mines, or industrial sand mines	J	☐
Part 443, Subpart A	Runoff from asphalt emulsion facilities	D	☐
Part 445, Subparts A & B	Runoff from hazardous waste and non-hazardous waste landfills	K, L	☐

c. If you are a Sector S (Air Transportation) facility, do you anticipate using more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis? ☐ YES ☐ NO

5. Identify the 4-digit Standard Industrial Classification (SIC) code or 2-letter Activity Code that best represents the products produced or services rendered for which your facility is primarily engaged, as defined in MSGP:

Primary SIC Code: ☐☐☐☐ OR Primary Activity Code ☐☐

6. Identify the applicable sector(s) and subsector(s) of industrial activity, including co-located industrial activity, for which you are requesting permit coverage:

a. Sector ☐☐ Subsector ☐ b. Sector ☐☐ Subsector ☐ c. Sector ☐☐ Subsector ☐

d. Sector ☐☐ Subsector ☐ e. Sector ☐☐ Subsector ☐ f. Sector ☐☐ Subsector ☐

7.a. Is your site presently inactive and unstaffed? ☐ YES ☐ NO

b1. If yes, is your site expected to be inactive and unstaffed for the entire permit term? ☐ YES ☐ NO

b2. If you select "no" in 7.b1 above, then indicate the length of time that you expect your facility to be inactive and unstaffed _____

E. Stormwater Pollution Prevention Plan (SWPPP) Contact Information

1a. SWPPP Contact Name:

b. Phone: ___ - ___ - ____ Ext. ___ c. E-mail: _____

2. URL of SWPPP (if applicable): _____

F. Endangered Species Protection

1. Using the instructions in Appendix E of the MSGP, under which criterion listed in Part 1.1.4.5 are you eligible for coverage under this permit?

☐ A ☐ B ☐ C ☐ D ☐ E ☐ F

2. If you select criterion E from Part 1.1.4.5:

a. What federally-listed species or federally-designated critical habitat are in your "action area?" _____

_____

b. List the pollutants expected to be present in your discharge _____

_____

c. If you are an existing discharger, do you have effluent monitoring data from EPA's MSGP 2000, or another previous NPDES permit? ☐ YES ☐ NO

c.1 If no, why not? ☐ No monitoring required for my sector ☐ Inactive/unstaffed site ☐ Other _____

c.2 Do you have any other data characterizing pollutants in your stormwater (describe)? _____

c.3 If you have benchmark monitoring data, did you exceed any of the applicable benchmarks? ☐ YES ☐ NO

c.4 Did you exceed any applicable effluent limitation guideline or cause or contribute to an exceedance of a State or Tribal water quality standard? ☐ YES ☐ NO

c.5 If you answered "yes" to either question F.2.c.3 or F.2.c.4 above, for what pollutant(s)? _____

d. Attach documentation supporting criterion E eligibility. Documentation should address species and habitat listed in F.2.a and the potential effects of pollutants listed in F.2.b (including any monitoring data for these pollutants) on the listed species and habitat.

3. If you select criterion F from Part 1.1.4.5, provide the operator's NPDES Tracking Number under which you are certifying eligibility:

G. Historic Preservation

Using the instructions in Appendix F of the MSGP, under which criterion listed in Part 1.1.4.6 are you eligible for coverage under this permit?

☐ A ☐ B ☐ C ☐ D

H. Certifier Name and Title

I certify under penalty of law that I meet the eligibility conditions of this permit and 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, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I certify that I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Print Name:

Title:

Signature: _____ Date:

E-mail: _____

NOI Preparer (Complete if NOI was prepared by someone other than the certifier)

Prepared by:

Organization:

Phone: ___ - ___ - ____ Ext. ___ E-mail: _____

Attachment 1. (Fill in as necessary if more space is required for D.2 a-e)

a. What is the name(s) of your receiving water(s) that receive stormwater from your facility (directly and/or through an MS4)? If your receiving water is impaired then identify the name of the impaired segment, if applicable, in parentheses following the receiving water name.	b. Are any of your discharges directly into any segment of an "impaired" water?	If you answered yes to question D.2.b, then answer the following three questions:		
		b.1. What pollutant(s) are causing the impairment?	b.2. Are the pollutant(s) causing the impairment present in your discharge?	b.3. Has a TMDL been completed for the pollutant(s) causing the impairment?
	☐ YES ☐ NO		☐ YES ☐ NO	☐ YES ☐ NO

NOI Submittal Deadlines/Discharge Authorization Dates		
Category	**NOI Deadline**	**Discharge Authorization Date[1]**
Existing Dischargers - in operation as of October 30, 2005 and authorized for coverage under MSGP 2000.	No later than January 5, 2009.	30 days after EPA posts your NOI. Your authorization under the MSGP 2000 is automatically continued until you have been granted coverage under this permit or an alternative permit, or coverage is otherwise terminated.
New Dischargers or New Sources - have commenced discharging between October 30, 2005 and January 5, 2009.	As soon as possible but no later than January 5, 2009.	30 days after EPA posts your NOI.
New Dischargers or New Sources - commence discharging after January 5, 2009.	A minimum of 60 days prior to commencing operation of the facility, or a minimum of 30 days if your SWPPP is posted on the Internet during this period and the Internet address (i.e., URL) to your SWPPP is provided on the NOI form.	If you post your SWPPP on the Internet, 30 days after EPA posts your NOI. Otherwise, 60 days after EPA posts your NOI.
New Owner/Operator of Existing Discharger - transfer of ownership and/or operation of a facility whose discharge is authorized under this permit	A minimum of 30 days prior to date that the transfer will take place to the new owner/operator.	30 days after EPA posts your NOI.
Other Eligible Dischargers - in operation prior to October 30, 2005 but not covered under the MSGP 2000 or another NPDES permit.	Immediately, to minimize the time discharges from the facility will continue to be unauthorized.	If you post your SWPPP on the Internet, 30 days after EPA posts your NOI. Otherwise, 60 days after EPA posts your NOI.

[1] Based on a review of your NOI or other information, EPA may delay your authorization for further review, notify you that additional effluent limitations are necessary, or may deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in MSGP Part 1.6. In these instances, EPA will notify you in writing of the delay or the request for submission of an individual NPDES permit application. EPA will post these NOIs on its website at www.epa.gov/npdes/enoi.

Who Must File a Notice of Intent with EPA?

Under section 402(p) of the Clean Water Act (CWA) and regulations at 40 CFR Part 122, stormwater discharges associated with industrial activity are prohibited to waters of the United States unless authorized under a National Pollutant Discharge Elimination System (NPDES) permit. You can obtain coverage under the MSGP by submitting a completed NOI if you operate a facility:

- that is located in a jurisdiction where EPA is the permitting authority, listed in Appendix C of the MSGP,
- that discharges stormwater associated with industrial activities, identified in Appendix D of the MSGP,
- that meets the eligibility requirements in Part 1.1 of the permit,
- that develops a stormwater pollution prevention plan (SWPPP) in accordance with Part 5 of the MSGP; and
- that installs and implements control measures in accordance with Part 2 to meet numeric and non-numeric effluent limits.

If you are unsure if you need an NPDES stormwater permit, contact your EPA or State NPDES stormwater permit program. Contacts are listed at www.epa.gov/npdes/stormwatercontacts.

One NOI must be submitted for each facility or site for which you are seeking permit coverage. You do not need to submit separate NOIs for each type of industrial activity present at your facility, provided your SWPPP covers all activities.

When to File the NOI Form

Do not file your NOI until you have obtained and thoroughly read a copy of the MSGP. A copy of the MSGP is located on the EPA website (www.epa.gov/npdes/stormwater/msgp). The MSGP describes procedures to ensure your eligibility, prepare your SWPPP, install and implement appropriate stormwater control measures, and complete the NOI form questions – all of which must be done before you sign the NOI certification statement attesting to the accuracy and completeness of your NOI. You will also need a copy of the MSGP once you have obtained coverage so that you can comply with the implementation requirements of the permit.

Where to File the NOI Form

EPA encourages you to complete the NOI form electronically via the Internet. EPA's Electronic Notice of Intent System (eNOI) can be found at www.epa.gov/npdes/enoi. Filing electronically is the fastest way to obtain permit coverage and help ensure that your NOI is complete. If you choose not to file electronically, you must send the NOI to one of the addresses listed below.

NOIs sent regular mail:
Stormwater Notice Processing Center (4203M)
USEPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

NOIs sent overnight/express mail:
Stormwater Notice Processing Center
EPA East Building, Rm. 7420
1201 Constitution Avenue, NW
Washington, DC 20004
202-564-9545

If you have questions, please contact EPA's Stormwater Notice Processing Center toll free at (866) 352-7755.

- **If you file a paper NOI, please submit the original with a signature in ink – Do Not Send Copies. Also, faxed copies will not be accepted.**
- **Your SWPPP does not need to be submitted for review unless specifically requested by EPA or as otherwise required in Part 9 of the MSGP (State, Territory, and Tribal requirements). You must keep a copy of your SWPPP on-site or otherwise make it available to facility personnel responsible for implementing provisions of the permit.**

Completing the NOI Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above. You may also use this paper form as a checklist for the information you will need when filing an NOI electronically via EPA's eNOI system.

Section A. Permit Number

Appendix C of the MSGP 2008 contains a list of geographic areas covered by the permit. If your facility is located in one of the listed areas, include the appropriate permit number in this section. (For example, if you facility is located in Massachusetts, and not on Indian Lands, you would write MAR050000 in this space.) If your facility is located in an area not covered by the MSGP, please contact your EPA Region, state or territorial NPDES stormwater coordinator (see www.epa.gov/npdes/stormwatercontacts for a list of contacts).

Section B. Facility Operator Information

1. Provide the legal name of the person, firm, public organization or any other public entity that operates the facility described in this application. An operator of a facility is a legal entity that controls the operation of the facility.
2. Provide the Employer Identification Number (EIN from the Internal Revenue Service (IRS)), commonly referred to as your taxpayer ID number. If the operator does not have an EIN, enter "NA" in the space provided.
3. Provide the operator's mailing address, telephone number, fax number (optional), and email address. Correspondence will be sent to this address.

Section C. Facility Information

1. Enter the facility's official or legal name. Unless the name of your facility has changed, please use the same name provided on prior NOIs or permit applications. You can use EPA's NOI Search website (www.epa.gov/npdes/noisearch) to view your previous NOI.

2. Indicate if industrial stormwater discharges from your facility were previously covered by an NPDES permit.

2a. If your facility was covered by EPA's MSGP-2000, please include the tracking number that you received in your confirmation letter or email from EPA's Stormwater Notice Processing Center. You can find the tracking number assigned to your previous NOI on EPA's NOI Search website (www.epa.gov/npdes/noisearch).

2b1. If your facility was not previously covered by an NPDES permit and discharged industrial stormwater, then indicate if it was in operation before October 30, 2005 and not covered under the MSGP 2000. If you select "yes" to this question then you have a 30 day waiting period before you are authorized to discharge.

2b2. If you select "no" in C.2.b.1, then indicate if your facility discharged stormwater between October 30, 2005 and January 5, 2009. If you select "yes" to this

question then you have a 30 day waiting period before you are authorized to discharge. If you select "no" to this question and you post your SWPPP on the Internet and provide EPA the URL in E.2, then you have a 30 day waiting period before you are authorized to discharge. If you select "no" to this question, but do not post your SWPPP on the Internet and therefore do not answer E.2, then you have a 60 day waiting period before you are authorized to discharge.

3.a-e. Enter the street address, including city, state, zip code, county or similar government subdivision of the actual physical location of the facility. Do not use a P.O. Box.

3.f-g. Provide the facility latitude and longitude in one of three formats: (1) degrees, minutes, seconds; (2) degrees, minutes, decimal; or(3) degrees decimal. You can obtain your facility's latitude and longitude though Global Positioning System (GPS) receivers, U.S. Geological Survey (USGS) quadrangle or topographic maps, and EPA's web-based siting-tools, among other methods. Refer to www.epa.gov/npdes/stormwater/msgp for guidance on the use of these methods. For consistency, EPA requests you take measurements from the location of your facility's stormwater outfall. Outfalls are locations where the stormwater exits the facility, including pipes, ditches, swales, and other structures that transport stormwater. If there is more than one outfall present, measure at the primary outfall (i.e., the outfall with the largest volume of stormwater discharge associated with industrial activity).

3.h. Identify the data source that you used to determine the facility latitude and longitude. If you did not use a USGS quadrangle or topographic map, the EPA website, or GPS receivers, then select "Other" and write the method used on the line provided. If you used a USGS quadrangle or topographic map, write the map scale on the line provided. Scale should be identified on the map.

4. Enter the estimated area of industrial activity at your site exposed to stormwater, in acres.

5. Indicate if the facility is considered a "federal facility" - Federal facilities include any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned or leased by the federal government.

6. Indicate whether the facility is located in Indian Country, and, if so, provide the name of the reservation, if applicable.

Section D. Discharge Information

1. Indicate whether stormwater from your site will be discharged into a municipal separate storm sewer system (MS4). An MS4 is a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, storm drains, curbs and gutters, ditches and man-made channels, owned or operated by a state, city, town, borough, county, parish, district, association or other public body, used to collect or convey stormwater. If you check "Yes" then identify the name of the MS4 operator on the line provided. If you are uncertain of the MS4 operator, contact your local government for that information. MS4s are different than combined sewers, which are designed to convey both stormwater and sanitary wastewater. Discharges to combined sewers do not require an NPDES permit but may be subject to other CWA requirements (contact the combined sewer operator for more information).

2. Enter information regarding your discharge. If additional space is needed fill out Attachment 1.

2a. Indicate in column "a" of the table the name(s) of the receiving water(s) into which stormwater from your facility will discharge. Also provide in parentheses the name of the impaired water (and segment, if applicable) into which your stormwater is discharged. If you identified more than on receiving water for your facility, indicate the first receiving water and complete question 2b and 2.b.1-3 (if applicable), before entering the next receiving water. The EPA's Water Locator Tool can help you identify the closest receiving water to your facility (www.epa.gov/npdes/msgp). Your receiving water may be a lake, stream, river, ocean, wetland or other waterbody, and may or may not be located adjacent to your facility. Your stormwater may discharge directly to the receiving water or indirectly via a storm sewer system, an open drain or ditch, or other conveyance structure. Do NOT list a man-made conveyance, such as a storm sewer system, as your receiving water. Indicate the first receiving water your stormwater discharge enters. For example, if your discharge enters a storm sewer system, that empties into Trout Creek, which flows into Pine River, your receiving water is Trout Creek, because it is the first waterbody your discharge will reach. Similarly, a discharge into a ditch that feeds Spring Creek should be identified as "Spring Creek" since the ditch is a manmade conveyance. If you discharge into a municipal separate storm sewer system (MS4), you must identify the waterbody into which that portion of the storm sewer discharges. That information should be readily available from the operator of the MS4.

2b. Indicate in column "b" of the table whether you discharge directly to an impaired water (lake, stream segment, estuary, etc), listed as "impaired" under section 303(d) of the Clean Water Act. Each state water quality agency maintains a list of waters that are impaired. Most state agencies publish these lists online. The EPA's Water Locator Tool may also help you identify if the nearest receiving water is impaired (www.epa.gov/npdes/msgp). If you discharge into a stream segment that is upstream of a listed impaired water but which is not itself on the State's impaired waters list, answer "no" to this question. In this case, requirements in the MSGP for discharges into impaired waters do not apply to you, unless notified otherwise by EPA.

Answer the following three questions only if you answered "Yes" to D 2.b:

2b1. Provide the pollutant(s) listed as causing the impairment in the water identified in D.2.b.1 above. Enter each pollutant individually on a separate row in the table.

2b2. Out of the pollutant(s) that you identified in D.2.b.1 above, indicate which pollutants you believe will be present in your discharge. If you do not expect the pollutant(s) to be in your discharge, then select "no."

2b3. Indicate the pollutant(s) that have a Total Maximum Daily Load (TMDL) for the impaired stream segment that you identified in D.2.b.2 above. Check with your state water quality agency for lists of waters with approved or established TMDLs. See www.epa.gov/npdes/msgp for more information.

3. Water Quality Standards

3a. If you selected "no" in C.2 indicating that stormwater discharges from your facility have not been previously covered under an NPDES permit, then you are considered a new discharger and must answer this question; otherwise you are considered an existing discharger and may skip this question. State water quality agencies are responsible for setting water quality standards for waters within the state's boundaries. Check EPA's website (www.epa.gov/npdes/msgp) to determine if the water(s) that you discharge into are designated as a "Tier 2 (or Tier 2.5) water" (See Appendix A of the MSGP 2008 for definitions of "Tier 2 water" and "Tier 2.5 water"). If you discharge into these waters, EPA may impose additional permit conditions to ensure that you do not violate the State's antidegradation policy.

3.b Identify whether your receiving water is designated as a Tier 3 waterbody. Go to www.epa.gov/npdes/msgp for a list of Tier 3 waterbodies. Note that new discharges into designated Tier 3 waters are not eligible for coverage under the MSGP 2008.

4. Federal Effluent Limitation Guidelines and Sector-Specific Requirements

4.a-b. Depending on your industrial activities, your facility may be subject to effluent limitation guidelines which include additional effluent limits and monitoring requirements for your facility. Please review these requirements, described in Part 2.1.3 of the MSGP, and check any appropriate boxes on the NOI form.

4.c. For Sector S facilities (Air Transportation), indicate whether you anticipate that the entire airport facility will use more than 100,000 gallons of glycol-based deicing/anti-icing chemicals and/or 100 tons or more of urea on an average annual basis. If so, additional effluent limits and monitoring conditions apply to your discharge (see Part 8 Sector S of the MSGP 2008).

5. List the four-digit Standard Industrial Classification (SIC) code and/or two character activity code that best describes the primary industrial activities performed by your facility under which you are required to obtain permit coverage. Your primary industrial activity includes any activities performed on-site which are (1) identified by the facility's one SIC code for which the facility is primarily engaged; and (2) included in the narrative descriptions of 40 CFR 122.26(b)(14)(i), (iv), (v), or (vii), and (ix). See Appendix D of the MSGP for a complete list of SIC codes and activities codes.

6. If your site has co-located industrial activities that are not identified as your primary industrial activity, identify the sector and subsector codes that describe these other industrial activities. For a complete list of sector and subsector codes, see Appendix D of the MSGP.

7.a-b Indicate whether your facility is currently inactive and unstaffed. If so then indicate whether your facility will be inactive and unstaffed for the entire permit term, or if not, specify the specific length of time in units of days, weeks, months, or years (e.g. 3 months) that you expect the facility to be inactive and unstaffed.

Section E. Facility Contact Information and SWPPP Location

1.a-c. Identify the name, telephone number, and email address of the person who will serve as a contact for EPA on issues related to stormwater management at your facility. This person should be able to answer questions related to stormwater discharges, the SWPPP, and other issues related to stormwater permit coverage, or have immediate access to individuals with that knowledge. This person does not have to be the facility operator, but should have intimate knowledge of stormwater management activities at the facility.

2. If you are making your Stormwater Pollution Prevention Plan publicly available on a website provide the appropriate Internet URL address. (Please note that by posting your SWPPP on the web, you may qualify for a shortened authorization waiting period. See Table 1-2 of the MSGP for more information.)

Section F. Endangered Species Protection

1. Based on the instruction provided in Appendix E of the MSGP 2008, indicate which permit criterion (A,B,C,D,E, or F) listed in Part 1.1.4.5 you are using to satisfy your eligibility obligations for protection of endangered and threatened species, and designated critical habitat.

2.a. If you select criterion E (not likely to adversely affect), list those federally-listed endangered or threatened species and any federally-listed designated critical habitat expected to exist in proximity to your facility.

2.b List the pollutants that you expect to be present in your stormwater discharge. Include any pollutants that you may have included in D.2.b.3 above.

2.c If you selected "yes" in C.2 then you are considered an existing discharger and must answer all the questions in F.2.c.1--5; otherwise you are considered a new discharger and may skip the questions under F.2.c. If you are an existing discharger who was previously covered under the MSGP 2000, indicate whether you have any previous effluent monitoring data.

2.c1-2.If you select "No," to F.2.c then indicate why you don't have any data. Also indicate if you have any other data characterizing pollutants in your stormwater discharge.

2.c.3. If you select "Yes," to F.2.c then indicate whether you exceeded any benchmark.

2.c.4 Indicate whether you have exceeded any applicable effluent limitation guideline, or caused or contributed to an exceedance of state or tribal water quality requirement(s).

2.c.5. If you select "Yes" to F.2.c.3.and/or F.2.c.4 then indicate the pollutant parameters for which you exceeded the benchmark, applicable effluent limitation guideline, or State or Tribal water quality requirement(s).

2.d. Attach your supporting rationale for your determination of the applicability of Criterion E for your facility (applies to both new and existing dischargers). Your documentation should address species and habitat listed in F.2.a and the potential effects of pollutants listed in F.2.b on the listed species and habitat. This should include consideration of any available data characterizing pollutants in your stormwater discharge, or in the discharge of similar facilities if data for you facility is not available, that may be of concern to listed species.

3. If you select Criterion F (already addressed in another operator's valid certification), provide the tracking number that the operator received in their confirmation letter or email from EPA's NOI Processing Center (see Appendix E). You can find the tracking number assigned to your previous NOI on EPA's NOI Search website (www.epa.gov/npdes/noisearch). An example where criterion F may apply includes airports where several individual airlines have applied for coverage under the MSGP, and the entire airport also has applied for or obtained coverage. If the airport has already certified under Appendix E, and that certification addresses any potential impacts from the individual airlines, then the airlines may reference the airport's permit tracking number.

Section G. Historic Preservation

Based on the instruction provided in Appendix F of the MSGP 2008, indicate which permit criterion (A, B, C, or D) listed in Part 1.1.4.6 of the MSGP you used to satisfy your eligibility obligations for protection of historic properties.

Section H. Certification

Certification statement and signature (see Section B.11 of Appendix B of the MSGP for more information). Enter certifier's printed name, title and email address. Sign and date the form. (CAUTION: An unsigned or undated NOI form will prevent the granting of permit coverage.) Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

(i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or

(ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, State, Federal, or other public facility: by either a principal executive or ranking elected official.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the name, organization, phone number and email address of the NOI preparer.

Paperwork Reduction Act Notice

Public reporting burden for this certification is estimated to average 3.7 hours per certification, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose to provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existin ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclos the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Director, Office of Environmental Information Services, Collection Services Division (2823), USEPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OME control number of this form on any correspondence. Do not send the completed NO form to this address.

Annual Reporting Form

NPDES Permit Tracking No.:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

Annual Reporting Form

A. GENERAL INFORMATION

1. Facility Name:

2. NPDES Permit Tracking No.:

3. Facility Physical Address:

a. Street:

b. City: c. State: d. Zip Code: -

4. Lead Inspectors Name: Title:

Additional Inspectors Name(s):

5. Contact Person: Title:

Phone: - - Ext. E-mail:

6. Inspection Date: / /

B. GENERAL INSPECTION FINDINGS

1. As part of this comprehensive site inspection, did you inspect all potential pollutant sources, including areas where industrial activity may be exposed to stormwater?
☐ YES ☐ NO

If NO, describe why not:

NOTE: *Complete Section C of this form for each industrial activity area inspected and included in your SWPPP or as newly identified in B.2 or B.3 below where pollutants may be exposed to stormwater.*

2. Did this inspection identify any stormwater or non-stormwater outfalls not previously identified in your SWPPP? ☐ YES ☐ NO

If YES, for each location, describe the sources of those stormwater and non-stormwater discharges and any associated control measures in place:

NPDES Permit Tracking No.:

3. Did this inspection identify any sources of stormwater or non-stormwater discharges not previously identified in your SWPPP? ☐ YES ☐ NO

If YES, describe these sources of stormwater or non-stormwater pollutants expected to be present in these discharges, and any control measures in place:

4. Did you review stormwater monitoring data as part of this inspection to identify potential pollutant hot spots? ☐ YES ☐ NO ☐ NA, no monitoring performed

If YES, summarize the findings of that review and describe any additional inspection activities resulting from this review:

5. Describe any evidence of pollutants entering the drainage system or discharging to surface waters, and the condition of and around outfalls, including flow dissipation measures to prevent scouring:

6. Have you taken or do you plan to take any corrective actions, as specified in Part 3 of the permit, since your last annual report submission (or since you received authorization to discharge under this permit if this is your first annual report), including any corrective actions identified as a result of this annual comprehensive site inspection?

☐ YES ☐ NO

If YES, how many conditions requiring review for correction action as specified in Parts 3.1 and 3.2 were addressed by these corrective actions? | | |

NOTE: *Complete the attached Corrective Action Form (Section D) for each condition identified, including any conditions identified as a result of this comprehensive stormwater inspection.*

NPDES Permit Tracking No.:

C. INDUSTRIAL ACTIVITY AREA SPECIFIC FINDINGS

Complete one block for each industrial activity area where pollutants may be exposed to stormwater. Copy this page for additional industrial activity areas.

In reviewing each area, you should consider:

- Industrial materials, residue, or trash that may have or could come into contact with stormwater;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;
- Offsite tracking of industrial or waste materials from areas of no exposure to exposed areas; and
- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas.

INDUSTRIAL ACTIVITY AREA _____:

1. Brief Description:

2. Are any control measures in need of maintenance or repair? ☐ YES ☐ NO

3. Have any control measures failed and require replacement? ☐ YES ☐ NO

4. Are any additional/revised control measures necessary in this area? ☐ YES ☐ NO

If YES to any of these three questions, provide a description of the problem: (Any necessary corrective actions should be described on the attached Corrective Action Form)

INDUSTRIAL ACTIVITY AREA _____:

1. Brief Description:

2. Are any control measures in need of maintenance or repair? ☐ YES ☐ NO

3. Have any control measures failed and require replacement? ☐ YES ☐ NO

4. Are any additional/revised c necessary in this area? ☐ YES ☐ NO

If YES to any of these three questions, provide a description of the problem: (Any necessary corrective actions should be described on the attached Corrective Action Form)

INDUSTRIAL ACTIVITY AREA _____:

Brief Description:

2. Are any control measures in need of maintenance or repair? ☐ YES ☐ NO

3. Have any control measures failed and require replacement? ☐ YES ☐ NO

4. Are any additional/revised BMPs necessary in this area? ☐ YES ☐ NO

If YES to any of these three questions, provide a description of the problem: (Any necessary corrective actions should be described on the attached Corrective Action Form)

NPDES Permit Tracking No.:

NOTE: *Copy this page and attach additional pages as necessary*

INDUSTRIAL ACTIVITY AREA _____:

1. Brief Description:

2. Are any control measures in need of maintenance or repair? ☐ YES ☐ NO

3. Have any control measures failed and require replacement? ☐ YES ☐ NO

4. Are any additional/revised BMPs necessary in this area? ☐ YES ☐ NO

If YES to any of these three questions, provide a description of the problem: (Any necessary corrective actions should be described on the attached Corrective Action Form)

INDUSTRIAL ACTIVITY AREA _____:

1. Brief Description:

2. Are any control measures in need of maintenance or repair? ☐ YES ☐ NO

3. Have any control measures failed and require replacement? ☐ YES ☐ NO

4. Are any additional/revised BMPs necessary in this area? ☐ YES ☐ NO

If YES to any of these three questions, provide a description of the problem: (Any necessary corrective actions should be described on the attached Corrective Action Form)

INDUSTRIAL ACTIVITY AREA _____:

1. Brief Description:

2. Are any control measures in need of maintenance or repair? ☐ YES ☐ NO

3. Have any control measures failed and require replacement? ☐ YES ☐ NO

4. Are any additional/revised BMPs necessary in this area? ☐ YES ☐ NO

If YES to any of these three questions, provide a description of the problem: (Any necessary corrective actions should be described on the attached Corrective Action Form)

NPDES Permit Tracking No.:

D. CORRECTIVE ACTIONS

Complete this page for each specific condition requiring a corrective action or a review determining that no corrective action is needed. Copy this page for additional corrective actions or reviews.

Include both corrective actions that have been initiated or completed since the last annual report, and future corrective actions needed to address problems identified in this comprehensive stormwater inspection. Include an update on any outstanding corrective actions that had not been completed at the time of your previous annual report.

1. Corrective Action # ☐☐ of ☐☐ for this reporting period.

2. Is this corrective action:

- ☐ An update on a corrective action from a previous annual report; or
- ☐ A new corrective action?

3. Identify the condition(s) triggering the need for this review:

- ☐ Unauthorized release or discharge
- ☐ Numeric effluent limitation exceedance
- ☐ Control measures inadequate to meet applicable water quality standards
- ☐ Control measures inadequate to meet non-numeric effluent limitations
- ☐ Control measures not properly operated or maintained
- ☐ Change in facility operations necessitated change in control measures
- ☐ Average benchmark value exceedance
- ☐ Other (describe): _____

4. Briefly describe the nature of the problem identified:

5. Date problem identified: ☐☐/☐☐/☐☐☐☐

6. How problem was identified:

- ☐ Comprehensive site inspection
- ☐ Quarterly visual assessment
- ☐ Routine facility inspection
- ☐ Benchmark monitoring
- ☐ Notification by EPA or State or local authorities
- ☐ Other (describe): _____

7. Description of corrective action(s) taken or to be taken to eliminate or further investigate the problem (e.g., describe modifications or repairs to control measures, analyses to be conducted, etc.) or if no modifications are needed, basis for that determination:

8. Did/will this corrective action require modification of your SWPPP? ☐ YES ☐ NO

9. Date corrective action initiated: ☐☐/☐☐/☐☐☐☐

10. Date correction action completed: ☐☐/☐☐/☐☐☐☐ or expected to be completed: ☐☐/☐☐/☐☐☐☐

11. If corrective action not yet completed, provide the status of corrective action at the time of the comprehensive site inspection and describe any remaining steps (including timeframes associated with each step) necessary to complete corrective action:

NPDES Permit Tracking No.:

E. ANNUAL REPORT CERTIFICATION

1. Compliance Certification

Do you certify that your annual inspection has met the requirements of Part 4.2 of the permit, and that, based upon the results of this inspection, to the best of your knowledge, you are in compliance with the permit? ☐ YES ☐ NO

If NO, summarize why you are not in compliance with the permit:

2. Annual Report Certification

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 gathered and evaluated 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.

Authorized Representative Printed Name: Title:

Signature: Date Signed:

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No Exposure Certification Form

NPDES FORM 3510-11

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

Form Approved
OMB No. 2040-0211

NO EXPOSURE CERTIFICATION FOR EXCLUSION FROM NPDES STORMWATER PERMITTING

Submission of this No Exposure Certification constitutes notice that the entity identified in Section A does not require permit authorization for its stormwater discharges associated with industrial activity in the State identified in Section B under EPA's Stormwater Multi Sector General Permit due to the existence of a condition of no exposure.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in stormwater discharges (e.g., rock salt).

A No Exposure Certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.

By signing and submitting this No Exposure Certification form, the entity in Section A is certifying that a condition of no exposure exists at its facility or site, and is obligated to comply with the terms and conditions of 40 CFR 122.26(g).

ALL INFORMATION MUST BE PROVIDED ON THIS FORM.

Detailed instructions for completing this form and obtaining the no exposure exclusion are provided on pages 3 and 4.

A. Facility Operator Information

1. Name: _____ 2. Phone: ___ - ___ - ____

3. Email: _____

4. Mailing Address: a. Street _____

b. City: _____ c. State ___ d. Zip Code: _____ – ____

B. Facility/Site Location Information

1. Facility Name: _____

2. a. Street Address: _____

b. City: _____ c. County: _____

d. State: ___ e. Zip Code: _____ – ____

3. Is the facility located on Indian Lands? ☐ YES ☐ NO

4. Is this a Federal facility? ☐ YES ☐ NO

5. a. Latitude: ___ ° ___ ' ___ " b. Longitude: ___ ° ___ ' ___ "

6. a. Was the facility or site previously covered under an NPDES stormwater permit? ☐ YES ☐ NO

b. If yes, enter NPDES permit number or tracking number: _____

7. SIC/Activity Codes: Primary: ____ Secondary (if applicable): ____

8. Total size of site associated with industrial activity: _____ acres

9. a. Have you paved or roofed over a formerly exposed, pervious area in order to qualify for the no exposure exclusion? ☐ YES ☐ NO

b. If yes, please indicate approximately how much area was paved or roofed over. Completing this question does not disqualify you for the no exposure exclusion. However, your permitting authority may use this information in considering whether stormwater discharges from your site are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.

Less than one acre ☐ One to five acres ☐ More than five acres ☐

C. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) **If you answer "Yes" to any of these questions (1) through (11), you are <u>not</u> eligible for the no exposure exclusion.**

	Yes	No
1. Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater	☐	☐
2. Materials or residuals on the ground or in stormwater inlets from spills/leaks	☐	☐
3. Materials or products from past industrial activity	☐	☐
4. Material handling equipment (except adequately maintained vehicles)	☐	☐
5. Materials or products during loading/unloading or transporting activities	☐	☐
6. Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants)	☐	☐
7. Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	☐	☐
8. Materials or products handled/stored on roads or railways owned or maintained by the discharger	☐	☐
9. Waste material (except waste in covered, non leaking containers [e.g., dumpsters])	☐	☐
10. Application or disposal of process wastewater (unless otherwise permitted)	☐	☐
11. Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater outflow	☐	☐

D. Certification Statement

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of "no exposure" and obtaining an exclusion from NPDES stormwater permitting.

I certify under penalty of law that there are no discharges of stormwater contaminated by exposure to industrial activities or materials from the industrial facility or site identified in this document (except as allowed under 40 CFR 122.26(g)(2)).

I understand that I am obligated to submit a no exposure certification form once every five years to the NPDES permitting authority and, if requested, to the operator of the local municipal separate storm sewer system (MS4) into which the facility discharges (where applicable). I understand that I must allow the NPDES permitting authority, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under an NPDES permit prior to any point source discharge of stormwater from the facility.

Additionally, 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 gathered and evaluated 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.

Print Name: | | |

Instructions for the NO EXPOSURE CERTIFICATION for Exclusion from NPDES Stormwater Permitting

Who May File a No Exposure Certification

Federal law at 40 CFR Part 122.26 prohibits point source discharges of stormwater associated with industrial activity to waters of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. However, NPDES permit coverage is not required for discharges of stormwater associated with industrial activities identified at 40CFR 122.26(b)(14)(i)-(ix) and (xi) if the discharger can certify that a condition of "no exposure" exists at the industrial facility or site.

Stormwater discharges from construction activities identified in 40 CFR 122.26(b)(14)(x) and (b)(15) are not eligible for the no exposure exclusion.

Obtaining and Maintaining the No Exposure Exclusion

This form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification is only applicable in jurisdictions where EPA is the NPDES permitting authority and must be re-submitted at least once every five years.

The industrial facility operator must maintain a condition of no exposure at its facility or site in order for the no exposure exclusion to remain applicable. If conditions change resulting in the exposure of materials and activities to stormwater, the facility operator must obtain coverage under an NPDES stormwater permit immediately.

Where to File the No Exposure Certification Form

No Exposure Forms sent regular mail:	Forms sent overnight/express:
SW No Exposure Certification (4203M) USEPA 1200 Pennsylvania Avenue, NW Washington, D.C. 20460	SW No Exposure Certification US EPA East Building, Rm. 7420 1201 Constitution Avenue, NW Washington, D.C. 20004 (202) 564-9545

Completing the Form

You must type or print, using uppercase letters, in appropriate areas only. Enter only one character per space (i.e., between the marks). Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure. Additional guidance on completing this form can be accessed at EPA's website: www.epa.gov/npdes/stormwater. Please make sure you have addressed all applicable questions and have made a photocopy for your records before sending the completed form to the above address.

Section A. Facility Operator Information

1. Provide the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this certification. The name of the operator may or may not be the same as the name of the facility. The operator is the legal entity that controls the facility's operation, rather than the plant or site manager.
2. Provide the telephone number of the facility operator.
3. Provide the email address of the facility operator.
4. Provide the mailing address of the operator (P.O. Box numbers may be used). Include the city, state, and zip code. All correspondence will be sent to this address.

Section B. Facility/Site Location Information

1. Enter the official or legal name of the facility or site.
2. Enter the complete street address (if no street address exists, provide a geographic description [e.g., Intersection of Routes 9 and 55]), city, county, state, and zip code. Do not use a P.O. Box number.
3. Indicate whether the facility is located on Indian Lands.
4. Indicate whether the industrial facility is operated by a department or agency of the Federal Government (see also Section 313 of the Clean Water Act).
5. Enter the latitude and longitude of the approximate center of the facility or site in degrees/minutes/seconds. Latitude and longitude can be obtained from United States Geological Survey (USGS) quadrangle or topographic maps, by calling 1-(888) ASK-USGS, or by accessing the Census Bureau at: www.census.gov/cgi-bin/gazetteer

   Latitude and longitude for a facility in decimal form must be converted to degrees (°), minutes ('), and seconds (") for proper entry on the certification form. To convert decimal latitude or longitude to degrees/minutes/seconds, follow the steps in the following example.

   Example: Convert decimal latitude 45.1234567 to degrees (°), minutes ('), and seconds (").

   a) The numbers to the left of the decimal point are the degrees: 45°.

   b) To obtain minutes, multiply the first four numbers to the right of the decimal point by 0.006: 1234 x 0.006 = 7.404.

   c) The numbers to the left of the decimal point in the result obtained in (b) are the minutes: 7'.

   d) To obtain seconds, multiply the remaining three numbers to the right of the decimal from the result obtained in (b) by 0.06: 404 x 0.06 = 24.24. Since the numbers to the right of the decimal point are not used, the result is 24".

   e) The conversion for 45.1234567 = 45° 7' 24".
6. Indicate whether the facility was previously covered under an NPDES stormwater permit. If so, include the permit number or permit tracking number.
7. Enter the 4-digit SIC code which identifies the facility's primary activity and second 4-digit SIC code identifying the facility's secondary activity, if applicable. SIC codes can be obtained from the Standard Industrial Classification Manual, 1987.
8. Enter the total size of the site associated with industrial activity in acres. Acreage may be determined by dividing square footage by 43,560, as demonstrated in the following example.

   Example: Convert 54,450 ft^2 to acres

   Divide 54,450 ft^2 by 43,450 square feet per acre:
   54, 450 ft^2 ÷ 43,560 ft^2/acre = 1.25 acres.
9. Check "Yes" or "No" as appropriate to indicate whether you have paved or roofed over a formerly exposed, pervious area (i.e., lawn, meadow, dirt or gravel road/parking lot) in order to qualify for no exposure. If yes, also indicate approximately how much area was paved or roofed over and is now impervious area.

Instructions for the NO EXPOSURE CERTIFICATION for Exclusion from NPDES Stormwater Permitting

Section C. Exposure Checklist

Check "Yes" or "No" as appropriate to describe the exposure condition at your facility. If you answer "Yes" to **ANY** of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under an NPDES stormwater permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

Section D. Certification Statement

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

(i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or

(ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor, or

For a municipal, State, Federal, or other public facility: by either a principal executive or ranking elected official.

Paperwork Reduction Act Notice

Public reporting burden for this certification is estimated to average 1.0 hour per certification, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose to provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Director, OPPE Regulatory Information Division (2137), USEPA, 401 M Street, SW, Washington, D.C. 20460. Include the OMB control number of this form on any correspondence. Do not send the completed No Exposure Certification form to this address.

Notice of Termination (NOT) Form and Instructions

This Form Replaces Previous Form 2040-0086 (Please See Instructions Before Completing This Form)

NPDES FORM 3510-7

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

NOTICE OF TERMINATION (NOT) OF COVERAGE UNDER A NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

Form Approved.
OMB No. 2040-0086

Submission of this Notice of Termination (NOT) constitutes notice that the party identified in Section B of this form is no longer authorized to discharge stormwater associated with industrial activity under the NPDES program for the facility identified in Section C of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

A. Permit Number:

1. NPDES Permit Tracking Number:

2. Reason for Termination (check one only):
   - a. ☐ You transferred operational control to another operator.
   - b. ☐ You no longer have a stormwater discharge associated with industrial activity subject to regulation under the NPDES program, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5.
   - c. ☐ You are a Sector G, H, or J facility and you have met the applicable termination requirements.
   - d. ☐ You obtained coverage under an alternative NPDES permit.

B. Facility Operator Information

1. Name:

2. IRS Employer Identification Number (EIN): –

3. Mailing Address:

a. Street:

b. City: c. State: d. Zip Code: -

e. Phone: - - f. Fax (optional): - - g. E-mail: _____

C. Facility Information

1. Facility Name:

2. Location Address:

a. Street

b. City:

c. County or similar government subdivision: d. State: e. Zip Code: -

D. Certifier Name and Title

I certify under penalty of law that I have met at least one of the reasons for terminating permit coverage listed in Section A.2 above. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge stormwater associated with industrial activity under this general permit, and that discharging pollutants in stormwater associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

Print Name:

Title:

Signature: _____ Date:

E-mail: _____

Instructions for Completing the Notice of Termination for Stormwater Discharges Associated with INDUSTRIAL ACTIVITY under the Multi-Sector General Permit (MSGP)

Who May File Notice of Termination (NOT) Form

Permittees currently covered by EPA's NPDES Stormwater Multi-Sector General Permit may submit a Notice of Termination (NOT) form. You must submit an NOT within 30 days after one or more of the following conditions have been met:

- a new owner or operator has assumed responsibility for the facility; or
- you have ceased operations at the facility and there are not or no longer will be discharges of stormwater associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5;
- you are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- you have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

See the MSGP Part 1.4 for more information.

Where to File NOT form

EPA encourages you to complete the NOT form online, via the Internet. The Electronic Notice of Intent System (eNOI) is found at www.epa.gov/npdes/eNOI. If you cannot access the electronic system, you must send the NOT to the address listed below.

NOTs sent regular mail:
Stormwater Notice of Termination (4203M)
USEPA
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

NOTs sent overnight/express
Stormwater Notice of Termination
US EPA East Building, Rm 7420
1201 Constitution Avenue, NW
Washington, D.C. 20004
(202) 564-9545

Completing the Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above. Please use ink when you sign the original document – DO NOT send copies. If you have any questions about this form, you may call the EPA's Stormwater Notice Processing Center at (866) 352-7755.

Section A. Permit Information

1. Enter the NPDES tracking number assigned by EPA's Stormwater Notice Processing Center to the facility. If you do not know the tracking number, you can find the tracking number assigned to your previous NOI on EPA's NOI Search website (www.epa.gov/npdes/noisearch).

2. Indicate your reason for submitting this Notice of Termination by checking the appropriate box (see MSGP Part 1.4 for more information).

Section B. Facility Operator Information

1. Give the legal name of the person, firm, public organization, or any other entity that operates the facility described in this application. The operator of the facility is the legal entity which controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name.

2-3. Enter the facility operator's IRS Employer Identification Number (also know as the tax payer ID number). Enter the complete mailing address, email address and telephone number of the operator. This address will be used for any future correspondence between EPA and the facility operator.

Section C. Facility Information

1-2. Enter the facility's official or legal name and complete address, including city, county or similar government subdivision, state, and ZIP code.

Section D. Certification

Certification statement and signature (see Section B.11 of Appendix B of the MSGP for more information). Enter certifier's printed name, title and email address. Sign and date the form. Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of the principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality State, Federal, or other facility: by either a principal executive office or ranking elected official.

Paperwork Reduction Act Notice

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Appendix C

Guidance on Seed Selection and Seeding of Temporary Vegetation on Disturbed Areas

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GUIDANCE ON SEED SELECTION AND SEEDING OF TEMPORARY VEGETATION ON DISTURBED AREAS

Temporary vegetative cover on disturbed areas should be used to reduce erosion from both wind and water sources. Because of the complex climatic differences that exist throughout the state of New Mexico, seeding guidelines need to be tailored to specific natural resource areas of the state.

The guidance of the U.S. Department of Agriculture (USDA) Natural Resources Conservation Services (NRCS) shall serve as the basis for making seeding recommendations for a particular site. NRCS Conservation Practice Standard and Specification Code 340, *Cover Crop*, shall serve as the preferred guide for seed species and rates, seeding methods, and seeding dates for construction projects in New Mexico.

In addition, the following plants, taken from Table 1 in the above-mentioned specification, are highly recommended as temporary cover for construction sites:

- Barley
- Forage sorghums
- Millet
- Oats
- Rye
- Winter wheat

Seeding rates listed in the NRCS *Cover Crop Specification* (340) for dryland areas shall be used on construction sites that will not be irrigated, and seeding rates may need to be doubled if less than ideal conditions exist at the specific site.

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DRAFT

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION PRACTICE STANDARD

COVER CROP
(acre)
CODE 340

DEFINITION

Grasses, legumes, forbs, or other herbaceous plants established for seasonal cover and conservation purposes.

PURPOSES

- Reduce erosion from wind and water
- Increase soil organic matter
- Manage excess nutrients in the soil profile
- Promote biological nitrogen fixation
- Increase biodiversity
- Suppress weeds
- Provide supplemental forage
- Manage soil moisture
- Protect seedling crops from wind abrasion

CONDITIONS WHERE PRACTICE APPLIES

On all lands requiring vegetative cover for natural resource protection and where seasonal cover can be established. In addition, on orchard land where seasonal or perennial cover is needed for one of the listed purposes.

CRITERIA

General Criteria Applicable to All Purposes

Plant species, seedbed preparation, seeding rates, seeding dates, seeding depths, and planting methods will be consistent with NM 340 Cover Crop Specification. The seeding rate will be determined to establish a pure live seed (PLS) rate of 20 seeds/ft^2 on dryland sites and 30 seeds/ft^2 on irrigated land. Stared rates in Table 1 of the NM 340 specification can be different than the above-mentioned criteria.

The species selected will be compatible with the nutrient management and pest management provisions of the plan.

Cover crops will be terminated by harvest, frost, mowing, tillage, and/or herbicides in preparation for the following crop. Herbicides used with cover crops will be compatible with the following crop.

Cover crop residue will not be burned.

Volunteer herbaceous vegetation may be managed to meet one or more of the purposes as long as there are no noxious weeds in the cover, and the cover is destroyed before hard seed is made by problem plants.

Additional Criteria to Reduce Erosion from Wind and Water

Cover crop establishment, in conjunction with other practices, will be timed so that the soil will be adequately protected during the critical erosion period(s).

Plants selected for cover crops will have the physical characteristics necessary to provide adequate protection.

The amount of surface and/or canopy cover needed from the cover crop shall be determined using current erosion prediction technology.

Additional Criteria to Promote Biological Nitrogen Fixation

Either the specific Rhizobia bacteria will be present in the soil or the seed will be inoculated at the time of planting legumes.

Nitrogen credits from legume cover crops will be accounted for in the Nutrient Management Practice Code 590.

Additional Criteria to Manage Excess Nutrients in the Soil Profile

Cover crops will be established and actively growing before expected periods of high precipitation or irrigation that can cause leaching.

Cover crop species will be selected for their ability to absorb large amounts of nutrients from the rooting profile of the soil. Plants high in protein and that have high biomass (yield) capability will absorb more nutrients. Fall planted grass species such as winter wheat and cereal rye has the best chance of establishment before winter sets in.

The above ground biomass can be removed from the field for maximum nutrient removal efficiency. This can be done by grazing, green chop or haying.

The aboveground biomass can also be recycled into the soil and used by the next planted crop. Plan the incorporation of the cover crop so that the breakdown (decomposition and mineralization) of plant nutrients coincides with the growth needs of the next crop.

Additional Criteria to Increase Soil Organic Matter

Cover crop species will be selected based on producing high volumes of organic material to maintain or improve soil organic matter.

The NRCS Soil Conditioning Index (SCI) procedure will be used to determine the amount of biomass required. See NM Agronomy Technical Note 42.

The cover crop will be terminated as late as feasible to maximize plant biomass and still prepare the seedbed for the subsequent crop.

Additional Criteria to Increase Biodiversity

Cover crop species shall be selected that, have different maturity dates, attract beneficial insects, serve as a trap crop for damaging insects, and/or provide food and cover for wildlife habitat management.

Additional Criteria for Weed Suppression

Species for the cover crop will be selected for their chemical or physical competition with weeds.

Cover crops residues will be left on the soil surface to maximize allelopathic (chemical) and mulching (physical) effects.

For long-term weed suppression, perennials and/or biennial species can be used.

Additional Criteria to Provide Supplemental Forage

Species selected will have desired forage traits, be palatable to livestock, and not interfere with the production of the subsequent crop.

Forage provided by the cover crop may be hayed or grazed as long as sufficient biomass is left for resource protection.

Additional Criteria for Soil Moisture Management

Terminate growth of the cover crop sufficiently early to conserve soil moisture for the subsequent crop. Terminated cover crops shall be left on the soil surface until the subsequent crop is planted.

In areas of potential excess soil moisture, allow the cover crop to grow as long as possible to optimize soil moisture removal.

Additional Criteria for Protecting Seedling Crops from Wind Abrasion

Crops listed on **TABLE 1 – CROP TOLERANCES* TO BLOWING SOIL** as Very Low Tolerance will be planted into a standing dead cover crop using narrow tilled bands.

TABLE 1 - CROP TOLERANCES* TO BLOWING SOIL
(*From seedling emergence to field stabilization)

Tolerant T	Mod. Tolerance 3 t/ac	Low Tolerance 2 t/ac	Very Low Tolerance 0 - 0.5 t/ac
Barley	Corn	Alfalfa	Alfalfa Seedlings
Buckwheat	Cotton	Broccoli	Asparagus
Flax	Cucumbers	Cabbage	Carrots
Grain Sorghum	Onions (>21 days)	Lima Beans	Celery
Millet	Orchard Crops	Peas	Eggplant
Oats	Soybeans	Potatoes	Lettuce
Rye	Sunflowers	Snap Beans	Muskmelons
Wheat	Sweet Corn	Sweet Potatoes	Onion seedlings (<21 days)
			Peppers
			Spinach
			Squash
			Strawberries
			Sugar Beets
			Table Beets
			Tomatoes
			Watermelons

Developed in consultation with ARS Researchers, Manhattan, KS (3/98)

NOTE: When working with crops not listed above, compare their vegetative characteristics with the crops above and select the tolerance factor that best meets the needs of the crop. Contact the State Conservation Agronomist for additional assistance.

CONSIDERATIONS

Select species capable of rapid growth especially when using annuals.

Select species that are compatible with the overall cropping management system. This is especially important when selecting perennial or annual reseeding species for orchards, vineyards and similar plantings.

Consider esthetic values, fire hazards, and wildlife food and cover when selecting species.

Consider past or probable herbicide treatments, legume inoculation, tillage requirements and nitrogen needs when selecting species.

The cover crop should be terminated as late as feasible to maximize plant growth and still prepare the seedbed for the subsequent crop.

Deep-rooted species provide maximum nutrient recovery.

Consider that grasses utilize more soil nitrogen, and legumes utilize both nitrogen and phosphorus.

Avoid cover crop species that attract potentially damaging insects.

Acceptable benefits, for most purposes, are usually accomplished when the plant density is at least 20 stems per foot^2, the combined canopy and surface cover is at least 60 percent, and the above ground (dry weight) biomass production is at least 2,700 bs/acre.

Cover crops may be used to improve site conditions for establishment of perennial species.

PLANS AND SPECIFICATIONS

Plans and specifications will be prepared for the practice site. Specifications will include, but are not limited to, **recommended species**, **seeding rates and dates**, **establishment methods**, **nutrients needed**, and **other establishment information**.

Specifications will be recorded on NM 340 job sheets, or forms designed to provide specific requirements for the practice.

Acceptable species, seeding rates, and planting dates for annuals can be selected from **Table 1** and **Table 2**. Acceptable species can be perennials can be selected from **Table 3.**

OPERATION AND MAINTENANCE

Growth of the cover crop should be managed. Growth can be by mechanical forage harvest, tillage, grazing, or herbicide. Planting date can also regulate growth if cold weather stops growth.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION PRACTICE SPECIFICATION

COVER CROP
(acre)
CODE 340

SPECIFICATIONS

- **Cropland Cover Crops**

Table 1 shows suitable species for cropland, seeding rates, and planting dates. Most plants in **Table 1** can be used for grazing. Planting dates are by MLRAs as grouped in **Table 1**.

Seeding rates in **Tables 1, 2, and 3** are based on 20 seeds/ft^2 for dryland and 30 seeds/ft^2 for irrigated. These rates are for ideal conditions for seeding. When conditions are less than ideal (poor seedbed preparation, poor seeding equipment, unreliable seed placement, or broadcast application with poor incorporation) **the seeding rates should be doubled**. This is very important to have a successful planting.

Seeding rates of stared (*) species in column 1 may not be practical at the 20 and 30 plants/ft^2 rates. Rates for those species may be reduced to table rates.

Mustard, oilseed radish, and rapeseed have soil fumigant properties, and can be used just prior to planting a root crop to reduce the risk of rootknot nematode damage. Cowpeas, vetch, winter peas, clovers, and sun hemp are legumes and can add nitrogen when used as a green manure crop. The annual grain crops can be used to temporally stabilize construction sites when soil moisture is available.

It is important to specify a planting date early enough to establish enough cover to protect the field from wind erosion. If cover is needed after cotton to protect a sandy field then if should be harvested first to get the cover established.

Following low residue-producing crops such as chile, cotton, and peanuts, small grain can be flown on the field just before harvest, and watered up after harvest. This technique reduces the labor and time in the fall to establish a cover.

Many times cropland will fail to meet a soil condition index rating greater than zero. This is because there is not enough biomass produced to make the rotation sustainable. A cover crop may make the rotation sustainable.

Use non-native mixes if native seed is not available or natives will not perform well for the needed use.

- **Other Cover Crop Sites (Orchards)**

Cover crops for orchards include the annual crops (**Table 2**) listed for cropland plus perennial crops (**Table 3**). Planting dates for the latter should correspond to rates and dates for irrigated pasture and hayland.

Table 2 shows plant mixes that can be used for short a period cover on irrigated land.

Table 3 shows perennial cover for longer time spans. These are typically orchard ground covers or Alley Cropping.

- **Non-irrigated**

The potential use of cover or green manure crops on non-irrigated land in New Mexico is limited. Those crops having greatest potential for success include the winter small grains, millet, sorghum and sweetclover. Seeding rates are listed in **Table 1**. Seeding dates should be based on soil moisture and probability of rainfall.

TABLE 1 - CROPLAND COVER CROP SPECIES

SPECIES	SEEDING RATES		PLANTING DATES BY MLRA		
	DRY PLS (lbs/acre)	**IRR. PLS** (lbs/acre)	**SD, HP-3, & CP-4** (date)	**HP-1, HP-2, CP-1, CP-2, CP-3, WP-(all), & ND** (date)	**RM-1, RM-2, HV-1, & HV-2** (date)
Barley (for fall)	65	100	8/15 to 11/1	8/1/ to 10/1	8/1 to 10/1
Chickery	Not Suited	2	8/15 to 9/15	8/1 to 9/1	8/1 to 9/1
Clover, Alsike	4	5	3/1 to 4/15	4/1 to 5/1	4/1 to 5/1
Clover, Red	4	5	3/1 to 4/15	4/1 to 5/1	4/1 to 5/1
Clover, Strawberry	4	4	3/1 to 4/15	4/1 to 5/1	4/1 to 5/1
Cowpeas	25*	40*	4/15 to 8/1	5/1 to 7/15	5/1 to 7/15
Forage Sorghums	10*	20*	4/15 to 8/1	5/1 to 8/1	5/1 to 7/15
Millet (Foxtail)	4	4	4/15 to 8/15	5/1 to 8/1	5/1 to 7/15
Millet (Pearl)	10	15	4/15 to 8/15	5/1 to 8/1	5/1 to 7/15
Mustard	Not Suited	8*	8/15 to 9/15	8/1 to 9/1	8/1 to 9/1
Oats (fall)	60	100	8/15 to 11/1	8/1/ to 10/1	Not Suited
Oats (spring)	60	100	3/1 to 5/16	3/1 to 5/15	4/1 to 5/15
Oilseed Radish	Not Suited	18	8/15 to 9/15	8/1 to 9/1	8/1 to 9/1
Rapeseed	Not Suited	7	8/15 to 9/15	8/1 to 9/1	8/1 to 9/1
Rye (cereal)	48	70	8/15 to 11/1	8/15 to 10/15	8/1 to 10/1
Ryegrass	Not Suited	4	8/15 to 11/1	8/15 to 10/15	8/1 to 10/1
Sun Hemp (SD only)	Not Suited	20*	4/15 to 8/1	Not Suited	Not Suited
Sweetclover (fall)	4	5	8/1 to 10/1	7/15 to 9/15	7/15 to 9/1
Sweetclover (spring)	4	5	3/1 to 4/15	4/1 to 5/1	4/1 to 5/1
Triticale (winter)	55	82	8/15 to 11/1	8/15 to 10/15	8/1 to 10/1
Turnips	Not Suited	8	8/15 to 9/15	8/1 to 9/1	8/1 to 9/1
Vetch (annual)	12*	24*	8/1 to 10/15	8/1 to 10/15	8/1 to 10/1
Turnips	Not Suited	8	8/15 to 11/1	8/15 to 10/15	8/1 to 10/1
Chickery	Not Suited	4	8/15 to 11/1	8/15 to 10/15	8/1 to 10/1
Wheat (winter)	58	88	8/15 to 11/1	8/15 to 10/15	8/1 to 10/1
Winter Peas	22*	30*	8/1 to 10/1	8/1 to 10/1	7/15 to 9/15

Note: Do not plant any cover unless soil moisture is available or rain is on the way

TABLE 2 - IRRIGATED ANNUAL COVER - ORCHARDS AND OTHER COVER CROPS

Species	Seed-Mix Options, PLS					
	A **lbs/acre &** (% of stand)	**B** **lbs/acre &** (% of stand)	**C** **lbs/acre &** (% of stand)	**D** **lbs/acre &** (% of stand)	**E** **lbs/acre &** (% of stand)	**F** **lbs/acre &** (% of stand)
Winter Wheat			88 (100%)			70 (90%)
Hairy Vetch				30* (100%)		15 (10%)
Field Peas					80*(100%)	
Cereal Rye	70 (100%)					
Triticale		80 (100%)				

TABLE 3 - IRRIGATED PERENNIAL COVER

Species	Seed-Mix Options[1], PLS				
	A **lbs/acre &** (% of stand)	**B** **lbs/acre &** (% of stand)	**C** **lbs/acre &** (% of stand)	**D** **lbs/acre &** (% of stand)	**E** **lbs/acre &** (% of stand)
Birdsfoot Trefoil				3 (50%)	
Canada Bluegrass (ground cover)	3 (100%)	1 (100%)			
Creeping Red Fescue (ground cover)				2 (50%)	
Tall Fescue (hay or graze)					6 (100%)
Tall Wheatgrass (hay or graze)			8 (100%)		

[1] *1 lb/acre of Alsike clover can be added to all mixes if a legume is desired.*

- **Planting**

1. Plant cover crops in a weed-free seedbed by drilling or broadcasting. If broadcasting the seed, seeding rates are doubled.

2. Planting depth should be about 10 time the diameter of the seed. Soil should be firmed over the seed.

3. Preplant starter fertilizer is helpful if a soil test indicates a need or soils are in poor condition. Use 30 lbs/ac N and 60 lbs/ac P_2O_5. These should be worked into the soil surface.

- **Management**

1. Allow cover to grow to the needed height. Stop growth by tillage or herbicide. Grazing may also be used to control height. Be sure to prevent hard seed set if volunteering is an issue.

2. Legumes and to a lesser degree vegetated stages of growth of other plants, can release large amounts of nutrients when incorporated into warm moist soil. Care should be taken to time the destruction of a cover because of the spike of nutrients released to the next crop.

3. Do not remove cover during nesting season for the birds of concern. Many use March through June.

4. Maximum wind erosion control and seedling protection is obtained by direct seeding (No-till) into winter killed or herbicide killed cover.

5. Delay tillage (removing the cover) of the cover as long as possible before seedbed preparation for the next crop.

PLANS AND JOBSHEETS

Plans and specifications will prepared for the practice site. Specifications will include, but are not limited to, **recommended species**, **seeding rates and dates**, **establishment methods**, **nutrients needed**, and **other establishment information**.

Specifications will be recorded on NM 340 job sheets, or forms designed to provide specific requirements for the practice.

Acceptable species, seeding rates, and planting dates for annuals can be selected from **Table 1 and Table 2**. Acceptable species can be perennials can be selected from **Table 3.**

OPERATION AND MAINTENANCE

Growth of the cover crop should be managed. Growth can be by mechanical forage harvest, tillage, grazing, or herbicide. Planting date can also regulate growth if cold weather stops growth.

NATURAL RESOURCES CONSERVATION SERVICE

CRITICAL AREA PLANTING
(acre)
CODE 342

Definition

Planting vegetation, such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas (does not include tree planting mainly for wood products).

Purpose

To stabilize the soil, reduce damage from sediment and runoff to downstream areas, and improve wildlife habitat and visual resources.

Conditions Where Practice Applies

On highly erodible or critically eroded areas. These areas usually cannot be stabilized by ordinary conservation treatment and management and, if left untreated, can cause severe erosion or sediment damage. Examples of applicable areas are dams, dikes, mine spoil, levees, cuts, fills, surface-mined areas, and denuded or gullied areas where vegetation is difficult to establish by usual planting methods.

Specifications Guide

Species of grasses, legumes, shrubs, and trees; methods and rates of planning; fertilizer and lime requirements; planting site preparation; time of mulching; mulching; and irrigation.

Planning Consideration for Water Quantity and Quality

Quantity

1. Effects on the water budget, especially on volumes and rates of runoff, infiltration, evaporation, transpiration, deep percolation, and ground water recharge.

2. Effects of vegetation management on soil moisture.

3. Effects of snowcatch and melt on the water budget.

4. Effects of increased organic matter on water-holding capacity of the soil.

5. Potential for a change in plant growth and transpiration because of changes in soil water volume.

Quality

1. Effects on erosion and the movement of sediment and soluble and sediment-attached substances carried by runoff.

2. Filtering effect of vegetation on movement of sediment and dissolved and sediment-attached substances.

3. Short-term and construction-related effects on downstream water course.

4. Potential for earth moving to uncover or redistribute toxic materials and effect on water or vegetation.

5. Effects on the use and management of nutrients and pesticides and resulting effects on surface and ground water quality.

6. Effects on the visual quality of downstream water resources.

NATURAL RESOURCES CONSERVATION SERVICE

CRITICAL AREA PLANTING
(acre)
SUPPLEMENT

CODE 342-1

PLANNING CONSIDERATIONS

A critical area is defined as land which has been disturbed by natural erosion, construction activities or mismanagement and which requires special treatment, or management to return it to an environmentally or ecologically acceptable condition.

Some shaping of critical areas may be required, either to allow for the special management that may be required, or to make the area conform to the surrounding area. Shaping is normally required when the critical areas are overfalls, gullies, or other severely eroded natural areas.

During planning, the changes in vegetation which could effect water quantity, such as volumes and rates of runoff, infiltration, evaporation, transpiration, deep percolation, ground water recharge, organic matter, water holding capacity of the soil, and snowcatch and melt all should be considered.

Water quality effects such as erosion and sediment movement, use of pesticides or nutrients, the filtering effect of vegetation, the potential for uncovering toxic materials during construction, and the short-term construction-related damages also should be considered during the planning process.

SPECIFICATIONS

Part 1 of these specifications, “Establishing Grasses or Legumes,” applies to all critical area plantings.

Part 2, “Establishing Trees and Shrubs,” is optional and will be used primarily when the planning is being modified to improve wildlife habitat.

Part 3, “Stabilization of Blowouts and Dunes,” pertains to treatment of wind erosion problem areas.

1. Establishing Grasses or Legumes

A. Site Preparation

(1) If necessary, divert off site water away from the critical area. This may require a permanent diversion, or in other instances, a temporary measure may be used that will be effective during the period of vegetative establishment.

(2) If strong erosive winds are expected, protect the critical area with barriers such as snow fence or nylon or plastic wind screens. Many types of barriers are available. Check with the State Office Resource Technology Section for additional information.

(3) Where needed for installation of engineering or vegetative erosion control practices, grade steep slopes to a suitable grade (preferably 3:1 or flatter).

(4) On construction sites, mined areas, or other critical areas where the exiting surface material is either physically or chemically unsuited to support vegetation, a suitable material will be evenly spread on the surface to allow for plat growth. Required depths will be determined on each site. In some cases, only an inch of soil which will allow seeds to germinate will be all that is needed, in other sufficient soil to sustain plant growth will be required. Required depths will be determined on each specific site. However, the deeper the unsuitable surface is covered, the easier it will be to establish and maintain vegetation.

(5) On some sites, soil amendments may be required to raise or lower the ph to a level that will support plant growth (3.5 to 9.0). Normally either the technician or the cooperator will know if the critical area will support plant growth. However, in the case of an oil or chemical spill, or some other unusual circumstance, a soil test to determine the ph and other chemical properties of the soil may be required.

(6) On sites which are large enough, and sufficient rainfall or irrigation water is available, a dead litter crop may be established rather than mulching, and the specifications for Range Seeding may be used except that the seeding rate will be doubled.

B. Seedbed Preparation

The seedbed prior to seeding should be firm but not compacted to the point that mulch tucking, or anchoring, will be inhibited. Where mulching will be employed, and trucking is planned, the areas should be tilled so that a four inch minimum depth of firm but friable soil is present. If a dead litter or cover crop is present, no additional seedbed preparation is necessary.

C. Fertilizing

(1) Apply fertilizer according to a soil test unless fertility is known to be adequate. If fertility levels are unknown, apply at least 30 pounds of actual nitrogen and 60 pounds of phosphate (P205) per acre during the final seedbed preparation. When a cover crop is used, apply all of the phosphorus during the seedbed preparation for the cover crop and wait to apply the nitrogen until after the grass is planted and has reached the stage shown in (3) below. Phosphorous is immobile in the soil and needs to be worked into the root zone as deeply as possible.

(2) When high carbon mulches such as hay or wood fibers are used, apply the extra 20 pounds per acre of nitrogen per ton of mulch.

(3) Up to 15 pounds per acre of the recommended nitrogen may be applied with the seed. When this is done, the remainder may either be applied pre-plant, or preferably, after the grass has germinated and reached at least the 3-leaf stage. In most cases, delaying the nitrogen application until the grass is up and actively growing prevents its loss to invading weeds, leaching, or runoff.

(4) To develop nutrient recommendations, refer to Nutrient Management Specifications, Code 630, for the required procedures.

D. Seed and Seeding

(1) The species selected for seeding are determined by the specific site conditions for each critical area. Soil type, climate, slope, and exposure must all be considered as the SCS technician uses the best available information to select

species to solve the specific problem. Plant Guides and the Vegspec computer program will normally provide the needed information.

(2) Certified seed of named varieties will be used when available. Otherwise, uncertified seed of locally adapted species may be used. All seed must have had a germination and purity analysis completed within the past 12 months.

E. Rate of Seeding

Double the seeding rates shown under the minimum column in the Range Seeding (550) or Pasture and Hayland Planting (512) specifications.

F. Time of Seeding

(1) Irrigated

a. If irrigation water is available throughout the year, the best time to seed cool-season species is 45-60 days prior to the first fall frost. However, cool-season species may be seeded anytime during the growing season except the last 45 days prior to the average killing frost date.

b. The second preferred period for cool-season species is early spring, from the date of the last killing frost to one month after that date.

c. The preferred time for warm-season species is 3-6 weeks after the last killing frost in the spring, although they may be seeded any time during the growing season except the last 45 days prior to the average killing frost date.

(2) Dryland

The time of dryland seeding will correspond to the high probability (60% or more) of receiving effective precipitation (0.6 – 1.0 inch during any 3 week period).

Resource Area	**Planting Date[1]**
HP-1, CP-1, HP-2, 3	January 1 to August 1
CP-2, 3, 4; WP-1, 2, 3; RM-1, 2; AN-1, 2, 3; HIV-1, 2; ND; SD-1, 2, 3	January 1 to May 1 and June 15 to August 1

[1]Dormant fall cool season seedings (seeded lat enough so seed does not germinate until spring) are satisfactory in WP-1 and 2; RM-1 and 2; AN-1, 2 and 3; HIV-1 and 2; and HP-1 and 2. Treatment with a fungicide to prevent seed deterioration is recommended.

(3) Seeding may be done at any time, IF it is the judgment of the SCS Technician that the seeding will not ever be done unless it is completed outside of the above listed dates. It should be noted that these seedings should be the exception rather than the common occurrence and the reason for the exception will be clearly documented in the Technicians Notes.

G. Seeding Methods

The proper amount of seed must be evenly distributed, placed at the proper depth, and measures taken so the most seed is in contact with the soil. Seed such as Indian ricegrass or Coastal panicgrass which must be seeded 1-2 inches deep should be seeded separately from other species which require shallow seeding. Seeding may be done by one of the following methods:

(1) Drilling – Drilling is the preferred method and should be used whenever possible. Drills must be equipped with hoppers that can properly meter out the seed. Fluffy seeded species will require special agitators or “picker fingers” to insure proper seed disbursement. The drill should also have depth bands, or some other positive type of control, to prevent seeding too deeply. The drill should be equipped with packer wheels or the area should be rolled immediately after seeding. Firm soil-seed contact is essential to insure successful plantings.

(2) Broadcasting – Seed must be evenly distributed. This is best accomplished by using some type of whirlwind or hydro seeder. Following seeding the area should be harrowed, dragged, or raked by hand to provide some soil covering for the seed. Following this operation, depending on the soil type and field condition, the area may need to be rolled for compaction. Again, a good soil-seed contact is essential in obtaining good stands.

H. Mulching

(1) Where to Use – Mulch should be used on all critical areas where there is danger of damaging wind or water erosion and on ALL dryland CAT seedings except those planted into a dread litter cover crop (Reference paragraph 10 in the Range Seeding Specifications, Code 550 for information on a dead litter crop).

(2) For detailed information, refer to the standard and specification for Mulching, Code 484.

I. Management

(1) During Establishment

Control weeds as necessary by judicious mowing or chemical treatment and exclude livestock. When chemical weed control is used, careful consideration is required as to its effects on the grass seedlings, wildlife, and water contamination. Use only herbicides that have been approved in the state for such uses and be sure and follow the label directions. (On dune stabilization projects, now weed control should be done. The presence of the weeds is one of the major factors in slowing wind erosion. In 1-3 years the weeds will be replaced by perennial grasses.)

(2) After Establishment

a. Fertilize as necessary to maintain a vigorous stand. A current soil test will insure that proper fertilizer applications will be made.

b. Exclude livestock entirely until the area is stabilized. Graze only lightly after stabilization. (Reference specifications for Proper Use, Code 528; Fencing, Code 382; and Livestock Exclusion, Code 472).

c. If properly managed, many stabilized critical areas provide excellent wildlife habitat. This factor should be considered during planning when plant species are being selected. (Reference Wildlife Upland Habitat Management specifications, Code 645).

2. Establishing Trees and Shrubs

Specifications for establishing trees and shrubs are included in Section IV, Farmstead and Feedlot Windbreaks (380), Field Windbreaks (392), Recreation Area Improvement (562), and Tree Planting (612). New Mexico Form 211K, "Steps in Tree Planting" Technical Guide Section IIB should also be used.

3. Stabilization of Blow Outs and Dunes

The three parts of most sand dunes or blowout areas include: 1) the contributing area; 2) the front (upwind) side of the dune; and, 3) the back (downwind) side of the dune. Each of these areas requires a separate treatment. The contributing area is usually characterized by monuments or hummocks, water erosion channels, and a relatively cemented, impervious subsoil. The front side of the dune is characterized by relatively smooth gentle slopes, which the back side of the dune normally has a smooth but very steep slope. The entire area is generally very unstable, low in organic matter and fertility, and the dunes usually have low available water holding capacities.

Blowouts and sand dunes should be treated in a sequence so that the stabilized parts are not subject to damage, and suffer erosion, by the unstabilized areas. The usual, and most successful, sequence is to treat the contributing area first followed by the front and back slopes. The following table provides an outline of times for needed activities:

Year	Month	Part of Area	Operation or Activity
One	Any	Whole	Fence
One	May – June	Contributing Area	Smooth if needed, list, leaving surface cloddy, construct wind barriers
One	July – September	Contributing Area[1]	Plant cover crop or seed and mulch
Two	July – August	Contributing Area	Plant grass if adequate cover is available
Two	July – August	Front and Back Slopes	Plant grass
3-6	All	All	Do not graze until grass is well established and then graze lightly

[1]*Depending upon the type of grass seeded, the front slope may also be sown to a cover crop. However, if grasses such as Atlantic Coastal Panicgrass or Indian Ricegrass are seeded which need to be covered 2-3 inches deep a cover crop may not be desirable. If a mixture of shallow seeded native species are planned, then a cover crop can be planted at the same time as the contributing area.*

A. Fence

Fence entire area, including a stripe at least 50 feet wide outside of the critical area, unless the areas is in a field which is included in a grazing system which allows for deferment during the entire growing season. Some areas may require fencing since they will be so sensitive that total deferment may be required to keep vegetation upon them. Dunes are much more sensitive to grazing pressure than other critical areas and

consequently even under a rotational grazing system the treated area may need to be fenced to prevent re-activating the dune.

B. Treatment

Instead of using a cover or dead litter crop, the area may be seeded and mulched as discussed under Number 1 above.

(1) Contributing Area

a. Where desired, or where they will cause problems in equipment handling or vegetation establishment, hummocks and channels may be knocked down, smoothed or filled.

b. On slopes of 3% or less, list perpendicular to the prevailing erosive winds. On steeper slopes, list on the contour. This may result in part of the rows being parallel with the prevailing winds. However, generally the contour varies sufficiently to provide adequate barrier protection. Establish wind barriers. Where possible use old hay bales placed end to end across the area perpendicular to the prevailing erosive winds at intervals of 300-350 feet. (This is much wider than spacing determined using the Wind Erosion Equation. However, experience has shown that this distance will satisfactorily reduce the sand blowing from the contributing area IF the area between the barriers has been properly listed.) A single bale high will suffice but two bales high is much better. Any material may be used to form the barriers, stacked yucca, sagebrush, snowfence, etc. However, old hay bales are the best.

c. Drill or broadcast a cover crop of sudan or sorghum if planting in the summer, or small grains if planting in the fall, on the area which has been listed.

d. The following year drill a mixture of grasses, forbs or shrubs into the dead litter crop.

(1) Upwind (Front) Slope

a. Shape if necessary.

b. Drill a cover crop at the same time the contributing area is planted, unless a grass which needs to be dragged to be covered, such as Atlantic Coastal Panicgrass, is planned for broadcasting. In this case, leave the upwind slope bare.

c. The following year seed grass into the dead litter crop at the same time the contributing area is seeded.

(2) Downwind (Back) Slope

The downwind slope is normally too steep to drill. Consequently, seed will be broadcast at the same time as the front slope is planted, both for the cover crop and for the perennial vegetation.

C. Fertilizing

Follow the procedures under Number 1 above.

D. Seeding

Follow the procedures under Number 1 above.

E. Mulching

Follow the procedures under Number 1 above.

F. Management

Follow the procedures under Number 1 above.

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Appendix D

NPDES General Permit for Storm Water Discharges From Construction Activities

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National Pollutant Discharge Elimination System
General Permit for Discharges from
Construction Activities

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Part 1.1.a and Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) general permit, are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of earth-disturbing activities" (see Appendix A) until "final stabilization" (see Part 2.2).

This permit becomes effective on **February 16, 2012**. For the State of Idaho (except Indian Country), this permit becomes effective on **April 9, 2012**.

This permit and the authorization to discharge expire at midnight, **February 16, 2017**.

Signed and issued this 16th day of February, 2012

H. Curtis Spalding
Regional Administrator, Region 1

Signed and issued this 16th day of February, 2012

John Filippelli
Director, Division of Environmental Planning & Protection, Region 2

Signed and issued this 16th day of February, 2012

José C. Font
Acting Division Director, Carribbean Environmental Protection Division, Region 2, Caribbean Office

Signed and issued this 16th day of February, 2012

Catherine A. Libertz
Assistant Director, Water Protection Division, Region 3

Signed and issued this 16th day of February, 2012

James D. Giattina
Director, Water Protection Division, Region 4

Signed and issued this 16th day of February, 2012

Tinka G. Hyde
Director, Water Division, Region 5

Signed and issued this 16th day of February, 2012

William K. Honker, P.E.
Acting Director, Water Quality Protection Division, Region 6

Signed and issued this 16th day of February, 2012

Karen Flournoy
Director, Wetlands and Pesticides Division, Region 7

Signed and issued this 16th day of February, 2012

Melanie L. Pallman
Acting Assistant Regional Administrator, Office of Partneships and Regulatory Assistance, Region 8

Signed and issued this 16th day of February, 2012

Nancy Woo
Deputy Director, Water Division, Region 9

Signed and issued this 16th day of February and 9th day of April, 2012

Michael J. Lidgard
Acting Director, Office of Water and Watersheds, Region 10

The signatures are for the permit conditions in Parts 1 through 9 and Appendices A through K.

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1. HOW TO OBTAIN PERMIT COVERAGE UNDER THE CGP.

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for applying for permit coverage in this Part.

1.1. ELIGIBILITY CONDITIONS REQUIRED OF ALL PROJECTS.

Only those projects that meet all of the following eligibility conditions may be covered under this permit:

a. You are an "operator" of the construction project for which discharges will be covered under this permit;

Note: For the purposes of this permit, an "operator" is any party associated with a construction project that meets either of the following two criteria:

1. *The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or*
2. *The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).*

Subcontractors generally are not considered operators for the purposes of this permit.

Note: Where there are multiple operators associated with the same project, all operators are required to obtain permit coverage. The following applies in these situations:

1. *If one operator has control over plans and specifications and a different operator has control over activities at the project site, they may divide responsibility for compliance with the terms of this permit as long as they develop a group SWPPP (see Part 7.1.1), which documents which operator has responsibility for each requirement of the permit.*
2. *If an operator only has operational control over a portion of a larger project (e.g., one of four homebuilders in a subdivision), the operator is responsible for compliance with all applicable effluent limits, terms, and conditions of this permit as it relates to the activities on their portion of the construction site, including protection of endangered species, critical habitat, and historic properties, and implementation of control measures described in the SWPPP in the areas under their control.*
3. *You must ensure either directly or through coordination with other permittees, that your activities do not render another party's pollutant discharge controls ineffective.*
4. *If the operator of a "construction support activity" (see Part 1.3.c) is different than the operator of the main construction site, that operator is also required to obtain permit coverage.*

b. Your project:

i. Will disturb 1 or more acres of land, or will disturb less than 1 acre of land but is part of a common plan of development or sale that will ultimately disturb 1 or more acres of land; or

ii. Your project's discharges have been designated by EPA as needing a permit under § 122.26(a)(1)(v) or § 122.26(b)(15)(ii);

c. Your project is located in an area where EPA is the permitting authority (see Appendix B);

d. Discharges from your project are not:

i. Already covered by a different NPDES permit for the same discharge; or

ii. In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.[1, 2]

e. You are able to demonstrate that you meet one of the criteria listed in Appendix D with respect to the protection of species that are federally-listed as endangered or threatened under the Endangered Species Act (ESA) or federally-designated critical habitat;

f. You have completed the screening process in Appendix E relating to the protection of historic properties and places; and

g. You have complied with all requirements in Part 9 imposed by the applicable state, Indian tribe, or territory in which your construction activities will occur.

1.2. ELIGIBILITY CONDITIONS THAT APPLY DEPENDING ON TYPE OF PROJECT.

You must also satisfy, if applicable, the conditions in Parts 1.2.1 through 1.2.4 in order to obtain coverage under this permit.

1.2.1. Eligibility for Emergency-Related Construction Activities.

If you are conducting earth-disturbing activities in response to a public emergency *(e.g., natural disaster, widespread disruption in essential public services)*, and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you are authorized to discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing earth-disturbing activities (see Table 1) establishing that you are eligible under this permit. You are also required to provide documentation in your SWPPP to substantiate the occurrence of the public emergency.

1.2.2. Water Quality Standards – Eligibility for New Sources.

If you are a "new source" (as defined in Appendix A), you are not eligible for coverage under this permit for discharges that EPA, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary in accordance with Part 1.4.5. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the stormwater control requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

[1] Parts 1.1.d.i and 1.1.d.ii do not include sites currently covered under the 2003 or 2008 CGPs, which are in the process of obtaining coverage under this permit, and sites covered under this permit, which are transferring coverage to a different operator.

[2] Notwithstanding a project being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.d.i or 1.1.d.ii, above, EPA may waive the applicable requirement after specific review if it determines that coverage under this permit is appropriate.

1.2.3. Discharging to Waters with High Water Quality – Eligibility for New Sources.

If you are a "new source" (as defined in Appendix A), you are eligible to discharge to a Tier 2, Tier 2.5, or Tier 3 water only if your discharge will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the stormwater control requirements of this permit, including the requirements applicable to such discharges in Part 3.3.2, will result in discharges that will not lower the water quality of the applicable water. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

Note: Your project will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first surface water to which you discharge is identified by a state, tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first surface water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

1.2.4. Use of Cationic Treatment Chemicals.

If you plan to use cationic treatment chemicals (as defined in Appendix A), you are ineligible for coverage under this permit, unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

1.3. Types of Discharges Authorized Under the CGP.

The following is a list of discharges that are allowed under the permit provided that appropriate stormwater controls are designed, installed, and maintained:

a. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i);

b. Stormwater discharges designated by EPA as needing a permit under 40 CFR § 122.26(a)(1)(v) or § 122.26(b)(15)(ii);

c. Stormwater discharges from construction support activities *(e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas)* provided:

   i. The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;

   ii. The support activity is not a commercial operation, nor does it serve multiple unrelated construction projects;

   iii. The support activity does not continue to operate beyond the completion of the construction activity at the project it supports; and

   iv. Stormwater controls are implemented in accordance with Part 2 and, if applicable, Part 3, for discharges from the support activity areas.

d. The following non-stormwater discharges from your construction activity, provided that, with the exception of water used to control dust and to irrigate areas to be vegetatively stabilized, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Part 2:

   i. Discharges from emergency fire-fighting activities;

ii. Fire hydrant flushings;

iii. Landscape irrigation;

iv. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;

v. Water used to control dust;

vi. Potable water including uncontaminated water line flushings;

vii. Routine external building washdown that does not use detergents;

viii. Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used. You are 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;

ix. Uncontaminated air conditioning or compressor condensate;

x. Uncontaminated, non-turbid discharges of ground water or spring water;

xi. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

xii. Construction dewatering water that has been treated by an appropriate control under Part 2.1.3.4; and

e. Discharges of stormwater listed above in Parts a, b, and c, or authorized non-stormwater discharges in Part d above, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

1.4. SUBMITTING YOUR NOTICE OF INTENT (NOI).

To be covered under this permit, you must submit to EPA a complete and accurate NOI prior to commencing construction activities. The NOI certifies to EPA that you are eligible for coverage according to Part 1.1 and 1.2, and provides information on your construction operation and discharge.

Note: All "operators" (as defined in Appendix A) associated with your construction project, who meet the Part 1.1 eligibility requirements, and who elect to seek coverage under this permit, are required to submit an NOI.

Note: There are two exceptions to the requirement to submit the NOI prior to the commencement of construction activities: (1) for emergency-related projects, and (2) for new projects scheduled to commence construction activities on or after February 16, 2012, but no later than March 1, 2012. For these two types of projects, the NOI must be submitted within 30 calendar days after the commencement of earth-disturbing activities (see Part 1.4.2).

Note: You must complete the development of a Stormwater Pollution Prevention Plan (SWPPP) consistent with Part 7 prior to submitting your NOI for coverage under this permit.

1.4.1. How to Submit Your NOI.

You are required to use EPA's electronic NOI system, or "eNOI system", to prepare and submit your NOI. Go to www.epa.gov/npdes/stormwater/cgpenoi to access the eNOI system and file an NOI. If you have a problem with the use of the eNOI system, contact the EPA Regional Office that corresponds to the location of your site. If you are given

approval by the EPA Regional Office to use a paper NOI, and you elect to use it, you must complete the form in Appendix J.

1.4.2. Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage.

Table 1 provides the deadlines for submitting your NOI and your official start date of permit coverage, which differ depending on when you commence construction activities. The following terms are used in Table 1 to establish NOI deadlines:

a. New project – a construction project that commences construction activities on or after February 16, 2012.

b. Existing project – a construction project that commenced construction activities prior to February 16, 2012 or April 9, 2012 for the State of Idaho (except for Indian Country).

c. New operator of a new or existing project – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction project.

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Construction Project	Deadlines for Operators to Submit NOI	Official Start Date for Permit Coverage
New project	You must submit your NOI at least 14 calendar days prior to commencing earth-disturbing activities. *Exception:* If your project qualifies as an "emergency-related project" under Part 1.2.1, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities. *Exception:* If you are scheduled to commence construction activities on or after February 16, 2012, but no later than March 1, 2012, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities.[3]	You are considered covered under this permit 14 calendar days after EPA has acknowledged receipt of your NOI on the Agency's website (www.epa.gov/npdes/stormwater/cgpnoisearch), unless EPA notifies you that your authorization has been delayed or denied. *Exception:* If your project qualifies as an "emergency-related project" under Part 1.2.1, you are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA has acknowledged receipt of your NOI, unless EPA notifies you that your authorization has been delayed or denied. *Exception:* If you are scheduled to commence construction activities on or after February 16, 2012, but no later than March 1, 2012, you are considered provisionally covered under the terms and conditions of this permit immediately, and fully

[3] For new projects in the State of Idaho (except Indian Country), if you are scheduled to commence construction activities on or after April 9, 2012, but no later than May 9, 2012, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities.

Type of Construction Project	Deadlines for Operators to Submit NOI	Official Start Date for Permit Coverage
		covered 14 calendar days after EPA has acknowledged receipt of your NOI, unless EPA notifies you that your authorization has been delayed or denied.[4]
Existing project	You must submit your NOI by no later than May 16, 2012.[5] However, if you have not previously obtained coverage under an NPDES permit, you must submit your NOI immediately.	You are considered covered under this permit 14 calendar days after EPA has acknowledged receipt of your NOI on the Agency's website (www.epa.gov/npdes/stormwater/cgpnoisearch), unless EPA notifies you that your authorization has been delayed or denied.[6]
New operator of a new or existing project	You must submit your NOI at least 14 calendar days before the date the transfer to the new operator will take place.	You are considered covered under this permit 14 calendar days after EPA has acknowledged receipt of your NOI on the Agency's website (www.epa.gov/npdes/stormwater/cgpnoisearch), unless EPA notifies you that your authorization has been delayed or denied.

Note: If you have missed the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the Clean Water Act until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of earth-disturbing activities and discharge authorization.

Note: Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage.

1.4.3. Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

- You terminate permit coverage consistent with Part 8; or

[4] For new projects in the State of Idaho (except Indian Country), if you are scheduled to commence construction activities on or after April 9, 2012, but no later than May 9, 2012, you are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA has acknowledged receipt of your NOI, unless EPA notifies you that your authorization has been delayed or denied.

[5] For existing projects located in the State of Idaho (except Indian Country), NOIs must be submitted by no later than July 8, 2012. For existing projects located in the following areas, NOIs must be submitted no later than 90 days after the date of permit issuance: areas in the State of Washington, except Indian country, subject to construction by a Federal Operator; the Fond Du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and Bad River, Lac Du Flambeau, and Sokaogon Chippewa (Mole Lake) Community in Wisconsin.

[6] Note that if you are currently covered under the 2003 or 2008 CGP, this coverage continues until your coverage under this permit begins, provided you have submitted an NOI by the deadline.

- Your discharges are permitted under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2017; or
- For existing projects that continue after this permit has expired, the deadline has passed for the submission of an NOI for coverage under a reissued or replacement version of this permit and you have failed to submit an NOI by the required deadline.

1.4.4. Continuation of Coverage for Existing Permittees After the Permit Expires.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect for discharges that were covered prior to expiration. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by this permit until the earliest of:

- Your authorization for coverage under a reissued or replacement version of this permit following your timely submittal of a complete and accurate NOI requesting coverage under the new permit; or

  Note: If you fail to submit a timely NOI for coverage under the reissued or replacement permit, your coverage will terminate on the date that the NOI was due.

- Your submittal of a Notice of Termination; or
- Issuance or denial of an individual permit for the project's discharges; or
- A final permit decision by EPA not to reissue a general permit, at which time EPA will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this time period.

EPA reserves the right to modify or revoke and reissue this permit under 40 CFR 122.62 and 63, in which case you will be notified of any relevant changes or procedures to which you may be subject.

1.4.5. Procedures for Denial of Coverage.

Following your submittal of a complete and accurate NOI, you may be notified in writing by EPA that you are not covered, and that you must either apply for and/or obtain coverage under an individual NPDES permit or an alternate general NPDES permit. This notification will include a brief statement of the reasons for this decision and will provide application information. Any interested person may request that EPA consider requiring an individual permit under this paragraph.

If you are already a permittee with coverage under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual NPDES permit or alternate general NPDES permit, as it applies to you, coverage under this general permit will terminate. EPA may grant additional time to submit the application if you request it. If you are covered under this permit and fail to submit an individual NPDES permit application or an NOI for an alternate general NPDES permit as required by EPA, then the applicability of this permit to you is terminated at the end of the day specified by EPA as the deadline for application submittal. EPA may take appropriate enforcement action for any unpermitted discharge. If you submit a timely permit application, then when an individual NPDES permit is issued to you or you are provided with coverage under an alternate general NPDES permit, your coverage under this permit is terminated on the effective date of the individual permit or date of coverage under the alternate general permit.

1.5. REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE.

You must post a sign or other notice conspicuously at a safe, publicly accessible location in close proximity to the project site. At a minimum, the notice must include the NPDES Permit tracking number and a contact name and phone number for obtaining additional project information. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way.

2. EFFLUENT LIMITATIONS APPLICABLE TO ALL DISCHARGES FROM CONSTRUCTION SITES

You are required to comply with the following effluent limitations in this Part for discharges from your site and/or from construction support activities (see Part 1.3.c).

Note: If your project is an "existing project" (see Part 1.4.2.b) or if you are a "new operator of an existing project" (see Part 1.4.2.c), and it is infeasible for you to comply with a specific requirement in this Part because (1) the requirement was not part of the permit you were previously covered under (i.e., the 2003 or 2008 CGP), and (2) because you are prevented from compliance due to the nature or location of earth disturbances that commenced prior to February 16, 2012 (or prior to April 9, 2012 for projects in the State of Idaho (except for Indian Country)), or because you are unable to comply with the requirement due to the manner in which stormwater controls have already been installed or were already designed prior to February 16, 2012 (or prior to April 9, 2012 for projects in the State of Idaho (except for Indian Country)), you are required to document this fact in your SWPPP and are waived from complying with that requirement. This flexibility applies only to the requirements in Parts 2.1, and 2.3.3 through 2.3.5 (except for Parts 2.3.3.1, 2.3.3.2b, 2.3.3.3c.i, and 2.3.3.4). This only applies to those portions of your site that have already commenced earth-disturbing activities or where stormwater controls implemented in compliance with the previous permit have already been installed.

Part 2 includes the following types of requirements:

- Erosion and Sediment Control Requirements (Part 2.1)
- Stabilization Requirements (Part 2.2)

  Pollution Prevention Requirements (Part 2.3)

2.1. EROSION AND SEDIMENT CONTROL REQUIREMENTS.

You must design, install, and maintain erosion and sediment controls that minimize the discharge of pollutants from earth-disturbing activities. To meet this requirement, you must comply with the following provisions.

2.1.1. General Requirements Applicable to All Construction Sites.

2.1.1.1 ***Area of Disturbance.*** You are required to minimize the amount of soil exposed during construction activities. You are also subject to the deadlines for temporarily and/or permanently stabilizing exposed portions of your site pursuant to Part 2.2.

2.1.1.2 ***Design Requirements.***

a. You must account for the following factors in designing your stormwater controls:

   i. The expected amount, frequency, intensity, and duration of precipitation;

   ii. 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. If any stormwater flow will be channelized at your site, you must design stormwater controls to control both peak flowrates and total stormwater volume to minimize erosion at outlets and to minimize downstream channel and streambank erosion; and

   iii. The range of soil particle sizes expected to be present on the site.

b. You must direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater

infiltration, including any natural buffers established under Part 2.1.2.1, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.

2.1.1.3 ***Installation Requirements.***

a. **Complete installation of stormwater controls by the time each phase of earth-disturbance has begun, unless infeasible.** By the time earth-disturbing activities in any given portion of your site have begun, unless infeasible, you must install and make operational any downgradient sediment controls (*e.g., buffers or equivalent sediment controls, perimeter controls, exit point controls, storm drain inlet protection)* that control discharges from the initial site clearing, grading, excavating, and other land-disturbing activities.

Note: Where it is infeasible to install stormwater controls prior to the initial earth disturbance, it is EPA's expectation that it will be a rare circumstance that will prevent the operator from installing such controls immediately following the initial earth disturbance.

Following the installation of these initial controls, all other stormwater controls planned for this portion of your site and described in your SWPPP must be installed and made operational as soon as conditions on the site allow.

Note: The requirement to install stormwater controls prior to earth-disturbance for each phase of the project does not apply to the earth disturbance associated with the actual installation of these controls.

b. **Use good engineering practices and follow manufacturer's specifications.** You must install all stormwater controls in accordance with good engineering practices, including applicable design specifications.

Note: Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in your SWPPP.

2.1.1.4 ***Maintenance Requirements.***

a. You must ensure that all erosion and sediment controls required in this Part remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

b. You must inspect all erosion and sediment controls in accordance with the applicable requirements in Part 4.1, and document your findings in accordance with Part 4.1.7. If you find a problem (*e.g., erosion and sediment controls need to be replaced, repaired, or maintained*), you must make the necessary repairs or modifications in accordance with the following schedule:

i. Initiate work to fix the problem immediately after discovering the problem, and complete such work by the close of the next work day, if the problem does not require significant repair or replacement, or if the problem can be corrected through routine maintenance.

ii. When installation of a new erosion or sediment control or a significant repair is needed, you must install the new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery where feasible. If it

is infeasible to complete the installation or repair within 7 calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as practicable after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 7 calendar days of completing this work.

2.1.2. Erosion and Sediment Control Requirements Applicable to All Sites.

2.1.2.1 **Provide Natural Buffers or Equivalent Sediment Controls.** (These requirements only apply when a surface water is located within 50 feet of your project's earth disturbances).

Note: EPA does not consider stormwater control features (e.g., stormwater conveyance channels, storm drain inlets, sediment basins) to constitute "surface waters" for the purposes of triggering the requirement to comply with this Part.

Note: Areas that you do not own or that are otherwise outside your operational control may be considered areas of undisturbed natural buffer for purposes of compliance with this part.

You must ensure that any discharges to surface waters through the area between the disturbed portions of the property and any surface waters located within 50 feet of your site are treated by an area of undisturbed natural buffer and/or additional erosion and sediment controls in order to achieve a reduction in sediment load equivalent to that achieved by a 50-foot natural buffer. Refer to Appendix G (Buffer Guidance) for information to assist you in complying with this requirement, and to Part 2.1.2.1e for exceptions to this requirement.

a. **Compliance Alternatives.** You can comply with this requirement in one of the following ways:

i. Provide and maintain a 50-foot undisturbed natural buffer; or

Note: If your earth disturbances are located 50 feet or further from a surface water, then you have complied with this alternative.

ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or

iii. If it is infeasible to provide and maintain an undisturbed natural buffer of any size, you must implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

Note: For the compliance alternatives in Parts 2.1.2.1a.i and 2.1.2.1a.ii, you are not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists (e.g., arid and semi-arid areas). You only need to retain and protect from disturbance the natural buffer that existed prior to the commencement of construction. Any preexisting structures or impervious surfaces are allowed in the natural buffer provided you retain and protect from disturbance the natural buffer area outside the

preexisting disturbance. Similarly, for alternatives 2.1.2.1a.ii and 2.1.2.1a.iii, you are required to implement and maintain sediment controls that achieve the sediment load reduction equivalent to the undisturbed natural buffer that existed on the site prior to the commencement of construction. In determining equivalent sediment load reductions, you may consider naturally non-vegetated areas and prior disturbances. See Appendix G for a discussion of how to determine equivalent reductions.

You must document the compliance alternative you have selected in your SWPPP, and comply with the applicable additional requirements described in Parts 2.1.2.1b and 2.1.2.1c below.

The compliance alternative selected above must be maintained throughout the duration of permit coverage, except that you may select a different compliance alternative during your period of permit coverage, in which case you must modify your SWPPP to reflect this change.

b. **Additional Requirements for the Compliance Alternatives in Parts 2.1.2.1a.i and 2.1.2.1a.ii.** If you choose either of the compliance alternatives in Parts 2.1.2.1a.i or 2.1.2.1a.ii above, throughout your period of coverage under this permit, you must comply with the following additional requirements:

   i. Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by stormwater within the buffer;

   ii. Document in your SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and

   iii. Delineate, and clearly mark off, with flags, tape, or other similar marking device all natural buffer areas.

c. **Additional Requirements for the Compliance Alternatives in Parts 2.1.2.1a.ii and 2.1.2.1a.iii.** If you choose either of the compliance alternatives in Parts 2.1.2.1a.ii and 2.1.2.1a.iii, you must document in your SWPPP the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency.

d. **Additional Requirement for the Compliance Alternative in Part 2.1.2.1a.iii.** If you choose the compliance alternative in Part 2.1.2.1a.iii, you must also include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

e. **Exceptions.**

   i. If there is no discharge of stormwater to surface waters through the area between your site and any surface waters located within 50 feet of your site, you are not required to comply with the requirements in this Part. This includes situations where you have implemented control measures, such as a berm or other barrier, that will prevent such discharges.

ii. Where no natural buffer exists due to preexisting development disturbances *(e.g., structures, impervious surfaces)* that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in this Part, unless you will remove portions of the preexisting development.

Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you are required to comply with the requirements in this Part. For the purposes of calculating the sediment load reduction for either Part 2.1.2.1a.ii or 2.1.2.1a.iii above, you are not expected to compensate for the reduction in buffer function from the area covered by these preexisting disturbances. See Appendix G for further information on how to comply with the compliance alternatives in Part 2.1.2.1a.ii or 2.1.2.1a.iii above.

If during your project, you will disturb any portion of these preexisting disturbances, the area disturbed will be deducted from the area treated as natural buffer.

iii. For "linear construction projects" (see Appendix A), you are not required to comply with the requirements in this Part if site constraints (*e.g., limited right-of-way*) prevent you from meeting any of the compliance alternatives in Part 2.1.2.1a, provided that, to the extent practicable, you limit disturbances within 50 feet of the surface water and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the surface water. You must also document in your SWPPP your rationale as to why it is infeasible for you to comply with the requirements in Part 2.1.2.1a, and describe any buffer width retained and/or supplemental erosion and sediment controls installed.

iv. For "small residential lot" construction (*i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre*), you have the option of complying with the requirements in Appendix G (Part G.2.3).

v. The following disturbances within 50 feet of a surface water are exempt from the requirements in this Part:

- Construction approved under a CWA Section 404 permit; or
- Construction of a water-dependent structure or water access area *(e.g., pier, boat ramp, trail)*.

You must document in your SWPPP if any of the above disturbances will occur within the buffer area on your site.

2.1.2.2 ***Install Perimeter Controls.***

a. **Installation Requirements:** You must install sediment controls along those perimeter areas of your site that will receive stormwater from earth-disturbing activities.[7]

For linear projects with rights-of-way that restrict or prevent the use of such perimeter controls, you must maximize the use of these controls where practicable and document in your SWPPP why it is impracticable in other areas of the project.

b. **Maintenance Requirements:** You must remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

2.1.2.3 ***Minimize Sediment Track-Out.*** You must minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting your construction site. To comply with this requirement, you must:

a. Restrict vehicle use to properly designated exit points;

b. Use appropriate stabilization techniques[8] at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit;

c. Where necessary, use additional controls[9] to remove sediment from vehicle tires prior to exit; and

d. Where sediment has been tracked-out from your site onto the surface of off-site streets, other paved areas, and sidewalks, you must remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day. You must remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.

Note: EPA recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such "staining" is not a violation of Part 2.1.2.3.

2.1.2.4 **Control Discharges from Stockpiled Sediment or Soil.** For any stockpiles or land clearing debris composed, in whole or in part, of sediment or soil, you must comply with the following requirements:

Note: For the purposes of this permit, sediment or soil stockpiles are defined as the storage for multiple days of soil or other sediment material to be used in the construction project.

a. Locate the piles outside of any natural buffers established under Part 2.1.2.1a and physically separated from other stormwater controls implemented in accordance with Part 2.1;

[7] Examples of perimeter controls include, but are not limited to, filter berms, silt fences, and temporary diversion dikes.

[8] Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, or turf mats.

[9] Examples of additional controls to remove sediment from vehicle tires include, but are not limited to, wheel washing, rumble strips, and rattle plates.

b. Protect from contact with stormwater (including run-on) using a temporary perimeter sediment barrier;[10]

c. Where practicable, provide cover or appropriate temporary stabilization to avoid direct contact with precipitation or to minimize sediment discharge;

d. Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water; and

e. Unless infeasible, contain and securely protect from wind.

2.1.2.5 ***Minimize Dust.*** In order to avoid pollutants from being discharged into surface waters, to the extent feasible, you must minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

2.1.2.6 ***Minimize the Disturbance of Steep Slopes.*** You must minimize the disturbance of "steep slopes" (see definition in Appendix A).

Note: The permit does not prevent or prohibit disturbance on steep slopes. For some projects, disturbance on steep slopes may be necessary for construction (e.g., a road cut in mountainous terrain). If a disturbance to steep slopes is required for the project, EPA would recognize that it is not economically achievable to avoid the disturbance to steep slopes. However, in cases where steep slope disturbances are required, minimizing the disturbances to steep slopes consistent with this requirement can be accomplished through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances to these areas and using stabilization practices designed to be used on steep grades.

2.1.2.7 ***Preserve Topsoil.*** You must preserve native topsoil on your site, unless infeasible.

Note: Some projects may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain. In these cases, preserving topsoil at the site would not be feasible. Some sites may not have space to stockpile topsoil on site for later use, in which case, it may also not be feasible to preserve topsoil.

Note: Stockpiling of topsoil at off-site locations, or transfer of topsoil to other locations, is an example of a practice that is consistent with the requirements in this Part.

2.1.2.8 ***Minimize Soil Compaction***. In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, you must either:

a. **Restrict vehicle / equipment use.** Restrict vehicle and equipment use in these locations to avoid soil compaction; or

b. **Use soil conditioning techniques.** Prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary and feasible.

[10] Examples include berms, dikes, fiber rolls, silt fences, sandbag, gravel bags, or straw bale.

2.1.2.9 ***Protect Storm Drain Inlets.*** If you discharge to any storm drain inlet that carries stormwater flow from your site directly to a surface water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), and you have authority to access the storm drain inlet, you must:

a. **Installation Requirements.** Install inlet protection measures[11] that remove sediment from your discharge prior to entry into the storm drain inlet.

Note: Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

b. **Maintenance Requirements.** Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, you must remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.

2.1.3. Requirements Applicable Only to Sites Using These Specific Stormwater Controls.

You are required to comply with the following requirements if you will install any of the following stormwater controls at your site:

2.1.3.1 ***Constructed Stormwater Conveyance Channels.*** Design stormwater conveyance channels to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. Minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices[12] within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

2.1.3.2 ***Sediment Basins.*** If you install a sediment basin , you must comply with the following:

a. **Design requirements.**

i. Provide storage for either (1) the calculated volume of runoff from a 2-year, 24-hour storm (see Appendix H), or (2) 3,600 cubic feet per acre drained;

ii. When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface in order to minimize the discharge of pollutants, unless infeasible;

Note: EPA believes that the circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where surface outlets may not be feasible during certain time periods (although it is expected that they would be used during other periods). If you have determined that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination.

[11] Examples of inlet protection measures include fabric filters, sandbags, concrete blocks, and gravel barriers.

[12] Examples of velocity dissipation devices include check dams, sediment traps, riprap, or grouted riprap at outlets.

iii. Prevent erosion of (1) the sediment basin using stabilization controls *(e.g., erosion control blankets)*, and (2) the inlet and outlet using erosion controls and velocity dissipation devices; and

iv. Sediment basins must be situated outside of surface waters and any natural buffers established under Part 2.1.2.1a, and must be designed to avoid collecting water from wetlands.

b. **Maintenance requirements.** Keep in effective operating condition and remove accumulated sediment to maintain at least ½ of the design capacity of the sediment basin at all times.

2.1.3.3 ***Use of Treatment Chemicals.*** If you are using polymers, flocculants, or other treatment chemicals at your site, you must comply with the following minimum requirements:

a. **Use conventional erosion and sediment controls prior to and after the application of treatment chemicals.** Use conventional erosion and sediment controls prior to chemical addition to ensure effective treatment. Chemicals may only be applied where treated stormwater is directed to a sediment control *(e.g., sediment basin, perimeter control)* prior to discharge.

b. **Select appropriate treatment chemicals**. Chemicals must be selected that are appropriately suited to the types of soils likely to be exposed during construction and discharged to locations where chemicals will be applied, and to the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area.

c. **Minimize discharge risk from stored chemicals.** Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures *(e.g., spill berms, decks, spill containment pallets),* or provide equivalent measures, designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means *(e.g., storing chemicals in covered area or having a spill kit available on site)*.

d. **Comply with state/local requirements.** Comply with relevant state and local requirements affecting the use of treatment chemicals.

e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** You must also use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document specific departures from these practices or specifications and how they reflect good engineering practice.

f. **Ensure proper training.** Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements.

g. **Comply with additional requirements for the approved use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.2.4, and the authorization is conditioned on your compliance with additional requirements necessary to ensure that

the use of such chemicals will not cause an exceedance of water quality standards, you are required to comply with all such requirements.

h. **Provide proper SWPPP documentation.** You must include documentation in your SWPPP consistent with Parts 7.2.6.9 and 7.2.10.2 on the specific chemicals and chemical treatment systems you will use, and how you will comply with the requirements in this Part.

2.1.3.4 ***Dewatering Practices.*** You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls.[13] Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

You must also meet the following requirements for dewatering activities:

a. **Discharge requirements.**

i. Do not discharge visible floating solids or foam;

ii. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials;

iii. To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. In no case will surface waters be considered part of the treatment area;

iv. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.1.3.1;

v. With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and

vi. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

b. **Treatment chemical restrictions.** If you are using polymers, flocculants, or other treatment chemicals to treat dewatering water, you must comply with the requirements in Parts 2.1.3.3.

2.2. STABILIZATION REQUIREMENTS.

You are required to stabilize exposed portions of your site in accordance with the requirements of this Part.

Note: For the purposes of this permit, "exposed portions of your site" means areas of exposed soil that are required to be stabilized. Note that EPA does not expect that temporary or permanent stabilization measures to be applied to areas that are intended to be left unvegetated or unstabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials).

[13] Examples of appropriate controls include, but are not limited to, sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

2.2.1. Deadlines for Initiating and Completing Stabilization.

2.2.1.1 ***Deadline to Initiate Stabilization.*** You must initiate soil stabilization measures immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site.

Note: Earth-disturbing activities have permanently ceased when clearing and excavation within any area of your construction site that will not include permanent structures has been completed.

Note: Earth-disturbing activities have temporarily ceased when clearing, grading, and excavation within any area of the site that will not include permanent structures will not resume (i.e., the land will be idle) for a period of 14 or more calendar days, but such activities will resume in the future.

The 14 calendar day timeframe above begins counting as soon as you know that construction work on a portion of your site will be temporarily ceased. In circumstances where you experience unplanned or unanticipated delays in construction due to circumstances beyond your control (e.g., sudden work stoppage due to unanticipated problems associated with construction labor, funding, or other issues related to the ability to work on the site; weather conditions rendering the site unsuitable for the continuation of construction work) and you do not know at first how long the work stoppage will continue, your requirement to immediately initiate stabilization is triggered as soon as you know with reasonable certainty that work will be stopped for 14 or more additional calendar days. At that point, you must comply with Parts 2.2.1.1 and 2.2.1.2.

Note: For the purposes of this permit, EPA will consider any of the following types of activities to constitute the initiation of stabilization:

1. *prepping the soil for vegetative or non-vegetative stabilization;*
2. *applying mulch or other non-vegetative product to the exposed area;*
3. *seeding or planting the exposed area;*
4. *starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and*
5. *finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization in Parts 2.2.1.2 and 2.2.1.3.*

This list of examples is not exhaustive.

Note: The term "immediately" is used to define the deadline for initiating stabilization measures. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

2.2.1.2 ***Deadline to Complete Stabilization Activities.*** As soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization measures consistent with Part 2.2.1.1[14], you are required to have completed:

a. For vegetative stabilization, all activities[15] necessary to initially seed or plant the area to be stabilized; and/or

[14] EPA may determine, based on an inspection carried out under Part 4.2 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

b. For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

2.2.1.3 ***Exceptions to the Deadlines for Initiating and Completing Stabilization.***

a. *Deadlines for projects occurring in arid or semi-arid areas, or drought-stricken areas*. These requirements apply if (1) your site is located in an arid area, a semi-arid area, or a drought-stricken area, as these terms are defined in Appendix A, (2) construction will occur during the seasonally dry period or during a period in which drought is predicted to occur, and (3) you are using vegetative cover for temporary or permanent stabilization. You may also comply with the deadlines in Part 2.2.1.1 instead. The deadlines for these types of projects are as follows:

i. Immediately initiate, and within 14 calendar days of a temporary or permanent cessation of work in any portion of your site complete, the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;

ii. As soon as practicable, given conditions or circumstances on your site, complete all activities necessary to initially seed or plant the area to be stabilized; and

iii. If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. You must also include the schedule you will follow for initiating and completing vegetative stabilization.

b. *Deadlines for projects that are affected by circumstances beyond the control of the permittee that delay the initiation and/or completion of vegetative stabilization as required in Parts 2.2.1.1 and/or 2.2.1.2*. If you are unable to meet the deadlines in Parts 2.2.1.1and/or 2.2.1.2 due to circumstances beyond your control[16], and you are using vegetative cover for temporary or permanent stabilization, you may comply with the following stabilization deadlines instead:

i. Immediately initiate, and within 14 calendar days complete, the installation of temporary non-vegetative stabilization measures to prevent erosion;

ii. Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and

Note: You are required to have stabilized the exposed portions of your site consistent with Part 2.2.2 prior to terminating permit coverage under Part 8.2.

iii. Document the circumstances that prevent you from meeting the deadlines required in Parts 2.2.1.1and/or 2.2.1.2 and the schedule you will follow for initiating and completing stabilization.

[15] For example, such activities might include, but are not limited to, soil conditioning, application of seed or sod, planting of seedlings or other vegetation, application of fertilizer, and, as deemed appropriate, watering.

[16] Examples include problems with the supply of seed stock or with the availability of specialized equipment, unsuitability of soil conditions due to excessive precipitation and/or flooding.

c. *Deadlines for sites discharging to sensitive waters.* For any portion of the site that discharges to a sediment or nutrient-impaired water (see Part 3.2) or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.3), you are required to complete the stabilization activities specified in Parts 2.2.1.2a and/or 2.2.1.2b within 7 calendar days after the temporary or permanent cessation of earth-disturbing activities.

Note: If you qualify for the deadlines for initiating and completing stabilization in Part 2.2.1.3a or b*, you may comply with the stabilization deadlines in Part 2.2.1.3a or* b *for any portion of your site that discharges to a sensitive water.*

2.2.2. Criteria for Stabilization.

To be considered adequately stabilized, you must meet the criteria below depending on the type of cover you are using, either vegetative or non-vegetative.

2.2.2.1 ***Vegetative Stabilization.***

a. ***For all sites, except those located in arid or semi-arid areas or on agricultural lands.***

i. If you are vegetatively stabilizing any exposed portion of your site through the use of seed or planted vegetation, you must provide established uniform vegetation *(e.g., evenly distributed without large bare areas)*, which provides 70 percent or more of the density of coverage that was provided by vegetation prior to commencing earth-disturbing activities. You should avoid the use of invasive species;

ii. For final stabilization, vegetative cover must be perennial; and

iii. Immediately after seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, you must select, design, and install non-vegetative erosion controls that provide cover *(e.g., mulch, rolled erosion control products)* to the area while vegetation is becoming established.

b. ***For sites located in arid or semi-arid areas, or drought-stricken areas.*** If you are located in an arid or semi-arid area, or a drought-stricken area, as these terms are defined in Appendix A, you are considered to have completed final stabilization if both of the following criteria are met:

i. The area you have seeded or planted must within 3 years provide established vegetation that covers 70 percent or more of the density of vegetation prior to commencing earth-disturbing activities; and

ii. In addition to seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, you must select, design, and install non-vegetative erosion controls that provide cover for at least 3 years without active maintenance by you.

c. ***For sites located on land used for agriculture.*** Disturbed areas on land used for agricultural purposes *(e.g., pipelines across crop or range land, staging areas for highway construction*) that are restored to their pre-

construction agricultural use are not subject to these final stabilization criteria. Areas disturbed that were not previously used for agricultural activities, and areas that are not being returned to preconstruction agricultural use, must meet the conditions for stabilization in this Part.

2.2.2.2 ***Non-Vegetative Stabilization.*** If you are using non-vegetative controls to stabilize exposed portions of your site, or if you are using such controls to temporarily protect areas that are being vegetatively stabilized, you must provide effective non-vegetative cover[17] to stabilize any such exposed portions of your site.

2.3. POLLUTION PREVENTION REQUIREMENTS.

You are required to design, install, and maintain effective pollution prevention measures in order to prevent the discharge of pollutants. Consistent with this requirement, you must:

- Eliminate certain pollutant discharges from your site (see Part 2.3.1);
- Properly maintain all pollution prevention controls (see Part 2.3.2); and
- Comply with pollution prevention standards for pollutant-generating activities that occur at your site (see Part 2.3.3).

These requirements apply to all areas of your construction site and any and all support activities covered by this permit consistent with Part 1.3.c.

2.3.1. Prohibited Discharges.

You are prohibited from discharging the following from your construction site:

2.3.1.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.3.4;

2.3.1.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, unless managed by an appropriate control as described in Part 2.3.3.4;

2.3.1.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

2.3.1.4 Soaps, solvents, or detergents used in vehicle and equipment washing; and

2.3.1.5 Toxic or hazardous substances from a spill or other release.

2.3.2. General Maintenance Requirements.

You must ensure that all pollution prevention controls installed in accordance with this Part remain in effective operating condition and are protected from activities that would reduce their effectiveness. You must inspect all pollutant-generating activities and pollution prevention controls in accordance with your inspection frequency requirements in Parts 4.1.2 or 3.2.2.1 to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharges to receiving waters, and must document your findings in accordance with Part 4.1.7. If you find that controls need to be replaced, repaired, or maintained, you must make the necessary repairs or modifications in accordance with the following:

[17] For temporary stabilization, examples of temporary non-vegetative stabilization methods include, but are not limited to, hydromulch and erosion control blankets. For final stabilization, examples of permanent non-vegetative stabilization methods include, but are not limited to, riprap, gabions, and geotextiles.

2.3.2.1 Initiate work to fix the problem immediately after discovering the problem, and complete such work by the close of the next work day, if the problem does not require significant repair or replacement, or if the problem can be corrected through routine maintenance.

2.3.2.2 When installation of a new pollution prevention control or a significant repair is needed, you must install the new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7 calendar day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as practicable after the 7 calendar day timeframe. Where these actions result in changes to any of the pollution prevention controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 7 calendar days of completing this work.

2.3.3. Pollution Prevention Standards.

You are required to comply with the pollution prevention standards in this Part if you conduct any of the following activities at your site or at any construction support activity areas covered by this permit (see Part 1.3.c):

- Fueling and maintenance of equipment or vehicles;
- Washing of equipment and vehicles;
- Storage, handling, and disposal of construction materials, products, and wastes; and
- Washing of applicators and containers used for paint, concrete, or other materials.

The pollution prevention standards are as follows:

2.3.3.1 ***Fueling and Maintenance of Equipment or Vehicles***. If you conduct fueling and/or maintenance of equipment or vehicles at your site, you must provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place.[18]

To comply with the prohibition in Part 2.3.1.3, you must:

a. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the CWA;

b. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

c. Use drip pans and absorbents under or around leaky vehicles;

d. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements;

[18] Examples of effective controls include, but are not limited to, locating activities away from surface waters and stormwater inlets or conveyances, providing secondary containment *(e.g., spill berms, decks, spill containment pallets)*and cover where appropriate, and/or having spill kits readily available.

e. Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

f. Do not clean surfaces by hosing the area down.

2.3.3.2 ***Washing of Equipment and Vehicles.***

a. You must provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing;[19] and

b. To comply with the prohibition in Part 2.3.1.4, for storage of soaps, detergents, or solvents, you must provide either (1) cover (*e.g., plastic sheeting or temporary roofs*) to prevent these detergents from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.

2.3.3.3 ***Storage, Handling, and Disposal of Construction Products, Materials, and Wastes.*** You must minimize the exposure to stormwater of any of the products, materials, or wastes specified below that are present at your site by complying with the requirements in this Part.

Note: These requirements do not apply to those products, materials, or wastes that are not a source of stormwater contamination or that are designed to be exposed to stormwater.

To ensure you meet this requirement, you must:

a. *For building products*[20]*:* In storage areas, provide either (1) cover (*e.g., plastic sheeting or temporary roofs*) to prevent these products from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.

b. *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*

i. In storage areas, provide either (1) cover (e.g., *plastic sheeting or temporary roofs*) to prevent these chemicals from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas; and

ii. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.

c. *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:*

i. To comply with the prohibition in Part 2.3.1.3, store chemicals in water-tight containers, and provide either (1) cover *(e.g., plastic sheeting or temporary roofs)* to prevent these containers from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these

[19] Examples of effective controls include, but are not limited to, locating activities away from surface waters and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

[20] Some examples of building products that are typically stored at construction sites include, but are not limited to, asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures.

areas *(e.g., spill kits)*, or provide secondary containment *(e.g., spill berms, decks, spill containment pallets)*; and

ii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

d. *For hazardous or toxic waste*[21]*:*

i. Separate hazardous or toxic waste from construction and domestic waste;

ii. Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;

iii. Store all containers that will be stored outside within appropriately-sized secondary containment *(e.g., spill berms, decks, spill containment pallets)* to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas *(e.g., storing chemicals in covered area or having a spill kit available on site)*;

iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, tribal, and local requirements; and

v. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

e. *For construction and domestic waste*[22]: Provide waste containers *(e.g., dumpster or trash receptacle)* of sufficient size and number to contain construction and domestic wastes. In addition, you must:

(1) On work days, clean up and dispose of waste in designated waste containers; and

(2) Clean up immediately if containers overflow.

f. *For sanitary waste:* Position portable toilets so that they are secure and will not be tipped or knocked over.

2.3.3.4 **Washing of Applicators and Containers used for Paint, Concrete, or Other Materials.** To comply with the prohibition in Parts 2.3.1.1 and 2.3.1.2, you must provide an effective means of eliminating the discharge of water from the

[21] Examples of hazardous or toxic waste that may be present at construction sites include, but are not limited to, paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids.

[22] Examples of construction and domestic waste include, but are not limited to, packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials.

washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials. To comply with this requirement, you must:

a. Direct all washwater into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

   i. Do not dump liquid wastes in storm sewers;

   ii. Dispose of liquid wastes in accordance with applicable requirements in Part 2.3.3.3; and

   iii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3.3; and

c. Locate any washout or cleanout activities as far away as possible from surface waters and stormwater inlets or conveyances, and, to the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas.

2.3.4. Emergency Spill Notification.

You are prohibited from discharging toxic or hazardous substances from a spill or other release, consistent with Part 2.3.1.5. 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 Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. You must also, within 7 calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.3.5. Fertilizer Discharge Restrictions.

You are required to minimize discharges of fertilizers containing nitrogen or phosphorus. To meet this requirement, you must comply with the following requirements:

2.3.5.1 Apply at a rate and in amounts consistent with manufacturer's specifications, or document departures from the manufacturer specifications where appropriate in Part 7.2.7.2 of the SWPPP;

2.3.5.2 Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

2.3.5.3 Avoid applying before heavy rains that could cause excess nutrients to be discharged;

2.3.5.4 Never apply to frozen ground;

2.3.5.5 Never apply to stormwater conveyance channels with flowing water; and

2.3.5.6 Follow all other federal, state, tribal, and local requirements regarding fertilizer application.

3. WATER QUALITY-BASED EFFLUENT LIMITATIONS.

3.1. GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Your discharge must be controlled as necessary to meet applicable water quality standards. You must also comply with any additional requirements that your state or tribe requires you to meet in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that your discharge is not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Part 5.2.1, and document the corrective actions as required in Part 5.2.2 and Part 5.4.

EPA will also impose additional water quality-based limitations on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA established or approved TMDL.

3.2. DISCHARGE LIMITATIONS FOR IMPAIRED WATERS

If you discharge to a surface water that is impaired for (1) sediment or a sediment-related parameter, such as total suspended solids (TSS) or turbidity, and/or (2) nutrients, including impairments for nitrogen and/or phosphorus, you are required to comply with the requirements in Part 3.2.2.

Note: For the purposes of this Part, "impaired waters" are waters identified as impaired on the appropriate CWA Section 303(d) list, or waters with an EPA-approved or established TMDL. Your construction site will be considered to discharge to an impaired water if the first surface water to which you discharge is identified by a state, tribe, or EPA pursuant to Section 303(d) of the CWA as not meeting an applicable water quality standard, or is included in an EPA-approved or established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the first surface water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

If you discharge to an impaired water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional limits or controls are necessary for your discharge to be controlled as necessary to meet water quality standards, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary in accordance with Part 1.4.5.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of this permit.

3.2.1. Identify If You Discharge To An Impaired Water.

If you discharge to an impaired water, you must provide the following information in your NOI:

- A list of all impaired waters to which you discharge;
- The pollutant(s) for which the surface water is impaired; and

- Whether a TMDL has been approved or established for the waters to which you discharge.

3.2.2. Requirements for Discharges to Sediment or Nutrient-Impaired Waters.

If you discharge to a surface water that is impaired for (1) sediment or a sediment-related parameter *(e.g., total suspended solids (TSS) or turbidity)* and/or (2) nutrients *(e.g., nitrogen and/or phosphorus)*, including impaired waters for which a TMDL has been approved or established for the impairment, you are required to comply with the following stormwater control requirements, which supplement the requirements applicable to your site in other corresponding parts of the permit

3.2.2.1 ***Frequency of Site Inspection.*** You must conduct inspections at the frequency specified in Part 4.1.3.

3.2.2.2 ***Deadline to Complete Stabilization.*** You must comply with the deadlines for completing site stabilization as specified in Part 2.2.1.3c.

3.2.2.3 ***State and Tribal Requirements.*** You must comply with any additional state or tribal impairment-related requirements included in Part 9.

EPA will also impose additional water quality-based limitations on a site-specific basis, or require you to obtain coverage under an individual permit, if it is determined that the controls in the Part will not be sufficient to control discharges consistent with the assumptions and requirements of an applicable wasteload allocation of an approved or established TMDL or to prevent the site from contributing to the impairment.

3.3. DISCHARGES TO WATERS IDENTIFIED AS TIER 2, TIER 2.5, OR TIER 3.

3.3.1. Identify if You Discharge to a Tier 2, Tier 2.5, or Tier 3 Water.

If you discharge to a water identified by a state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 water, you must provide on your NOI a list of waters identified as Tier 2, Tier 2.5, or Tier 3 to which you discharge. See Appendix F for a list of Tier 2 and 3 waters in Idaho, Massachusetts, New Hampshire, and New Mexico.

Note: For the purposes of this permit, you are considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first surface water to which you discharge is identified by a state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3. Tiers 2, 2.5 and 3 refer to waters either identified by the state as high quality waters or Outstanding National Resource Waters under 40 CFR §131.12(a)(2) and (3). For discharges that enter a storm sewer system prior to discharge, the surface water to which you discharge is the first surface water that receives the stormwater discharge from the storm sewer system.

3.3.2. Requirements for New Projects Discharging to Tier 2, Tier 2.5, or Tier 3 Waters.

For new projects, if you will discharge to a Tier 2, Tier 2.5, or Tier 3 water, you are required to comply with the requirements in Parts 4.1.3 (inspection frequencies) and 2.2.1.3c (stabilization deadlines), and, if applicable, Part 9 (relevant state or tribal requirements). In addition, on a case-by-case basis, EPA may notify operators of such new projects or operators of existing projects with increased discharges that additional analyses, stormwater controls, or other permit conditions are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part 1.4.5.

4. INSPECTIONS.

4.1. SITE INSPECTIONS.

4.1.1. Person(s) Responsible for Inspecting Site.

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that the person who conducts inspections is a "qualified person."

Note: A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

4.1.2. Frequency of Inspections.

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to Part 4.1.3 or Part 4.1.4:

4.1.2.1 At least once every 7 calendar days; or

4.1.2.2 Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.1.7.1d.

Note: Inspections are only required during the project's normal working hours.

Note: You are required to specify in your SWPPP which schedule you will be following.

Note: "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in accordance with Part 4.1.2.2 and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

4.1.3. Increase in Inspection Frequency for Sites Discharging to Sensitive Waters.

For any portion of the site that discharges to a sediment or nutrient-impaired water (see Part 3.2) or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.3), instead of the inspection frequency specified in Part 4.1.2, you must conduct inspections in accordance with the following inspection frequencies:

4.1.3.1 Once every 7 calendar days; and

4.1.3.2 Within 24 hours of the occurrence of a storm event of 0.25 inches or greater. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that

measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.1.7.1d.

Note: Inspections are only required during the project's normal working hours.

Note: "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

Note: If you qualify for any of the reduced inspection frequencies in Part 4.1.4, you may conduct inspections in accordance with Part 4.1.4 for any portion of your site that discharges to a sensitive water.

4.1.4. Reductions in Inspection Frequency.

Your inspection frequency may be reduced as follows:

4.1.4.1 ***For Stabilized Areas.*** You may reduce the frequency of inspections to once per month in any area of your site where the stabilization steps in Parts 2.2.1.2a and 2.2.1.2b have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.1.2 or 4.1.3, if applicable. You must document the beginning and ending dates of this period in your records.

4.1.4.2 ***For Arid, Semi-Arid, or Drought-Stricken Areas.*** You may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event of 0.25 inches or greater if your site is located in an arid, semi-arid, or drought-stricken area, as these terms are defined in Appendix A, and construction is occurring during the seasonally dry period or during a period in which drought is predicted to occur. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.1.7.1d.

Note: Inspections are only required during the project's normal working hours.

Note: "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

4.1.4.3 ***For Frozen Conditions.***

a. If you are suspending earth-disturbing activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (see Appendix A) begin to occur if:

   i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least 3 months based on historic seasonal averages. If unexpected weather conditions (such as

above freezing temperatures or rain on snow events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.1.2 or 4.1.3, if applicable;

ii. Land disturbances have been suspended; and

iii. All disturbed areas of the site have been temporarily or permanently stabilized in accordance with Part 2.2.

b. If you are still conducting earth-disturbing activities during frozen conditions, you may reduce your inspection frequency to once per month if:

i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least 3 months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain on snow events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.1.2 or 4.1.3 if applicable; and

ii. Except for areas in which you are actively conducting earth-disturbing activities, disturbed areas of the site have been temporarily or permanently stabilized in accordance with Part 2.2.

You must document the beginning and ending dates of this period in your SWPPP.

4.1.5. Areas that Need to Be Inspected. During your site inspection, you must at a minimum inspect the following areas of your site:

4.1.5.1 All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2;

4.1.5.2 All stormwater controls (including pollution prevention measures) installed at the site to comply with this permit;

4.1.5.3 Material, waste, borrow, or equipment storage and maintenance areas that are covered by this permit;

4.1.5.4 All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, and/or treat stormwater;

4.1.5.5 All points of discharge from the site; and

4.1.5.6 All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.1.6. Requirements for Inspections. During your site inspection, you must at a minimum:

4.1.6.1 Check whether all erosion and sediment controls and pollution prevention controls are installed, appear to be operational, and are working as intended to minimize pollutant discharges. Determine if any controls need to be replaced, repaired, or maintained in accordance with Parts 2.1.1.4 and 2.3.2;

4.1.6.2 Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;

4.1.6.3 Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3;

4.1.6.4 At points of discharge and, if applicable, the banks of any surface waters flowing within your property boundaries or immediately adjacent to your property, check for signs of visible erosion and sedimentation *(i.e., sediment deposits)* that have occurred and are attributable to your discharge; and

4.1.6.5 Identify any and all incidents of noncompliance observed.

4.1.6.6 If a discharge is occurring during your inspection, you are required to:

a. Identify all points of the property from which there is a discharge;

b. Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollutants; and

c. Document whether your stormwater controls are operating effectively, and describe any such controls that are clearly not operating as intended or are in need of maintenance.

4.1.6.7 Based on the results of your inspection, initiate corrective action under Part 5.

4.1.7. Inspection Report.

4.1.7.1 ***Requirement to Complete Inspection Report.*** You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.1.6;

d. If you are inspecting your site at the frequency specified in Part 4.1.2.2, Part 4.1.3, or Part 4.1.4.2, and you conducted an inspection because of rainfall measuring 0.25 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and

e. If you have determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations that this condition applied to.

4.1.7.2 ***Signature Requirements.*** Each inspection report must be signed in accordance with Appendix I, Part I.11 of this permit.

4.1.7.3 ***Recordkeeping Requirements.*** You are required to keep a current, copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by EPA. For purposes of this permit, your inspection reports may be kept electronically if the records are:

a. In a format that can be read in a similar manner as a paper record;

b. Legally dependable with no less evidentiary value than their paper equivalent; and

c. Accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

Note: See Section IX.1.7 of the Fact Sheet for a discussion on ways to ensure that electronic records satisfy this requirement. See Appendix I, Part I.11.5 for requirements relating to electronic signature of these documents.

All inspection reports completed for this Part must be retained for at least 3 years from the date that your permit coverage expires or is terminated.

4.2. INSPECTIONS BY EPA.

You must allow EPA, or an authorized representative of the EPA, to conduct the following activities at reasonable times:

4.2.1. Enter onto areas of your site, including any construction support activity areas covered by this permit (see Part 1.3.c), and onto locations where records are kept under the conditions of this permit;

4.2.2. Access and copy any records that must be kept under the conditions of this permit;

4.2.3. Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.3.c) and any stormwater controls installed and maintained at the site; and

4.2.4. Sample or monitor for the purpose of ensuring compliance.

5. CORRECTIVE ACTIONS.

5.1. "CORRECTIVE ACTIONS" DEFINED.

Corrective actions are actions you take in compliance with this Part to:

- Repair, modify, or replace any stormwater control used at the site;
- Clean up and properly dispose of spills, releases, or other deposits; or
- Remedy a permit violation.

5.2. REQUIREMENTS FOR TAKING CORRECTIVE ACTION.

You must complete the following corrective actions in accordance with the deadlines specified in this Part. In all circumstances, you must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

Note: In this context, the term "immediately" requires construction operators to, on the same day a condition requiring corrective action is found, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if the problem is identified at a time in the work day when it is too late to initiative corrective action, the initiation of corrective action must begin on the following work day.

5.2.1. For any of the following conditions on your site, you must install a new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7 calendar day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as practicable after the 7-day timeframe.

5.2.1.1 A required stormwater control was never installed, was installed incorrectly, or not in accordance with the requirements in Parts 2 and/or 3; or

5.2.1.2 You become aware that the stormwater controls you have installed and are maintaining are not effective enough for the discharge to meet applicable water quality standards or applicable requirements in Part 3.1. In this case, you must notify your EPA Regional Office by the end of the next work day. You are required to submit your notification through EPA's electronic NOI system, or "eNOI", at www.epa.gov/npdes/cgpenoi; or

5.2.1.3 One of the prohibited discharges in Part 2.3.1 is occurring or has occurred.

5.2.2. Where your corrective actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 7 calendar days of completing corrective action work.

5.3. CORRECTIVE ACTION REQUIRED BY EPA.

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.2.

5.4. CORRECTIVE ACTION REPORT.

For each corrective action taken in accordance with this Part, you must complete a corrective action report, which includes the applicable information in Parts 5.4.1 and 5.4.2. Note that these reports must be maintained in your records but do not need to be provided to EPA except upon request.

5.4.1. Within 24 hours of discovering the occurrence of one of the triggering conditions in Part 5.2.1 at your site, you must complete a report of the following:

5.4.1.1 Which condition was identified at your site;

5.4.1.2 The nature of the condition identified; and

5.4.1.3 The date and time of the condition identified and how it was identified.

5.4.2. Within 7 calendar days of discovering the occurrence of one of the triggering conditions in Part 5.2.1 at your site, you must complete a report of the following:

5.4.2.1 Any follow-up actions taken to review the design, installation, and maintenance of stormwater controls, including the dates such actions occurred;

5.4.2.2 A summary of stormwater control modifications taken or to be taken, including a schedule of activities necessary to implement changes, and the date the modifications are completed or expected to be completed; and

5.4.2.3 Notice of whether SWPPP modifications are required as a result of the condition identified or corrective action.

5.4.3. Signature Requirements. Each corrective action report must be signed and certified in accordance with Appendix I, Part I.11 of this permit.

5.4.4. Recordkeeping Requirements. You are required to keep a current copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by EPA. For purposes of this permit, your corrective action reports may be kept electronically if the records are:

5.4.4.1 In a format that can be read in a similar manner as a paper record;

5.4.4.2 Legally dependable with no less evidentiary value than their paper equivalent; and

5.4.4.3 Accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

Note: See Section IX.1.7 of the Fact Sheet for a discussion on ways to ensure that electronic records satisfy this requirement. See Appendix I, Part I.11.5 for requirements relating to electronic signature of these documents.

All corrective action reports completed for this Part must be retained for at least 3 years from the date that your permit coverage expires or is terminated.

6. STAFF TRAINING REQUIREMENTS.

Prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first, you must ensure that the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention measures);
- Personnel responsible for the application and storage of treatment chemicals (if applicable);
- Personnel who are responsible for conducting inspections as required in Part 4.1.1; and
- Personnel who are responsible for taking corrective actions as required in Part 5.

Notes: (1) If the person requiring training is a new employee, who starts after you commence earth-disturbing or pollutant-generating activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit.

(2) For emergency-related construction activities, the requirement to train personnel prior to commencement of earth-disturbing activities does not apply, however, such personnel must have the required training prior to NOI submission.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of the permit that may be affected by the work they are subcontracted to perform.

At a minimum, personnel must be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- The location of all stormwater controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions.

7. STORMWATER POLLUTION PREVENTION PLAN (SWPPP).

7.1. GENERAL REQUIREMENTS.

7.1.1. Requirement to Develop a SWPPP Prior to Submitting Your NOI.

All operators associated with a construction project to be covered under this permit must develop a SWPPP.

Note: You have the option of developing a group SWPPP where you are one of several operators who will be engaged in construction activities at your site. For instance, if both the owner and the general contractor of the construction site are permitted, the owner may be the party responsible for SWPPP development, and the general contractor can choose to use this same SWPPP, as long as the SWPPP addresses the general contractor's scope of construction work and obligations under this permit.

You are required to develop your site's SWPPP prior to submitting your NOI. At a minimum, your SWPPP must include the information required in Part 7.2 and as specified in other parts of the permit. [23] You must also update the SWPPP as required in Part 7.4.

Note: If your project is an "existing project" (see Part 1.4.2.b) or if you are a new operator of an existing project" (see Part 1.4.2.c), and it is infeasible for you to comply with a specific requirement in this Part or in Parts 2.1, and 2.3.3 through 2.3.5 (except for Parts 2.3.3.1, 2.3.3.2b, 2.3.3.3c.i, and 2.3.3.4) because (1) the provision was not part of the permit you were previously covered under (i.e., the 2003 or 2008 CGP), and (2) because you are prevented from compliance due to the nature or location of earth disturbances that commenced prior to February 16, 2012 (or prior to April 9, 2012 for projects in the State of Idaho (except for Indian country)), or because you are unable to comply with the requirement due to the manner in which stormwater controls have already been installed or were already designed prior to February 16, 2012 (or prior to April 9, 2012 for projects in the State of Idaho (except for Indian Country)), you are required to include documentation of the reasons why it is infeasible for you to meet the specific requirement, and then you may be waived from complying with this requirement. You must include a separate justification why it is infeasible for you to meet each of the applicable requirements.

If you prepared a SWPPP for coverage under a previous version of this NPDES permit, you must review and update your SWPPP to ensure that this permit's requirements are addressed prior to submitting your NOI.

7.2. SWPPP CONTENTS.

Your SWPPP must include the following information, at a minimum.

7.2.1. Stormwater Team.

Each operator, or group of multiple operators, must assemble a "stormwater team," which is responsible for overseeing the development of the SWPPP, any later modifications to it, and for compliance with the requirements in this permit.

The SWPPP must identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities. Each member of the stormwater team must have ready access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

[23] The SWPPP does not establish the effluent limits that apply to your site's discharges; these limits are established in this permit in Parts 2 and 3.

7.2.2. Nature of Construction Activities.

The SWPPP must describe the nature of your construction activities, including the size of the property (in acres) and the total area expected to be disturbed by the construction activities (in acres), construction support activity areas covered by this permit (see Part 1.3.c), and the maximum area expected to be disturbed at any one time.

7.2.3. Emergency-Related Projects.

If you are conducting earth-disturbing activities in response to a public emergency (see Part 1.2), you must document the cause of the public emergency *(e.g., natural disaster, extreme flooding conditions, etc.)*, information substantiating its occurrence *(e.g., state disaster declaration or similar state or local declaration)*, and a description of the construction necessary to reestablish effected public services.

7.2.4. Identification of Other Site Operators.

The SWPPP must include a list of all other operators who will be engaged in construction activities at your site, and the areas of the site over which each operator has control.

7.2.5. Sequence and Estimated Dates of Construction Activities.

The SWPPP must include a description of the intended sequence of construction activities, including a schedule of the estimated start dates and the duration of the activity, for the following activities:

7.2.5.1 Installation of stormwater control measures, and when they will be made operational, including an explanation of how the sequence and schedule for installation of stormwater control measures complies with Part 2.1.1.3a and of any departures from manufacturer specifications pursuant to Part 2.1.1.3b;

7.2.5.2 Commencement and duration of earth-disturbing activities, including clearing and grubbing, mass grading, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

7.2.5.3 Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site;

7.2.5.4 Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which you are subject in Part 2.2.1; and

7.2.5.5 Removal of temporary stormwater conveyances/channels and other stormwater control measures, removal of construction equipment and vehicles, and cessation of any pollutant-generating activities.

Note: If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these projections. When departures from initial projections are necessary, this should be documented in the SWPPP itself or in associated records, as appropriate.

7.2.6. Site Map.

The SWPPP must include a legible site map, or series of maps, showing the following features of your project:

Note: Included in the project site are any construction support activities covered by this permit (see Part 1.3.c).

7.2.6.1 Boundaries of the property and of the locations where construction activities will occur, including:

a. Locations where earth-disturbing activities will occur, noting any phasing of construction activities;

b. Approximate slopes before and after major grading activities. Note areas of steep slopes, as defined in Appendix A;

c. Locations where sediment, soil, or other construction materials will be stockpiled;

d. Locations of any crossings of surface waters;

e. Designated points on the site where vehicles will exit onto paved roads;

f. Locations of structures and other impervious surfaces upon completion of construction; and

g. Locations of construction support activity areas covered by this permit (see Part 1.3.c).

7.2.6.2 Locations of all surface waters, including wetlands, that exist within or in the immediate vicinity of the site. Indicate which waterbodies are listed as impaired, and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters;

7.2.6.3 The boundary lines of any natural buffers provided consistent with Part 2.1.2.1a;

7.2.6.4 Areas of federally-listed critical habitat for endangered or threatened species;

7.2.6.5 Topography of the site, existing vegetative cover (*e.g., forest, pasture, pavement, structures*), and drainage pattern(s) of stormwater and authorized non-stormwater flow onto, over, and from the site property before and after major grading activities;

7.2.6.6 Stormwater and allowable non-stormwater discharge locations, including:

a. Locations of any storm drain inlets on the site and in the immediate vicinity of the site; and

Note: The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

b. Locations where stormwater or allowable non-stormwater will be discharged to surface waters (including wetlands) on or near the site.

7.2.6.7 Locations of all potential pollutant-generating activities identified in Part 7.2.7;

7.2.6.8 Locations of stormwater control measures; and

7.2.6.9 Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

7.2.7. Construction Site Pollutants.

The SWPPP must include the following:

7.2.7.1 A list and description of all the pollutant-generating activities[24] on your site.

7.2.7.2 For each pollutant-generating activity, an inventory of pollutants or pollutant constituents *(e.g., sediment, fertilizers and/or pesticides, paints, solvents, fuels)* associated with that activity, which could be exposed to rainfall, or snowmelt, and could be discharged from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges. You must also document any departures from the manufacturer's specifications for applying fertilizers containing nitrogen and phosphorus, as required in Part 2.3.5.1.

7.2.8. Non-Stormwater Discharges.

The SWPPP must also identify all sources of allowable non-stormwater discharges listed in Part 1.3.d.

7.2.9. Buffer Documentation.

If you are required to comply with Part 2.1.2.1 because a surface water is located within 50 feet of your project's earth disturbances, you must describe which compliance alternative you have selected for your site, and comply with any additional requirements to provide documentation in Part 2.1.2.1.

7.2.10. Description of Stormwater Control Measures.

7.2.10.1 ***Stormwater Control Measures to be Used During Construction Activity.*** The SWPPP must describe all stormwater control measures that are or will be installed and maintained at your site to meet the requirements of Part 2. For each stormwater control measure, you must document:

a. Information on the type of stormwater control measure to be installed and maintained, including design information;

b. What specific sediment controls will be installed and made operational prior to conducting earth-disturbing activities in any given portion of your site to meet the requirement of Part 2.1.2.2a;

c. For exit points on your site, document stabilization techniques you will use and any additional controls that are planned to remove sediment prior to vehicle exit consistent with Part 2.1.2.3; and

d. For linear projects, where you have determined that the use of perimeter controls in portions of the site is impracticable, document why you believe this to be the case (see Part 2.1.2.2a).

7.2.10.2 ***Use of Treatment Chemicals.*** If you will use polymers, flocculants, or other treatment chemicals at your site, the SWPPP must include:

a. A listing of all soil types[25] that are expected to be exposed during construction and that will be discharged to locations where chemicals will be applied. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction.

[24] Examples of pollutant-generating activities include, but are not limited to: paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

[25] Information on soils may be obtained at http://websoilsurvey.nrcs.usda.gov/app/.

b. A listing of all treatment chemicals to be used at the site, and why the selection of these chemicals is suited to the soil characteristics of your site;

c. If you have been authorized by your applicable EPA Regional Office to use cationic treatment chemicals, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards;

d. The dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage;

e. Information from any applicable Material Safety Data Sheets (MSDS);

f. Schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;

g. A description of how chemicals will be stored consistent with Part 2.1.3.3b;

h. References to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and

i. A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

7.2.10.3 ***Stabilization Practices.*** The SWPPP must describe the specific vegetative and/or non-vegetative practices that will be used to comply with the requirements in Part 2.2, including:

a. If you will be complying with the stabilization deadlines specified in Part 2.2.1.3a, you must indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions; and

b. If you will be complying with the stabilization deadlines specified in Part 2.2.1.3b, you must document the circumstances that prevent you from meeting the deadlines specified in Parts 2.2.1.1 and/or 2.2.1.2.

7.2.11. Pollution Prevention Procedures.

7.2.11.1 ***Spill Prevention and Response Procedures.*** The SWPPP must describe procedures that you will follow to prevent and respond to spills and leaks consistent with Part 2.3, including:

a. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

b. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies 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 consistent with Part 2.3.4 and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.

You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan onsite.

Note: Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

7.2.11.2 ***Waste Management Procedures.*** The SWPPP must describe procedures for how you will handle and dispose of all wastes generated at your 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.

7.2.12. Procedures for Inspection, Maintenance, and Corrective Action.

The SWPPP must describe the procedures you will follow for maintaining your stormwater control measures, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.1.4, Part 2.3.2, Part 4, and Part 5 of the permit. The following information must also be included in your SWPPP:

7.2.12.1 Personnel responsible for conducting inspections;

7.2.12.2 The inspection schedule you will be following, which is based on whether your site is subject to Part 4.1.2 or Part 4.1.3, and whether your site qualifies for any of the allowances for reduced inspection frequencies in Part 4.1.4. If you will be conducting inspections in accordance with the inspection schedule in Part 4.1.2.2 or Part 4.1.3, the location of the rain gauge on your site or the address of the weather station you will be using to obtain rainfall data;

7.2.12.3 If you will be reducing your inspection frequency in accordance with Part 4.1.4.2, the beginning and ending dates of the seasonally-defined arid period for your area or the valid period of drought. If you will be reducing your inspection frequency in accordance with Part 4.1.4.3, the beginning and ending dates of frozen conditions on your site; and

7.2.12.4 Any inspection or maintenance checklists or other forms that will be used.

7.2.13. Staff Training.

The SWPPP must include documentation that the required personnel were trained in accordance with Part 6.

7.2.14. Documentation of Compliance with Other Federal Requirements.

7.2.14.1 *Endangered Species Act.* The SWPPP must include documentation supporting your determination with respect to Part 1.1.e and Appendix D.

7.2.14.2 *Historic Properties.* The SWPPP must include documentation required by Appendix E in relation to potential impacts to historic properties.

7.2.14.3 *Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.* If you are using any of the following stormwater controls at your site, as they are described below, you must document any contact you have had with the applicable state agency or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's

implementing regulations at 40 CFR Parts 144 -147. Such controls would generally be considered Class V UIC wells:

a. Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);

b. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and

c. Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

Note: For state UIC program contacts, refer to the following EPA website: http://water.epa.gov/type/groundwater/uic/whereyoulive.cfm.

7.2.15. SWPPP Certification.

You must sign and date your SWPPP in accordance with Appendix I, Part I.11.

7.2.16. Post-Authorization Additions to the SWPPP.

Once you are notified of your coverage under this permit, you must include the following documents as part of your SWPPP:

7.2.16.1 A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;

7.2.16.2 A copy of the acknowledgment letter you receive from the NOI Processing Center or eNOI system assigning your permit tracking number;

7.2.16.3 A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3. ON-SITE AVAILABILITY OF YOUR SWPPP.

You are required to keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a state, tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.

Note: Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR Part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

If an onsite location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

7.4. REQUIRED SWPPP MODIFICATIONS.

7.4.1. List of Conditions Requiring SWPPP Modification.

You must modify your SWPPP, including the site map(s), in response to any of the following conditions:

7.4.1.1 Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater control measures, pollution prevention measures, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.5 change during the course of construction;

7.4.1.2 To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;

7.4.1.3 If inspections or investigations by site staff, or by local, state, tribal, or federal officials determine that SWPPP modifications are necessary for compliance with this permit;

7.4.1.4 Where EPA determines it is necessary to impose additional requirements on your discharge, the following must be included in your SWPPP:

a. A copy of any correspondence describing such requirements; and

b. A description of the stormwater control measures that will be used to meet such requirements.

7.4.1.5 To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater control measures implemented at the site; and

7.4.1.6 If applicable, if a change in chemical treatment systems or chemically-enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

7.4.2. Deadlines for SWPPP Modifications.

You must complete required revisions to the SWPPP within 7 calendar days following the occurrence of any of the conditions listed in Part 7.4.1.

7.4.3. SWPPP Modification Records.

You are required to maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.15 above) and a brief summary of all changes.

7.4.4. Certification Requirements.

All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix I, Part I.11.b.

7.4.5. Required Notice to Other Operators.

Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

8. HOW TO TERMINATE COVERAGE.

Until you terminate coverage under this permit, you are required to comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1. MINIMUM INFORMATION REQUIRED IN NOT.

You will be required to provide the following in your NOT:

8.1.1. NPDES permit tracking number provided by EPA when you received coverage under this permit;

8.1.2. Basis for submission of the NOT (see Part 8.2);

8.1.3. Operator contact information;

8.1.4. Name of project and address (or a description of location if no street address is available); and

8.1.5. NOT certification.

8.2. CONDITIONS FOR TERMINATING PERMIT COVERAGE.

You may terminate permit coverage only if one of the following conditions occurs at your site:

8.2.1. You have completed all earth-disturbing activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.3.c), and you have met the following requirements:

8.2.1.1 For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.2;

8.2.1.2 You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;

8.2.1.3 You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and

8.2.1.4 You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

8.2.2. You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

8.2.3. Coverage under an individual or alternative general NPDES permit has been obtained.

8.3. HOW TO SUBMIT YOUR NOT.

You are required to use EPA's electronic NOI system, or "eNOI system", to prepare and submit your NOT. The electronic NOT form you are required to complete is found at www.epa.gov/npdes/stormwater/cgpenoi. You will use your NOI tracking number *(i.e., the EPA number you were assigned upon authorization under the permit)* to upload the

fillable NOT form, which will ensure that EPA properly records your termination of coverage. If you have a problem with the use of the eNOI system, contact the EPA Regional Office that corresponds to the location of your site. If you are given approval by the EPA Regional Office to use a paper NOT, you must complete the form in Appendix K.

8.4. DEADLINE FOR SUBMITTING NOTS.

You must submit your NOT within 30 calendar days after any one of the triggering conditions in Part 8.2 occur.

8.5. EFFECTIVE DATE OF TERMINATION OF COVERAGE.

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is processed and posted on EPA's website (www.epa.gov/npdes/stormwater/cgpnoisearch).

9. PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES

The provisions in this Part provide modifications or additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the state or tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific states, Indian country, and areas in certain states subject to construction projects by Federal Operators. States, Indian country, and areas subject to construction by Federal Operators not included in this Part do not have any modifications or additions to the applicable conditions of this permit

9.1. Region 1

9.1.1. MAR120000: Commonwealth of Massachusetts (except Indian country).

9.1.1.1 You must comply with the Massachusetts Clean Waters Act (Ch. 21, ss. 26-53).

9.1.1.2 You must comply with the conditions in 314 CMR 4.00- Massachusetts Surface Water Quality Standards.

9.1.1.3 You must comply with the conditions in 314 CMR 3.00- Massachusetts Surface Water Discharge Permit Program.

9.1.1.4 You must comply with the Wetlands Protection Act (Ch. 131 s. 40) and its regulations, 310 CMR 10.00 and any Order of Conditions issued by a Conservation Commission or a Superseding Order of Conditions issued by the Massachusetts Department of Environmental Protection.

9.1.1.5 You must comply with the Massachusetts Storm Water Performance Standards, as prescribed by state regulations promulgated under the authority of the Massachusetts Clean Waters Act, MGL Ch. 21, ss 26-53 and the Wetlands Protection Act, Ch. 131, s. 40.

9.1.1.6 You must comply with the conditions in 314 CMR 9.00 – Water Quality Certification for Discharges of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States within the Commonwealth.

9.1.1.7 You must comply with the Massachusetts Endangered Species Act (MESA), MGL Ch. 313A and regulations at 321 CMR 10.00 and any actions undertaken to comply with this stormwater general permit shall not result in non-compliance with the MESA.

9.1.1.8 Activities covered under this general permit shall not interfere with the implementation of mosquito control work conducted in accordance with Chapter 252 including s. 5A thereunder and MassDEP Guideline Number BRP G01-02, West Nile Virus Application of Pesticides to Wetland Resource Areas and Buffer Zones, and Public Water Supplies.

9.1.1.9 The Department may request a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the permittee is required to submit the SWPPP to the Department within 14 days of such request. The Department may conduct an inspection of any facility covered by this permit to ensure compliance with state law requirements, including state water quality standards. The Department may enforce its certification conditions.

9.1.1.10 The Department may require the permit holder to perform water quality monitoring during the permit term if monitoring is necessary for the protection of public health or the environment as designated under the authority at 314 CMR 3.00.

9.1.1.11 The Department may require the permit holder to provide measurable verification of the effectiveness of Best Management Practices (BMPs) and other control measures used in the stormwater management program, including water quality monitoring.

9.1.1.12 The Department has determined that compliance with this permit does not protect the permit holder from enforcement actions deemed necessary by the Department under its associated regulations to address an imminent threat to public health or a significant adverse environmental impact which results in a violation of the Massachusetts Clean Waters Act, Ch. 21, ss. 26-53.

9.1.1.13 The Department reserves the right to modify this 401 Water Quality Certification if any changes, modifications, or deletions are made to this general permit. In addition, the Department reserves the right to add and/or alter the terms and conditions of this 401 Water Quality Certification to carry out its responsibilities during the term of this general permit with respect to water quality, including any revisions to 314 CMR 4.00, Massachusetts Surface Water Quality Standards.

9.1.1.14 Should any violation of the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, or the conditions of this 401 Water Quality Certification occur, the Department will direct the permit holder to correct the violation(s). The Department has the right to take any action as authorized by the General Laws of the Commonwealth to address the violation(s) of this permit or the Massachusetts Clean Waters Act and the regulations promulgated thereunder. Substantial civil and criminal penalties are authorized under MGL Ch. 21, s. 42 for discharging into Masachusetts' waters in violation of an order or permit issued by this Department. This 401 Water Quality Certification does not relieve the permit holder of the duty to comply with other applicable Massachusetts statutes and regulations.

9.1.2. NHR120000: State of New Hampshire.

9.1.2.1 If you disturb 100,000 square feet or more of contiguous area, you must also apply for an Alteration of Terrain (AoT) permit from DES pursuant to RSA 485-A:17 and Env-Ws 1500. This requirement also applies to a lower disturbance threshold of 50,000 square feet or more when construction occurs within the protected shoreline under the Shoreland Water Quality Protection Act (see RSA 483-B and Env-Ws 1400). A permit application must also be filed if your project disturbs an area of greater than 2,500 square feet, is within 50 feet of any surface water, and has a flow path of 50 feet or longer disturbing a grade of 25 percent or greater. Project sites with disturbances smaller than those discussed above, that have the potential to adversely affect state surface waters, are subject to the conditions of an AoT General Permit by Rule.

9.1.2.2 You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-stormwater discharge under this permit (see Part 1.3.d). The water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the source of the groundwater to be treated and discharged.

Information on groundwater contamination can be generated over the Internet via the NHDES web site http://des.nh.gov/ at the OneStop Web Geographic Information System at http://www2.des.state.nh.us/gis/onestop. If it is determined that the groundwater to be dewatered is near a remediation or other waste site you must apply for the Remediation General Permit (see http://www.epa.gov/region1/npdes/rgp.html.)

9.1.2.3 You must treat any uncontaminated excavation dewatering discharges as necessary to remove suspended solids and turbidity. The discharges must be sampled at a location prior to mixing with stormwater at least once per week during weeks when discharges occur. Samples must be analyzed for total suspended solids (TSS) and must meet monthly average and daily maximum TSS limits of 50 milligrams per liter (mg/L) and 100 mg/L, respectively. TSS (a.k.a. Residue, Nonfilterable) sampling and analysis must be performed in accordance with Tables IB and II in 40 CFR 136.3 (see: http://www.access.gpo.gov/nara/cfr/waisidx_02/40cfr136_02.html). Records of any sampling and analysis must be maintained and kept with the SWPPP for at least three years after final site stabilization.

9.1.2.4 Construction site owners and operators must consider opportunities for post-construction groundwater recharge using infiltration best management practices (BMPs) during site design and preparation of the stormwater pollution prevention plan (SWPPP). If your construction site is in a town that is required to obtain coverage under the NPDES General Permit for discharges from Municipal Separate Storm Sewer Systems (MS4) you may be required to use such practices. The SWPPP must include a description of any on-site infiltration that will be installed as a post-construction stormwater management measure or reasons for not employing such measures such as 1) The facility is located in a wellhead protection area as defined in RSA 485-C:2; or 2) The facility is located in an area where groundwater has been reclassified to GAA, GAI or GA2 pursuant to RSA 485-C and Env-Ws 420; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Ws 1507.04(e), including all land uses or activities considered to be a "High-load Area" (see Env-Wq 1502.26). For design considerations for infiltration measures see Volume II of the NH Stormwater Manual.

9.1.2.5 Appendix F contains a list of Tier 2, or high quality waters. Although there is no official list of tier 2 waters, it can be assumed that all NH surface waters are tier 2 for turbidity unless 1) the surface water that you are proposing to discharge into is listed as impaired for turbidity in the states listing of impaired waters (see Surface Water Quality Watershed Report Cards at http://des.nh.gov/organization/divisions/water/wmb/swqa/report_cards.htm or 2) sampling upstream of the proposed discharge location shows turbidity values greater than 10 NTU. A single grab sample collected during dry weather (no precipitation within 48 hours) is acceptable.

9.1.2.6 To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 1700 and Env-Wq 302, the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown in Part 9.1.2.7.

a. A site map required in Part 7.2.6, showing the type and location of all post-construction infiltration BMPs utilized at the facility or the reason(s) why none were installed;

b. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Part 1.3.d).

c. Records of sampling and analysis of TSS required for construction dewatering discharges (see Part 9.1.2.3).

9.1.2.7 All required or requested documents must be sent to:

NH Department of Environmental Services, Wastewater Engineering Bureau, Permits & Compliance Section
P.O. Box 95
Concord, NH 03302-0095

9.1.2.8 When NHDES determines that additional water quality certification requirements are necessary to protect water quality, it may require individual discharges to meet additional conditions to obtain or continue coverage under the CGP. Any such conditions must be supplied to the permittee in writing. Any required pollutant loading analyses and any designs for structural best management practices necessary to protect water quality must be prepared by a civil or sanitary engineer registered in New Hampshire.

9.2. Region 4

9.2.1. FLR12000I: Indian country within the State of Florida.

9.2.1.1 **Seminole Tribe of Florida**. The following conditions apply only for discharges on federal trust lands of the Seminole Tribe of Florida (Big Cypress, Brighton, Hollywood, Immokalee, and Tampa Reservations):

a. Any discharges into waters of the Seminole Tribe of Florida shall not cause an exceedance in Turbidity of 29 NTU above natural background conditions.

b. Unless otherwise specified by previous permits or criteria, a storm event of three (3) day duration and twenty five (25) year return frequency shall be used in computing off-site discharge on Seminole Lands as agreed upon in the Water Rights Compact agreement attached to Public Law 100-228 (December 31, 1987), Seminole Indian Land Claims Settlement Act of 1987.

c. The Seminole Tribe of Florida accepts a 20' X 20' stabilization at entry/exit points.

9.3. Region 5

9.3.1. MIR12000I: Indian country within the State of Michigan. Projects on Indian country within the State of Michigan are not eligible for coverage under this permit. Contact EPA Region 5 for an individual permit application.

9.3.2. MNR12000I: Indian country within the State of Minnesota. Projects on Indian country within the State of Minnesota are not eligible for coverage under this permit. Contact EPA Region 5 for an individual permit application.

9.3.3. WIR12000I: Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community. Projects in Indian country within the State of Wisconsin, are not eligible for coverage under this permit. Contact EPA Region 5 for an individual permit application.

9.4. Region 6

9.4.1. NMR120000: State of New Mexico, except Indian country.

9.4.1.1 In addition to all other provisions of this permit, operators who intend to obtain authorization under this permit for all new and existing stormwater discharges must satisfy the following condition:

The SWPPP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion, and sediment control best management practices (BMPs) and/or other controls that are designed to prevent to the maximum extent practicable an increase in the sediment yield and flow velocity from pre-construction, pre-development conditions to assure that applicable standards in 20.6.4 NMAC, including the antidegradation policy, or waste load allocations (WLAs) are met. This requirement applies to discharges both during construction and after construction operations have been completed. The SWPPP must identify, and document the rationale for selecting these BMPs and/or other controls. The SWPPP must also describe design specifications, construction specifications, maintenance schedules (including a long term maintenance plan), criteria for inspections, and expected performance and longevity of these BMPs. BMP selection must be made based on the use of appropriate soil loss prediction models (e.g., SEDCAD 4.0, RUSLE, SEDIMOT II, MULTISED, etc.), or equivalent, generally accepted (by professional erosion control specialists), soil loss prediction tools. The operator(s) must demonstrate, and include documentation in the SWPPP, that implementation of the site-specific practices will assure that the applicable standards or WLAs are met, and will result in sediment yields and flow velocities that, to the maximum extent practicable, will not be greater than the sediment yield levels and flow velocities from pre-construction, pre-development conditions. The SWPPP must be prepared in accordance with good engineering practices by qualified (e.g., CPESC certified, engineers with appropriate training, etc.) erosion control specialists familiar with the use of soil loss prediction models and design of erosion and sediment control systems based on these models (or equivalent soil loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP. The operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP.

9.4.1.2 Operators are not eligible to obtain authorization under this permit for all new and existing stormwater discharges to outstanding national resource waters (ONRWs) (also referred to as "Tier 3" waters).

9.4.1.3 For temporary stabilization, instead of the deadline for initiating and completing stabilization in Part 2.2.1.3a, operators must comply with the deadlines in Parts 2.2.1.1 and 2.2.1.2.

9.4.1.4 Instead of the criteria for vegetative stabilization in Part 2.2.2.1.a, operators must provide a uniform vegetation (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for all unpaved areas and areas not covered by permanent structures. The adjustment to allow for less than 100 % native vegetative cover (e.g., 50 % native vegetative cover x 70 % = 35 %) is acceptable.

9.4.1.5 The following replaces the criteria for final vegetative stabilization in Part

2.2.2.1.b:

- The area you have seeded and planted must within 3 years provide established vegetation that achieves 70% of the native background vegetative cover for all unpaved areas and areas not covered by permanent structures; and
- In addition to to seeding or planting the area to be vegetatively stabilized, you must select, design, and install non-vegetative erosion controls that provide cover for at least 3 years without active maintenance by you.

In addition, permittees are only authorized to used this option as a method for final vegetative stabilization for purposes of filing a Notice of Termination (NOT) under the following conditions:

If this option is selected, you must notify NMED at the address listed in Part 9.4.1.6 at the time the NOT is submitted to EPA. The information to be submitted includes:

- A copy of the NOT;
- Contact information, including individual name or title, address, and phone number for the party responsible for implementing the final stabilization measures; and
- The date that the permanent vegetative stabilization practice was implemented and the projected timeframe that the 70 % native vegetative cover requirements are expected to be met. (Note that if more than three years is required to establish 70 % of the natural vegetative cover, this technique cannot be used or cited for fulfillment of the final stabilization requirement – you remain responsible for establishment of final stabilization).

NMED also requires that operators periodically (minimum once/year) inspect and properly maintain the area until the criteria for final stabilization, as specified in Part 2.2 of the CGP, have been met. Operators must prepare an inspection report documenting the findings of these inspections and signed in accordance with Appendix I, Part I.11. This inspection record must be retained along with the SWPPP for three years after the NOT is submitted for the site and additionally submitted to NMED at the address listed in Part 9.4.1.6. The inspections at a minimum must include the following:

- Observations of all areas of the site disturbed by construction activity;
- Best Management Practices (BMPs)/post-construction stormwater controls must be observed to ensure they are effective;
- An assessment of the status of vegetative re-establishment; and
- Corrective actions required to ensure vegetative success within three years, and control of pollutants in stormwater runoff from the site, including implementation dates.

9.4.1.6 Copies of all documents submitted to EPA in non-electronic format must be sent to the following address:

Program Manager
Point Source Regulation Section

Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 5469
Santa Fe, New Mexico 87502

9.4.2. NMR12000I: Indian country within the State of New Mexico.

9.4.2.1 **Pueblo of Sandia**. The following conditions apply only to discharges on the Pueblo of Sandia Reservation:

a. Copies of all Notices of Intent submitted to the EPA must also be sent concurrently to the Pueblo of Sandia at the following address. Discharges are not authorized by this permit unless an accurate and complete NOI has been submitted to the Pueblo of Sandia.

Regular U.S. Delivery Mail:
Pueblo of Sandia Environment Department
Attention: Water Quality Manager
481 Sandia Loop
Bernalillo, New Mexico 87004

b. The Pueblo of Sandia will not allow the Rainfall Erosivity Waivers (see Appendix C) to be granted for any small construction activities.

c. The Stormwater Pollution Prevention Plan (SWPPP) must be available to the Pueblo of Sandia Environment either electronically or hard copy upon request for review. The SWPPP must be made available at least fourteen (14) days before construction begins. The fourteen (14) day period will give Tribal staff time to become familiar with the project site, prepare for construction inspections, and determine compliance with the Pueblo of Sandia Water Quality Standards. Failure to provide a SWPPP to the Pueblo of Sandia may result in denial of the discharge or construction delay.

d. An "Authorization to Proceed Letter" with site specific mitigation, site and project requirements will be sent out to the permittee when a review of the NOI and SWPPP is completed by the Pueblo of Sandia Environment Department. This approval will allow the construction to proceed if all applicable requirements are met.

e. Before submitting a Notice of Termination (NOT), permittees must clearly demonstrate to the Pueblo of Sandia Environment Department though a site visit or documentation that requirements for site stabilization have been met and any temporary erosion control structures have been removed. A short letter stating the stabilization requirements have been met will be sent to the permittee to add to the permittees NOT submission to EPA.

f. Copies of all NOT submitted to the EPA must also be sent concurrently to the Pueblo of Sandia at the following address:

Regular U.S. Delivery Mail:
Pueblo of Sandia Environment Department
Attention: Water Quality Manager
481 Sandia Loop
Bernalillo, New Mexico 87004

9.4.3. OKR12000F: Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).

In accordance with Section 303 of the Clean Water Act and Oklahoma's Water Quality Standards (OAC 785: 45):

9.4.3.1 For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Big Lee Creek or any water or watershed designated "ORW" (Outstanding Resource Water) in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Certification is denied for any on-going activities such as sand and gravel mining or any mineral mining.

9.4.3.2 For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Big Lee Creek or any water or watershed designated "ORW" (Outstanding Resource Water) in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including concrete and asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.

9.5. Region 8

9.5.1. MTR12000I: Indian country within the State of Montana

9.5.1.1 **The Confederated Salish and Kootenai Tribes of the Flathead Nation**. The following conditions apply only to discharges on the Confederated Salish and Kootenai Tribes of the Flathead Nation Reservation:

a. Permittees must send the Stormwater Pollution Prevention Plan (SWPPP) to the Tribes at least 30 days before construction starts.

b. Before submitting the Notice of Termination (NOT), permittees must clearly demonstrate to an appointed tribal staff person during an on-site inspection that requirements for site stabilization have been met.

c. The permittee must send a copy of the Notice of Intent (NOI) and the Notice of Termination (NOT) to the tribes.

d. Permittees may submit their SWPPPs and NOTs electronically to clintf@cskt.org.

Written NOI's, SWPPPs and NOT's may be mailed to:
Clint Folden, Water Quality Regulatory Specialist
Confederated Salish and Kootenai Tribes
Natural Resources Department
P.O. Box 278
Pablo, MT 59855

9.5.1.2 Fort Peck Tribes. The following conditions apply only to discharges on the Fort Peck Reservation:

Permittees must notify the Fort Peck Office of Environmental Protection (OEP) two weeks prior to commencing construction.

9.6. Region 9

9.6.1. AZR12000I: Indian country within the State of Arizona.

9.6.1.1 **Hualapai Tribal Lands**. The following condition applies only for discharges on the Hualapai Reservation:

All notices of intent for proposed stormwater discharges under the CGP and all pollution prevention plans for stormwater discharges on Hualapai Tribal lands shall be submitted to Water Resources Program through the Tribal Chairman for review and approval, P.O. Box 179, Peach Springs, AZ 86434.

9.6.2. CAR12000I: Indian country within the State of California.

9.6.2.1 **Big Pine Paiute Tribe of the Owens Valley**. Big Pine Tribal Water Quality Standards Section VII(e): If a proposed action has the possibility to adversely affect the water quality of Big Pine Creek, an application must be filed with the Tribal Environmental Office. The application must describe the action proposed and its effects on the creek, how this information was derived, and a justification for the action. Upon satisfying these requirements, the Tribal Environmental Office will recommend or not recommend this proposal to be considered by the Tribal Council. Tribal Council will make a determination whether to consider the proposal further. If the Tribal Council wishes to consider the application further, the public participation process will take place (see paragraph VII(d)). The Tribal Council has the sole authority in permitting degradation to Big Pine Creek. If the Tribal Council makes the decision to allow degradation, they will submit their decision to the USEPA for review and approval.

9.6.3. GUR120000: The Island of Guam. Permittees must adhere with imposed conditions for the project, in accordance with section 307(c)(1), of the Coastal Zone Management Act, 15 CFR part 930.

9.6.4. MPR120000: Commonwealth of the Northern Mariana Islands (CNMI).

9.6.4.1 An Earthmoving and Erosion Control Permit must be obtained from DEQ prior to any construction activity covered under the NPDES General Permit.

9.6.4.2 All conditions and requirements set forth in the United States Environmental Protection Agency (USEPA), National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities must be complied with.

9.6.4.3 A stormwater pollution prevention plan (SWPPP) for stormwater discharges from construction activities must be approved by the Director of DEQ prior to submission of the Notice of Intent (NOI).

9.6.4.4 A NOI to be covered by the General Permit for Discharges from Construction Activities must be submitted to DEQ and USEPA, Region IX, in the form prescribed by USEPA, accompanied by a SWPPP approval letter from DEQ.

9.6.4.5 The NOI must be postmarked fourteen (14) calendar days prior to any stormwater discharges and a copy is submitted to the Director of DEQ no later than seven (7) calendar days prior to any stormwater discharges.

9.6.4.6 Copies of all monitoring reports required by the NPDES General Permit are submitted to DEQ.

9.6.4.7 In accordance with Section 10.3(h) and (i) of the CNMI Water Quality Standards, DEQ reserves the right to deny coverage under this permit and

require submittal of an application for an individual NPDES permit based on review of the NOI or other information made available to the Director.

9.6.5. NVR12000I: Indian country within the State of Nevada.

9.6.5.1 **Pyramid Lake Paiute Tribe**. The following conditions apply only for discharges on the Pyramid Lake Paiute Reservation:

a. A SWPPP for stormwater discharges from project construction activities must be submitted to, and approved by, the PLPT Environmental Department director, prior to the submission of a Notice of Intent (NOI or eNOI) to EPA.

b. The applicant is to submit a hard copy of the Notice of Intent (NOI or eNOI) and a draft or final copy of the Stormwater Pollution Prevention Plan (SWPPP) by U.S. Mail to the Pyramid Lake Environmental Department at the address below:

Pyramid Lake Tribe Environmental Department
P.O. Box 256
Nixon, NV 89424

c. The applicant is to concurrently submit to the PLPT Environmental Department, hard copies of any other forms submitted to the EPA, including waivers, reporting, and Notice of Termination (NOT).

9.7. Region 10

9.7.1. IDR120000: The State of Idaho, except those located on Indian country.

For the complete text of Idaho's certification including the full anti-degradation analysis, please visit the IDEQ website at http://www.deq.idaho.gov/media/821491-usepa-npdes-general-permit-storm-water-discharges-401-certification-final-0412.pdf

9.7.1.1 The Idaho Department of Environmental Quality's (DEQ) certification of this permit does not constitute authorization of your permitted activities by any other state or federal agency or private person or entity. DEQ's certification does not excuse you from the obligation to obtain any other necessary approvals, authorizations or permits, including without limitation, the approval from the owner of a private water conveyance system, if one is required, to use the system in connection with the permitted activities.

9.7.1.2 Idaho's Antidegradation Policy. Idaho Water Quality Standards (WQS) (IDAPA 58.01.02) contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).

a. Tier 1 Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier 1 review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.05).
b. Tier 2 Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.06).

c. Tier 3 Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.07).

DEQ is employing a water body by water body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (Idaho Code § 39-3603(2)(b)(i)). Any water body not fully supporting its beneficial uses will be provided Tier 1 protection for that use, unless specific circumstances warranting Tier 2 protection are met (Idaho Code § 39-3603(2)(b)(iii)). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (Idaho Code § 39-3603(2)(b)). The primary pollutants of concern associated with stormwater discharges from construction activities are sediment and turbidity (as Total Suspended Solids). Other potential pollutants include the following: phosphorus, nitrogen and other nutrients from fertilizers; pesticides; petroleum products; construction chemicals; and solid wastes.

9.7.1.3 Protection and Maintenance of Existing Uses (Tier 1 Protection). In order to protect and maintain designated and existing beneficial uses, a permitted discharge must comply with narrative and numeric criteria of the Idaho WQS, as well as other provisions of the WQS such as Section 055, which addresses water quality limited waters. The permittee must notify the appropriate DEQ Regional Office (see table in Part 9.7.1.8 below for contact information) of any potential discharges to impaired waters - water bodies identified as "impaired" for sediment or a sediment-related parameter, such as total suspended solids (TSS) or turbidity, and/or nutrients, including impairments for nitrogen and/or phosphorus.

To determine the support status of the affected water body, the permittee must use the most current EPA-approved Integrated Report, available on Idaho DEQ's website: http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report.aspx. Impaired waters are identified in Categories 4 and 5 of the Integrated Report. Category 4(a) reflects impaired waters for which a TMDL has been approved by EPA. Category 5 contains waters which have been identified as "impaired" but do not yet have an EPA-approved TMDL.

DEQ's webpage also has a link to the state's map-based Integrated Report which presents information from the Integrated Report in a searchable, map-based format: http://mapcase.deq.idaho.gov/wq2010/.

In addition to complying with the Part 3.2.2 requirements for any sediment or nutrient-impaired waters, permittee(s) must also comply with Idaho's numeric turbidity criteria, developed to protect aquatic life uses. The criterion states, "Turbidity shall not exceed background turbidity by more than 50 NTU instantaneously or more than 25 NTU for more than 10 consecutive days" (IDAPA 58.01.02250.02.e). For Waters of the State which have been identified as impaired due to sedimentation/siltation, the permittee must conduct turbidity monitoring as described below in Part 9.7.1.6

9.7.1.4 Protection of High-Quality Waters (Tier 2 Protection). To determine the support status of the affected water body, the permittee must use the most current EPA-approved Integrated Report, available on Idaho DEQ's website: http://www.deq.idaho.gov/water-quality/surface-water/monitoring-

assessment/integrated-report.aspx. DEQ's webpage also has a link to the state's map-based Integrated Report which presents information from the Integrated Report in a searchable, map-based format: http://mapcase.deq.idaho.gov/wq2010/.

DEQ retains the authority to determine that a 303(d) listed water body is actually a high quality water body if there is biological, chemical or physical data to support such a determination. In cases where information submitted with the NOI, or available from other sources, indicates that further Tier 2 analysis is necessary and/or additional conditions are needed, either for a new project or an existing project with a significantly increased discharge, EPA and DEQ will conduct a review and require any appropriate additional controls. If during this review, EPA and DEQ decide that an additional Tier 2 protection is warranted, then EPA may either change the terms of coverage or terminate coverage under the CGP and require an individual permit.

9.7.1.5 Protection of Outstanding Resource Waters (Tier 3 Protection). Idaho's antidegradation policy requires that the quality of outstanding resource waters (ORWs) be maintained and protected from the impacts of point source discharges. No water bodies in Idaho have been designated as outstanding resource waters to date; however, it is possible that waters may become designated during the term of the CGP. Any applicant proposing to discharge to an ORW must obtain an individual NPDES permit from EPA.

9.7.1.6 Turbidity Monitoring. For Waters of the State which are identified in the Integrated Report as impaired for sedimentation/siltation, the permittee must conduct turbidity monitoring each day during construction activities when the project is not stabilized per Part 2.2 or shut down per Part 4.1.4.3 of the CGP. A properly and regularly calibrated turbidimeter is required.

A sample must be taken twice daily at an undisturbed area immediately upstream of the project area to establish background turbidity levels for each monitoring event. Background turbidity, location, date and time must be recorded prior to monitoring downstream of the project area.

A sample must also be taken twice daily immediately downstream from any point of discharge, and within any visible plume. The turbidity, location, date and time must be recorded. The downstream sample(s) must be taken immediately following the upstream sample(s) in order to obtain meaningful and representative results.

Results from the compliance point sampling or observation must be compared to the background levels to determine whether project activities are causing an exceedance of state WQS. If the downstream turbidity is 50 NTUs or more than the upstream turbidity, or a plume is observed, then the project is causing an exceedance of the WQS. The permittee must inspect the condition of project BMPs. If the BMPs are functioning to their fullest capability, then the permittee must modify project activities and/or BMPs to correct the violation.

Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The report must describe all exceedances and subsequent actions taken, including the effectiveness of the action.

9.7.1.7 Equivalent Analysis Waiver. Use of the "Equivalent Analysis Waiver" in Appendix C (Part C.3) of the CGP is not authorized.

9.7.1.8 Reporting of Discharges Containing Hazardous Materials or Petroleum Products. Any spill of hazardous materials must be immediately reported to the appropriate DEQ regional office (see table of contacts, below) (IDAPA 58.01.02.850.03). Spills of petroleum products that exceed 25 gallons or that cause a visible sheen on nearby surface waters should be reported to DEQ within 24-hours. Petroleum product spills of less than 25 gallons or spills that do not cause a sheen on nearby surface waters shall only be reported to DEQ if clean-up cannot be accomplished within 24-hours (IDAPA 58.01.02.851.04).

DEQ Regional Office	Contact Name	Phone Number
Boise	Lance Holloway	208-373-0550
Coeur d'Alene	June Bergquist	208-769-1422
Idaho Falls	Troy Saffle	208-528-2650
Lewiston	John Cardwell	208-799-4370
Pocatello	Greg Mladenka	208-236-6160
Twin Falls	Balthasar Buhidar	208-736-2190

Outside of regular business hours, qualified spills shall be reported to the State Communications Center (1-800-632-8000 or 208-846-7610).

9.7.2. ORR12000I: Indian country within the State of Oregon.

9.7.2.1 **Confederated Tribes of the Umatilla Indian Reservation**. The following conditions apply only to discharges on the Umatilla Indian Reservation:

a. The operator shall be responsible for achieving compliance with the Confederated Tribes of the Umatilla Indian Reservations (CTUIR) Water Quality Standards.

b. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTUIR Water Resources Program at the address below, at the same time it is submitted to EPA.

c. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this permit to the CTUIR Water Resources Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.

d. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTUIR Water Resources Program at the same time it is reported to EPA.

Confederated Tribes of the Umatilla Indian Reservation
Water Resources Program
46411 Timine Way
Pendleton, OR 97801

e. The CTUIR Tribal Historic Preservation Office (THPO) requests copies of each NOI which will define whether or not the undertaking has the potential to affect historic properties, and if so, define the undertaking's area of potential effect (APE).

f. The THPO must be provided 30 days to comment on the APE as defined in the permit application.

g. If the project is an undertaking, a cultural resource investigation must occur. All fieldwork must be conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_0.htm) and documented using Oregon Reporting Standards (http://egov.oregon.gov/OPRD/HCD/ARCH/arch_pubsandlinks.shtml). The resulting report must be submitted to the THPO and the THOP must concur with the findings and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.

h. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties.

i. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800.

Confederated Tribes of the Umatilla Indian Reservation
Cultural Resources Protection Program
Tribal Historic Preservation Office
46411 Timine Way
Pendleton, OR 97801

9.7.2.2 Confederated Tribes of the Warm Springs Reservation of Oregon. The following conditions apply only for discharges on the Warm Springs Reservation:

a. All activities covered by this NPDES general permit occurring within a designated riparian buffer zone as established in Ordinance 74 (Integrated Resource Management Plan or IRMP) must be reviewed, approved and permitted through the Tribe's Hydraulic Permit Application process, including payment of any applicable fees.

b. All activities covered by this NPDES permit must follow all applicable land management and resource conservation requirements specified in the IRMP.

c. Operators of activities covered by this NPDES general permit must submit a Storm Water Pollution Prevention Plan to the Tribe's Water Control Board at the following address for approval at least 30 days prior to beginning construction activity:

Chair, Warm Springs Water Control Board
P.O. Box C
Warm Springs, Oregon 97761

d. The operator shall be responsible for achieving compliance with the Water Quality Standards of the Confederated Tribes of the Warm Springs Reservation of Oregon. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the Water Control Board at the address above.

e. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTWS, Branch of Natural

Resources, Tribal Environmental Office at the address above, at the same time it is submitted to EPA.

f. The CTWS Tribal Historic Preservation Officer (THPO) requests copies of each NOI which will define whether or not the undertaking has the potential to affect historic properties, and if so, define the undertaking's area of potential effect (APE).

g. The THPO must be provided 30 days to comment on the APE as defined in the permit application.

h. If the project is an undertaking, a cultural resource investigation must occur. All fieldwork must be conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_0.htm) and documented using Oregon Reporting Standards (http://egov.oregon.gov/OPRD/HCD/ARCH/arch_pubsandlinks.shtml). The resulting report must be submitted to the THPO and the THOP must concur with the findings and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.

i. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties.

j. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800.

9.7.3. WAR12000F: Areas in the State of Washington, except those located on Indian country, subject to construction by Federal Operators. Areas in the State of Washington, except those located on Indian country, subject to construction by Federal Operators are not eligible for coverage under this permit. Contact EPA Region 10 for an individual permit application.

9.7.4. WAR12000I: Indian country within the State of Washington

9.7.4.1 **Kalispel Tribe**. The following conditions apply only for discharges on the Kalispel Reservation:

a. The operator shall be responsible for achieving compliance with the Kalispel Tribe's Water Quality Standards, and;

b. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the Kalispel Tribe Natural Resources Department (KNRD) at the same time as it is submitted to the EPA, and;

c. The operator shall submit all Storm Water Pollution Prevention Plans (SWPPP) to KNRD thirty (30) days prior to beginning any discharge activities for review, and;

d. The operator shall be responsible for reporting any exceedance of Tribal Water Quality Standards to KNRD at the same time it is reported to EPA, and;

e. Prior to any land disturbing activities on the Kalispel Indian Reservation and its dependent communities, the operator shall attain a cultural resource clearance letter from KNRD.

f. All tribal correspondence pertaining to the General Permit for Discharges from Construction Activities shall be sent to:

Kalispel Tribe Natural Resources Department
Water Resources Program
PO Box 39
Usk, WA 99180

9.7.4.2 **Lummi Nation**. The following conditions apply only for discharges on the Lummi Reservation:

a. Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtain a land use permit from the Lummi Planning Department as provided in Title 15 of the Lummi Code of Laws and regulations adopted thereunder.

b. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Stormwater Pollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.

c. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 together with supplements and amendments thereto).

d. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOI from the EPA and the associated NPDES tracking number provided by the EPA within 7 calendar days of receipt by EPA.

e. Each operator shall submit a signed hard copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT.

f. Stormwater Pollution Prevention Plans, Notice of intent, Notice of Termination and associated correspondence with the EPA shall be submitted to:

Lummi Natural Resources Department
ATTN: Water Resources Manager
2616 Kwina Road
Bellingham, WA 98226-9298

g. Please see the Lummi Nation website (www.lummi-nsn.gov) and/or the Lummi Natural Resources Department website (http://lnnr.lummi-nsn.gov/LummiWebsite/Website.php?PageID=53) to review a copy of Title 17 of the Lummi Code of Laws, associated regulations, and the references upon which the conditions identified above are based.

9.7.4.3 **Makah Tribe**. The following conditions apply only for discharges on the Makah Reservation:

a. The operator shall be responsible for achieving compliance with the Makah Tribe's Water Quality Standards.

b. The operator shall submit a Storm Water Pollution Prevention Plan to the Makah Tribe Water Quality Program and Makah Fisheries Habitat Division for review and approval at least thirty (30) days prior to beginning any discharge activities.

c. The operator shall submit a copy of the Notice of Intent to the Makah Tribe Water Quality Program and Makah Fisheries Habitat Division at the same time it is submitted to EPA.

d. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:

Ray Colby
Makah Tribal Water Quality
Water Quality Specialist
(360) 645-3162
colby.ray@centurytel.net
PO Box 115
Neah Bay, WA 98357

9.7.4.4 **Puyallup Tribe of Indians**. The following conditions apply only for discharges on the Puyallup Reservation:

a. Each permittee shall be responsible for achieving compliance with the Puyallup Tribe's Water Quality Standards, including antidegradation provisions. The Puyallup Natural Resources Department will conduct an antidegradation review for permitted activities that have the potential to lower water quality. The antidegradation review will be consistent with the Tribe's Antidegradation Implementation Procedures.

b. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Puyallup Tribe's antidegradation policies if the discharge point is located within 1 linear mile upstream of waters designated by the Tribe.

c. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the Puyallup tribal Natural Resources Department at the address listed below at the same time it is submitted to EPA.

Puyallup Tribe of Indians
3009 E. Portland Avenue
Tacoma, WA 98404
ATTN: Natural Resources Department – Bill Sullivan and Char Naylor

d. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to Bill Sullivan and Char Naylor in the Puyallup Tribal Natural Resources Department for review.

e. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Bill Sullivan and Char

Naylor in the Puyallup Tribal Natural Resources Department at the address listed above.

f. The permittee shall submit all stormwater pollution prevention plans to Bill Sullivan and Char Naylor in the Puyallup Tribal Natural Resources Department for review and approval prior to beginning any activities resulting in a discharge to tribal waters.

g. The permittee shall conduct benchmark monitoring for turbidity and nutrients, complying with Section 3 monitoring requirements.

h. The permittee shall notify Bill Sullivan and Char Naylor prior to conducting inspections at construction sites generating stormwater discharged to tribal waters.

Appendix A - Definitions and Acronyms

Definitions

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included in the definition of action area:

- The areas on the construction site where stormwater discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes stormwater to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where stormwater discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as listed amphibians) are found in the ditch, swale, or gully.)
- The areas where stormwater from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where stormwater from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls. (Example: Where a stormwater retention pond would be built.)
- The areas upstream and/or downstream from the stormwater discharge into a stream segment that may be affected by these discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

"Agricultural Land" - cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

"Antidegradation Policy" or "Antidegradation Requirements" - the water quality standards regulation that requires States and Tribes to establish a three-tiered antidegradation program:

1. Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the water quality standards as a designated use. Tier 1 requirements are applicable to all surface waters.
2. Tier 2 maintains and protects "high quality" waters -- water bodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable"

uses. Water quality can be lowered in such waters. However, State and Tribal Tier 2 programs identify procedures that must be followed and questions that must be answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.

3. Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically. Decisions regarding which water bodies qualify to be ONRWs are made by States and authorized Indian Tribes.

"Arid Areas" – areas with an average annual rainfall of 0 to 10 inches.

"Bank" (e.g., stream bank or river bank) – the rising ground bordering the channel of a water of the U.S.

"Bluff" – a steep headland, promontory, riverbank, or cliff.

"Borrow Areas" – the areas where materials are dug for use as fill, either onsite or off-site.

"Bypass" – the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m)(1)(i).

"Cationic Treatment Chemical" – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

"Commencement of Earth-Disturbing Activities" - the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

"Commencement of Pollutant-Generating Activities" – at construction sites (for the purposes of this permit) occurs in any of the following circumstances:

- Clearing, grubbing, grading, and excavation has begun;
- Raw materials related to your construction activity, such as building materials or products, landscape materials, fertilizers, pesticides, herbicides, detergents, fuels, oils, or other chemicals have been placed at your site;
- Use of authorized non-stormwater for washout activities, or dewatering activities, have begun; or
- Any other activity has begun that causes the generation of or the potential generation of pollutants.

"Construction Activities" – earth-disturbing activities, such as the clearing, grading, and excavation of land.

"Construction and Development Effluent Limitations and New Source Performance Standards" (C&D Rule) – as published in 40 CFR § 450 is the regulation requiring effluent limitations guidelines

(ELG's) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" – the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether. The construction site is often a smaller subset of the lot or parcel within which the project is taking place.

"Construction Support Activities" – a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

"Construction Waste" – discarded material (such as packaging materials, scrap construction materials, masonry products, timber, steel, pipe, and electrical cuttings, plastics, and styrofoam).

"Conveyance Channel" – a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

"Corrective Action" – for the purposes of the permit, any action taken to (1) repair, modify, or replace any stormwater control used at the site; (2) clean up and dispose of spills, releases, or other deposits found on the site; and (3) remedy a permit violation.

"Critical Habitat" – as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

"CWA" – the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

"Dewatering" – the act of draining rainwater and/or groundwater from building foundations, vaults, and trenches.

"Discharge" – when used without qualification, means the "discharge of a pollutant."

"Discharge of a Pollutant" – any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

"Discharge Point" – for the purposes of this permit, the location where collected and concentrated stormwater flows are discharged from the construction site.

"Discharge-Related Activity" – activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged.

"Discharge to an Impaired Water" – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by a State, Tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water quality standard, or is included in an EPA-approved or established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the stormwater discharge from the storm sewer system.

"Domestic Waste" – for the purposes of this permit, typical household trash, garbage or rubbish items generated by construction activities.

"Drainageway" – an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

"Drought-Stricken Area" – for the purposes of this permit, an area in which the National Oceanic and Atomospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See http://www.cpc.ncep.noaa.gov/products/expert_assessment/season_drought.gif.

"Earth-Disturbing Activity" or "Land-Disturbing Activity" – actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

"Effective Operating Condition" – for the purposes of this permit, a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

"Effluent Limitations" – for the purposes of this permit, any of the Part 2 or Part 3 requirements.

"Effluent Limitations Guideline" (ELG) – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of CWA to adopt or revise effluent limitations.

"Electronic Notice of Intent" (eNOI) – EPA's online system for submitting electronic Construction General Permit forms.

"Eligible" – for the purposes of this permit, refers to stormwater and allowable non-stormwater discharges that are authorized for coverage under this general permit.

"Emergency-Related Project" – a project initiated in response to a public emergency (e.g., natural disaster, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

"Endangered Species" – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose

protection under the provisions of this Act would present an overwhelming and overriding risk to man.

"Excursion" – a measured value that exceeds a specified limit.

"Existing Project" – a construction project that commenced construction activities prior to February 16, 2012 (April 9, 2012 for the State of Idaho, except for Indian Country).

"Exit Points" – any points of egress from the construction site to be used by vehicles and equipment during construction activities.

"Exposed Soils" – for the purposes of this permit, soils that as a result of earth-disturbing activities are left open to the elements.

"Federal Operator" – an entity that meets the definition of "Operator" in this permit and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, performing construction activity for any such department, agency, or instrumentality.

"Final Stabilization" – on areas not covered by permanent structures, either (1) vegetation has been established, or for arid or semi-arid areas, will be established that provides a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the natural background vegetative cover, or (2) non-vegetative stabilization methods have been implemented to provide effective cover for exposed portions of the site.

"Hazardous Materials" or "Hazardous Substances" or "Hazardous or Toxic Waste" – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

"Historic Property" – as defined in the National Historic Preservation Act regulations means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

"Impaired Water" or "Water Quality Impaired Water" or "Water Quality Limited Segment" – for the purposes of this permit, waters identified as impaired on the CWA Section 303(d) list, or waters with an EPA-approved or established TMDL. Your construction site will be considered to discharge to an impaired water if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA pursuant to Section 303(d) of the CWA as not meeting an applicable water quality standard, or is included in an EPA-approved or established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

"Impervious Surface" – for the purpose of this permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

"Indian Country" or "Indian Country Lands" – defined at 40 CFR §122.2 as:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

"Infeasible" – for the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with state water rights law.

"Install" or "Installation" – when used in connection with stormwater controls, to connect or set in position stormwater controls to make them operational.

"Intermittent (or Seasonal) Stream" – one which flows at certain times of the year when groundwater provides water for stream flow, as well as during and immediately after some precipitation events or snowmelt.

"Jar test" – a test designed to simulate full-scale coagulation/flocculation/sedimentation water treatment processes by taking into account the possible conditions.

"Landward" – positioned or located away from a waterbody, and towards the land.

"Level Spreader" – a temporary stormwater control used to spread stormwater flow uniformly over the ground surface as sheet flow to prevent concentrated, erosive flows from occurring.

"Linear Project" – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

"Minimize" – to reduce and/or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

"Municipal Separate Storm Sewer System" or "MS4" – defined at 40 CFR §122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

"National Pollutant Discharge Elimination System" (NPDES) – defined at 40 CFR §122.2 as the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an 'approved program.'

"Native Topsoil" – the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

"Native Vegetation" – the species of plants that have developed for a particular region or ecosystem and are considered endemic to that region or ecosystem.

"Natural Buffer" – for the purposes of this permit, an area of undisturbed natural cover surrounding surface waters within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities.

"Natural Vegetation" – vegetation that occurs spontaneously without regular management, maintenance or species introductions, removals, and that generally has a strong component of native species.

"New Operator of a New or Existing Project" – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction project.

"New Project" – a construction project that commences construction activities on or after February 16.

"New Source" – for the purpose of this permit, a construction project that commenced construction activities after February 1, 2010.

"New Source Performance Standards (NSPS)" – for the purposes of this permit, NSPS are technology-based standards that apply to construction sites that are new sources under 40 CFR 450.24.

"Non-Stormwater Discharges" – 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.

"Non-Turbid" – a discharge that does not cause or contribute to an exceedence of turbidity-related water quality standards.

"Notice of Intent" (NOI) – the form (electronic or paper) required for authorization of coverage under the Construction General Permit.

"Notice of Termination" (NOT) – the form (electronic or paper) required for terminating coverage under the Construction General Permit.

"Operational" – for the purpose of this permit, stormwater controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

"Operator" – for the purpose of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit).

This definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity.

"Ordinary High Water Mark" – the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris.

"Outfall" – see "Discharge Point."

"Permitting Authority" – for the purposes of this permit, EPA, a Regional Administrator of EPA, or an authorized representative.

"Point(s) of Discharge" – see "Discharge Point."

"Point Source" – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

"Pollutant" – defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

"Pollutant-Generating Activities" – at construction sites (for the purposes of this permit), those activities that lead to or could lead to the generation of pollutants, either as a result of earth-disturbance or a related support activity. Some of the types of pollutants that are typically found at construction sites are:

- sediment;
- nutrients;
- heavy metals;
- pesticides and herbicides;
- oil and grease;
- bacteria and viruses;
- trash, debris, and solids;
- treatment polymers; and
- any other toxic chemicals.

"Pollution Prevention Measures" – stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

"Polymers" – for the purposes of this permit, coagulants and flocculants 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), chitosan, alum, polyaluminum chloride, and gypsum.

"Prohibited Discharges" – discharges that are not allowed under this permit, including:

1. Wastewater from washout of concrete;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. Soaps or solvents used in vehicle and equipment washing;
5. Toxic or hazardous substances from a spill or other release; and
6. Waste, garbage, floatable debris, construction debris, and sanitary waste from pollutant-generating activities.

"Provisionally Covered Under this Permit" – for the purposes of this permit, EPA provides temporary coverage under this permit for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

"Receiving Water" – a "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

"Run-On" – sources of stormwater that drain from land located upslope or upstream from the regulated site in question.

"Semi-Arid Areas" – areas with an average annual rainfall of 10 to 20 inches.

"Site" – for construction activities, the land or water area where earth-disturbing activities take place, including construction support activities.

"Small Construction Activity" – defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Small Residential Lot" – for the purpose of this permit, a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

"Snowmelt" – the conversion of snow into overland stormwater and groundwater flow as a result of warmer temperatures.

"Spill" – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

"Stabilization" – the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

"Steep Slopes" – where a state, Tribe, local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a "steep slope", this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

"Storm Sewer System" – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) designed or used for collecting or conveying stormwater.

"Stormwater" – stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater Control Measure" - refers to any stormwater control, BMP, or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

"Stormwater Controls" – see "Stormwater Control measure."

"Stormwater Discharge Associated with Construction Activity" – as used in this permit, a discharge of pollutants in stormwater to waters of the United States from areas where land-disturbing activities (e.g., clearing, grading, or excavation) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck chute washdown, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

"Stormwater Inlet" – a structure placed below grade to conduct water used to collect stormwater runoff for conveyance purposes.

"Stormwater Team" – the group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individuals on the "Stormwater Team" must be identified in the SWPPP.

"Storm Event" – a precipitation event that results in a measurable amount of precipitation.

"Storm Sewer" – a system of pipes (separate from sanitary sewers) that carries stormwater runoff from buildings and land surfaces.

"Subcontractor" – for the purposes of this permit, an individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

"Surface Water" – a "Water of the United States" as defined in 40 CFR §122.2.

"SWPPP" (Stormwater Pollution Prevention Plan) – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater control measures to reduce or eliminate pollutants in stormwater

discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

"Temporary Stabilization" – a condition where exposed soils or disturbed areas are provided a temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

"Thawing Conditions" – for the purposes of this permit, thawing conditions are expected based on the historical likelihood of two or more days with daytime temperatures greater than 32˚F. This date can be determined by looking at historical weather data. Note: the estimation of thawing conditions is for planning purposes only. During construction the permittee will be required to conduct site inspections based upon actual conditions (i.e., if thawing conditions occur sooner than expected, the permittee will be required to conduct inspections at the regular frequency).

"Threatened Species" – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

"Tier 2 Waters" – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(2), those waters thatare characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

"Tier 2.5 Waters" – for antidegradation purposes, those waters designated by States or Tribes as requiring a level of protection equal to and above that given to Tier 2 waters, but less than that given Tier 3 waters. Some States have special requirements for these waters.

"Tier 3 Waters" – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by states as having high quality waters constituting an Outstanding Natural Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

"Total Maximum Daily Load" or "TMDL" – the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

"Toxic Waste" – see "Hazardous Materials."

"Turbidity" – a condition of water quality characterized by the presence of suspended solids and/or organic material.

"Uncontaminated Discharge" – a discharge that does not cause or contribute to an exceedence of applicable water quality standards.

"Upland" - the dry land area above and 'landward' of the ordinary high water mark.

"Upset" – Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by

operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

"Water-Dependent Structures" – structures or facilities that are required to be located directly adjacent to a waterbody or wetland, such as a marina, pier, boat ramp, etc.

"Water Quality Standards" – defined in 40 CFR § 131.3, and are provisions of State or Federal law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high-quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

"Waters of the United States" – defined at 40 CFR §122.2 as:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
    a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
    b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
    c. Which are used or could be used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (1) through (4) of this definition;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

In applying this definition, EPA will consider applicable Court cases and current guidance.

"Wetland" – those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support,

a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. On-site evaluations are typically required to confirm the presence and boundaries of wetlands.

"Work day" – for the purposes of this permit, a work day is a calendar day on which construction activities will take place.

Acronyms

C&D – Construction & Development

CGP – Construction General Permit

CFR – Code of Federal Regulations

CWA – Clean Water Act

eNOI – Electronic Notice of Intent

EPA – United States Environmental Protection Agency

ESA – Endangered Species Act

FWS – United States Fish and Wildlife Service

MS4 – Municipal Separate Storm Sewer System

MSGP – Multi-Sector General Permit

NMFS – United States National Marine Fisheries Service

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center

NRCS – National Resources Conservation Service

POTW – Publicly Owned Treatment Works

SPCC – Spill Prevention Control and Countermeasure

SWPPP – Stormwater Pollution Prevention Plan

TMDL – Total Maximum Daily Load

USGS – United States Geological Survey

WQS – Water Quality Standard

Appendix B - Permit Areas Eligible for Coverage

Permit coverage for stormwater discharges from construction activity occurring within the following areas is provided by legally separate and distinctly numbered permits:

B.1 EPA Region 1: CT, MA, ME, NH, RI, VT

US EPA, Region 01
Office of Ecosystem Protection
NPDES Stormwater Program
5 Post Office Square
Boston, MA 02109-3912

The States of Connecticut, Maine, Rhode Island, and Vermont are the NPDES Permitting Authority for the majority of discharges within their respective states.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
CTR12000I	Indian country within the State of Connecticut
MAR120000	Commonwealth of Massachusetts (except Indian country)
MAR12000I	Indian country within the State of Massachusetts
NHR120000	State of New Hampshire
RIR12000I	Indian country within the State of Rhode Island
VTR12000F	Areas in the State of Vermont subject to construction by a Federal Operator

B.2 EPA Region 2: NJ, NY, PR, VI

For NJ, NY, and VI:
US EPA, Region 02
NPDES Stormwater Program
290 Broadway, 24th Floor
New York, NY 10007-1866

For PR:
US EPA, Region 02
Caribbean Environmental Protection Division
NPDES Stormwater Program
1492 Ponce de Leon Ave
Central Europa Building, Suite 417
San Juan, PR 00907-4127

The State of New York is the NPDES Permitting Authority for the majority of discharges within its state. The State of New Jersey and the Virgin Islands are the NPDES Permitting Authority for all discharges within their respective states.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
NYR12000I	Indian country within the State of New York
PRR120000	Commonwealth of Puerto Rico

B.3 EPA Region 3: DE, DC, MD, PA, VA, WV

US EPA, Region 03
NPDES Stormwater Program
1650 Arch St
Philadelphia, PA 19103

The State of Delaware is the NPDES Permitting Authority for the majority of discharges within its state. Maryland, Pennsylvania, Virginia, and West Virginia are the NPDES Permitting Authority for all discharges within their respective states.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
DCR120000	District of Columbia
DER12000F	Areas in the State of Delaware subject to construction by a Federal Operator

B.4 EPA Region 4: AL, FL, GA, KY, MS, NC, SC, TN

US EPA, Region 04
Water Protection Division
NPDES Stormwater Program
61 Forsyth St SW
Atlanta, GA 30303-3104

The States of Alabama, Florida, Mississippi, and North Carolina are the NPDES Permitting Authority for the majority of discharges within their respective States. EPA Region 4 is the NPDES Permitting Authority for all Indian country lands within any other Region 4 State except Catawba lands in South Carolina.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
ALR12000I	Indian country within the State of Alabama
FLR12000I	Indian country within the State of Florida
MSR12000I	Indian country within the State of Mississippi
NCR12000I	Indian country within the State of North Carolina
RE412000I	Indian country within any other Region 4 State (except Catawba lands in South Carolina)

B.5 EPA Region 5: IL, IN, MI, MN, OH, WI

US EPA, Region 05
NPDES & Technical Support
NPDES Stormwater Program
77 W Jackson Blvd
(WN-16J)
Chicago, IL 60604-3507

The States of Michigan, Minnesota, and Wisconsin are the NPDES Permitting Authority for the majority of discharges within their respective states. The States of Illinois, Indiana, and Ohio are the NPDES Permitting Authorities for all discharges within their respective states.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
MIR10000I	Indian country within the State of Michigan
MNR10000I	Indian country within the State of Minnesota, except the Fond Du Lac Band and Grand Portage Band of Lake Superior Chippewa
WIR10000I	Indian country within the State of Wisconsin, except the Bad River , Lac Du Flambeau and Sokaogon Chippewa (Mole Lake) Community

B.6 EPA Region 6: AR, LA, OK, TX, NM (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)

US EPA, Region 06
NPDES Stormwater Program
1445 Ross Ave, Suite 1200
Dallas, TX 75202-2733

The States of Louisiana, Oklahoma, and Texas are the NPDES Permitting Authority for the majority of discharges within their respective state. The State of Arkansas is the NPDES Permitting Authority for all discharges within its respective state.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
LAR12000I	Indian country within the State of Louisiana
NMR120000	State of New Mexico, except Indian country
NMR12000I	Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.
OKR12000I	Indian country within the State of Oklahoma
OKR12000F	Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
TXR12000F	Discharges in the State of Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly TNRCC), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline.
TXR12000I	Indian country within the State of Texas

B.7 EPA Region 7: IA, KS, MO, NE (except see Region 8 for Pine Ridge Reservation Lands)

US EPA, Region 07
NPDES Stormwater Program
901 N 5th St
Kansas City, KS 66101

The States of Iowa, Kansas, and Nebraska are the NPDES Permitting Authority for the majority of discharges within their respective states. The State of Missouri is the NPDES Permitting Authority for all discharges within its state.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
IAR12000I	Indian country within the State of Iowa
KSR12000I	Indian country within the State of Kansas
NER12000I	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)

B.8 EPA Region 8: CO, MT, ND, SD, WY, UT (except see Region 9 for Goshute Reservation and Navajo Reservation Lands), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in NE.

US EPA, Region 08
NPDES Stormwater Program
999 18th St, Suite 300
(EPR-EP)
Denver, CO 80202-2466

The States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming are the NPDES Permitting Authority for the majority of discharges within their respective states.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
COR12000F	Areas in the State of Colorado, except those located on Indian country, subject to construction activity by a Federal Operator
COR12000I	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR12000I	Indian country within the State of Montana
NDR12000I	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10000I listed below)
SDR12000I	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10000I listed above)
UTR12000I	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYR12000I	Indian country within the State of Wyoming

B.9 EPA Region 9: CA, HI, NV, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Goshute Reservation in UT and NV, the Navajo Reservation in UT, NM, and AZ, the Duck Valley Reservation in ID, and the Fort McDermitt Reservation in OR.

US EPA, Region 09
NPDES Stormwater Program
75 Hawthorne St
San Francisco, CA 94105-3901

The States of Arizona, California and Nevada are the NPDES Permitting Authority for the majority of discharges within their respective states. The State of Hawaii is the NPDES Permitting Authority for all discharges within its state.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
ASR120000	Island of American Samoa
AZR12000I	Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
CAR12000I	Indian country within the State of California
GUR120000	Island of Guam
JAR120000	Johnston Atoll
MPR120000	Commonwealth of the Northern Mariana Islands
MWR120000	Midway Island and Wake Island
NVR12000I	Indian country within the State of Nevada, as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah

B.10 EPA Region 10: AK, WA, ID (except see Region 9 for Duck Valley Reservation Lands), and OR (except see Region 9 for Fort McDermitt Reservation).

US EPA, Region 10
NPDES Stormwater Program
1200 6th Ave (OW-130)
Seattle, WA 98101-1128
Phone: (206) 553-6650

The States of Oregon and Washington are the NPDES Permitting Authority for the majority of discharges within their respective states.

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
AKR12000I	Indian country within the State of Alaska
AKR12-000F	Areas in the the Denali National Park and Preserve subject to construction by a Federal Operator
IDR120000	State of Idaho, except Indian country
IDR12000I	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
ORR12000I	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
WAR12000F	Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator **[COVERAGE NOT YET AVAILABLE]**
WAR12000I	Indian country within the State of Washington

Appendix C - Small Construction Waivers and Instructions

These waivers are only available to stormwater discharges associated with small construction activities (i.e., 1-5 acres). As the operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. Each operator, otherwise needing permit coverage, must notify EPA of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

C.1 Rainfall Erosivity Waiver

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than 5 during the period of construction activity. The operator must certify to EPA that construction activity will occur only when the rainfall erosivity factor is less than 5. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the construction general permit have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to EPA prior to commencing construction activities.

> *Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.*

EPA has developed an online rainfall erosivity calculator to help small construction sites determine potential eligibility for the rainfall erosivity waiver. You can access the calculator from EPA's website at:www.epa.gov/npdes/stormwater/lew. The R factor can easily be calculated by using the construction site latitude/longitude or address and estimated start and end dates of construction. This calculator may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver. Use this online calculator or the Construction Rainfall Erosivity Waiver Fact Sheet (www.epa.gov/npdes/pubs/fact3-1.pdf) to assist in determining the R Factor for your small construction site.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you can submit a rainfall erosivity waiver electronically via EPA's eNOI system (www.epa.gov/npdes/cgpenoi) or provide the following information on the waiver certification form in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The rainfall erosivity factor calculation that applies to the active construction phase at your project site; and
5. A statement, signed and dated by an authorized representative as provided in Appendix I, Subsection I.11, which certifies that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five.

You can access the waiver certification form from EPA's website at: (http://www.epa.gov/npdes/pubs/construction_waiver_form.pdf). Paper copies of the form must be sent to one of the addresses listed in Part C.4 of this section.

Note: If the R factor is 5 or greater, you cannot apply for the rainfall erosivity waiver, and must apply for NPDES permit coverage, unless you qualify for the Water Quality Waiver as described in section B below.

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five (5), you must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of your records. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is 5 or above, you must obtain NPDES permit coverage.

C.2 TMDL Waiver

This waiver is available if EPA has established or approved a TMDL that addresses the pollutant(s) of concern for the impaired water and has determined that controls on stormwater discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by EPA is available from EPA online at http://www.epa.gov/owow/tmdl/ and from state and tribal water quality agencies.

If you are the operator of the construction activity and eligible for a waiver based on compliance with an EPA-established or approved TMDL, you must provide the following information on the Waiver Certification form in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;

3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Appendix I, Subsection I.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the TMDL.

C.3 Equivalent Analysis Waiver

This waiver is available for non-impaired waters only. The operator can develop an equivalent analysis that determines allocations for his/her small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. Your equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Appendix I, Subsection I.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the equivalent analysis.

C.4 Waiver Deadlines and Submissions

1. Waiver certifications must be submitted prior to commencement of construction activities.
2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until EPA approves your request. As such, you may not commence construction activities until receipt of approval from EPA.
3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. The Agency reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of stormwater associated with small construction activity, provided you qualify for the waiver. Any discharge of stormwater associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. As mentioned above, EPA reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. EPA may notify any operator covered by a waiver that they must apply for a permit. EPA may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition EPA to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate Rainfall Erosivity waiver certifications not otherwise submitted electronically via EPA's eNOI system (www.epa.gov/npdes/cgpenoi) must be sent to one of the following addresses:

Regular U.S. Mail Delivery
EPA Stormwater Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Overnight/Express Mail Delivery
EPA Stormwater Notice Processing Center
Room 7420
U.S. EPA
1201Constitution Avenue, NW
Washington, DC 20004

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the applicable EPA Region office specified in Appendix B.

Appendix D - Endangered Species Act Requirements

The purpose of this guidance is to assist you in complying with the requirements in Part 1.1.e of the permit requiring you to demonstrate that you meet one of the criteria listed in this appendix with respect to the protection of any and all species that are federally-listed as endangered or threatened under the Endangered Species Act (ESA) or of habitat that is federally-designated as "critical habitat" under the ESA in order to be eligible for coverage under this permit.

This guidance provides you information on the following:

- **Section D.1:** ESA Eligibility Criteria
- **Section D.2:** Guidance for Determining Which ESA Criteria Applies

D.1 ESA Eligibility Criteria

You must certify in your NOI that you meet one of the eligibility criteria listed below in order to be eligible for coverage under this permit. You must also specify in the NOI the basis for your selection of the applicable eligibility criterion.

> Note: (1) Regardless of the criterion selected, you must provide documentation in your SWPPP that is sufficient to support your determination that you satisfy the requirements of the particular criterion. (2) While coordination between you and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (together, the "Services") is not necessarily required in all cases, EPA encourages you to coordinate with the Services and to do so early in the planning process prior to submitting your NOI.

Criterion A. No federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's "action area" as defined in Appendix A of this permit.

Criterion B. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your action area under eligibility Criterion A, C, D, E, or F and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area". To certify your eligibility under this Criterion, there must be no lapse of NPDES permit coverage in the other operator's certification. By certifying eligibility under this Criterion, you agree to comply with any effluent limitations or conditions upon which the other operator's certification was based. You must include in your NOI the tracking number from the other operator's notification of authorization under this permit. If your certification is based on another operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C in your NOI form.

Criterion C. Federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your site's "action area," and your site's discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or critical habitat. This determination may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect listed species and critical habitat. To make this certification, you must include the following in your NOI: 1) any federally listed species and/or designated habitat located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles). You must also include a copy of your site map with your NOI.

Criterion D. Coordination between you and the Services has been concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in a written concurrence from the relevant Service(s) that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

Criterion E. Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat. The result of this consultation must be either:

i. a biological opinion that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or

ii. written concurrence from the applicable Service(s) with a finding that the site's discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated habitat.

You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

Criterion F. Your construction activities are authorized through the issuance of a permit under section 10 of the ESA, and this authorization addresses the effects of the site's discharges and discharge-related activities on federally-listed species and federally-designated critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility criteria in this section to remain eligible for coverage under this permit. Documentation of these requirements must be kept as part of your SWPPP (see Part 7.2.14.1).

D.2 Guidance for Determining Which Criterion Applies

Part 1.1.5 of the permit requires that you meet one of the six criteria listed above in order to be eligible for coverage under the permit.

You must follow the procedures in Steps 1through 6 to determine the ESA criterion under which your site is eligible for permit coverage.

D.2.1 Step 1 - Determine if Your Discharges and Discharge-Related Activities Were Already Addressed in Another Operator's Valid Certification that Included Your Action Area.

- **If your discharges and discharge-related activities <u>were</u> already addressed in another operator's valid certification that included your action area** (e.g., a general contractor or developer may have completed and filed an NOI for the entire action area with the necessary ESA certifications (Criterion A, C, D, E, or F)), *you may select eligibility Criterion B on your Notice of Intent form*.

  By certifying eligibility under Criterion B, you must comply with any terms and conditions imposed under the eligibility requirements of Criterion A, C, D, E, or F to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat.

  > Note: If you are unable to meet these eligibility requirements, then you may either establish eligibility under one of the other criterion, or you may consider applying to EPA for an individual permit.

  Under Criterion B, you must provide documentation in your SWPPP of any of these terms and conditions, as well as the other operator's basis for establishing eligibility. You must also provide a description of the basis for your selection of Criterion B on your NOI form, including the eligibility criterion (A, C, D, E, or F) that was certified to by the previous operator, and must provide the Tracking Number from the other operator's notification of authorization under this permit.

  If your certification is based on another operator's certification under criterion C, you must provide the documentation required in the NOI for criterion C, namely: 1) what federally listed species and/or designated habitat are located in your "action area"; and 2) what is the distance between your site and the listed species or designated critical habitat (in miles).

- **If discharges and discharge-related activities from your site <u>were not</u> addressed in another operator's valid certification that included your action area,** you must follow the applicable procedures in Steps 2 through 5 below.

D.2.2 Step 2 - Determine if Listed Threatened or Endangered Species or their Designated Critical Habitat(s) are Likely to Occur in your Site's Action Area

You must determine, to the best of your knowledge, whether species listed as either threatened or endangered, or their critical habitat(s) (see definitions of these terms in Appendix A), are located in your site's action area. To make this determination, you should first determine if listed species and/or critical habitat are expected to exist in your county or township. The local offices of the U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and State or Tribal Heritage Centers often maintain lists of federally listed endangered or threatened species on their internet sites. For FWS

terrestrial and aquatic species information, you can use FWS' on-line mapping tool, the Information, Planning, and Consultation (IPAC) System, located at http://www.fws.gov/ipac/.

Note: To determine the field office that corresponds to your project site, visit http://www.fws.gov/endangered/regions/index.html and http://www.nmfs.noaa.gov/ (under the left tabe for "Regions").

In most cases, species and/or critical habitat lists allow you to determine if any such species or habitat exists in your county or township. You can also find critical habitat designations and associated requirements at 50 CFR Parts 17 and 226. http://www.access.gpo.gov.

- ***If there <u>are</u> listed species and/or critical habitat in your county or township***, you should contact your local FWS, NMFS, or State or Tribal Heritage Center to determine if the listed species are known to exist in your action area and if any critical habitat areas have been designated that overlap your action area.
    - If your local FWS, NMFS, or State or Tribal Heritage Center indicates that these species and/or critical habitat could exist in your action area, you must:
        - Do **one or more** of the following:
            - Conduct visual inspections. This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal stormwater collection systems.
            - Conduct a formal biological survey. In some cases, particularly for larger construction sites with extensive stormwater discharges, biological surveys may be an appropriate way to assess whether species are located in the action area and whether there are likely to be adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms. A biological survey may in some cases be useful to conduct in conjunction with Steps Two, Three, or Four of these instructions.
            - If required, conduct an environmental assessment under the National Environmental Policy Act (NEPA). Some construction activities might require review under NEPA for specific reasons, such as federal funding or other federal involvement in the project. Note: Coverage under the CGP does not trigger such a review for individual projects/sites. EPA has complied with NEPA in the issuance of the CGP.

        and

- Follow the instructions in Steps 3 – 5 below, as applicable. Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

- ***If there are <u>no</u> listed species in your county or township and <u>no</u> critical habitat areas in your action area,*** *you may check eligibility criterion A on your NOI form*. You must also provide a description of the basis for the criterion selected on your NOI form and provide documentation supporting the criterion selected in your SWPPP.

D.2.3 Step 3 - Determine if the Construction Activity's Discharges or Discharge-Related Activities Are Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat

If in Step 2 you determine based on communication with your local FWS, NMFS, or State or Tribal Heritage Center, or other determination, that listed species and/or critical habitat could exist in your action area, you must next assess whether your discharges or discharge-related activities are likely to adversely affect listed threatened or endangered species or designated critical habitat.

Potential adverse effects from discharges and discharge-related activities include:

- *Hydrological*. Stormwater discharges may cause siltation, sedimentation or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.

- *Habitat*. Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of stormwater controls, may adversely affect listed species or their habitat. Stormwater may drain or inundate listed species habitat.

- *Toxicity*. In some cases, pollutants in stormwater may have toxic effects on listed species.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you should contact the appropriate office of the FWS, NMFS or Natural Heritage Center for assistance.

- ***If adverse effects to listed threatened or endangered species or their critical habitat <u>are not</u> likely****, then you may select eligibility criterion C on the NOI form*. You must provide the following specific information on your NOI form: 1) what federally listed species and/or designated habitat are located in your "action area"; and 2) what is the distance between your site and the listed species or

designated critical habitat (in miles). You must also provide a copy of your site map with your NOI.

- ***If adverse effects to listed threatened or endangered species or their critical habitat <u>are</u> likely,*** you must follow Step 4 below.

D.2.4 Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects

If you make a preliminary determination in Step 3 that adverse effects from your construction activity's discharges or discharge-related activities are likely to occur, you can still receive coverage under eligibility criterion C of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for CGP coverage.

These measures may involve relatively simple changes to construction activities such as re-routing a stormwater discharge to bypass an area where species are located, relocating stormwater controls, or by modifying the "footprint" of the construction activity. If you are unable to ascertain which measures to implement to avoid the likelihood of adverse effects, you must coordinate or enter into consultation with the FWS and/or NMFS, in which case you would not be eligible for coverage under eligibility criterion C, but may instead be eligible for coverage under eligibility criterion D, E, or F (described in more detail in Step 5).

- **If you are able to install and implement appropriate measures to avoid the likelihood of adverse effects,** *then you may check eligibility criterion C on the NOI form.* The measures you adopt to avoid or eliminate adverse affects must be implemented for the duration of the construction project and your coverage under the CGP. You must also provide a description of the basis for the criterion selected , and the following specific information on your NOI form: 1) what federally listed species and/or designated habitat are located in your "action area"; and 2) what is the distance between your site and the listed species or designated critical habitat (in miles).

- **If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects,** you must follow the procedures in Step 5**.**

D.2.5 Step 5 - Determine if the Eligibility Requirements of Criterion D, E, or F Can Be Met

If in Step 4 you cannot ascertain which measures to implement to avoid the likelihood of adverse effects, you must contact the FWS and/or NMFS. You may still be eligible for CGP coverage if any likely adverse effects can be addressed through meeting criterion D, E, or F.

- **Criterion D:** You have coordinated with the Services and have addressed the effects of your site's discharges on federally-listed threatened or endangered species and federally-designated critical habitat, which resulted in a written concurrence from the relevant Service(s) that your site's discharges are not likely to adversely affect listed species or critical habitat.

  If you have met the requirements of criterion D, *you may select eligibility criterion D on the NOI form.* You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between you and the applicable Service in your SWPPP.

- **Criterion E:** Formal or informal ESA section 7 consultation is performed with the FWS and/or NMFS and that consultation addresses the effects of your discharges and discharge-related activities on federally-listed and threatened species and designated critical habitat. In order to be eligible for coverage under this permit, consultation must result in a "no jeopardy opinion" or a written concurrence by the Service(s) on a finding that your stormwater discharge(s) and stormwater discharge-related activities are not likely to adversely affect listed species or critical habitat (For more information on consultation, see 50 CFR §402). If you receive a "jeopardy opinion," you may continue to work with the FWS and/or NMFS and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.

  Note that most consultations are accomplished through informal consultation. When conducting informal ESA section 7 consultation as a non-federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify FWS and/or NMFS of your intention and agreement to conduct consultation as a non-federal representative.

  Consultation may occur in the context of another federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation). Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, operators may, if they wish, initiate consultation with the Services at Step Four.

  Whether ESA section 7 consultation must be performed with either the FWS, NMFS or both Services depends on the listed species that may be affected by the operator's activity. In general, NMFS has jurisdiction over marine, estuarine, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

  If you have met the requirements of criterion E, *you may select eligibility criterion E on the NOI form.* You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between yourself and the Services in your SWPPP.

- **Criterion F:** Your construction activities are authorized through the issuance of a permit under section 10 of the ESA, and that authorization addresses the effects of your discharge(s) and discharge-related activities on federally-listed species and designated critical habitat. You must follow FWS and/or NMFS procedures when applying for an ESA Section 10 permit (see 50 CFR §17.22(b)(1) for FWS and §222.22 for NMFS). Application instructions for section 10 permits for FWS and NMFS can be obtained by accessing the FWS and NMFS websites (http://www.fws.gov and http://www.nmfs.noaa.gov) or by contacting the appropriate FWS and NMFS regional office.

  If you have met the requirements of criterion F, *you may select eligibility criterion F on the NOI form.* You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between yourself and the Services in your SWPPP.

Appendix E – Historic Property Screening Process

Background

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal "undertakings", such as the issuance of this permit, on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. To address any issues relating to historic properties in connection with the issuance of this permit, EPA has developed the screening process in this appendix that enables construction operators to appropriately consider the potential impacts, if any, of their installation of stormwater controls on historic properties and to determine whether actions can be taken, if applicable, to mitigate any such impacts. Although the coverages of individual construction sites under this permit do not constitute separate Federal undertakings, the screening process in this appendix provides an appropriate site-specific means of addressing historic property issues in connection with EPA's issuance of the permit.

Key Terms

Historic property- prehistoric or historic districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains that are related to and located within such properties

SHPO – The State Historic Preservation Officer for a particular state

THPO or Tribal representative – The Tribal Historic Preservation Officer for a particular Tribe or, if there is no THPO, the representative designated by such Tribe for NHPA purposes

Instructions for All Construction Operators

You are required to follow the screening process in this appendix to determine if your installation of stormwater controls on your site has the potential to cause effects to historic properties, and whether or not you need to contact your SHPO, THPO, or other tribal representative for further information. You may not submit your NOI until you have completed this screening process. The following four steps describe how applicants can meet the historic property requirements under this permit:

Step 1 *Are you installing any stormwater controls that require subsurface earth disturbance?*

The first step of the screening process is to determine if you will install stormwater controls that cause subsurface earth disturbance. The installation of the following types of stormwater controls require subsurface earth disturbance:

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches
- Trenches
- Culverts
- Channels
- Perimeter Drains

- Swales

Note: This list is not intended to be exhaustive. Other stormwater controls that are not on this list may involve earth-disturbing activities and must also be examined for the potential to affect historic properties.

Note: You are only required to consider earth-disturbing activities related to the installation of stormwater controls in the NHPA screening process. You are not reqired to conside other earth-disturbing activities a the site. If you are installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, your project has the potential to have an effect on historic properties. If this is the case, then you must proceed to Step 2.

If you are not installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, then you may indicate this on your NOI, and no further screening is necessary. During the 14-day waiting period after submitting your NOI, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

Step 2 *Have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?*

If you are installing a stormwater control that requires subsurface earth disturbance, you must next determine if it has already been determined that no historic properties exist on your site based on prior professional cultural resource surveys or other evaluations, or that the existence of historic properties has been precluded because of prior earth disturbances.

If prior to your project it has already been determined that no historic properties exist at your site based on available information, including information that may be provided by your applicable SHPO, THPO, or other tribal representative, then you may indicate this on your NOI, and no further screening steps are necessary. Similarly, if earth disturbances that have occurred prior to your project have eliminated the possibility that historic properties exist on your site, you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If neither of these circumstances exists for your project, you must proceed to Step 3.

Step 3 *If you are installing any stormwater controls that require subsurface earth disturbance, you must determine if these activities will have an effect on historic properties.*

If your answer to the questions in Steps 1 and 2 is "no", *then you must assess whether your earth-disturbing activities related to the installation of stormwater controls will have an effect on historic properties. This assessment may be based on historical sources, knowledge of the area, an assessment of the types of earth-disturbing activities you are engaging in, considerations of*

any controls and/or management practices you will adopt to ensure that your stormwater control-related earth-disturbing activities will not have an effect on historic properties, and any other relevant factors. If you determine based on this assessment that earth disturbances related to the installation of yous stormwater controls will not cause effects to historic properties, you may indicate this on your NOI, and document the basis for your determinatioin in your SWPPP and no further screening steps are necessary. In this case you must also attach a copy of your site map to your NOI. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If none of the circumstances in Steps 1-3 exist for your project, you must proceed to Step 4.

Step 4: *If you are installing any stormwater controls that require subsurface earth disturbance and you have not satisfied the conditions in Steps 1-3, you must contact and consult with the appropriate historic preservation authorities.*

Where you are installing stormwater controls that require subsurface earth disturbance, and you cannot determine in Step 3 that these activities will not have effects on historic properties, then you must contact the relevant SHPO, THPO, or other tribal representative to request their views as to the likelihood that historic properties are potentially present on your site and may be impacted by the installation of these controls.

> *Note: Addresses for SHPOs and THPOs may be found on the Advisory Council on Historic Preservation's website (www.achp.gov/programs.html). In instances where a Tribe does not have a THPO you should contact the appropriate Tribal government office designated by the Tribe for this purpose when responding to this permit eligibility condition.*

You must submit the following minimum information in order to properly initiate your request for information:

1. Project name (*i.e.*, the name or title most commonly associated with your project);
2. A narrative description of the project;
3. Name, address, phone and fax number, and email address (if available) of the operator;
4. Most recent U.S. Geological Survey (USGS) map section (7.5 minute quadrangle) showing actual project location and boundaries clearly indicated; and
5. Sections of SWPPP site map (see Part 7.2.6) that show locations where stormwater controls that will cause subsurface earth disturbance will be installed (see Step 1).

Without submitting this minimum information, you will not have been considered to have properly initiated your request. You will need to provide the SHPO, THPO, or other tribal representative a minimum of15 calendar days after they receive these materials to respond to your request for information about your project. You are advised to get a receipt from the post office or other carrier confirming the date on which your letter was received.

If you do not receive a response within15 calendar days after receipt by the SHPO, THPO, or other tribal representative of your request, then you may indicate this on your NOI, and no further screening steps are necessary. Or, if the applicable SHPO, THPO, or other tribal representative responds to your request with an indication that no historic properties will be affected by the installation of stormwater controls at your site, then you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse impacts to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse impacts to historic properties are necessary.

If within 15 calendar days of receipt of your request the applicable SHPO, THPO, or other tribal representative responds with a request for additional information or for further consultation regarding appropriate measures for treatment or mitigation of effects on historic properties caused by the installation of stormwater controls on your site, you must comply with this request and proceed to Step 5.

Step 5: *Consultation with your applicable SHPO, THPO, or other tribal representative*.

If, following your discussions with the appropriate historic preservation authorities in Step 4, the applicable SHPO, THPO, or other tribal represenative requests additional information or further consultation, you must respond with such information or to consult to determine impacts to historic properties that may be caused by the installation of stormwater controls on your site and appropriate measures for treatment or mitigation of such impacts. If as a result of your discussions with the applicable SHPO, THPO, or tribal representative, you enter into, and comply with, a written agreement regarding treatment and/or mitigation of impacts on your site, then you may indicate this on your NOI, and no further screening steps are necessary.

If, however, agreement on an appropriate treatment or mitigation plan cannot be reached between you and the SHPO, THPO, or other tribal representative within 30 days of your response to the SHPO, THPO, or other tribal representative's request for additional information or further consultation, you may submit your NOI, but you must indicate that you have not negotiated measures to avoid or mitigate such effects. You must also include in your SWPPP the following documentation:

1. Copies of any written correspondence between you and the SHPO, THPO, or other tribal representative; and
2. A description of any significant remaining disagreements as to mitigation measures between you and the SHPO, THPO, or other tribal representative.

After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, ACHP or other tribal representative may request that EPA place a hold on authorization based upon concerns regarding potential adverse effects to historic properties. EPA, in coordination with the ACHP, will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

Appendix F - List of Tier 3, Tier 2, and Tier 2.5 Waters

EPA's CGP has special requirements for discharges to waters designated by a state or tribe as Tier 2/2.5 or Tier 3 for antidegradation purposes under 40 CFR 131.12(a). See Parts 1.2.3 and 3.3.

The list below is provided as a resource for operators who must determine whether they discharge to a Tier 2/2.5 or Tier 3 water. Only Tier 2/2.5 or Tier 3 waters specifically identified by a water quality standard authority (e.g., a state, territory, or tribe) are identified in the table below. Many authorities evaluate the existing and protected quality of the receiving water on a pollutant-by-pollutant basis and determine whether water quality is better than the applicable criteria that would be affected by a new discharge or an increase in an existing discharge of the pollutant. In instances where water quality is better, the authority may choose to allow lower water quality, where lower water quality is determined to be necessary to support important social and economic development. Permittees are not required to identify those waters which are evaluated on an individual basis.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
MAR120000	**Commonwealth of Massachusetts, except Indian Country lands**	
	Tier 2 and Tier 2.5 waters are identified and listed in 314 CMR 4.06 Basin Classification. (314 CMR 4 can be found at DEP's web page at http://www.mass.gov/dep/service/regulations/314cmr04.pdf)	
	Tier 2	Tier 2 waters are listed on a parameter-by-parameter basis.
	Tier 2.5	Tier 2.5 waters are listed as "outstanding resource waters" on the website: http://www.mass.gov/dep/water/laws/tblfig.pdf
NHR120000	**State of New Hampshire**	
	Tier 2/2.5	There is no list of Tier 2/Tier 2.5 waters. New dischargers should contact Ken Edwardson at Kenneth.Edwardson@des.nh.gov.
	Tier 3	Env-Ws 1708.05(a) Surface waters of national forests and surface waters designated as "natural" under RSA 483:7-a, I shall be considered outstanding resource waters (ORW). "Natural waters" are listed at http://www.gencourt.state.nh.us/rsa/html/L/483/483-15.htm. Surface waters of national forests are not included in an official list. For further questions, new dischargers should contact Thelma Murphy (EPA Region 1's stormwater coordinator) at murphy.thelma@epa.gov.
PRR120000	**Commonwealth of Puerto Rico**	
	Tier 3	Tier III waters are those which are classified as either Class SA or Class SE. Class SA waters are defined as "Coastal waters and estuarine waters of high quality and/or exceptional ecological or recreational value whose existing characteristics shall not be altered, except by natural causes, in order to preserve the existing natural phenomena." Class SA waters include bioluminiscent lagoons and bays such as La Parguera and Monsio José on the Southern Coast, Bahía de Mosquito in Vieques, and any other coastal or estuarine waters of exceptional quality of high ecological value or recreational which may be designated by Puerto Rico, through Resolution, as requiring this classification for protection of the waters. Class SE waters are defined

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
		as "Surface waters and wetlands of exceptional ecological value, whose existing characteristics should not be altered in order to preserve the existing natural phenomena." Class SE waters include Laguna Tortuguero, Laguna Cartagena and any other surface water bodies of exceptional ecological value as may be designated by Puerto Rico through Resolution.
DCR120000	**District of Columbia**	
	Tier 2/2.5	Rock Creek and its tributaries and Battery Kemble Creek and its tributaries are considered Special Waters of the District of Columbia (SWDC) under its antidegradation program.
MNR12000I	**Fond du Lac Band of MN Chippewa**	
	Tier 3	Six lakes are presently identified as Tier 3: (1) Dead Fish, (2) Jaskari, (3) Miller (Mud), (4) Perch, (5) Rice Portage, (6) Wild Rice.
	Grand Portage Band of MN Chippewa	
	Tier 2/2.5	All waters, not already classified as Tier 3, are high quality Tier 2 waters. (see Grand Portage Reservation Water Quality Standards, Section VI & VII, Pages 14-16).
	Tier 3	"The portion of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary." (see Section VII, Page 16).
WIR12000I	**Lac du Flambeau Band of the Lake Superior Chippewa**	
	Tier 2	All named waters, including wetlands, not specified under an antidegradation classification.
	Tier 2.5	Bills Lake, Birch Lake, Bobidosh Lake, Bog Lake (SE SE Sec. 31, T40NR6E), Bolton Lake, Broken Bow Lake, Chewalah Lake, Clear Lake (Sec. 2, T39NR4E), Corn Great, Great, Corn Lake, Little "Least/Lesser", Crawling Stone Lake, Big, Crawling Stone Lake, Little, Crescent Lake, Crooked Lake, Big, David Lake, Ellerson Lake, Middle, Ellerson Lake, West, Elsie Lake "Boundary Lake", Fat Lake, Fence Lake, Gresham Creek, Green Lake (NW NW Sec. 19, T41R6E), Grey Lake, Gunlock Lake, Haskell Lake, Headflyer Lake (Sec. 19, T41NR5E), Highway Lake (NW NW Sec. 19, T41NR5E), Horsehead Lake (SE SW Sec. 9, T40NR5E), Hutton's Creek, Ike Walton Lake, Lily Lake (SE SW Sec. 35, T40NR5E), Little Ten Lake, Lodge Lake "L. Rice" (NW NW Sec. 8, T41NR6E), Lucy Lake, Mindys Lake (Sec. 8, T40NR5E), Minette Lake, Mitten Lake, Monk's Lake (Sec. 13, T40NR5E), Moving Cloud Lake, Mud Creek, Muskesin Lake, Patterson Lake, Placid Twin Lake (North), Placid Twin Lake (South), Plummer Lake, Poupart Lake, Prairie Lake (NE SW Sec. 13, T40NR4E), Raven Lake, Ross Allen Lake, Sand Lake, Little, Scott Lake (Sec. 22, T40N, R4E), Shishebogama Lake, Signal Lake, Snort Lake (Sec. 5, T41N, R6E), Spring Lake "Jerms", Squirrel Lake, Statenaker Lake "Hollow", Stearns Lake "Hourglass", Sugarbush "Hidden Lake" (NW NW Sec. 17, T41NR5E), Sugarbush Creek, Sugarbush Lake, Little, Sugarbush Lake, Lower, Sugarbush Lake, Middle, Sugarbush Lake, Upper, Sunfish Lake, Tippecanoe Lake, Tomahawk River, To-To Tom Lake, Toulish Lake, Trout River, Warrior Lake, White Sand Lake, Whitefish Lake

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
		"Cattail Lake" (Sec. 34, T40N5R), Wishow Lake, Wyandock Lake
	Tier 3	Bear River (1st bridge to Reservation boundary), Big Springs (Sec. 25, T40NR4E), Black Lake, Cranberry Lake, Doud Lake, Eagle Lake, Gene Lake, Johnson Springs, Little Trout Lake, Lost Lake (Sect. 1, T41NR4E), Mishonagon Creek, Munnomin (Jesse, Duck) Lake, Negani (Hegani) Lake, Reservation Line Lake, Spring Creek, Tank Lake, Thomas Lake, Wild Rice Lake, Zee Lake
NMR120000	**State of New Mexico**	
	Tier 3	(1) Rio Santa Barbara, including the west, middle and east forks from their headwaters downstream to the boundary of the Pecos Wilderness; and (2) the waters within the United States forest service Valle Vidal special management unit including: (a) Rio Costilla, including Comanche, La Cueva, Fernandez, Chuckwagon, Little Costilla, Holman, Gold, Grassy, LaBelle and Vidal creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit; (b) Middle Ponil creek, including the waters of Greenwood Canyon, from their headwaters downstream to the boundary of the Elliott S. Barker wildlife management area; (c) Shuree lakes; (d) North Ponil creek, including McCrystal and Seally Canyon creeks, from their headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit; and (e) Leandro creek from its headwaters downstream to the boundary of the United States forest service Valle Vidal special management unit. (3) the named perennial surface waters of the state, identified in Subparagraph (a) below, located within United States department of agriculture forest service wilderness. Wilderness are those lands designated by the United States congress as wilderness pursuant to the Wilderness Act. Wilderness areas included in this designation are the Aldo Leopold wilderness, Apache Kid wilderness, Blue Range wilderness, Chama River Canyon wilderness, Cruces Basin wilderness, Dome wilderness, Gila wilderness, Latir Peak wilderness, Pecos wilderness, San Pedro Parks wilderness, Wheeler Peak wilderness, and White Mountain wilderness. (a) The following waters are designated in the Rio Grande basin: (i) in the Aldo Leopold wilderness: Byers Run, Circle Seven creek, Flower canyon, Holden Prong, Indian canyon, Las Animas creek, Mud Spring canyon, North Fork Palomas creek, North Seco creek, Pretty canyon, Sids Prong, South Animas canyon, Victorio Park canyon, Water canyon; (ii) in the Apache Kid wilderness Indian creek and Smith canyon; (iii) in the Chama River Canyon wilderness: Chavez canyon, Ojitos canyon, Rio Chama; (iv) in the Cruces Basin wilderness: Beaver creek, Cruces creek, Diablo creek, Escondido creek, Lobo creek, Osha creek; (v) in the Dome wilderness: Capulin creek, Medio creek, Sanchez

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
		canyon/creek; (vi) in the Latir Peak wilderness: Bull creek, Bull Creek lake, Heart lake, Lagunitas Fork, Lake Fork creek, Rito del Medio, Rito Primero, West Latir creek; (vii) in the Pecos wilderness: Agua Sarca, Hidden lake, Horseshoe lake (Alamitos), Jose Vigil lake, Nambe lake, Nat lake IV, No Fish lake, North Fork Rio Quemado, Rinconada, Rio Capulin, Rio de las Trampas (Trampas creek), Rio de Truchas, Rio Frijoles, Rio Medio, Rio Molino, Rio Nambe, Rio San Leonardo, Rito con Agua, Rito Gallina, Rito Jaroso, Rito Quemado, San Leonardo lake, Santa Fe lake, Santa Fe river, Serpent lake, South Fork Rio Quemado, Trampas lake (East), Trampas lake (West); (viii) in the San Pedro Parks wilderness: Agua Sarca, Cañon Madera, Cave creek, Cecilia Canyon creek, Clear creek (North SPP), Clear creek (South SPP), Corralitos creek, Dove creek, Jose Miguel creek, La Jara creek, Oso creek, Rio Capulin, Rio de las Vacas, Rio Gallina, Rio Puerco de Chama, Rito Anastacio East, Rito Anastacio West, Rito de las Palomas, Rito de las Perchas, Rito de los Pinos, Rito de los Utes, Rito Leche, Rito Redondo, Rito Resumidero, San Gregorio lake; (ix) in the Wheeler Peak wilderness: Black Copper canyon, East Fork Red river, Elk lake, Horseshoe lake, Lost lake, Sawmill creek, South Fork lake, South Fork Rio Hondo, Williams lake. (b) The following waters are designated in the Pecos River basin: (i) in the Pecos wilderness: Albright creek, Bear creek, Beatty creek, Beaver creek, Carpenter creek, Cascade canyon, Cave creek, El Porvenir creek, Hollinger creek, Holy Ghost creek, Horsethief creek, Jack's creek, Jarosa canyon/creek, Johnson lake, Lake Katherine, Lost Bear lake, Noisy brook, Panchuela creek, Pecos Baldy lake, Pecos river, Rio Mora, Rio Valdez, Rito Azul, Rito de los Chimayosos, Rito de los Esteros, Rito del Oso, Rito del Padre, Rito las Trampas, Rito Maestas, Rito Oscuro, Rito Perro, Rito Sebadilloses, South Fork Bear creek, South Fork Rito Azul, Spirit lake, Stewart lake, Truchas lake (North), Truchas lake (South), Winsor creek; (ii) in the White Mountain wilderness: Argentina creek, Aspen creek, Bonito creek, Little Bonito creek, Mills canyon/creek, Rodamaker creek, South Fork Rio Bonito, Turkey canyon/creek. (c) The following waters are designated in the Gila River basin: (i) in the Aldo Leopold wilderness: Aspen canyon, Black Canyon creek, Bonner canyon, Burnt canyon, Diamond creek, Falls canyon, Fisherman canyon, Running Water canyon, South Diamond creek; (ii) in the Gila wilderness: Apache creek, Black Canyon creek, Brush canyon, Canyon creek, Chicken Coop canyon, Clear creek, Cooper canyon, Cow creek, Cub creek, Diamond creek, East Fork Gila river, Gila river, Gilita creek, Indian creek, Iron creek, Langstroth canyon, Lilley canyon, Little creek, Little Turkey creek, Lookout canyon, McKenna creek, Middle Fork Gila river, Miller Spring canyon, Mogollon creek, Panther canyon, Prior creek, Rain creek, Raw Meat creek, Rocky canyon, Sacaton creek, Sapillo creek, Sheep Corral canyon, Skeleton canyon, Squaw creek, Sycamore canyon, Trail canyon, Trail creek, Trout creek, Turkey creek, Turkey Feather creek, Turnbo canyon,

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
		West Fork Gila river, West Fork Mogollon creek, White creek, Willow creek, Woodrow canyon. (d) The following waters are designated in the Canadian River basin: in the Pecos wilderness Daily creek, Johns canyon, Middle Fork Lake of Rio de la Casa, Middle Fork Rio de la Casa, North Fork Lake of Rio de la Casa, Rito de Gascon, Rito San Jose, Sapello river, South Fork Rio de la Casa, Sparks creek (Manuelitas creek). (e) The following waters are designated in the San Francisco River basin: (i) in the Blue Range wilderness: Pueblo creek; (ii) in the Gila wilderness: Big Dry creek, Lipsey canyon, Little Dry creek, Little Whitewater creek, South Fork Whitewater creek, Spider creek, Spruce creek, Whitewater creek. (f) The following waters are designated in the Mimbres Closed basin: in the Aldo Leopold wilderness Corral canyon, Mimbres river, North Fork Mimbres river, South Fork Mimbres river. (g) The following waters are designated in the Tularosa Closed basin: in the White Mountain wilderness Indian creek, Nogal Arroyo, Three Rivers. (h) The wetlands designated are identified on the maps and list of wetlands within United States forest service wilderness areas designated as outstanding national resource waters published at the New Mexico state library and available on the department's website.

Appendix G – Buffer Guidance.

The purpose of this guidance is to assist you in complying with the requirements in Part 2.1.2.1 of the permit regarding the establishment of natural buffers or equivalent sediment controls. This guidance is organized as follows:

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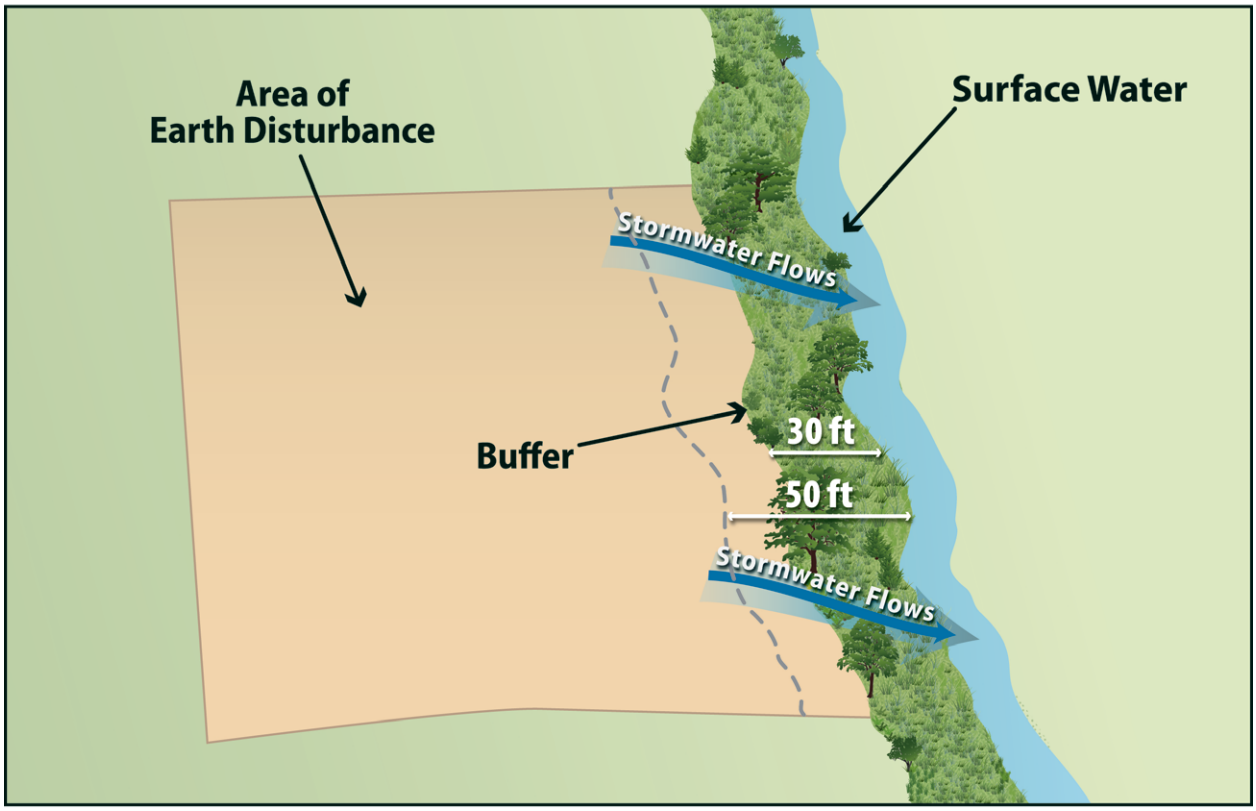
G.1 Sites That Are Required to Comply with Part 2.1.2.1

The purpose of this part is to help you determine if the requirements in Part 2.1.2.1 apply to your site.

G.1.1 Step 1 - Determine if Your Site is Within 50 Feet of a Surface Water

Part 2.1.2.1 applies to you only if your earth-disturbing activities will occur within 50 feet of a surface water that receives stormwater discharges from your site. Figure G – 1 illustrates when a site would be required to comply with the requirements in Part 2.1.2.1 due to their proximity to a surface water. If the surface water is not located within 50 feet of the earth-disturbing activities, Part 2.1.2.1 does not apply.

Figure G - 1. Example of earth-disturbing activities within 50 feet of a surface water.



If you determine that your earth-disturbing activities will occur within 50 feet of a surface water that receives stormwater discharges from your site, the requirements in Part 2.1.2.1 apply, except for certain circumstances that are described in Step 2.

Note that where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, or if a portion of area within 50 feet of the surface water is owned by another party and is not under your control, the buffer requirements in Part 2.1.2.1 still apply, but with some allowances.

Clarity about how to implement the compliance alternatives for these situations is provided in G.2.1.2 and G.2.2.2 below.

Note that EPA does not consider designed stormwater control features *(e.g., stormwater conveyance channels, storm drain inlets, stormwater basins)* that direct storm water to surface waters more than 50 feet from the disturbance to constitute surface waters for the purposes of determining if the buffer requirements apply.

G.1.2 Step 2 - Determine if Any Exceptions to the Requirements in Part 2.1.2.1 Apply

The following exceptions apply to the requirements in Part 2.1.2.1:

- If there is no discharge of stormwater to surface waters through the area between the disturbed portions of the site and any surface waters located within 50 feet of your site, you are not required to comply with the requirements in this Part. This includes situations where you have implemented controls measures, such as a berm or other barrier, that will prevent such discharges.
- Where no natural buffer exists due to preexisting development disturbances *(e.g., structures, impervious surfaces)* that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in this Part.

  Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you <u>are</u> required to comply with the requirements in this Part. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3 below, you are not expected to compensate for the reduction in buffer function that would have resulted from the area covered by these preexisting disturbances. Clarity about how to implement the compliance alternatives for these situations is provided in G.2.1.2 and G.2.2.2 below.

  If during your project, you will disturb any portion of these preexisting disturbances, the area removed will be deducted from the area treated as natural buffer.
- For "linear construction projects" (see Appendix A), you are not required to comply with this requirement if site constraints *(e.g., limited right-of-way)* prevent you from complying with the requirements of the alternatives in Part 2.1.2.1a, provided that, to the extent practicable, you limit disturbances within 50 feet of the surface water and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the surface water. You must also document in your SWPPP your rationale for why it is infeasible for you to comply with the requirements in Part 2.1.2.1a, and describe any buffer width retained and/or supplemental erosion and sediment controls installed.
- For "small residential lot" construction *(i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre),* you have the option of complying with the requirements in Part G.2.3 of this appendix.
- The following disturbances within 50 feet of a surface water are exempt from the requirements in this Part:

  - Construction approved under a CWA Section 404 permit; or

- Construction of a water-dependent structure or water access areas *(e.g., pier, boat ramp, trail)*.

Note that you must document in your SWPPP if any disturbances related to any of the above exceptions occurs within the buffer area on your site.

G.2 COMPLIANCE ALTERNATIVES GUIDANCE

If in Part G.1 of this guidance you determine that the buffer requirements apply to your site, you have three compliance alternatives from which you can choose:

1. Provide and maintain a 50-foot buffer undisturbed natural buffer (Part 2.1.2.1a.i);[1] or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer (Part 2.1.2.1a.ii);[1] or
3. If it is infeasible to provide and maintain an undisturbed natural buffer of any size, you must implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer (Part 2.1.2.1a.iii).[1]

The compliance alternative selected above must be maintained throughout the duration of permit coverage.

The following provides detailed guidance for how you can comply with each of the compliance alternatives. Part G.2.1 below provides guidance on how to provide and maintain natural buffers consistent with the alternatives 1 and 2, above. Part G.2.2 below provides guidance on how to comply with the requirement to provide a 50-foot buffer equivalent through erosion and sediment controls consistent with alternatives 2 and 3, above.

G.2.1 Guidance for Providing and Maintaining Natural Buffers

The following guidance is intended to assist you in complying with the requirements to provide and maintain a natural buffer during construction. This part of the guidance applies to you if you choose either alternative 1 (50-foot buffer) or alternative 2 (a buffer of < 50 feet supplemented by additional erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), or if you are providing a buffer in compliance with one of the small residential lot compliance alternatives in Part G.2.3 below.

[1] *For the compliance alternatives in 1 and 2, you are not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists (e.g., arid and semi-arid areas). You only need to retain and protect from disturbance the natural buffer that existed prior to the commencement of construction. Any preexisting structures or impervious surfaces are allowed in the natural buffer provided you retain and protect from disturbance the natural buffer area outside the preexisting disturbance. Similarly, for alternatives 2 and 3, you are required to implement and maintain sediment controls that achieve the sediment load reduction equivalent to the undisturbed natural buffer that existed on the site prior to the commencement of construction. In determining equivalent sediment load reductions, you may consider naturally non-vegetated areas and prior disturbances. See Part G.2.2 of this Appendix for a discussion of how to determine equivalent reductions.*

G.2.1.1 *Buffer Width Measurement*

Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:

1. The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figure G – 2 and Figure G - 3. You may find that specifically measuring these points is challenging if the flow path of the surface water changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, EPA suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

Additionally, note that if earth-disturbing activities will take place on both sides of a surface water that flows through your site, to the extent that you are establishing a buffer around this water, it must be established on both sides. For example, if you choose alternative 1 above, and your project calls for disturbances on both sides of a small stream, you would need to retain the full 50 feet of buffer on both sides of the water. However, if your construction activities will only occur on one side of the stream, you would only need to retain the 50-foot buffer on the side of the stream where the earth-disturbance will occur.

Figure G - 2. This image shows buffer measurement from the ordinary high water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

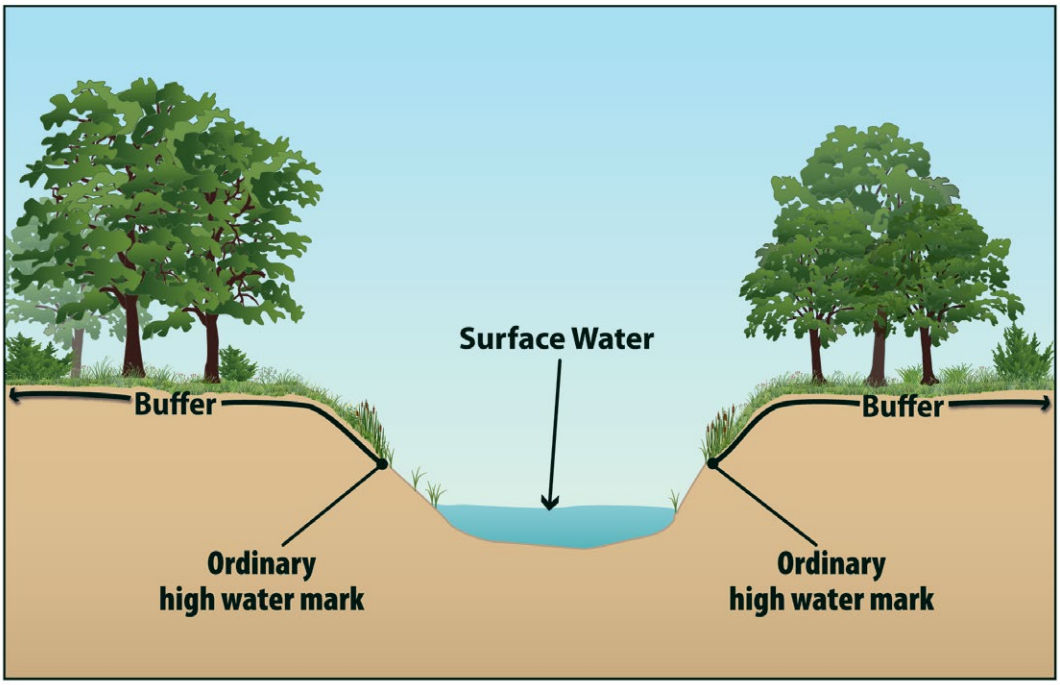
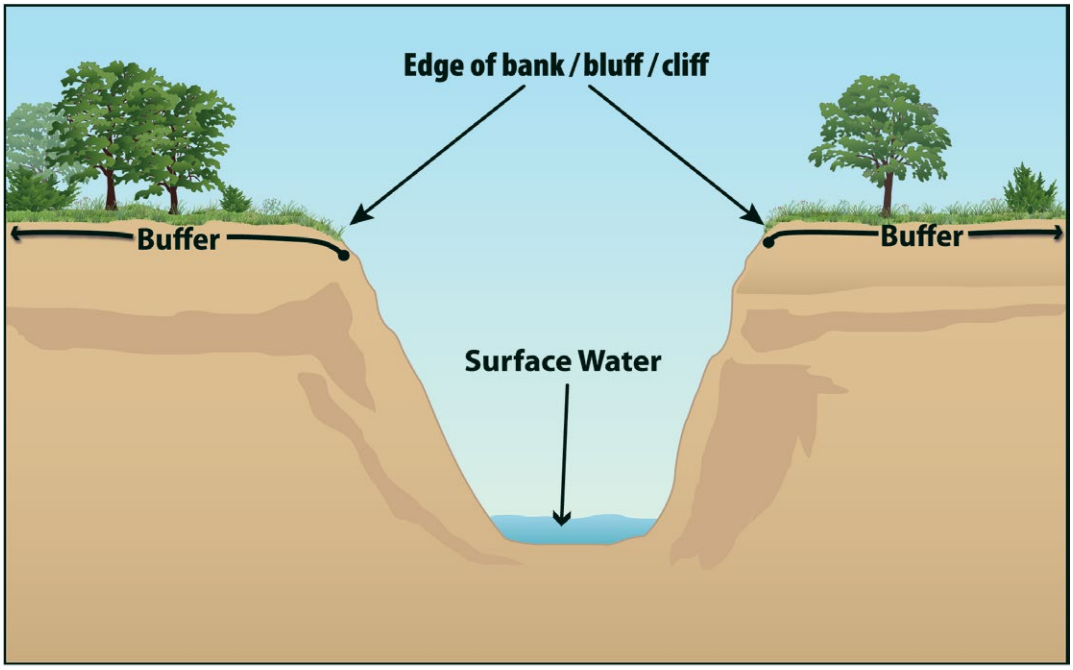


Figure G - 3. This image shows buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.



G.2.1.2 *Limits to Disturbance Within the Buffer*

You are considered to be in compliance with this requirement if you retain and protect from construction activities the natural buffer that existed prior to the commencement of construction. If the buffer area contains no vegetation prior to the commencement of construction (e.g., sand or rocky surface), you are not required to plant any additional vegetation. As noted above, any preexisting structures or impervious surfaces are allowed in the buffer provided you retain and protect from disturbance the vegetation in the buffer outside the preexisting disturbance.

To ensure that the water quality protection benefits of the buffer are retained during construction, you are prohibited from conducting any earth-disturbing activities within the buffer during permit coverage. In furtherance of this requirement, prior to commencing earth-disturbing activities on your site, you must delineate, and clearly mark off, with flags, tape, or a similar marking device, the buffer area on your site. The purpose of this requirement is to make the buffer area clearly visible to the people working on your site so that unintended disturbances are avoided.

While you are not required to enhance the quality of the vegetation that already exists within the buffer, you are encouraged to do so where such improvements will enhance the water quality protection benefits of the buffer. (Note that any disturbances within the buffer related to buffer enhancement are permitted and do not constitute construction disturbances.) For instance, you may want to consider targeted plantings where limited vegetation exists, or replacement of existing vegetation where invasive or noxious plant species (see http://plants.usda.gov/java/noxiousDriver) have taken over. In the case of invasive or noxious species, you may want to remove and replace them with a diversity of native trees, shrubs, and herbaceous plants that are well-adapted to the climatic, soil, and hydrologic conditions on the site. You are also encouraged to limit the removal of naturally deposited leaf litter, woody debris, and other biomass, as this material contributes to the ability of the buffer to retain water and filter pollutants.

If a portion of the buffer area adjacent to the surface water is owned by another party and is not under your control, you are only required to retain and protect from construction activities the portion of the buffer area that is under your control. For example, if you elect alternative 1 above (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the surface water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you must only retain and protect from construction activities the 40-foot buffer area that occurs on the property on which your construction activities are taking place. EPA would consider you to be in compliance with this requirement regardless of the activities that are taking place in the 10-foot area that is owned by a different party than the land on which your construction activities are taking place that you have no control over.

G.2.1.3 *Discharges to the Buffer*

You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls (*for example, you must comply with the Part 2.1.2.2 requirement to establish sediment controls around the downslope perimeter of your site disturbances*), and if necessary to prevent erosion caused by stormwater flows within the buffer, you must use velocity dissipation devices. The purpose of this requirement is to decrease the rate of stormwater flow and

encourage infiltration so that the pollutant filtering functions of the buffer will be achieved. To comply with this requirement, construction operators typically will use devices that physically dissipate stormwater flows so that the discharge entering the buffer is spread out and slowed down.

G.2.1.4 *SWPPP Documentation*

You are required to document in your SWPPP the natural buffer width that is retained. For example, if you are complying with alternative 1, you must specify in your SWPPP that you are providing a 50-foot buffer. Or, if you will be complying with alternative 2, you must document the reduced width of the buffer you will be retaining (and you must also comply with the requirements in Part 2.1.2.1c to describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as described in Part G.2.2 below). Note that you must also show any buffers on your site plan in your SWPPP consistent with Part 7.2.6.3. Additionally, if any disturbances related to the exceptions in Part 2.1.2.1e occur within the buffer area, you must document this in the SWPPP.

G.2.2 Guidance for Providing the Equivalent Sediment Reduction as the 50-foot Buffer

If you are selecting Alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by additional erosion and sediment controls that, together, achieve the equivalent sediment load reduction as the 50-foot buffer) or Alternative 3 (implement erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), the following guidance is intended to assist you in demonstrating that you will achieve the equivalent sediment reduction as the 50-foot buffer.

G.2.2.1 *Determine Whether it is Feasible to Provide a Reduced Buffer*

EPA recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (see G.1.2), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas. EPA believes there are likely to be other examples of situations that make it infeasible to provide any buffer area.

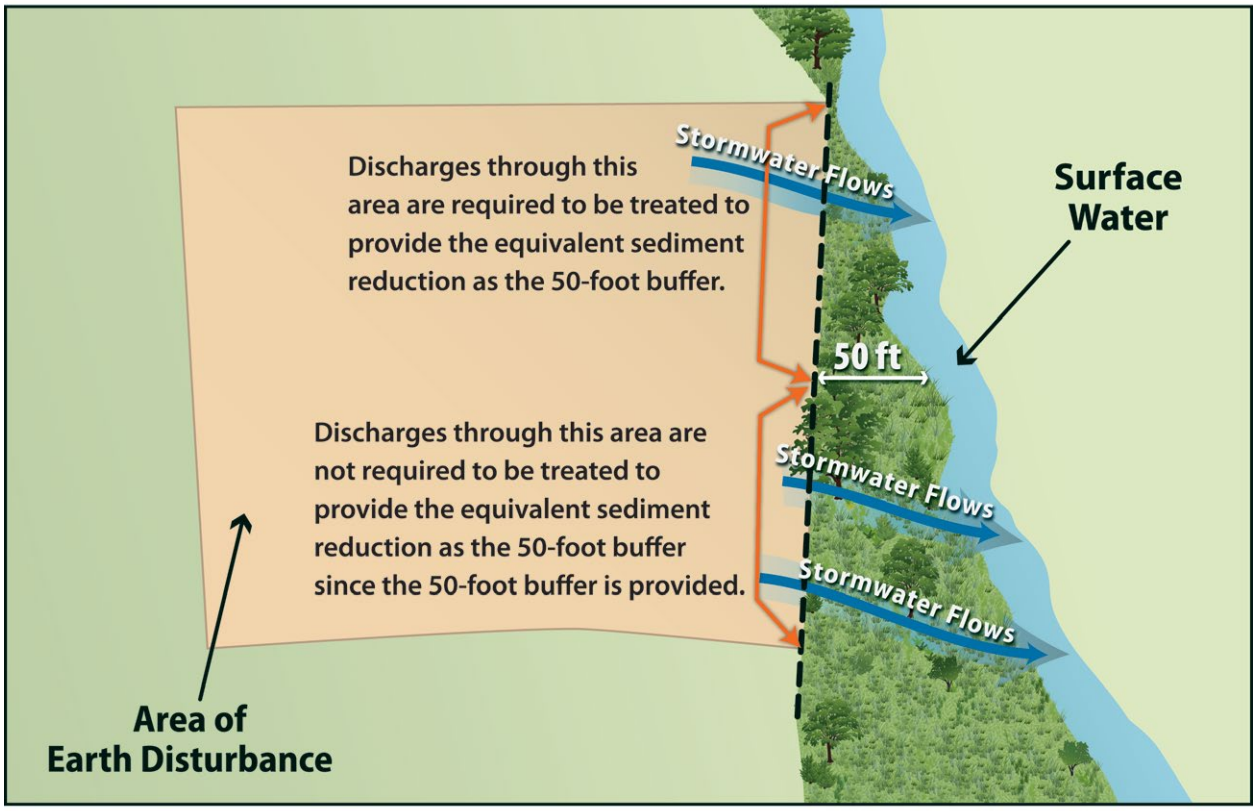
Therefore, in choosing between the 2 different compliance alternatives (Alternative 2 or 3), you should only elect to comply with Alternative 2 if it is feasible for you to retain any natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part G.2.1, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should elect to comply with Alternative 3. After making this determination, you should proceed to Part G.2.2.2 to determine how to provide controls that, together with any buffer areas that is being retained, if applicable, will achieve an equivalent sediment load reduction as the 50-foot buffer.

G.2.2.2 *Design Controls That Provide Equivalent Sediment Reduction as 50-foot Buffer*

You must next determine what additional controls must be implemented on your site that, alone or in combination with any retained natural buffer, achieve a reduction in sediment equivalent to that achieved by a 50-foot buffer.

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 50-foot buffer for discharges through that area. You would not be required to provide treatment of stormwater discharges that flow through 50 feet or more of natural buffer. See Figure G - 4.

Figure G - 4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 50-feet.



To comply with this requirement, you are required to do the following:

Step1 - Estimate the sediment reduction expected from your site if you had retained a 50-foot natural buffer;

Step 2 - Design controls that alone or in combination with any width of buffer retained achieve the equivalent sediment removal efficiency as that expected from the 50-foot buffer; and

Step 3 - Document in your SWPPP how your controls will achieve the equivalent sediment removal efficiency of the 50-foot buffer.

Guidelines to help you work through these requirements are provided below.

a. <u>Step 1 - Estimate the Sediment Reduction from the 50-foot Buffer</u>

In order to design controls that match the sediment removal efficiency of a 50-foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of sediment controls used to reduce the discharge of sediment prior to the buffer. EPA has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the CGP. See Attachment 1, Tables G - 8 through G - 15. Note: buffer performance values in Tables G - 8 through G - 15 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 50-foot buffers at disturbed sites of fixed proportions and slopes.[2]

Using Tables G - 8 through G - 15 (see Attachment 1), you can determine the sediment removal efficiency of a 50-foot buffer for your geographic area by matching the vegetative cover type that best describes your buffer area and the type of soils that predominate at your site. For example, if your site is located in Massachusetts (Table G - 9), and your buffer vegetation corresponds most closely with that of tall fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 81 percent.

In this step, you should choose the vegetation type in the tables that most closely matches the vegetation that would exist naturally in the buffer area on your site regardless of the condition of the buffer. However, because you are not required to plant any additional vegetation in the buffer area, in determining what controls are necessary to meet this sediment removal equivalency in Step 2 below, you will be able to take credit for this area as a fully vegetated "natural buffer."

Similarly, if a portion of the buffer area adjacent to the surface water is owned by another party and is not under your control, you can treat the area of land not

[2] EPA used the following when developing the buffer performance tables:

- The sediment removal efficiencies are based on the U.S. Department of Agriculture's RUSLE2 ("Revised Universal Soil Loss Equation 2") model for slope profiles using a 100-foot long denuded slopes.
- Sediment removal was defined as the annual sediment delivered at the downstream end of the 50-foot natural buffer (tons/yr/acre) divided by the annual yield from denuded area (tons/yr/acre).
- As perimeter controls are also required by the CGP, sediment removal is in part a function of the reduction due to a perimeter control (i.e., silt fence) located between the disturbed portion of the site and the upstream edge of the natural buffer and flow traveling through a 50-foot buffer of undisturbed natural vegetation.
- It was assumed that construction sites have a relatively uniform slope without topographic features that accelerate the concentration for erosive flows.
- It was assumed that vegetation has been removed from the disturbed portion of the site and a combination of cuts and fills have resulted in a smooth soil surface with limited retention of near-surface root mass

To represent the influence of soil, EPA analyzed 11 general soil texture classifications in its evaluation of buffer performance. To represent different types of buffer vegetation, EPA evaluated 4 or more common vegetative types for each state/territory covered under the permit. For each vegetation type evaluated, EPA considered only permanent, non-grazed and non-harvested vegetation, on the assumption that a natural buffer adjacent to the surface water will typically be undisturbed. EPA also evaluated slope steepness and found that sediment removal efficiencies present in Tables G -8 through G - 15 are achievable for slopes that are less than nine percent.

under control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring.

> *For example, if your earth-disturbances occur within 50 feet of a surface water, but the 10 feet of land immediately adjacent to the surface water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10 foot area adjacent to the stream as having the equivalent soil and vegetation type as predominates in the 40 foot area under your control. You would then make the same assumption in Step 2 for purposes of determining the equivalent sediment removal.*

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables G - 8 through G - 15. This calculation must be documented in your SWPPP.

b. <u>Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer</u>

Once you have determined the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you will be required to select stormwater controls that will provide an equivalent sediment load reductions. These controls can include the installation of a single designed control, such as a sediment pond, additional perimeter controls, or other type of device. Alternatively, you may elect to install a combination of stormwater controls and to retain some amount of a buffer. Whichever control(s) you select, you must demonstrate in your SWPPP that the controls will provide at a minimum the same sediment removal capabilities as the 50-foot buffer (Step 1). You are allowed to take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency, because these were included in calculating the buffer removal efficiencies in tables G - 8 through G - 15. (Note: You are reminded that the controls must be kept in effective operating condition until you have completed final stabilization on the disturbed portions of the site discharging to the surface water.)

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as the 50-foot buffer, you will need to use a model or other type of calculator. As mentioned above, there are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models. A couple of examples are provided in Attachment 3 to help illustrate how this determination could be made.

If you are retaining a buffer of less than 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 50 foot buffer and the removal efficiency of the narrower buffer. For example, if you are retaining a 30 foot buffer, you can account for the sediment removal provided by the 30-foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided. To do this, you would plug the width of the buffer that is

retained into RUSLE or another model, along with other stormwater controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

As described in Step 1 above, you can take credit for the area you have retained as a "natural buffer" as being fully vegetated, regardless of the condition of the buffer area.

> *For example, if your earth-disturbances occur 30 feet from a surface water, but the 10 feet of land immediately adjacent to the surface water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10-foot area as a natural buffer, regardless of the activities that are taking place in the area. Therefore, you can assume (for purposes of your equivalency calculation) that your site is providing the sediment removal equivalent of a 30-foot buffer, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided.*

c. <u>Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer</u>

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves the expected sediment removal efficiency of a 50-foot buffer at your site. The final step is to document in your SWPPP the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer.

EPA will consider your documentation to be sufficient if it generally meets the following:

- For Step 1, refer to the table in Attachment 1 that you used to derive your estimated 50-foot buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables G - 8 through G - 15. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.
- For Step 2: (1) Specify the model you used to estimate sediment load reductions from your site; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1.

If you choose Alternative 3, you must also include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

G.2.3 Small Residential Lot Compliance Alternatives

In this part of Appendix G, EPA provides additional compliance alternatives for operators of small residential lots. In accordance with Part 2.1.2.1e.iv, operators of small residential lots who do not provide a 50-foot buffer are not required to make the demonstration outlined in Part G.2.2.2. Instead, qualifying operators can comply with the buffer requirement by choosing to implement a set of traditional sediment and erosion controls from the menu of practices provided in Part G.2.3.2.

A **small residential lot** is a lot or grouping of lots being developed for residential purposes that will disturb less than 1 acre of land, but that is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

EPA has developed two different alternatives for compliance. The following steps describe how a small residential lot operator would achieve compliance with these 2 alternatives.

G.2.3.1 *Step 1 – Determine if You are Eligible for the Small Residential Lot Compliance Alternatives*

In order to be eligible for the small residential lot compliance alternatives, the following conditions must be met:

a. The lot or grouping of lots meets the definition of "small residential lot"; and

b. The operator must comply with all other requirements in Part 2.1.2.1, including:

i. Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by stormwater within the buffer;

ii. Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and

iii. Delineate, and clearly mark off, with flags, tape, or other similar marking device, all natural buffer areas.

G.2.3.2 *Step 2 – Implement the Requirements of the Small Residential Lot Compliance Alternative Selected*

You must next choose from one of two small residential lot compliance alternatives and implement the stormwater control practices associated with that alternative.

Note: The compliance alternatives provided below are not mandatory. Operators of small residential lots can alternatively choose to comply with the any of the options that are available to other sites in Part 2.1.2.1a, described in Parts G.2.1 and G.2.2 in this appendix.

a. <u>Small Residential Lot Compliance Alternative 1</u>

Alternative 1 is a straightforward tiered- technology approach that specifies the controls that a small residential lot must implement based on the buffer width retained. To achieve compliance with Alternative 1, you must implement the

controls specified in Table G – 1 based on the buffer width to be retained. See footnote 3, below, for a description of the controls you must implement.

For example, if you are an operator of a small residential lot that will be retaining a 35-foot buffer and you choose Small Residential Lot Compliance Alternative 1, you must implement double perimeter controls between earth disturbances and the surface water.

In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with Alternative 1.

Table G - 1. Alternative 1 Requirements[3]

Retain 50-foot Buffer	Retain <50 and >30 foot Buffer	Retain ≤ 30 foot Buffer
No Additional Requirements	Double Perimeter Controls	Double Perimeter Controls and 7-Day Site Stabilization

b. <u>Small Residential Lot Compliance Alternative 2</u>

Alternative 2 specifies the controls that a builder of a small lot must implement based on both the buffer width retained and their risk of sediment discharge. By incorporating the sediment risk, this approach may result in the implementation of controls that are more appropriate for the site's specific conditions.

Step 1 – Determine Your Site's Sediment Risk Level

To meet the requirements of Alternative 2, you must first determine your site's sediment discharge "risk level" based on the site's slope, location, and soil type. To help you to determine your site's sediment risk level, EPA has developed five different tables for different slope conditions. You must select the table that most closely corresponds to your site's average slope.

For example, if your site's average slope is 7 percent, you would use Table G – 4 to determine your site's sediment risk.

After you determine which table applies to your site, you must then use the table to determine the "risk level" (e.g., "low", "moderate", or "high") that corresponds to your site's location and predominant soil type.[4]

For example, based on Table G - 3, a site located in New Hampshire with a 4 percent average slope and with predominately sandy clay loam soils would fall into the "moderate" risk level.

[3] **Description of Additional Controls Applicable to Small Residential Lot Compliance Alternatives 1 and 2:**

- **No Additional Requirements:** If you implement a buffer of 50 feet or greater, then you are not subject to any additional requirements. Note that you are required to install perimeter controls between the disturbed portions of your site and the buffer in accordance with Part 2.1.2.2.
- **Double Perimeter Control:** In addition to the reduced buffer width retained on your site, you must provide a double row of perimeter controls between the disturbed portion of your site and the surface water spaced a minimum of 5 feet apart.
- **Double Perimeter Control and 7-Day Site Stabilization:** In addition to the reduced buffer width retained on your site and the perimeter control implemented in accordance with Part 2.1.2.2, you must provide a double row of perimeter controls between the disturbed portion of your site and the surface water spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.1.2a and/or 2.2.1.2b within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.

[4] One source for determining your site's predominant soil type is the USDA's Web Soil Survey located at http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx.

Table G - 2. Risk Levels for Sites with Average Slopes of ≤ 3 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Low	Moderate	Low	Moderate	Moderate
American Samoa	Moderate	Moderate	Moderate	Moderate	High
Massachusetts and New Hampshire	Low	Moderate	Low	Low	Moderate
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Low
Washington D.C.	Low	Moderate	Low	Low	Moderate

Table G - 3. Risk Levels for Sites with Average Slopes of > 3 Percent and ≤ 6 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	Moderate	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Low	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

Table G - 4. Risk Levels for Sites with Average Slopes of > 6 Percent and ≤ 9 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Guam	Moderate	High	Moderate	High	High
Puerto Rico	Moderate	High	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

Table G - 5. Risk Levels for Sites with Average Slopes of > 9 Percent and ≤ 15 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	Moderate	High	Moderate	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Moderate	Low	Moderate	Moderate
Washington D.C.	Moderate	High	Moderate	Moderate	High

Table G - 6. Risk Levels for Sites with Average Slopes of > 15 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	High	High	High	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	High	High	Moderate	High	High
Idaho	Low	Low	Low	Low	Moderate
New Mexico	Moderate	Moderate	Moderate	Moderate	High
Washington D.C.	High	High	Moderate	High	High

Step 2 – Determine Which Additional Controls Apply

Once you determine your site's "risk level", you must next determine the additional controls you need to implement on your site, based on the width of buffer you plan to retain. Table G - 7 specifies the requirements that apply based on the "risk level" and buffer width retained. See footnote 3, above, for a description of the additional controls that are required.

> *For example, if you are the operator of a small residential lot that falls into the "moderate" risk level, and you decide to retain a 20-foot buffer, using Table G-7 you would determine that you need to implement double perimeter controls to achieve compliance with Part 2.1.2.1.*

You must also document in your SWPPP your compliance with Alternative 2.

Table G - 7. Alternative 2 Requirements[2]

Risk Level Based on Estimated Soil Erosion	Retain ≥ 50' Buffer	Retain <50' and >30' Buffer	Retain ≤30' and >10' Buffer	Retain ≤ 10' Buffer
Low Risk	No Additional Requirements	No Additional Requirements	Double Perimeter Control	Double Perimeter Control
Moderate Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization
High Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization	Double Perimeter Control and 7-Day Site Stabilization

-

ATTACHMENT 1

Sediment Removal Efficiency Tables[5]

EPA recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore in the tables below, EPA has limited the removal efficiencies to a maximum of 90%. Efficiencies that were calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

Table G - 8. Estimated 50-foot Buffer Performance in Idaho*

	Estimated % Sediment Removal				
Type of Buffer Vegetation**	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Tall Fescue Grass	42	52	44	48	85
Medium-density Weeds	28	30	28	26	60
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	25	26	24	24	55
Northern Mixed Prairie Grass	28	30	28	26	50
Northern Range Cold Desert Shrubs	28	28	24	26	50

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G - 9. Estimated 50-foot Buffer Performance in Massachusetts and New Hampshire*

	Estimated % Sediment Removal				
Type of Buffer Vegetation**	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Warm-season Grass (i.e., Switchgrass, Lemongrass)	79	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	78	90	90	90	90
Tall Fescue Grass	76	90	81	89	90
Medium-density Weeds	66	76	60	72	66

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

[5] The buffer performances were calculated based on a denuded slope upgradient of a 50-foot buffer and a perimeter controls, as perimeter controls are a standard requirement (see Part 2.1.2.2).

Table G - 10. Estimated 50-foot Buffer Performance in New Mexico*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Tall Fescue grass	71	85	80	86	90
Medium-density Weeds	56	73	55	66	78
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	53	70	51	62	67
Southern Mixed Prairie Grass	53	71	52	63	50
Southern Range Cold Desert Shrubs	56	73	55	65	53

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G - 11. Estimated 50-foot Buffer Performance in Washington, DC*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	81	90	90	90	90
Tall Fescue Grass	79	90	83	89	90
Medium-density Weeds	71	79	66	75	74

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G - 12. Estimated 50-foot Buffer Performance in American Samoa*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Bahiagrass (Permanent cover)	82	90	90	90	83
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	85
Dense Grass	82	90	90	90	83
Tall Fescue Grass	82	89	82	89	79
Medium-density Weeds	70	73	62	75	59

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G - 13. Estimated 50-foot Buffer Performance in Guam*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Bahiagrass (Permanent cover)	80	90	90	90	89
Warm-season Grass (i.e., Switchgrass, Lemongrass)	80	90	90	90	90
Dense Grass	79	90	90	90	89
Tall Fescue Grass	76	90	80	88	87
Medium-density Weeds	63	73	53	68	61

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G - 14. Estimated 50-foot Buffer Performance in Puerto Rico*

	Estimated % Sediment Removal				
Type of Buffer Vegetation**	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Bahiagrass (Permanent cover)	83	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	83	90	90	90	90
Dense Grass	83	90	90	90	90
Tall Fescue Grass	82	90	84	90	89
Medium-density Weeds	72	78	65	76	64

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G - 15. Estimated 50-foot Buffer Performance in Virgin Islands*

Type of Buffer Vegetation**	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Bahiagrass (Permanent cover)	85	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	86	90	90	90	90
Dense Grass	85	90	90	90	90
Tall Fescue Grass	85	90	88	90	89
Medium-density Weeds	75	77	71	78	63

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

ATTACHMENT 2

Using the Sediment Removal Efficiency Tables – Questions and Answers

- *What if my specific buffer vegetation is not represented in Tables G - 8 through G - 15?* Tables G - 8 through G - 15 provide a wide range of factors affecting buffer performance; however, there may be instances where the specific buffer vegetation type on your site is not listed. If you do not see a description of the type of vegetation present at your site, you should choose the vegetation type that most closely matches the vegetation type on your site. You can contact your local Cooperative Extension Service Office (www.csrees.usda.gov/Extension) for assistance in determining the vegetation type in Tables G - 8 through G - 15 that most closely matches your site-specific vegetation.
- *What if there is high variability in local soils?* EPA recognizes that there may be a number of different soil type(s) on any given construction site. General soil information can be obtained from USDA soil survey reports (http://websoilsurvey.nrcs.usda.gov) or from individual site assessments performed by a certified soil expert. Tables G - 8 through G - 15 present eleven generic soil texture classes, grouping individual textures where EPA has determined that performance is similar. If your site contains different soil texture classes, you should use the soil type that best approximates the predominant soil type at your site.
- *What if my site slope is greater than 9 percent after final grade is reached?* As indicated in the buffer performance tables, the estimated sediment removal efficiencies are associated with disturbed slopes of up to 9 percent grade. Where your graded site has an average slope of greater than 9 percent, you should calculate a site-specific buffer performance.
- *How do I calculate my own estimates for sediment reduction at my specific site?* If you determine that it is necessary to calculate your own sediment removal efficiency using site-specific conditions (e.g., slopes at your site are greater than 9 percent), you can do so by choosing from a range of available mathematical models that are available to facilitate this calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other equivalent models.
- *What is my estimated buffer performance if my site location is not represented by Tables G - 8 through G - 15?* If your site is located in an area not represented by Tables G - 8 through G - 15, you should use the table that most closely approximates conditions at your site. You may also choose to conduct a site-specific calculation of the buffer performance.
- *What if only a portion of my site drains to the buffer area?* If only a portion of your site drains to a surface water, where that water is within 50 feet of your construction activities, you are only required to meet the equivalency requirement for the stormwater flows corresponding to those portions of the site. See Example 2 below for an example of how this is expected to work.

ATTACHMENT 3

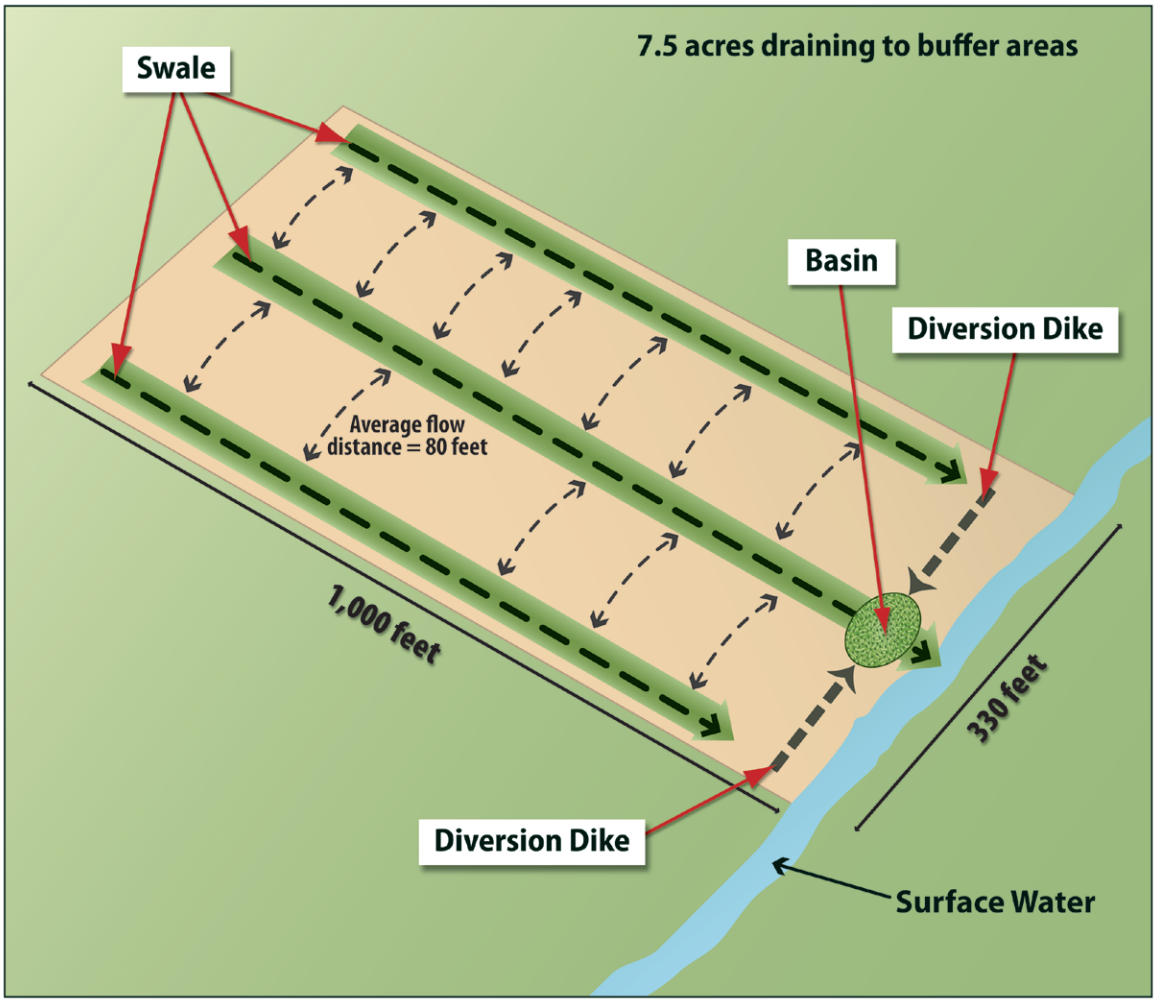
Examples of How to Use the Sediment Removal Efficiency Tables

Example 1. Comparatively Wet Location (7.5 acre site located in Massachusetts)

The operator of a 7.5-acre construction site in Massachusetts has determined that it is infeasible to establish a buffer of any size on their site, and is now required to select and install controls that will achieve an equivalent sediment load reduction as that estimated in G - 9 for their site conditions. The first step is to identify what percentage of eroded sediment is estimated to be retained from a 50-foot buffer. For this example, it is assumed that the site has a relatively uniform gentle slope (3 percent), so Table G - 9 can be used to estimate the 50-foot buffer sediment load reduction. If the site's buffer vegetation is best typified by cool-season dense grass and the underlying soil is of a type best described as loamy sand, the 50-foot buffer is projected to capture 90 percent of eroded sediment from the construction site.

The second step is to determine what sediment controls can be selected and installed in combination with the perimeter controls already required to be implemented at the site (see Part 2.1.2.2), which will achieve the 90 percent sediment removal efficiency from Table G - 9. For this example, using the RUSLE2 profile model, it was determined that installing a pair of shallow-sloped diversion ditches to convey runoff to a well-designed and maintained sediment basin provides 99 percent sediment removal. Because the estimated sediment reduction is greater than the required 90 percent that a 50-foot buffer provides, the operator will have met the buffer requirements. See Figure G - 5. The operator could also choose a different set of controls, as long as they achieve at least a 90 percent sediment removal efficiency.

Figure G - 5. Example 1 – Equivalent Sediment Load Reductions at a 7.5 ac Site in MA.



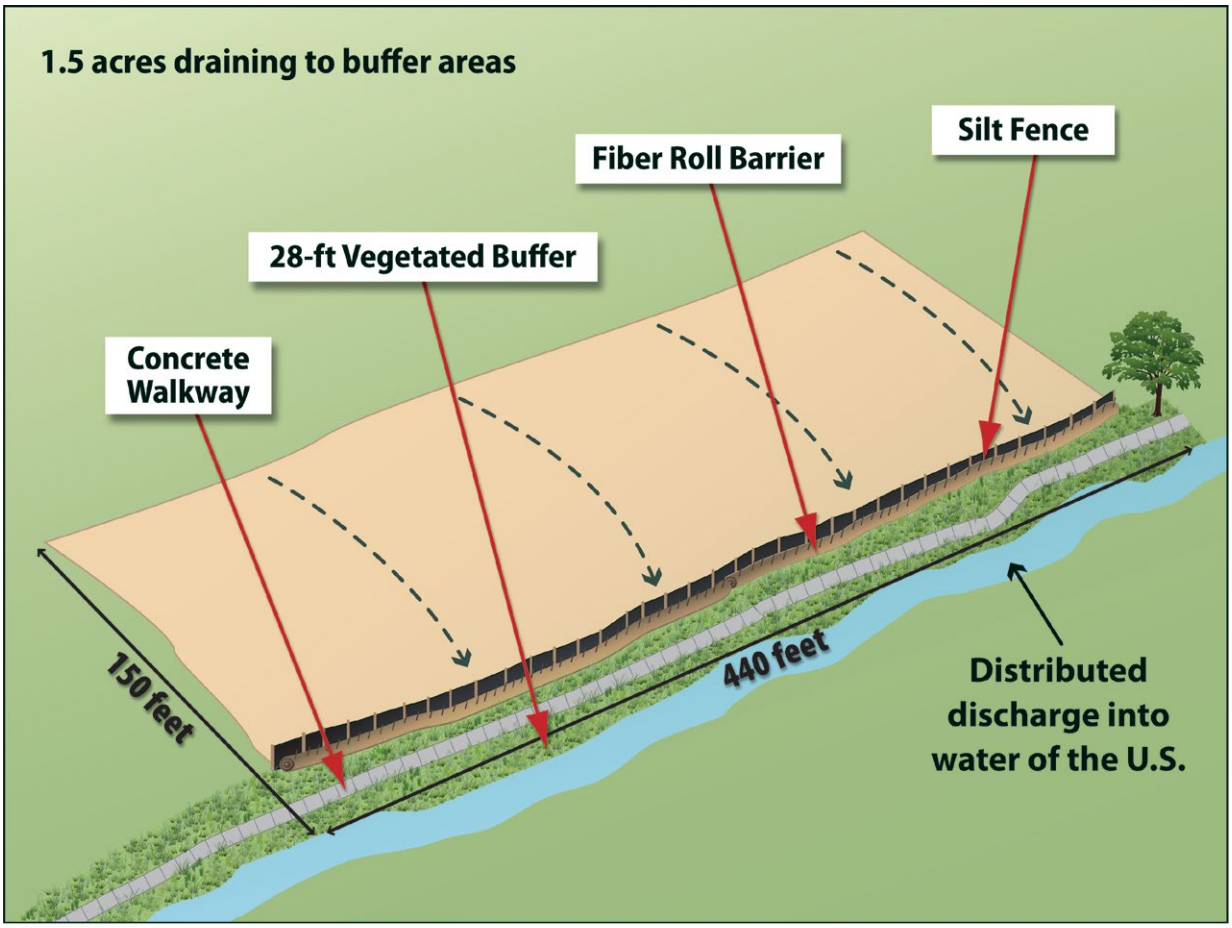
Example 2. Arid Location With Pre-existing Disturbances in the Natural Buffer (6.5 acre site located in New Mexico)

An operator of a site in New Mexico determines that it is not practicable to provide a 50-foot buffer, but a 28-foot buffer can be provided. Because the operator will provide a buffer that is less than 50 feet, the operator must determine which controls, in combination with the 28-foot buffer, achieve a sediment load reduction equivalent to the 50-foot buffer. In this example, the project will disturb 6.5 acres of land, but only 1.5 acres of the total disturbed area drains to the buffer area. Within the 28-foot buffer area is a preexisting concrete walkway. Similar to Example 1, the equivalence analysis starts with Step 1 (Part G.2.2.2) with a review of the New Mexico buffer performance (Table G - 10). The operator determines that the predominate vegetation type in the buffer area is prairie grass and the soil type is similar to silt, and that the site is of a uniform, shallow slope (e.g., 3 percent grade). Although the operator will take credit for the disturbance caused by the concrete walkway as a natural buffer in Step 2, here the operator can treat the entire buffer area as being naturally vegetated with prairie grass. Based on this information, the operator refers to Table G - 10 to estimate that the 50-foot buffer would retain 50 percent of eroded soil.

The second step is to determine, based on the 50 percent sediment removal efficiency found in Table G - 10, what sediment controls in combination with the 28-foot buffer area, can be

implemented to reduce sediment loads by 50 percent or more. The operator does not have to account the reduction in buffer function caused by the preexisting walkway, and can take credit for the entire 28-foot buffer being fully vegetated in the analysis. For this example, using the RUSLE2 profile model, the operator determined that installing a fiber roll barrier between the silt fence (already required by Part 2.1.2.2) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See Figure G - 6. Note that this operator is subject to the requirement in Part 2.1.2.1b.i to ensure that discharges through the silt fence, fiber roll barrier, and 28-foot buffer do not cause erosion within the buffer. The estimated sediment reduction is greater than the required 50 percent; therefore the operator will have met the buffer alternative requirement.

Figure G - 6. Example 2 – Equivalent Sediment Load Reductions at a 6.5 ac Site in NM.



Appendix H – 2-Year, 24-Hour Storm Frequencies

Part 2.1.3.2 of the permit indicates that if you install a sediment basin, one of the design requirements is to provide storage for either (1) the calculated volume of runoff from a 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained. This appendix is intended to provide a guide to permittees to determine the volume of precipitation associated with their local 2-year, 24-hour storm event.

The permittee should start out by determining their local 2-year, 24-hour storm volume. The rainfall frequency atlases, technical papers, and the Precipitation Frequency Data Server (PFDS) developed by the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS) serve as national standards for rainfall intensity at specified frequencies and durations in the United States. Operators of construction projects subject to the numeric effluent limits can use these standards to determine their local 2-year, 24-hour storm. Table H-1 identifies methods for determining precipitation frequency based on permit area. EPA notes that permittees may also use alternative peer-reviewed data sources not listed in Table H - 1 to determine the 2-year, 24-hour storm for their site.

Table H -1 – Method to Determine Precipitation Frequency Based on Permit Area

PERMIT AREA	METHOD TO DETERMINE PRECIPITATION FREQUENCY
District of Columbia	PFDS; NOAA Atlas 14, Vol. 2
Idaho	NOAA Atlas 2, Vol. 5; Technical Paper 40
Massachusetts	Technical Paper 40
New Hampshire	Technical Paper 40
New Mexico	PFDS; Technical Paper 40
Selected Pacific Islands	PFDS; Technical Paper 40
Puerto Rico and the U.S Virgin Islands	PFDS; Technical Paper 40
Other	PFDS; Technical Paper 40; NOAA Atlas 2 or 14

How to Determine Your Local 2-year, 24-hour Storm Size

Projects located in the **District of Columbia, New Mexico, Puerto Rico, U.S. Virgin Islands, or Pacific Island**s can use the PFDS at http://hdsc.nws.noaa.gov/hdsc/pfds/index.html or use NOAA's Atlas 14 Volumes 2, 3, and 5, respectively at http://www.nws.noaa.gov/oh/hdsc/currentpf.htm to determine their precipitation frequency.

The PFDS is an easy to use, point-and-click interface to official U.S. precipitation frequency estimates and intensities. The opening PFDS screen is a clickable map of the United States. Upon clicking on a state, a state-specific interface appears. From this page the user selects the following:

- A location: Either via clicking on the map or manually entering a longitude/latitude coordinate;
- Type of output: Depth-Duration Frequency (DDF) or Intensity-Duration-Frequency (IDF)
- Units: millimeters or inches; and
- Type of estimate: Point or areal.

Additionally, PFDS also serves as a tool for providing references and other information for other current precipitation frequency standards that are not yet updated.

Projects located in the **District of Columbia, Puerto Rico, U.S. Virgin Islands, or Pacific Islands** can use NOAA's Atlas 14 Volumes 2, 3, and 5, respectively at http://www.nws.noaa.gov/oh/hdsc/currentpf.htm or access the PFDS at http://hdsc.nws.noaa.gov/hdsc/pfds/index.html to determine their precipitation frequency.

Projects located in **Massachusetts and New Hampshire**, or other areas not covered by the PFDS or NOAA Atlases will need to use TP-40 to identify the precipitation frequency. TP-40 provides a map of the continental U.S. for the 2-year, 24-hour rainfall. TP40 can be accessed at http://www.nws.noaa.gov/oh/hdsc/PF_documents/TechnicalPaper_No40.pdf. (See also attached map of TP-40)

Projects located in **Idaho** can use the NOAA Atlas 2, Vol. 5 to determine their precipitation frequency. NOTE: Precipitation Frequencies on the NOAA Atlas 2, Vol. 5 are in tenths of an inch and will have to be converted to inches to determine precipitation frequency. NOAA Atlas 2, Vol. 5 can be accessed at http://www.nws.noaa.gov/oh/hdsc/PF_documents/Atlas2_Volume5.pdf. (See also attached map of NOAA Atlas 2, Vol. 5)

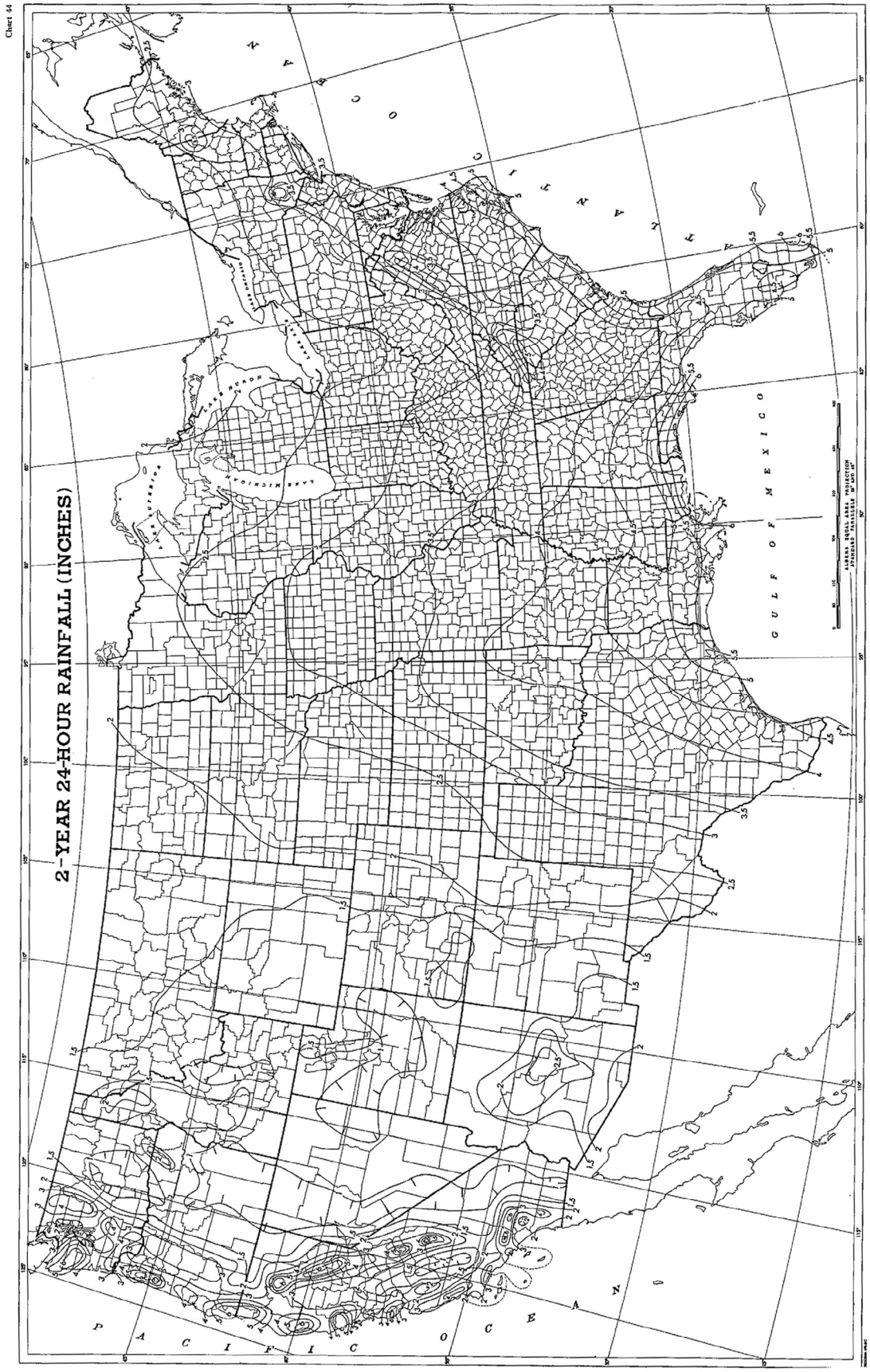
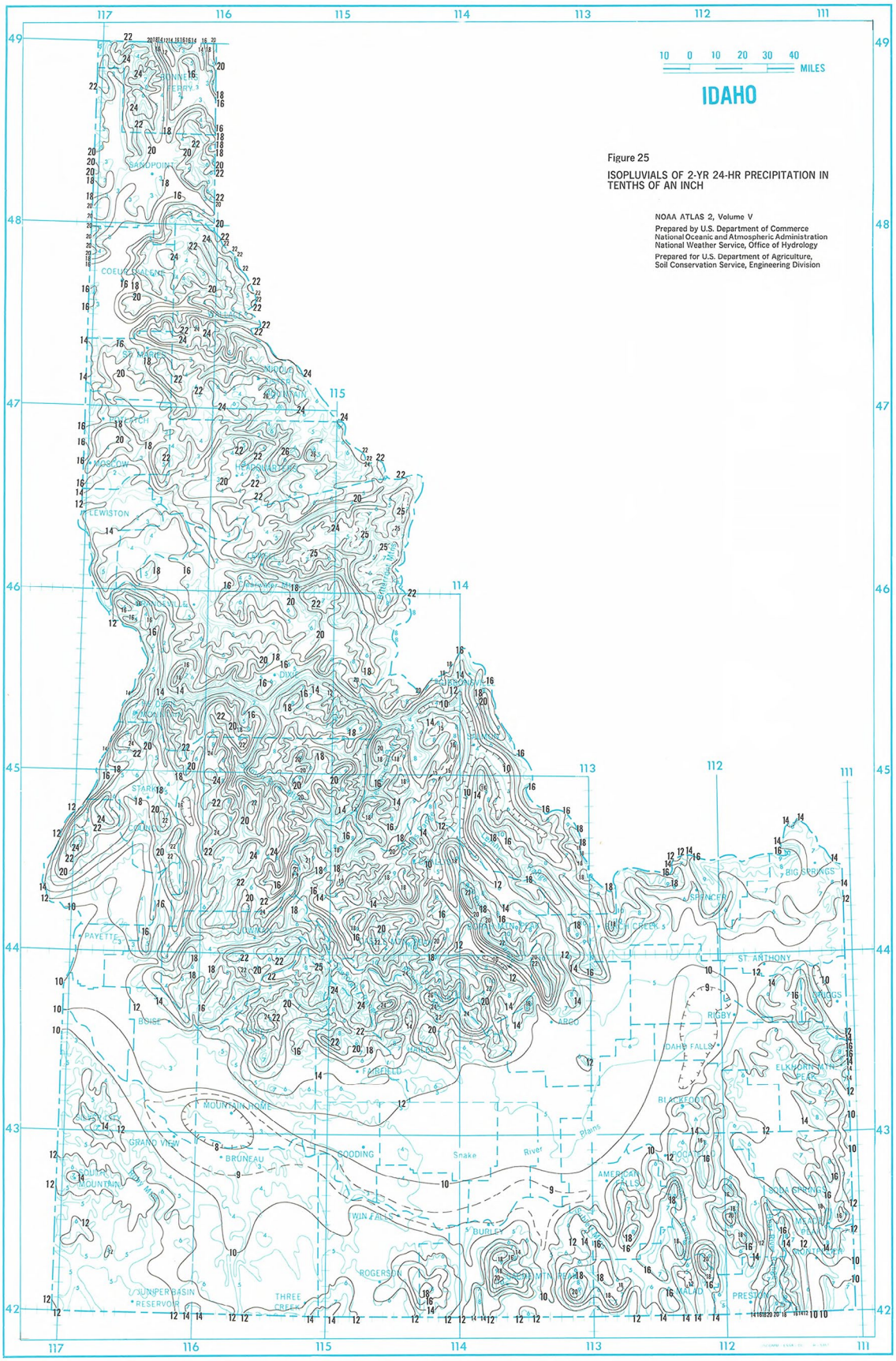


Chart 44
2-YEAR 24-HOUR RAINFALL (INCHES)
GULF OF MEXICO
PACIFIC OCEAN


10 0 10 20 30 40
MILES
IDAHO
Figure 25
ISOPLUVIALS OF 2-YR 24-HR PRECIPITATION IN TENTHS OF AN INCH
NOAA ATLAS 2, Volume V
Prepared by U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service, Office of Hydrology
Prepared for U.S. Department of Agriculture,
Soil Conservation Service, Engineering Division
Snake River Plains

Appendix I - Standard Permit Conditions

Standard permit conditions in Appendix I are consistent with the general permit provisions required under 40 CFR 122.41.

I.1 Duty To Comply.

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

I.1.1 You must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.

I.1.2 Penalties for Violations of Permit Conditions: The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359-69366, as corrected in 62 FR 54, March 20, 1997, pp.13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.

I.1.2.1 *Criminal Penalties.*

a. *Negligent Violations*. The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than $2,500 nor more than $25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation or by imprisonment of not more than two years, or both.

b. *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

c. *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than $250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon

conviction of violating the imminent danger provision be subject to a fine of not more than $1,000,000 and can fined up to $2,000,000 for second or subsequent convictions.

d. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that 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 non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

I.1.2.2 *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $37,500 per day for each violation).

I.1.2.3 *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows

a. *Class I Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $16,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $37,500).

b. *Class II Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently $11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $177,500).

I.2 Duty to Reapply.

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once EPA issues it.

I.3 Need to Halt or Reduce Activity Not a Defense.

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

I.4 Duty to Mitigate.

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

I.5 Proper Operation and Maintenance.

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

I.6 Permit Actions.

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

I.7 Property Rights.

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

I.8 Duty to Provide Information.

You must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information that EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit.

I.9 Inspection and Entry.

You must allow EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

I.9.1 Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

I.9.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

I.9.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

I.9.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

I.10 Monitoring and Records.

I.10.1 Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

I.10.2 You must retain records of all 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 the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of EPA at any time.

I.10.3 Records of monitoring information must include:

I.10.3.1 The date, exact place, and time of sampling or measurements;

I.10.3.2 The individual(s) who performed the sampling or measurements;

I.10.3.3 The date(s) analyses were performed

I.10.3.4 The individual(s) who performed the analyses;

I.10.3.5 The analytical techniques or methods used; and

I.10.3.6 The results of such analyses.

I.10.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

I.10.5 The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

I.11 Signatory Requirements.

I.11.1 All applications, including NOIs, must be signed as follows:

I.11.1.1 For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

I.11.1.2 For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

I.11.1.3 For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive

officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

I.11.2 Your SWPPP, including changes to your SWPPP, inspection reports, and any other compliance documentation required under this permit, must be signed by a person described in Appendix I, Subsection I.11.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

I.11.2.1 The authorization is made in writing by a person described in Appendix I, Subsection I.11.1;

I.11.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

I.11.2.3 The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

I.11.3 Changes to Authorization. If an authorization under Part 1.7 is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI satisfying the requirements of Part 1.7 must be submitted to EPA. See Table 1 in Part 1.7.2 of the permit. However, if the only change that is occurring is a change in contact information or a change in the facility's address, the operator need only make a modification to the existing NOI submitted for authorization.

I.11.4 Any person signing documents in accordance with Appendix I, Subsections I.11.1 or I.11.2 above must include the following certification:

> "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 gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained 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."

I.11.5 For persons signing documents electronically, in addition to meeting other applicable requirements in Appenidx I, Subsection I.11, such signatures must meet the same signature, authentication, and identity-proofing standards set forth at 40 CFR § 3.2000(b) for electronic reports (including robust second-factor authentication).

I.11.6 The CWA provides that 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 non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

I.12 Reporting Requirements.

I.12.1 Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

I.12.1.1 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

I.12.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

I.12.2 Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

I.12.3 Transfers. This permit is not transferable to any person except after notice to EPA. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination pursuant to Part 8. The new owner or operator must submit a Notice of Intent in accordance with Part 1.7 and Table 1. See also requirements in Appendix I, Subsections I.11.1 and I.11.2.

I.12.4 Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.

I.12.4.1 Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.

I.12.4.2 If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.

I.12.5 Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

I.12.6 Twenty-four hour reporting. In addition to reports required elsewhere in this permit:

I.12.6.1 You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

I.12.6.2 The following shall be included as information which must be reported within 24 hours under this paragraph.

a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(m)(3)(ii))

b. Any upset which exceeds any effluent limitation in the permit

c. Violation of a maximum daily discharge limit for any numeric effluent limitation. (See 40 CFR 122.44(g).)

I.12.6.3 EPA may waive the written report on a case-by-case basis for reports under Appendix I, Subsection I.12.6.2 if the oral report has been received within 24 hours.

I.12.7 Other noncompliance. You must report all instances of noncompliance not reported under Appendix I, Subsections I.12.4, I.12.5, and I.12.6, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix I, Subsection I.12.6.

I.12.8 Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

I.13 Bypass.

I.13.1 Definitions.

I.13.1.1 Bypass means the intentional diversion of waste streams from any portion of a treatment facility See 40 CFR 122.41(m)(1)(i).

I.13.1.2 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. See 40 CFR 122.41(m)(1)(ii).

I.13.2 Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix I, Subsections I.13.3 and I.13.4. See 40 CFR 122.41(m)(2).

I.13.3 Notice.

I.13.3.1 Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR 122.41(m)(3)(i).

I.13.3.2 Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix I, Subsection I.12.6 (24-hour notice). See 40 CFR 122.41(m)(3)(ii).

I.13.4 Prohibition of bypass. See 40 CFR 122.41(m)(4).

I.13.4.1 Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. You submitted notices as required under Appendix I, Subsection I.13.3.

I.13.4.2 EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix I, Subsection I.13.4.1.

I.14 Upset.

I.14.1 Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

I.14.2 Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix I, Subsection I.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).

I.14.3 Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

I.14.3.1 An upset occurred and that you can identify the cause(s) of the upset;

I.14.3.2 The permitted facility was at the time being properly operated; and

I.14.3.3 You submitted notice of the upset as required in Appendix I, Subsection I.12.6.2.b (24 hour notice).

I.14.3.4 You complied with any remedial measures required under Appendix I, Subsection I.4.

I.14.4 Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof. See 40 CFR 122.41(n)(4).

I.15 Retention of Records.

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

I.16 Reopener Clause.

I.16.1 Procedures for modification or revocation. Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

I.16.2 Water quality protection. If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit in accordance with Part 1.7.5 of this permit, or the permit may be modified to include different limitations and/or requirements.

I.16.3 Timing of permit modification. EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

I.17 Severability.

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. EPA's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, EPA will advise the regulated community as to the effect of such invalidation.

Appendix J - Notice of Intent (NOI) Form and Instructions

Part 1.7.1 requires you to use the electronic NOI system, or "eNOI" system, to prepare and submit your NOI. However, if you are given approval by the EPA Regional Office to use a paper NOI form, and you elect to use it, you must complete and submit the following form.

NPDES FORM 3510-9	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER AN NPDES GENERAL PERMIT	Form Approved. OMB No. 2040-0004

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section II of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section I of this form. Submission of this NOI also constitutes notice that the operator identified in Section II of this form meets the eligibility requirements of Parts 1.1 and 1.2 of the CGP for the project identified in Section III of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOI Form

Have you been given approval from the Regional Office to use this paper NOI form*? ☐ YES ☐ NO

If yes, provide the reason you need to use this paper form, the name of the EPA Regional Office staff person who approved your use of this form, and the date of approval:

Reason for using paper form: _____

Name of EPA staff person: _____

Date approval obtained: _____

*** Note: You are required to obtain approval from the applicable Regional Office prior to using this paper NOI form.**

II. Permit Information

Tracking Number (EPA Use Only):

Permit Number: (see Appendix B of the CGP for the list of eligible permit numbers)

III. Operator Information

Name:

Phone: - - Ext. Fax (optional): - -

E-mail:

IRS Employer Identification Number (EIN): –

Point of Contact:

First Name, Middle Initial, Last Name:

Mailing Address:

Street:

City: State: Zip Code: -

NOI Preparer (Complete if NOI was prepared by someone other than the certifier):

Prepared by:

First Name, Middle Initial, Last Name:

Organization:

Phone: - - Ext. Fax (optional): - -

E-mail:

IV. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City: State: Zip Code: -

County or similar government subdivision:

For the project/site for you are seeking permit coverage, provide the following information:

Latitude/Longitude (Use one of three possible formats, and specify method):

Latitude 1. ___ ___° ___ ___' ___ ___" N (degrees, minutes, seconds)
2. ___ ___° ___ ___. ___ ___' N (degrees, minutes, decimal)
3. ___ ___. ___ ___ ___ ___° N (degrees decimal)

Longitude 1. ___ ___ ___° ___ ___' ___ ___" W (degrees, minutes, seconds)
2. ___ ___ ___° ___ ___. ___ ___' W (degrees, minutes, decimal)
3. ___ ___ ___. ___ ___ ___ ___° W (degrees decimal)

Latitude/Longitude Data Source: ☐ U.S.G.S. topographic map ☐ EPA web site ☐ GPS ☐ Other: _____

If you used a U.S.G.S. topographic map, what was the scale? _____

Horizontal Reference Datum: ☐ NAD 27 ☐ NAD 83 or WGS 84 ☐ Unknown

Is your project/site located in Indian Country lands, or located on a property of religious or cultural significance to an Indian tribe? ☐ YES ☐ NO

If yes, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property: _____

Are you requesting coverage under this NOI as a "federal operator" as defined in Appendix A? ☐ YES ☐ NO

Estimated Project Start Date: / / Estimated Project Completion Date: / /

Estimated Area to be Disturbed (to the nearest quarter acre): .

Have earth-disturbing activities commenced on your project/site? ☐ YES ☐ NO

If yes, is your project an "emergency-related project? ☐ YES ☐ NO

Have stormwater discharges from your project/site been covered previously under an NPDES permit? ☐ YES ☐ NO

If yes, provide the Tracking Number if you had coverage under EPA's CGP or the NPDES permit number if you had coverage under an EPA individual permit:

V. Discharge Information

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ YES ☐ NO

Are there any surface waters within 50 feet of your project's earth disturbances? ☐ YES ☐ NO

Receiving Waters and Wetlands Information: (Attach a separate list if necessary)

Provide the name(s) of the first surface water that received stormwater directly from your site and/or from the MS4:	**Provide the names of any impaired waters to which you discharge and the pollutant(s) for which they are impaired**		**Provide the names of any waters to which you discharge for which there is an EPA approved or established TMDL, the name of the TMDL, and the pollutant(s) for which there is a TMDL**		
	Surface water name:	**Pollutant(s) causing the impairment:**	**Surface water name:**	**TMDL name:**	**Pollutant(s) for which there is a TMDL:**

Impaired Waters

Describe the methods you used to complete the above table:

Are any of the surface waters to which you discharge designated by the state or tribal authority under its antidegradation policy as a Tier 2 (or Tier 2.5) water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier 3 water (Outstanding Natural Resource Water)? (See Appendix F).

☐ YES ☐ NO

If yes, name(s) of receiving water(s) and its designation (Tier 2, Tier 2.5 or Tier 3): _____

VI. Chemical Treatment Information

Will you use polymers, flocculants, or other treatment chemicals at your construction site? ☐ YES ☐ NO

If yes, will you use cationic treatment chemicals at your construction site*? ☐ YES ☐ NO

If yes, have you been authorized to use cationic treatment chemicals by your applicable EPA Regional Office in advance of filing your NOI*? ☐ YES ☐ NO

If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

Please indicate the treatment chemicals that you will use: _____

* Note: You are ineligible for coverage under this permit unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

VII. Stormwater Pollution Prevention Plan (SWPPP) Information

Has the SWPPP been prepared in advance of filing this NOI? ☐ YES ☐ NO

SWPPP Contact Information:

First Name, Middle Initial Last Name:

Organization Name:

Phone: - - Ext. Fax (optional): - -

E-mail:

VIII. Endangered Species Protection

Using the instructions in Appendix D of the CGP, under which criterion listed in Appendix D are you eligible for coverage under this permit (only check 1 box)?

☐ A ☐ B ☐ C ☐ D ☐ E ☐ F

Provide a brief summary of the basis for criterion selection listed in Appendix D (e.g., communication with U.S. Fish and Wildlife Service or National Marine Fisheries Service, specific study): _____

If you select criterion B, provide the Tracking Number from the other operator's notification of authorization under this permit:

If you select criterion C, you must attach a copy of your site map (see Part 7.2.6 of the permit), and you must answer the following questions:

What federally-listed species or federally-designated critical habitat are located in your "action area": _____

What is the distance between your site and the listed species or critical habitat (miles): _____

If you select criterion D, E, or F, attach copies of any letters or other communications between you and the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

IX. Historic Preservation

Are you installing any stormwater controls as described in Appendix E that require subsurface earth disturbance? (Appendix E, Step 1) ☐ YES ☐ NO

If yes, have prior surveys or evaluations conducted on the site have already determined historic properties do not exist, or that prior disturbances have precluded the existence of historic properties? (Appendix E, Step 2) ☐ YES ☐ NO

If no, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? (Appendix E, Step 3) ☐ YES ☐ NO

If no, did the SHPO, THPO, or other tribal representative (whichever applies) respond to you within the 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? (Appendix E, Step 4) ☐ YES ☐ NO

If yes, describe the nature of their response:

☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions

☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls

☐ Other:

_____

_____

X. Certification Information

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 gathered and evaluated 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.

First Name, Middle Initial, Last Name: _____ _____ _____

Title: _____

Signature: _____ Date: ___ / ___ / _____

Email: _____

Instructions for Completing EPA Form 3510-9

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit

NPDES Form Date (2/16) This Form Replaces Form 3510-9 (11/08) Form Approved OMB No. 2040-0004

Who Must File an NOI Form

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.; the Act), federal law prohibits stormwater discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) permit. Operator of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must submit an NOI to obtain coverage under an NPDES general permit. Each person, firm, public organization, or any other entity that meets either of the following criteria must file this form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with the permit conditions. If you have questions about whether you need a NPDES stormwater permit, or if you need information to determine whether EPA or your state agency is the permitting authority, refer to www.epa.gov/npdes/stormwater/cgp or telephone EPA's NOI Processing Center at (866) 352-7755.

Completing the Form

Obtain and read a copy of the 2012 Construction General Permit, viewable at www.epa.gov/npdes/stormwater/cgp. To complete this form, type or print uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, refer to www.epa.gov/npdes/stormwater/cgp or telephone EPA's NOI Processing Center at (866) 352-7755. Please submit the original document with signature in ink - do not send a photocopied signature.

Section I. Approval to Use Paper NOI Form

You must indicate whether you have been given approval by the EPA Regional Office to use a paper NOI. Note that you are not authorized to use this paper NOI form unless the Regional Office has approved its use. Verbal approval from the Regional Office is sufficient. Where you have obtained approval to use this form, indicate the reason you need to use this form, the name of the EPA Regional Office staff person who provided approval for use of this form, and the date that approval was provided. See www.epa.gov/npdes/stormwater/contacts for a list of EPA Regional Office contacts.

Section II. Permit Number

Provide the number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible permit numbers).

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this application. Refer to Appendix A of the permit for the definition of "operator". Provide the employer identification number (EIN from the Internal Revenue Service; IRS), also commonly referred to as your taxpayer ID. If the applicant does not have an EIN enter "NA" in the space provided. Also provide a point of contact, the operator's mailing address, telephone number, fax number (optional) and e-mail address (to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the full name, organization, phone number and email address of the NOI preparer.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

Provide the latitude and longitude of your facility either in degrees, minutes, seconds; degrees, minutes, decimal; or degrees decimal format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and EPA's web-based siting tools, among others. Refer to www.epa.gov/npdes/stormwater/cgp for further guidance on the use of these methodologies. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. Applicants must specify which method they used to determine latitude and longitude. If a U.S.G.S. topographic map is used, applicants are required to specify the scale of the map used. If known, enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum used on USGS topographic maps is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers. If you use EPA's web siting tool, or if you are unsure of the horizontal reference datum for your site, please check the "unknown" box.

Indicate whether the project is in Indian country lands or located on a property of religious or cultural significance to an Indian tribe, and if so, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property.

Indicate whether you are seeking coverage under this permit as a "federal operator" as defined in Appendix A.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 10/06/2012). Indicate to the nearest quarter acre the estimated area to be disturbed.

Indicate whether earth-disturbing activities have already commenced on your project/site. If earth-disturbing activities have commenced on your site because stormwater discharges from the site have been previously covered under a NPDES permit, you must provide the CGP Tracking Number or the NPDES permit number if coverage was under an individual permit.

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit

NPDES Form Date (2/16) This Form Replaces Form 3510-9 (11/08) Form Approved OMB No. 2040-0004

Section V. Discharge Information

Indicate whether discharges from the site will enter into a municipal separate storm sewer system (MS4), as defined in Appendix A.

Also, indicate whether any surface waters (as defined in Appendix A) exist either on or within 50 feet from your site. Note that if "yes", you are required to comply with the requirement in Part 2.1.2.1 of the permit to provide natural buffers or equivalent sediment controls.

You must specify the names of any surface waters that receive stormwater directly from your site and/or from the MS4 to which you discharge. You must also specify the names of any surface waters that you discharge to that are listed as "impaired" as defined in Appendix A, including any waters for which there is an approved or established TMDL, and the pollutants for which the water is impaired or for which there is a TMDL. This information will be used to determine if the site discharges to an impaired waterbody, which triggers additional requirements in Part 3.2.2 of the permit. Applicants must specify which method they used to determine whether or not their site discharges to impaired waters. Also, if a TMDL has been approved or established, identify the title or reference of the TMDL document.

Indicate whether discharges from the site will enter into a surface water that is designated as a Tier 2, Tier 2.5, or Tier 3 water. A list of Tier 2, 2.5, and 3 waters is provided as Appendix F. If the answer is "yes", name all waters designated as Tier 2, Tier 2.5, or Tier 3 to which the site will discharge.

Section VI. Chemical Treatment Information

Indicate whether the site will use polymers, flocculants, or other treatment chemicals. Indicate whether the site will employ cationic treatment chemicals. If the answer is "yes" to either question, indicate which chemical(s) you will use. Note that you are not eligible for coverage under this permit to use cationic treatment chemicals unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. Examples of cationic treatment chemicals include, but are not limited to, cationic polyacrylamide (C-PAM), PolyDADMAC (POLYDIALLYLDIMETHYLAMMONIUM CHLORIDE), and chitosan.

Section VII. Stormwater Pollution Prevention Plan (SWPPP) Information

All sites eligible for coverage under this permit are required to prepare a SWPPP in advance of filing the NOI, in accordance with Part 7. Indicate whether the SWPPP has been prepared in advance of filing the NOI.

Indicate the street, city, state, and zip code where the SWPPP can be found. Indicate the contact information (name, organization, phone, fax (optional), and email) for the person who developed the SWPPP for this project.

Section VIII. Endangered Species Information

Using the instructions in Appendix D, indicate under which criterion (i.e., A, B, C, D, E, or F) of the permit the applicant is eligible with regard to protection of federally listed endangered and threatened species and designated critical habitat. A description of the basis for the criterion selected must also be provided.

If criterion B is selected, provide the Tracking Number for the other operator who had previously certified their eligibility under criterion A, C, D, E, or F. The Tracking Number was assigned when the operator received coverage under this permit, and is included in the notice of authorization.

If criterion C is selected, you must attach copies of your site map. See Part 7.2.6 of the permit for information about what is required to be in your site map. You must also specify the federally-listed species or federally-designated critical habitat that are located in the "action area" of the project, and provide the distance between the construction site and any listed endangered species or their critical habitat.

If criterion D, E, or F is selected, attach copies of any communications between you and the U.S. Fish and Wildlife Service and National Marine Fisheries Service.

Section IX. Historic Preservation

Use the instructions in Appendix E to complete the questions on the NOI form regarding historic preservation.

Section X. Certification Information

All applications, including NOIs, must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered eligible for permit coverage.

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit

NPDES Form Date (2/16) This Form Replaces Form 3510-9 (11/08) Form Approved OMB No. 2040-0004

Modifying Your NOI

If after submitting your NOI you need to correct or update any fields on this NOI form, you may do so by submitting a paper modification form, which you can obtain at the following link: http://www.epa.gov/npdes/pubs/cgp_modify.pdf

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 3.7 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch 2136, U.S. Environmental Protection, Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB control number on any correspondence. Do not send the completed form to this address.

Submitting Your Form

Submit your NOI form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:
Stormwater Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
EPA East Building - Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:
www.epa.gov/npdes/stormwater/cgpenoi

Appendix K - Notice of Termination (NOT) Form and Instructions

Part 8.3 requires you to use the electronic NOI system, or "eNOI" system, to prepare and submit your NOT. However, where your EPA Regional Office specifically authorizes you to use a paper NOT form, you are required to complete and submit the following form.

NPDES FORM 3510-13	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF TERMINATION (NOT) FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER AN NPDES GENERAL PERMIT	Form Approved. OMB No. 2040-0004

Submission of this Notice of Termination constitutes notice that the operator identified in Section II of this form is no longer authorized discharge pursuant to the NPDES Construction General Permit (CGP) from the site identified in Section III of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOT Form

Have you been given approval from the Regional Office to use this paper NOT form*? ☐ YES ☐ NO

*** Note: You must have been given approval by the Regional Office prior to using this paper NOT form.**

II. Permit Information

NPDES Stormwater General Permit Tracking Number:

Reason for Termination (Check only one):

- ☐ You have completed earth-disturbing activities at your site, and you have met all other requirements in Part 8.2.1.
- ☐ Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.
- ☐ You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

III. Operator Information

Name:

IRS Employer Identification Number (EIN): –

Mailing Address:

Street:

City: State: Zip Code: -

Phone: - - Ext. Fax (optional): - -

E-mail:

IV. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City: State: Zip Code: -

County or similar government subdivision:

V. Certification Information

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 gathered and evaluated 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.

First Name, Middle Initial, Last Name:

Title:

Signature: _____ Date: / /

Email:

Instructions for Completing EPA Form 3510-13

Notice of Termination (NOT) of Coverage Under an NPDES General Permit for Stormwater Discharges Associated with Construction Activity

NPDES Form Date (2/16) This Form Replaces Form 3510-13 (12/08) Form Approved OMB No. 2040-0004

Who May File an NOT Form

Permittees who are presently covered under the EPA-issued 2012 Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activity may submit an NOT form when: (1) earth-disturbing activities at the site are completed and the conditions in Parts 8.2.1.1 thru 8.2.1.5 are met; or (2) the permittee has transferred all areas under its control to another operator, and that operator has submitted and obtained coverage under this permit; or (3) the permittee has obtained coverage under a different NPDES permit for the same discharges.

Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to www.epa.gov/npdes/stormwater/cgp or telephone EPA's NOI Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Approval to Use Paper NOT Form

You must indicate whether you have been given approval by the EPA Regional Office to use a paper NOT. Note that you are not authorized to use this paper NOT form unless the Regional Office has approved its use.

Section II. Permit Number

Enter the existing NPDES Stormwater General Permit Tracking Number assigned to the project by EPA's Stormwater Notice Processing Center. If you do not know the permit tracking number, refer to http://www.epa.gov/npdes/stormwater/cgp or contact EPA's NOI Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one:

You have completed earth-disturbing activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.6.3) and you have met all other requirements in Part 8.2.1.

Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.

You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this application and is covered by the permit tracking number identified in Section I. Refer to Appendix A of the permit for the definition of "operator". Provide the employer identification number (EIN from the Internal Revenue Service; IRS). If the applicant does not have an EIN enter "NA" in the space provided. Enter the complete mailing address, telephone number, and email address of the operator. Optional: enter the fax number of the operator.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

Section V. Certification Information

All applications, including NOIs, must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per notice, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB number on any correspondence. Do not send the completed form to this address.

Notice of Termination (NOT) of Coverage Under an NPDES General Permit for Stormwater Discharges Associated with Construction Activity

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Submitting Your Form:
Submit your NOI form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:
Stormwater Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
EPA East Building - Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:
www.epa.gov/npdes/stormwater/cgpenoi