APPENDIX B

STORM WATER POLLUTION PREVENTION PLAN

Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

Sandpoint War Memorial Field
801 Ontario Street
Sandpoint, ID 83864

Insert Project/Site Telephone Number

City of Sandpoint
Dan Tadic, P.E.
1123 Lake Street
Sandpoint, ID 83864
208-263-3577
dtadic@sandpointidaho.gov

SWPPP Prepared By:

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Coeur d' Alene, ID 83814
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SWPPP Preparation Date:

2/5/2020

Estimated Project Dates:

Project Start Date: __ __ / __ __ / __ __ __ __
Project Completion Date: __ __ / __ __ / __ __ __ __

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This SWPPP was prepared for the Sandpoint War Memorial Field, which will be covered under the 2017 Construction General Permit (2017). If a discrepancy exists between the 2017 CGP and this SWPPP, the requirements in the 2017 CGP shall rule.

SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Instructions (see definition of "operator" at CGP Part 1.1.1):

- 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: City of Sandpoint
Insert Name: Dan Tadic
Insert Address: 1123 Lake Street
Insert City, State, Zip Code: Sandpoint, Idaho, 83864
Insert Telephone Number: (208) 263-3577
Insert Fax/Email: dtadic@sandpointidaho.gov
Insert area of control (if more than one operator at site): The City of Sandpoint will be in control of the overall project and completion of the initial SWPPP document and the Contactor will be responsible for inspections. However, the City of Sandpoint will not be responsible for the implementation of or updates to the SWPPP.

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): The Contractor shall be responsible for installation, maintenance and removal of BMPs, site maintenance, reporting and any other work required to comply with the 2017 Construction General Permit (CGP).

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 7.2.2):

- Identify the individuals (by name or position) that are part of the project's stormwater team, their individual responsibilities, and which members are responsible for inspections. 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 permit requirements (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 2017 CGP and the SWPPP.

Stormwater Team		
Name and/or position, and contact	Responsibilities	I Have Read the CGP and Understand the Applicable Requirements
Ashley Williams, P.E. Project Engineer 208-664-9382 awilliams@welchcomer.com	Developer of initial SWPPP document	☒ Yes Date: 2/5/2020
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	☐ Yes Date: Click here to enter a date.
Insert name of responsible person Insert Position Insert Telephone Number Insert Email	Insert Responsibility	☐ Yes Date: Click here to enter a date.

[Insert or delete rows 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 when you file your NOI.

Project Name and Address

Project/Site Name: Sandpoint War Memorial Field
Project Street/Location: 801 Ontario Street
City: Sandpoint
State: Idaho
ZIP Code: 83864
County or Similar Subdivision: Bonner County

Business days and hours for the project: Insert Text Here

Project Latitude/Longitude

Latitude: 48.265718° N (decimal degrees)

Longitude: - 116.559544 ° W (decimal degrees)

Latitude/longitude data source:

☐ Map ☐ GPS ☒ Other (please specify): Google Earth

Horizontal Reference Datum:

☐ NAD 27 ☐ NAD 83 ☒ WGS 84

Additional Project Information

Are you requesting permit coverage as a "federal operator" as defined in Appendix A of the 2017 CGP? ☐ Yes ☒ No

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: N/A

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: N/A

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.
- List all of the stormwater points of discharge from your site. Identify each point of discharge with a unique 3-digit ID (e.g., 001, 002).
- For each unique point of discharge you list, specify the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to. You may have multiple points of discharge that discharge to the same receiving water.
- Next, specify whether any waters of the U.S. that you discharge to are listed as "impaired" as defined in Appendix A, and the pollutants causing the impairment. Identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to and the pollutants for which there is a TMDL. For more information on impaired waters and TMDLs, including a list of TMDL contacts and links by state, visit https://www.epa.gov/tmdl.
- Finally, indicate whether any water of the U.S. that you discharge to is designated as a Tier 2, Tier 2.5, or Tier 3 water and if so, what the designation is (2, 2.5, or 3). A list of Tier 2, 2.5, and 3 waters is provided in Appendix F.

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?	☒ Yes	☐ No
Are there any waters of the U.S. within 50 feet of your project's earth disturbances?	☐ Yes	☒ No

For each point of discharge, provide a point of discharge ID (a unique 3-digit ID, e.g., 001, 002), the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to, and the following receiving water information, if applicable:								
Point of Discharge ID	Name of receiving water:	Is the receiving water impaired (on the CWA 303(d) list)?	If yes, list the pollutants that are causing the impairment:	Has a TMDL been completed for this receiving waterbody?	If yes, list TMDL Name and ID:	Pollutant(s) for which there is a TMDL:	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?	If yes, specify which Tier (2, 2.5, or 3)?
[001]	Pend Oreille Lake	☒ Yes ☐ No	Total phosphorus	☒ Yes ☐ No	ID17010214PN018L_0L	Total Phosphorus	☐ Yes ☒ No	N/A
[002]	Pend Oreille River	☒ Yes ☐ No	Dissolved gas supersaturation, Temperature	☐ Yes ☒ No	ID17010214PN001_02	Dissolved gas supersaturation, Temperature	☐ Yes ☒ No	N/A

The surface water that the site discharged to was identified based on-site topography. Idaho's 2014 Final Integrated Report by the Idaho Department of Environmental Quality, dated February 2017, was referenced in order to determine the support status of the identified water, as outlined below:

- Pend Oreille Lake – Listed as Category 4C: Waters with Impaired Pollution
- Pend Oreille River – Priest River to Alebeni Falls Dam – Listed as Category 5: Impaired with Waters Needing a TMDL.

Since these waters are not listed as Category 1 or 2, they are Tier 1 waters in Idaho.

[Include additional rows or delete as necessary.]

2.3 Nature of the Construction Activities

Instructions (see CGP Parts 1.2.1.c and 7.2.3):

- Provide a general description of the nature of the construction activities at your site.
- Describe the size of the property (in acres or in miles if a linear construction site), the total area expected to be disturbed by the construction activities (to the nearest quarter acre or quarter mile if a linear construction site), and the maximum area expected to be disturbed at any one time.
- Indicate the type of construction site, whether there will be certain demolition activities, and whether the predevelopment land use was for agriculture.
- Provide a list and description of all pollutant-generating activities (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations) and indicate for each activity the type of pollutant that will be generated (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) and could be discharged in stormwater from your site.
- Describe the construction support activities covered by this permit (see Part 1.2.1.c of the permit).

General Description of Project

Provide a general description of the nature of your construction activities, including the age dates of past renovations for structures that are undergoing demolition:

This project consists of field and parking lot reconstruction and stormwater improvements at the City of Sandpoint's War Memorial Field.

Size of Construction Site

Size of Property	Approximately 4.9 acres
Total Area Expected to be Disturbed by Construction Activities	Approximately 4.9 acres
Maximum Area Expected to be Disturbed at Any One Time	Approximately 4.9 acres

[Repeat as necessary for individual project phases.]

Type of Construction Site *(check all that apply):*

☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial
☐ Institutional ☐ Highway or Road ☐ Utility ☒ Other: Field reconstruction and parking lot and stormwater improvements

Will there be demolition of any structure built or renovated before January 1, 1980? ☐ Yes ☒ No

If yes, do any of the structures being demolished have at least 10,000 square feet of floor space? ☐ Yes ☐ No ☒ N/A

Was the pre-development land use used for agriculture (see Appendix A for definition of "agricultural land")? ☐ Yes ☒ No

Pollutant-Generating Activities

List and describe all pollutant-generating activities and indicate for each activity the type of pollutant that will be generated. Take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed during construction.

Pollutant-Generating Activity (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations)	**Pollutants or Pollutant Constituents** (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels)
Topsoil Preservation, trench excavation and backfill, trench dewatering	Sediment
Staging of equipment, leak in equipment during waterline installation	Hydraulic Oil/Fluids, Gasoline, Diesel Fuel, Kerosene, Antifreeze/Coolant
Leaking portable toilet	Sanitary waste
Fertilizing seeded areas	Nitrogen, phosphorus
Paving Operations	Asphalt, oil
Placing Concrete	Cement
INSERT POLLUTANT-GENERATING ACTIVITY	INSERT POLLUTANT(S)

[Include additional rows or delete as necessary.]

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

Contact information for construction support activity:

INSERT NAME

INSERT TELEPHONE NO.

INSERT EMAIL

INSERT 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 duration of major activities.
- For each portion or phase of the construction site, include the following:
  - ✓ Commencement and duration of construction activities, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
  - ✓ Temporary or permanent cessation of construction activities;
  - ✓ Temporary or final stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which you are subject to in Part 2.2.14; and
  - ✓ Removal of temporary stormwater controls and construction equipment or vehicles, and cessation of any pollutant-generating activities.
- The construction sequence must reflect the following requirements:
  - ✓ Part 2.1.3 (installation of stormwater controls); and
  - ✓ Parts 2.2.14 (stabilization deadlines).

Phase I

INSERT GENERAL DESCRIPTION OF PHASE	
Estimated Start Date of Construction Activities for this Phase	INSERT ESTIMATED DATE
Estimated End Date of Construction Activities for this Phase	INSERT ESTIMATED DATE
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	INSERT ESTIMATED DATE *[Add additional dates as necessary]*
Estimated Date(s) when Stormwater Controls will be Removed	INSERT ESTIMATED DATE *[Add additional dates as necessary]*

Phase II

INSERT GENERAL DESCRIPTION OF PHASE	
Estimated Start Date of Construction Activities for this Phase	INSERT ESTIMATED DATE
Estimated End Date of Construction Activities for this Phase	INSERT ESTIMATED DATE
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	INSERT ESTIMATED DATE *[Add additional dates as necessary]*
Estimated Date(s) when Stormwater Controls will be Removed	INSERT ESTIMATED DATE *[Add additional dates as necessary]*

[Repeat as needed.]

2.5 Authorized Non-Stormwater Discharges

Instructions (see CGP Parts 1.2.2 and 7.2.5):

- Identify all authorized sources of non-stormwater discharges. The authorized non-stormwater discharges identified in Part 1.2.2 of the 2017 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;
  - ✓ External building washdown, provided soaps, solvents and detergents are not used, and external surfaces do not contain hazardous substances (e.g., paint or caulk containing PCBs);
  - ✓ 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 wash waters directly into any water of the U.S., 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
  - ✓ Construction dewatering water discharged in accordance with Part 2.4.

As stated in CGP Part 1.2.2, the allowable non-stormwater discharges are only allowed "provided that, with the exception of water used to control dust and to irrigate areas to be vegetative stabilized, these discharges are not routed to areas of the exposed soil on [the] site".

List of Authorized Non-Stormwater Discharges Present at the Site

Type of Authorized 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
External building washdown (soaps/solvents are not used, and external surfaces do not contain hazardous substances)	☐ 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 required to identify the likely locations of these authorized non-stormwater discharges on your site map. See Section 2.6, below, of the SWPPP Template.)

It is the responsibility of the Contractor to identify any of these discharges that occur on the site map.

2.6 *Site Maps*

Instructions (see CGP Part 7.2.4):

- 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 and any demolition activities;
  - ✓ Approximate slopes before and after major grading activities. Note areas of steep slopes, as defined in CGP Appendix A; **Refer to the attached plan sheets showing the topography of the site, which is fairly flat.**
  - ✓ Locations where sediment, soil, or other construction materials will be stockpiled; **Contractor shall be responsible for determining stockpile locations and for updating the site map accordingly.**
  - ✓ Locations of any crossings of waters of the U.S.; **There are no surface water crossings.**
  - ✓ Designated points where vehicles will exit onto paved roads; **Contractor shall be responsible for identifying on site map.**
  - ✓ Locations of structures and other impervious surfaces upon completion of construction; and
  - ✓ Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1.c). . **The Contractor shall be responsible for identifying construction support activities and for updating the site map accordingly**.
- Locations of all waters of the U.S., including wetlands, on your site and within one mile downstream of the site's discharge point. 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. **Refer to the Existing Conditions Map and the Wetland Map**
- Areas of federally-listed critical habitat for endangered or threatened species within the site and/or at discharge locations. **Refer to the Critical Habitat Map in Appendix K.**
- Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures)
- Drainage pattern(s) of stormwater and authorized non-stormwater before and after major grading activities.
- Stormwater and authorized non-stormwater discharge locations, including:
  - ✓ Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets; and
  - ✓ Locations where stormwater or allowable non-stormwater will be discharged to waters of the U.S. (including wetlands).
- Locations of all potential pollutant-generating activities.
- Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with the permit.
- Locations where polymers, flocculants, or other treatment chemicals will be used and stored. **Not applicable.**

Refer to the maps and plan sheets provided in Appendix A as well as the notes in bold made next to each item in the instructions box below.

Contractor shall be responsible for keeping an updated site map on-site throughout the project.

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 Endangered Species Protection

Instructions (see CGP Parts 1.1.5, 7.2.9.a, Appendix D, and the "Endangered Species Protection" section of the Appendix J – NOI form):

Using the instructions in Appendix D of the permit, determine under which criterion listed below (A-F) you are eligible for coverage under this permit with respect to the protection of endangered species. To make this determination, you must use information from **BOTH** the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). Both the NMFS and USFWS maintain lists of Endangered Species Act-listed (ESA-listed) species and designated critical habitat. Operators must consult both when determining their eligibility.

- Check only 1 box, include the required information and provide a sound basis for supporting the criterion selected. Select the most conservative criterion that applies
- Include documentation supporting your determination of eligibility.
- A step-by-step guide and flow-chart on ESA provisions for EPA's CGP is available at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#species

Eligibility Criterion

Under which criterion listed in Appendix D are you eligible for coverage under this permit?

☐ **Criterion A**: No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of this permit, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion A should identify the USFWS and NMFS information sources used. Attaching aerial image(s) of the site to your NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers. Check the applicable source(s) of information you relied upon:

☐ Specific communication with staff of the USFWS and/or NMFS. INSERT DATE OF COMMUNICATION AND WHO YOU SPOKE WITH

☐ Species list from USFWS and/or NMFS. See the CGP ESA webpage, Step 2 for available websites. INSERT TEXT HERE

☐ **Criterion B:** Eligibility requirements met by another operator under the 2017 CGP. 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 of the 2017 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that 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 CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2017CGP operator's notification of authorization under this permit. If your certification is based on another 2017 CGP 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.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion B should identify the eligibility criterion of the other CGP NOI, the authorization date, and confirmation that the authorization is effective.

- ✓ Provide the 9-digit NPDES ID number from the other operator's NOI under the 2017 CGP: __ __ __ __ __ __ __ __ __
- ✓ Authorization date of the other 2017 CGP operator: INSERT AUTHORIZATION DATE OF OTHER OPERATOR
- ✓ Eligibility criterion of the other 2017 CGP operator: ☐A ☐C ☐D ☐E ☐F
- ✓ Provide a brief summary of the basis the other operator used for selecting criterion A, C, D, E, or F: INSERT TEXT HERE

☒ **Criterion C:** Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed threatened or endangered species and/or designated critical habitat. This certification 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 ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with this NOI.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion C should identify the information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.

The City will be issuing a statement regarding the basis for selecting Criterion C for impacts to ESA-listed species and/or designated critical habitat. This statement will be summarized here and included in Appendix K upon issuance from the City.

- ✓ Resources used to make determination: The U.S. Fish & Wildlife Service's IPaC tool was used to determine that there are not currently any identified endangered species or critical habitat within the project area. The IPaC report was produced on February 5, 2020 and can be seen in Appendix K.

- ✓ ESA-listed Species/Critical Habitat in action area: There are no critical habitats that are listed in the IPaC report included in Appendix K. However, there are several threatened species such as flowering plants and birds that may be present near the project area. Given that the project scope does not include any tree removal, this project will not affect the threatened species. Below is the species list for Bonner County, Idaho found on the U/S/ Fish & Wildlife Service website. Refer to Appendix K for the list:
  - Mammals
    - North American Wolverine (Proposed Threatened)
  - Fishes
    - Bull Trout (Threatened)
- ✓ Distance between site and ESA-listed Species/Critical Habitat: The nearest critical habitat is the Pend Oreille River, which is listed as Bull Trout. As can be seen in the Critical Habitat Map included in Appendix K, the River is approximately 95 feet from the project area that drains to the Water of the U.S.
- ✓ How adverse effects will be avoided: The field reconstruction project will take place within an existing area that has likely been previously disturbed. Based on this and the current list for Bonner County, the resource list for the project area generated in IPaC and the statement from the City (to be added upon issuance), it is unlikely that the project will affect any listed species.

☐ **Criterion D**: Coordination with USFWS and/or NMFS has successfully concluded.
Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written concurrence from USFWS and/or NMFS that your site's discharges and discharge-related activities are not likely to adversely affect listed species and/or critical habitat. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion D should identify whether USFWS or NMFS or both agencies participated in coordination, the field office/regional office(s) providing that coordination, and the date that coordination concluded.

- ✓ Agency coordinated with: ☐USFWS ☐ NMFS
- ✓ Field/regional office(s) providing coordination: INSERT FIELD/REGIONAL OFFICE(S) PROVIDING COORDINATION
- ✓ Date coordination concluded: INSERT DATE COORDINATION CONCLUDED
- ✓ Attach copies of any letters or other communication between you and the U.S. Fish & Wildlife Service or National Marine Fisheries Service concluding coordination activities.

☐ **Criterion E:** ESA Section 7 consultation has successfully concluded. Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, Indicate the result of the consultation:

☐ Biological opinion from USFWS and/or NMFS 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

☐ Written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and this NOI.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion E should identify the federal action agency(ies) involved, the field office/regional office(s) providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the consultation was completed.

- ✓ Federal agency(ies) involved: INSERT FEDERAL AGENCY(IES) INVOLVED
- ✓ Field/regional office(s) providing consultation: INSERT FIELD/REGIONAL OFFICE(S) PROVIDING CONSULTATION
- ✓ Tracking numbers associated with consultation: INSERT CONSULTATION TRACKING NUMBER(S)
- ✓ Date consultation completed: INSERT DATE CONSULTATION COMPLETED
- ✓ Attach copies of any letters or other communication between you and the U.S. Fish & Wildlife Service or National Marine Fisheries Service concluding consultation.

☐ **Criterion F:** Issuance of section 10 permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

Basis statement content/Supporting documentation: A basis statement supporting the selection of Criterion F should identify whether USFWS or NMFS or both agencies provided a section 10 permit, the field office/regional office(s) providing permit(s), any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the permit was granted.

- ✓ Agency providing section 10 permit: ☐USFWS ☐NMFS
- ✓ Field/regional office(s) providing permit: INSERT FIELD/REGIONAL OFFICE(S) PROVIDING PERMIT
- ✓ Tracking numbers associated with consultation: INSERT CONSULTATION TRACKING NUMBER(S)
- ✓ Date permit granted: INSERT DATE PERMIT GRANTED
- ✓ Attach copies of any letters or other communication between you and the U.S. Fish & Wildlife Service or National Marine Fisheries Service.

3.2 Historic Preservation

Instructions (see CGP Part 1.1.6, 7.2.9.b, 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

None of the above is being used specifically for <u>construction</u> stormwater control. Some of these will be provided onsite for permanent stormwater management, but these controls are not necessary for temporary erosion and sediment control, and are; therefore, not applicable for coverage under the CGP.

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.

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 no historic properties will be affected by the installation of stormwater controls. INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE
- ☐ 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 7.2.9.c):

- 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: https://www.epa.gov/uic.

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

No controls are intended to be installed as a part of this project.

SECTION 4: EROSION AND SEDIMENT CONTROLS

General Instructions (See CGP Parts 2.2 and 7.2.6):

- Describe the erosion and sediment controls that will be installed and maintained at your site.
- Describe any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon).
- Describe any routine stormwater control maintenance specifications.
- Describe the projected schedule for stormwater control installation/implementation.

4.1 Natural Buffers or Equivalent Sediment Controls

Instructions (see CGP Parts 2.2.1 and 7.2.6.b.i, and Appendix G):

This section only applies to you if a water of the U.S. is located within 50 feet of your site's earth disturbances. If this is the case, consult CGP Part 2.2.1 and Appendix G for information on how to comply with the buffer requirements.

- Describe the compliance alternative (CGP Part 2.2.1.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 2.2.1.b, include documentation related to your qualification for such exceptions.

Buffer Compliance Alternatives

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☐ YES ☒ NO

(Note: If no, no further documentation is required for Part 4.1 in the SWPPP Template. Continue on to Part 4.2.)

Check the compliance alternative that you have chosen:

☐ (i) 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.)

☐ (ii) 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

☐ (iii) 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 2.2.1.b. (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 water of the U.S. 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 2.2.1.a compliance alternatives.)

☐ For a "linear construction sites" (defined in Appendix A), site constraints (e.g., limited right-of-way) make it infeasible to meet any of the CGP Part 2.2.1.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 Appendix A) (see Appendix G, Part G.3.2).

☐ For Alternative 1:

- 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:

- INSERT (1) THE ASSIGNED RISK LEVEL BASED ON APP. G APPLICABLE TABLE G-2 THROUGH G-6 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 2.2.3 and 7.2.6.b.ii):

- Describe sediment controls that will be used (e.g., silt fences, filter berms, temporary diversion dikes, or fiber rolls) to meet the Part 2.2.3 requirement to "install sediment controls along any perimeter areas of the site that will receive pollutant discharges."
- For linear projects, where you have determined that the use of perimeter controls in portions of the site is infeasible, document other practices that you will implement.

General

- Install sediment controls along the perimeter areas that will receive pollutant discharges.

Specific Perimeter Controls

Fiber Wattles (BMP 35 in the IDEQ Stormwater Best Management Practices Catalog)	
Description: Fiber wattles will be installed as shown on the plans and shall be installed prior to beginning waterline installation.	
Installation	**Contractor shall insert approximate date of installation:**
Maintenance Requirements	Contractor shall maintain fiber wattles in accordance with the CGP Part 2.2.3.a which states that sediment must be removed "before it has accumulated to one-half of the above-ground height of any perimeter control". Contractor shall also comply with all more stringent requirements stated within the IDEQ Storm Water Best Management Practices Catalog. Fiber wattles that are split, torn, unraveling or slumping shall be either repaired or replaced.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

Silt Fence (BMP 36 in the IDEQ Stormwater Best Management Practices Catalog)	
Description: Silt fence shall be installed as shown on the plans and shall be installed prior to beginning waterline installation.	
Installation	**Contractor shall insert approximate date of installation:**
Maintenance Requirements	Contractor shall maintain silt fence in accordance with the CGP Part 2.2.3.a which states that sediment must be removed "before it has accumulated to one-half of the above-ground height of any perimeter control". Contractor shall also comply with all more stringent requirements stated within the IDEQ Storm Water Best Management Practices Catalog. Silt fence that is split, torn, unraveling or slumping shall be either repaired or replaced.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

4.3 Sediment Track-Out

Instructions (see CGP Parts 2.2.4 and 7.2.6.b.iii):

- Describe stormwater controls that will be used to minimize sediment track-out.
- 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.

General

- The existing roads in the project area are paved public roads. Installation of a construction entrance will be required at the entrance of the project. The Contractor will also be required to perform pavement sweeping a minimum of once daily, or more as needed to mitigate tracking.
- If a staging area is used, a construction entrance will be required and shall be installed per the IDEQ Stormwater Best Management Practices Catalog at the expense of the Contractor, unless otherwise approved by the Engineer.

Specific Track-Out Controls

Stabilized Construction Entrance (BMP 5 in the IDEQ Stormwater Best Management Practices Catalog)	
Description: Contractor shall install stabilized entrance at the locations shown on the plans. Entrance will consist of minimum 2-inch nominal clean drain rock and shall be at least 50 feet in length and wide enough to accommodate the largest anticipated vehicle.	
Installation	**Contractor shall insert approximate date of implementation:**
Maintenance Requirements	Contractor shall maintain stabilized construction entrance such that it is in proper working order throughout the project. Contractor shall comply with all more stringent requirements of the IDEQ Stormwater Best Management Practices Catalog.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

Pavement Sweeping	
Description: Contractor shall complete pavement sweeping/vacuuming a minimum of once daily, or more often if required to mitigate tracking.	
Installation	**Contractor shall insert approximate date of implementation:**
Maintenance Requirements	Contractor shall comply with all more stringent requirements of the IDEQ Stormwater Best Management Practices Catalog and with the following: (Note: At a minimum, you must provide for maintenance that meets the following requirement in CGP Part 2.2.4.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 business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business 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, storm drain inlet, or Water of the U.S.")

Design Specifications	Refer to the Technical Specifications within the Contract Documents.

[Repeat as needed for individual track-out controls.]

4.4 Stockpiled Sediment or Soil

Instructions (see CGP Parts 2.2.5 and 7.2.6):

- 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.
- For piles that will be unused for 14 or more days, describe what cover or other appropriate temporary stabilization will be used.
- Also, describe any controls or procedures used to minimize exposure resulting from adding to or removing materials from the pile.

General

- Contractor shall be responsible for implementation and maintenance of the following controls for any soil stockpile that will remain on-site for more than one day. Any soil stockpile for which the following controls are not implemented MUST be removed from the site (and the affected area properly cleaned up) within 24 hours of its generation.
- At a minimum, and for all stockpiles (regardless of how long they will remain on-site), Contractor shall comply with CGP Part 2.2.5.d which states: "you are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or water of the U.S." In addition, Contractor shall comply with all more stringent requirements of BMP 9 – Stockpile Management in the IDEQ Storm Water Best Management Practices Catalog.

Specific Stockpile Controls

Perimeter Controls	
Description: Stockpiles shall be protected from stormwater (run-on and/or run-off) with an appropriate perimeter barrier (silt fence or fiber wattles).	
Installation	**Contractor shall insert approximate dates of installation:**
Maintenance Requirements	Contractor shall maintain fiber wattles in accordance with the CGP Part 2.2.3.a which states that sediment must be removed "before it has accumulated to one-half of the above-ground height of any perimeter control". Contractor shall also comply with all more stringent requirements stated within the IDEQ Storm Water Best Management Practices Catalog. Fiber wattles that are split, torn, unraveling or slumping shall be either repaired or replaced. Contractor shall maintain silt fence in accordance with the CGP Part 2.2.3.a which states that sediment must be removed "before it has accumulated to one-half of the above-ground height of any perimeter control". Contractor shall also comply with all more stringent requirements stated within the IDEQ Storm Water Best Management Practices Catalog. Additionally, accumulated sediment shall be removed prior to anticipated heavy rainfall events. Silt fence

	that is torn or otherwise damaged shall be repaired or replaced as necessary to restore proper operation of fence.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

Cover Stockpiles	
Description: Stockpiles shall be covered with plastic sheeting or temporarily stabilized in accordance with the Contract Documents in order to avoid direct contact with precipitation at any time when the stockpile will remain undisturbed for more than 24 hours. All stockpiles shall be covered prior to any forecasted rain event, regardless of ongoing disturbance. ▪ Contractor shall cover stockpiles that shall remain unused for 14 or more days.	
Installation	**Contractor shall insert approximate dates of installation:**
Maintenance Requirements	Maintain cover or temporary stabilization as necessary to prevent sediment discharge from the stockpile.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

[Repeat as needed for individual stockpile controls.]

4.5 Minimize Dust

Instructions (see CGP Parts 2.2.6 and 7.2.6):

Describe controls and procedures you will use at your site to minimize the generation of dust.

General

- Contractor shall implement dust control by application of water in order to wet the surface and prevent the generation of dust.

Specific Dust Controls

Sprinkling	
Description: Apply water at a rate of 3 gallons per acre so that the soil is wet but not saturated or muddy as often as needed to prevent the generation of dust.	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	Contractor shall implement and maintain dust control in compliance with BMP 7 of the IDEQ Stormwater Best Management Practices Catalog.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

[Repeat as needed for individual dust controls.]

4.6 Minimize Steep Slope Disturbances

Instructions (see CGP Parts 2.2.7 and 7.2.6):

- 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.

General

- Steep slopes have been generally identified on the Site Maps in Appendix A. The Contractor shall implement and maintain the following controls to protect steep slopes. The Contactor shall implement and maintain perimeter controls and/or stabilization methods for other slopes in immediate danger of erosion from construction activities, recognized on site by the Contractor.

Specific Steep Slope Controls

Perimeter Controls	
Description: Slopes in immediate danger of erosion from construction activities shall be recognized on site by the Contractor and protected by implementing an appropriate perimeter barrier (i.e. silt fence).	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	Maintenance of perimeter controls shall be as described in Section 4.2 of this document.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

Seeding (BMP 21 in the IDEQ Stormwater Best Management Practices Catalog)	
Description: Steep slopes shall be protected with seeding in accordance with the Contract Documents and in locations shown on the plans in order to minimize sediment discharges from slope disturbances.	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	Maintenance of perimeter controls shall be as described in Section 4.15 of this document.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

[Repeat as needed for individual steep slope controls.]

4.7 Topsoil

Instructions (see CGP Parts 2.2.8 and 7.2.6):

- 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

- Existing topsoil onsite can be preserved and used onsite if the project area has been previously disturbed and the existing ground is, for the most part, constructed of imported fill material. Topsoil can be imported if needed.

Specific Topsoil Controls

INSERT NAME OF TOPSOIL CONTROL TO BE INSTALLED	
Description: INSERT DESCRIPTION OF TOPSOIL CONTROL TO BE INSTALLED	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	INSERT MAINTENANCE REQUIREMENTS FOR THE TOPSOIL CONTROL
Design Specifications	INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

[Repeat as needed for individual topsoil controls.]

4.8 Soil Compaction

Instructions (see CGP Parts 2.2.9 and 7.2.6):

- 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

- All utility trenches are required to be backfilled and compacted in compliance with the compaction requirements in the Contract Documents. Topsoil will be used onsite for the landscaped areas, but this topsoil will be imported.

Specific Soil Compaction Controls

Topsoil Placement	
Description: Contractor shall not compact the top 2 inches of topsoil in areas to be seeded.	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	Contractor shall inspect vegetation and shall re-condition and re-seed/re-plant areas for which vegetation has failed to become established as described in Section 4.15 of this document.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

[Repeat as needed for individual soil compaction controls.]

4.9 Storm Drain Inlets

Instructions (see CGP Parts 2.2.10 and 7.2.6):

– 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 carry stormwater flow from your site to a water of the U.S., provided you have the authority to access the storm drain inlet.

General

- Each existing and new inlet within the project area draining to the Water of the U.S. that may receive stormwater from the project will be protected as shown on the plans.

Specific Storm Drain Inlet Controls

Inlet Protection (BMP 31 in the IDEQ Stormwater Best Management Practices Catalog)	
Description: Contractor shall install inlet protection at each inlet that may receive stormwater from the project site as detailed in the plans.	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	Contractor shall comply with CGP part 2.2.10.b and shall "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 business day in which it is found or by the end of the following business day if removal by the same business day is not feasible." In addition, Contractor shall comply with all more stringent requirements of the IDEQ Stormwater Best Management Practices Catalog.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

[Repeat as needed for individual storm drain inlet controls.]

4.10 Stormwater Conveyance Channels

Instructions (see CGP Parts 2.2.11 and 7.2.6):

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

- Trench drain and stormwater pipe will direct and convey stormwater and will be installed as a permanent stormwater conveyance measure. Inlet protection will be installed at the inlet and outlet of these structures immediately after installation. BMPs associated with trench excavation (discussed in other sections) will be utilized for the storm drainpipe and trench drain installation. No additional measures (in relation to stormwater conveyance channels) are necessary.

4.11 Sediment Basins

Instructions (see CGP Parts 2.2.12 and 7.2.6.b.iv):

If you will install a sediment basin, include design specifications and other details (volume, dimensions, outlet structure) that will be implemented in conformance with CGP Part 2.2.12.

- Sediment basins must be situated outside waters of the U.S. and any natural buffers established under CGP Part 2.2.1; and designed to avoid collecting water from wetlands.
- At a minimum, sediment basins 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 basins must also utilize outlet structures that withdraw water from the surface, unless infeasible

This section is not applicable to the project.

This project does not include the installation of a sediment basin. Thus, no controls will be described within this section.

Specific Sediment Basin Controls

INSERT NAME OF SEDIMENT BASIN CONTROL TO BE INSTALLED	
Description: INSERT DESCRIPTION OF SEDIMENT BASIN CONTROL TO BE INSTALLED	
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 2.2.12.f: "Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.")
Design Specifications	INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

[Repeat as needed for individual sediment basin controls.]

4.12 Chemical Treatment

Instructions (see CGP Parts 2.2.13 and 7.2.6.v):

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 7.2.6.v.

This section is not applicable to the project.

No Chemical treatments will be used at the project site. Thus, no further discussion is included within this section.

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 in areas of the project that will drain to chemical treatment systems: 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 Safety Data Sheets (SDS): 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 the applicable EPA Regional Office authorized you to use cationic treatment chemicals, include the official EPA authorization letter or other communication, and identify the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to an exceedance 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 DRAWINGS 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 2.4 and 7.2.6):

If you will be discharging ground water or accumulated 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 2.4.

General

- **The Contractor shall be responsible for developing and submitting to Engineer for approval a dewatering plan in accordance with CGP Part 2.4 and updating this section prior to beginning the project.**

Specific Dewatering Practices

INSERT NAME OF DEWATERING PRACTICE TO BE INSTALLED	
Description: INSERT DESCRIPTION OF DEWATERING PRACTICE TO BE INSTALLED	
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 2.4: "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.")
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

[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

- There are no other stormwater controls included within this project.

Specific Stormwater Control Practices

INSERT NAME OF OTHER STORMWATER CONTROLE TO BE INSTALLED	
Description: INSERT DESCRIPTION OF STORMWATER CONTROL TO BE INSTALLED	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	INSERT MAINTENANCE REQUIREMENTS FOR THE STORMWATER CONTROL
Design Specifications	IF APPLICABLE, INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

[Repeat as needed.]

4.15 Site Stabilization

Instructions (see CGP Parts 2.2.14 and 7.2.6.vi):

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. Construction projects disturbing more than 5 acres at any one time have a different deadline than projects disturbing 5 acres or less at any one time. See CGP Part 2.2.14.a. The CGP also requires that stabilization measures meet certain minimum criteria. See CGP Part 2.2.14.b. 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.
- The stabilization deadline(s) that will be met in accordance with Part 2.2.14.a
- 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 2.2.14.

Contractor shall implement temporary stabilization in any area for which construction activities will be temporarily inactive for 14 or more calendar days. Contractor shall implement permanent stabilization in any area for which construction activities have permanently ceased.

Implementation of temporary and/or permanent stabilization shall be completed according to the following schedule as described in CGP 2.2.12:

1. For sites with five acres or less disturbed at any one time:
    a. Contractor shall initiate stabilization immediately (i.e. as soon as practicable but by no later than the end of the next business day).
    b. Contractor shall complete stabilization measures within 14 calendar days of the initiation of stabilization.
2. For sites more than five acres disturbed at any one time:
    a. Contractor shall initiate stabilization immediately (i.e. as soon as practicable but no later than the end of the next business day).
    b. Contractor shall complete stabilization measures within 7 calendar days of the initiation of stabilization.

Total Amount of Land Disturbance Occurring at Any One Time

☒ *Five Acres or less*

☐ *More than Five Acres*

The total disturbance area for this project is less than five acres and the project does not discharge to a nutrient impaired water. For sites with five acres or less disturbed at any one time:

c. Contractor shall initiate stabilization immediately (i.e. as soon as practicable but by no later than the end of the next business day).
d. Contractor shall complete stabilization measures within 14 calendar days of the initiation of stabilization.

Use this template box if you are <u>not</u> located in an arid, semi-arid, or drought-stricken area

Mulching	
☐ *Vegetative* ☒ *Non-Vegetative* ☒ *Temporary* ☐ *Permanent*	
Description: ▪ For areas where construction activity has temporarily ceased, Contractor shall apply mulch in accordance with the Contract Documents, the above schedule and this SWPPP. Additionally, Contractor shall comply with any more stringent requirements of the IDEQ Stormwater Best Management Practices Catalog (BMP 15). Contractor shall refer to Table 15-1 under BMP 15 in the IDEQ Stormwater Best Management Practices Catalog for mulch application rates. ▪ Mulch will only be used to provide temporary stabilization and will be applied in a manner consistent with requirements of the CGP and the IDEQ Stormwater Best Management Practices Catalog in order to stabilize exposed portions of the site.	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Completion	INSERT APPROXIMATE COMPLETION DATE
Maintenance Requirements	Final surface restoration should not require maintenance once installed in compliance with the Contract Documents.

Design Specifications	Refer to the Technical Specifications within the Contract Documents.

Seeding and Landscape Restoration	
☒ *Vegetative* ☐ *Non-Vegetative* ☐ *Temporary* ☒ *Permanent*	
Description: ▪ As noted on the plans, surface restoration will be implemented in order to match existing, pre-construction conditions. This will include seeding and/or landscape restoration in some areas. ▪ Once surface restoration is complete, as shown on the plans, the site will be stabilized in accordance with CGP Part 2.2.14.b. ▪ Seeding (BMP 21 in the IDEQ Stormwater Best Management Practices Catalog) shall be applied as final, permanent stabilization in the areas shown on the plans as receiving hydroseed. Seed must be mulched, preferably using hydromulch within the hydroseed mixture. ▪ Contractor will be required to establish at least 70 percent vegetative cover as defined in Part 2.2.14.b.ii, will be required to establish perennial vegetation in accordance with Part 2.2.14.b.ii and will be required to provide mulching in accordance with Part 2.2.14 of the 2017 CGP.	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Completion	INSERT APPROXIMATE COMPLETION DATE
Maintenance Requirements	Contractor shall be responsible for inspecting seeded areas at the required frequency and re-seeding any areas found to be deficient in accordance with Section 6.2 of this document. Contractor shall be responsible for maintenance and watering necessary to "establish uniform, perennial vegetation (i.e. evenly distributed, without large bare areas) that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas" as described in CGP Part 2.2.14.b.i. Contractor shall take pictures of vegetated areas prior to construction in order to document the vegetative coverage
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

Asphalt or Sidewalk	
☐ *Vegetative* ☒ *Non-Vegetative* ☐ *Temporary* ☒ *Permanent*	
Description: ▪ As noted in the construction specifications, surface restoration will be implemented in order to match or exceed existing, pre-construction conditions. This will include asphalt or sidewalk. ▪ Once surface restoration is complete, in accordance with construction specifications, the site will be stabilized in accordance with CGP Part 2.2.14.	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Completion	INSERT APPROXIMATE COMPLETION DATE
Maintenance Requirements	Final surface restoration should not require maintenance once installed in compliance with the Contract Documents.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

[Repeat as needed for additional stabilization practices.]

Use this template box if you are located in an arid, semi-arid, or drought-stricken area.

INSERT NAME OF SITE STABILIZATION PRACTICE	
☒ *Vegetative* ☐ *Non-Vegetative* ☐ *Temporary* ☒ *Permanent*	
Description: ▪ INSERT DESCRIPTION OF STABILIZATION PRACTICE TO BE INSTALLED ▪ NOTE HOW DESIGN WILL MEET REQUIREMENTS OF PART 2.2.14.b	
Dry Period	▪ Beginning date of seasonally dry period: INSERT APPROXIMATE DATE ▪ Ending date of seasonally dry period: INSERT APPROXIMATE DATE ▪ Site conditions during this period: DESCRIBE YOUR SITE CONDITIONS DURING THIS PERIOD
Installation and completion schedule	DESCRIBE THE SCHEDULE YOU WILL FOLLOW FOR INITIATING AND COMPLETING VEGETATIVE STABILIZATION ▪ Approximate installation date: INSERT APPROXIMATE DATE ▪ Approximate completion date: INSERT APPROXIMATE DATE
Maintenance Requirements	INSERT MAINTENANCE REQUIREMENTS FOR THE STABILIZATION PRACTICE
Design Specifications	INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

[Repeat as needed for additional stabilization practices.]

Use this template box if unforeseen circumstances have delayed the initiation and/or completion of vegetative 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 2.2.14.a.iii, you will need to modify your SWPPP to include this information.

Contractor shall complete this section if required:

INSERT NAME OF SITE STABILIZATION PRACTICE	
☐ *Vegetative* ☐ *Temporary* ☐ *Permanent*	
Description: ▪ INSERT DESCRIPTION OF STABILIZATION PRACTICE TO BE INSTALLED ▪ NOTE HOW DESIGN WILL MEET REQUIREMENTS OF PART 2.2.14.b	
Justification	INSERT DESCRIPTION OF CIRCUMSTANCES THAT PREVENT YOU FROM MEETING THE DEADLINES REQUIRED IN CGP PARTS 2.2.14.a
Installation and completion schedule	**Vegetative Measures:** DESCRIBE THE SCHEDULE YOU WILL FOLLOW FOR INITIATING AND COMPLETING VEGETATIVE STABILIZATION ▪ Approximate installation date: INSERT APPROXIMATE DATE ▪ Approximate completion date: INSERT APPROXIMATE DATE

	Non-Vegetative Measures: *(must be completed within 14 days of the cessation of construction if disturbing 5 acres or less; within 7 days if disturbing more than 5 acres)* ▪ Approximate installation date: INSERT APPROXIMATE DATE ▪ Approximate completion date: INSERT APPROXIMATE DATE
Maintenance Requirements	INSERT MAINTENANCE REQUIREMENTS FOR THE STABILIZATION PRACTICE
Design Specifications	INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

[Repeat as needed for additional stabilization practices.]

SECTION 5: POLLUTION PREVENTION STANDARDS

5.1 Potential Sources of Pollution

Instructions (see CGP Part 7.2.3.g):

- 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, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction.

Construction Site Pollutants

Refer to the table below for a list of pollutant-generating activities and potential pollutants.
It shall be the Contractor's responsibility to update this list as needed.

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)
Topsoil Preservation, trench excavation and backfill, trench dewatering	Sediment	Throughout project
Staging of equipment, leak in equipment during waterline installation	Hydraulic Oil/Fluids, Gasoline, Diesel Fuel, Kerosene, Antifreeze/Coolant	At staging area (if applicable), throughout project
Leaking portable toilet	Sanitary waste	At portable toilet locations (to be determined by the Contractor)
Fertilizing seeded areas	Nitrogen, phosphorus	Areas shown to be restored by hydroseed
Paving Operations	Asphalt, oil	Areas shown to be restored by asphalt surfacing
Placing Concrete	Cement	Areas shown to be restored by concrete

[Include additional rows as necessary.]

5.2 Spill Prevention and Response

Instructions (see CGP Parts 2.3.6 and 7.2.6.vii):

- 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 2.3.6 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.

Contractor shall identify name and position of employee(s) responsible for detection and response of spills or leaks:_____

Contractor shall be responsible for the following, as described in CGP Part 2.3:

- Ensure adequate supplies are on-site and readily available at all times to handle spills and/or leaks of any material on-site
- Utilize drip pans and absorbents under or around leaky vehicles
- Vehicles that are identified to be leaking shall be immediately repaired or removed from the site
- Dispose of all oily wastes in accordance with applicable federal, state or local requirements
- Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill immediately
- Do not clean surfaces by hosing the area down
- Locate any activity that may result in a leak or spill, to the extent possible, as far away from surface waters or stormwater inlets/conveyances as possible
- All applicable federal, state or local requirements for handling and disposal of hazardous materials must be followed
- Spill kits shall be available on-site, and any spent materials shall be disposed of properly, off-site
- Material safety data sheets, a material inventory shall be prepared, maintained and available to all on-site personnel
- Contractor shall designate one or more persons who shall be contacted immediately in the event of a spill or related issue and shall name said person(s) in Section 1.1 of this

document. Contact information for this person(s) shall be available to all on-site personnel at all times

- All on-site personnel shall be trained in proper spill prevention and clean-up procedures
- Any situation that may result in a leak or spill shall be immediately remedied following identification
- Contractor shall notify the National Response Center as required in Part 2.3.6. Contractor shall also contact Engineer and any local authorities as may be applicable.
- As per Part 9.7.1.e of the CGP, "all spills of hazardous material, deleterious material or petroleum products which may impact waters (ground and surface) of the state shall be immediately reported." Refer to Part 9.7.1.e for additional requirements and contact information.

Contractor shall comply with all more stringent requirements of BMP 10 in the IDEQ Stormwater Best Management Practices Catalog

5.3 Fueling and Maintenance of Equipment or Vehicles

Instructions (see CGP Parts 2.3.1 and 7.2.6):

– 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.)

General

- Fueling and maintenance of equipment or vehicles shall not be allowed on the project site unless Contractor submits a plan to eliminate the discharge of spilled or leaked chemicals in accordance with the instructions for this Section and the CGP to Engineer. Plan must be approved and incorporated into this document prior to any fueling and maintenance of equipment on the project site.

Specific Pollution Prevention Practices

INSERT NAME OF POLLUTION PREVENTION PRACTICE	
Description: INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE
Design Specifications	IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

[Repeat as needed.]

5.4 Washing of Equipment and Vehicles

Instructions (see CGP Parts 2.3.2 and 7.2.6):

- 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 wash waters (e.g., locating activities away from waters of the U.S. 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.

General

- If Contractor intends to conduct washing of equipment and/or vehicles on the project site, Contractor shall develop a plan for prevention of discharge of pollutants in accordance with the instructions for this section as well as the CGP and submit the plan to the Engineer for review and approval. Plan must be approved and incorporated into this document prior to washing of equipment and/or vehicles on the project site.

Specific Pollution Prevention Practices

INSERT NAME OF POLLUTION PREVENTION PRACTICE	
Description: INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE
Design Specifications	IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

[Repeat as needed.]

5.5 Storage, Handling, and Disposal of Building Products, Materials, and Wastes

Instructions (see CGP Parts 2.3.3 and 7.2.6):

- For any of the types of building products, materials, and wastes below in Sections 5.5.1-5.5.6 below that you expect to use or store at your site, provide the information on how you will comply with the corresponding CGP provision and the specific practices that you will be employ.

Contractor shall be responsible for updating this section as necessary if additional materials are to be stored on-site.

5.5.1 Building Products

(Note: Examples include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.)

General

The following items are anticipated to be stored on-site:

- Pipe, fittings, valves, valve boxes, bolts, other waterline appurtenances (non-erodible materials)
- Asphalt sealant
- Chlorine for waterline disinfection
- Base Rock
- Pre-cast Structures
- Topsoil

- Contractor shall be responsible for ensuring that all materials stored on-site that could introduce pollutants into stormwater (i.e. chlorine) be covered and properly protected from stormwater.

Specific Pollution Prevention Practices

INSERT NAME OF POLLUTION PREVENTION PRACTICE	
Description: INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE
Design Specifications	IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

[Repeat as needed.]

5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

General

- These items will not be stored on site.

5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

General

- Oils needed for paving will only be brought to the site the day of paving and will not be stored onsite. Paving will only occur on dry days; therefore, there is no potential for oils used in paving to come in contact with stormwater.
- Fuel and oil, if stored onsite, will only be in very small quantities and located in the job trailer where there is no potential for the products to come in contact with stormwater.

Specific Pollution Prevention Practices

INSERT NAME OF POLLUTION PREVENTION PRACTICE	
Description: INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

Design Specifications	IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

[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

- These items will not be stored on site.

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

- Waste containers will be provided by the Contractor in accordance with Part 2.3.3.e of the CGP.

Specific Pollution Prevention Practices

Provide Waste Containers	
Description: As stated in CGP Part 2.3.3.e, Contractor shall provide dumpsters or other trash receptacles of "sufficient size and number to contain construction and domestic wastes".	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	Contractor shall keep waste container lids closed when not in use and close lids at the end of each business day. Contractor shall inspect waste containers during required inspection of the site. As stated in CGP Part 2.3.3.e, Contractor shall clean up and properly dispose of all waste each workday and shall clean up any overflow immediately.
Design Specifications	Refer to the Technical Specifications within the Contract Documents.

[Repeat as needed.]

5.5.6 Sanitary Waste

General

- Contractor shall provide a minimum of one portable toilet at the site whenever work is being completed at the site.

Specific Pollution Prevention Practices

Pollution Prevention Practice #1	
Description: Contractor shall provide portable toilets at level locations and shall secure them such that they will not be tipped over.	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	Contractor shall inspect portable toilets during required site inspections. Any leakage shall be immediately cleaned up and the toilet re-secured or re-located as necessary to prevent further leaks. Additionally, Contractor shall be responsible for providing weekly (at a minimum) maintenance/emptying of toilets.

Design Specifications	Design specifications are not applicable

[Repeat as needed.]

5.6 Washing of Applicators and Containers used for Paint, Concrete or Other Materials

Instructions (see CGP Parts 2.3.4 and 7.2.6):

– Describe how you will comply with the CGP Part 2.3.4 requirement for washing applications and containers.

General

- If Contractor intends to conduct washing of applicators and containers on the project site, Contractor shall develop a plan for prevention of discharge of pollutants in accordance with the instructions for this section as well as the CGP and submit the plan to the Engineer for review and approval. Plan must be approved and incorporated into this document prior to washing of equipment and/or vehicles on the project site.

Specific Pollution Prevention Practices

INSERT NAME OF POLLUTION PREVENTION PRACTICE	
Description: INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION
Maintenance Requirements	INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE
Design Specifications	IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

[Repeat as needed.]

5.7 Fertilizers

Instructions (CGP Parts 2.3.5 and 7.2.6.ix):

Describe how you will comply with the CGP Part 2.3.5 requirement for the application of fertilizers.

General

- Contractor shall be responsible for complying with the requirements of the CGP part 2.3.3.b as described below.

Specific Pollution Prevention Practices

Proper Fertilization Application	
Description: Contractor shall apply fertilizer at the rate specified by the manufacturer, and during appropriate times of the year for the project area. Contractor shall not apply fertilizer prior to anticipated rain events, to frozen ground, to roadside ditches or to other areas with flowing water.	
Installation	INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements	Refer to Section 4.15 for maintenance requirements associated with vegetated areas.
Design Specifications	No applicable design specification

[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

- No other pollution prevention practices will be utilized for this project.

SECTION 6: INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Instructions (see CGP Parts 3.2, 4, 5, and 7.2.7):

Describe the procedures you will follow for conducting inspections in accordance with CGP Parts 3.2, 4, 5, and 7.2.7.

Personnel Responsible for Inspections

The Contractor will perform inspections required by the SWPPP and provide a copy of each inspection log to the Contractor to be maintained in the SWPPP plan documents at the project site. The Contractor shall keep the SWPPP and inspection logs on site during any construction activities and maintain availability for review upon demand. The Contractor shall provide notice after any large storm event to the Owner for any unscheduled and required inspection. The Contractor shall return all SWPPP documents and inspection logs to the Owner at the end of construction.

Note: All personnel conducting inspections must be considered a "qualified person." CGP Part 4.1 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 appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

Inspection Schedule

Select the inspection frequency(ies) that applies, based on CGP Parts 4.2, 4.3, or 4.4

(Note: you may be subject to different inspection frequencies in different areas of the site. Check all that apply)

Standard Frequency:
☐ Every 7 days ☐ Every 14 days and within 24 hours of a 0.25" rain or the occurrence of runoff from snowmelt sufficient to cause a discharge
Increased Frequency (if applicable):
For areas of sites discharging to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3 ☒ Every 7 days and within 24 hours of a 0.25" rain
Reduced Frequency (if applicable)
For stabilized areas ☐ Twice during first month, no more than 14 calendar days apart; then once per month after first month; ▪ SPECIFY LOCATIONS WHERE STABILIZATION STEPS HAVE BEEN COMPLETED ▪ INSERT 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 4.4.1), you will need to modify your SWPPP to include this information.)

For stabilized areas on "linear construction sites" ☐ Twice during first month, no more than 14 calendar days apart; then once more within 24 hours of a 0.25" rain ▪ SPECIFY LOCATIONS WHERE STABILIZATION STEPS HAVE BEEN COMPLETED ▪ INSERT 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 4.4.1), you will need to modify your SWPPP to include this information.)
For arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought ☐ Once per month and within 24 hours of a 0.25" rain Insert beginning and ending dates of the seasonally defined dry period for your area or the valid period of drought: ▪ Beginning date of seasonally dry period: INSERT APPROXIMATE DATE ▪ Ending date of seasonally dry period: INSERT APPROXIMATE DATE
For frozen conditions where earth-disturbing activities are being conducted ☐ Once per month Insert beginning and ending dates of frozen conditions on your site: ▪ Beginning date of frozen conditions: INSERT APPROXIMATE DATE ▪ Ending date of frozen conditions: INSERT APPROXIMATE DATE

Rain Gauge Location (if applicable)

Rain gauge can be installed on-site but shall be approved by the Owner. Alternatively, the Contractor shall utilize information from a weather station that is representative of the project area to determine whether a rain event of 0.25 inches or greater has occurred.

Turbidity Monitoring

Part 9.7.1.d of the CGP requires the following: "the permittee must conduct turbidity monitoring during construction activities and thereafter on days where there is a direct discharge of pollutants from an unstabilized portion of the site which is causing a visible plume to a water of the U.S."

It is very unlikely that direct discharge of pollutants to a water of the U.S. will occur from the construction site, due to the distance from a water of the U.S. and the existing conditions (mostly vegetated) surrounding the site. However, should an event occur that causes a discharge, the Contractor shall be responsible for turbidity monitoring and reporting in compliance with Part 9.7.1.d.

Inspection Report Forms

Refer to Appendix D for a sample Inspection Report Form. Completed Inspection Report Forms will also be kept in Appendix D.

(Note: EPA has developed a sample inspection form that CGP operators can use. The form is available at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources)

6.2 *Corrective Action*

Instructions (CGP Parts 5 and 7.2.7):

– Describe the procedures for taking corrective action in compliance with CGP Part 5.

The Contractor shall be responsible for completing corrective actions and the associated reporting.

Requirements

The Contractor shall complete corrective actions in the event of any of the following:

- Any of the installed controls in need repair, modification or replacement (beyond routine maintenance)
- Clean up of a spill or deposit is needed
- A permit violation has occurred and needs remedied
- A required control was not installed, was installed incorrectly or has been found to be deficient
- The applicable water quality standards are not being met (as described in CGP Part 5.2.1.2 (in this case, the Contractor must notify the Engineer immediately and the EPA Regional Office by the end of the next working day)
- One of the following prohibited discharges has occurred or is occurring (refer also to CGP Part 1.3):
    - Wastewater from washout of concrete, stucco, paint, form release oils, curing compounds or other materials, unless managed by an appropriate control
    - Fuels, oils or other pollutants used in equipment and vehicle operation and maintenance
    - Soaps, solvents or detergents
    - Toxic or hazardous substances

The Contractor shall complete corrective actions in compliance with the following schedule (as described in Part 5.2 of the CGP):

- Immediately take all reasonable steps to address the condition
- When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day

- When the problem requires a new or replacement control or significant repair, 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 this is infeasible, you must document in your records why, and document the schedule for installing/repairing the control and making it operational.

- Immediately (on the same day the condition requiring correction is identified) take action to prevent the discharge of pollutants

- Where a corrective action requires an update to the SWPPP, the Contractor must complete and submit to Engineer all necessary SWPPP modifications within 7 days of the completion of the corrective action

- Within 24 hours of identifying the corrective action condition, document the condition and the date and time it was identified.

- Within 24 hours of completing the corrective action, document the action.

- Corrective action reports shall be included in Appendix E of the SWPPP.

Personnel Responsible for Corrective Actions

Contractor shall identify personnel responsible for corrective actions:

Contractor shall identify personnel with authorization to sign corrective action reports in Section 6.3.

Corrective Action Forms

A sample Corrective Action Form is included in Appendix E. Completed Corrective Action Forms will also be included in Appendix E.

(Note: EPA has developed a sample corrective action form that CGP operators can use. The form is available at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources)

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.

Contractor shall be responsible for completion of this section and the necessary Delegation of Authority Form(s).

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 7.2.8):

- 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 of this SWPPP template to track completion of this training
- The following personnel, at a minimum, must 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; 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 permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;
  - ✓ 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.

Contractor shall be responsible for completion of this section and the necessary Training Log(s) for Contractor's personnel.

Table 7-1: Documentation for Completion of Training

Name	Describe Training	Date Training Completed
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
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INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE
INSERT NAME OF PERSONNEL		INSERT COMPLETION DATE

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 have no personal knowledge that the information submitted is other than 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 2017 CGP

Appendix C – NOI and EPA Authorization Email

Appendix D – Inspection Form

Appendix E – Corrective Action Form

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 M* - Rainfall Gauge Recording**

Appendix N – Operator's Cooperative Agreement

Appendix O – Excerpts from IDEQ Stormwater Best Management Practices Catalog

Appendix P – EPA Fine List

Appendix Q – Soils Data

Appendix A – Site Maps

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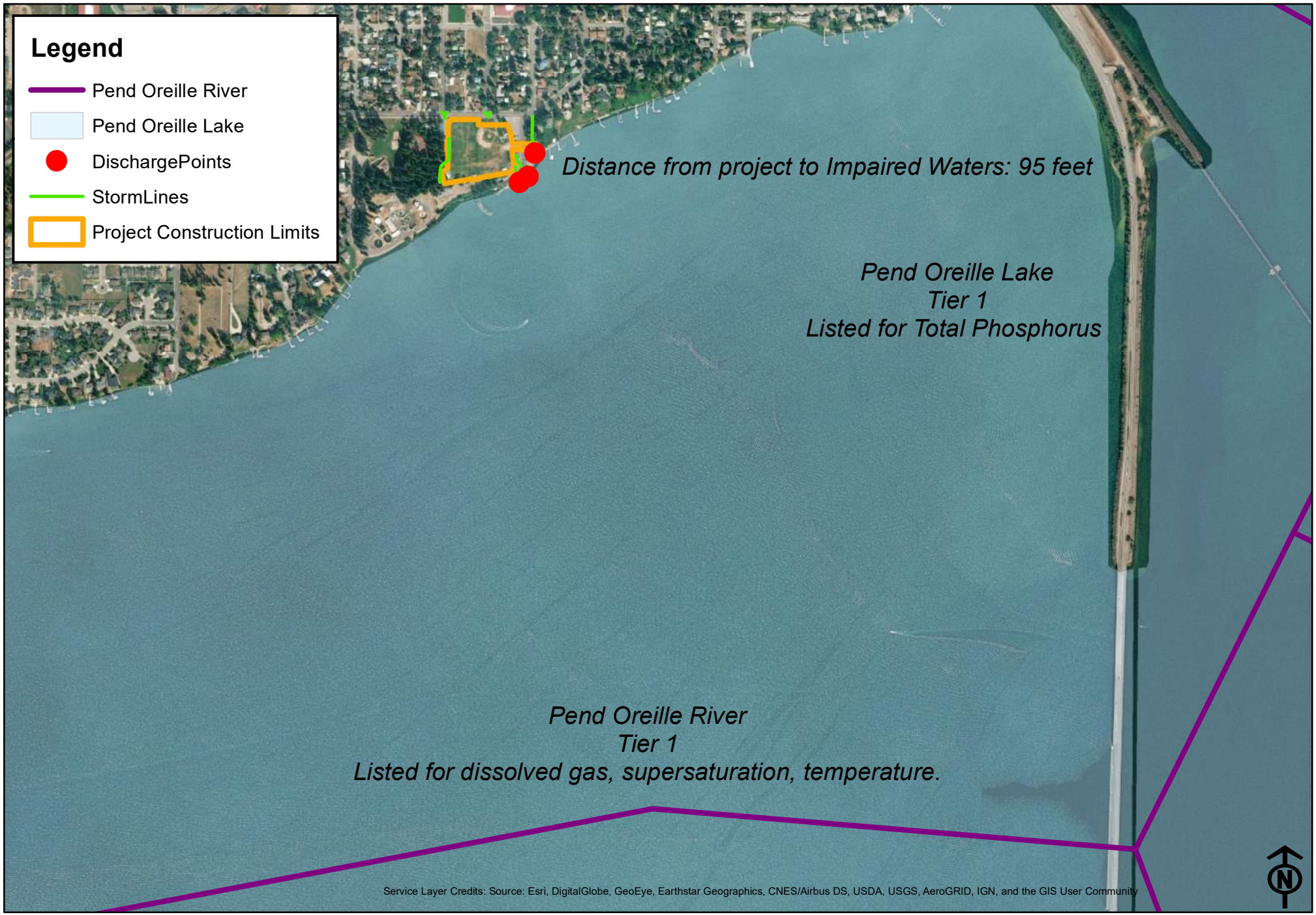
Sandpoint War Memorial Field

SWPPP
Appendix A
Wetlands

Sources:
Kootenai County GIS
Idaho Transportation Dept.
Aerial (see above)

PROJECT NO.....44045
DRAWN BY.....LP
FILENAME.....Wetlands
DATE.....2/6/2020



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Sandpoint War Memorial Field

SWPPP

Appendix A

Existing Conditions

Sources:
Kootenai County GIS
Idaho Transportation Dept.
Aerial (see above)

PROJECT NO.....44045
DRAWN BY.....LP
FILENAME.....ExistingConditions
DATE.....02/10/2020

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Sandpoint War Memorial Field

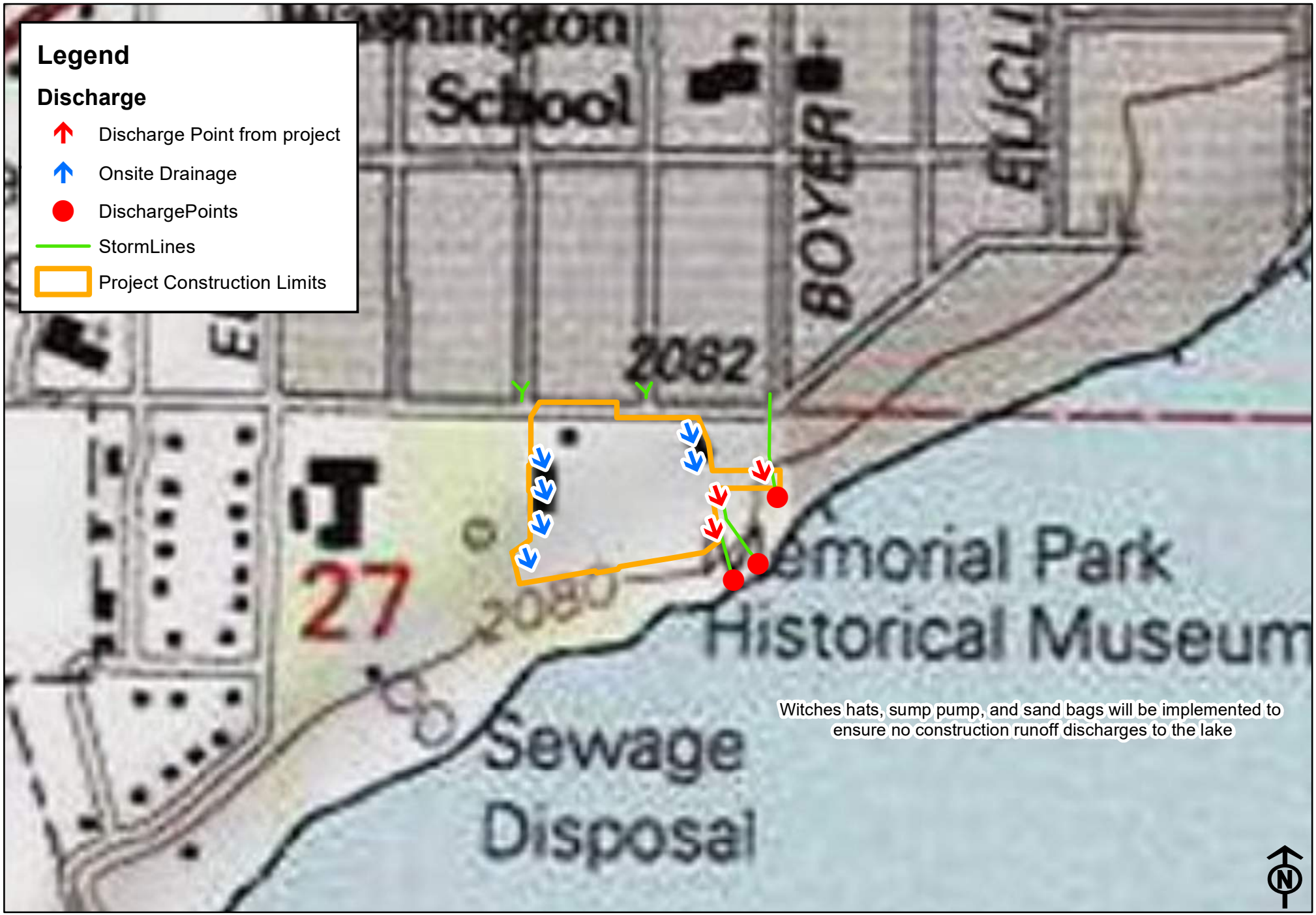
SWPPP

Appendix A

Existing Conditions

Sources:
Kootenai County GIS
Idaho Transportation Dept.
Aerial (see above)

PROJECT NO.....44045
DRAWN BY.....LP
FILENAME.....ExistingConditions
DATE.....02/10/2020



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Sandpoint War Memorial Field

SWPPP

Appendix A

General Location

Sources:
Kootenai County GIS
Idaho Transportation Dept.
Aerial (see above)

PROJECT NO.....44045
DRAWN BY.....LP
FILENAME.....GeneralLocations
DATE.....02/10/2020

Appendix B – Copy of 2017 CGP

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), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in 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 construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on **February 16, 2017**.

This permit and the authorization to discharge expire at 11:59pm, **February 16, 2022.**

Signed and issued this 11th day of January 2017

Deborah Szaro,
Acting Regional Administrator, EPA Region 1

Signed and issued this 11th day of January 2017

Javier Laureano, Ph.D.,
Director, Clean Water Division, EPA Region 2

Signed and issued this 11th day of January 2017

Jose C. Font,
Acting Director, Caribbean Environmental Protection Division, EPA Region 2.

Signed and issued this 11th day of January 2017

Dominique Lueckenhoff,
Acting Director, Water Protection Division, EPA Region 3

Signed and issued this 11th day of January 2017

César A. Zapata,
Deputy Director, Water Protection Division, EPA Region 4

Signed and issued this 11th day of January 2017

Christopher Korleski,
Director, Water Division, EPA Region 5

Signed and issued this 11th day of January 2017

William K. Honker, P.E.,
Director, Water Division, EPA Region 6

Signed and issued this 11th day of January 2017

Karen Flournoy,
Director, Water, Wetlands, and Pesticides Division, EPA Region 7

Signed and issued this 11th day of January 2017

Darcy O'Connor,
Assistant Regional Administrator, Office of Water Protection, EPA Region 8

Signed and issued this 11th day of January 2017

Kristin Gullatt
Deputy Director, Water Division, EPA Region 9

Signed and issued this 11th day of January 2017

Daniel D. Opalski,
Director, Office of Water and Watersheds, EPA Region 10

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1 HOW TO OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT (CGP)

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage in this Part.

1.1 ELIGIBILITY CONDITIONS

1.1.1 You are an "operator" of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an "operator" is any party associated with a construction project that meets either of the following two criteria:

a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications *(e.g., in most cases this is the owner of the site);* or

b. 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; in most cases this is the general contractor (as defined in Appendix A) of the project)*.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.[1] Subcontractors generally are not considered operators for the purposes of this permit.

1.1.2 Your site's construction activities:

a. Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land; or

b. Have been designated by EPA as needing permit coverage under 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(b)(15)(ii);

1.1.3 Your site is located in an area where EPA is the permitting authority (see Appendix B);

1.1.4 Discharges from your site are not:

a. Already covered by a different NPDES permit for the same discharge; or

b. In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.[2, 3]

1.1.5 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) and federally designated critical habitat;

---

[1] If the operator of a "construction support activity" (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of liability between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

[2] Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2012 CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

[3] Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4a or 1.1.4b, above, EPA may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

1.1.6 You have completed the screening process in Appendix E relating to the protection of historic properties; and

1.1.7 You have complied with all requirements in Part 9 imposed by the applicable state, Indian tribe, or territory in which your construction activities and/or discharge will occur.

1.1.8 For "new sources" (as defined in Appendix A) only:

a. EPA has not, prior to authorization under this permit, determined that discharges from your site 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. 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 this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, 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.

b. Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water[4] will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.

1.1.9 If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your Notice of Intent (NOI) unless and until you notify your applicable EPA Regional Office (see Appendix L) in advance and the EPA Regional 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 discharges that cause an exceedance of water quality standards.

1.2 TYPES OF DISCHARGES AUTHORIZED[5]

1.2.1 The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):

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);

[4] Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first 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 water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

[5] See "Discharge" as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

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 that:

   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 sites;

   iii. The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and

   iv. Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas.

d. Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.

1.2.2 The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:

a. Discharges from emergency fire-fighting activities;

b. Fire hydrant flushings;

c. Landscape irrigation;

d. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;

e. Water used to control dust;

f. Potable water including uncontaminated water line flushings;

g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) *(e.g., paint or caulk containing polychlorinated biphenyls (PCBs)*);

h. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any water of the U.S., storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;

i. Uncontaminated air conditioning or compressor condensate;

j. Uncontaminated, non-turbid discharges of ground water or spring water;

k. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

l. Construction dewatering water discharged in accordance with Part 2.4.

1.2.3 Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

1.3 PROHIBITED DISCHARGES[6]

1.3.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;

1.3.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

1.3.3 Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

1.3.4 Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and

1.3.5 Toxic or hazardous substances from a spill or other release.

To prevent the above-listed prohibited non-stormwater discharges, operators must comply with the applicable pollution prevention requirements in Part 2.3.

1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All "operators" (as defined in Appendix A) associated with your construction site, who meet the Part 1.1 eligibility requirements, and who seek coverage under this permit, must submit to EPA a complete and accurate NOI in accordance with the deadlines in **Table 1** prior to commencing construction activities.

Exception: If you are conducting construction activities in response to a public emergency *(e.g., mud slides, earthquake, extreme flooding conditions, 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 may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency.

1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 before submitting your NOI for coverage under this permit.

1.4.2 How to Submit Your NOI

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOI for coverage under the 2017 CGP, unless you received a waiver from your EPA Regional Office.

To access NeT, go to https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting.

[6] EPA includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

Waivers from electronic reporting may be granted based on one of the following conditions:

a. If your operational headquarters is physically located in a geographic area (*i.e., ZIP code or census tract*) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or

b. If you have limitations regarding available computer access or computer capability.

If the EPA Regional Office grants you approval to use a paper NOI, and you elect to use it, you must complete the form in Appendix J.

1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline[7]	Permit Authorization Date[8]
Operator of a new site (*i.e., a site where construction activities commence on or after February 16, 2017*)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site *(i.e., a site with 2012 CGP coverage where construction activities commenced prior to February 16, 2017*)	No later than **May 17, 2017**.	
New operator of a permitted site (*i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site"*)	At least 14 calendar days before the date the transfer to the new operator will take place.	
Operator of an "emergency-related project" (*i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, 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*)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

[7] If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA 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 construction activities and discharge authorization.

[8] Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.1. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix J.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

1.4.5 Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

a. You terminate permit coverage consistent with Part 8; or

b. You receive permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2022; or

c. You fail to submit an NOI for coverage under a revised or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. 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.[9] At a minimum, the notice must include:

a. The NPDES ID (*i.e., permit tracking number assigned to your NOI*);

b. A contact name and phone number for obtaining additional construction site information;

c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [*include the appropriate CGP Regional Office contact information found at https://www.epa.gov/npdes/contact-us-stormwater#regional*];" and

d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: https://www.epa.gov/enforcement/report-environmental-violations."

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.[10]

[9] If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

[10] For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2 and 2.3 to minimize the discharge of pollutants in stormwater from construction activities. To meet this requirement, you must:

2.1.1 Account for the following factors in designing your stormwater controls:

a. The expected amount, frequency, intensity, and duration of precipitation;

b. 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. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and

c. The soil type and range of soil particle sizes expected to be present on the site.

2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.[11]

2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.

a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (*e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection*) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.[12]

b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

2.1.4 Ensure that all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.[13]

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description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for its (their) installation/implementation. See Part 7.2.6.

[11] 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 practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2 and 2.3.

[12] Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

[13] Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

b. If at any time you find that a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work, and complete such work by the close of the next business day.

c. If at any time you find that a stormwater control needs repair or replacement, you must comply with the corrective action requirements in Part 5.

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls when a water of the U.S. is located within 50 feet of the site's earth disturbances.

a. **Compliance Alternatives.** For any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:

   i. Provide and maintain a 50-foot undisturbed natural buffer; or

   ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or

   iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

   See Appendix G, Part G.2 for additional conditions applicable to each compliance alternative.

b. **Exceptions.** See Appendix G, Part G.2 for exceptions to the compliance alternatives.

2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infeasible.

2.2.3 Install sediment controls along any perimeter areas of the site that will receive pollutant discharges.[14]

a. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

b. **Exception**. For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible *(e.g., due to a limited or restricted right-of-way),* implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4 Minimize sediment track-out.

a. Restrict vehicle use to properly designated exit points;

b. Use appropriate stabilization techniques[15] at all points that exit onto paved roads.

[14] Examples of perimeter controls include filter berms, silt fences, vegetative strips, and temporary diversion dikes.

[15] Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

i. **Exception**: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls[16] are implemented to minimize sediment track-out;

c. Implement additional track-out controls[17] as necessary to ensure that sediment removal occurs prior to vehicle exit; and

d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. 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, storm drain inlet, or water of the U.S.[18]

2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:

a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated;

b. Install a sediment barrier along all downgradient perimeter areas;[19]

c. For piles that will be unused for 14 or more days, provide cover[20] or appropriate temporary stabilization (consistent with Part 2.2.14);

d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or water of the U.S.

2.2.6 Minimize dust. On areas of exposed soil, minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

2.2.7 Minimize steep slope disturbances. Minimize the disturbance of "steep slopes" (as defined in Appendix A).

[16] Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (*e.g., karst areas; steep slopes)*.

[17] Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

[18] Fine grains that remain visible *(i.e., staining)* on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

[19] Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

[20] Examples of cover include tarps, blown straw and hydroseeding.

2.2.8 Preserve native topsoil, unless infeasible.[21]

2.2.9 Minimize soil compaction.[22] In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and

b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.10 Protect storm drain inlets.

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet;[23] and

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, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.11 Minimize erosion of stormwater conveyance channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters. Use erosion controls and velocity dissipation devices[24] within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion.

2.2.12 If you install a sediment basin or similar impoundment:

a. Situate the basin or impoundment outside of any water of the U.S. and any natural buffers established under Part 2.2.1;

b. Design the basin or impoundment to avoid collecting water from wetlands;

c. Design the basin or impoundment to provide storage for either:

   i. The calculated volume of runoff from a 2-year, 24-hour storm (see Appendix H); or

   ii. 3,600 cubic feet per acre drained.

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[21] Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case, it may not be feasible to preserve topsoil.

[22] Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

[23] Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

[24] Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;[25]

e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

2.2.13 If using treatment chemicals (*e.g., polymers, flocculants, coagulants*):

a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals.** Chemicals may only be applied where treated stormwater is directed to a sediment control *(e.g., sediment basin, perimeter control)* before discharge.

b. **Select appropriate treatment chemicals**. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated *(i.e., 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 a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill)*.

d. **Comply with state/local requirements.** Comply with applicable state and local requirements regarding the use of treatment chemicals.

e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these 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. **Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as conditioned by your authorization to ensure that the use of such chemicals will not cause an exceedance of water quality standards.

[25] 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 using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

2.2.14 Stabilize exposed portions of the site. Implement and maintain stabilization measures (*e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel*) that minimize erosion from exposed portions of the site in accordance with Parts 2.2.14a and 2.2.14b.

a. **Stabilization Deadlines:**[26]

Total Amount of Land Disturbance Occurring At Any One Time[27]	**Deadline**
i. **Five acres or less (≤5.0)** **Note: this includes sites disturbing more than five acres (>5.0) total over the course of a project, but that limit disturbance at any one time *(i.e., phase the disturbance)* to five acres or less (≤5.0)**	• Initiate the installation of stabilization measures immediately[28] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[29] and • Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been initiated.[30]

[26] EPA may determine, based on an inspection carried out under Part 4.8 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.

[27] Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to "free up" land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

[28] The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
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 entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

[29] The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

[30] If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

ii. **More than five acres (>5.0)**	• Initiate the installation of stabilization measures immediately[31] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[32] and • Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.[33]

iii. **Exceptions:**

(a) Arid, semi-arid, and drought-stricken areas (as defined in Appendix A)**.** If it is the seasonally dry period or a period in which drought is occurring, and vegetative stabilization measures are being used:

(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 the site, complete all activities necessary to 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. Also include the schedule you will follow for initiating and completing vegetative stabilization.

(b) Operators that are affected by unforeseen circumstances[34] that delay the initiation and/or completion of vegetative stabilization:

(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

(iii) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.

(c) Discharges to a sediment- or nutrient-impaired water 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. Complete stabilization as soon as

[31] See footnote 27

[32] See footnote 28

[33] See footnote 29

[34] Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

practicable, but no later than seven (7) calendar days after stabilization has been initiated.

b. **Final Stabilization Criteria** (for any areas not covered by permanent structures)**:**

i. Establish uniform, perennial vegetation *(i.e., evenly distributed, without large bare areas)* that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas; and/or

ii. Implement permanent non-vegetative stabilization measures[35] to provide effective cover.

iii. **Exceptions:**

(a) **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied that provide cover for at least three years without active maintenance.

(b) **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** The Part 2.2.14b final stabilization criteria does not apply.

(c) **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed *(e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials)*.

2.3 POLLUTION PREVENTION REQUIREMENTS[36]

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

2.3.1 For equipment and vehicle fueling and maintenance:

a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;[37]

[35] Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

[36] Under this permit, you are not required to minimize exposure for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

[37] Examples of effective means include:

- Locating activities away from waters of the U.S. and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (*e.g., spill berms, decks, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;

c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

d. Use drip pans and absorbents under or around leaky vehicles;

e. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements; and

f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2 For equipment and vehicle washing:

a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;[38]

b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

c. For storage of soaps, detergents, or solvents, provide either (1) cover *(e.g., plastic sheeting, temporary roofs)* to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

2.3.3 For storage, handling, and disposal of building products, materials, and wastes:

a. *For building materials and building products*[39], provide either (1) cover (*e.g., plastic sheeting, temporary roofs*) to minimize the exposure of these products to precipitation and to stormwater, or (2) a similarly effective means designed to minimize 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, temporary roofs*) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize 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 (see also Part 2.3.5).

c. *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals*:

   i. Store chemicals in water-tight containers, and provide either (1) cover *(e.g., plastic sheeting, temporary roofs)* to minimize the exposure of these containers to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas *(e.g., having a spill kit available on site and ensuring personnel are available to respond expeditiously in*

[38] Examples of effective means include locating activities away from waters of the U.S. 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.

[39] Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

the event of a leak or spill), 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. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

d. *For hazardous or toxic wastes*:[40]

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 outside containers 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 a covered area, 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;

v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

vi. Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste.

e. *For construction and domestic wastes*:[41]

i. Provide waste containers *(e.g., dumpster, trash receptacle)* of sufficient size and number to contain construction and domestic wastes;

ii. Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either (1) cover *(e.g., a tarp, plastic sheeting, temporary roof)* to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants *(e.g., secondary containment)*;

iii. On business days, clean up and dispose of waste in designated waste containers; and

iv. Clean up immediately if containers overflow.

[40] Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

[41] Examples of construction and domestic waste include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or building materials.

f. *For sanitary waste*, position portable toilets so that they are secure and will not be tipped or knocked over, and located away from waters of the U.S. and stormwater inlets or conveyances.

2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

a. Direct wash water into a leak-proof container or leak-proof and lined pit 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 or waters of the U.S.;

   ii. Dispose of liquid wastes in accordance with applicable requirements in Part 2.3.3; and

   iii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3; and

c. Locate any washout or cleanout activities as far away as possible from waters of the U.S. and stormwater inlets or conveyances, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

2.3.5 For the application of fertilizers:

a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6.b.ix;

b. 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;

c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;

d. Never apply to frozen ground;

e. Never apply to stormwater conveyance channels; and

f. Follow all other federal, state, tribal, and local requirements regarding fertilizer application.

2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. 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 110, 40 CFR 117, or 40 CFR 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 110, 40 CFR 117, and 40 CFR 302 as soon as you have knowledge of the release. You must also, within seven (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.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants in ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with Part 1.2.2.[42]

2.4.1 Treat dewatering discharges with controls to minimize discharges of pollutants;[43]

2.4.2 Do not discharge visible floating solids or foam;

2.4.3 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;

2.4.4 To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge. You are prohibited from using waters of the U.S. as part of the treatment area;

2.4.5 At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11;

2.4.6 With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and

2.4.7 Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional state or tribal requirements that are 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 discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) 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.

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[42] Uncontaminated, clear (non-turbid) dewatering water can be discharged without being routed to a control.

[43] Appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, filtration systems (*e.g., bag or sand filters*), and passive treatment systems that are designed to remove sediment. Appropriate controls to use downstream of dewatering controls to minimize erosion include vegetated buffers, check dams, riprap, and grouted riprap at outlets.

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 your coverage under this permit.

3.2 DISCHARGE LIMITATIONS FOR SITES DISCHARGING TO SENSITIVE WATERS[44]

For any portion of the site that discharges to a sediment or nutrient-impaired water 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, you must comply with the inspection frequency specified in 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14.a.iii.(c).[45]

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional 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 addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

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[44] Sensitive waters include waters that are impaired and Tier 2, Tier 2.5, and Tier 3 waters.

"Impaired waters" are those waters identified by the state, tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). 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 an impaired water for the pollutants contained in the discharge from your site. 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. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available both within the electronic NOI form in NeT, and at https://water.epa.gov/polwaste/npdes/stormwater/discharge.cfm.

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 the purposes of this permit, you are considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3. 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. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

EPA may determine on a case-by-case basis that a site discharges to a sensitive water.

[45] If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

a. Implement controls[46] to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and

b. Ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.

4 SITE INSPECTION REQUIREMENTS

4.1 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."[47]

4.2 FREQUENCY OF INSPECTIONS.[48]

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sensitive waters or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1 At least once every seven (7) calendar days; *or*

4.2.2 Once every 14 calendar days *and* within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge.[49] 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 4.7.1d.

4.3 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 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 3.2), instead of the inspection frequency specified in

[46] Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, using tools that minimize dust and heat (<212°F). For additional information, refer to Part 2.3.3 of the CGP Fact Sheet.

[47] A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

[48] Inspections are only required during the site's normal working hours.

[49] "Within 24 hours of the occurrence of a storm event" means that you must conduct an inspection within 24 hours once a storm event has produced 0.25 inches within a 24-hour period, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in accordance with Part 4.2.2 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 must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

Part 4.2, you must conduct inspections in accordance with the following inspection frequencies:

Once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. 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 4.7.1d.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized areas.

a. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month in any area of your site where the stabilization steps in 2.2.14a 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 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.

b. **Exception.** For "linear construction sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event of 0.25 inches or greater. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a Inspections must continue until final stabilization is visually confirmed following a storm event of 0.25 inches or greater.

4.4.2 Arid, semi-arid, or drought-stricken areas (as defined in Appendix A). If it is the seasonally dry period or a period in which drought is occurring, 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. 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 4.7.1d.

4.4.3 Frozen conditions:

a. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in 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 three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain

events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;

ii. Land disturbances have been suspended; and

iii. All disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

b. If you are still conducting construction 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 three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and

ii. Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

You must document the beginning and ending dates of this period in your SWPPP.

4.5 AREAS THAT MUST BE INSPECTED

During your site inspection, you must at a minimum inspect the following areas of your site:

4.5.1 All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;

4.5.2 All stormwater controls (including pollution prevention controls) installed at the site to comply with this permit;[50]

4.5.3 Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;

4.5.4 All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, and/or treat stormwater;

4.5.5 All points of discharge from the site; and

4.5.6 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.

4.6 REQUIREMENTS FOR INSPECTIONS

During your site inspection, you must at a minimum:

4.6.1 Check whether all stormwater controls *(i.e., erosion and sediment controls and pollution prevention controls)* are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges;

4.6.2 Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;

[50] This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

4.6.3 Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3;

4.6.4 Check for signs of visible erosion and sedimentation *(i.e., sediment deposits)* that have occurred and are attributable to your discharge at points of discharge and, if applicable, the banks of any waters of the U.S. flowing within or immediately adjacent to the site;

4.6.5 Identify any incidents of noncompliance observed;

4.6.6 If a discharge is occurring during your inspection:

a. Identify all discharge points at the site; and

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 indicators of stormwater pollutants.

4.6.7 Based on the results of your inspection, complete any necessary maintenance under Part 2.1.4 and corrective action under Part 5.

4.7 INSPECTION REPORT

4.7.1 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 4.6, including any necessary maintenance or corrective actions;

d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, 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 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 to which this condition applies.

4.7.2 Each inspection report must be signed in accordance with Appendix I, Part I.11 of this permit.

4.7.3 You must keep a 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 on-site inspection or upon request by EPA.

4.7.4 You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

4.8 INSPECTIONS BY EPA

You must allow EPA, or an authorized representative of EPA, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls that are

not on site to comply with this permit, you must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.

4.8.1 Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

4.8.2 Access and copy any records that must be kept under the conditions of this permit;

4.8.3 Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4.8.4 Sample or monitor for the purpose of ensuring compliance.

5 CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

You must take corrective action to address any of the following conditions identified at your site:

5.1.1 A stormwater control needs repair or replacement (beyond routine maintenance required under Part 2.1.4); or

5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

5.1.3 Your discharges are causing an exceedance of applicable water quality standards; or

5.1.4 A prohibited discharge has occurred (see Part 1.3).

5.2 CORRECTIVE ACTION DEADLINES

For any corrective action triggering conditions in Part 5.1, you must**:**

5.2.1 Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;

5.2.2 When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day;

5.2.3 When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (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 feasible 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 seven (7) calendar days of completing this 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 4.8.

5.4 CORRECTIVE ACTION REPORT

For each corrective action taken in accordance with this Part, you must complete a report in accordance with the following:

5.4.1 Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.

5.4.2 Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

5.4.3 Each corrective action report must be signed in accordance with Appendix I, Part I.11 of this permit.

5.4.4 You must keep a 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 on-site inspection or upon request by EPA.

5.4.5 You must retain all corrective action reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

6 STAFF TRAINING REQUIREMENTS

Each operator, or group of multiple operators, must assemble a "stormwater team" to carry out compliance activities associated with the requirements in this permit.

6.1 Prior to the commencement of construction activities, you must ensure that the following personnel[51] on the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements:

a. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
b. Personnel responsible for the application and storage of treatment chemicals (if applicable);
c. Personnel who are responsible for conducting inspections as required in Part 4.1; and
d. Personnel who are responsible for taking corrective actions as required in Part 5.

6.2 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 this permit that may be affected by the work they are subcontracted to perform.

[51] If the person requiring training is a new employee who starts after you commence construction 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.

For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

6.3 At a minimum, members of the stormwater team 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)*:

a. The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;
b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;
c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and
d. When and how to conduct inspections, record applicable findings, and take corrective actions.

6.4 Each member of the stormwater team must have easy 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.

7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.[52, 53] The SWPPP must be kept up-to-date throughout coverage under this permit.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

7.2 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as

[52] 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.

[53] You have the option of developing a group SWPPP where you are one of several operators at your site. For instance, if both the owner and the general contractor of the construction site are operators and thus are both required to obtain a permit, the owner may be the party undertaking SWPPP development, and the general contractor (or any other operator at the site) can choose to use this same SWPPP, as long as the SWPPP addresses the general contractor's (or other operator's) scope of construction work and functions to be performed under the SWPPP. Regardless of whether there is a group SWPPP or several individual SWPPPs, all operators would be jointly and severally liable for compliance with the permit.

Where there are multiple operators associated with the same site through a common plan of development or sale, operators may assign to themselves various permit-related functions under the SWPPP provided that each SWPPP, or a group SWPPP, documents which operator will perform each function under the SWPPP. However, dividing the functions to be performed under each SWPPP, or a single group SWPPP, does not relieve an individual operator from liability for complying with the permit should another operator fail to implement any measures that are necessary for that individual operator to comply with the permit, e.g., the installation and maintenance of any shared controls. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not cause a violation and/or render any other operators' controls and/or any shared controls ineffective. All operators who rely on a shared control to comply with the permit are jointly and severally liable for violations of the permit resulting from the failure to properly install, operate and/or maintain the shared control.

specified in other parts of this permit.

7.2.1 All Site Operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

7.2.2 Stormwater Team. Identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities, including which members are responsible for conducting inspections.

7.2.3 Nature of Construction Activities.[54] Include the following:

a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;

b. The size of the property (in acres or length in miles if a linear construction site);

c. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);

d. A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c);

e. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;

f. A description and projected schedule for the following:

   i. Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (*i.e., excavating, cutting and filling*), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

   ii. Temporary or permanent cessation of construction activities in each portion of the site;

   iii. Temporary or final stabilization of exposed areas for each portion of the site; and

   iv. Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

g. A list and description of all pollutant-generating activities[55] on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (*e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;

h. Business days and hours for the project;

i. If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency *(e.g., mud slides,*

[54] 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 dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

[55] Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

earthquake, extreme flooding conditions, widespread disruption in essential public services), information substantiating its occurrence *(e.g., state disaster declaration or similar state or local declaration)*, and a description of the construction necessary to reestablish affected public services.

7.2.4 Site Map. Include a legible map, or series of maps, showing the following features of the site:

a. Boundaries of the property;

b. Locations where construction activities will occur, including:

   i. Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;

   ii. Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));

   iii. Locations where sediment, soil, or other construction materials will be stockpiled;

   iv. Any water of the U.S. crossings;

   v. Designated points where vehicles will exit onto paved roads;

   vi. Locations of structures and other impervious surfaces upon completion of construction; and

   vii. Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).

c. Locations of all waters of the U.S. within and one mile downstream of the site's discharge point. Also identify if any are listed as impaired, or are identified as a Tier 2, Tier 2.5, or Tier 3 water;

d. Areas of federally listed critical habitat within the site and/or at discharge locations;

e. Type and extent of pre-construction cover on the site (*e.g., vegetative cover, forest, pasture, pavement, structures*);

f. Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;

g. Stormwater and authorized non-stormwater discharge locations, including:

   i. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets;[56] and

   ii. Locations where stormwater or authorized non-stormwater will be discharged directly to waters of the U.S.

h. Locations of all potential pollutant-generating activities identified in Part 7.2.3g;

i. Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and

j. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

[56] 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.

7.2.5 Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

7.2.6 Description of Stormwater Controls.

a. For each of the Part 2.2 erosion and sediment control effluent limits, Part 2.3 pollution prevention effluent limits, and Part 2.4 construction dewatering effluent limits, as applicable to your site, you must include the following:
   i. A description of the specific control(s) to be implemented to meet the effluent limit;
   ii. Any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);[57]
   iii. Routine stormwater control maintenance specifications; and
   iv. The projected schedule for stormwater control installation/implementation.

b. You must also include any of the following additional information as applicable.
   i. **Natural buffers and/or equivalent sediment controls** (see Part 2.2.1 and Appendix G). You must include the following:
      (a) The compliance alternative to be implemented;
      (b) If complying with alternative 2, the width of natural buffer retained;
      (c) If complying with alternative 2 or 3, 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) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;
      (e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and
      (f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a water of the U.S.

   ii. **Perimeter controls for a "linear construction site"** (see Part 2.2.3). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities.

   Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3a requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.

   iii. **Sediment track-out controls** (see Parts 2.2.4b and 2.2.4c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.

   iv. **Sediment basins** (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to

[57] 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 the SWPPP.

support this determination, including the specific conditions or time periods when this exception will apply.

v. **Treatment chemicals** (see Part 2.2.13), you must include the following:

(a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. 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;

(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 the applicable EPA Regional Office authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to an exceedance of water quality standards;

(d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;

(e) Information from any applicable Safety Data Sheet (SDS);

(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 2.2.13c;

(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.

vi. **Stabilization measures** (see Part 2.2.14). You must include the following:

(a) The specific vegetative and/or non-vegetative practices that will be used;

(b) The stabilization deadline that will be met in accordance with Part 2.2.14.a.i-ii;

(c) If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period and the schedule you will follow for initiating and completing vegetative stabilization; and

(d) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

vii. **Spill prevention and response procedures** (see Part 1.3.5 and Part 2.3). You must include the following:

(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 2.3.6 and established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

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 on site.[58]

viii. **Waste management procedures** (see Part 2.3.3). Describe the procedures you will follow for handling, storing and disposing of all wastes generated at your site consistent with all applicable federal, state, tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

ix. **Application of fertilizers** (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.2.7 Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit. Also include:

a. The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;

b. If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;

c. If you will be reducing your inspection frequency in accordance with Part 4.4.1b, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;

d. If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and

e. Any maintenance or inspection checklists or other forms that will be used.

7.2.8 Staff Training. Include documentation that the required personnel were, or will be, trained in accordance with Part 6.

7.2.9 Compliance with Other Requirements.

a. **Threatened and Endangered Species Protection.** Include documentation required in Appendix D supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.

[58] 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.

b. **Historic Properties.** Include documentation required in Appendix E supporting your eligibility with regard to the protection of historic properties.

c. **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, document any contact you have had with the applicable state agency[59] 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 144 -147. Such controls would generally be considered Class V UIC wells:

   i. 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);

   ii. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and

   iii. 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).

7.2.10 SWPPP Certification. You must sign and date your SWPPP in accordance with Appendix I, Part I.11.

7.2.11 Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

a. A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;

b. A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (*i.e., permit tracking number*);

c. 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 must 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.[60]

[59] For state UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

[60] 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 on-site 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 SWPPP MODIFICATIONS

7.4.1 You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, 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 7.2.3f change during the course of construction;

b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;

c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;

d. Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:

   i. A copy of any correspondence describing such measures and requirements; and

   ii. A description of the controls that will be used to meet such requirements.

e. To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater controls implemented at the site; and

f. 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 You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.10 above) and a brief summary of all changes.

7.4.3 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.

7.4.4 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 must 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

8.1.1 NPDES ID (*i.e., 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 site and address (or a description of location if no street address is available); and

8.1.5 NOT certification.

8.2 CONDITIONS FOR TERMINATING CGP COVERAGE

You must terminate CGP coverage only if one or more of the following conditions has occurred:

8.2.1 You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met the following requirements:

a. 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 2.2.14b;

b. 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;

c. 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

d. 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 must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOT for the 2017 CGP.

To access NeT, go to https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting.

Waivers from electronic reporting may be granted as specified in Part 1.4.1. If the EPA Regional Office grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix K.

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit your NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

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 submitted to EPA.

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 EPA Region 1

9.1.1 NHR100000 State of New Hampshire

a. 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-Wq 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-Wq 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.

b. 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 1.2.2). The water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the groundwater dewatering location. Information on groundwater contamination can be generated over the Internet via the NHDES web site http://des.nh.gov/ by using the One Stop Data Mapper at http://des.nh.gov/onestop/gis.htm. 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 https://www3.epa.gov/region1/npdes/rgp.html.)

c. You must treat any uncontaminated excavation dewatering discharges as necessary to remove suspended solids and turbidity. The discharges must be sampled at least once per week during weeks when discharges occur. Samples must be analyzed for total suspended solids (TSS) or turbidity and must meet monthly average and daily maximum limits of 50 milligrams per liter (mg/L) and 100 mg/L, respectively for TSS or 33 mg/l and 67 mg/l, respectively for turbidity. TSS (a.k.a. Residue, Nonfilterable) or turbidity sampling and analysis must be performed in accordance with Tables IB and II in 40 CFR 136.3 (http://www.ecfr.gov/cgi-bin/text-idx?SID=0243e3c4283cbd7d8257eb6afc7ce9a2&mc=true&node=se40.25.136_13&r

gn=div8). Records of any sampling and analysis must be maintained and kept with the SWPPP for at least three years after final site stabilization.

d. 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 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-DW 901; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 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.

e. 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.

f. 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 9.1.4 (g).

    i. A site map required in Part 7.2.4, showing the type and location of all post-construction infiltration BMPs utilized at the facility or the reason(s) why none were installed;

    ii. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Part 1.2.2).

    iii. Records of sampling and analysis of TSS required for construction dewatering discharges (see Part 9.1.4 (c)).

g. 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

9.2 EPA Region 3

9.2.1 DCR100000 District of Columbia

a. The permittee must comply with the District of Columbia Water Pollution Control Act of 1984, as amended, (D.C. Official Code §8-103.01 *et seq.*) and its

implementing regulations in Title 21, Chapters 11 and 19 of the District of Columbia Municipal Regulations. Nothing in this permit will be construed to preclude the institution of any legal action or relieve the permitee from any responsibilities, liabilities, or penalties established pursuant to District of Columbia laws and regulations.

b. The permittee must comply with the District of Columbia Stormwater Management, and Soil Erosion and Sediment Control in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations.

c. The permittee must comply with the District of Columbia Flood Management control in Chapter 31 of Title 20 of the District of Columbia Municipal Regulations.

d. 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 with 14 days of such request. The Department may conduct an inspection of any facility covered by this permit to ensure compliance with District's law requirements including water quality.

9.2.2 DER10F000 Areas in the State of Delaware subject to construction by a Federal Operator

a. Federal agencies engaging in construction activities must submit, to DNREC, a sediment and stormwater management (S&S) plan and obtain approval from DNREC in accordance with 7 Del. C. §4010, 7 DE Admin. Code 5101, and 7 DE Admin. Code 7201.

b. Federal agencies engaging in construction activities must provide for construction review by a certified construction reviewer in accordance with 7 Del. C. §§4010 & 4013 and 7 DE Admin. Code 5101, subsection 6.1.6.

c. Federal agencies engaging in construction activities must certify that all responsible personnel involved in the construction project will have attended the blue card training prior to initiation of any land disturbing activity – *see* 7 Del. C. §§ 4002 & 4014 and 7 DE Admin. Code 5101.

9.3 EPA Region 5

9.3.1 MNR10I000 Indian country within the State of Minnesota

9.3.1.1 Fond du Lac Band of Lake Superior Chippewa. The following conditions apply only to discharges on the Fond du Lac Band of Lake Superior Chippewa Reservation:

a. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Office of Water Protection at least fifteen (15) days in advance of sending the Notice of Intent (NOI) to EPA. The SWPPP can be submitted electronically to richardgitar@FDLREZ.com or by hardcopy sent to:

Fond du Lac Reservation
Office of Water Protection
1720 Big Lake Road
Cloquet, MN 55720

CGP applicants are encouraged to work with the FDL Office of Water Protection in the identification of all proposed receiving.

b. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA.

c. The turbidity limit shall NOT exceed 10% of natural background within the receiving water(s) as determined by Office of Water Protection staff.

d. Turbidity sampling must take place within 24 hours of a ½-inch or greater rainfall event. The results of the sampling must be reported to the Office of Water Protection within 7 days of the sample collection. All sample reporting must include the date and time, location (GPS: UTM/Zone 15), and NTU. CGP applicants are encouraged to work with the Office of Water Protection in determining the most appropriate location(s) for sampling.

e. Receiving waters with open water must be sampled for turbidity prior to any authorized discharge as determined by Office of Water Protection staff. This requirement only applies to receiving waters in which no ambient turbidity data exists.

f. This Certification does not pertain to any new discharge to Outstanding Reservation Resource Waters (ORRW) as described in §105 b.3. of the Fond du Lac Water Quality Standards (Ordinance #12/98, as amended). Although additional waters may be designated in the future, currently Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake are designated as ORRWs. New dischargers wishing to discharge to an ORRW must obtain an individual permit from EPA for stormwater discharges from large and small construction activities.

g. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance 12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm water fisheries, cold water fisheries, subsistence fishing (netting), primary contact recreation, secondary contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, and commercial.

h. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Fond du Lac Reservation. All spills must be reported to the appropriate emergency management agency (National Response Center AND the State Duty Officer), and measures shall be taken immediately to prevent the pollution of waters of the Fond du Lac Reservation, including groundwater. The Fond du Lac Office of Water Protection must also be notified immediately of any spill regardless of size.

i. This certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for such listing.

9.3.1.2 Grand Portage Band of Lake Superior Chippewa. The following conditions apply only to discharges on the Grand Portage Band of Lake Superior Chippewa Reservation:

a. The CGP authorization is for construction activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The CGP regulates stormwater discharges associated with construction sites of one acre or more in size. Only those activities specifically authorized by the CGP are authorized by this certification (the

"Certification"). This Certification does not authorize impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing as such.

b. All construction stormwater discharges authorized by the CGP must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance). As such, appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation (as defined in the Water Resources Ordinance). All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.

c. The 2017 CGP requires inspections and monitoring reports of the construction site stormwater discharges by a qualified person. Monitoring and inspection reports must comply with the minimum requirements contained in the 2017 CGP. The monitoring plan must be prepared and incorporated into the Stormwater Pollution Prevention Plan (the "SWPPP"). A copy of the SWPPP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The SWPPP should be sent to:

   Grand Portage Environmental Resources Board
   P.O. Box 428
   Grand Portage, MN 55605

   Copies of the Notice of Intent and Notice of Termination required under the CGP must be submitted to the Board at the address above at the same time they are submitted to the EPA.

d. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards.

e. Discharges that the Board has determined to be or that may reasonably be expected to be contributing to a violation of Water Quality Standards or Applicable Federal Standards are not authorized by this Certification.

f. The Board retains full authority provided by the Water Resources Ordinance to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions.

g. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.

9.3.2 WIR10I000 Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community

9.3.2.1 Bad River Band of Lake Superior Tribe of Chippewa Indians: The following conditions apply only to discharges on the Bad River Band of the Lake Superior Tribe of Chippewa Indians Reservation:

a. Only those activities specifically authorized by the CGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such.[61, 62]

b. Operators are not eligible to obtain authorization under the CGP for all new discharges to an Outstanding Tribal Resource Water (or Tier 3 water).[63] Outstanding Tribal Resource Waters, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.[64]

c. Projects utilizing cationic treatment chemicals[65] within the Bad River Reservation boundaries are not eligible for coverage under the CGP.[66]

d. All projects which are eligible for coverage under the CGP and are located within the exterior boundaries of the Bad River Reservation shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS).[67]

e. An operator proposing to discharge to an Outstanding Resource Water (or Tier 2.5 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. Outstanding Resource Waters, or Tier 2.5 waters, include the following: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek.[68] The antidegradation demonstration materials described in provision E.4.iii. must be submitted to the following address:

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

[61] Bad River Band of Lake Superior Tribe of Chippewa Indians Water Quality Standards adopted by Resolution No. 7-6-11-441 (hereafter, Tribe's WQS).

[62] 36 C.F.R. § 800.16(l)(2).

[63] Tribe's WQS: See provisions E.3.ii. and E.4.iv.

[64] Tribe's WQS: See provision E.2.iii.

[65] See definition of cationic treatment chemicals in Appendix A of the CGP.

[66] Tribe's WQS: See provisions E.6.ii.a. and E.6.ii.c.

[67] See footnote 61.

[68] Tribe's WQS: See provision E.2.ii.

f. An operator proposing to discharge to an Exceptional Resource Water (or Tier 2 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. Exceptional Resource Waters, or Tier 2 waters, include the following: any surface water within the exterior boundaries of the Reservation that is not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water).[69] The antidegradation demonstration materials described in provision E.4.ii. must be submitted to the following address:

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

g. A discharge to a surface water within the Bad River Reservation boundaries shall not cause or contribute to an exceedance of the turbidity criterion included in the Tribe's WQS, which states: Turbidity shall not exceed 5 NTU over natural background turbidity when the background turbidity is 50 NTU or less, or turbidity shall not increase more than 10% when the background turbidity is more than 50 NTU.[70]

h. All projects which are eligible for coverage under the CGP within the exterior boundaries of the Bad River Reservation must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances, including the erosion and sedimentation control, natural buffer, and stabilization requirements. Questions regarding Chapter 323 and requests for permit applications can be directed to the Wetlands Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or wetlands@badriver-nsn.gov.

i. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must notify the Tribe prior to the commencing earth-disturbing activities.[71, 72] The operator must submit a copy of the Notice of Intent (NOI) to the following addresses at the same time it is submitted to the U.S. EPA:

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

Bad River Tribe's Natural Resources Department
Attn: Tribal Historic Preservation Officer (THPO)
P.O. Box 39
Odanah, WI 54861

[69] Tribe's WQS: See provision E.2.i.

[70] Tribe's WQS: See provision E.7.iii.

[71] See footnote 61.

[72] See footnote 62.

The operator must also submit a copy of the Notice of Termination (NOT) to the above addresses at the same time it is submitted to the U.S. EPA.

j. The THPO must be provided 30 days to comment on the project.[73]

k. The operator must obtain THPO concurrence in writing. This written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800. A best practice for an operator is to consult with the THPO during the planning stages of an undertaking.[74]

l. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the following address at the same time as submitting the NOI: [75]

Bad River Tribe's Natural Resources Department
Attn: Water Resources Specialist
P.O. Box 39
Odanah, WI 54861

m. Any corrective action reports that are required under the CGP must be submitted to the following address within one (1) working day of the report completion: [76]

Bad River Tribe's Natural Resources Department
P.O. Box 39
Odanah, WI 54861

n. An operator shall be responsible for meeting any additional permit requirements imposed by the U.S. EPA necessary to comply with the Tribe's antidegradation policies if the discharge point is located upstream of waters designated by the Tribe.[77]

9.3.2.2 Lac du Flambeau Band of Lake Superior Tribe of Chippewa Indians: The following conditions apply only to discharges on the Lac du Flambeau Band of the Lake Superior Tribe of Chippewa Indians Reservation:

a. A copy of the Stormwater Pollution Prevention Plan must be submitted to the following office, for the Traival environmental review process, at least thirty (30) days in advance of sending the Notice of Intent (NOI) to EPA:

Lac du Flambeau
Tribal Land Management
P.O. Box 279

[73] 36 C.F.R. § 800.3(c)(4).

[74] 36 C.F.R. § 800.3(b).

[75] See footnote 61.

[76] See footnote 61.

[77] See footnote 61.

Lac du Flambeau, WI 54538

CGP applicants are encouraged to work with the LdF Water Resources Program in the identification of all proposed receiving waters.

b. Copies of the NOI and the Notice of Termination (NOT) must be sent to the LdF Water Resources Program at the same time they are submitted to EPA.

c. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Lac du Flambeau Reservation. This includes, but is not limited to, the prevention of any discharge that cause a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Lac du Flambeau Reservation for any of the uses designated in the Water Quality Standards of the Lac du Flambeau Reservation.

d. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Lac du Flambeau Reservation. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the Lac du Flambeau reservation, including groundwater.

e. This certification does not authorize impacts to cultural, historical, or archeological features or sties, or properties that may be eligible for such listing.

f. Due to the significant ecological and cultural importance of the Lac du Flambeau Reservation, any operator requesting a permit for a point source discharge of pollutants (i.e., discharge) associated with the Stormwater Discharge will need a stormwater pollution prevention plan in place that does not violate Lac du Flambeau Water Quality Standards to protect Reservation Waters.

9.4 EPA Region 6

9.4.1 NMR100000 State of New Mexico, except Indian country

a. 20.6.4.13 NMAC General Criteria states: ...Surface waters of the state shall be free of any water contaminant in such quantity and of such duration as may with reasonable probability injure human health, animal or plant life or property, or unreasonably interfere with public welfare or use with property:

b. Bottom Deposits and Suspended or Settleable Solids:

   i. Surface waters of the state shall be free of water contaminants including fine sediment particles (less than two millimeters in diameter), precipitates or organic or inorganic solids from other than natural causes that have settled to form layers on or fill the interstices of the natural or dominant substrate in quantities that damage or impair the normal growth, function or reproduction of aquatic life or significantly alter the physical or chemical properties of the bottom.

   ii. Suspended or settleable solids from other than natural causes shall not be present in surface waters of the state in quantities that damage or impair the normal growth, function or reproduction of aquatic life or adversely affect other designated uses.

c. Floating Solids, Oil and Grease: Surface waters of the state shall be free of oils, scum, grease and other floating materials resulting from other than natural causes that would cause the formation of a visible sheen or visible deposits on the bottom or shoreline, or would damage or impair the normal growth, function or reproduction of human, animal, plant or aquatic life.

d. Color: Color-producing materials resulting from other than natural causes shall not create an aesthetically undesirable condition nor shall color impair the use of the water by desirable aquatic life presently common in surface waters of the state.

e. Toxic Pollutants: Except as provided in 20.6.4.16 N MAC, surface waters of the state shall be free of toxic pollutants from other than natural causes in amounts, concentrations or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms, wildlife using aquatic environments for habitation or aquatic organisms for food, or that will or can reasonably be expected to bioaccumulate in tissues of fish, shellfish and other aquatic organisms to levels that will impair the health of aquatic organisms or wildlife or result in unacceptable tastes, odors or health risks to human consumers of aquatic organisms.

f. Turbidity: Turbidity attributable to other than natural causes shall not reduce light transmission to the point that the normal growth, function or reproduction of aquatic life is impaired or that will cause substantial visible contrast with the natural appearance of the water. Activities or discharges shall not cause turbidity to increase more than 10 NTU over background turbidity when the background turbidity, measured at a point immediately upstream of the activity, is 50 NTU or less, nor to increase more than 20 percent when the background turbidity is more than 50 NTU. However, limited-duration turbidity increases caused by dredging, construction or other similar activities may be allowed provided all practicable turbidity control techniques have been applied and all appropriate permits, certifications and approvals have been obtained.

g. Total Dissolved Solids (TDS): TDS attributable to other than natural causes shall not damage or impair the normal growth, function or reproduction of animal, plant or aquatic life. TDS shall be measured by either the "calculation method" (sum of constituents) or the filterable residue method. Approved test procedures for these determinations are set forth in 20.6.4.14 NMAC.

h. Dissolved Gases: Surface waters of the state shall be free of nitrogen and other dissolved gases at levels above 110 percent saturation when this supersaturation is attributable to municipal, industrial or other discharges.

i. 20.6.4.52 NMAC: *PECOS RIVER BASIN: In order to protect existing and designated uses, it is a goal of the state of New Mexico to prevent increases in TDS in the Pecos River above the following benchmark values, which are expressed as flow-weighted, annual average concentrations, at three USGS gauging stations: at Santa Rosa 500 mg/L; near Artesia 2, 700 mg/L; and near Malaga 3,600 mg/l. The benchmark values serve to guide state action. They are adopted pursuant to the New Mexico Water Quality Act, not the Clean Water Act.*

j. 20.6.4.54 NMAC: *COLORADO RIVER BASIN: For the tributaries of the Colorado river system, the state of New Mexico will cooperate with the Colorado river basin states and the federal government to support and implement the salinity policy and program outlined in the most current "review, water quality standards for salinity, Colorado river system" or equivalent report by the Colorado river salinity control forum.*

k. Segment-specific criteria across the state specify numeric limits for TDS, sulfate and chloride depending on the receiving waterbody, and numeric constituent specific values in 20.6.4.900 NMAC also apply depending on the designated use of the waterbody.

l. If construction dewatering activities are anticipated at a site, permittees must complete the following steps:

   i. Investigative information must be documented in the facility SWPPP.

   ii. Refer to the GWQB Mapper at https://gis.web.env.nm.gov/GWQB/ AND the PSTB Mapper (Go Mapper) at https://gis.web.env.nm.gov/GoNM/ and check if the following sources are located within the noted distance from your anticipated construct site groundwater dewatering activity:

Project Location Relative to a Source of Potential Groundwater Contamination	***Constituents likely to be required for testing***
Within 0.5 mile of an open Leaking Underground Storage Tank (LUST) site	*BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions.**
Within 0.5 mile of an open Voluntary Remediation site	*All parameters listed in Appendix A (or an alternate list approved by the NMED SWQB)***
Within 0.5 mile of an open RCRA Corrective Action Site	
Within 0.5 mile of an open Abatement Site	
Within 0.5 mile of an open Brownfield Site	
Within 1.0 mile or more of a Superfund site or National Priorities List (NPL) site with associated groundwater contamination.	

**For further assistance determining whether dewatering may encounter impacted groundwater, the permittee may contact the NMED Ground Water Quality Bureau at: 505-827-2965.*

***EPA approved-sufficiently sensitive methods must be used - approved methods are listed in 40 CFR Part 136.3.*

   ii. Indicate on the NO/ that dewatering activities are anticipated. Provide information on flow and potential to encounter impacted groundwater.

   iii. Permittee must test the quality of the groundwater according to the chart above. Hardness and pH must also be measured.

   iv. Permittee must send test result data to EPA Region 6 and the NMED Surface Water Quality Bureau. If the test data exceed standards, it cannot be discharged from the construction site into surface waters under this permit. Discharge to surface waters must be conducted under a separate NPDES individual permit to ensure proper treatment and disposal.

   v. If disposal will be to the ground surface or in an unlined pond, the permittee must submit an NO/ to the NMED Ground Water Quality Bureau.

m. State regulations at 20.6.4.8 NMAC state: *No degradation shall be allowed in waters designated by the commission as outstanding national resource waters (ONRWs), except as provided in Subparagraphs (a) through (e) of this paragraph and in Paragraph (4) of this Subsection A.*

n. Operators are not eligible to obtain authorization under this permit for all new and existing storm water discharges to outstanding national resource waters (ONRWs) (also referred to as "Tier 3" waters.)

o. NMED does not believe compliance with the permit necessarily assures that no degradation will occur. Although state WQS provide for temporary and short-term degradation of water quality in an ONRW under very limited circumstances if approved by the Water Quality Control Commission as specified at 20.6.4.8.A NMAC, the approval process required for these activities does not lend itself for use for projects covered under this general permit. This condition is necessary to ensure that no degradation is allowed in ONRWs by requiring proposed storm water discharges to be reviewed under the individual permit process. Tier 3 waters are defined in Appendix F of the proposed permit.

p. EPA regulations at 40 CFR Part 122.44(k) require, in part: *Best management practices (BMPs) to control or abate the discharge of pollutants when:*

> *(3) Numeric effluent limitations are infeasible, or*
>
> *(4) The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.*

q. State regulations at 20.6.4.8.A(2) state in part: ...*Further, the state shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources...*

r. State regulations at 20.6.4.8.B NMAC also state:

> (3) assess the probable effect of the effluent on the receiving water relative to its attainable or designated uses and numeric and narrative criteria.

s. Operators who intend to obtain authorization under this permit for new and existing storm water discharges from construction sites 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 TMDL 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. For sites greater than 5 acres in size, BMP selection must be made based on the use of appropriate soil loss prediction models (i.e. SEDCAD, RUSLE, SEDIMOT, MULTISED, etc.) OR equivalent generally accepted (by professional erosion control specialists) soil loss prediction tools.

t. For all sites, 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 TMDL 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 preconstruction, pre-development conditions.

u. All SWPPPs must be prepared in accordance with good engineering practices by qualified (e.g. CPESC certified, engineers with appropriate training) 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.

v. State regulations at 20.6.2.1203 NMAC state: *With respect to any discharge from any facility of oil or other water contaminant, in such quantity as may with reasonable probability injure or be detrimental to human health, animal or plant life, or property, or unreasonably interfere with the public welfare or the use of property, the following notifications and corrective actions are required:*

   i. As soon as possible after learning of such a discharge, but in no event more than twenty-four (24) hours thereafter, any person in charge of the facility shall orally notify the Chief of the Ground Water Quality Bureau of the department, or his counterpart in any constituent agency delegated responsibility for enforcement of these rules as ta any facility subject to such delegation.

Permittees can call 505-827-9329 for emergencies at any time and 505-476-6000 for non-emergencies during business hours from 5am-5pm, Monday through Friday.

w. EPA regulations at 40 CFR Part 122.44(k) require, in part: *Best management practices (BMPs) ta control or abate the discharge of pollutants when:*

(3) Numeric effluent /imitations are infeasible, or

(4) The practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA.

x. State regulations at 20.6.4.8.A(2) state in part:...*Further, the state shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources...*

9.4.2 NMR10I000 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.

9.4.2.1 Pueblo of Isleta. The following conditions apply only to discharges on the Pueblo of Isleta Reservation:

a. CGP at 1.3 Prohibited discharges: Stormwater discharges associated with construction activity that EPA or the Pueblo of Isleta, prior to authorization under this perm it, determines will cause, have the reasonable potential to cause, or may reasonably be expected to contribute to a violation or excursion of any applicable water quality standard, including the antidegradation policy, or the impairment of a designated use of receiving waters are not authorized by this permit.

b. CGP at 1.4.1 How to Submit Your NOI: The operator shall provide a copy of the Notice of Intent ("NOI") to the Pueblo of Isleta at the same time it is submitted to the

U.S. Environmental Protection Agency, for projects occurring within the exterior boundaries of the Pueblo of Isleta. The operator shall also notify the Pueblo of Isleta when it has submitted the Notice of Termination ("NOT"). The NOI and NOT shall be sent to the Pueblo of Isleta at the following address:

Water Quality Control Officer
Pueblo of Isleta
Environment Division
PO Box 1270
Isleta, NM 87022
(505) 869-7565
E-mail: POI36871@isletapueblo.com

Overnight/Express Mail Delivery
Pueblo of Isleta
Environment Division
6 Sagebrush St.
Albuquerque, NM 87105

c. CGP at 1.5 Requirement to post a notice of your permit coverage: Amend to read: "You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road or tribal road that is nearest to the active part of the construction site…"

d. CGP at 7.2.6 Description of stormwater controls: The SWPPP will be considered to be incomplete if the operator has not coordinated requirements under this Part with the Pueblo of Isleta Public Services Department.

e. CGP I.12.6.1 at pg.I-6 of 8. The Pueblo of Isleta requests notification within 10 hours (rather than 24 hrs.) if health or the environment become endangered.

f. CGP at I.12.2 Anticipated noncompliance: Amend to read: "You must give advance notice to EPA and the Pueblo of Isleta at the address indicated in 1.4.1(a) of any planned changes in the permitted facility or activity which may results in noncompliance with permit requirements."

g. CGP at I.12.6.1: Any noncompliance for projects within the exterior boundaries of the Pueblo of Isleta which may endanger health or the environment shall be reported directly to the EPA Regional Office [(see contacts at https://www2.epa.gov/national-pollutant-discharge-elimination-system-npdes/contact-us-stormwater#regional)] and to the Pueblo of Isleta Water Quality Control Officer. Any information must be provided orally with n 12 hours of the time you become aware of the circumstances. Other requirements of this Part for a written submission apply. Electronic communication (E-mail) shall be provided as soon as practical. Verbal notice shall be provided to:

Water Quality Control Officer
Pueblo of Isleta
E-mail: POI36871@isletapueblo.com
(505) 869-7565
(505) 263-5425 cellular
(505) 869-3030 Police Dispatch

h. CGP at 2.2 Erosion and sediment control requirements: Erosion and sediment controls shall be designed to retain sediment on-site.

i. CGP at 2.2 Under Sediment control requirements, Standard Permit Condition Duty to Mitigate Volumes of sediment at or over (five) 5 cubic yards must be removed and placed for disposal within a tribally approved sediment Disposal Site, located on Pueblo of Isleta lands. CGP 2.2 at pg. 8.

j. Under Minimize erosion, a permittee must secure permission from the Pueblo or affected Pueblo of Isleta land assignment owner if a dissipation device needs to be placed up- or down- elevation of a given construction site. CGP 2.2.11 at pg. 11.

k. CGP at 2.3.6 Emergency spill notification requirements: You must notify the Pueblo of Isleta Water Quality Control Officer and 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 110, 40 CFR 117, and 40 CFR 302] as soon as you have knowledge of the release. Verbal and electronic notice shall be provided as specified in I.12.6.1

l. CGP at C.3 Equivalent analysis waiver: Parties wishing to apply for an Equivalent Analysis Waiver (see Appendix D, Section C) must provide a copy of the waiver analysis to the Pueblo of Isleta Water Quality Control Officer at the address indicated in 1.4.1 (a).

9.4.2.2 Pueblo of Sandia. The following conditions apply only to discharges on the Pueblo of Sandia Reservation:

a. Only those activities specifically authorized by the CGP are authorized by the Pueblo of Sandia's Water Quality certification. The Pueblo of Sandia's Water Quality Certification does not authorize impact to cultural properties, historical sites or properties that may be eligible as such.

b. Copies of all Notices of Intent (NOI) 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, either by mail or electronically.

<u>Regular U.S. Delivery Mail:</u>
Pueblo of Sandia Environment Department
Attention: Scott Bulgrin, Water Quality Manager
481 Sandia Loop
Bernalillo, New Mexico 87004

<u>Electronically:</u>
sbulgrin@sandiapueblo.nsn.us

c. Any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident written reports should likewise be routed to the Pueblo of Sandia at the above address.

d. The Stormwater Pollution Prevention Plan (SWPPP) must be available to the Pueblo of Sandia Environment Department 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 Pueblo staff time to become familiar with the project site, prepare for construction site 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 the delay or denial of the construction project.

e. If requested by the Pueblo of Sandia Environment Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Pueblo of Sandia Water Quality Standards and/or applicable Federal Standards not authorized by this certification.

f. An "Authorization to Proceed Letter" with site specific mitigation requirements may be sent out to the permittee when a review of the NOI and SWPPP, on a case- by-case basis is completed by the Pueblo of Sandia Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.

g. The Pueblo of Sandia will not allow Small construction Waivers (Appendix C) or the Rainfall Erosivity Waiver (Appendix C.1) to be granted for any small construction activities.

h. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through 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 NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to EPA.

i. Copies of all NOT submitted to the EPA must also be sent concurrently to the Pueblo of Sandia through the mail or electronically.

Regular U.S. Delivery Mail:
Pueblo of Sandia Environment Department
Attention: Scott Bulgrin, Water Quality Manager
481 Sandia Loop
Bernalillo, New Mexico 87004

Electronically:
sbulgrin@sandiapueblo.nsn.us

j. The Pueblo of Sandia may require the permittee to perform water quality monitoring for pH, turbidity, and total suspended solids (TSS) during the permit term if the discharge is to a surface water leading to the Rio Grande for the protection of public health and the environment.

9.4.2.3 Pueblo of Santa Ana. The following conditions apply only to discharges on the Pueblo of Santa Ana Reservation:

a. The operator shall provide a copy of the Notice of Intent (NOI) to the Pueblo of Santa Ana (the Pueblo), at the same time it is submitted to the U.S. Environmental Protection Agency (EPA), for projects with discharges onto the lands of the Pueblo as defined in the Pueblo of Santa Ana Water Quality Standards.

b. The operator shall provide a copy of the Stormwater Pollution Prevention Plan (SWPPP), at the same time that an NOI is submitted to the EPA, to the Pueblo for

projects with discharges onto the lands of the Pueblo as defined in the Pueblo of Santa Ana Water Quality Standards.

c. The operator shall provide a copy of the SWPPP, copies of inspections reports, and copies of corrective action reports to the Pueblo at the address below for review, upon request.

d. The NOI, SWPPP and Notice of Termination (NOT) shall be sent to the Pueblo at the following address:

Pueblo of Santa Ana Department of Natural Resources,
Attention: Water Quality Program Specialist
2 Dove Road
Santa Ana Pueblo, NM, 87004

e. Discharges are not authorized by this permit unless an accurate and complete NOI and SWPPP have been submitted to the Pueblo. Failure to provide an accurate and complete NOI and SWPPP may result in a denial of the discharge permit or groundbreaking or construction delay.

f. The operator will not proceed with site work until authorized by the Pueblo. The Pueblo requires review of the complete and final SWPPP by the Pueblo before authorization to proceed. The Pueblo will provide an "authorization to proceed" notice after review and approval of the SWPPP.

g. Before submitting a NOT, permittees must certify to the Pueblo's Department of Natural Resources in writing that requirements for site stabilization have been met, and any temporary erosion control structures have been removed. Documentation of the Pueblo's review that such requirements have been reviewed and met will be provided for the permittee to add to the permittee's NOT submission to EPA. Copies of all NOT submitted to the EPA must also be sent to the Pueblo at the address provided above.

9.4.2.4 **Pueblo of Santa Clara.** The following conditions apply only to discharges on the Pueblo of Santa Clara Reservation:

a. The operator must provide a copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Santa Clara Pueblo Governor's Office at the same time it is provided to the US Environmental Protection Agency.

b. A copy of the Storm water Pollution Prevention Plan shall be made available to the Pueblo of Santa Clara staff upon request.

9.4.2.5 **Pueblo of Tesuque.** The following conditions apply only to discharges on the Pueblo of Tesuque Reservation:

a. The operator shall provide a copy of the Notice of Intent (NOI) to the Pueblo of Tesuque Governor’s Office and Environment Department at same time it is submitted to the Environmental Protection Agency, for projects occurring within the exterior boundaries of our tribal lands. The operator shall also notify the Pueblo of Tesuque Governor's Office and Environment Department when it submitted the Notice of Termination. The NOI and NOT shall be sent to the Pueblo of Tesuque Governor's Office and Environment Department at the following address:

Pueblo of Tesuque
Office of the Governor

Route 42 Box 360-T
Santa Fe, NM 87506 or
email: governor@pueblooftesuque.org

b. The operator shall also provide a copy of the Stormwater Pollution Prevention Plan, copies of inspections reports, and copies of corrective action reports to staff in the Pueblo of Tesuque Environment Department.

9.4.2.6 **Taos Pueblo**. The following conditions apply only to discharges on the Taos Pueblo Reservation:

a. The operator shall provide a copy of the Notice of Intent (NOI) to the Taos Pueblo Governor's Office, War Chief's Office and Environmental Office, at the same time it is submitted to the U.S. Environmental Protection Agency, for projects occurring within the exterior boundaries of Taos Pueblo. The operator shall also notify Taos Pueblo when it has submitted the Notice of Termination (NOT). The NOI and NOT shall be sent to the Taos Pueblo at the following addresses:

i. Taos Pueblo Governor's Office
P.O. Box 1846
Taos NM 87571

ii. Taos Pueblo War Chief's Office
P.O. Box 2596
Taos NM 87571

iii. Environmental Office
Attn: Program Manger
P.O. Box 1846
Taos NM 87571

b. Taos Pueblo requests that in the event Indian artifacts or human remains are inadvertently discovered on projects occurring near or on Taos Pueblo lands that consultation with the tribal Governor's Office occur at the earliest possible time.

c. The operator shall provide a copy of the Stormwater Pollution Prevention Plan, copies of inspections reports, and copies of corrective action reports to staff in the Taos Pueblo Environmental Office for review and copy, upon request.

9.4.2.7 **Ohkay Owingeh.** The following conditions apply only to discharges on the Ohkay Owingeh Reservation:

a. Prior to commencement of any construction activity on Ohkay Owingeh Lands requiring permit coverage under EPA's Construction General Permit, the operator(s) shall submit to Ohkay Owingeh Office of Environmental Affairs, a copy of the electronic "Notice of Intent," submitted to the Environmental Protection Agency, immediately following EPA's electronic notification that the NOI has been received. A copy of the Stormwater Pollution Prevention Plan(s) must be made available to the Ohkay Owingeh Office of Environmental Affairs upon the tribe's request either electronically or hard copy. Operator(s) shall also submit to Ohkay Owingeh Office of Environmental Affairs a copy of the electronic Notice of Termination (NOT) submitted to the Environmental Protection Agency. Documents shall be submitted to Ohkay Owingeh at the following address:

Ohkay Owingeh Office of Environment Affairs
Attention: Environmental Programs Manager

P.O. Box 717
Ohkay Owingeh, New Mexico 87566
Office # 505.852.4212
Fax # 505.852.1432
Electronic mail: naomi.archuleta@ohkay.org

b. Ohkay Owingeh will not allow the Rainfall Erosivity Waivers (see Appendix C) to be granted for any small construction activities.

c. All vegetation used to prevent soil loss, seeding or planting of the disturbed area(s) to meet the vegetative stabilization requirements must utilize native seeds/vegetation commonly known to the area. All temporary erosion control structures, such as silt fences must be removed as soon as stabilization requirements are met.

9.4.3 OKR10I000 Indian country within the State of Oklahoma

9.4.3.1 Pawnee Nation. The following conditions apply only to discharges within Pawnee Indian country:

a. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pawnee Nation at the same time it is submitted to the Environmental Protection Agency to the following address:

Pawnee Nation Department of Environmental Conservation and Safety
P.O. Box 470
Pawnee, OK 74058
Or email to mmatlock@pawneenation.org

b. The Storm Water Pollution Prevention Plan must be available to Departmental inspectors upon request.

c. The Department must be notified at 918.762.3655 immediately upon discovery of any noncompliance with any provision of the permit conditions.

9.4.4 OKR10F000 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).

a. 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 Lee Creek or any water or watershed designated "ORW" 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 other mineral mining.

b. 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 Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.

c. In order to company with Oklahoma's Water Quality Standards, these conditions and restrictions also apply to any construction projects located wholly or partially on Indian Country lands within the State of Oklahoma.

9.5 EPA Region 8

9.5.1 MTR10I000 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 submit the Stormwater Pollution Prevention Plan (SWPPP) to the Confederated Salish and Kootenai 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 onsite inspection that requirements for site stabilization have been met.

c. The permittee must send a copy of the Notice of Intent (NOI) and the NOT to CSKT.

d. Permittees may submit their SWPPPs, NOIs and NOTs electronically to: clintf@cskt.org.

e. Written SWPPPs, NOIs and NOTs 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

9.6 EPA Region 9

9.6.1 CAR10I000 Indian country within the State of California

9.6.1.1 Twenty-Nine Palms Band of Mission Indians. The following conditions apply only to discharges on the Twenty-Nine Palms Band of Mission Indians Reservation:

a. At the time the applicant submits its Notice of Intent (NOI) to the EPA, the applicant must concurrently submit written notification of the NOI and a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Twenty-Nine Palms Band of Mission Indians at the address below:

Tribal Environmental Coordinator
Twenty-Nine Palms Band of Mission Indians
46-200 Harrison Place
Coachella, CA 92236

b. The applicant must also concurrently submit to the Tribal Environmental Coordinator written notification of any other forms or information submitted to the EPA, including waivers, reporting, and Notice of Termination (NOT).

c. Permitted entities under the CGP must keep the Tribal EPA informed of authorized discharges under the CGP by submitting written information about the type, quantity, frequency and location, intended purpose, and potential human health

and/or environmental effects of their activities. These requirements are pursuant to Section 4 of the Twenty-Nine Palms Band of Mission Indians Water Pollution Control Ordinance (022405A). This information may be submitted to Tribal EPA in the form of Stormwater Pollution Prevention Plans (SWPPPs), monitoring reports, or other reports as required under the CGP. Spills, leaks, or unpermitted discharges must be reported in writing to Tribal EPA within 24 hours of the incident.

9.6.2 **GUR100000 Island of Guam**. The following conditions apply only to discharges on the Island of Guam:

a. Any earth-moving operations which require a permit must be obtained from the Department of Public Works (DPW) with clearance approval from various Government of Guam Agencies including Guam EPA prior to the start of any earth-moving activity.

b. In the event that the construction sites are within the Guam Sole Source Aquifer, the construction site owner and operator must consider opportunities to facilitate groundwater recharge for construction and post-construction implementing infiltration Best Management Practices. Stormwater disposal systems shall be designed and operated within the boundaries of the project. Stormwater systems shall not be permitted within any Wellhead Protection Zone unless the discharge meets the Guam Water Quality Standards within the zone. Waters discharged within the identified category G-2 recharge zone shall receive treatment to the degree required to protect the drinking water quality prior to it entering the category G-1 resource zone.

c. All conditions and requirements set forth in the 22 Guam Administrative Rules and Regulations (GARR), Division II, Water Control, Chapter 10, Guam Soil Erosion and Sediment Control Regulations (GSESCR) that are more protective than the CGP regarding construction activities must be complied with.

d. All standards and requirements set forth in the 22 GARR, Division II, Water Control, Chapter 5, *Guam Water Quality Standards (GWQS) 2001 Revisions*, must be complied with to include reporting GWQS exceedance to Guam EPA.

e. All operators/owners of any property development or earth moving activities shall comply with the erosion control pre-construction and post-construction BMP design performance standards and criteria set forth in the 2006 CNMI and Guam Stormwater Management Manual.

f. All conditions and requirements regarding dewatering activities set forth in 22 Guam Administrative Rules and Regulations Chapter 7, Water Resources Development and Operating Regulations must be complied with to include securing permits with Guam EPA prior to the start of any dewatering activities.

g. If a project to be developed is covered under the Federal Stormwater Regulations (40 CFR Parts 122 & 123), a Notice of Intent (NOI) to discharge stormwater to the surface and marine waters of Guam must be submitted to the U.S. EPA and a copy furnished to Guam EPA, pursuant to Section 10, 104(B)(5)(d) 22GAR, Division II, Chapter 10.

h. Guam EPA shall apply the Buffer Requirements listed in Appendix G of the CGP NPDES Permit for construction activities as it pertains to Waters of the U.S. in Guam. Guam EPA shall also apply the same buffer requirements for sinkholes in Guam.

i. When Guam EPA, through its permit review process, identifies that the proposed construction activity is close proximity to marine waters, contractors and owners will

be informed that any activity that may impair water quality are required to stop during peak coral spawning periods as per the Guam Coral Spawning Construction Moratoriums.

j. The Proposed Construction General Permit must set appropriate measures and conditions to protect Guam's Threatened and Endangered Species and Outstanding Resource Waters of exceptional recreational or ecological significance as determined by the Guam EPA Administrator as per *Guam Water Quality Standards 2001 Revisions,* §5102, Categories of Waters, D. Outstanding Resource Waters.

k. When Guam EPA through its permit review process identifies that proposed construction activity is in close proximity to any Section 303d impaired waters, which includes marine waters and surface waters, shall ensure that construction activity does not increase the impaired water's ambient parameters.

l. When Rainfall Erosivity and TMDL Waivers reflected in the CGP, Appendix C, are submitted to the U.S. EPA, Guam EPA will review waivers on a project by project basis.

m. Prior to submission of the Notice of Termination (NOT) to the U.S. EPA, permittees must clearly demonstration to Guam EPA that the project site has met all soil stabilization requirements and removal of any temporary erosion control as outlined in the GSESCR.

9.7 EPA Region 10

9.7.1 IDR100000 State of Idaho, except Indian country

a. *Idaho's Antidegradation Policy*. The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).

1. Tier I 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).
2. Tier II 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; 58.01.02.052.08).
3. Tier III 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; 58.01.02.052.09).

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 (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier I protection for that use, unless specific circumstances warranting Tier II protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

b. *Pollutants of Concern.* The primary pollutants of concern associated with stormwater discharges from construction activities are sediment, typically

measured as total suspended solids and turbidity. Other potential pollutants include the following: phosphorus, nitrogen, pesticides, organics, metals, PCBs, petroleum products, construction chemicals, and solid wastes.

c. *Receiving Water Body Level of Protection.* The CGP provides coverage to construction activities throughout the entire State of Idaho. Because of the statewide applicability, all of the jurisdictional waters within Idaho could potentially receive discharges either directly or indirectly from activities covered under the CGP. DEQ applies a water body by water body approach to determine the level of antidegradation a water body will receive.

All waters in Idaho that receive discharges from activities authorized under the CGP will receive, at minimum Tier I antidegradation protection because Idaho's antidegradation policy applies to all waters of the state. Water bodies that fully support their aquatic life or recreational uses are considered to be *high quality waters* and will receive Tier II antidegradation protection.

Although Idaho does not currently have any Tier III designated outstanding resource waters (ORWs) designated, it is possible for a water body to be designated as an ORW during the life of the CGP. Because of this potential, the antidegradation review also assesses whether the permit complies with the outstanding resource water requirements of Idaho's antidegradation policy.

To determine the support status of the receiving water body, persons filing a Notice of Intent (NOI) for coverage under this general permit must use the most recent EPA-approved Integrated Report, available on Idaho DEQ's website: http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/.

High quality waters are identified in Categories 1 and 2 of the Integrated Report. If a water body is in either Category 1 or 2, it is a Tier II water body.

Unassessed waters are identified as Category 3 of DEQ's Integrated Report. These waters require a case-by-case determination to be made by DEQ based on available information at the time of the application for permit coverage. If a water body is unassessed, the applicant is directed to contact DEQ for assistance in filing the NOI.

Impaired waters are identified in Categories 4 and 5 of the Integrated Report. Category 4(a) contains impaired waters for which a TMDL has been approved by EPA. Category 4(b) contains impaired waters for which controls other than a TMDL have been approved by EPA. Category 5 contains waters which have been identified as "impaired," for which a TMDL is needed. These waters are Tier I waters, for the use which is impaired. With the exception, if the aquatic life uses are impaired for any of these three pollutants—dissolved oxygen, pH, or temperature—and the biological or aquatic habitat parameters show a health, balanced biological community, then the water body shall receive Tier II protection, in addition to Tier I protection, for aquatic life uses (IDAPA 58.01.02.052.05.c.i.).

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://www.deq.idaho.gov/assistance-resources/maps-data/.

Water bodies can be in multiple categories for different causes. If assistance is

needed in using these tools, or if additional information/clarification regarding the support status of the receiving water body is desired, the operator is directed to make contact with the appropriate DEQ regional office of the State office in the table below:

Regional and State Office	**Address**	**Phone Number**	**Email**
Boise	1445 N. Orchard Rd., Boise 83706	208-373-0550	Kati.carberry@deq.idaho.gov
Coeur d'Alene	2110 Ironwood Parkway, Coeur D'Alene 83814	208-769-1422	June.bergquist@deq.idaho.gov
Idaho Falls	900 N. Skyline, Suite B., Idaho Falls 83402	208-528-2650	Troy.saffle@deq.idaho.gov
Lewiston	1118 "F" St., Lewiston 83501	208-799-4370	Mark.sellet@deq.idaho.gov
Pocatello	444 Hospital way, #300 Pocatello 83201	208-236-6160	Lynn.vanevery@deq.idaho.gov
Twin Falls	650 Addison Ave., W., Suite 110, Twin Falls 83301	208-736-2190	Balthasar.buhidar@deq.idaho.gov
State Office	1410 N. Hilton Rd., Boise 83706	208-373-0502	Nicole.deinarowicz@deq.idaho.gov

d. *Turbidity Monitoring.* The permittee must conduct turbidity monitoring during construction activities and thereafter on days where there is a direct discharge of pollutants from an unstabilized portion of the site which is causing a visible plume to a water of the U.S.

A properly and regularly calibrated turbidimeter is required for measurements analyzed in the field (preferred method), but grab samples may be collected and taken to a laboratory for analysis. If the permittee can demonstrate that there will be no direct discharge from the construction site, then turbidity monitoring is not required. When monitoring is required, a sample must be taken at an undisturbed area immediately upstream of the project area to establish background turbidity levels for the 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 immediately downstream from any point of discharge and *within* any visible plume. The turbidity, location, date and time must be recorded. The

downstream sample must be taken immediately following the upstream sample in order to obtain meaningful and representative results.

Results from the compliance point sampling or observation[78] 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, then the project is causing an exceedance of WQS. *Any exceedance of the turbidity standard must be reporting to the appropriate DEQ regional office within 24 hours. The following six (6) steps should be followed to ensure compliance with the turbidity standard:*

1. If a visible plume is observed, quantify the plume by collecting turbidity measurements from within the plume and compare the results to Idaho's instantaneous numeric turbidity criterion (50 NTU over the background).
2. If turbidity is less than 50 NTU instantaneously over the background turbidity; continue monitoring as long as the plume is visible. If turbidity exceeds background turbidity by more than 50 NTU instantaneously then stop all earth disturbing construction activities and proceed to step 3.
3. Take immediate action to address the cause of the exceedance. That may include inspection 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 exceedance.
4. Notify the appropriate DEQ regional office within 24 hours.
5. Possibly increase monitoring frequency until state water quality standards are met.
6. Continue earth disturbing construction activities once turbidity readings return to within 50 NTU instantaneously <u>and</u> 25 NTU for more than ten consecutive days over the background turbidity.

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.

e. <u>*Reporting of Discharges Containing Hazardous Materials or Petroleum Products.*</u> All spills of hazardous material, deleterious material or petroleum products which may impact waters (ground and surface) of the state shall be immediately reported. Call 911 if immediate assistance is required to control, contain or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriate DEQ regional office in the table below during normal working hours or Idaho State Communications Center after normal working hours. If the spilled volume is above federal reportable quantities, contact the National Repose Center.

<u>For immediate assistance</u>: Call 911

<u>National Response Center</u>: (800) 424-8802

[78] A visual observation is only acceptable to determine whether BMPs are functioning properly. If a plume is observed, the project may be causing an exceedance of WQS and the permittee must collect turbidity data and inspect the condition of the projects BMPs. If the BMPs appear to be functioning to their fullest capability and the turbidity is 50 NTUs or more than the upstream turbidity, then the permittee must modify the activity or implement additional BMPs (this may also include modifying existing BMPs).

Idaho State Communications Center: (208) 632-8000

Regional office	Toll Free Phone Number	Phone Number
Boise	888-800-3480	208-373-0321
Coeur d'Alene	877-370-0017	208-769-1422
Idaho Falls	800-232-4635	208-528-2650
Lewiston	977-547-3304	208-799-4370
Pocatello	888-655-6160	208-236-6160
Twin Falls	800-270-1663	208-736-2190

9.7.2 IDR10I000 Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)

9.7.2.1 Shoshone-Bannock Tribes. The following conditions apply only to discharges on the Shoshone-Bannock Reservation:

f. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the Shoshone-Bannock Tribes Water Resources Department at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Shoshone-Bannock Tribes Water Resources Department the acknowledgement of receipt of the NOI from the EPA within 7 calendar days of receipt from the EPA.

9.7.3 WAR10F000 Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator. The following conditions apply only to discharges on federal facilities in the State of Washington:

a. Discharges shall not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), groundwater quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR Part 131.36). Discharges that are not in compliance with these standards are not authorized.

b. Prior to the discharge of stormwater and non-storm water to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate SWPPP, with all appropriate BMPs installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.

c. Permittees who discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, phosphorus, or pH must comply with the following numeric effluent limits:

Parameter Identified in 303{d) Listing	Parameter Sampled	Unit	Analytical Method	Numeric Effluent Limit
• Turbidity • Fine Sediment • Phosphorus	Turbidity	NTU	SM2130 or EPA 180.1	25 NTUs at the point where the stormwater is discharged from the site.
High pH	pH	Su	pH meter	In the range of

				6.5 – 8.5

d. All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current EPA approved listing of impaired waters that exists on February 16, 2017, or the date when the operator's complete permit application is received by EPA, whichever is later.

e. Discharges to waterbodies subject to an applicable Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus, shall be consistent with the assumptions and requirements of the TMDL.

   i. Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements establish by the applicable TMDL.

   ii. Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with this permit will be assumed to be consistent with the approved TMDL.

   iii. Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with this permit will be assumed to be consistent with the approved TMDL.

   iv. Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

   v. Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus, which has been completed and approved by EPA prior to February 16, 2017, or prior to the date the operator's complete NOI is received by EPA, whichever is later.

9.7.4 WAR10I000 Indian country within the State of Washington

9.7.4.1 Confederated Tribes of the Colville Reservation. The following conditions apply only to discharges on the Colville Indian Reservation (CIR) and on other Tribal trust lands or allotments of the Confederated Tribes of the Colville Reservation:

a. A copy of the Stormwater Pollution Prevention Plan must be submitted to the following office at least thirty (30) days in advance of sending the Notice of Intent (NOI) to EPA:

   Environmental Trust Department
   Confederated Tribes of the Colville Reservation
   PO Box 150
   Nesepelem, WA 99155

b. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be sent to the ETD at the same time they are submitted to EPA.

c. Discharges to Omak Creek, the Okanogan River, and Columbia River downstream of Chief Joseph Dam may affect threatened or endangered species, and shall only be permitted in adherence with Appendix D of the CGP.

d. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Chapter 4-8 Water Quality Standards of the Colville Law and Order Code, as amended.

e. Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the CIR. All spills must be reported to the appropriate emergency management agency and the ETD, and measures shall be taken immediately to prevent the pollution of waters of the CIR, including groundwater.

f. Stormwater site inspections shall be conducted at least once every 7 calendar days, within 24-hours of the occurrence of a rain event of 0.25 inches or greater in a 24-hour period, and daily during periods of saturated ground surface or snowmelt with accompanying surface runoff.

g. Results of discharge sampling must be reported to the ETD within 7 days of sample collection. All sample reporting must include the date and time, location, and individual performing the sampling.

h. Any corrective action reports that are required under the CGP must be submitted to the ETD at the above address within one (1) working day of the report completion.

i. This certification does not authorize impacts to cultural, historical, or archeological features or sites, or proprieties that may be eligible for such listing.

9.7.4.2 Lummi Nation. The following conditions apply only to discharges on the Lummi Reservation:

a. The Lummi Nation reserves the right to modify this 401 certification if the final version of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity (CGP) on tribal lands in the State of Washington (Permit No. WAR10I000) is substantively different than the draft version of the proposed permit that was made available for public comments during April 2016. The Lummi Nation will determine if the final version of the NPDES CGP is substantively different than the draft version following review of the final version once the EPA makes it available.

b. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies. 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.

c. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm Water Pollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.

d. 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 through 17 LAR 07.210 together with supplements and amendments thereto).

e. 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 from the EPA.

f. 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.

g. Storm Water 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
2665 Kwina Road
Bellingham, WA 98226-9298

9.7.4.3 Makah Tribe. The following conditions apply only to 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:

Aaron Parker
Makah Fisheries Management Water Quality Specialist
(360) 645-3162
Cell 206-356-0319
Aaron.parker@makah.com
PO Box 115
Neah Bay WA 98357

9.7.4.4 Puyallup Tribe of Indians. The following conditions apply only to discharges on the Puyallup Tribe of Indians 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. The Tribe may also impose additional controls on a site-specific basis, or request EPA to require the operator obtain coverage under an individual permit, if information in the NOI or from other sources indicates that the operator's discharges are not controlled as necessary to meet applicable water quality standards.

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 Char Naylor (char.naylor@puyalluptribe.com) and Russ Ladley (russ.ladley@puyalluptribe.com) by email or 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: Russ Ladley 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 the Tribe's Resource Protection Manager (russ.ladley@puyalluptribe.com) and Char Naylor (char.naylor@puyalluptribe.com) for review.

e. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Russ Ladley and Char Naylor at the address listed above.

f. The permittee shall submit all stormwater pollution prevention plans to Char Naylor 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 (or transparency) and, in the event of significant concrete work or engineered soils, pH monitoring as well. Monitoring, benchmarks, and reporting requirements contained in Condition S.4. (pp.13-20) of the Washington State Construction Stormwater General Permit, effective January 1, 2016, shall apply, as applicable.

h. The permittee shall notify Char Naylor (253-680-5520) and Russ Ladley (253-680-5560) prior to conducting inspections at construction sites generating storm water discharged to tribal waters.

i. Treat dewatering discharges with controls necessary to minimize discharges of pollutants in order to minimize the discharge of pollutants to groundwater or surface waters from stormwater that is removed from excavations, trenches, foundations, vaults, or other storage areas. Examples of appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, and filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

   To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11 of EPA's 2016 General Construction Stormwater Permit. Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

j. The permittee shall provide and maintain natural buffers to the maximum extent possible (and/or equivalent erosion and sediment controls) when tribal waters are located within 100 feet of the site's earth disturbances. If infeasible to provide and maintain an undisturbed 100 foot natural buffer, erosion and sediment controls to achieve the sediment load reduction equivalent to a 100-foot undisturbed natural buffer shall be required.

9.7.4.5 Spokane Tribe of Indians. The following conditions apply only to discharges on the Spokane Tribe Reservation:

a. Pursuant to Tribal Law and Order Code (TLOC) Chapter 30 each operator shall be responsible for achieving compliance with the Surface Water Quality Standards of the Spokane Tribe. The operator shall notify the Spokane Tribe, Water Control Board (WCB) of any spills of hazardous material and;

b. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the WCB at the same time it is submitted to EPA.

c. The permittee shall allow the Tribal Water Control Board or its designee to inspect and sample at the construction site as needed.

d. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the WCB at the same time it is submitted to EPA.

The correspondence address for the Spokane Tribe Water Control Board is:

Water Control Board
c/o. Brian Crossley
P0 Box 480
Wellpinit WA 99040
(509)626-4409
crossley@spokanetribe.com

9.7.4.6 Swinomish Indian Tribal Community. The following conditions apply only to discharges on the Swinomish Reservation:

a. Owners and operators seeking coverage under this permit who intend to discharge to Regulated Surface Waters must submit a copy of the Notice of Intent (NOI) to the DEP at the same time the NOI is submitted to EPA.

b. Owners and operators seeking coverage under this permit must also submit a Stormwater Pollution Prevention Plan to the DEP for review and approval by DEP prior to beginning any discharge activities.

c. Owners and operators must also submit to the DEP Changes in NOI and/or Notices of Termination at the same time they are submitted to EPA.

9.7.4.7 Tulalip Tribes. The following conditions apply only to discharges on the Tulalip Reservation:

a. This certification does not exempt and is provisional upon compliance with other applicable statues and codes administered by federal and Tulalip tribal agencies. Pursuant to Tulalip Tribes code of law, the operator must also obtain a land use permit from the Tulalip Tribes Planning Department as provided in Title 7 of the Tulalip Tribal Code (http://www.codepublishing.com/WA/Tulalip/?Tulalip02/Tulalip0205.html).

b. Each CGP operator shall be responsible for achieving compliance with Tulalip Tribes Water Quality Standards.

c. Each CGP operator shall submit their Stormwater Pollution Prevention Plan (SWPPP) to the:

Tulalip Natural & Cultural Resources Department
Tulalip Tribes
6406 Marine Drive
Tulalip, WA 98271

Appendix A - Definitions and Acronyms

1. 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 threatened and endangered species protection eligibility 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 discharges 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 -- waterbodies 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.

"Business day" – for the purposes of this permit, a business day is a calendar day on which construction activities will take place.

"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 Construction 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; placement of raw materials at the site).

"Common Plan of Development or Sale" – A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

"Construction Activities" – earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. 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.

"Construction and Development Effluent Limitations and New Source Performance Standards" (C&D Rule) – as published in 40 CFR § 450, the regulation requiring effluent limitations guidelines (ELGs) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" or "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.

"Construction Support Activity" – 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.

"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 ground water 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 and (1) requires development of a total maximum daily load (TMDL) (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). 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/sdo_summary.php.

"Earth-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.

"Earth-Disturbing Activities Conducted Prior to Active Mining Activities" – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads.

Note: only earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining (see (b) above) are considered to be "construction" and therefore stormwater discharges from these activities are eligible for coverage under this permit. See Part 1.2.1.b. The activities described in (a) above are not considered to be "construction" and therefore stormwater discharges associated with this activity are not eligible for coverage under this permit.

"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 the CWA to adopt or revise effluent limitations.

"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., mud slides, earthquake, extreme flooding conditions, 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 Site" – a site where construction activities commenced prior to February 16, 2017.

"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) uniform, perennial vegetation *(e.g., evenly distributed, without large bare areas)* has been established, or for arid or semi-arid areas, will be established that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas, and/or (2) permanent non-vegetative stabilization measures (e.g., riprap, gravel, gabions, and geotextiles) have been implemented to provide effective cover for exposed portions of the site

"General Contractor" – for the purposes of this permit, the primary individual or company solely accountable to perform a contract. The general contractor typically supervises activities, coordinates the use of subcontractors, and is authorized to direct workers at a site to carry out activities required by the permit.

"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"– a water identified by the state, tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

"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.

"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.

"Large Construction Activity" – defined at 40 CFR § 122.26(b)(14)(x) and incorporated here by reference. Large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres 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 five acres. Large 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.

"Linear Construction Site" – 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.

"Mining Activity" – for the purposes of this permit, includes mining-related construction activities defined at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15)(i), and active mining activities defined at 40 CFR 122.26(b)(14)(iii). Both of these sub categories of activities include earth-disturbing activities, with the latter also including such activities as: extraction, removal or recovery, and beneficiation of mined material from the earth; removal of overburden and waste rock to expose mineable material; and site reclamation and closure activities.

"Mining Operations" – for the purposes of this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: 1) earth-disturbing activities conducted prior to active mining activities; and 2) active mining activities, which includes reclamation.

"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.

"Natural Buffer" – for the purposes of this permit, an area of undisturbed natural cover surrounding waters of the U.S. 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 or removals, and that generally has a strong component of native species..

"New Operator of a Permitted Site" – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site".

"New Site" – a site where construction activities commenced on or after February 16, 2017.

"New Source" – for the purposes 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.

"NPDES eReporting Tool" (NeT) – EPA's online system for submitting electronic Construction General Permit forms.

"Operational" – for the purposes 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 purposes 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 *(e.g. in most cases this is the owner of the site)*; 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; in most cases this is the general contractor of the project)*.

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. Subcontractors generally are not considered operators for the purposes of this permit.

"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.

"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.

"Pollution Prevention Controls" – 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.

"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.

"Qualified Person" – a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

"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.

"Shared Control" - for the purposes of this permit, a stormwater control, such as a sediment basin or pond, used by two or more operators that is installed and maintained for the purpose of minimizing and controlling pollutant discharges from a construction site with multiple operators associated with a common plan of development or sale. Any operators that are contributing stormwater from their construction activities to a shared control are considered to rely upon a shared control.

"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 ground water 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, snowmelt runoff, and surface runoff and drainage.

"Stormwater Control" - refers to any best management practice or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

"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 earth-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.

"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 controls 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 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 that are 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 National 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 mass per time, toxicity, or other appropriate measure.

"Toxic Waste" – see "Hazardous Substances."

"Treatment Chemicals" – polymers, flocculants, or other chemicals used to reduce turbidity in stormwater.

"Turbidity" – a condition of water quality characterized by the presence of suspended solids and/or organic material.

"Uncontaminated Discharge" – in the context of authorized non-stormwater discharges, a discharge that does not cause or contribute to an exceedance 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" – see definition at 40 CFR 122.2.

"Wetland" – those areas that are inundated or saturated by surface or ground water 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.

1. Acronyms

ACHP – Advisory Council on Historic Preservation

BMP – Best Management Practice

CBI – Confidential Business Information

CGP – Construction General Permit

CFR – Code of Federal Regulations

CWA – Clean Water Act

CZMA – Coastal Zone Management Act

ECHO – EPA Enforcement and Compliance History Online

ELG – Effluent Limitations Guideline

EPA – United States Environmental Protection Agency

ESA – Endangered Species Act

FR – Federal Register

MS4 – Municipal Separate Storm Sewer System

MSGP – Multi-Sector General Permit

NEPA – National Environmental Policy Act

NeT – NPDES eReporting Tool

NHPA – National Historic Preservation Act

NMFS – United States National Marine Fisheries Service

NPDES – National Pollutant Discharge Elimination System

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center

NRCS – National Resources Conservation Service

NSPS – New Source Performance Standards

ONRW – Outstanding National Resource Water

PAM – Polyacrylamide

POTW – Publicly Owned Treatment Works

RUSLE – Revised Universal Soil Loss Equation

SDS – Safety Data Sheet

SHPO – State Historic Preservation Office

SPCC – Spill Prevention Control and Countermeasure

SWPPP – Stormwater Pollution Prevention Plan

THPO – Tribal Historic Preservation Office

TMDL – Total Maximum Daily Load

TSS – Total Suspended Solids

UIC – Underground Injection Control

USDA – United States Department of Agriculture

USFWS – United States Fish and Wildlife Service

USGS – United States Geological Survey

WQS – Water Quality Standard

Appendix B - Permit Areas Eligible for Coverage and EPA Regional Addresses

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

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 1:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
CTR10I000	Indian country within the State of Connecticut
MAR100000	Commonwealth of Massachusetts (except Indian country)
MAR10I000	Indian country within the State of Massachusetts
NHR100000	State of New Hampshire
RIR1I0000	Indian country within the State of Rhode Island
VTR10F000	Areas in the State of Vermont subject to construction by a Federal Operator
01R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 1 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 1 Address:
U.S. EPA Region 1
Office of Ecosystem Protection
Stormwater and Construction Permits Section
5 Post Office Square, Suite 100
(OEP 06-1)
Boston, MA 02109-3912

B.2 EPA Region 2

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 2:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
NYR10I000	Indian country within the State of New York
PRR100000	Commonwealth of Puerto Rico
02R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 2 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 2 Address:
For Puerto Rico:
U.S. EPA Region 2
Caribbean Environmental Protection Division
NPDES Stormwater Program

City View Plaza II – Suite 7000
48 Rd. 165 Km 1.2
Guaynabo, PR 00968-8069

For New York:
U.S. EPA Region 2
NPDES Stormwater Program
290 Broadway, 24th Floor
New York, NY 10007-1866

B.3 EPA Region 3

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 3:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
DCR100000	District of Columbia
DER10F000	Areas in the State of Delaware subject to construction by a Federal Operator
VAR10I000	Indian country within the State of Virginia
03R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 3 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 3 Address:
U.S. EPA Region 3
Office of NPDES Permits and Enforcement
NPDES Permits Branch, Mailcode 3WP41
1650 Arch Street
Philadelphia, PA 19103

B.4 EPA Region 4

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 4:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
ALR10I000	Indian country within the State of Alabama
FLR10I000	Indian country within the State of Florida
MSR10I000	Indian country within the State of Mississippi
NCR10I000	Indian country within the State of North Carolina
RE410I000	Indian country within any other Region 4 State (except Catawba lands in South Carolina)
04R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 4 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 4 Address:
U.S. EPA Region 4
Water Protection Division
NPDES Stormwater Program
Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303-3104

B.5 EPA Region 5

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 5:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
MIR10I000	Indian country within the State of Michigan
MNR10I000	Indian country within the State of Minnesota
WIR10I000	Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community
05R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 5 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 5 Address:
U.S. EPA Region 5
NPDES Program Branch
77 W. Jackson Blvd.
Mail Code WN16J
Chicago, IL 60604-3507

B.6 EPA Region 6

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 6:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
LAR10I000	Indian country within the State of Louisiana
NMR100000	State of New Mexico, except Indian country
NMR10I000	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.
OKR10I000	Indian country within the State of Oklahoma
OKR10F000	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).
TXR10F000	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.
TXR10I000	Indian country within the State of Texas
06R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 6 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 6 Address:
U.S. EPA Region 6
NPDES Stormwater Program (WQ-PP)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

B.7 EPA Region 7

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 7:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
IAR10I000	Indian country within the State of Iowa
KSR10I000	Indian country within the State of Kansas
NER10I000	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)
07R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 7 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 7 Address:
U.S. EPA Region 7
NPDES Stormwater Program
11201 Renner Blvd
Lenexa, KS 66219

B.8 EPA Region 8

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 8:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
COR10F000	Areas in the State of Colorado, except those located on Indian country, subject to construction activity by a Federal Operator
COR10I000	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR10I000	Indian country within the State of Montana
NDR10I000	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)
SDR10I000	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)
UTR10I000	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYR10I000	Indian country within the State of Wyoming
08R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 8 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 8 Address:
EPA Region 8 Storm Water Program
Mailcode: 8P-W-WW
1595 Wynkoop Street
Denver, CO 80202-1129

B.9 EPA Region 9

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 9:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
ASR100000	Island of American Samoa
AZR10I000	Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
CAR10I000	Indian country within the State of California
GUR100000	Island of Guam
JAR100000	Johnston Atoll
MPR100000	Commonwealth of the Northern Mariana Islands
MWR100000	Midway Island and Wake Island
NVR10000I	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
09R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 9 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 9 Address:
U.S. EPA Region 9
Water Division
NPDES Stormwater Program (WTR-2-3)
75 Hawthorne Street

San Francisco, CA 94105-3901

B.10 EPA Region 10

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 10:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
AKR10I000	Indian country lands as defined in 18 U.S.C. 1151 within the State of Alaska
AKR10F000	Denali National Park and Preserve
IDR100000	State of Idaho, except Indian country
IDR10I000	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
ORR10I000	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
WAR10F000	Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator
WAR10I000	Indian country within the State of Washington
010R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 10 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 10 Address:
U.S. EPA Region 10
NPDES Stormwater Program
1200 6th Avenue (OWW-191)
Seattle, WA 98101-3140

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 five 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 five. 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 CGP 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: https://www.epa.gov/npdes/rainfall-erosivity-factor-calculator-small-construction-sites. 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 (https://www.epa.gov/sites/production/files/2015-10/documents/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 NPDES eReporting Tool (NeT) (https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting), unless you received a waiver from your EPA Regional Office (see Part 1.4.1 of the CGP for information about receiving a waiver from electronic reporting).

Note: If the R factor is five or greater, you do not qualify for the rainfall erosivity waiver, and must obtain coverage under an NPDES permit (e.g., the CGP), 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, 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 five 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 waterbody 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 https://www.epa.gov/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 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 discharges to 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 obtain NPDES permit coverage. 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 TMDL or equivalent analysis waiver requests must be sent to the applicable EPA Regional Office address specified in Appendix B.

Appendix D - Eligibility Procedures Relating to Threatened and Endangered Species Protection

In accordance with Part 1.1.5 of the CGP, you must follow the procedures in this appendix to determine your eligibility under one of the criteria in Part D.1 of this appendix with respect to the protection of federally listed threatened or endangered species and federally designated "critical habitat" [hereinafter "threatened and endangered species"] under the Endangered Species Act (ESA) from discharges and discharge-related activities authorized under this permit. If you do not meet one of these criteria, you are not eligible for coverage under this permit.

While coordination between you and the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS)(together, the "Services") is not necessarily required in all cases, EPA encourages you to coordinate with the Services, to document that coordination, and to do so early in the planning process prior to submitting your NOI.

This appendix is organized as follows:

- **Part D.1:** Threatened and Endangered Species Protection Eligibility Criteria
- **Part D.2:** Procedures for Determining Which Threatened and Endangered Species Protection Criteria Applies

D.1 Threatened and Endangered Species Protection 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. Once you determine the applicable eligibility criterion, you must:

- Specify the basis for your selection of the applicable eligibility criterion, and if required, provide documentation that is the basis for your determination with the NOI form; and
- Provide documentation in your SWPPP that is sufficient to support your determination that you satisfy the requirements of the applicable criterion.

The definition of "action area," which is contained in Appendix A, is repeated below for convenience.

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. 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.)

Criterion A. No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of this permit, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit.

Basis statement content: A basis statement supporting the selection of this criterion should identify the USFWS and NMFS information sources used. Attaching aerial image(s) of the site to this NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.

Criterion B. Eligibility requirements met by another operator under the 2017 CGP. 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 of the 2017 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that 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 CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2017CGP operator's notification of authorization under this permit. If your certification is based on another 2017 CGP 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.

Basis statement content: A basis statement supporting the selection of this criterion should identify the eligibility criterion of the other CGP NOI, the authorization date, and confirmation that the authorization is effective.

Criterion C. Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed threatened or endangered species and/or designated critical habitat. This certification 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 ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with this NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify the information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.

Criterion D. Coordination with USFWS and/or NMFS has successfully concluded. Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written concurrence from USFWS and/or NMFS that your site's discharges and discharge-related activities are not likely to adversely affect listed species and/or critical habitat. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies participated in coordination, the field office/regional office(s) providing that coordination, and the date that coordination concluded.

Criterion E. ESA Section 7 consultation has successfully concluded. Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, Indicate the result of the consultation:

I. biological opinion from USFWS and/or NMFS 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 USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and this NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify the federal action agencie(s) involved, the field office/regional office(s) providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the consultation was completed.

Criterion F. Issuance of section 10 permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies provided a section 10 permit, the field office/regional office(s) providing permit(s), any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the permit was granted.

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 7.2.9.a).

NMFS will, within 14 days of submission of the NOI, advise EPA whether it believes the planned discharges meet the eligibility criteria of not likely to adversely affect NMFS Listed Resources of Concern, whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. With respects to ESA issues, EPA recognizes NMFS expertise and will carefully consider NMFS' determination in identifying eligibility for authorization, either with or without additional conditions. In the event NMFS has placed a hold on your NOI, EPA will notify you as to whether your discharges are authorized or whether an individual permit will be

required. If you do not hear from EPA within 14 days, you may assume that your discharge is authorized without further conditions.

D.2 Procedures for Determining Which Threatened and Endangered Species Protection Criterion Applies

You must follow the procedures in this Part to determine the criterion listed above 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 NOI form*.

  By certifying eligibility under Criterion B, you must comply with any terms and conditions imposed under the eligibility requirements of the criterion for which the other operator has established eligibility (either 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 other operator, and must provide the NPDES ID 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) 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 U.S. Fish and Wildlife Service and National Marine Fisheries Service maintain lists of federally listed endangered or threatened species on their internet sites.

- For National Marine Fisheries Service species and critical habitat information, use the following webpages, which provide up-to-date information on listed species (http://www.nmfs.noaa.gov/pr/species/esa/) and critical habitat

(http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm). To determine the field office that corresponds to your site, go to http://www.nmfs.noaa.gov/ (under the left tab for "Regions").

For National Marine Fisheries Service species in the Greater Atlantic Region, go to http://www.greateratlantic.fisheries.noaa.gov/protected/section7/guidence/maps/index.html.

- For Fish and Wildlife Service species information, use the on-line mapping tool IPaC (the Information, Planning, and Consultation System) located at http://ecos.fws.gov/ipac/, and follow these steps:
  - Select Get Started
  - Select Enter Project Location
  - Use an address, city name or other location to zoom into your project area
  - Use the zoom feature to see the entire extent of your action area on the screen
  - Use one of the mapping features (e.g., Polygon or line feature) to draw your action
- When you are done, press *Continue*.
- Select Request an Official Species List
- Complete the fields on the Official Species List Request page, and include "(CGP)" at the end of the project description. – For Classification, select "Water Quality Modification".
- Select the appropriate requesting agency/organization type (for most dischargers, this should be "Other").
- Submit the request to acquire an Official Species List, which should show both listed species as well as any designated critical habitat that are present in the action area in the previous step.
- *Note: If a link to an Official Species List is not available on the page, follow the web link of the office(s) indicated, or contact the office directly by mail or phone if a web link is not shown.*
- ***If listed species and/or critical habitat may 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.
  - 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 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 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 Services office 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) the federally listed species and/or designated habitat are 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 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 Fish and Wildlife Service and/or National Marine Fisheries Service, 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 effects 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) the federally listed species and/or designated habitat are located in your "action area"; and 2) 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 Fish and Wildlife Service and/or the National Marine Fisheries Service. You may still be eligible for CGP coverage if likely adverse effects can be addressed through meeting criterion D, E, or F.

- **Criterion D:** Coordination between you and the Services has 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 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.

  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:** 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 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 (1) 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 (2) 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.

For more information on section 7 consultation, see 50 CFR §402. If you receive a "jeopardy opinion," you may continue to work with the Fish and Wildlife Service and/or National Marine Fisheries Service 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 the Services of your intention and agreement to conduct consultation as a non-federal representative.

Consultation may also 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 Fish and Wildlife Service, National Marine Fisheries Service, or both Services depends on the listed species that may be affected by the operator's activity. In general, the National Marine Fisheries Service 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 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 follow Fish and Wildlife Serivce and/or National Marine Fisheries Service procedures when applying for an ESA section 10 permit (see 50 CFR §17.22(b)(1) for Fish and Wildlife Service and §222.22 for National Marine Fisheries Service). Application instructions for section 10 permits can be obtained from http://www.fws.gov and http://www.nmfs.noaa.gov or by contacting the appropriate Service 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 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?*[1]

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:[2]

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches
- Trenches
- Culverts
- Channels

[1] 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 consider other earth-disturbing activities at the site. If you are installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, your stormwater controls have the potential to have an effect on historic properties. If this is the case, then you must proceed to Step 2.

[2] 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.

- Perimeter Drains
- Swales

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 effects to historic properties. EPA will evaluate any such request and notify you if any additional controls to address adverse effects 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 no historic properties exist on your site based on prior professional cultural resource surveys or other evaluations, or if 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 prior earth disturbances 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 effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects 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 question in Step 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 your stormwater controls will have no effect on historic properties, you may indicate this on your NOI, and document the basis for your determination in your SWPPP, 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 effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects 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 have no effect 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). If a tribe does not have a THPO, you should contact the appropriate tribal government office designated by the tribe for this purpose.*

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 the SWPPP site map (see Part 7.2.4) 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 of 15 calendar days** after they receive these materials to respond to your request for information about your project.

If you do not receive a response within 15 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 effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects 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.

<u>Step 5:</u> *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 tribal represenative requests additional information or further consultation, you must respond with such information or 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 that receive Tier 2, Tier 2.5, or Tier 3 protections for antidegradation purposes. See Parts 1.1.8 and 3.2.

EPA's antidegradation regulation, at 40 CFR 131.12, provides a framework for maintaining and protecting water quality for: (1) existing uses (known as "Tier 1"); (2) high quality waters by establishing a process for authorizing the lowering of water quality where existing water quality exceeds levels needed to support propagation of fish, shellfish, and wildlife and recreation in and on the water (known as "Tier 2"); and (3) for Outstanding National Resource Waters (known as "Tier 3"). While EPA's antidegradation regulation only outlines three levels of antidegradation protection, some states and tribes include an additional level of antidegradation protection between Tier 2 and Tier 3 (sometimes known as "Tier 2.5").

High quality (Tier 2) waters may be identified on a parameter-by-parameter basis or on a water body-by-water body basis consistent with the requirements of 40 CFR 131.12(a)(2). States and tribes using a parameter-by-parameter basis (sometimes called a "pollutant-by-pollutant approach") do not maintain a list of Tier 2 waters, but instead identify a high quality water at the time an entity proposes an activity that would lower water quality. In contrast, states and tribes using a water body-by-water body basis typically identify high quality waters in advance on a list by weighing a variety of factors (*e.g.*, chemical, physical, biological, and other information) to classify a water body's overall quality.

The list below is provided as a resource for operators who must determine whether they discharge to a Tier 2, Tier 2.5, or Tier 3 water. Where available, the table lists waters specifically identified for Tier 2, Tier 2.5, or Tier 3 protection by a water quality standard authority (*e.g.*, a state or tribe). Operators should not assume that a water does not receive Tier 2, Tier 2.5, or Tier 3 protection solely based on the absence of information in this table. Evaluation regarding antidegradation protections for a specific water may need to be done on a case-by-case basis, especially where the state or tribe uses the parameter-by-parameter approach to identify whether water quality is better than necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
MAR100000	**Commonwealth of Massachusetts, except Indian Country lands**
	Tier 2, Tier 2.5, and 3 waters are identified and listed in the Massachusetts Water Quality Standards 314 CMR 4.00. Surface water qualifiers that correspond with Tier classifications are defined at 314 CMR 4.06(1)(d)m and listed in tables and figures at the end of 314 CMR 4.06. See MassDEP's web page at: http://www.mass.gov/eea/agencies/massdep/water/regulations/314-cmr-4-00-mass-surface-water-quality-standards.html. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-massachusetts

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 2	Listed as "High Quality Waters", and all wetlands that are not designated as an Outstanding Resource Water.
	Tier 2.5	Listed as "Outstanding Resource Water", "Public Water Supply", "Tributary to Public Water Supply", all wetlands bordering Outstanding Resource Waters, and vernal pools.
	Tier 3	Defined as "Special Resource Water". Note: No waters have been identified as a Special Resource Water as of the issuance of this permit.
NHR100000	**State of New Hampshire**	
	Tier 2 waters are identified on a parameter-by-parameter basis. Tier 2.5 and 3 waters are identified and listed in the New Hampshire Water Quality Standards CHAPTER Env-Wq 1700. Description of the antidegradation tiers are included at CHAPTER Env-Wq 1708 and listed in the tables at. New dischargers and new sources should contact EPA Region 1's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-hampshire	
	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 and new sources should contact EPA Region 1's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional.
NYR10I000	**Saint Regis Mohawk Tribe (NY)**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Saint Regis Mohawk Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/sites/production/files/2014-12/documents/stregis-tribe.pdf	
	Tier 3	Outstanding Resource Waters. Those waters designated as such by the Tribe. The Waters that may be considered for designation as Outstanding Resource Waters include, but are not limited to, water bodies that are recognized as: (i) Important because of protection through official action, such as Tribal, Federal or State law, Presidential or secretarial action, international treaty, or interstate compact; (ii) Having exceptional recreational significance; (iii) Having exceptional ecological significance; (iv) Having other special environmental, recreational, religious or ecological attributes; or waters whose designation as Outstanding Resource Waters is reasonably necessary for the protection of other waters so designated. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
PRR100000	**Commonwealth of Puerto Rico**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Puerto Rico Water Quality Standards. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-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 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.
DCR100000	**District of Columbia**	
	New dischargers and new sources should contact EPA Region 3's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. Tier 2.5 waters are identified and listed in the District of Columbia Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-washington-dc	
	Tier 2.5	Rule 1102.4 SPECIAL WATERS OF THE DISTRICT OF COLUMBIA (SWDC): Any segment or segments of the surface waters of the District that are of water quality better than needed for the current use or have scenic or aesthetic importance shall be designated as Special Waters of the District of Columbia (SWDC). 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.
FLR10I000	**Miccosukee Tribe (FL)**	
	New dischargers and new sources should contact EPA Region 4's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. The Miccosukee Tribe Water Quality Standards includes an additional tier of protection between Tier 2 and 3 that is referred as Tier 2 ¾ for Outstanding Miccosukee Waters. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-miccosukee-tribe-indians-florida	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 2 ¾	Outstanding Miccosukee Waters (OMW): The Miccosukee Tribe recognizes that the waters of its Federal Reservation which are contained within Water Conservation Area 3-A and the Miccosukee Reserved Area constitute the Tribe's highest quality waters and must be preserved in as pristine a condition as possible while at the same time allowing for the activities of man. These ecologically important waters are essential to the survival of the Miccosukee Tribe, therefore: The Miccosukee Tribe hereby designates the waters of its Federal Reservation which are contained within Water Conservation Area 3-A (North Grass, South Grass, Gap) and Miccosukee Reserved Area as Class III-A and Outstanding Miccosukee waters (OMW). The North Grass is defined as that area bounded by the northern boundary of the reservation, the eastern edge of the L-28 levee (which is east of the L-28 canal), the southern edge of the C-60 Canal, and the eastern boundary of the reservation. The South Grass is defined as the area bounded by southern edge of the C-60 canal, the eastern boundary of the reservation, the southern boundary of the reservation, the eastern edge of the L-28 canal (which is south of the L-28 Tieback Canal), a line running north from the L-28 Canal (where the L-28 Canal turns northwest to become the L-28 Tieback Canal) until this line intersects the oil pipeline, the center of the oil pipeline until the oil pipeline intercepts the L-28 Interceptor Canal, and the eastern edge of the L-28 levee (which is east of the L-28 Canal). The Gap is defined as that area which is bounded by the southern boundary of the reservation, the western boundary of the reservation, the northeastern edge of the L-28 Interceptor Canal, the oil pipeline which runs generally south from the L-28 Interceptor Canal until the pipeline intercepts a line running north from the L-28 Canal where the L-28 canal turns northwest to become the L-28 Tieback Canal, and the eastern edge of the L-28 canal (which is south of the L-28 Tieback Canal).
	Tier 3	Tier 3: Outstanding Natural Resource Waters (ONRW): Where high quality waters constitute an Outstanding Tribal resource such as waters of parks and wildlife refuges and waters of exceptional ecological and recreational significance, that water quality shall be maintained and protected. These waters shall be designated as Outstanding Natural Resource Waters (ONRW). Currently, no Tribal waters are designated as ONRW.
	Seminole Tribe (FL)	
	New dischargers and new sources should contact EPA Region 4's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/seminole_floridawqs.pdf	
MNR10I000	**Fond du Lac Band of MN Chippewa**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Fond du Lac Band of MN Chippewa Water Quality Standards. New dischargers and new sources should contact EPA	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Region 5's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-fond-du-lac-band-minnesota-chippewa-tribe	
	Tier 3	Six Lakes are presently identified as Tier 3/Outstanding Reservation Resource Waters (ORRW): (1) Dead Fish Lake; (2) Jaskari Lake; (3) Miller (Mud) Lake; (4) Perch Lake; (5) Rice Portage Lake; (6) Wild Rice Lake.
	Grand Portage Band of MN Chippewa	
	Tier 2 waters are identified on a parameter-by-parameter basis. Two subcategories of protection (referred to as outstanding tribal water resource (OTWR)) exist in the Grand Portage Band of MN Chippewa Water Quality Standards as follows: (a) OTWR-Restricted (lowered water quality may be allowed under limited circumstances); (b) OTWR-Prohibited (Discharges and permanent lowering of water quality are prohibited). New dischargers and new sources should contact EPA Region 5's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-grand-portage-band-minnesota-chippewa-tribe	
	Tier 2	OTWR-Restricted: 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	OTWR-Prohibited: "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).
WIR10I000	**Bad River Band of Lake Superior Chippewa (WI)**	
	Tier 2 waters are identified on a water body-by-water body basis. Tier 2, 2.5, and 3 classifications are included in the Bad River Band of Lake Superior Chippewa Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bad-river-band-lake-superior-chippewa-tribe	
	Tier 2	Any surface water not specifically classified as Outstanding Tribal Resource Water or Outstanding Resource Water is classified as Exceptional Resource Water (Anishinaabosibiing).
	Tier 2.5	Outstanding Resource Waters: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 3	Outstanding Tribal Resource Waters: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.
	Lac du Flambeau Band of the Lake Superior Chippewa	
	Tier 2 waters are identified on a water body-by-water body basis. Tier 2, 2.5, and 3 classifications are included in the Lac du Flambeau Band of the Lake Superior Chippewa Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lac-du-flambeau-band-lake-superior-chippewa-tribe	
	Tier 2	All named waters, including wetlands, not specified under an Antidegradation classification are classified as Tribal Resource Water (Tier 2). Unclassified Named Waters (Tier 2): Buckskin Lake; Flambeau Lake; Long (Interlaken) Lake); Marland's Lake (Sec. 13, T40NR4E); Moss Lake; Pokegema Lake.
	Tier 2.5	Exceptional Tribal Resource Waters: 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 "Cattail Lake" (Sec. 34, T40N5R), Wishow Lake, Wyandock Lake.
	Tier 3	Outstanding Tribal Resource Waters: 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.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
NMR100000	**State of New Mexico**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the State of New Mexico Water Quality Standards. New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-mexico	
	Tier 2	If you need assistance determining if your discharge is to a Tier 2 waterbody, please contact the NMED Surface Water Quality Bureau's Stormwater Program at https://www.env.nm.gov/swqb/StormWater/index.html.
	Tier 3	See https://www.env.nm.gov/swqb/ONRW/ for current list of NMED's Tier 3/Outstanding National Resource Waters. See also New Mexico's Water Quality Standards at 20.6.4.9.D NMAC.
NMR10I000	**Ohkay Owingeh (NM) (formerly the Pueblo of San Juan)**	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ohkay-owingeh-pueblo-formerly-pueblo-san-juan	
	Pueblo of Acoma (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-acoma	
	Pueblo of Isleta (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-isleta	
	Pueblo of Nambe (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-nambe	
	Pueblo of Picuris (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. Tier 2, 2.5, and 3 classifications are included in the Pueblo of Picuris Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-picuris	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Pueblo of Pojoaque (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-pojoaque	
	Pueblo of Sandia (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-sandia	
	Pueblo of Santa Ana (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-ana	
	Pueblo of Santa Clara (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-clara	
	Pueblo of Taos (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-taos	
	Tier 3	Outstanding Tribal Resource Waters: Mountain Lakes; Mountain Streams & Springs;
	Pueblo of Tesuque (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-tesuque	
COR10I000	**Ute Mountain Ute Tribe**	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Ute Mountain Ute Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ute-mountain-ute-tribe	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 3	Outstanding Tribal Resource Waters: 1. Ute Spring and unnamed creek from Ute Spring downstream within Section 12, TWP35N R18W (Colorado). 2. Allen Canyon Creek, Sections 17, 20, 29, 30, 31, TWP 35S, R21E (Utah) 3. "Lopez" Spring and unnamed creek tributary to and downstream from the spring, within Section 35, TWP 34N, R18W
MTR10I000	**Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (MT)**	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-assiniboine-and-sioux-tribes-fort-peck-indian	
	Tier 2	Most Tribal Waters will qualify as Tier 2 waters. Unless the water body is not attaining the Clean Water Act Section 101(a)(2) goals, the water body has received an OTRW designation, or there is no assimilative capacity for pollutants to protect existing and designated uses, it is likely that the water body will receive Tier 2 protection.
	Confederated Salish and Kootenai Tribes of the Flathead Reservation (MT)	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Confederated Salish and Kootenai Tribes of the Flathead Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-salish-and-kootenai-tribes-flathead	
	Tier 3	The following are Tier 3 waters: All waters located within Tribally designated primitive or wilderness areas.
	Northern Cheyenne (MT)	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Northern Cheyenne Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-northern-cheyenne-tribe-northern-cheyenne-reservation	
ASR100000	**Island of American Samoa**	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf	
AZR10I000	**Hopi Tribe (AZ)**	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Hopi Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hopi-tribe	
	Tier 3	Unique Waters: In the Moencopi Wash watershed, from Blue Canyon Springs to the confluence of Begashibito Wash.
	Hualapai Indian Tribe (AZ)	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Hualapai Indian Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hualapai-tribe	
	Tier 3	Segments assigned as Tier 3: Spencer; Meriwhitica; Willow Spring; Upper Milkweed Spring; Bridge Canyon; Travertine Spring; Travertine Falls; Diamond Creek; Diamond Creek Spring; Blue Mountain; Metuck; Peach Springs Spring; Westwater; Clay Tank; Hocky Puck; Pocamote Spring; Mohawk Spring; Granite Spring; Three Spring; Warm Spring; Honga Spring; National Canyon Spring; National Canyon; Moss Spring.
	Navajo Nation (AZ, NM, UT)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-navajo-nation	
	White Mountain Apache Tribe (AZ)	
	Tier 2 waters are identified on a water body-by-water body basis. Tier classifications are identified in Appendix B of the White Mountain Apache Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-white-mountain-apache-tribe	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 2	High Quality Waters: East Fork White River, above R52 Road; Paradise Creek, above Wohlenberg; Ord Creek; Smith Cienega; Bull Cienega; Smith Creek; Big Bonito; Tonto Creek, below Y47 Crossing; Crooked Creek; Boggy Creek; Little Bonito Creek, above Y55 Crossing; Flash Creek; Squaw Creek; Hurricane Lake; Hurricane Creek; Hughey Creek; Bonito Cienega; West Fork Black River; Hall Cienega; Purcell Cienega; Thompson Creek; Cibecue Creek in Box Canyon to Salt river; Rock Springs Creek; Willow Creek (Lower Canyon Cr.). Sensitive Waters (treated the same manner as Tier 2): East Fork White River below R52 Road, above Rock Cr; Lofer Cienega Creek; Carrizo Creek above Corduroy; Cedar Creek; Big Canyon (E. Cedar Creek); Middle Cedar Creek; West Cedar Creek; Cibecue Creek, Box Canyon up to Confluence with Salt Creek; Spring Creek; Salt Creek; Cibecue Creek, from confluence w/Salt Cr. To Big Springs; Cibecue Creek, above Big Springs; Salt Draw; Canyon Creek S. of Chediski Farms; Oak Creek; Canyon Creek, N. of Chediski Farms.
	Tier 3	Outstanding Waters: East Fork White River, in Wilderness area; Pumpkin Lake.
CAR10I000	**Big Pine Band of Owens Valley (CA)**	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-big-pine-paiute-tribe-owens-valley	
	Hoopa Valley Tribe (CA)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hoopa-valley-tribe	
	Paiute-Shoshone Indians of the Bishop Community (CA)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bishop-paiute-tribe	
	Twenty-Nine Palms (CA)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-twenty-nine-palms-band-mission-indians	
GUR100000	**Island of Guam**	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf	
JAR100000	**Johnston Atoll**	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional	
MPR100000	**Commonwealth of the Northern Mariana Islands**	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf	
MWR100000	**Midway Island and Wake Island**	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional	
NVR10000I	**Pyramid Lake Paiute (NV)**	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pyramid-lake-paiute-tribe	
IDR100000	**State of Idaho**	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the State of Idaho Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-idaho	
	Tier 2 and Tier 3	For Tier 2 and Tier 3 waters, please consult the most recent approved version of Idaho's Idaho Integrated Report, available at: http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/ and the closest regional office of the Idaho Department of Environmental Quality: http://www.deq.idaho.gov/regional-offices-issues/.
IDR10I000	**Coeur D'Alene Tribe (ID)**	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Coeur D'Alene Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-coeur-dalene-tribe-indians	
ORR10I000	**Confederated Tribes of the Warm Springs Reservation (OR)**	
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also:	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
	https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-warm-springs-indian-reservation
	Confederated Tribes of Umatilla (OR)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-umatilla-indian-reservation-oregon
WAR10I000	**Confederated Tribes of the Chehalis Reservation (WA)**
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Confederated Tribes of the Chehalis Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-chehalis-reservation
	Confederated Tribes of the Colville Reservation (WA)
	EPA established federal water quality standards for the Confederated Tribes of the Colville Reservation at 40 CFR 131.35. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-colville-reservation
	Kalispel Indian Community (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-kalispel-indian-community-kalispel-reservation
	Lummi Tribe (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lummi-nation
	Makah Indian Nation (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-makah-indian-nation
	Port Gamble S'Klallam (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also:

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
	https://www.epa.gov/wqs-tech/water-quality-standards-regulations-port-gamble-sklallam-tribe
	Puyallup Tribe of Indians (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puyallup-tribe-indians
	Spokane Tribe of Indians (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional.. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-spokane-tribe-indians

Appendix G – Buffer Requirements.

The purpose of this appendix is to assist you in complying with the requirements in Part 2.2.1 of the permit regarding the establishment of natural buffers and/or equivalent sediment controls. This appendix is organized as follows:

G.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS 2
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G.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS

The requirement in Part 2.2.1 to provide and maintain natural buffers and/or equivalent erosion and sediment controls applies for any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances. If the water of the U.S. is not located within 50 feet of earth-disturbing activities, Part 2.2.1 does not apply. See G – 1.

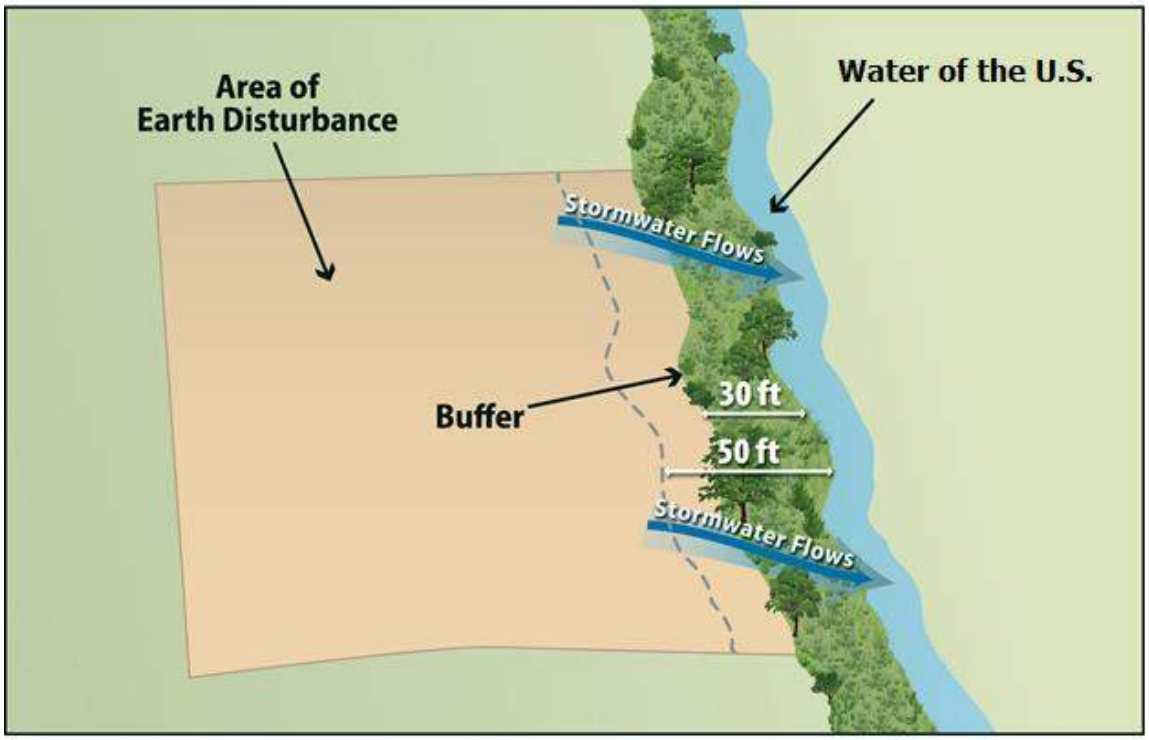


Figure G-1 Example of earth-disturbing activities within 50 feet of a water of the U.S.

G.2 COMPLIANCE ALTERNATIVES AND EXCEPTIONS

G.2.1 Compliance Alternatives

If Part 2.2.1 applies to your site, you have three compliance alternatives from which you can choose, unless you qualify for any of the exceptions (see below and Part 2.2.1.a):

1. Provide and maintain a 50-foot undisturbed natural buffer; or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
3. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer. [1]

The compliance alternative selected must be maintained throughout the duration of permit coverage.

See Part G.2.2 below for exceptions to the compliance alternatives.

See Part G.2.3 for requirements applicable to providing and maintaining natural buffers under compliance alternatives 1 and 2 above.

See Part G.2.4 for requirements applicable to providing erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer under compliance alternatives 2 and 3 above.

G.2.2 Exceptions to the Compliance Alternatives

The following exceptions apply to the requirement to implement one of the Part 2.2.1.a compliance alternatives (see also Part 2.2.1.b):

- The following disturbances within 50 feet of a water of the U.S. are exempt from the requirements Part 2.2.1 and this Appendix:
  - 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)*.
- If there is no discharge of stormwater to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix. 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 Part 2.2.1 and this Appendix.

  Where some natural buffer exists but portions of the area within 50 feet of the water of the U.S. are occupied by preexisting development disturbances, you <u>are</u> required to comply with the requirements in Part 2.2.1 and this Appendix. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3, 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.2.3 and G.2.4 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 a "natural buffer."
- For "linear construction sites" (see Appendix A), you are not required to comply with this requirement if site constraints *(e.g., limited right-of-way)* make it infeasible to implement one of the Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of any waters of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the water of the U.S. You must also document in your SWPPP your rationale for why it is infeasible for you to implement one of the Part 2.2.1.a compliance alternatives, and describe any buffer width retained and 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 one of the "small residential lot" compliance alternatives in Part G.3 of this appendix.

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.2.3 Requirements for Providing and Maintaining Natural Buffers

This part of the appendix applies to you if you choose compliance alternative 1 (50-foot buffer), compliance 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.3.

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 Figures G – 2 and **Error! Reference source not found.**. You may find that specifically measuring these points is challenging if the flow path of the water of the U.S. 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 water of the U.S. 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 compliance alternative 1, 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.

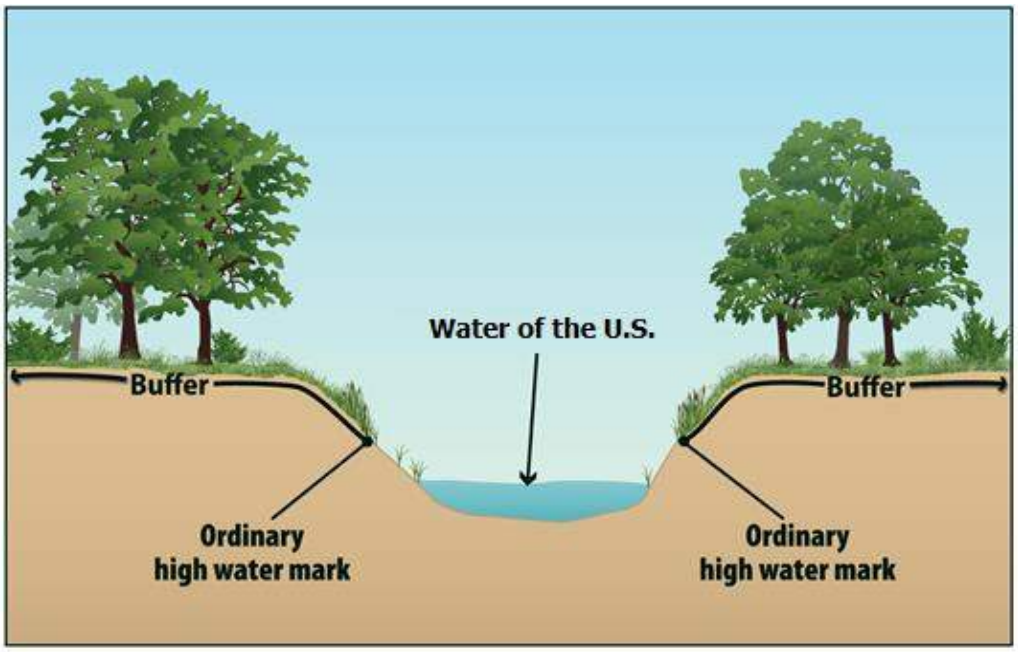


Figure G-2 Buffer measurement from the ordinary high water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

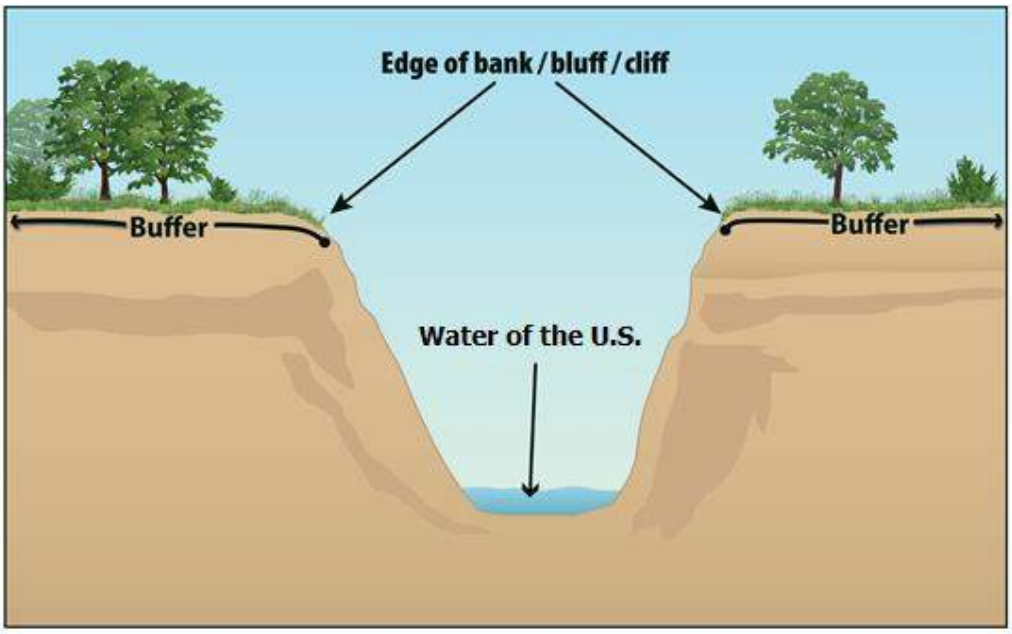


Figure G-3 Buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.

Limits to Disturbance Within the Buffer

You are considered to be in compliance with the requirement to provide and maintain a natural buffer 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 vegetation. As noted above, any preexisting structures or

impervious surfaces may occur in the natural buffer provided you retain and protect from disturbance the buffer areas outside of 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 target plantings where limited vegetation exists, or replace 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 water of the U.S. 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 comply with compliance alternative 1 (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the water of the U.S. 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 adjacent to 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.

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 2.2.3 requirement to install sediment controls along any perimeter areas of the site that will receive pollutant discharges*), **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.

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

describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as required in Part G.2.4 below). Note that you must also show any buffers on your site map in your SWPPP consistent with Part 7.2.4.i. Additionally, if any disturbances related to the exceptions in Part G.2.2 occur within the buffer area, you must document this in the SWPPP.

G.2.4 Guidance for Providing the Equivalent Sediment Reduction as a 50-foot Buffer

This part of the appendix applies to you if you choose compliance alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot buffer) or compliance alternative 3 (implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot buffer).

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.2.2), 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.

Therefore, you should choose compliance alternative 2 if it is feasible for you to retain some natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part G.2.3, 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 choose alternative 3.

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 additional treatment of stormwater discharges that flow through 50 feet or more of natural buffer. See **Error! Reference source not found.**.

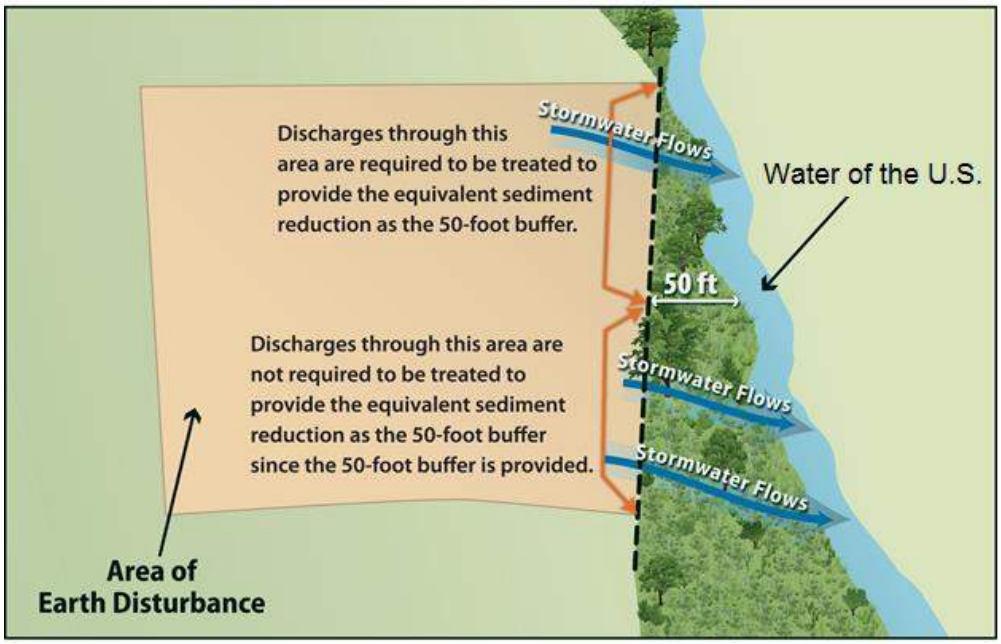


Figure G-4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 50-feet. Area of Earth Disturbance

Steps to help you meet compliance alternative 2 and 3 requirements are provided below.

<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 erosion and 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 of this Appendix, 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.[1]

[1] 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.

Using Tables G-8 through G-15 (see Attachment 1 of this Appendix), 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 water of the U.S. is owned by another party and is not under your control, you can treat the area of land not under your 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 water of the U.S., but the 10 feet of land immediately adjacent to the water of the U.S. 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 that 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.

Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer

Once you determine the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you must next select stormwater controls that will provide an equivalent sediment load reduction. These controls can include the installation of a single control, such as a sediment pond or additional perimeter controls, or a combination of stormwater controls. 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 a 50-foot natural buffer (Step 1). You may 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 complete final stabilization on the disturbed portions of the site discharging to the water of the U.S.)

- 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 water of the U.S. 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.

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as a 50-foot buffer, you should use a model or other type of calculation. 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 retain 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 retain 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 feet 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 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 water of the U.S., but the 10 feet of land immediately adjacent to the water of the U.S. 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.*

Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer

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 compliance 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.3 SMALL RESIDENTIAL LOT COMPLIANCE ALTERNATIVES

EPA has developed two additional compliance alternatives applicable only to "small residential lots" that are unable to provide and maintain a 50 foot buffer.

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.

The following steps describe how a small residential lot operator would achieve compliance with one these 2 alternatives.

G.3.1 Small Residential Lot Compliance Alternative Eligibility

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 follow the guidance for providing and maintaining a natural buffer in Part G.2.3 of this Appendix, 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.3.2 Small Residential Lot Compliance Alternatives

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 2.2.1.a and G.2.1 of this Appendix.

Small Residential Lot Compliance Alternative 1

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 meet the requirements of small residential lot compliance 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 water of the U.S.

In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with small residential lot compliance alternative 1.

Table G-1 Alternative 1 Requirements[2]

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

Small Residential Lot Compliance Alternative 2

Alternative 2 specifies the controls that a builder of a small residential lot must implement based on both the buffer width retained and the site's sediment discharge risk. 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 developed five different tables for different slope conditions. You should 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 should 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.[3]

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.

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
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High

[2] **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 2.2.3.
- **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 water of the U.S. 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 2.2.3, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.14 within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.

[3] 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.

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
CNMI / 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
CNMI / 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
CNMI / 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
CNMI / 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 small residential lot compliance alternative 2.

You must also document in your SWPPP your compliance with small residential lot compliance 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[4]

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

[4] 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 2.2.3).

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 CNMI and 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 are likely 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 (http://nifa.usda.gov/partners-and-extension-map) 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 use a range of available 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 instead 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 water of the U.S., where that water is within 50 feet of your earth disturbances, 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 the 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 2.2.3), 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 **Error! Reference source not found.**. The operator could also choose a different set of controls, as long as they achieve at least a 90 percent sediment removal efficiency.

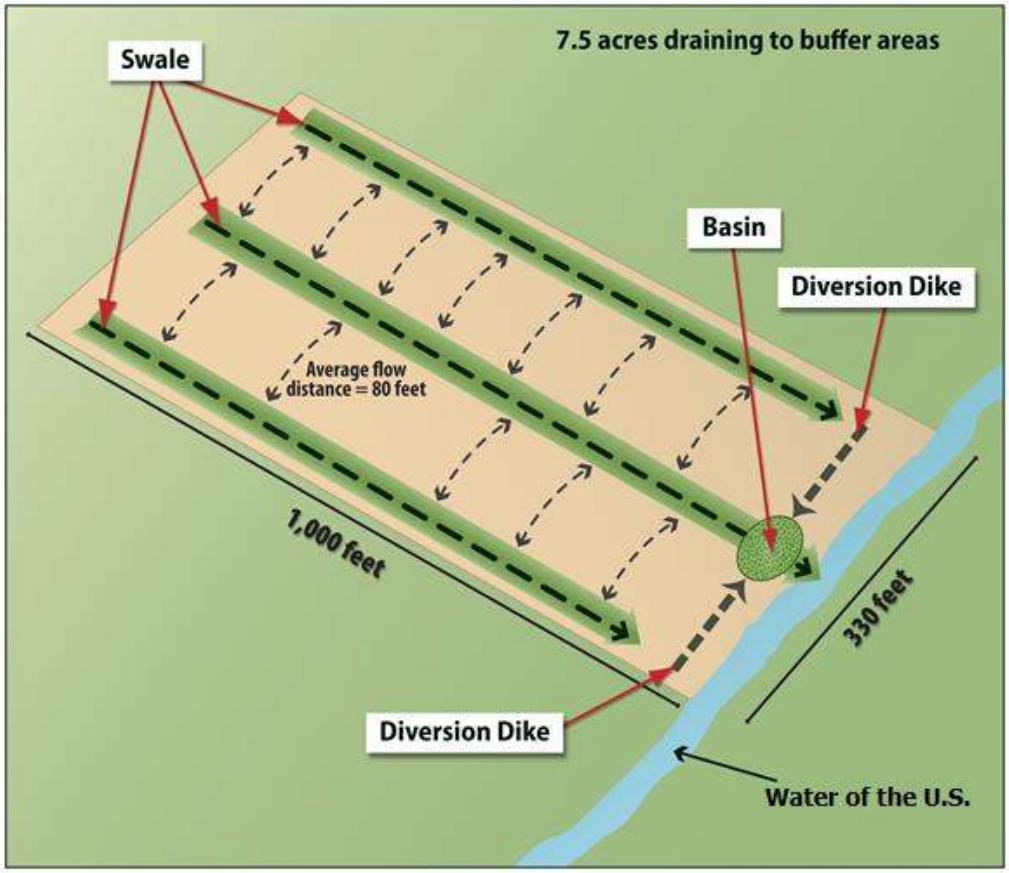


Figure G-5 Example 1 – Equivalent Sediment Load Reductions at a 7.5 ac Site in MA.

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 feasible 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 1in Part G.2.4 of this Appendix 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, the soil type is similar to silt, and 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 2.2.3) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See **Error! Reference source not found.**. Note that this operator is subject to the requirement in Part G.2.3 of this Appendix 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.

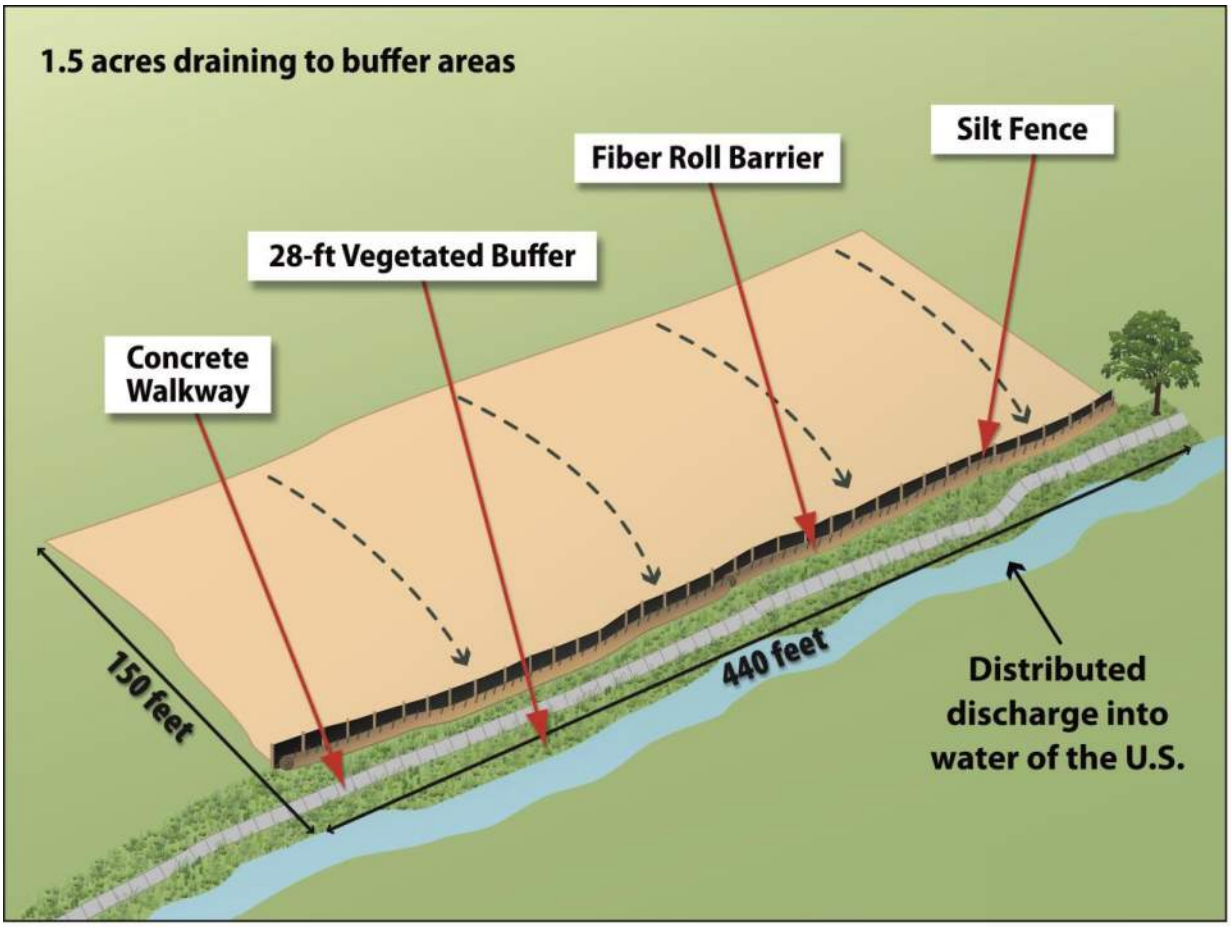


Figure G-6 Example 2 – Equivalent Sediment Load Reductions at a 6.5 ac Site in NM.

Appendix H – 2-Year, 24-Hour Storm Frequencies

Part 2.2.12 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. 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, Massachusetts, New Hampshire, 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 the appropriate NOAA's Atlas 14 Volume 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;
- Data type: precipitation depth or precipitation intensity
- Units: english or metric; and
- Time series type: partial duration or annual maximum.

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 **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)

Projects located in 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)

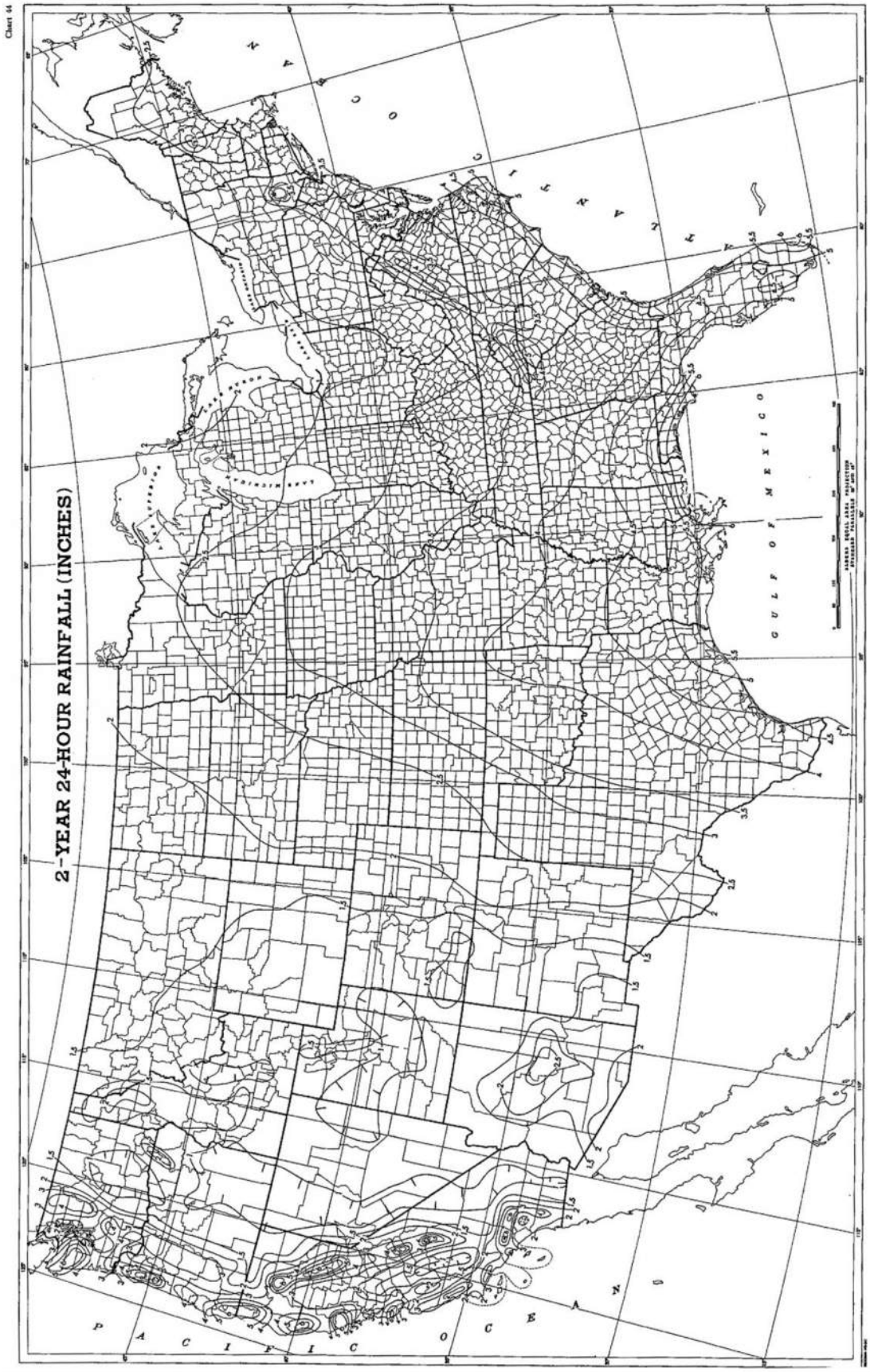
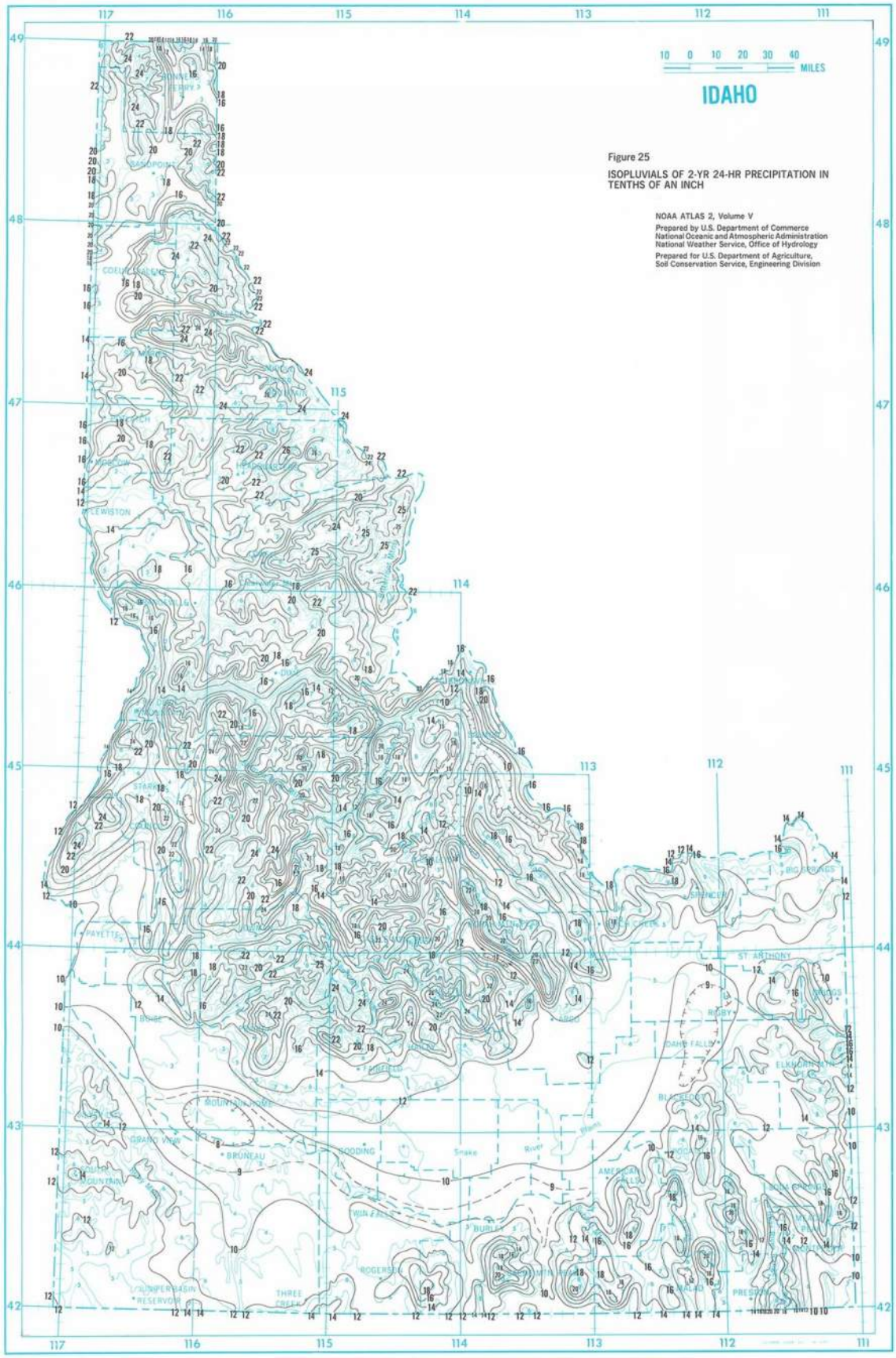


Chart 44
2-YEAR 24-HOUR RAINFALL (INCHES)
GULF OF MEXICO
PACIFIC OCEAN


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

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 amount authorized by Section 309(d) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

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, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note), as amended (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

b. *Class II Penalty*. Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note), as amended, (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

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 this permit is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI must be submitted to EPA. See Table 1 in Part 1.4.2 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 have no personal knowledge that the information submitted is other than 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 NOIs electronically, in addition to meeting other applicable requirements in Appendix 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 directly to the EPA Regional Office (see contacts at https://www2.epa.gov/national-pollutant-discharge-elimination-system-npdes/contact-us-stormwater#regional). 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, 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 1.4.1 requires you to use the NPDES eReporting Tool, or "NeT" system, to prepare and submit your NOI electronically. However, if the EPA Regional Office grants you a waiver 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 FOR THE 2017 NPDES CONSTRUCTION GENERAL PERMIT	Form Approved. OMB No. 2040-0004

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements of Part 1.1 CGP for the project identified in Section IV 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 granted a waiver from electronic reporting from the Regional Office *? ☐ YES ☐ NO

If yes, check which waiver you have been granted, , the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

Waiver granted: ☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.

☐ The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver: _____

Date approval obtained: __ / __ / ____

*** Note: You are required to obtain approval from the applicable Regional Office prior to using this paper NOI form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).**

II. Permit Information

NPDES ID (EPA Use Only): _____

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

III. Operator Information

Operator Information

Operator Name: _____

Are you requesting coverage under this NOI as a "federal operator" as defined in Appendix A? ☐ YES ☐ NO

Mailing Address:

Street: _____

City: _____ State: __ ZIP Code: ____ - ____

County or Similar Government Division: _____

Phone: ___ - ___ - ____ Ext. ____

E-mail: _____

Operator Point of Contact Information:

First Name, Middle Initial, Last Name: _____ __ _____

Title: _____

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

First Name, Middle Initial, Last Name: _____ __ _____

Organization: _____

Phone: ___ - ___ - ____ Ext. ____

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 you are seeking permit coverage, provide the following information:

Latitude/Longitude (Use decimal degrees and specify method):

Latitude: ___ ___. ___ ___ ___ ___° N (decimal degrees) Longitude: ___ ___ ___. ___ ___ ___ ___° W (decimal degrees)

Latitude/Longitude Data Source: ☐ Map ☐ GPS ☐ Other_____ Horizontal Reference Datum: ☐ NAD 27 ☐ NAD 83 ☐ WGS 84

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:

_____

Estimated Project Start Date: ___ / ___ / ____ Estimated Project Completion Date: ___ / ___ / ____

Estimated Area to be Disturbed (to the nearest quarter acre): ____ . ___

Type of Construction Site (check all that apply): ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

☐ Institutional ☐ Highway or Road ☐ Utility ☐ Other _____

Will there be demolition of any structure built or renovated before January 1, 1980? ☐ YES ☐ NO

If yes, do any of the structures being demolished have at least 10,000 square feet of floor space? ☐ YES ☐ NO

Was the pre-development land use used for agriculture (see Appendix A for definition of "agricultural land")? ☐ YES ☐ NO

Have earth-disturbing activities commenced on your project/site? ☐ YES ☐ NO

If yes, is your project an "emergency-related project" (see Appendix A)? ☐ YES ☐ NO

Have stormwater discharges from your project/site been covered previously under an NPDES permit? ☐ YES ☐ NO

If yes, provide the NPDES ID (if you had coverage under EPA's 2012 CGP or the NPDES permit number if you had coverage under an EPA individual permit: _____

V. Discharge Information

By indicating "Yes" below, I confirm that I understand that the CGP only authorizes the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.
☐ YES

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ YES ☐ NO

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☐ YES ☐ NO

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

Point of Discharge ID	For each point of discharge, provide the following receiving water information:		
	Provide the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	If a TMDL been completed for this receiving waterbody, providing the following information:
			TMDL Name and ID: Pollutant(s) for which there is a TMDL:
			TMDL Name and ID: Pollutant(s) for which there is a TMDL:
			TMDL Name and ID: Pollutant(s) for which there is a TMDL:
			TMDL Name and ID: Pollutant(s) for which there is a TMDL:

			TMDL Name and ID: **Pollutant(s) for which there is a TMDL:**
			TMDL Name and ID: **Pollutant(s) for which there is a TMDL:**

Are any of the waters of the U.S. 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 National 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, as required? ☐ YES ☐ NO

SWPPP Contact Information:

First Name, Middle Initial Last Name: _____ _____

Professional Title: _____

Phone: ___ - ___ - ____ Ext. ____

E-mail: _____

VIII. Endangered Species Protection

Using the instructions in Appendix D of the CGP, under which criterion listed below are you eligible for coverage under this permit? Check only 1 box, include the required information and provide a sound basis for supporting the criterion selected. You must consider Endangered Species Act listed threatened or endangered species (ESA-listed) and/or designated critical habitat(s) under the jurisdiction of both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and select the most conservative criterion that applies.

☐ **A** No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of this permit, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit. ***[Basis statement content: A basis statement supporting the selection of this criterion should identify the USFWS and NMFS information sources used. Attaching aerial image(s) of the site to this NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.]***

☐ **B** Eligibility requirements met by another operator under the 2017 CGP. 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 of the 2017 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that 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 CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2017CGP operator's notification of authorization under this permit. If your certification is based on another 2017 CGP 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. ***[Basis statement content: A basis statement supporting the selection of this criterion should identify the eligibility criterion of the other CGP NOI, the authorization date, and confirmation that the authorization is effective.]***

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

☐ **C** Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed threatened or endangered species and/or designated critical habitat. This certification 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 ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with this NOI. ***[Basis statement content: A basis statement supporting the selection of this criterion should identify the information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.]***

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

_____

_____

Distance between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed):

_____

_____

☐ **D** Coordination with USFWS and/or NMFS has successfully concluded. Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written concurrence from USFWS and/or NMFS that your site's discharges and discharge-related activities are not likely to adversely affect listed species and/or critical habitat. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI. ***[Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies participated in coordination, the field office/regional office(s) providing that coordination, and the date that coordination concluded.]***

☐ **E** ESA Section 7 consultation has successfully concluded. Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, Indicate the result of the consultation:

☐ biological opinion from USFWS and/or NMFS 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

☐ written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and this NOI. ***[Basis statement content: A basis statement supporting the selection of this criterion should identify the federal action agencie(s) involved, the field office/regional office(s) providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the consultation was completed.]***

☐ **F** Issuance of section 10 permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI. ***[Basis***

statement content: A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies provided a section 10 permit, the field office/regional office(s) providing permit(s), any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the permit was granted.]

Provide a brief summary of the basis for criterion selection listed above *[the necessary content for a supportive basis statement is provided under the criterion you selected.]*.

_____

_____

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 no historic properties will be affected by the installation of stormwater controls.
- ☐ 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 have no personal knowledge that the information submitted is other than 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: _____

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. Operators 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 obtain coverage under an NPDES general permit. For coverage under the 2017 CGP, each person, firm, public organization, or any other entity that meets either of the following criteria must file a Notice of Intent 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, contact your EPA Regional Office.

Completing the Form

Obtain and read a copy of the 2017 CGP, viewable at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#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, 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 granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOI form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See https://www.epa.gov/npdes/contact-us-stormwater#regional

for a list of EPA Regional Office contacts.

Section II. Permit Number

Provide the master permit number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible master 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 NOI. Refer to Appendix A of the permit for the definition of "operator".

Indicate whether you are seeking coverage under this permit as a "federal operator" as defined in Appendix A.

Also provide a point of contact, the operator's mailing address, county, telephone number, 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 in decimal degrees 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 web-based siting tools, among others. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. For linear construction sites, the measurement should be taken midpoint of the site. If known, enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers.

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.

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 the type of construction site, if demolition is occurring, and if so, if the structure has at least 10,000 square feet of floor space. Indicate whether the pre-development land use of the site was used for agriculture Appendix A defines "agricultural land" as 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.

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 2012 CGP NPDES ID or the NPDES permit number if coverage was under an individual permit.

Section V. Discharge Information

You must confirm that you understand that the CGP only authorizes the allowable stormwater discharges listed in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2.

Any discharges not expressly authorized under the CGP are not covered by the CGP or the permit shield provision of the CWA Section 402(k) and they cannot become authorized or shielded by disclosure to EPA, state, or local authorities via the NOI to be covered by the permit or by any other means (e.g., in the SWPPP or during an inspection). If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must either be eliminated or covered under another NPDES permit.

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 waters of the U.S. exist within 50 feet from your site. Note that if "yes", you are required to comply with the requirement in Part 2.2.1 of the permit to provide natural buffers or equivalent erosion and sediment controls.

For each unique point of discharge you list, you must specify the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to. You must specify whether any waters of the U.S. that you discharge to are listed as "impaired" as defined in Appendix A, and the pollutants for which the water is impaired. You must identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to.

Indicate whether discharges from the site will enter into a water of the U.S. 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, 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 ESA-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 NPDES Number for the other operator who had previously certified their eligibility for the CGP 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 7.2.4 of the permit for information about what is required to be in your site map. You must also specify the federally-listed species and/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 and/or their designated 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 and identify the participating agencies and Field Offices/Regional Offices you worked with in the basis statement of this NOI.

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

The NOI 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.

Modifying Your NOI

If you have been granted a waiver from your Regional Office from electronic reporting, and if after submitting your NOI you need to correct or update any fields on this NOI form, you may do so by indicating changes on this same form. Paperwork Reduction Act Notice

Public reporting burden for this NOI 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, ATTN: 2017 CGP
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
William Jefferson Clinton East Building - Room 7420
ATTN: 2017 CGP
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting

Appendix K - Notice of Termination (NOT) Form and Instructions

Part 8.3 requires you to use the NPDES eReporting Tool, or "NeT" system, to prepare and submit your NOT electronically. However, if you are given a waiver by the EPA Regional Office to use a paper NOT form, and you elect to use it, you must complete and submit the following form.

NPDES FORM 3510-13	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF TERMINATION (NOT) FOR THE 2017 NPDES CONSTRUCTION GENERAL PERMIT	Form Approved. OMB No. 2040-0004

Submission of this Notice of Termination constitutes notice that the operator identified in Section III of this form is no longer authorized discharge pursuant to the NPDES Construction General Permit (CGP) from the site identified in Section IV 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 granted a waiver from electronic reporting from the Regional Office *? ☐ YES ☐ NO

If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

Waiver granted:

☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.

☐ The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver:

Date approval obtained: / /

*** Note: You must have been given approval by the Regional Office prior to using this paper NOT form. If you have not obtained a waiver, you must file this form electronically using the NDPES eReporting Tool (NeT).**

II. Permit Information

NPDES ID:

Reason for Termination (Check only one):

☐ You have completed all construction 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

Operator Name:

Mailing Address:

Street:

City: State: ZIP Code: -

County or Similar Government Division:

Phone: - - Ext.

E-mail:

IV. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City: State: ZIP Code: -

County or Similar Government Division:

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 for the 2017 NPDES Construction General Permit

NPDES Form Date (2/17) This Form Replaces Form 3510-13 (02/12) Form Approved OMB No. 2040-0004

Who May File an NOT Form
Permittees who are presently covered under the EPA-issued 2017 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.a through 8.2.1.b 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 https://www.epa.gov/npdes/stormwater-discharges-construction-activities#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 granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOT form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

Seehttps://www.epa.gov/npdes/contact-us-stormwater#regional for a list of EPA Regional Office contacts.

Section II. Permit Information
Enter the existing NPDES ID assigned to the project . If you do not know the permit tracking number, 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.

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 NOT and is covered by the NPDES ID identified in Section II. Enter the complete mailing address, telephone number, and email address 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

The NOT, 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 NOT 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.

Submitting Your Form:

Submit your NOT form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:
Stormwater Notice Processing Center
Mail Code 4203M, ATTN: 2017 CGP
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
William Jefferson Clinton East Building - Room 7420
ATTN: 2017 CGP
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically: https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting

Appendix L – Suggested Format for Request for Chemical Treatment

If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, Part 1.1.9 requires you to notify your applicable EPA Regional Office in advance of submitting your NOI. The EPA Regional Office will authorize 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 an exceedance of water quality standards. To notify your EPA Regional Office, you may use following form.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
SUGGESTED FORMAT FOR NOTIFYING EPA ABOUT PROPOSED USE OF CATIONIC TREATMENT CHEMICALS UNDER THE 2017 NPDES CONSTRUCTION GENERAL PERMIT

Under Part 1.1.9 of the 2017 CGP, if you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your Notice of Intent (NOI) until you notify your applicable EPA Regional Office in advance and the EPA Regional 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. You may use this suggested form to notify your EPA Regional Office about your proposed use of cationic treatment chemicals.

I. Operator Information

Operator Name:

Mailing Address:

Street:

City: State: ZIP Code: -

Phone: - - Ext.

E-mail:

II. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City: State: ZIP Code: -

County or Similar Government Subdivision:

Site contact name (if different from operator):

Site contact phone (if different from operator): - -

Name(s) of receiving waterbodies:

II. Map

Attach a map that illustrates the entire site including all of the below items. Include this map in your Stormwater Pollution Prevention Plan (SWPPP):
- All receiving waterbodies
- All proposed location(s) of chemical treatment system(s)
- All proposed point(s) of discharge to receiving waterbodies
- All soil types within areas to be disturbed
- All area of earth disturbance
- Sufficient indication of topography to indicate where stormwater flows

Attach a schematic drawing of the proposed treatment system(s). Include all components of the treatment train, sample points, and pipe configurations. In addition to sufficient holding capacity upstream of treatment, the system must have the capacity to hold water for testing and to re-treat water that does not meet water quality standards.

IV. Responsible Personnel

Treatment System Operator or Company Name (if subcontracted out):

Street/Location:

City: State: Zip Code: -

Responsible personnel. List personnel who will be responsible for operating the chemical treatment systems and application of the chemicals. Cite the training that the personnel have received in operation and maintenance of the treatment system(s) and use of the specific chemical(s) proposed.

V. Proposed Treatment

Check proposed treatment system.

- ☐ Chitosan enhanced sand filtration with discharge to infiltration (ground water)
- ☐ Chitosan enhanced sand filtration with discharge to temporary holding ponds (batch).
- ☐ Chitosan enhanced sand filtration with discharge to surface waters (flow-through).
- ☐ Other (describe below and submit documentation that the proposed system and chemical(s) demonstrate the ability to remove turbidity and produce non-toxic effluent/ discharge)

Check proposed cationic chemical(s) to be used:

- ☐ FlocClear™ (2% chitosan acetate solution)
- ☐ StormKlear™ LiquiFloc™ (1% chitosan acetate solution).
- ☐ ChitoVanTM (1% chitosan acetate solution).
- ☐ StormKlearTM LiquiFlocTM (3% Chitosan acetate solution)
- ☐ Other

Estimated Treatment Period Start Date: / / Estimated Treatment Period End Date: / /

Describe sampling and recordkeeping schedule. Attach additional sheets as needed:

Explain why you have selected this proposed treatment system and chemicals. Include an explanation of why the use of cationic treatment chemicals is necessary at the site. Reference how the soil types on your site influenced your choices. Describe or provide an illustration of how the site of the discharge will be stabilized and why the discharge location will not cause erosion of the discharge water's bank or bed (please note that a permit from the Corps and state agencies may be necessary to place rock in the water body for this stabilization). Attach as many additional sheets as needed for a full explanation. If you have a report from a chemical treatment contractor describing their recommended approach you may attach that.

VI. Certification Information

I have documented and hereby certify that the following information is correct and has been documented in the SWPPP for this project:

- The SWPPP includes a complete site-specific description of the chemical treatment system herein proposed for use, including specifications, design, and Material Safety Data Sheets for all chemicals to be used.
- The controls to be used on the site are compatible with the safe and effective use of cationic chemical treatment.
- I verified through jar tests that the site soil is conducive to chemical treatment.
- I verified that the chemical treatment system operators for this project received training.
- I read, understand, and will follow all conditions and design criteria in the applicable use designation(s).
- If the discharge is to tribal waters, I notified the appropriate tribal government of the intent to use chemical treatment on a site located within that jurisdiction.
- I will keep the use level designation, operation and maintenance manual, and training certificate on site prior to and during use of chemical treatment.
- A licensed engineer designed the system for this project including system sizing, pond sizing, and flow requirements.
- I verify that the discharge will not adversely affect downstream conveyance systems or stream channels (e.g. cause erosion).

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 Official First Name, Middle Initial, Last Name:

Title:

Signature:

Date: / /

Email:

Instructions for Submitting This Form:

Submit your this form to your applicable EPA Regional Office. Contact information can be found at: https://www.epa.gov/npdes/contact-us-stormwater#regional

2017 Construction General Permit (CGP) – Fact Sheet

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I. Background

Congress passed the Federal Water Pollution Control Act of 1972 (Public Law 92-500, October 18, 1972) (hereinafter the "Clean Water Act" or "CWA"), 33 U.S.C. 1251 et seq., with the stated objectives to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 101(a), 33 U.S.C. 1251(a). To achieve this goal, the CWA provides that "the discharge of any pollutant by any person shall be unlawful" except in compliance with other provisions of the statute. CWA section 301(a). 33 U.S.C. 1311. The CWA defines "discharge of a pollutant" broadly to include "any addition of any pollutant to navigable waters from any point source." CWA section 502(12). 33 U.S.C. 1362(12). EPA is authorized under CWA section 402(a) to issue a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of any pollutant from a point source. These NPDES permits are issued by EPA regional offices or NPDES-authorized state or tribal agencies. Since 1972, EPA and the authorized states have issued NPDES permits to thousands of dischargers, including industrial (e.g., manufacturing, energy and mining facilities) and municipal (e.g., sewage treatment plants) facilities. As required under Title III of the CWA, EPA has promulgated Effluent Limitations Guidelines (ELGs) and New Source Performance Standards (NSPS) for many industrial point source categories, and these requirements must be incorporated into NPDES permits. 33 U.S.C. 1311(b). The Water Quality Act (WQA) of 1987 (Public Law 100-4, February 4, 1987) amended the CWA, adding CWA section 402(p), requiring implementation of a comprehensive program for addressing stormwater discharges. 33 U.S.C. 1342(p).

1. Clean Water Act Stormwater Program

Prior to the Water Quality Act of 1987, there were numerous questions regarding the appropriate means of regulating stormwater discharges within the NPDES program due to the serious water quality impacts of stormwater discharges, the variable nature of stormwater, and the large number of stormwater point sources. EPA undertook multiple regulatory actions in an attempt to address these unique discharges. Congress, with the addition of section 402(p), established a structured and phased approach to address stormwater discharges and fundamentally altered the way stormwater is addressed under the CWA as compared with other point source discharges of pollutants. Section 402(p)(1) created a temporary moratorium on NPDES permits for point source stormwater discharges, except for those listed in section 402(p)(2), including dischargers already required to have a permit and discharges associated with industrial activity. In 1990, pursuant to section 402(p)(4), EPA promulgated the Phase I stormwater regulations for those stormwater discharges listed in 402(p)(2). See 55 FR 47990 (November 16, 1990). The Phase I regulations required NPDES permit coverage for discharges associated with industrial activity and from "large" and "medium" municipal separate storm sewer systems (MS4s). CWA section 402(p)(2). As part of that rulemaking, EPA interpreted stormwater "discharges associated with industrial activity" to include stormwater discharges associated with "construction activity" as defined at 40 CFR 122.26(b)(14)(x). See 55 FR 48033-34. As described in the Phase I regulations, dischargers must obtain authorization to discharge (or "permit coverage"), including discharges associated with construction activity, including clearing, grading, and excavation, if the construction activity:

- will result in the disturbance of five acres or greater; or
- will result in the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or greater.

See 40 CFR 122.26(b)(14)(x) and (c)(1).

Section 402(p)(5) and (6) establishes a process for EPA to evaluate potential sources of stormwater discharges not included in the Phase I regulations and to designate discharges for

regulation in order to protect water quality. Section 402(p)(6) instructs EPA to "issue regulations…which designate stormwater discharges, other than those discharges described in [section 402(p)(2)], to be regulated to protect water quality and shall establish a comprehensive program to regulate such designated sources." In 1999, pursuant to the broad discretion granted to the agency under section 402(p)(6), EPA promulgated the Phase II stormwater regulations that designated discharges associated with "small" construction activity and "small" MS4s. 64 FR 68722 (December 8, 1999). NPDES permit coverage is required for discharges associated with "small" construction activity, including clearing, grading, and excavation, if the construction activity:

- will result in land disturbance of equal to or greater than one acre and less than five acres; or
- will result in disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres.

See 40 CFR 122.26(b)(15).

EPA continues to have discretionary authority under section 402(p)(6) to designate additional stormwater discharges for regulation under the CWA in order to protect water quality. EPA has established an adjudicatory process for exercising discretion to designate and require NPDES permits for unregulated stormwater discharges. See 40 CFR 122.26(a)(9)(i)(C)-(D); see also *Envt Defense Ctr. v. EPA*, 344 F.3d 832, 873-76 (9th Cir. 2003).

2. NPDES Permits for Stormwater Discharges Associated With Construction Activity

The NPDES regulations provide two options for obtaining authorization to discharge or "permit coverage": general permits and individual permits. A brief description of these types of permits as they apply to construction and development (C&D) sites follows:

a. ***General NPDES Permits.*** The vast majority of discharges associated with construction activity are covered under NPDES general permits. EPA, states, and tribes use general permits to cover a group of similar dischargers under one permit. See 40 CFR 122.28. General permits simplify the process for dischargers to obtain authorization to discharge, provide permit requirements for any eligible discharger that files a Notice of Intent (NOI) to be covered, and reduce the administrative workload for NPDES permitting authorities. General permits, including the fact sheet describing the rationale for permit conditions, are issued by NPDES permitting authorities after an opportunity for public review of and comment on the proposed general permit. Typically, to obtain authorization to discharge under a construction general permit, a discharger (any operators of the construction site; typically, a developer, builder, and/or contractor) submits to the permitting authority an NOI to be covered under the general permit. An NOI is not a permit or a permit application (see *Texas Independent Producers and Royalty Owners Ass'n v. EPA*, 410 F.3d 964, 977-78 (7th Cir. 2005)), but by submitting the NOI, the discharger asserts and acknowledges that it is eligible for coverage under the general permit and that it agrees to the conditions in the published general permit. Discharges associated with the construction activity are authorized consistent with the terms and conditions established in the general permit.

After reviewing information regarding permit eligibility contained in the NOI, EPA, states and tribes may notify a construction site operator that it must, instead, apply for an individual permit if the permitting authority determines that the operator does not meet the eligibility conditions for coverage under the general permit. Examples of situations that might trigger such a determination are when the proposed discharges will not meet applicable water quality standards, or when they may adversely affect a Federally

listed threatened or endangered species. In some cases, the permitting authority may allow the operator to proceed with coverage under the general permit provided additional control measures designed to address the specific issue at hand are implemented.

b. ***EPA Construction General Permit (CGP).*** Since 1992, EPA has issued a series of Construction General Permits (CGPs) that cover areas where EPA is the NPDES permitting authority. At present, EPA is the permitting authority in four states (Idaho, Massachusetts, New Hampshire, and New Mexico), the District of Columbia, Puerto Ricoand all other U.S. territories with the exception of the Virgin Islands, construction projects undertaken by Federal Operators in four states (Colorado, Delaware, Vermont, and Washington), most Indian Country lands and a couple of other specifically designated activities in specific states (*e.g., oil and gas activities in Texas and Oklahoma)*. See Appendix B for a complete list of areas covered by EPA's CGP. The 2012 CGP became effective on February 16, 2012 (see 77 FR 12286), and expires at midnight on February 16, 2017. The 2017 CGP replaces the 2012 CGP.

c. ***Individual NPDES Permits.*** A permitting authority may require any construction site to apply for an individual permit rather than using the general permit. Likewise, any discharger may apply to be covered under an individual permit rather than seek coverage under an otherwise applicable general permit. See 40 CFR 122.28(b)(3). Unlike a general permit, an individual permit is intended to be issued to one permittee, or a few co-permittees. Individual permits for stormwater discharges from construction sites are rarely used, but when they are, they are most often used for very large projects or projects located in sensitive watersheds. EPA estimates that less than one half of one percent (< 0.5%) of all construction sites in the country are covered under individual permits.

3. Technology-Based Effluent Limitations Guidelines and Standards in NPDES Permits

Effluent limitations guidelines (ELGs) and new source performance standards (NSPSs) are technology-based effluent limitations under CWA sections 301 and 306 for categories of point source discharges. These effluent limitations, which can be either numeric or non-numeric, along with water quality-based effluent limitations, if necessary, must be incorporated into NPDES permits, as appropriate. ELGs and NSPSs are based on the degree of control that can be achieved using various levels of pollutant control technology as defined in Title III of the CWA and summarized as follows:

a. **Best Practicable Control Technology Currently Available (BPT).** The CWA requires EPA to specify BPT effluent limitations for conventional, toxic, and nonconventional pollutants. In doing so, EPA must determine what level of control is technologically available and economically practicable. CWA section 301(b)(1)(A). In specifying BPT, EPA must look at a number of factors. EPA considers the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application. The agency also considers the age of the equipment and facilities, the process employed and any required process changes, engineering aspects of the application of the control technologies, non-water quality environmental impacts (including energy requirements), and such other factors as the Administrator deems appropriate. CWA section 304(b)(1)(B).

b. **Best Available Technology Economically Achievable (BAT)**. BAT effluent limitations are applicable to toxic (priority) and nonconventional pollutants. EPA has identified 65 pollutants and classes of pollutants as toxic pollutants, of which 126 specific pollutants have been designated priority toxic pollutants. See 40 CFR 401.15 and 40 CFR part 423, Appendix A. In general, BAT represents the best available performance of facilities

through application of the best control measures and practices economically achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives within the point source category. CWA section 304(b)(2)(A). The factors EPA considers in assessing BAT include the cost of achieving BAT effluent reductions, the age of equipment and facilities involved, the processes employed, the engineering aspects of the control technology, potential process changes, non-water quality environmental impacts (including energy requirements), and such factors as the Administrator deems appropriate. CWA section 304(b)(2)(B).

c. **Best Conventional Pollutant Control Technology (BCT).** The 1977 amendments to the CWA required EPA to identify effluent reduction levels for conventional pollutants associated with BCT for discharges from existing point sources. BCT is not an additional limitation, but replaces Best Available Technology (BAT) for control of conventional pollutants. In addition to other factors specified in CWA section 304(b)(4)(B), the Act requires that EPA establish BCT limitations after consideration of a two- part "cost-reasonableness" test. EPA explained its methodology for the development of BCT limitations in July 1986. 51 FR 24974 (July 9, 1986). Section 304(a)(4) designates the following as conventional pollutants: biochemical oxygen demand (BOD_5), total suspended solids (TSS), fecal coliform, pH, and any additional pollutants defined by the Administrator as conventional. See 40 CFR 401.16. The Administrator has designated oil and grease as an additional conventional pollutant. 44 FR 44501 (July 30, 1979). CWA section 304(b)(4)(B).

d. **Best Available Demonstrated Control Technology (BADT) for New Source Performance Standards (NSPS).** NSPS apply to all pollutants and reflect effluent reductions that are achievable based on the BADT. New sources, as defined in CWA section 306, have the opportunity to install the best and most efficient production processes and wastewater treatment technologies. As a result, NSPS should represent the greatest degree of effluent reduction attainable through the application of the best available demonstrated control technology. In establishing NSPS, CWA section 306 directs EPA to take into consideration similar factors that EPA considers when establishing BAT, namely the cost of achieving the effluent reduction and any non-water quality, environmental impacts and energy requirements. CWA section 306(1)(B).

NPDES permits issued for construction stormwater discharges are required under Section 402(a)(1) of the CWA to include conditions for meeting technology-based ELGs established under Section 301 and, where applicable, any NSPS established under Section 306. Once an ELG or NSPS is promulgated in accordance with these sections, NPDES permits must incorporate limits based on such limitations and standards. See 40 CFR 122.44(a)(1). Prior to the promulgation of national ELGs and/or NSPS, permitting authorities must establish and include in NPDES permits technology-based effluent limitations case-by-case based on their best professional judgment. See CWA section 402(a)(1)(B); 125.3(a)(2)(ii)(B).

4. EPA's Construction and Development Effluent Limitations Guidelines and New Source Performance Standards

On December 1, 2009, EPA promulgated ELGs and NSPSs to control the discharge of pollutants from construction sites. See 74 Fed. Reg. 62996, and 40 CFR 450.21. These requirements, known as the "Construction and Development Rule" or "C&D rule," became effective on February 1, 2010. Following the promulgation of the C&D rule in 2009, several parties filed petitions for review of the final rule, identifying potential deficiencies with the dataset that the EPA used to support its decision to adopt a numeric turbidity limitation as well as other issues. On March 6, 2014, pursuant to a settlement agreement to resolve the litigation,

EPA finalized amendments to the C&D rule that withdrew the numeric turbidity limitation and monitoring requirements, and also provided clarification regarding several other requirements of the rule. See 79 Fed. Reg. 12661 and 80 Fed. Reg. 25235. Because the 2017 CGP is being issued after the effective date of the 2014 C&D rule amendments, EPA must incorporate these requirements into this permit. Therefore, the 2017 CGP includes revisions that reflect the 2014 C&D rule amendments, as well as maintains existing changes that were made to the 2012 CGP to incorporate the other portions of C&D rule requirements not affected by the 2014 amendments. A summary of the C&D rule requirements is included in Section II below.

II. Summary of C&D Rule Requirements

The C&D rule requirements include non-numeric effluent limitations that apply to all permitted discharges from construction sites (40 CFR 450.21). The effluent limitations are structured to require construction operators to first prevent the discharge of sediment and other pollutants through the use of effective planning and erosion control measures; and second, to control discharges that do occur through the use of effective sediment control measures. Operators must implement a range of pollution control and prevention measures to limit or prevent discharges of pollutants, including those from dry weather discharges as well as wet weather (i.e., stormwater).

The non-numeric effluent limitations are designed to prevent the mobilization and stormwater discharge of sediment and sediment-bound pollutants, such as metals and nutrients, and to prevent or minimize exposure of stormwater to construction materials, debris and other sources of pollutants on construction sites. In addition, these non-numeric effluent limitations limit the generation of dissolved pollutants, such as nutrients, organics, pesticides, herbicides and metals that may be present naturally in the soil on construction sites, such as arsenic or selenium, or may have been contributed by previous activities on the site such as agriculture or industrial activity. These pollutants, once mobilized by rainfall and stormwater, can detach from the soil particles and become dissolved pollutants. Once dissolved, these pollutants would not be removed by down-slope sediment controls. Source control through minimization of soil erosion is therefore the most effective way of controlling the discharge of these pollutants.

The C&D rule's non-numeric effluent limits are as follows (see 40 CFR 450.21):

1. Erosion and Sediment Controls

Operators must design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:

- **a.** Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
- **b.** Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
- **c.** Minimize the amount of soil exposed during construction activity;
- **d.** Minimize the disturbance of steep slopes;
- **e.** Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater discharge, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

f. Provide and maintain natural buffers around waters of the United States, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible;

g. Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and

h. Unless infeasible, preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

2. Soil Stabilization Requirements

Operators must, at a minimum, initiate soil stabilization measures immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority. Stabilization must be completed within a period of time determined by the permitting authority. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.

3. Dewatering Requirements

Operators must minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate controls.

4. Pollution Prevention Measures

Operators must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:

a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use); and

c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

5. Prohibited Discharges

The following discharges from C&D sites are prohibited:

a. Wastewater from washout of concrete, unless managed by an appropriate control;

b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

d. Soaps or solvents used in vehicle and equipment washing.

6. Surface Outlets

When discharging from basins and impoundments, operators must utilize outlet structures that withdraw water from the surface, unless infeasible.

This fact sheet discusses in the sections below how EPA has incorporated these requirements into its 2017 CGP. The discussion will include a summary of each provision and the agency's rationale for articulating the provision in this way. EPA notes that most of the 2012 CGP's provisions are retained in the 2017 CGP.

III. Summary of Significant Changes to the 2017 CGP

The permit includes several new or modified requirements. The following summarizes the significant changes to the 2017 CGP.

1. Streamlining of the Permit

EPA streamlined and simplified language throughout the CGP to present requirements in a generally more clear and readable manner. This structure should enhance operators' understanding of and compliance with the permit's requirements. For example, EPA moved language that was not necessary in the permit into the relevant appendix or to the fact sheet. Although the permit has been streamlined from prior permits, many of the requirements remain unchanged.

2. Types of Discharges Authorized

The permit clarifies that stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are eligible for coverage under the CGP.

The 2017 CGP, like the 2012 CGP, authorizes several non-stormwater discharges in Part 1.2.2. New to the 2017 CGP is an explicit prohibition of non-stormwater discharges of external building washdown waters containing hazardous substances, such as paint or caulk containing polychlorinated biphenyls (PCBs). Consistent with the 2012 CGP, authorized non-stormwater discharges are required to comply with any applicable effluent limitation requirements in Parts 2 and 3 of the 2017 CGP.

3. Effluent Limitations

EPA made minor revisions to the technology-based effluent limits in the permit to implement the 2014 amendments to the C&D rule, as discussed in section II. These revisions include clarifying the applicability of requirements to control erosion on-site caused by stormwater, providing additional details on areas where buffers are required, and clarifying requirements for soil stabilization, preservation of topsoil and pollution prevention measures.

4. Notice of Permit Coverage

As in the 2012 CGP, construction operators must post a sign or other notice of permit coverage at a safe, publicly accessible location in close proximity to the construction site. New for the 2017 CGP, this notice must also include information informing the public on how to contact EPA to obtain a copy of the SWPPP, and how to contact EPA if stormwater pollution is

observed in the discharge. EPA is requiring these additions to make the longstanding process of obtaining a SWPPP more readily known to the public and to improve transparency of the process to report possible violations.

5. Stockpiles and Land Clearing Debris Piles

EPA changed the requirement for temporary stabilization for stockpiles or land clearing debris piles from "where practicable" to requiring cover or appropriate temporary stabilization for all inactive piles that will be unused for 14 or more days, consistent with the temporary stabilization deadlines in Part 2.2.14. EPA made this change to ensure pollutants are minimized from these piles, but is clarifying that the requirement only applies where these piles are not actively being used.

6. Stabilization Deadlines

The 2017 CGP establishes a modified approach to the stabilization deadlines, which is based on the concept of phasing construction disturbances. Sites that disturb 5 acres or less must complete stabilization within a 14-day timeframe, which is the same timeframe that applied to sites in the 2012 CGP. For sites that disturb more than 5 acres over the course of a construction project, operators may choose between completing stabilization within a 14-day timeframe if they limit (i.e., phase) disturbances to 5 acres or less at any one time, or within a 7-day timeframe if they do not limit (i.e., phase) disturbances to 5 acres or less at any one time. The intent of this approach is to provide an incentive to disturb less land at any given period of time by providing longer stabilization timeframes if the disturbance is kept below a threshold level. This approach is also consistent with the C&D rule limit to minimize the amount of soil exposed during construction activity. See 40 CFR 450.21(a)(3). The deadline for sites discharging to sensitive waters (regardless of how many acres they disturb overall or at any one time) remains unchanged (within 7 days), and the exceptions for sites in arid, semi-arid, and drought-stricken areas and for operators affected by circumstances beyond their control also remain unchanged.

7. Construction and Domestic Waste

The 2017 CGP now requires operators to keep waste container lids closed when not in use and at the end of the business day for those containers that are actively used throughout the day, or, for waste containers that do not have lids, provide cover or a similarly effective means to minimize the discharge of pollutants. EPA made this change to minimize the exposure of these waste materials to precipitation and stormwater, and to make the requirements for construction and domestic waste consistent with the cover requirements for most other types of materials and wastes in the 2012 CGP.

8. Discharge Limitations for Sites Discharging to Sensitive Waters

In order to help ensure that discharges meet water quality standards, in the 2017 CGP EPA added a requirement to implement controls on sites discharging to polychlorinated biphenyl-(PCB) impaired waters to minimize the exposure of building materials containing PCBs to precipitation and stormwater. This provision applies to the demolition of structures with at least 10,000 square feet of floor space built or renovated before January 1, 1980. EPA also requires information about the demolition location and associated pollutants to be documented in the SWPPP.

9. Notice of Intent (NOI)

EPA added three questions to the NOI form (Appendix J). These questions are:

- The type of construction site (select one or more of 9 options).
- A yes/no question asking if there is demolition of a structure with at least 10,000 square feet of floor space that was built or renovated before January 1, 1980.
- A yes/no question asking whether the predevelopment land use was agriculture.

IV. Geographic Coverage of the Permit

This permit makes available coverage for stormwater discharges associated with construction activities that occur in areas not covered by an approved state NPDES program. The areas of geographic coverage of this permit are listed in Appendix B, and include the states of Idaho, Massachusetts, New Hampshire, and New Mexico as well as most Indian Country lands, and construction projects undertaken by Federal Operators in selected states. Permit coverage is also available in the District of Columbia, Puerto Rico, and all other U.S. territories with the exception of the Virgin Islands.

V. Categories of Facilities That Can Be Covered Under This Permit

This permit covers stormwater discharges associated with construction activities located in one of the areas identified in Appendix B, which disturb one or more acres of land, or will disturb less than one acre, but are part of a common plan of development or sale that will ultimately disturb one acre or more. See 40 CFR 122.26(b)(14)(x) and (15), and Part 1.1 of the permit. The table below summarizes which construction activities may be covered by this permit:

Categories of facilities that can be covered under this permit

Examples of Affected Entities	North American Industry Classification System (NAICS) Code
Construction site operators disturbing one or more acres of land, or less than one acre but part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more, and performing the following activities:	
Construction of Buildings	236
Heavy and Civil Engineering Construction	237

Note that this list of NAICS codes covers those industry segments most likely to make use of this permit, but any construction operator that meets the eligibility requirements laid out for coverage is eligible. Eligibility for coverage by the permit is available to operators of "new sites," operators of "existing sites," "new operators of permitted sites," and operators of "emergency-related projects," as discussed in Part 1.2 and defined in Appendix A.

VI. Permit Requirements

This section outlines below the purpose of each provision, followed by the permit requirements (in text box), followed by any additional explanation of each provision.

Part 1: How to Obtain Coverage Under the CGP

Part 1 of the CGP details the provisions that must be met to obtain coverage under the permit. Although this section has been reorganized from prior permits, most of the requirements for coverage and the process to be followed for seeking coverage remain unchanged.

Part 1.1: Eligibility Conditions

The requirements in Part 1.1 describe all the conditions that must be met to be eligible for coverage under the CGP, as follows. Listing these eligibility conditions ensures that operators have verified that their particular construction project, and discharges from it, are eligible for coverage under this permit.

Part 1.1 (1.1.1 - 1.1.9)	Permit Requirements
1.1.1	You are an operator of the construction project for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an "operator" is any party associated with a construction project that meets either of the following two criteria: a. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications *(e.g., in most cases this is the owner of the site);* or b. 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; in most cases this is the general contractor (as defined in Appendix A) of the project)*. Where there are multiple operators associated with the same project, all operators must obtain permit coverage. Subcontractors generally are not considered operators for the purposes of this permit.
1.1.2	The project will disturb one or more acres, or will disturb less than one acre but is part of a common plan of development or sale that will ultimately disturb one or more acres, or the project's discharges have been designated by EPA as needing a permit under § 122.26(a)(1)(v) or § 122.26(b)(15)(ii).
1.1.3	The construction project is located in an area where EPA is the permitting authority. For a list of such areas, see Appendix B.
1.1.4	Discharges from the project are not: a. Already covered by a different NPDES stormwater permit for the same discharge. Note that this does not include sites currently covered under the 2012 CGP; or b. In the process of having coverage under another NPDES stormwater permit denied, terminated, or revoked. Note that this does not include the following: (1) sites currently covered under the 2012 CGP that will be seeking coverage under this permit, nor (2) sites that will be covered under this permit that are transferring coverage to a different operator. *[Note that notwithstanding a project being ineligible for coverage under this permit because it falls under the description of (a) or (b) above, EPA may waive the applicable eligibility restriction after specific review if it determines that coverage under this permit is indeed appropriate.]*
1.1.5	Discharges from the site are not likely to adversely affect any species that are federally listed as endangered or threatened under the Endangered Species Act (ESA) and will not result in the adverse modification or destruction of habitat that is federally designated as "critical habitat" under the ESA. To demonstrate this, one of

the criteria listed in Appendix D must be met, following the procedures set forth in that appendix;

1.1.6 The operator has completed the screening process in Appendix E with respect to the protection of historic properties and places;

1.1.7 Any specific requirements respecting eligibility as imposed by the applicable state, tribe, or territory through CWA section 401 certification and listed in Part 9 of this permit have been met;

1.1.8 For operators of a "new source" (as defined in Appendix A)

a. EPA has not, prior to authorization under this permit, determined that discharges from your site 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 the operator that an individual permit application is necessary in accordance with Part 1.2.2. However, EPA may authorize coverage under this permit after the operator has included appropriate controls and implementation procedures designed to bring the discharge into compliance with this permit, specifically the requirement to meet 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, 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; and

b. Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water[1] will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.

1.1.9 If the operator plans to add cationic treatment chemicals (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, it is ineligible for coverage under this permit and may not submit an NOI, unless and until it notifies the applicable EPA Regional Office (see Appendix L) in advance and the EPA Regional Office authorizes coverage under this permit after the operator has included appropriate controls and implementation procedures designed to ensure that their use of cationic treatment chemicals will not lead to discharges that cause an exceedance of water quality standards. In the absence of such authorization, to use cationic treatment chemicals at the site, the operator must apply for and receive coverage under an individual permit.

The definition of "operator" in Part 1.1.1 above is consistent with the 2012 CGP. The party that meets the first part of the definition of "operator" (*the party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications)* in most cases will be the owner of the site. The party that meets the second

[1] Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first 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 water of the U.S. to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

part of the definition of "operator" (*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))* in most cases will be the general contractor of the project. EPA clarifies that subcontractors generally do not meet the definition of "operator," and thus are generally not required to obtain permit coverage.

Part 1.1 of the permit also clarifies the requirements with respect to projects with multiple operators. Where there are multiple operators associated with the same project, all operators must obtain permit coverage. Also, if the operator of a "construction support activity" (see Part 1.2.1.c) is different than the operator of the main site, that operator must also obtain permit coverage. For example, if a construction support activity for the project is owned by a separate owner, and if the separate owner meets the definition of "operator", that person must obtain permit coverage for discharges from the site where the support activities are located. However, if the construction support activity is owned or operated by the site operator, then the support activity must be included in the site operator's permit coverage, including any documentation provided in the NOI and SWPPP. Part 1.1 references Part 7.1 for clarification on the sharing of liability between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

The requirements in Part 1.1.8, which apply to new sources, are designed to comply with 40 CFR 122.4(i) requirements that address the issuance of permits to new sources to waterbodies not meeting instream water quality standards. EPA notes that while Part 1.1.8 is designed to specifically implement 40 CFR 122.4(i), other water quality-based requirements apply to existing sources, as well as new sources. Part 3 of the permit includes water quality-based effluent limits applicable to all sources, which are designed to ensure that all discharges from all operators are controlled as necessary to meet water quality standards.

Part 1.1.8 also requires operators to determine if they discharge to a Tier 2, Tier 2.5, or Tier 3 water, and if they do, to comply with specific requirements in the permit, which are intended to ensure that their discharges will not result in a lowering of water quality in the receiving water. This provision makes clear to operators their requirements for complying with antidegradation requirements, and provides assurance that operators will not cause or contribute to a lowering of water quality in the receiving water.

Part 1.1.9 clarifies what operators electing to use cationic treatment chemicals must do to be eligible for coverage under the permit. EPA has added Appendix L to the permit as a suggested format for notifying the operator's applicable EPA Regional Office about its intent to use of cationic treatment chemicals. The addition of Appendix L is to make it easier for operators to become eligible for permit coverage under Part 1.1.9. This provision is not being modified from the 2012 CGP.

EPA hereby incorporates by reference the discussion in the 2012 CGP fact sheet concerning background on cationic treatment chemicals as well as the agency's rationale for adopting this provision. See section VI.2.4 "Use of Cationic Treatment Chemicals" on pages 20 through 28 of the 2012 CGP fact sheet, available at https://www.epa.gov/sites/production/files/2015-10/documents/cgp2012_finalfactsheet.pdf.

Part 1.2: Types of Discharges Authorized

Part 1.2 of the CGP provides operators with a comprehensive list of the types of discharges that are authorized once covered under this permit. This list makes operators aware of allowed stormwater and non-stormwater discharges, and of any additional requirements associated with those discharges to minimize the discharge of pollutants, and also makes

operators aware that any discharges not included on the list are not authorized under this permit. The new language in footnote 5 reminds operators to refer to the definition of "discharge" in Appendix A.

Part 1.2.1 lists categories of stormwater discharges that are allowed under the CGP, provided that all applicable permit limits and conditions are met.

Part 1.2.1	**Permit Requirements**

The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):

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 that:

   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 Part 3 for discharges from the support activity areas.

d. The permit also clarifies that stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are eligible for coverage under the CGP.

Part 1.2.2 provides authorization for non-stormwater discharges from the operator's construction activity.

Part 1.2.2	**Permit Requirements**

The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:

a. Discharges from emergency fire-fighting activities;

b. Fire hydrant flushings;

c. Landscape irrigation;

d. Water used to wash vehicles and equipment, provided there is no discharge of soaps, solvents, or detergents used for such purposes;

e. Water used to control dust;

f. Potable water including uncontaminated water line flushings;
g. External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));
h. Pavement wash waters, provided spills or leaks of toxic or hazardous material have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. The operator is prohibited from directing pavement wash waters directly into any water of the U.S., storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;
i. Uncontaminated air conditioning or compressor condensate;
j. Uncontaminated, non-turbid discharges of ground water or spring water;
k. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and
l. Construction dewatering water discharged in accordance with Part 2.4.

Part 1.2.1.d includes a new clarification that stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining are eligible for coverage under the CGP. This clarification was added to ensure consistency between this permit and the 2015 MSGP, which gives mining operators the option of having these same stormwater discharges covered under that permit or having them covered under the CGP. This language simply makes it clear to mining operators that these stormwater discharges are in fact eligible under the CGP, as intended.

Part 1.2.2 adds a new condition that discharges of external building washdown waters containing hazardous substances (*e.g., paint or caulk containing PCBs)* are not authorized. The purpose of this new provision is to prevent releases of PCBs in the environment when these wash waters contact external building surfaces containing PCBs. If the operator were to discharge washdown waters containing PCBs to an MS4 or directly to a receiving water, these would be unauthorized discharges.

EPA notes that "uncontaminated" means that the discharge does not cause or contribute to an exceedance of applicable water quality standards. Similarly, "non-turbid" means the discharge does not cause or contribute to an exceedance of turbidity-related water quality standards. See Appendix A.

Part 1.2.3 provides authorization to discharge authorized stormwater or authorized non-stormwater discharges, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

Part 1.2.3	**Permit Requirements**
Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.	

Part 1.3: Prohibited Discharges

Part 1.3 identifies the types of discharges that are prohibited from occurring at the operator's construction site. This list prohibits the following discharges:

Part 1.3 (1.3.1 - 1.3.5)	**Permit Requirements**

1.3.1.	Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;
1.3.2.	Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
1.3.3.	Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
1.3.4.	Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and
1.3.5.	Toxic or hazardous substances from a spill or other release.

Part 1.3 also specifies that to prevent the above-listed prohibited non-stormwater discharges, operators must comply with the applicable pollution prevent requirements in Part 2.3.

Part 1.3 details the types of wastes and other pollutants that operators are prohibited from discharging under the permit. The requirement in Parts 1.3.1 through 1.3.4 above implement prohibitions included in the C&D rule at 40 CFR 450.21(e). The requirement in Part 1.3.5 above to prohibit toxic or hazardous substances from a spill or other release corresponds to Part 3.1.I of the 2008 CGP ("you are not authorized to discharge hazardous substances or oil resulting from an on-site spill"). EPA includes the types of prohibited non-stormwater discharges in the permit as a reminder to the operator that the only authorized non-stormwater discharges are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

This provision, which is now Part 1.3 in this permit, was moved from Part 2 in the 2012 CGP. Moving this section on prohibited discharges to immediately follow Part 1.2 on authorized discharges specifies for operators in one place in the permit which discharges are and are not allowed under the CGP.

Part 1.4: Submitting Your NOI

Part 1.4 carries out the fundamental requirement that discharges are not authorized until permit coverage is obtained, and that permit coverage is obtained for the CGP through the submission of a complete and accurate NOI followed by a minimum 14-day waiting period.

Part 1.4	Permit Requirements
Part 1.4 specifies that all "operators" (as defined in Appendix A) associated with the construction site, who meet the Part 1.1 eligibility requirements, and who seek coverage under the final permit, must submit to EPA a complete and accurate NOI prior to commencing construction activities. Part 1.4 provides an exception for operators that are conducting construction 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. If any of these circumstances apply, the operator may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1 in the permit) establishing that you are eligible for coverage under this permit. The operator must also provide documentation in the SWPPP to substantiate the occurrence of the public emergency.	

EPA recognizes that obtaining CGP coverage following the normal procedures is not feasible in situations requiring emergency-related construction. EPA includes the exception in

Part 1.4 to ensure that the authorization process does not interfere with emergency-related construction projects required to avoid endangerment to human health, public safety, or the environment. By providing the operators of these projects with the ability to immediately begin work, and to postpone the NOI submission and SWPPP completion deadlines for 30 calendar days, EPA intends that these projects may proceed without delay. Once the initial 30 calendar days has expired, however, an NOI must be submitted and a SWPPP must be completed.

Part 1.4.1: Prerequisite for Submitting Your NOI

Part 1.4.1 clarifies that completing development of the SWPPP consistent with Part 7 is a prerequisite to submitting an NOI for coverage under this permit.

Part 1.4.1	Permit Requirements
Operators must develop a SWPPP consistent with Part 7 before submitting an NOI for coverage under this permit.	

Part 1.4.1 was a note in Part 1.4 in the 2012 CGP. The note was moved to the body of the permit to make this requirement more visible to operators.

Part 1.4.2: How to Submit Your NOI

Part 1.4.2 clarifies the method by which operators are to submit their NOIs for permit coverage.

Part 1.4.2	Permit Requirements
Part 1.4.1 specifies that operators must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit their NOIs for coverage under the 2017 CGP, unless the operator receives a waiver from your EPA Regional Office. Waivers from electronic reporting may be granted based on one of the following conditions: a. If the operator's operational headquarters are physically located in a geographic area (*i.e., ZIP code or census tract*) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or b. If the operator has limitations regarding available computer access or computer capability. If the operator wishes to obtain a waiver from submitting a report electronically, operators must submit a request to the EPA Regional Office. In that request, operators must document which exemption they meet, provide evidence supporting any claims, and a copy of their completed NOI form. A waiver may only be considered granted once operators receive written confirmation from EPA. If the EPA Regional Office grants the operator approval to use a paper NOI, and they elect to use it, the operator must complete the form in Appendix J.	

This is the first CGP that has made use of EPA's NPDES eReporting Tool (NeT), which replaces the previous electronic system required in the 2012 CGP, the eNOI system. Due to the expansion in Internet availability, greater efficiency in administrative processing, and reductions in cost to manage the system as compared to paper NOIs, it is required that NeT be the primary mechanism by which construction projects obtain permit coverage. If it is not possible for an operator to make use of NeT, such operator may submit a waiver request to the Regional Office and an explanation as to why use of NeT is infeasible. Operators must receive affirmative confirmation from the Regional Office to then use a paper NOI.

Part 1.4.3: Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Part 1.4.2 specifies the deadlines for submitting NOIs for permit coverage and official start dates for permit coverage in Table 1. NOI submittal deadlines vary depending on when the operator commences construction activity. Table 1 summarizes the deadlines and permit coverage start dates based upon the type of construction project as follows:

Part 1.4.3	**Permit Requirements**	
Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.		
Type of Operator	**NOI Submittal Deadline[2]**	**Permit Authorization Date[3]**
Operator of a new site (*i.e., a site where construction activities commence on or after February 16, 2017*)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site *(i.e., a site with 2012 CGP coverage where construction activities commenced prior to February 16, 2017*)	No later than **May 17, 2017**.	
New operator of a permitted site (*i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site"*)	At least 14 calendar days before the date the transfer to the new operator will take place.	
Operator of an "emergency-related project" (*i.e., 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*)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

[2] If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA 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 construction activities and discharge authorization.

[3] Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

The term "operator of a new site" in Table 1 is used to describe projects that commence earth disturbing activities on or after February 16, 2017, the effective date of the permit. New sites include those new sources that are subject to the C&D rule's NSPSs because they commenced construction after February 1, 2010 (the effective date of the C&D rule). The term "new site" was adopted to avoid the confusion that would have resulted if the permit used the term "new source" to describe both projects that began construction after February 1, 2010, but before February 16, 2017, and those projects that begin on or after February 16, 2017.

The term "operator of an existing site" in Table 1 refers to construction projects that commenced activities prior to February 16, 2017, the effective date of the permit. Existing sites include both those activities that began prior to the February 1, 2010 effective date of the NSPS of the C&D rule, and may have been covered under the 2008 CGP, and those activities that are subject to the NSPS because they commenced after February 1, 2010, but before February 16, 2017.

The 14-day NOI submittal deadlines in Table 1 for operators of new sites and new operators of a new or existing site provides the Fish & Wildlife Service and the National Marine Fisheries Service (the "Services"), state and tribal historic preservation offices, and the public, with an opportunity to review these submissions and to inform EPA if they believe that more time is needed to review the potential impacts from the project. The 14 days between receipt of the NOI and authorization is referred to as the "waiting period."

During the 14-day waiting period, where one or both of the Services or the historic preservation office requests that they or EPA need to further explore whether a particular facility is eligible for permit coverage, EPA can delay authorization to allow such an assessment to take place. EPA may also use the waiting period to determine whether any more stringent control measures are necessary to ensure that discharges will meet applicable water quality standards, to be consistent with an applicable wasteload allocation (WLA), or to comply with state or tribal antidegradation requirements.

Additionally, during this waiting period, the public has an opportunity to review the NOIs and request review of applicable SWPPPs. Anyone wishing to provide feedback to EPA can send information to the appropriate EPA Regional Office listed in Appendix B of the permit for consideration. EPA clarifies that this waiting period is not a public notice and comment period. EPA will consider any information provided to it during the waiting period, but does not plan to provide specific responses to comments received. Where appropriate, EPA will address concerns raised *(e.g., will direct the relevant operator to make improvements to the designed stormwater controls as necessary to meet the requirements of the permit)*. Depending on the nature of the issue and the timing of the comments, EPA will take appropriate action either prior to or following discharge authorization. In addition, EPA may delay authorization if warranted, or may determine that the discharge is not eligible for authorization under this permit.

The description of the permit authorization date changed slightly from the 2012 CGP. The 2012 CGP states that the operator would be covered under the permit "14 calendar days after EPA has acknowledged receipt of [the operator's] NOI on the agency's website…" Under the 2017 CGP, operators are covered under the permit "14 calendar days after EPA notifies [the operator] that it has received a complete NOI…" This is a clarification of the process that was followed under the 2012 CGP. "Acknowledging receipt on the agency's website" required the NOI to be complete when submitted to EPA, and it would not be processed otherwise. Therefore, EPA is making it more explicit that the NOI must be complete upon receipt for the operator be covered within 14 calendar days.

Table 1 describes that operators of emergency-related projects are considered provisionally covered under the permit immediately upon the start of construction, and unprovisionally covered 14 calendar days after EPA acknowledges receipt of their NOI through

posted information on EPA's website (https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting), unless EPA notifies the operator that their authorization has been delayed or denied.

If the operator requests a waiver and submits a paper NOI, the 14-day period prior to permit coverage is the same as above, however this period commences only after EPA completes manual entry of the paper NOI information into NeT. Note that if the paper NOI contains errors or is incomplete, this will result in delaying the commencement of the 14-day waiting period. The operator will be able to tell when the 14-day waiting period has begun by checking for their NOI in NeT at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting.

Part 1.4.4: Modifying your NOI

Part 1.4.4 describes the process for modifying an NOI if the operator needs to correct or update any fields.

Part 1.4.4	Permit Requirements
To modify an NOI, the operator may submit a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office has granted the operator approval to submit a paper NOI modification, they may indicate any NOI changes on the same NOI form in Appendix J. When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a NOT form as specified in Part 8.3.	

Part 1.4.4 is a new provision in the permit that EPA added to clarify for operators the existing procedure for modifying NOIs.

Part 1.4.5: Your Official End Date of Permit Coverage

Part 1.4.5 describes how long permit coverage lasts.

Part 1.4.5	Permit Requirements
Once covered under the CGP, permit coverage will last until: a. The operator terminates permit coverage, consistent with Part 8; or b. The operator receives permit coverage under a different NPDES permit, or a reissued or replacement version of this permit after expiring on February 16, 2022 if the operator requests coverage under the reissued or replacement permit by the specified deadline (in this case the operator has no break in coverage); or c. The operator fails to submit an NOI for coverage under a revised or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired (in this case your coverage lapses and EPA may take enforcement action against any unpermitted discharges).	

Continuation of Coverage for Existing Operators After the 2017 Permit Expires

Note that if the 2017 CGP is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (see 40 CFR 122.6) and remain in force and effect for discharges that were covered prior to its expiration. All operators granted permit coverage prior to the expiration date of the permit will automatically remain covered by the 2017 CGP until the earliest of:

a. The authorization for coverage under a reissued or replacement version of the permit following the timely submittal of a complete and accurate NOI requesting coverage

under the new permit. If a timely NOI for coverage under the reissued or replacement permit is not submitted, coverage will terminate on the date that the NOI was due; or

b. The date of the submittal of an NOT; or

c. Issuance or denial of an individual permit for the operator's discharges; or

d. A final permit decision by EPA not to reissue the CGP, 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 the 2017 CGP under 40 CFR 122.62 and 63, in which case the operator will be notified of any relevant changes or procedures to which operators may be subject.

This clarification was previously stated in Part 1.4.4 of the 2012 CGP and has been moved to the fact sheet in the 2017 CGP. The clarification describes for operators the continuation of coverage for existing operators if the permit expires. Where EPA fails to issue a final general permit prior to the expiration of a previous general permit, EPA has the authority to administratively continue the permit for operators authorized to discharge under the prior general permit. However, EPA does not have the authority to provide coverage to construction projects not already authorized to discharge under that prior general permit. Once the five-year expiration date for this permit has passed, any such projects would need to obtain coverage under an individual permit, or other general permit that is in effect.

Part 1.5: Requirement to Post a Notice of Your Permit Coverage

The requirement in Part 1.5 is to provide notice to the public, and any other interested parties, that discharges from the construction site are authorized by EPA.

Part 1.5	Permit Requirements

Part 1.5 of the CGP requires that the operator post a sign or other notice of permit coverage at a safe, publicly accessible location in close proximity to the construction site. 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. At a minimum, the notice must include:

a. The NPDES ID (*i.e., permit tracking number assigned to your NOI*);

b. A contact name and phone number for obtaining additional construction site information;

c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [*include the appropriate CGP Regional Office contact information found at https://www.epa.gov/npdes/contact-us-stormwater#regional*];" and

d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, contact the EPA through the following website: https://www.epa.gov/enforcement/report-environmental-violations."

By providing notice of permit coverage and other information about the site, interested parties are more easily able to obtain information about the construction site, such as the SWPPP, and identify the site when reporting potential permit violations. Note that operators are

only required to provide copies of the SWPPP, upon request, to 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 the SWPPP to a member of the public upon request. For the 2017 CGP, EPA added a requirement that the notice of permit coverage must include a statement about how to obtain a copy of the SWPPP from EPA. This addition makes the protocol for requesting a SWPPP easily known and explicit to the public. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS. To improve transparency of the process to report possible violations, EPA also added a requirement that the notice of permit coverage must include information on how the public can contact EPA if stormwater pollution is observed in the discharge. EPA also added footnote 10 to clarify that when the active part of the construction site is not visible from a public road, operators must place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

Part 2: Technology-Based Effluent Limitations

Part 2 organizes the stormwater effluent limitations into four sections:

- Part 2.1: General Stormwater Control Design, Installation, and Maintenance Requirements;
- Part 2.2: Erosion and Sediment Control Requirements;
- Part 2.3: Pollution Prevention Requirements; and
- Part 2.4: Construction Dewatering Requirements.

The stormwater control requirements in Part 2 are the technology-based effluent limitations that apply to all discharges associated with construction activity eligible for permit coverage. The requirements in Part 2 generally apply the national effluent limitations guidelines and new source performance standards in the Construction and Development Rule ("C&D rule") in 40 CFR Part 450 promulgated on December 1, 2009 (74 Fed. Reg. 62996), and amended on March 6, 2014 (79 Fed. Reg. 12661). These requirements apply to all permitted sites, including construction support activities that are covered under the permit under Part 1.2.1.c.

EPA's Incorporation of the Non-Numeric Limits

An operator can minimize the discharge of pollutants from construction sites by satisfying the non-numeric effluent limitations at 40 CFR 450.21 and by using various controls and practices, outlined in more detail by the permitting authority. EPA crafted the non-numeric effluent limits in the C&D rule to allow flexibility in how the permitting authority implements these requirements in permits. See 74 FR 63016. As an example, 40 CFR 450.21(a)(5) requires construction operators to design, install, and maintain controls to "minimize sediment discharges from the site." Thus, each NPDES permitting authority has some discretion within this somewhat broad requirement, defined further at 40 CFR 450.21(a)(5), to further define what it means to minimize sediment discharges, or to achieve any of the other non-numeric limits. See 74 FR 63016.

Accordingly, this permit contains requirements that specifically implement or incorporate each of the C&D rule's non-numeric limits in order to minimize the discharge of pollutants from construction sites. This is consistent with EPA's objective to write general permits with conditions that are clear, specific, and measurable. In the sections that follow, EPA discusses the permit requirements, and explains how the language is consistent with the non-numeric effluent limits in the C&D rule upon which they are based.

Part 2.1: General Stormwater Control Design, Installation, and Maintenance Requirements

Part 2.1 establishes the overall principle for designing, installing, and maintaining stormwater controls that work to minimize the discharge of pollutants from construction sites, as required in 40 CFR 450.21.

Part 2.1	Permit Requirements
Part 2.1 includes the general requirement that the operator must design, install, and maintain stormwater controls required in Parts 2.2 and 2.3 to minimize the discharge of pollutants in stormwater from construction activities. Part 2.1 includes design, installation, and maintenance requirements that must be followed for all such controls.	

Part 2.1.1: Design Factors

Part 2.1.1 requires the operator to account for design factors that address the corresponding C&D rule requirements in 40 CFR 450.21(a)(2) and (5).

Part 2.1.1	Permit Requirements
In the design of stormwater controls, operators must account for the following factors: a. The expected amount, frequency, intensity, and duration of precipitation; b. 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. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and c. The soil type and range of soil particle sizes expected to be present on the site.	

It is important to consider precipitation characteristics so that earth-disturbing activities can be planned during periods with a lower risk of precipitation and so that erosion and sediment control practices can be designed to convey and manage the precipitation that is expected to occur. The requirement to design stormwater controls to account for the nature of stormwater runoff and run-on on the site and to reduce peak flowrates and total stormwater is intended to minimize scouring and erosion caused by stormwater discharges from the site. The requirement to account for soil characteristics, such as particle size distribution, erosivity, and cohesiveness, is also important for selecting and designing appropriate erosion and sediment controls.

Part 2.1.2: Good Engineering Practices

Part 2.1.2 implements the C&D rule requirement to "install effective erosion and sediment controls."

Part 2.1.2	Permit Requirements
The operator must design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.	

In order for stormwater controls to be effective, they must be properly designed and installed. EPA notes that design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Additionally, where it is appropriate to depart from such specifications, this must reflect good engineering practice and must be explained in the SWPPP.

Part 2.1.3: Complete Installation Prior to Commencement of Construction

Part 2.1.3 is intended to ensure that stormwater controls are installed and made operational to minimize pollutant discharges from the area of active disturbance.

Part 2.1.3	Permit Requirements
The operator must complete the installation of stormwater controls by the time each phase of construction has begun: a. By the time construction activity in any given portion of the site begins, the operator must install and make operational any downgradient sediment controls (*e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection*) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities. EPA notes that this requirement does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutant during the installation of stormwater controls. b. Following the installation of the initial controls, the operator must install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.	

For example, prior to initial site clearing and grading activities, the operator must install perimeter controls, exit point controls, and, if applicable, storm drain inlet protections and natural buffers or equivalent sediment controls to control stormwater discharges from the initial disturbances. After this initial work is completed, the operator must install and make operational other controls, such as sediment traps or sediment basins, that are expected to treat stormwater during the remaining phases of construction. Where a project is conducted in phases, such as for a large-scale road project, the requirement is to install such controls prior to commencing earth-disturbing activities for the particular phase. After initial controls are installed, the operator must install and make operational any remaining stormwater controls as conditions allow.

EPA notes that the phrase "unless infeasible" has been removed from the requirement to complete installation of initial downgradient sediment controls by the time construction has begun, which was included in the 2012 CGP. In EPA's judgment, this is not a meaningful change because the permit already accounts for the scenarios in which meeting this requirement would be infeasible in footnote #12 in the permit.

Part 2.1.4: Maintain Controls in Effective Operating Condition

Part 2.1.4 implements the C&D rule requirement to "maintain effective erosion controls and sediment controls" at 40 CFR 450.21(a) and the NPDES requirement at 40 CFR 122.41(e) to "at all times properly operate and maintain all facilities and systems of treatment and control …."

Part 2.1.4	Permit Requirements
During permit coverage, the operator must ensure that all stormwater controls are maintained and remain in effective operating condition and are protected from activities that would reduce their effectiveness. a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer. b. If at any time you find that a stormwater control needs routine maintenance, you must immediately initiate the needed maintenance work, and complete such work by the close of the next business day.	

c. If at any time you find that a stormwater control needs repair or replacement, you must comply with the corrective action requirements in Part 5.

Part 2.2: Erosion and Sediment Control Requirements

Part 2.2 implements the C&D rule's requirement at 40 CFR 450.21(a) to "design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants," as well as the requirements in 40 CFR 450.21(b) for soil stabilization.

Part 2.2	Permit Requirements
Part 2.2 requires the operator to implement erosion and sediment controls that minimize the discharge of pollutants in stormwater from construction activities.	

The specific sections of the permit within Part 2.2 include requirements that articulate what is expected of CGP operators in order to comply with this effluent limitation established in the C&D rule.

Part 2.2.1: Natural Buffers

Part 2.2.1 implements the C&D rule's requirement to minimize the discharge of pollutants from the site by providing and maintaining "natural buffers around waters of the United States… unless infeasible." See 40 CFR 450.21(a)(6).

Part 2.2.1	Permit Requirements
Provide and maintain natural buffers and/or equivalent erosion and sediment controls when a water of the U.S. is located within 50 feet of the site's earth disturbances. a. For any discharges to "waters of the U.S." (defined in Appendix A) located within 50 feet of the site's earth disturbances, the operator must comply with one of the following alternatives: i. Provide and maintain a 50-foot undisturbed natural buffer; or ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer. b. Exceptions to the requirement in Part 2.2.1.a are explained in Appendix G, Part G.2.	

This requirement applies to all project sites that are situated within 50 feet of a water of the U.S., with certain exceptions described in Appendix G of the permit. Appendix G provides guidance on which sites must comply with the buffer provision, and how to implement the different compliance alternatives.

EPA incorporates by reference the discussion in the 2012 CGP fact sheet concerning the agency's rationale for adopting the specific buffer requirements. See section "Provide Natural Buffers or Equivalent Sediment Controls" on pages 41 through 65 of the 2012 CGP fact sheet, available at https://www.epa.gov/sites/production/files/2015-10/documents/cgp2012_finalfactsheet.pdf.

EPA moved much of the language from the 2012 CGP buffer provision to Appendix G since this requirement only applies to a subset of construction operators (i.e., those whose site

disturbances occur within 50 feet of a water of the U.S.). While the requirements and the flexibility provided remain the same, it is more efficient to explain these compliance details and to provide further guidance in Appendix G, which is solely devoted to the topic of the buffer requirements.

Part 2.2.2: Direct Stormwater to Vegetated Areas

Part 2.2.2 implements the C&D rule requirement at 40 CFR 450.21(a)(6). This requirement reduces the discharge of sediment and other pollutants through filtration and infiltration.

Part 2.2.2	Permit Requirements
Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infeasible.	

Operators can comply with this requirement by directing non-erosive flows leaving silt fences, filter berms, or other perimeter controls and sediment basins to natural buffers adjacent to streams or other vegetated areas on or adjacent to the property on which the construction activities will occur. Note that some site operators have found the use of level spreaders or other practices to be effective to prevent erosive discharges. These practices will help to prevent the formation of gullies and associated erosion. Examples of where it may be infeasible to direct discharges from stormwater controls to vegetated areas include those areas where pervious or vegetated areas within the project footprint are non-existent, such as in some highly urban areas.

Part 2.2.3: Install Perimeter Controls

The perimeter control requirements in Part 2.2.3 implement the C&D rule requirement to "install effective erosion and sediment controls."

Part 2.2.3	Permit Requirements
Operators must install sediment controls, such as filter berms, silt fences, vegetative strips, and temporary diversion dikes, along any perimeter areas of the site that will receive pollutant discharges, and comply with the following perimeter control requirement: a. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control. b. Exception: For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible *(e.g., due to a limited or restricted right-of-way),* implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.	

The requirement instructs operators as to where downslope sediment controls should be installed so that they are effectively situated to minimize the discharge of pollutants on the site. The requirement in (a) above makes operators aware that they must maintain perimeter controls so that they remain effective throughout the duration of permit coverage. This requirement implements the C&D rule requirement to "maintain effective erosion controls and sediment controls" at 40 CFR 450.21(a).

The requirement in (b) above provides flexibility for linear construction sites by allowing them to document in the SWPPP when it is infeasible to install perimeter controls in certain areas of the site, and instead allowing the use of other types of practices that will adequately minimize pollutant discharges to perimeter areas of the site. The language in Part 2.2.3.b reflects a modification from the 2012 CGP, which required that perimeter controls for linear sites be maximized where practicable where there are rights-of-way restrictions. EPA established this provision in order to recognize that for some linear projects, perimeter controls are not always

feasible (e.g., due to limited available space to install perimeter controls), and that other types of practices can be employed to minimize pollutant discharges. For example, in urban areas where, due to right-of-way limitations, perimeter controls could cause a safety hazard to vehicles and/or pedestrians, perimeter controls may not be feasible. Other practices that could be implemented to minimize pollutant discharges from perimeter areas for these types of sites could include conducting earth disturbances only on days when no precipitation will occur; limiting disturbances and stabilizing areas of exposed soil immediately; and avoiding disturbances to environmentally sensitive areas. The types of other practices to be implemented to adequately minimize pollutant discharges from perimeter areas must be based on site-specific conditions and reflect good engineering judgment.

While perimeter controls may not be feasible in the above circumstances, operators are reminded of the requirement under Part 2.1.1 to account for the required design factors for their stormwater controls and their overall obligation in Part 2 to minimize sediment discharges. In addition, the operator must ensure that sediment and other pollutants, which may escape the area of disturbance onto off-site streets, other paved areas, and sidewalks, are removed consistent with the mitigation requirements in Part 2.2.4.d.

EPA also notes that Part 2.2.3 only applies along any perimeter areas of the site that will receive pollutant discharges. If a portion of the construction site's perimeter area does not receive pollutant discharges, perimeter controls are not required in that portion of the site. Therefore, perimeter controls are not necessary in the perimeter area surrounding construction activities in areas of sites where no pollutant discharges occur, which for certain linear construction sites could include:

- Pole sites where only overhead work is conducted;
- Use of pre-existing access roads or pad areas where no expansion or below-grade improvements *(e.g., no new earth disturbances)* will occur; and
- Areas where vegetation is left in place but needs to be trimmed (*e.g., mowing, weed whacking, etc.)* to allow temporary access (*e.g., overland travel)* or use of a site (*e.g., wire stringing site)*. In such circumstances, the ground cover (i.e., grasses and other low-growing vegetation, such as mosses, ferns, vines, shrubs, herbaceous plants, and root mats that are planted or that naturally occur) is retained and no grading occurs.

Part 2.2.4: Minimize Sediment Track-Out

Collectively, the requirements in Part 2.2.4 will result in the minimization of sediment that has been tracked out from the site onto paved surfaces and subsequently discharged in stormwater. The following practices are required for minimizing sediment track-out:

Part 2.2.4	Permit Requirements
a.	Restrict vehicle use to properly designated exit points;
b.	Use appropriate stabilization techniques (e.g., use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats) at all points that exit onto paved roads.
I.	*Exception*: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls (e.g., preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas) are implemented to minimize sediment track-out;

c. Implement additional track-out controls (e.g., wheel washing, rumble strips, and rattle plates) as necessary to ensure that sediment removal occurs prior to vehicle exit; and

d. Where sediment has been tracked out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. 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, storm drain inlet, or water of the U.S.

The requirement to restrict vehicle use to properly designated exit points in (a) above, the requirement for appropriate stabilization techniques at all points that exit onto paved roads in (b) above, and the requirement for the use of additional controls as necessary to ensure that sediment removal occurs prior to vehicle exit in (c) above, implement the C&D rule requirement to "minimize sediment discharges from the site." The requirement in (b) above also implements the C&D rule requirement to "minimize the amount of soil exposed during construction activity." The requirement in (d) above implements the C&D rule requirements to "minimize sediment discharges" and the requirement to "minimize the discharge of pollutants from equipment and vehicle washing …."

The exception language in (b) is added here to reflect the guidance included in EPA's FAQ for the corresponding section of the 2012 permit (i.e., Part 2.1.2.3.b). See EPA's FAQ for Part 2.1.2.3.b at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#faq. Portions of this FAQ are repeated here to further explain the meaning of these requirements for linear utility projects:

> EPA acknowledges that the use of exit points for certain narrow linear utility projects can differ from traditional residential or commercial construction projects, where the same exit points are consistently used throughout the life of a project. Linear utility project disturbances, which include natural gas and electric transmission lines, typically consist of multiple disconnected areas of disturbance associated with access roads, stringing pull stations, laydown/staging yards, and pads. Because exit point stabilization is only required for points that exit onto paved roads, it will often be the case that exit point stabilization and the other track-out controls described in Parts 2.1.2.3.b [Part 2.2.4.b of the 2017 CGP] and 2.1.2.3.c [Part 2.2.4.c of the 2017 CGP] of the 2012 EPA CGP will not be required for linear utility projects that use existing unpaved roads to exit their work locations. However, to the extent that any sediment is tracked from existing access points onto paved roads, the requirement to remove tracked-out sediment in Part 2.1.2.3.d [Part 2.2.4.d of the 2017 CGP] still applies.
>
> Linear utility projects are also often constructed in phases with different access points corresponding to different phases or separate work locations within each phase. When access points are created for linear utility projects, they are often constructed as short ingress/egress locations from nearby existing roads, and are often used episodically and only for very short durations over the life of the project. Therefore, the types of exit point stabilization and other controls that are appropriate for these types of access points may differ from construction projects where access points are used more heavily and consistently throughout the life of the project. Examples of exit point stabilization techniques and controls that may be appropriate for access points that are used episodically and only for very short durations by such linear utility projects could include, but are not limited to, the following:

- Using scheduling techniques to prevent the use of exit points during wet periods;
- Minimizing exit point use by keeping vehicles onsite to the maximum extent possible;
- Limiting exit point size to the width needed for vehicle usage and using scarifying and compaction techniques on the soil;
- Using woody vegetation chips from the clearance of shrubs and trees on the exit point surface;
- Avoiding locating exit points in environmentally sensitive areas (e.g., wetlands, karst areas, steep slopes); and
- Conducting routine inspections (e.g., daily on scheduled work days) at exit points to assess the need to implement the mitigation measures in Part 2.1.2.3.d [Part 2.2.4 of the 2017 CGP].

Exit point stabilization techniques must be selected to ensure that sediment track-out is minimized. To the extent that any sediment is tracked from the existing access point onto paved roads, all operators must ensure that it is removed consistent with the mitigation requirements in Part 2.1.2.3.d [Part 2.2.4.d of the 2017 CGP] (e.g., sweeping, shoveling, vacuuming, or other similar means). For all projects, the exit point stabilization and controls must be selected based on site-specific conditions to meet the overall requirement in Part 2.1.2.3 [Part 2.2.4 of the 2017 CGP] to minimize sediment track-out, and must take into account safety considerations. The controls that are selected must also be documented in the SWPPP.

Note that EPA no longer allows for hosing down or sweeping pollutants into a stormwater conveyance where it is connected to a sediment basin, sediment trap, or similarly effective controls. Upon further consideration, EPA is concerned that this practice will lead to these controls being compromised, and that a sweeping, shoveling, and vacuuming are standard and readily available approaches for removing sediment track-out.

Part 2.2.5: Manage Stockpiles or Land-Clearing Debris Piles

The requirements to control discharges from stockpiled sediment or soil are intended to prevent the discharge of sediment from stockpiled soil and dirt on the site.

Part 2.2.5	Permit Requirements
Operators must manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil. a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated; b. Install a sediment barrier along all downgradient perimeter area *(e.g., include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale);* c. For piles that will be unused for 14 or more days, provide cover *(e.g., tarps, blown straw and hydroseeding)* or appropriate temporary stabilization (consistent with Part 2.2.14); and d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or water of the U.S.	

EPA made an edit to the wording of the sediment barriers requirement in the 2012 CGP to encourage operators to access the pile from the upgradient area in Part 2.2.5(b). This change is intended to eliminate the need to take down or run over any sediment barrier every time an operator needs to access the pile and ensure the downgradient perimeter protection would always be in place.

The required use of "appropriate temporary stabilization" will only apply when a pile is "inactive," whereas in the 2012 permit the requirement applies only "where practicable." The change better captures the intent of this provision to ensure that pollutant discharges are minimized as a result of storm events, while at the same time it addresses the practicability of these controls by limiting this requirement to times when the piles are inactive. It is EPA's judgment that cover or appropriate temporary stabilization for these piles, such as tarps, blown straw, and hydroseeding, are all readily available and common erosion and sediment control products and technologies that operators will likely already be using to comply with the stabilization requirements in Part 2.2.14. The use of these technologies for covering or temporarily stabilizing stockpiles when piles are inactive poses a small incremental cost relative to the total cost of all other stormwater controls on the site. In addition, some cover technologies, such as tarps, can be reused multiple times on the same site due to their durability and longevity.

Some states have similar requirements for stockpile cover or stabilization. For example, Delaware's sediment and stormwater regulations state that "Following soil disturbance or re-disturbance, Permanent or Temporary Stabilization shall be completed for perimeter sediment controls, topsoil stockpiles, and all other disturbed or graded areas on the project site within 14 calendar days unless more restrictive Federal requirements apply."[4] Another example is in Minnesota's CGP, which states "The Permittee(s) must stabilize all exposed soil areas (including stockpiles). Stabilization must be initiated immediately to limit soil erosion whenever any construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days."[5] North Dakota CGP stabilization requirements for exposed soil also cover stockpiles that are not temporary, defined as land being idle for 14 or more calendar days.[6]

Note also that (d) no longer allows for hosing down or sweeping pollutants into a stormwater conveyance where it is connected to a sediment basin, sediment trap, or similarly effective controls due to the concern that this practice will lead to these controls being compromised.

Part 2.2.6: Minimize Dust

The requirement is intended to minimize the discharge of sediment in stormwater from the generation of dust.

Part 2.2.6	Permit Requirements

[4] Delaware Department of Natural Resources and Environmental Control, Regulations Governing the Control of Water Pollution, Section 9.1.02, known as Special Conditions for Stormwater Discharges Associated with Construction Activities. Available at http://regulations.delaware.gov/AdminCode/title7/5000/5101.pdf

[5] Minnesota Pollution Control Agency, General Permit Authorization to Discharge Stormwater associated with Construction Activity under the National Pollutant Discharge Elimination System/ State Disposal System Program. Available at https://www.pca.state.mn.us/sites/default/files/wq-strm2-68a.pdf

[6] North Dakota Department of Health, Authorization to Discharge Under the North Dakota Pollutant Discharge Elimination System - Stormwater Associated with Construction Activity, page 25. Available at http://www.ndhealth.gov/WQ/Storm/Construction/NDR10per20150401F.pdf

On areas of exposed soil, the operator must minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

Dust suppression techniques prevent dust from being generated, minimizing the potential for the dust to accumulate where it is likely to discharge from the site in stormwater discharges.

Part 2.2.7: Minimize Steep Slope Disturbances

The requirement in Part 2.2.7 implements the C&D rule requirement to "minimize the disturbance of steep slopes" at 40 CFR 450.21(a)(4).

Part 2.2.7	Permit Requirements
The operator must minimize the disturbance of "steep slopes" (as defined in Appendix A).	

The permit does not prevent or prohibit disturbance on steep slopes. EPA recognizes that for some projects, disturbance on steep slopes may be necessary for construction (e.g., a road cut in mountainous terrain). If disturbances to steep slopes are required for the project, EPA would recognize that it is not feasible to avoid the disturbance of steep slopes. EPA also notes that the requirement to minimize the disturbance of steep slopes does not apply to the creation of soil stockpiles. EPA incorporates by reference the discussion in the 2012 CGP fact sheet concerning this requirement. See part 2.1.2.6 "Minimize the Disturbance of Steep Slopes" on pages 67 through 68 of the 2012 CGP fact sheet, available at https://www.epa.gov/sites/production/files/2015-10/documents/cgp2012_finalfactsheet.pdf.

Part 2.2.8: Preserve Native Topsoil

Part 2.2.8 implements the C&D rule requirement to preserve topsoil, unless infeasible at 40 CFR 450.21(a)(8).

Part 2.2.8	Permit Requirements
The operator must preserve native topsoil on the site, unless infeasible.	

The requirement to preserve topsoil will help to maintain the soil structure on construction sites and provides a growing medium for vegetative stabilization measures. Better vegetative stabilization reduces erosion rates of the underlying soil and also increases the infiltrative capacity of the soil, thereby reducing the amount of sediment transported to downslope sediment and perimeter controls. Topsoil can be preserved by stockpiling the native topsoil on the site for later use (e.g., for vegetative stabilization), or by limiting disturbance and removal of the topsoil and associated vegetation. For example, topsoil can be preserved by limiting clearing and grading to only those areas where necessary to accommodate the building footprint. EPA notes that some projects may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain. In these cases, EPA recognizes that preserving topsoil at the site would not be feasible. In addition, 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. EPA is aware that stockpiling of topsoil in off-site locations, or transfer of topsoil to other locations, is frequently used in these situations and EPA would view this as acceptable practice. However, EPA notes that stormwater discharges from any construction support activities meeting the requirements of Part 1.2.1.c will be subject to the permit requirements.

Part 2.2.9: Minimize Soil Compaction

Part 2.2.9 implements the C&D rule requirement to "minimize soil compaction." The requirement is intended to allow for infiltration and retention of stormwater to reduce stormwater discharge volume and velocity.

Part 2.2.9	Permit Requirements

In any areas of the site where final vegetative stabilization will occur or where infiltration practices will be installed, the operator must:

a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and

b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

To comply with this requirement, operators may either restrict vehicle and equipment use on areas that will be vegetatively stabilized or where infiltration practices will be installed, or use soil conditioning techniques to decompact soils to support vegetative growth. Specific types of soil conditioning techniques could include deep-ripping and decompaction or sub-soiling. EPA also notes that the requirement to minimize soil compaction does not apply to areas that will not be used for final vegetative stabilization or for areas where infiltration practices will not be installed. For example, the requirements do not apply to disturbed areas that will become paved surfaces, such as roads, foundations, footings, or on embankments, or on areas where soil compaction is necessary by design.

EPA notes that the requirement in (b) above is no longer conditioned on the feasibility of using soil conditioning or rehabilitation practices. In EPA's judgment, requiring these practices "as necessary" provides adequate flexibility to operators and does not significantly change the provision in the 2012 CGP. For example, in the 2012 CGP fact sheet, EPA explained that "the requirement to use soil conditioning techniques is not required in any area where it would not be feasible, such as on steep slope areas or any other areas where it is not safe for the required equipment." EPA would not find it to be "necessary" to use soil conditioning techniques in an area of the site where it was unsafe either because the required equipment is unable to be operated on steep slope areas or these areas are unlikely to be compacted in the first place given the safety concerns of operating heavy equipment in this area.

Part 2.2.10: Protect Storm Drain Inlets

Part 2.2.10 implements the C&D rule requirement to "minimize sediment discharges from the site" by requiring stormwater inlets to be protected with sediment controls during construction.

Part 2.2.10	Permit Requirements

a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater flow from your site to a water of the U.S., provided you have authority to access the storm drain inlet; and

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, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

Inlet protection measures prevent sediment-laden stormwater from being discharged into storm drains, and ultimately surface waters. The maintenance requirements in (b) support the need for the inlet measures to be kept in working condition so that they are effective at preventing the discharge of pollutants. Note that inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

Note that under the 2017 CGP, EPA requires installation of inlet protection measures to any storm drain inlet that carries stormwater flow from the site to a water of the U.S. that you have authority to access, even if it is first directed to a sediment basin, sediment trap, or similarly effective controls. EPA is concerned that if the sediment basin, sediment trap, or similarly effective controls were to be compromised, unprotected inlets that receive stormwater from these controls would also be compromised.

Part 2.2.11: Minimize Erosion of Stormwater Conveyances

Part 2.2.11 implements the C&D rule requirements to "control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges," to "control stormwater discharges… to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points," to "minimize the amount of soil exposed during construction activity," and to "minimize the disturbance of steep slopes."

Part 2.2.11	Permit Requirements
The operator must minimize erosion of stormwater conveyance channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters. As part of this requirement, the operator must use erosion controls and velocity dissipation devices (e.g., check dams, sediment traps, riprap, and grouted riprap at outlets) within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion.	

Part 2.2.12: Sediment Basins or Similar Impoundment

Part 2.2.12 outlines the requirements that will apply to installation of sediment basins or similar impoundments.

Part 2.2.12	Permit Requirements
If an operator installs a sediment basin: a. Situate the basin or impoundment outside of any water of the U.S. and any natural buffers established under Part 2.2.1; b. Design the basin or impoundment to avoid collecting water from wetlands; c. Design the basin or impoundment to provide storage for either: i. The calculated volume of runoff from a 2-year, 24-hour storm (see Appendix H); or ii. 3,600 cubic feet per acre drained. d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible; e. Use erosion controls and velocity dissipation devices, such as check dams, sediment traps, riprap, and grouted riprap at outlets, to prevent erosion at inlets and outlets; and f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.	

Sediment basins are often used on construction sites to minimize sediment discharges. They are typically placed at or near low points of drainageways in order to temporarily detain stormwater discharges, allowing sediment particulates to settle. Sediment basins are also often designed to reduce peak flowrates, reducing downstream flooding and channel erosion. At the point of discharge, which is typically a pipe or channel, installation of riprap or other stabilization

measures is often necessary because the concentrated discharge can cause erosion and additional pollutant discharges to waters of the U.S. Sediment basins are also often designed to reduce flow duration impacts by reducing the total volume of stormwater being discharged or by providing extended detention to reduce discharge rates. The purpose of the requirements in this part is to provide specific design and maintenance requirements for the proper implementation of sediment basins, if used on a site.

The requirements in (a) and (b) above are design specifications that have been included in the CGP since the 2003 permit. The requirement in (d) above implements the following C&D rule requirement: "When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible." EPA notes in the permit that the circumstances in which it will be infeasible to design outlet structures in this manner should be rare. Exceptions may include areas with extended cold weather and where using surface outlets may not be feasible during certain time periods (although it is expected that they would be used during other periods). If the operator determines that it is infeasible to meet this requirement, the operator must provide documentation in the SWPPP to support its determination, including the specific conditions or time periods when this exception will apply.

EPA also includes a requirement, subsection (e) above, to prevent erosion of the sediment basin and the inlet and outlet to implement the C&D rule requirement to "design, install and maintain effective erosion and sediment controls to minimize the discharge of pollutants," and the requirement to "control stormwater discharges … to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points." The requirement in (f) above implements the C&D rule requirement to "maintain effective erosion controls and sediment controls to minimize the discharge of pollutants."

Part 2.2.13: Use of Treatment Chemicals

Part 2.2.13 establishes the minimum requirements that apply to the use of treatment chemicals at permitted construction sites.

Part 2.2.13	Permit Requirements
If the operator will use polymers, flocculants, coagulants, or other treatment chemicals at the construction site, the operator must comply with the following minimum requirements. a. Use conventional erosion and sediment controls before and after the application of treatment chemicals. Chemicals may only be applied where treated stormwater is directed to a sediment control *(e.g., sediment basin, perimeter control)* before discharge. b. Select appropriate treatment chemicals. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated (i.e., 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 a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill)*. d. Comply with state/local requirements. Comply with applicable state and local requirements regarding the use of treatment chemicals. e. Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier. Use treatment chemicals and chemical treatment	

systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these 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. Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals. If you have been authorized to use cationic chemicals at your site pursuant to Part **Error! Reference source not found.**, you must perform all additional measures as conditioned by your authorization to ensure that the use of such chemicals will not cause an exceedance of water quality standards.

EPA incorporates by reference the discussion in the 2012 CGP fact sheet concerning the agency's rationale supporting these requirements. See section "Use of Treatment Chemicals. (Part 2.1.3.3)" on pages 71 through 75 of the 2012 CGP fact sheet, available at https://www.epa.gov/sites/production/files/2015-10/documents/cgp2012_finalfactsheet.pdf.

Part 2.2.14: Site Stabilization

Part 2.2.14 implements the C&D rule requirement for soil stabilization in 40 CFR 450.21(b). This part requires the operator to implement and maintain stabilization measures that minimize erosion from exposed portions of the site.

Part 2.2.14	**Permit Requirements**

Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that minimize erosion from exposed portions of the site in accordance with the following:

a. Stabilization Deadlines:

Total Amount of Land Disturbance Occurring At Any One Time	**Deadline**
i. Five acres or less (≤5.0) **Note: this includes sites disturbing more than five (>5.0) acres total over the course of a project, but that limit disturbance at any one time (*i.e., phase the disturbance*) to five acres or less (≤5.0)**	• Initiate the installation of stabilization measures immediately in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days; and • Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been initiated.
ii. More than five acres (>5.0)	• Initiate the installation of stabilization measures immediately in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days; and

	• Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.

iii. Exceptions:

(a) Arid, semi-arid, and drought-stricken areas (as defined in Appendix A). If it is the seasonally dry period or a period in which drought is occurring, and vegetative stabilization measures are being used:

(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 the site, complete all activities necessary to 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. Also include the schedule you will follow for initiating and completing vegetative stabilization

(b) Operators that are affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization:

(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 the site; and

(iii) Document in the SWPPP the circumstances that prevent the operator from meeting the deadlines in Part 2.2.14.a and the schedule the operator will follow for initiating and completing stabilization.

(c) Discharges to a sediment- or nutrient-impaired water 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. Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.

b. Final Stabilization Criteria (for any areas not covered by permanent structures):

i. Establish uniform, perennial vegetation (i.e., evenly distributed, without large bare areas) that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas; and/or

ii. Implement permanent non-vegetative stabilization measures (e.g., riprap, gravel, gabions, and geotextiles) to provide effective cover.

iii. Exceptions:

(a) Arid, semi-arid, and drought-stricken areas (as defined in Appendix A). If it is the seasonally dry period or a period in which drought is occurring, final stabilization is met if the area has been seeded or planted to establish

	vegetation that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied that provide cover for at least three years without active maintenance.
(b)	Disturbed areas on agricultural land that are restored to their preconstruction agricultural use. The Part 2.2.14.b final stabilization criteria does not apply.
(c)	Areas that need to remain disturbed. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials).

EPA provides a definition in the 2012 CGP for "stabilization" as "the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process." Appendix A defines "temporary stabilization" and "final stabilization" as follows:

- "Temporary stabilization" means a condition where exposed soils or disturbed areas are provided 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.

- "Final stabilization" means that, on areas not covered by permanent structures, either (1) uniform, perennial vegetation *(e.g., evenly distributed, without large bare areas*) has been established, or for arid or semi-arid areas, will be established, that provides 70 percent or more of the cover that is provided by vegetation common to local undisturbed areas , and/or (2) permanent non-vegetative stabilization measures *(e.g., riprap, gravel, gabions, and geotextiles)* have been implemented to provide effective cover for exposed portions of the site.

In the C&D rule, EPA emphasizes the importance of effective and speedy stabilization of soils exposed throughout the construction process in order to reduce the amount of soil eroded on construction sites and the amount of sediment and other pollutants discharged from the site. EPA indicates in the rule that initiating soil stabilization measures immediately after land has been disturbed and construction activity has ceased is an important non-numeric effluent limitation. EPA also states that it "sees no compelling reason why permittees cannot take action immediately to stabilize disturbed soils on their sites" (see 74 Fed. Reg. 63005, December 1, 2009). EPA also observes that erosion control measures, such as mulch, are readily available and operators need only plan accordingly to have appropriate materials and laborers present when needed. Ibid.

Furthermore, "simply providing some sort of soil cover on these areas can significantly reduce erosion rates, often by an order of magnitude or more. Vegetative stabilization using annual grasses is a common practice used to control erosion. Physical barriers such as geotextiles, straw, rolled erosion control products and mulch and compost are other common methods of controlling erosion. Polymers (such as PAM) and soil tackifiers are also commonly used. These materials and methods are intended to reduce erosion where soil particles can be initially dislodged on a C&D site, either from rainfall, snow melt or up-slope runoff." See 74 Fed. Reg. 63012.

The permit carries forward these important principles and factors by incorporating specific provisions intended to implement the C&D rule's stabilization deadline requirements. The following section provides support for these provisions.

Stabilization Deadlines (Part 2.2.14.a)

- Deadline to Initiate Stabilization

The permit specifies that the operator must initiate the installation of soil stabilization measures immediately in any areas of exposed soil where construction activities have permanently ceased or are temporarily inactive for 14 or more calendar days. EPA explains in the permit that, for the purposes of this provision, the term "immediately," as used to define the deadline for initiating stabilization measures, means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

The permit also provides examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than 1 calendar day of completing soil preparation;
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 entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

It is important to clarify the C&D rule requirement by specifying what it means to have construction activities temporarily or permanently cease. It is also important for construction operators to understand that stabilization must begin immediately when there is no justification for leaving areas exposed. For example, if 14 days will pass between the time when clearing and grading has been completed and further construction activities will occur, there is no reason why the exposed portions of the site cannot be stabilized temporarily to prevent erosion and sediment discharge during the time of inactivity on any portion of the site. EPA clarifies that the initiation of stabilization means that the operator has taken action to implement the stabilization measures, including, for example, finalizing arrangements to have the stabilization product delivered, scheduling the installation of the product, and/or prepping the soil.

- Deadline to Complete Stabilization

The C&D rule, at 40 CFR 450.21(b), requires that a deadline to complete stabilization be established by each permit authority. As the permit authority for this CGP, EPA has established in the 2017 CGP what it deems to be a reasonable and unambiguous deadline for completing stabilization procedures. The 2017 CGP establishes a modified approach to the stabilization deadlines from the 2012 CGP based on the concept of phasing construction disturbances. The intent of this approach is to provide an incentive to disturb less land at any given period of time by providing longer stabilization timeframes if the disturbance is kept below a threshold level. The approach described below also provides improved protection against erosion, by ensuring that large disturbed areas are stabilized sooner. This approach is also consistent with the C&D rule requirement at 40 CFR 450.21(a)(3) to "minimize the amount of soil exposed during construction activity."

The permit specifies that for sites that disturb a total of five acres or less (≤5.0) at any one time over the course of a project, the operator must complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been

initiated. This includes sites disturbing more than (>5.0) acres total over the course of a project, but that limit disturbance at any one time to five acres or less (≤5.0). For sites that will disturb more than a total of five acres (>5.0) at any one time over the course of a project, the operator must complete the installation of stabilization measures as soon as practicable, but no later than 7 calendar days after stabilization has been initiated. The deadline for sites discharging to sensitive waters remains unchanged from the 2012 CGP (within 7 calendar days), and the exceptions for sites in arid, semi-arid, and drought-stricken areas and for operator affected by circumstances beyond their control also remain unchanged from the 2012 CGP.

EPA notes that the agency may determine, based on an inspection carried out under Part 4.8 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.

For the purposes of the stabilization deadline requirements in Part 2.2.14.a, "limiting disturbances to five (5) acres or less at any one time" means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The permit provides the following examples as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to "free up" land that can be disturbed without exceeding the 5-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

Furthermore, the stabilization deadline for a site will change if disturbances exceed five (5) acres. The important determiner of which stabilization deadline applies is the total amount of disturbance occurring at any one time during the course of the project. If at any point during the course of the project, total land disturbance exceeds five (5) acres, the deadline to complete stabilization for this portion of the project is within seven (7) calendar days of initiating stabilization. This deadline applies regardless of the fact that a previous phase of construction may have limited disturbance to five (5) acres or less and was able to take advantage of the 14-day deadline for stabilization. For instance, if an operator commences work on a 20-acre project by clearing and grading a five (5)-acre portion of the site, and while that construction is ongoing and prior to stabilization the operator clears and grades another three (3)-acre area, the operator must comply with the seven (7)-day stabilization deadline because the amount of disturbed area on the site at any one time exceeds the five (5)-acre threshold. If total land disturbance at any one time is subsequently reduced to five (5) acres or less, the deadline to complete stabilization will return to within 14 calendar days. Therefore operators have the flexibility to disturb more land when necessary, but must stabilize faster because more land is unprotected and vulnerable to erosion and sediment transport during storm events. This approach intends to provide the incentive to stabilize enough land to bring total disturbance at any one time back under the five (5)-acre threshold so that the operator can resume receiving the benefit of the longer 14-day stabilization deadline. The approach is also intended to ensure greater protection for larger areas of site disturbance.

Background on the Development of the Modified Stabilization Deadlines

In developing the new approach to the stabilization deadlines in Part 2.2.14.a, EPA noted that permitting authorities have considerable discretion with respect to the implementation of

the C&D rule related to the stabilization requirements. For example, 40 CFR 450.21(b) provides permitting authorities with the ability to establish specific deadlines by which stabilization must be completed. Using this authority, EPA has developed what it considers to be reasonable deadlines for the completion of stabilization that provide appropriate flexibility to operators while strengthening water quality protections in the permit in order to ensure discharges meet water quality standards.

In the proposed 2017 CGP, EPA requested public comment on modifying the deadline to complete stabilization from 14 calendar days to 7 calendar days after stabilization has been initiated (except for sites in arid, semi-arid, and drought-stricken areas and for operators affected by circumstances beyond their control). Based on public input, EPA determined that a uniform seven (7)-day deadline would not be workable in certain scenarios and that a more flexible approach should be considered for the final permit that would address a range of public concerns that timely and effective site stabilization is one of the most important practices for reducing sediment pollution in stormwater. EPA was particularly interested and encouraged by public comments to consider the concept of construction phasing or limiting land disturbances at any one time.

Industry literature recognizes that sequencing construction to reduce areas of disturbance and timely stabilization of disturbed areas are some of the best and typically least expensive solutions to minimize the potential for off-site impacts from construction site runoff.[7] Pitt et al. (2007) states that stabilization practices are usually considered the most effective for erosion control, "especially when used in conjunction with a good phasing plan to minimize the amount of land being disturbed at any one time." Limiting land disturbances is also considered a top priority for construction stormwater control measures in the National Research Council's report, *Urban Stormwater Management in the United States.*[8]

Phasing or limiting land disturbance is already a regular requirement within state-issued CGPs or other specifications or regulations concerning the control of construction stormwater. EPA found that 22 states had requirements that included a narrative disturbance limit, for example, "[t]he Permittee shall design, install, and maintain effective erosion controls and sediment controls, appropriate for site conditions to, at a minimum… minimize the amount of soil exposed during construction activity through the use of project phasing or other appropriate techniques".[9] Five states[10] require some type of disturbance limit, contained an explicit numeric threshold, such as "In no case shall the area of disturbance draining to a common discharge point exceed 20 acres. Grading of subsequent sections within that drainage area shall not proceed unless temporary or permanent stabilization has been accomplished such that the 20 acre limit of disturbance is maintained",[11] or "The owner or operator of a construction activity shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department…"[12]

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[7] Pitt, Robert; S.E. Clark, D. Lake. 2007. Construction Site Erosion and Sediment Controls – Planning, Design and Performance. DEStech Publications Inc. ISBN No. 1-932078-38-X. Lancaster, PA.

[8] National Research Council (2008). *Urban Stormwater Management in the United States.* Washington, D.C.: The National Academies Press.

[9] Alabama Department of Environmental Management, NPDES General Permit for Discharges from Construction Activities. Available at http://www.adem.state.al.us/programs/water/waterforms/ALR10CGP.pdf

[10] Connecticut, Delaware, New York, Tennessee, and Maryland.

[11] Delaware Department of Natural Resources and Environmental Control, Regulations Governing the Control of Water Pollution, Section 9.1.02, known as Special Conditions for Stormwater Discharges Associated with Construction Activities. Available at http://regulations.delaware.gov/AdminCode/title7/5000/5101.pdf

[12] New York Department of Environmental Conservation, SPDES General Permit For Stormwater Discharges from Construction Activity. Available at http://www.dec.ny.gov/docs/water_pdf/gp015002.pdf

After determining that a disturbance threshold is a basic and common part of good erosion and sediment control programs and was a reasonable consideration for EPA's CGP, the agency then investigated what an appropriate disturbance threshold would be and how a phasing approach could be incorporated into the stabilization deadline structure.

EPA found support for the adoption of a five (5)-acre disturbance threshold in its research. First, EPA regulations at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15) distinguish "construction activity" and "small construction activity" by area disturbed, where "construction activity" ultimately disturbs 5 acres or more and "small construction activity" disturbs between 1 and 5 acres, or less than an acre if the land area is part of a common plan of development or sale that will ultimately disturb more than 1 acre. Second, data from the 2012 CGP also showed that 5 acres was the median area disturbed. This means that, for sites covered under the 2012 CGP, approximately 50 percent of sites were less than 5 acres and 50 percent of sites were more than 5 acres.

Third, EPA considered the level of effort required to plan, implement, and maintain temporary sediment controls in selecting an appropriate threshold for expedited stabilization. These considerations included an examination of the quantitative erosional effects of increases in the disturbed area, as expressed by conventional soil loss estimation techniques. For example, the Revised Universal Soil Loss Equation (RUSLE) predicts sediment loss on a ton-per-acre basis, using inputs derived from values representing the rainfall and runoff factor (R), the soil erodibility factor (K), the length of the slope (L), the steepness of the slope (S), the soil cover (C), and practices to manage erosion (P). Because the results of the RUSLE equation are expressed as average annual soil losses in tons per acre per year, there is a geometric increase in total erosional soil loss as the size of the disturbed area increases.

For example, for sites with identical RUSLE conditions, a two (2)-acre site will have twice the soil loss as a one (1)-acre site, a four (4)-acre site will have twice the soil loss as a two (2)-acre site, and so on. The level of effort required to control erosion and sediment loss on a construction site may not expand quite as geometrically as RUSLE soil loss estimates, but they are roughly parallel. For example, the amount of straw mulch or erosion control blanket or seed needed to cover a given amount of land at a given rate will expand geometrically, but there may be some minor labor cost savings resulting from an economy-of-scale effect when applying these products to larger and larger areas.

Thus, for all practical purposes, it is clear that the level of effort required to manage erosion and sediment controls on construction sites are roughly commensurate with the size of the site – e.g., a five (5)-acre site will require four or five times as much effort as a one (1)-acre site. As sites become larger – for example, more than five acres – the daily and weekly tasks of inspecting, operating, repairing, and maintaining temporary stormwater controls (e.g., silt fences, fiber logs, sediment traps, sediment basins, stabilized site exits, diversion berms, ditches) expands. Operators engaged in constructing buildings, roadways, and other infrastructure face increasing challenges in redirecting resources to manage ever-larger disturbed areas, hence the narrative requirement to limit the extent of the disturbed area and the time of exposure found in many state permits, as noted above.

Combining the importance of timely soil stabilization techniques, the influence of soil cover on soil erosion rates,[13] the benefits of limiting land disturbances, and analytical considerations supporting a five (5)-acre threshold, EPA developed the modified stabilization deadline approach required in the permit. This approach requires that sites with a disturbed area of five (5) acres or less at any one time must complete stabilization within a 14-day

[13] See Chapter 5 of EPA's *Development Document For Final Effluent Guidelines and Standards for the Construction and Development Category*. Available at https://www.epa.gov/sites/production/files/2015-06/documents/construction_development_dd_2009_chapters_1-11.pdf

timeframe, which is the same timeframe that applied to sites in the 2012 CGP. For sites that disturb more than 5 acres at any one time, operators have the flexibility to choose between completing stabilization within a 14-day timeframe if they limit disturbances to 5 acres or less at any one time, or within a 7-day timeframe if they do not limit disturbances to 5 acres or less at any one time. The benefits of this approach include limiting mass grading, improving phasing and sequencing, encouraging timely site stabilization, and reducing the areal scope of stormwater management, all of which can help minimize the conditions that allow soil to be washed off-site during a storm event.

- Exceptions to the Deadlines for Initiating and Completing Stabilization

EPA notes that with respect to the exception to the final stabilization criteria for restored agricultural areas, the permit retains the requirement from the 2012 CGP that areas disturbed that were not previously used for agricultural activities, and areas that are not being returned to preconstruction agricultural use, are not covered by the exception in Part 2.2.14.b.iii and must meet the conditions for stabilization.

EPA acknowledges that some portions of some projects are intended to be left unvegetated or unstabilized following construction. An example would be a dirt access road or a utility pole pad where the final plan calls for the area to remain a dirt road or an unstabilized pad. EPA does not expect temporary or permanent stabilization measures to be applied to these areas. EPA notes that for the purposes of this permit, "exposed portions of your site" means areas of exposed soil that are required to be stabilized.

EPA incorporates by reference the discussion in the 2012 CGP fact sheet concerning the unmodified portion of these requirements. See section VII.2 "Stabilization Requirements (Part 2.2)" on pages 76 through 82 of the 2012 CGP fact sheet, available at https://www.epa.gov/sites/production/files/2015-10/documents/cgp2012_finalfactsheet.pdf.

Part 2.3: Pollution Prevention Requirements

Part 2.3 implements the C&D rule requirements in 40 CFR 450.21(d) and (e) for pollution prevention measures and prohibited discharges.

Part 2.3	Permit Requirements
The permit requires operators to implement pollution prevention controls in accordance with the requirements in Part 2.3 to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.	

Part 2.3.1: Equipment and Vehicle Fueling and Maintenance Requirements

Part 2.3.1 implements the 40 CFR 450.21(d)(3) requirement to "minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures" and the 40 CFR 450.21(e)(3) requirement prohibiting the discharge of "fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance."

Part 2.3.1	Permit Requirements
The operator must comply with the following requirements: a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;	

b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;

c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

d. Use drip pans and absorbents under or around leaky vehicles;

e. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements; and

f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

Examples of effective means of eliminating the discharge of spilled or leaked chemicals include, but are not limited to, locating activities away from waters of the U.S. and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach waters of the U.S.; providing secondary containment (e.g., spill berms, decks, spill containment pallets) and cover where appropriate; and having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

Part 2.3.2: Equipment and Vehicle Washing Requirements

Part 2.3.2 implements the 40 CFR 450.21(d)(1) requirement to "Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge."

Part 2.3.2	Permit Requirements

The operator must comply with the following requirements:

a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;

b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

c. For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

The requirement that operators must properly manage wash waters reduces the discharge of pollutants, such as sediment and other pollutants, from the site. Examples provided in the permit for providing an effective means of minimizing the discharge of pollutants from the washing of equipment or vehicles 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. This requirement also implements the 40 CFR 450.21(e)(4) prohibition against discharging soaps or solvents, and is consistent with the eligibility condition that allows the use of non-stormwater wash waters as long as they do not contain soaps, solvents, or detergents.

Part 2.3.3: Storage, Handling, and Disposal Requirements

Part 2.3.3 requires operators to comply with specific pollution prevention standards for activities that may result in pollutant discharges.

Part 2.3.3	Permit Requirements

The operator must comply with the following requirements:

a. *For building materials and building products* (e.g., asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles), provide either (1) cover (*e.g., plastic sheeting, temporary roofs*) to minimize the exposure of these products to precipitation and to stormwater, or (2) a similarly effective means designed to minimize 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, temporary roofs*) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize 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 (see also Part 2.3.5).

c. *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals*:
   i. Store chemicals in water-tight containers, and provide either (1) cover *(e.g., plastic sheeting, temporary roofs)* to minimize the exposure of these containers to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas *(e.g., having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill)*, 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. The operator is prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

d. *For hazardous or toxic wastes*:
   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 outside containers 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 a covered area, 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;
   v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. The operator is prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
   vi. Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste.

e. *For construction and domestic wastes*:

i. Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain construction and domestic wastes;

ii. Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either (1) cover (e.g., a tarp, plastic sheeting, temporary roof) to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., secondary containment);

iii. On business days, clean up and dispose of waste in designated waste containers; and

iv. 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, and located away from waters of the U.S. and stormwater inlets or conveyances.

EPA incorporates by reference the discussion in the 2012 CGP fact sheet concerning these requirements. See section VII.3.3 "Pollution Prevention Standards (Part 2.3.3)" on pages 83 through 87 of the 2012 CGP fact sheet, available at https://www.epa.gov/sites/production/files/2015-10/documents/cgp2012_finalfactsheet.pdf.

Note that the requirement in e.ii is a modification to the construction and domestic waste requirements in the 2012 CGP. Even though a cover requirement was included for most of the other types of materials and wastes in the 2012 permit (e.g., building products; pesticides, herbicides, insecticides, etc.; diesel fuel, oil, hydraulic fluids, other petroleum products and other chemicals; and hazardous or toxic wastes), EPA had inadvertently not included such a requirement for construction and domestic wastes. This modification corrects this prior oversight so that the cover requirements are consistent for most types of materials and wastes.

The change better captures the intent of this provision to ensure that pollutant discharges are minimized as a result of storm events, while at the same time it addresses the practicability of using these controls by limiting this requirement to when containers are not in use or at the end of the business day for those containers that are actively used throughout the day. It is EPA's judgment that cover for construction and domestic waste containers such as tarps, plastic sheeting, and temporary roofs, are available industry control technologies that operators can easily purchase or request from waste container rental agencies. The use of these technologies for covering waste containers poses a small incremental cost relative to the total cost of all other stormwater controls on the site. In addition, some cover technologies, such as tarps, can be reused multiple times on the same site due to their durability and longevity. Some states have similar requirements for covering waste containers. For example, Arizona's CGP states that for construction and domestic wastes, operators must provide dumpsters or trash receptacles with covers or lids of sufficient size and number to contain construction and domestic wastes.[14] Additionally, construction discharges in California must implement good housekeeping measures for waste management, which includes covering waste disposal containers at the end of every business day and during a rain event.[15]

[14] Arizona Department of Environmental Quality, Arizona Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activity to Waters of the United States. Available at http://legacy.azdeq.gov/environ/water/permits/download/2013_cgp.pdf

[15] State Water Resources Control Board, Construction General Permit Fact Sheet. Available at http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/constpermits/wqo_2009_0009_complete.pdf

Part 2.3.4: Applicator and Container Washing Requirements

Part 2.3.4 implements the requirements of 40 CFR 450.21(e)(1) and (e)(2). The requirements apply to the washing of applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials.

Part 2.3.4	Permit Requirements
a.	Direct wash water into a leak-proof container or leak-proof and lined pit 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 or waters of the U.S.;
	ii. Dispose of liquid wastes in accordance with applicable requirements in Part 2.3.3; and
	iii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3; and
c.	Locate any washout or cleanout activities as far away as possible from waters of the U.S. and stormwater inlets or conveyances, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

Part 2.3.5: Fertilizer Application Requirements

The fertilizer discharge restrictions in Part 2.3.5 are included to prevent the discharge of nutrients in stormwater and to further implement the C&D rule requirement to "minimize the discharge of pollutants" at 40 CFR 450.21(d).

Part 2.3.5	Permit Requirements
The following requirements apply if the operator will be applying fertilizer on the construction site:	
a.	Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6.b.ix;
b.	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;
c.	Avoid applying before heavy rains that could cause excess nutrients to be discharged;
d.	Never apply to frozen ground;
e.	Never apply to stormwater conveyance channels; and
f.	Follow all other federal, state, tribal, and local requirements regarding fertilizer application.

EPA includes specific guidelines to follow regarding fertilizer application, which are meant to minimize any potential discharge of excess or improperly applied fertilizers.

Part 2.3.6: Emergency Spill Notification

Part 2.3.6 prohibits the discharge of toxic or hazardous substances from a spill or other release and requires operators to comply with federal reporting requirements of 40 CFR Part 110, Part 117, and Part 302 in the event that a leak, spill, or other release contains a toxic or hazardous substance in an amount equal to or in excess of a reportable quantity.

Part 2.3.6	Permit Requirements
The permit prohibits operators from discharging toxic or hazardous substances from a spill or other release. Furthermore, where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302 occurs during a 24-hour period, the operator 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 110, 40 CFR 117, and 40 CFR 302 as soon as the operator has knowledge of the release. Operators must also, within seven (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.	

Part 2.4: Construction Dewatering Requirements

Part 2.4 implements the C&D rule requirement that prohibits "discharges from dewatering activities, including discharges from dewatering of trenches and excavations" unless managed by "appropriate controls."

Part 2.4 (2.4.1 – 2.4.7)	Permit Requirements
The operator must comply with the following requirements to minimize the discharge of pollutants in ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with Part 1.2.2 of the permit:	
2.4.1	Treat dewatering discharges with controls to minimize discharges of pollutants (e.g., appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, filtration systems (*e.g., bag or sand filters*) and passive treatment systems that are designed to remove sediment; appropriate controls to use downstream of dewatering controls to minimize erosion include vegetated buffers, check dams, riprap, and grouted riprap at outlets);
2.4.2	Do not discharge visible floating solids or foam;
2.4.3	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;
2.4.4	To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge. The operator is prohibited from using waters of the U.S. as part of the treatment area;
2.4.5	At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11;
2.4.6	With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and
2.4.7	Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.

The specific restrictions in Part 2.4 provide the permit's interpretation of what is meant by "appropriate controls" in the C&D rule. These specific requirements, in part, also implement the C&D rule requirements to control peak flowrates and total stormwater volume (40 CFR 450.21(a)(2)), to minimize sediment discharges (40 CFR 450.21(a)(5)), and to direct stormwater to vegetated areas (40 CFR 450.21(a)(6)).

Part 3: Water Quality-Based Effluent Limitations

This CGP includes water quality-based effluent limits (WQBELs) to control discharges as necessary to meet applicable water quality standards. The provisions of Part 3 constitute the WQBELs of the permit, and supplement the permit's technology-based effluent limits in Part 2.

Part 3.1: General Effluent Limitation to Meet Applicable Water Quality Standards

Part 3.1 requires that all operators control their stormwater discharges as necessary to meet applicable water quality standards, consistent with 40 CFR 122.44(d)(1).

Part 3.1	Permit Requirements
The permit requires discharges of stormwater to be controlled as necessary to meet applicable water quality standards, including meeting any specific water quality-based conditions or limits required by states, tribes, and U.S. territories 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 the operator becomes aware, or EPA determines, that the discharge is not being controlled as necessary to meet applicable water quality standards, the operator must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4. EPA may also insist that the operator install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require the operator to obtain coverage under an individual permit, if information in the NOI or from other sources indicates that the operator's 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. If during the operator's coverage under a previous permit, the operator was 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 the discharge to meet water quality standards, the operator must continue to implement such controls as part of coverage under this permit.	

To support EPA's expectation that compliance with the conditions and effluent limitations in this permit will result in discharges that meet applicable water quality standards, the permit includes additional water quality-based effluent limitations, which, in combination with the technology-based effluent limits in Part 2, EPA expects to be as stringent as necessary to achieve water quality standards. These additional WQBELs will apply in the permit where EPA has determined that discharges from construction sites may have the reasonable potential to cause or contribute to exceedances of applicable water quality standards, such as when a waterbody is impaired for sediment or nutrients, which are parameters associated with stormwater discharges from construction sites. The fact sheet discusses these additional requirements below for Part 3.2.

Part 3.2: Discharge Limitations for Sites Discharging to Sensitive Waters

Part 3.2 informs operators that the requirements in Parts 4.3 and 2.2.14.a.iii apply if the operator discharges to a water impaired for sediment or a sediment-related parameter, and/or nutrients, or to a water that is identified by the state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.

Part 3.2	Permit Requirements

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by the state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes, the operator must comply with the inspection frequency specified in 4.3, and with the stabilization deadline specified in Part 2.2.14.a.iii.(c).[16]

If the operator discharges to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional 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 addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses and/or stormwater controls, or other measures, are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

a. Implement controls to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and

b. Ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.

The permit explains what is meant by discharges to "impaired waters" or discharges to Tier 2, 2.5, or 3 waters as follows:

> "Impaired waters" are those waters identified by the state, tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). 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 an impaired water for the pollutants contained in the discharge from your site. 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. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available both within the electronic NOI form in NeT, and at https://water.epa.gov/polwaste/npdes/stormwater/discharge.cfm.
>
> 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 the purposes of this permit, you are considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3. 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. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

[16] If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

EPA may determine on a case-by-case basis that a site discharges to a sensitive water.

The rationale for the more stringent impaired waters requirements was explained in the 2012 CGP fact sheet, available at https://www.epa.gov/sites/production/files/2015-10/documents/cgp2012_finalfactsheet.pdf, as follows:

> **Frequency of Site Inspections. …** It is EPA's judgment that these modified inspection requirements will enhance the operator's ability to find and correct problems before a discharge of pollutants to the impaired water occurs.
>
> **Deadline to Complete Stabilization.** … It is EPA judgment that, in waters already degraded for pollutants associated with construction activities, further reducing the amount of time that exposed soil is left in an unstabilized state is especially important for limiting the sediment and/or nutrient load to these waters. The faster stabilization requirement for areas discharging to sediment and nutrient-impaired waters is designed to minimize the erosion and sedimentation that is associated with large, exposed areas.
>
> EPA specifically anticipated that a stricter stabilization timeframe would be within the permitting authority's discretion in implementing the 40 CFR 450.21(b) requirement of the C&D rule. In the preamble to the C&D rule, EPA explained that "the permitting authority may determine it necessary for operators to initiate soil stabilization measures when construction activity has permanently or temporarily ceased and will not resume for a period exceeding 7 calendar days, as opposed to 14 calendar days ….".

The rationale for the more stringent requirements for Tier 2, 2.5, and 3-designated waters was explained in the 2012 CGP fact sheet as follows:

> As stated in Part 3.1 of the [2012] permit, 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 (which include state antidegradation requirements). More specifically, by imposing on operators that discharge to Tier 2, Tier 2.5, or Tier 3 waters the requirement to comply with the additional requirements, on top of the permit's other effluent limits and conditions, to stabilize exposed areas faster and to conduct more site inspections than other sites, It is EPA's judgment that authorizing these discharges will not result in a lowering of water quality. Thus, EPA has determined that compliance with the CGP generally will be sufficient to satisfy Tier 2 (or 2.5) and Tier 3 antidegradation requirements because the controls will not result in a lowering of water quality, making individualized Tier 2 or Tier 3 review unnecessary, assuming of course that the discharger is in compliance with any other applicable state or tribal antidegradation conditions that are included in Part 9 of the permit. Furthermore, the controls in the permit are sufficiently stringent that they would generally satisfy the requirement at the heart of Tier 2 review, that the discharge is necessary to accommodate important economic or social development in the area where the discharge is located. Construction is usually important to economic and social development, and the controls already required in Part 2 of this permit have been identified by EPA in its effluent limitations guideline for the construction and development category as the level of pollutant abatement that is the best available technology economically achievable. However, in cases where information submitted with the NOI, or available from other sources, indicates that further Tier 2 or Tier 3 review and/or conditions are necessary either for a new

project or an existing project with a significantly increased discharge, EPA will conduct this review and require any appropriate additional controls.

The conclusion that compliance with the CGP will generally meet the Tier 2 and Tier 3 antidegradation requirements depends on several key aspects of the permit. First, all construction sites that will be subject to this permit must meet the stringent general effluent limits set out in Part 2. Through compliance with these limits alone, EPA expects that the discharge of pollutants will be reduced and/or eliminated so that there should not be a lowering of water quality. EPA bases this conclusion in part on the fact that the limits in this permit are based on the nationally-developed effluent limitations guidelines process that defined the BAT/BCT/BPT and NSPS level of control. EPA also is imposing on these sites the requirement to meet even more stringent controls defined in 4.1.3 [of the 2012 CGP] (more frequent inspections) and 2.2.1.3c [of the 2012 CGP] (stricter stabilization deadlines). Furthermore, once installed and implemented, the operator is obligated to maintain these controls and to correct deficiencies where inspection determines that deficiencies exist. Where EPA determines through its oversight activities (e.g., onsite inspection) that a discharger is not meeting its limits, such a deficiency will constitute a violation of the permit and will require follow-up corrective action pursuant to Part 5.2.1.3 [of the 2012 CGP].

Second, there may very well be individual cases where EPA determines that further controls are necessary or that coverage under the CGP is no longer appropriate to protect the Tier 2, 2.5, or 3 status of the receiving water. For this reason, EPA has included the following language in Part 3.3.2 [of the 2012 CGP]: "on a case-by-case basis, EPA may notify operators of such new projects or operators of existing projects with significantly 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 [of the 2012 CGP]." It is anticipated that if EPA decides to require a Tier 2 or Tier 3 review for a particular new project or an existing project with a significantly increased discharge, EPA may either change the terms of coverage or terminate CGP coverage and require an individual permit.

Part 3.2 also clarifies that operators will be informed if any additional controls are necessary for the discharge to be consistent with the assumptions of any available wasteload allocation in the TMDL. These provisions are intended to implement the requirements of 40 CFR 122.44(d)(1)(vii)(B), which requires that water quality-based effluent limits in permits be "consistent with the assumptions and requirements of any available wasteload allocation for the discharge" and of 40 CFR 122.4(i), which contains requirements regarding the issuance of permits for new sources.

Part 3.2 also clarifies when discharges from construction sites are discharging to an impaired water. EPA added such clarification due to uncertainty among the regulated community as to how to determine whether a site discharges to an impaired water.

Part 3.2 also includes a new requirement for operators discharging to waters impaired for polychlorinated biphenyls (PCBs) to implement controls to minimize the exposure of building materials containing polychlorinated biphenyls-(PCBs) to precipitation and stormwater during demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980. Buildings and structures originating or remodeled between the years of 1950-1979 often contain polychlorinated biphenyls (PCBs) in materials such as caulk and paint. Without proper controls, the demolition of such structures can cause PCBs to be released into the environment and discharged into waters of the U.S. during storm events. To address this

concern, Part 3.2 requires controls to be implemented to minimize exposure of building materials containing PCBs to precipitation and stormwater, and to ensure that such materials are disposed in compliance with applicable state, federal, and local laws. The requirement is limited to the demolition of buildings or structures with at least 10,000 square feet of floor space built or renovated before January 1, 1980 on sites that discharge to PCB-impaired waters. This requirement helps to ensure that authorized discharges will meet WQS.

The presence of PCBs in certain building components, especially in caulk and fluorescent light bulbs, has been a focus of EPA's research over the past several years. The following is a summary of the findings from EPA studies establishing the presence of PCBs in building materials, particularly in school buildings:

- Caulk put in place between 1950 and 1979 may contain as much as 40 percent PCBs and can emit PCBs into the surrounding air. PCBs from caulk may also contaminate adjacent materials such as masonry or wood.
- Fluorescent lighting fixtures that still contain their original PCB-containing light ballasts have exceeded their designed lifespan, and the chance for rupture and emitting PCBs is significant. Sudden rupture of PCB-containing light ballasts may result in exposure to the occupants and may also result in the addition of significant clean-up costs.
- Some building materials (e.g., paint and masonry walls) and indoor dust can absorb PCB emissions and become potential secondary sources for PCBs. When the primary PCB-emitting sources are removed, the secondary sources often emit PCBs.

See EPA's webpage, *Polychlorinated Biphenyls (PCBs) in Building Materials*, located at https://www.epa.gov/pcbs/polychlorinated-biphenyls-pcbs-building-materials, for more information.

Releases of PCBs into the environment from building materials containing PCBs has also been well studied in certain regions of the country. In Washington State, stormwater was identified as the largest delivery pathway to surface waters for PCBs. Washington's "PCB Chemical Action Plan" identifies PCBs in caulk and paint as the second largest source of PCBs, accounting for 87 metric tons of PCBs in WA, with 160 kg/yr. released to the environment.[17] The Plan states that "Releases from building materials can be greatly accelerated during remodeling and demolition. There is an opportunity, through use of best management practices, to prevent releases of PCBs during remodeling and demolition."

Another Washington State Department of Ecology report, focusing on the Puget Sound Basin,[18] estimates 59 metric tons of PCBs are in building sealants in that area with about 110 kg released annually. This is likely an underestimate because the report did not consider all uses in buildings, e.g., windows, uses in residential buildings, or in other structures, such as bridges and sidewalks.

Building materials and caulk were also found to be potential sources of PCBs at both the Lower Duwamish Waterway[19] and Commencement Bay/Nearshore Tideflats Superfund sites in

[17] 2015. PCB Chemical Action Plan. Washington State Department of Ecology. https://fortress.wa.gov/ecy/publications/SummaryPages/1507002.html

[18] 2011. Control of Toxic Chemicals in Puget Sound Phase 3: Primary Sources of Selected Toxic Chemicals and Quantities Released in the Puget Sound Basin. Ecology Publication No. 11-03-024. https://fortress.wa.gov/ecy/publications/documents/1103024.pdf

[19] 2011 Lower Duwamish Waterway Survey of Potential PCB-Containing Building Material Sources. Prepared for Ecology. https://fortress.wa.gov/ecy/gsp/DocViewer.ashx?did=41052

Washington State. The Rainier Commons building, currently a Toxic Substances Control Act (TSCA) cleanup site, was found to contain high concentrations of PCBs in caulk and paint that entered the stormwater system via catch basins on site. This system drains to the Lower Duwamish Waterway cleanup area. Elevated concentrations of PCBs in roadway caulk were found during source tracing by the City of Tacoma in response to the re-contamination of the Thea Foss Waterway in Commencement Bay.[20]

Releases of PCBs into the environment from PCB-containing building materials have also been well studied in the San Francisco Bay region. The San Francisco Bay Regional Water Quality Control Board found that "of the sources to the Bay, stormwater runoff contributes the greatest mass of PCBs."[21] A study of buildings within greater San Francisco Bay region found PCBs in 88% of the caulk samples tested; 40% of the samples contained >50 ppm PCBs, and 20% > 10,000 ppm PCBs.[22] Data suggest a correlation between PCB levels observed in the water with construction activity. Based on these studies, the San Francisco Bay Regional Water Quality Control Board stated that controlling demolition of buildings containing PCBs could significantly reduce the loading of PCBs in their stormwater.

EPA is purposefully limiting this new requirement to apply to sites that discharge to waters with known impairments for PCBs. Over 4,500 water bodies are currently listed in the PCB-polluted category, making this the sixth-highest water pollution cause nationwide.[23] This includes 81,610 miles of rivers and streams, 3,204,534 acres of lakes and ponds, and 400,094 square miles of bays and estuaries that are impaired for PCBs.[24] EPA does not currently have data on the number of construction projects subject to EPA's CGP that may involve demolition of a structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980 on sites that discharge to waters impaired for PCBs. Therefore, at this time, EPA does not have an estimate for the number of operators that will be affected by this new requirement. However, EPA added a new question on the NOI form asking about the prevalence of demolition of a structure with at least 10,000 square feet of floor space that was built or renovated before January 1, 1980. With the benefit of this new information, EPA can more comprehensively evaluate the occurrence under the CGP of demolition of structures which often contain PCBs in building materials and the need to modify the applicability of this requirement as necessary in the future.

There are a variety of controls that can be implemented to minimize the potential discharge of PCBs from demolition activities, and can also be effective in controlling the release of other hazardous substances like asbestos and lead-paint. The following examples provide guidance for operators in selecting the site-specific controls to meet this requirement in Part 3.2. These examples are not required or exhaustive. Operators have flexibility in selecting the specific controls they will implement to meet this requirement in Part 3.2, but must ensure that such controls minimize exposure of building materials to precipitation and stormwater, and ensure

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[20] 2015. *Thea Foss and Wheeler-Osgood Waterways 2014 Source Control and Water Year 2014 Stormwater Monitoring Report*, City of Tacoma. Section 2.1.3. http://cms.cityoftacoma.org/enviro/SurfaceWater/SourceControlWYRpt/Report.pdf

[21] 2013. San Francisco Bay Regional Water Quality Control Board. San Francisco Bay PCBs TMDL – Implementation at Cleanup Sites. http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbs/SF%20Bay%20PCBs%20TMDL%20-%20Considerations%20for%20Cleanup%20Sites%20September%205%202013.pdf

[22] ibid, p. 3.

[23] Summaries of Water Pollution Reporting Categories, ATTAINS parent cause category summaries, adapted from doc. no. EPA841-R-12-104, October 2012.

[24] National Causes of Impairment, Size of Assessed Waters with Listed Causes of Impairment, available at https://ofmpub.epa.gov/waters10/attains_nation_cy.control#causes

that such materials are properly disposed. Operators must also document the selected controls in the SWPPP.

- Separate work areas from non-work areas and select appropriate personal protective equipment and tools.
- Construct a containment area so that all dust or debris generated by the work remains within the protected area.
  - Apply plastic sheeting to the floor, ground, or other applicable surfaces to prevent contamination of the building interior or exterior from dust generated by the work.
  - Put all necessary tools and supplies on the protective sheeting in the work area before you begin work to avoid stepping off the protective sheeting before the work is complete.
  - Construct a decontamination area outside of the work area by placing heavy plastic sheeting on the ground. Use this area for removing personal protective equipment and for cleaning equipment used in the enclosure.
    - Every time you leave the plastic sheeting, remove disposable shoe covers, and wipe or vacuum shoes, especially, the soles, before stepping off the plastic sheeting. A large disposable tack pad on the floor can help to clean the soles of shoes.
    - Remove or vacuum off Tyvek suits when exiting the work area so the dust stays inside the work area.
- For locations where a containment area cannot be constructed, consider the following techniques:
  - Cover the ground and plants with heavy plastic sheeting to catch debris. The covering should extend at least ten feet out from the building. Secure the covering to the exterior wall with a wood strip and staples, or tape.
  - Seal off any vents or air exchange systems into the building that are located within the work area.
  - Move or cover any play areas within 20 feet of the work area.
  - To prevent debris from falling beyond the ten-foot covering when working on the second story or above, extend the sheeting farther out from the base of the building and to each side of the area where materials are being disturbed.
  - To prevent the spread of debris when work is close to a sidewalk, street, or property boundary, or the building is more than three stories high, scaffolding sides should be covered in plastic.
  - Avoid working in high winds. Otherwise, take special precautions to keep the work area contained when the wind is strong enough to move dust and debris. For example, a wind screen can be constructed of plastic at the edge of the ground-cover plastic to keep dust and debris from migrating.
- For inside work, consider placing the containment area under negative air pressure and/or using high-efficiency particulate air (HEPA).
- Use tools that minimize dust and heat (<212°F). Detailed information on tools can be found at https://www3.epa.gov/epawaste/hazard/tsd/pcbs/pubs/caulk/guide/guide-appendix.htm.
  - When using electromechanical tools, use HEPA vacuum attachments to contain the dust generated.
  - Use wet sanders and misters to keep down the dust created during sanding, drilling, and cutting.

- Leave the work area clean at the end of every day and at the end of the project.
  - Daily activities include:
    - Pick up as you go. Put trash in heavy-duty plastic bags.
    - Vacuum the work area with a HEPA vacuum cleaner frequently during the day and at the end of the day.
    - Clean tools at the end of the day.
    - Dispose of or clean off personal protective equipment.
    - Properly dispose of wastewater produced during the job.
  - End of project activities include:
    - Make sure all trash and debris, including building components, are disposed of properly.
    - Vacuum any exposed surfaces, including walls and ceilings, with a HEPA vacuum cleaner.
    - Mist dusty sections of the plastic sheeting with water before taking them down to keep dust from becoming airborne again.
    - Remove plastic sheeting carefully, fold it with the dirty side in, tape it shut, and properly dispose of it.
    - Visually inspect the site to ensure that no dust or debris is present and re-clean the area thoroughly if you find dust or debris.

The following are also recommended practices for minimizing PCB exposure to workers, building occupants, and community members during demolition activities:

- Use site security measures to prevent access of unauthorized persons to the work areas until after the final cleanup. Examples of security measures include:
  - Lock fence gates or doors to the work areas during off hours.
  - Place signs, barrier tape and/or cones to keep all non-workers out of the work area. Signs should be in the primary languages of the occupants, and should say "Do Not Enter - Authorized Personnel Only" and "No Eating, Drinking, or Smoking."
  - Establish a system to identify authorized persons and any limitations to their approved activities.
  - Provide a means for approving all visitors to the work area; ensure trained site personnel accompany visitors at all times and provide them with appropriate personal protective equipment.
- Close windows and doors within 20 feet of the work area to keep dust and debris from getting into the building.
- Change out of work clothing before going home, and launder non-disposable protective clothing separately from family laundry.

Part 4: Site Inspection Requirements

Part 4.1: Person(s) Responsible for Inspecting Site

Part 4.1 clarifies that it is the operator who will be responsible for ensuring that the person who conducts inspections, whether he/she is a member of the project staff or a third party, must be a "qualified person."

Part 4.1	Permit Requirements

Part 4.1 clarifies that the person(s) inspecting the site may be a person on the project staff or a third party hired to conduct such inspections. Whoever will be charged with conducting the inspections must be a "qualified person," who is knowledgeable in the principles and practice of erosion and sediment controls, and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater control measures selected and installed to meet the requirements of the permit.

Part 4.2: Frequency of Inspections

Part 4.2 requires the operator to, at a minimum, conduct a site inspection in accordance with one of two schedules, unless they are subject to the Part 4.3 site inspection frequency for discharges to sensitive waters or qualify for a Part 4.4 reduction in the inspection frequency.

Part 4.2	Permit Requirements
Part 4.2 requires the operator to conduct inspections of the site and establishes the required minimum inspection frequency. The operator has the option to either (1) conduct a site inspection once every seven (7) calendar days; *or* (2) conduct a site inspection once every 14 days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on the site, the operator must either keep a properly maintained rain gauge on the site, or obtain the storm event information from a weather station that is representative of the location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, the operator must record the total rainfall measured for that day in accordance with Part 4.7.1.d.	

This provision retains the 2012 CGP's choice between the weekly inspection and bi-weekly inspection frequency. Operators must conduct their inspection within 24 hours once a storm event has produced 0.25 inches within a 24 hour period, even if the storm event is still continuing. Thus, if the operator has elected to inspect bi-weekly and there is a storm event at the site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, the operator must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm (inspections are only required during the sites normal working hours). In EPA's judgment, it is important for inspections to be conducted within a day of the occurrence of a qualifying rainfall event so that the operator could catch any potential problems on the site and correct such problems before a prolonged discharge of pollutants occurs. Requiring inspections to be conducted within 24 hours of the occurrence of a qualifying storm event provides assurance that, during multiple days of discharge from a single storm event, problems with the control of pollutants will be identified sooner and corrected in accordance with the corrective action timeframes specified in Part 5 of the permit. EPA modified the requirement in option (2) to add "or the occurrence of runoff from snowmelt sufficient to cause a discharge" to when inspections must be conducted, in order to clarify that snowmelt runoff is also a stormwater discharge, and also triggers the inspection requirement.

Complying with the bi-weekly inspection frequency: EPA intends that sites electing to inspect once every 14 days and within 24 hours of a 0.25 inch storm or the occurrence of runoff from snowmelt sufficient to cause a discharge will conduct at a minimum one inspection every 14 days and additional inspections as is warranted depending on whether a 0.25 inch storm event or snowmelt runoff occurs during normal working hours. To comply with this requirement, operators should ensure that no more than 14 days pass after each inspection before the next inspection is conducted. This could be accomplished by choosing a regular day during the two-week period on which inspections will be conducted in the absence of precipitation events. However, where a rain event produces 0.25 inches or more during the two-week period or

snowmelt runoff occurs, an inspection must be performed within 24 hours of the occurrence of the event. Following the event-related inspection (or final event related inspection in cases of multi-day events), the operator must conduct the next inspection within no more than 14 calendar days.

Multiple day storms: The permit clarifies that if the site experiences a storm event that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, the operator must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

0.25 inch rain event threshold: EPA incorporates by reference the discussion in 2012 CGP fact sheet (Section IX.1.2) in which EPA presented data that supported the 0.25 inch threshold for inspections. EPA found that a 0.25 inch threshold would cover an estimated 47 percent of storms in New Hampshire, 10 percent of storms in Idaho, and 27 percent of storms in New Mexico. It is EPA's judgment that storms with rainfall totals greater than 0.25 inches have the potential to produce discharges of stormwater that could lead to discharges of pollutants to surface waters, particularly if stormwater controls are not functioning effectively. Further, storms greater than 0.25 inches may compromise stormwater controls on the site. Thus, inspection immediately after such events (or during such events in the case of multi-day storms) is important to meet the purposes of adopting a storm-based inspection schedule. See section IX.1.2 "Frequency of Inspections (Part 4.1.2)" on pages 94 through 96 of the 2012 CGP fact sheet, available at https://www.epa.gov/sites/production/files/2015-10/documents/cgp2012_finalfactsheet.pdf.

Part 4.3: Increase in Inspection Frequency for Sites Discharging to Sensitive Waters

Part 4.3 requires modified inspection frequencies for the portion of any sites discharging to a sediment or nutrient-impaired water or to a water identified by a state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.

Part 4.3	Permit Requirements
The operator must conduct inspections in accordance with the following inspection frequencies: Once every 7 calendar days *and* within 24 hours of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on your site, the operator must either keep a properly maintained rain gauge on the site, or obtain the storm event information from a weather station that is representative of its location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, the operator must keep a record of rainfall occurrences in accordance with Part 4.7.1d.	

As noted in the fact sheet section on Part 3.2, it is EPA's judgment that these inspection requirements will enhance the operator's ability to find and correct problems before a discharge of pollutants occurs. EPA expects that compliance with the water quality-based effluent limits in the permit, in combination with the general effluent limits in Part 2, will result in discharges that meet applicable water quality standards. EPA clarifies that the more frequent site inspections are required only for those portions of the site that are discharging to the sensitive water. For example, for a highway construction project spanning many miles over multiple watersheds, the increase in inspection frequency would only be required in areas of the site that discharge to or within one mile upstream of the sensitive water. EPA also notes that if the operator qualifies for any of the reduced inspection frequencies specified in Part 4.4, they may comply with those reduced frequencies despite the fact that they discharge to a sensitive water. This is because the reduced frequencies in Part 4.4 apply only to situations where the reduced inspection frequency is justified by circumstances that ensure protection of all waters, including sensitive waters.

Note that, similar to the requirements for conducting bi-weekly site inspections under Part 4.2.2, the permit clarifies that if the site experiences a storm event that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, the operator must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm. The operator must conduct an inspection upon the occurrence of runoff from snowmelt sufficient to cause a discharge.

Part 4.4: Reductions in Inspection Frequency

Part 4.4 identifies three different situations in which a reduction in the frequency of inspections is permitted. Each of these represent situations of comparatively lower risk for discharges to surface waters.

Part 4.4.1: For Stabilized Areas

Part 4.4.1 provides the opportunity for operators to reduce their inspection frequencies in any areas of the site that have achieved temporary or final stabilization as required in Part 2.2.14.

Part 4.4.1	Permit Requirements
a. The permit enables the operator to reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month in any area of the site where the stabilization steps in Part 2.2.14.a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to the frequency specified in Part 4.2 or 4.3 if applicable. The operator must document the beginning and ending date of this period in its SWPPP. b. Exception. For "linear construction sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event of 0.25 inches or greater. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a Inspections must continue until final stabilization is visually confirmed following a storm event of 0.25 inches or greater.	

Areas of the site that have achieved temporary or final stabilization present a significantly lower risk of producing unacceptable discharges of pollutants in stormwater to surface waters. EPA further expects that, especially for larger projects, where construction activities may take place in different phases in separate locations of the site, reducing site inspection frequency where areas have been stabilized will encourage stabilization to take place closer to the time that active disturbances have ended. It is EPA's judgment that the reduction in inspection frequency will provide a benefit in reduced administrative burden to the operator. EPA modified this requirement from the 2012 CGP to require inspections to be conducted twice per month for the first month, with no more than 14 calendar days between the two inspections, after stabilization has been completed before reducing the inspection frequency to once per month. This change is intended to ensure that operators catch any potential problems with stabilization measures early on and correct such problems before failure of stabilization measures and a prolonged discharge of pollutants occurs. The requirement in (b) above is also a modification to the reductions in inspection frequency for linear construction sites. EPA acknowledges that long linear projects may feature portions of the site that are

completed and stabilized months before the final portion of the project is stabilized. The exception provides flexibility for linear construction sites by allowing these operators to suspend further inspections on portions of their site that have met the final stabilization requirements following two inspections in the first month, no more than 14 calendar days apart, and no observed "wash-out" following one more inspection within 24 hours of a storm event of 0.25 inches or greater.

Part 4.4.2: For Arid, Semi-Arid, or Drought-Stricken Areas

Part 4.4.2 allows operators whose construction projects occur in areas considered arid or semi-arid to reduce the frequency of inspection to account for the comparatively lower amounts of rainfall.

Part 4.4.2	Permit Requirements
The permit enables operators to reduce their inspection frequency to once per month and within 24 hours of the occurrence of a storm event of 0.25 inches or greater if the project is located in an arid, semi-arid, or drought-stricken area and construction is occurring during the seasonally dry period or a period in which drought is predicted to occur. The operator must document that they are using this schedule and the beginning and ending dates of this period in the SWPPP. To determine if a storm event of 0.25 inches or greater has occurred on the site, the operator must either keep a properly maintained rain gauge on the site, or obtain the storm event information from a weather station that is representative of the location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, the operator must record the total rainfall measured for that day in accordance with Part 4.7.1.d.	

This reduced inspection frequency still allows operators to identify potential problems that could result in a discharge of pollutants in the unlikely event that a storm event does occur. To determine when the seasonal dry periods occur in arid and semi-arid areas, one tool that is available for operators is the U.S. Department of Agriculture, Natural Resources Conservation Service's Climate Analysis for Wetlands tool: http://www.wcc.nrcs.usda.gov/climate/wetlands.html.

Note that, similar to the requirements for conducting bi-weekly site inspections under Part 4.2.2, the permit clarifies that if the site experiences a storm event that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, the operator must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

Part 4.4.3: For Frozen Conditions

Part 4.4.3 enables operators that experience frozen conditions on their site to reduce their inspection frequency to account for the fact that a discharge will not be likely during this period of time.

Part 4.4.3	Permit Requirements
The permit enables operators to reduce inspection frequencies under the following conditions: a. Where earth-disturbing activity is suspended: If the operator is suspending earth-disturbing activities due to frozen conditions, the operator may temporarily suspend inspections on the site until thawing conditions begin to occur if: i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at the site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make	

discharges likely, the operators must immediately resume the regular inspection frequency as described in Parts 4.2 or 4.3 as applicable;

ii. Land disturbances have been suspended; and

iii. All disturbed areas of the site have been stabilized in accordance with Part 2.2.14.a.

b. Where earth-disturbing activities continue on portions of the site: If the operator is still conducting earth-disturbing activities during frozen conditions, the operator may reduce the inspection frequency to once per month if:

i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at the site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, the operator must immediately resume the regular inspection frequency as described in Parts 4.2 or 4.3 as applicable; and

ii. Except for areas in which the operator is actively conducting earth-disturbing activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14.a.

Part 4.4.3 will also requires that operators document the beginning and ending dates of this period in their SWPPP.

The permit retains the 2012 CGP's waiver approach for projects that suspend all construction work during frozen conditions. This permit also allows operators to reduce inspection frequencies to once per month if the ground is frozen and they will still be conducting earth-disturbing activities. For both scenarios under which a reduction is possible, this permit includes the requirement that the disturbed areas be stabilized either vegetatively or non-vegetatively. This requirement also provides further assurance that in the case of an unexpected thaw or rain on snow event, the discharge of pollutants from all areas has been minimized.

Part 4.5: Areas That Must Be Inspected

Part 4.5 describes the areas on the site that must be inspected.

Part 4.5 (4.5.1 – 4.5.6)	Permit Requirements

The permit specifies which areas of the site must be inspected during each site inspection, which include, at a minimum, the following:

4.5.1 All areas that have been cleared, graded, or excavated, and that have not yet completed stabilization consistent with Part 2.2.14.a;

4.5.2 All stormwater controls (including pollution prevention controls) installed at the site to comply with this permit;

4.5.3 Material, waste, borrow or equipment storage and maintenance areas that are covered by this permit;

4.5.4 All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, and/or treat stormwater;

4.5.5 All points of discharge from the site; and

4.5.6 All locations where stabilization measures have implemented.

Operators are not required to inspect areas of the site that, at the time of the inspection, are considered unsafe to inspection personnel.

The 2012 CGP included many of the same specific areas to be inspected in Part 4.1.5 of the 2012 CGP. In Part 4.5.2, EPA clarifies that all stormwater controls installed at the site required in Part 2 and Part 3 must be inspected, including the inspection for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

Part 4.6: Requirements for Inspections

Part 4.6 includes specific requirements regarding the focus of the inspection.

Part 4.6 (4.6.1 – 4.6.7)	Permit Requirements

The permit requires that inspections, at a minimum, consist of the following:

4.6.1 Check whether all stormwater controls (i.e., erosion and sediment controls and pollution prevention controls) are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges.

4.6.2 Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;

4.6.3 Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3;

4.6.4 Check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to the discharge at points of discharge and, if applicable, the banks of any waters of the U.S. flowing within or immediately adjacent to the site;

4.6.5 Identify any incidents of noncompliance observed.

4.6.6 If a discharge is occurring during the inspection, the operators must to:

a. Identify all points at the site; and

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 indicators of stormwater pollutants.

4.6.7	Based on the results of the inspection, complete any necessary maintenance under Part 2.1.4 and corrective actions under Part 5.

EPA clarifies that the operator must complete any necessary maintenance discovered during an inspection.

Part 4.7: Inspection Report

Part 4.7.1: Requirement to Complete Inspection Report

Part 4.7.1 provides a consistent means of documenting the results of each inspection.

Part 4.7.1	Permit Requirements
The operator 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 the inspection findings, covering at a minimum the observations you made in accordance with Part 4. 6, including any necessary maintenance or corrective actions; d. If the operator is inspecting the site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.2, and the operator conducted an inspection because of rainfall measuring 0.25 inches or greater, it must include the applicable rain gauge or weather station readings that triggered the inspection; and e. If the operator has determined that it is unsafe to inspect a portion of the site, the operator must describe the reason it was found to be unsafe and specify the locations that this condition applied to.	

Part 4.1.7 requires, similar to the concept of a log book, that an inspection report be completed for each inspection. It is EPA's judgment that requiring an inspection report to be kept will improve the organization of the inspection-related records, and make it easier for operators to keep track of their findings from inspection to inspection.

Part 4.7.2: Signature Requirements

Part 4.7.2 requires that inspection reports, whether in paper or electronic format, provide accountable documentation of compliance with the inspection requirements in this permit. Appendix I provides signature requirements for both paper and electronic reports.

Part 4.7.2	Permit Requirements
Each inspection report must be signed in accordance with Appendix I, Part I.11 of the permit.	

Part 4.7.3: Recordkeeping Requirements

Part 4.7.3 requires inspection reports be kept at the site and available to EPA inspectors.

Part 4.7.3	Permit Requirements
The permit requires that the operators keep a copy of all inspection reports at the site or at an easily accessible location, so that they are available at the time of an on-site inspection or upon request by EPA.	

Part 4.7.4: Record Retention

The requirement in Part 4.7.4 to retain all reports a minimum of three years comes from the standard permit condition requirements at 40 CFR 122.41(j)(2).

Part 4.7.4	Permit Requirements
The permit requires that the operators retain all inspection reports for at least three (3) years from the date that permit coverage expires or is terminated.	

Part 4.8: Inspections by EPA

The requirements in Part 4.8 are to inform the operator of its obligations with respect to providing access to EPA (or its authorized representatives) in order to conduct site inspections of its own for the purposes of determining compliance with this permit.

Part 4.8 (4..8.1 – 4.8.4)	Permit Requirements
Part 4.8 requires the operator to allow EPA or an authorized representative of EPA to conduct the following activities at reasonable times. To the extent the operator is utilizing shared controls that are not on-site to comply with this permit, the operator must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.	
4.8.1	Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;
4.8.2	Access and copy any records that must be kept under the conditions of this permit;
4.8.3	Inspect the construction site, including any construction support activity areas covered by the permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and
4.8.4	Sample or monitor for the purpose of ensuring compliance.

This same authority is included in Appendix I, Part 9 of the 2012 CGP as a standard permit condition based on 40 CFR 122.41(i). This authority is based on section 308 of the CWA. It is EPA's judgment that it is appropriate to place this same language in the inspection part of the permit so that it is more visible to the operator.

Part 5: Corrective Actions

Part 5.1: Conditions Triggering Corrective Action

Part 5.1 explains when an operator is expected to take corrective action.

Part 5.1 (5.1.1 – 5.1.4)	Permit Requirements
Part 5.1 defines the conditions under which an operator must take corrective action at their site:	
5.1.1	A stormwater control needs repair or replacement (beyond routine maintenance required under Part 2.1.4); or
5.1.2	A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

5.1.3	The operator's discharges are causing an exceedance of applicable water quality standards; or
5.1.4	A prohibited discharge has occurred (see Part 1.3).

The conditions that require corrective action are substantively similar to and consistent with those from Part 5.1 of the 2012 CGP. EPA added a triggering condition for corrective action if a stormwater control needs repair or replacement. This clarifies EPA's intent in the 2012 CGP that corrective action would be needed when control repairs are required. This condition for corrective action is distinguished from when controls require routine maintenance in Part 2.1.4 of the permit.

Part 5.2: Corrective Action Deadlines

Part 5.2 establishes deadlines for initiating and completing work to correct the conditions identified at the site in accordance with Part 5.1. Corrective action is distinguished from routine maintenance of stormwater controls and pollution prevention measures required in Parts 2.1.4 and 2.3.

Part 5.2	Permit Requirements
Part 5.2 describes the deadlines the operator must meet when addressing any of the corrective action triggering conditions described in Part 5.1	

EPA notes that if the condition identified in this Part constitutes a permit violation, correcting it does not eliminate the original violation. However, enforcement authorities will consider the promptness and effectiveness of any corrective action taken in determining an appropriate response. Additionally, failing to take corrective action in accordance with this Part will be an additional permit violation.

Part 5.2.1 requires the operator to immediately take reasonable steps to address any conditions at the site triggering corrective action to minimize pollutant discharges from the site.

Part 5.2.1	Permit Requirements
Part 5.2.1 requires operators to immediately take all reasonable steps to address the condition identified in Part 5.1, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events.	

EPA notes that in the context of Part 5.2.1 the term "immediately" requires operators to, on the same day a condition requiring corrective action is found, take steps to minimize or prevent the discharge of pollutants unless a new or replacement control or significant repair is required.

Part 5.2.2 establishes a specific timeframe for completing corrective actions that do not require a new or replacement control or significant repair.

Part 5.2.2	Permit Requirements
Part 5.2.2 requires operators to complete the corrective action by the close of the next business day when the problem does not require a new or replacement control or significant repair.	

Examples of corrective actions that do not require significant repair or replacement include sweeping up tracked-out sediment, cleaning up spilled materials, and minor repairs such as fixing a hole in a silt fence. EPA notes that 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.

Part 5.2.3 establishes a specific timeframe for completing corrective actions that require a new or replacement control or significant repair.

Part 5.2.3	Permit Requirements
Part 5.2.3 requires the operator to 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 when the problem requires a new or replacement control or significant repair. If it is infeasible to complete the installation or repair within 7 calendar days, the operator must document in their records why it is infeasible to complete the installation or repair within the 7-day timeframe and document their schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in their SWPPP, the operator must modify their SWPPP accordingly within 7 calendar days of completing this work.	

Examples of corrective actions that require significant repair or replacement include extensive removal and replacement of an existing control or controls, or repairing a sophisticated treatment control, such as a chemical treatment system.

Part 5.2.3 will also ensure that the SWPPP adequately reflects the stormwater controls being implemented on the site. Where a new control is installed and made operational, or a modification is made to an existing control, the SWPPP must be updated to reflect these site changes. Note that this is true for all such modifications, including those made to implement corrective actions.

Part 5.3: Corrective Action Required by EPA

Part 5.3 clarifies that, in addition to corrective actions that may result from the operator's own inspections, EPA may also require corrective actions to address permit violations found during the agency's inspections.

Part 5.3	Permit Requirements
The operator must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.	

Part 5.4: Corrective Action Report

Part 5.4 establishes requirements for proper documentation of all corrective actions that must be taken under this part of the permit.

Part 5.4	Permit Requirements
Part 5.4 requires that operators complete a corrective action report for each corrective action taken in accordance with this part of the permit.	

This requirement is similar to the 2012 CGP's Part 5.4 corrective action report requirement to document problems found on the site and the corresponding corrective actions taken and applicable implementation dates.

Part 5.4.1 requires the operator to immediately record some basic information with respect to the initial finding of the triggering condition.

Part 5.4.1	Permit Requirements
Within 24 hours of identifying the corrective action condition, the operator must document the specific condition and the date and time it was identified.	

Part 5.4.2 requires the operator to document the completion of corrective actions that were identified in Part 5.4.2.

Part 5.4.2	Permit Requirements
Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), the operator must document the actions taken to address the condition, including whether any SWPPP modifications are required.	

The requirement in Part 5.4.2 is different from the 2012 CGP Part 5.4.2, which required a report within 7 calendar days of discovering a condition that required a corrective action. In the 2017 CGP, the operator must document the completion of the corrective action within 24 hours, whether the correction action was completed in 3 days, 7 days, or later (after the operator documents that it is infeasible to complete the repair within 7 days and sets a schedule for completing the repair in accordance with Part 5.2.3).

Part 5.4.3 establishes requirements for accountable documentation of compliance with the corrective action requirements in this permit. Appendix I provides signature requirements for reports.

Part 5.4.3	Permit Requirements
Each corrective action report must be signed in accordance with Appendix I, Part I.11 of this permit.	

The requirement in 5.4.4 is intended to ensure that EPA officials have immediate access to such records during an on-site inspection.

Part 5.4.4	Permit Requirements
The operator must keep a 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 on-site inspection or upon request by EPA.	

The requirement in Part 5.4.5 to retain all reports a minimum of 3 years comes from the standard permit condition requirements at 40 CFR 122.41(j)(2).

Part 5.4.5	Permit Requirements
The operator must keep all corrective action reports completed for this Part for at least three (3) years from the date that permit coverage expires or is terminated.	

Part 6: Staff Training Requirements

The staff training requirements in Part 6 are to ensure that each member of the stormwater team understands the requirements of the permit and his or her particular responsibilities relating to complying with those requirements.

Part 6	Permit Requirements
Part 6 requires the operator, or group of multiple operators, to assemble a "stormwater team" to carry out compliance activities associated with the requirements in the permit. The requirements to conduct training prior to commencing construction activities will not apply to emergency-related construction activities that are eligible for permit coverage under Part 1.4; however, for such activities, training must be conducted prior to NOI submission.	
6.1	Prior to the commencement of construction activities, the operator must ensure that the following members of the stormwater team receive training to ensure that they

understand the permit requirements and their specific responsibilities with respect to those requirements:

a. Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);

b. Personnel responsible for the application and storage of treatment chemicals (if applicable);

c. Personnel who are responsible for conducting inspections as required in Part 4.1; and

d. Personnel who are responsible for taking corrective actions as required in Part 5.

6.2 Part 6.2 specifies that the operator is ultimately responsible for ensuring that all activities on the site comply with the requirements of the permit. The operator is not required to provide or document formal training for subcontractors or other outside service providers, but must ensure that such personnel understand any requirements of the permit that may be affected by the work they are subcontracted to perform.

6.3 Part 6.3 specifies that the content and extent of training must be tailored to match the stormwater team member's duties and responsibilities related to the permit's requirements. 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):

a. The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;

b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;

c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and

d. When and how to conduct inspections, record applicable findings, and take corrective actions.

6.4 Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the operator's SWPPP, and other relevant documents or information that must be kept with the SWPPP.

The training requirements in Part 6 are similar to the staff training requirements in Part 6 of the 2012 CGP.

Part 6 also specifies the minimum understanding that applicable members of the stormwater team should have with respect to the pertinent aspects of permit compliance. All of the above listed areas that must be understood by stormwater team members relate to specific permit provisions in the CGP.

If the person requiring training is a new employee who starts after commencement of construction activities, the operator must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. New training may not be necessary for some employees if the operator is able to ensure that the employee, due to prior training, already understands the applicable topic area.

EPA also notes that for emergency-related projects, the requirement to train personnel prior to commencement of earth-disturbing activities does not apply. Because immediate

authorization is available for these projects, given the urgency of the timing associated with such projects, it is EPA's judgment that it is appropriate to provide greater flexibility in the initial weeks of construction. However, the permit requires that upon submittal of the NOI, personnel be trained in accordance with this section.

Part 7: Stormwater Pollution Prevention Plan (SWPPP)

Part 7 describes the requirements for developing and maintaining a SWPPP.

Part 7.1: General Requirements

Part 7.1 establishes the overall requirement that operators develop SWPPPs prior to submitting their NOIs. The SWPPP must be in place prior to discharging so that the appropriate erosion and sediment controls are selected and to ensure that the eligibility and other requirements under the permit will be met.

Part 7.1	Permit Requirements
Part 7.1 requires all operators associated with a construction site covered under this permit to develop a SWPPP. The operator must develop the SWPPP prior to submitting the NOI. The SWPPP must be kept up-to-date throughout coverage under the permit. If the SWPPP was prepared under a previous version of the permit (i.e., the 2012 CGP), the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting the NOI.	

The SWPPP is intended to serve as a road map for how the construction operator will comply with the effluent limits and other conditions of this permit. The language in footnote 52 clarifies that the SWPPP does not establish the effluent limits that apply to the construction site's discharges; these limits are established in the permit. EPA emphasizes that while the requirement to develop a SWPPP, to keep it updated, and to include in it all of the required minimum contents consistent with Part 7.2 are enforceable permit requirements, the site-specific details of these SWPPPs do not establish separately enforceable limits of the permit. The fact that the SWPPP is an external tool and not considered to include effluent limits enables the operator to be able to modify and retool its approach during the course of the permit term in order to continually improve how it complies with the permit.

The new language in footnote 53 of the permit notes that one operator may develop a group SWPPP where there are several operators at the same site. For instance, if both the owner and the general contractor of the construction site meet the definition of an operator and are required to obtain a permit, the owner may be the party responsible for SWPPP development, and the general contractor (or any other operator at the site) can choose to use this same SWPPP, as long as the SWPPP addresses the general contractor's (or some other operator's) scope of construction work and obligations under this permit. Regardless of whether there is a group SWPPP or several individual SWPPPs, all operators would be jointly and severally liable for compliance with the permit.

Where there are multiple operators associated with the same site through a common plan of development or sale, operators may assign to themselves various permit-related functions under the SWPPP provided that each SWPPP, or a group SWPPP, documents which operator will perform each function under the SWPPP. However, dividing the functions to be performed under the SWPPP does not relieve an individual operator from liability for complying with the permit should another operator fail to implement any measures that are necessary for the individual operator to comply with the permit, for example, the installation and maintenance of any shared controls, such as a sediment basin. In addition, where responsibilities

are shared, all operators must ensure, either directly or through coordination with other operators, that their activities do not cause a violation and/or render any other operators' controls and/or any shared controls ineffective. All operators who rely on a shared control to comply with the permit are jointly and severally liable for violations of the permit resulting from the failure to properly install, operate and/or maintain the shared control.

The new language in footnote 53 clarifies in the permit that all operators associated with the same site through a common plan of development or sale are responsible for the stormwater from their individual parcel until the stormwater is discharged into waters of the U.S. or an MS4. This responsibility includes shared controls, such as a sediment basin, within the common development site used to treat stormwater from the individual parcel. For example, if multiple operators on the same common development site develop a group SWPPP or multiple individual SWPPPs that assign permit-related functions to the various operators, an individual operator is not relieved of liability for permit compliance should another operator fail to perform any function assigned to it under the SWPPP and thus render the individual operator unable to comply with the terms of the permit. In other words, a second operator's failure to perform responsibility for a given function under the SWPPP *(e.g., maintaining a sediment basin)* does not render the first operator immune from enforcement for such failure, unless the second operator's failure does not impact the control of pollutants from the first operator's stormwater or non-stormwater flow *(e.g., the first operator does not send stormwater or non-stormwater flow to the sediment basin before discharge from the overall common development site)*. Similarly, if any individual operator develops a separate SWPPP, that operator remains responsible for compliance with all requirements of the permit that apply to discharges of stormwater and/or non-stormwater from its portion of the site through the common development site and to the point of discharge to waters of the U.S. or an MS4 from the common development site, including requirements that apply to any shared controls relied upon by the operator to control pollutants in stormwater and non-stormwater runoff from its portion of the construction site. Additionally, if an individual operator develops a separate SWPPP, that individual operator is still responsible for compliance with the entire permit even if it relies upon shared controls.

EPA fully reserves its right to pursue liability against any operator as outlined above. When pursuing enforcement against an operator or several operators associated with the same site, EPA will consider the totality of the facts, including but not limited to the actions of each operator, the capability of the operator to remedy the violations, whether there is a written division of permit-related functions in a group SWPPP or individual related SWPPPs, and whether the operator has the ability to obtain access, with assistance from EPA if needed, to any portion of the project at issue.

Part 7.2: SWPPP Contents

Part 7.2 includes the minimum requirements that must be included in the SWPPP, as follows.

Part 7.2.1: All Site Operators

Part 7.2.1 provides information about other operators engaged in activities covered under the permit.

Part 7.2.1	Permit Requirements
Part 7.2.1 requires that the SWPPP contain a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.	

Part 7.2.4 of the 2012 CGP required the SWPPP to include a list of all other operators who will be engaged in construction activities at the site. Part 7.2.1 restates this requirement to clarify

in the SWPPP which operators the SWPPP covers, and the areas of the site over which each operator has control. For construction sites with only one operator, this provision does not apply.

Part 7.2.2: Stormwater Team

The requirement in Part 7.2.2 to provide information about the Stormwater Team in the SWPPP provides assurance that specific staff members are identified as responsible for overseeing the development of the SWPPP and are responsible for ensuring compliance with the permit requirements. Identification of staff members on the stormwater team in the SWPPP provides notice and clarification to facility staff and management (e.g., those responsible for signing and certifying the plan) of the responsibilities of certain key staff for following through on compliance with the permit's conditions and limits.

Part 7.2.2	Permit Requirements
Part 7.2.2 requires the operator to identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities, including which members are responsible for conducting inspections.	

The requirement to assemble a stormwater team to oversee the development of the SWPPP and to ensure permit compliance is similar to Part 7.2.1 of the 2012 CGP, which required each operator to assemble a "stormwater team which is responsible for overseeing the development of the SWPPP… and for compliance." This requirement is also a logical extension of the need for the operator to designate personnel (whether or not they are members of the operator's staff or a subcontractor's) that are assigned the responsibility of carrying out the permit's requirements related to preparing the SWPPP, installing and maintaining stormwater control measures, conducting inspections, taking samples (if required), and implementing corrective actions. EPA has also, in past CGPs, required that operators name a "SWPPP contact" in the NOI and the SWPPP itself.

Part 7.2.3: Nature of Construction Activities

The provision in Part 7.2.3 requiring a description of the nature of the construction activities taking place on the construction site provides general information about the construction project, which can be readily understood by an EPA inspector or other third party who may be unfamiliar with the purpose and general layout of the projects.

Part 7.2.3	Permit Requirements
Part 7.2.3 requires that the SWPPP describe the nature of the construction activities, including: a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition; b. The size of the property (in acres or length in miles if a linear construction site); c. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site); d. A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1.c); e. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas; f. A description and projected schedule for the following: i. Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation	

(*i.e., excavating, cutting and filling*), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

ii. Temporary or permanent cessation of construction activities in each portion of the site;

iii. Temporary or final stabilization of exposed areas for each portion of the site; and

iv. Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

g. A list and description of all pollutant-generating activities (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations) on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (*e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;

h. Business days and hours for the project;

i. If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency *(e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services)*, information substantiating its occurrence *(e.g., state disaster declaration or similar state or local declaration)*, and a description of the construction necessary to reestablish affected public services.

To improve clarity, Part 7.2.3 combines the requirements from Parts 7.2.2, 7.2.3, and 7.2.5 from the 2012 CGP. Operators must describe the "age and/or dates of past renovation for structures that are undergoing demolition" to document any relevant information related to the new provision in Part 2.3 on implementing pollution prevention controls to minimize the exposure of polychlorinated biphenyl-(PCB) containing building materials for demolition of any structure built or renovated before January 1, 1980.

Identification of the size of the property, total area expected to be disturbed by construction activities, description of construction support activities, and the area expected to be disturbed provides the operator, among other things, with information about properly designing and installing stormwater control measures to minimize the discharge of pollutants, as well as information about the placement and type of stabilization practices that should be implemented to minimize the discharge of pollutants in stormwater.

This Part also requires, from Part 7.2.5 of the 2012 CGP, the schedule for activities such as commencement of construction, temporary or permanent cessation of construction, temporary or final stabilization, and removal of controls. Operators are encouraged to consider developing a site phasing plan as part of the schedule for activities. The purpose of requiring documentation of the sequencing of construction activities is to assist operators with planning their construction activity sequencing in conjunction with the control measures they intent to use to meet the effluent limitations in this permit. Proper construction site planning limits the amount of land disturbed at one time and limits the exposure of unprotected soils through rapid stabilization, which in turn reduces the amount of sediment that gets discharged from the construction site.

This requirement provides operators a better understanding of the site runoff characteristics throughout all phases of construction activity, which will help them to plan for the types of stormwater control measures necessary to meet effluent limitations. It is EPA's judgment that documenting this schedule of activities will help operators to minimize earth disturbances to the extent necessary for the construction activity, which will also minimize pollutants discharged in stormwater. 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 dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

EPA also clarifies that in the description of each pollutant-generating activity, operators must list any known hazardous or toxic substances, such as PCBs and asbestos, which will be disturbed or removed during construction. This clarifies what EPA expects would be listed under the similar provision in Part 7.2.7 of the 2012 CGP. Operators must also now document the business days and hours for the project so that EPA, or any authorized representative of EPA, can be informed of normal operating hours in the instance of an inspection in accordance with Part 4.8 of the permit.

Part 7.2.4: Site Map

Part 7.2.4 requires that the SWPPP contain a legible site map, or series of maps. In the permit, EPA kept a similar format from the 2012 CGP that divided the Site Map requirements into sub-categories to provide greater clarity for the various site map requirements. The requirements in Part 7.2.4.a and 7.2.4.b provide a visual depiction of where construction activities are occurring in relation to the boundaries of the property.

Part 7.2.4.a - b	Permit Requirements
a. *Boundaries of the property.* The map(s) in the SWPPP must show the overall boundary of the property.	
b. *Locations where construction activities will occur.* The map(s) in the SWPPP must show the locations where construction activities will occur, including:	
i. Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;	
ii. Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));	
iii. Locations where sediment, soil, or other construction materials will be stockpiled;	
iv. Any waters of the U.S. crossings;	
v. Designated points where vehicles will exit onto paved roads;	
vi. Locations of structures and other impervious surfaces upon completion of construction; and	
vii. Locations of on-site and off-site construction support activity areas covered by the permit (see Part 1.2.1.c).	

With the exception of the requirement to include the location of any demolition activities, all of these requirements correspond to Part 7.2.6 of the 2012 CGP. EPA includes the areas of demolition activities on the site map to clarify what EPA expected to be included on the site map under the 2012 CGP.

The requirement in Part 7.2.4.c compels operators to develop an understanding of the location of any waters flowing through or near the property where the construction will take place.

Part 7.2.4.c	Permit Requirements
c. Locations of all waters of the U.S. within and one mile downstream of the site's discharge point. Also identify if any are listed as impaired, or are identified as a Tier 2, Tier 2.5, or Tier 3 water.	

Requiring a visual showing these waters will provide operators with information necessary to comply with the requirements for impaired waters (Parts 3.1), and Tier 2, 2.5, and 3-protected waters (Part 3.2). Identifying the location of these waters on the site map will also help operators comply with the Erosion and Sediment Control requirements (Part 2.2), particularly those related to buffers (Part 2.2.1), and Pollution Prevention Standards (Part 2.3).

Part 7.2.4.d requires documentation on the site map of areas of threatened or endangered species critical habitat. This requirement is consistent with Part 7.2.6.4 from the 2012 CGP.

Part 7.2.4.d	Permit Requirements
d. Areas of federally listed critical habitat within the site and/or at discharge locations.	

The requirement in Part 7.2.4.e to map pre-construction cover on the site will assist operators in understanding how stormwater moves onto, through, and from the property prior to construction, and how any changes in this cover due to construction activities may affect the flow of stormwater.

Part 7.2.4.e	Permit Requirements
e. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures).	

The requirement in 7.2.4.f to map the flow of stormwater on the site will provide valuable information to assist with planning, designing, and installing the appropriate stormwater control measures necessary to meet the permit's requirements regarding erosion and sediment controls, pollution prevention, and stabilization. Specifically it will also assist the operator with complying with the requirements in Part 2.2.2 to "Direct stormwater to vegetated areas."

Part 7.2.4.f	Permit Requirements
f. *Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities.*	

The requirements in Part 7.2.4.g informs the operator and, for EPA's purposes, documents where stormwater discharges will occur.

Part 7.2.4.g	Permit Requirements
g. *Stormwater and authorized non-stormwater discharge locations.* The permit requires the site map to show information pertaining to discharge locations including: i. Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets; and ii. Locations where stormwater and/or authorized non-stormwater will be discharged directly to waters of the U.S.	

There are multiple uses for the information required in Part 7.2.4.g, among which include: (1) learning where sewer inlet protections will need to be installed prior to commencing construction disturbances; and (2) helping to plan stormwater controls that will reduce the erosive force of the discharge. The permit notes that the requirement to show storm drain inlets in the immediate vicinity of the site only applies to those inlets that are easily identifiable from the site or from a publicly accessible area immediately adjacent to the site.

The requirement in Part 7.2.4.h to identify the locations of all pollutant-generating activities on the site map will provide operators with an understanding of how the location of their various pollutant-generating activities will correspond to the areas of disturbance at the site, the potential impacts of where these activities are located on the discharge pollutants, and the ideal locations for stormwater control measures to reduce or eliminate such discharges. This information will be used to comply with the pollution prevention requirements in Part 2.3.

Part 7.2.4.h	Permit Requirements
h.	*Locations of all potential pollutant-generating activities identified in Part 7.2.3.g.* The permit requires identification in the site map of all potential pollutant-generating activities identified in Part 7.2.3.g.

The requirement in Part 7.2.4.i to show on the site map the location of stormwater control measures is intended to provide a spatial correlation between pollutant sources on the site, the flow of stormwater through and from the site, and the location of waters of the U.S.

Part 7.2.4.i	Permit Requirements
i.	*Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit.* The permit requires identification on the site map of the location of stormwater control measures.

It is EPA's judgment that by requiring such information on the site map, the operator will be better able to locate stormwater control measures strategically so as to comply with the permit's requirements for erosion and sediment and pollution prevention in Parts 2.2 and 2.3. The requirement to show on the site map where areas of exposed soil will be stabilized, or have already been stabilized, provides operators with a visual aid that will help them to comply with the temporary and final stabilization requirements in Part 2.2.14. The requirement document natural buffer areas is included to help operators implement Part 2.2.1 to "Provide and maintain natural buffers."

The requirement in Part 7.2.4.j to show where chemicals will be applied on the site, and where they will be stored, is included to help operators implement Part 2.2.13 (treatment chemicals) and Part 2.3.3 (storage, handling and disposal of building products, materials, and waste). This requirement encourages the operator to think strategically about where the chemicals are applied and stored to minimize the risk of accidental release.

Part 7.2.4.j	Permit Requirements
j.	***Locations where polymers, flocculants, or other treatment chemicals will be used and stored.*** The permit requires identification on the site map of the locations where polymers, flocculants, or other treatment chemicals will be used and stored.

Part 7.2.5: Non-Stormwater Discharges

Part 7.2.5 requires operators to create a comprehensive list of all non-stormwater discharges expected to occur from the site. Documentation in the SWPPP of all non-stormwater discharges from the site provides operators with information that will help them to minimize non-

stormwater associated pollutant discharges, and to ensure that only authorized non-stormwater discharges occur.

Part 7.2.5	Permit Requirements
Part 7.2.5 requires the SWPPP to identify all sources of allowable non-stormwater discharges listed in Part 1.2.2.	

Part 7.2.6: Description of Stormwater Controls

Part 7.2.6 requires operators to include in the SWPPP a description of stormwater controls that will be implemented. Although this Part requires the SWPPP to include details on stormwater controls that will be implemented, departing from the individual design details on the site is not considered a permit violation.

Part 7.2.6.a	Permit Requirements
a. For each of the Part 2.2 erosion and sediment control effluent limits, Part 2.3 pollution prevention effluent limits, and Part 2.4 construction dewatering effluent limits, the SWPPP must include the following: i. A description of the specific control(s) to be implemented to meet the effluent limit; ii. Any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon); iii. Routine stormwater control maintenance specifications; and iv. The projected schedule for stormwater control installation/implementation.	

The requirements in Part 7.2.6.a have been reorganized to follow the organization of the requirements in Part 2. The permit notes that 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 the SWPPP.

Part 7.2.6.b requires operators to also include the following additional information in the SWPPP, as applicable.

i. Natural buffers and/or equivalent sediment controls (see Part 2.2.1 and Appendix G).

Part 7.2.6.b.i requires operators to document their compliance with respect to the buffer requirements in Part 2.2.1 and Appendix G of the permit.

Part 7.2.6.b.i	Permit Requirements
The operator must include the following in the SWPPP: (a) The compliance alternative to be implemented; (b) If complying with alternative 2, the width of natural buffer retained; (c) If complying with alternative 2 or 3, the erosion and sediment control(s) the operator will use to achieve an equivalent sediment reduction, and any information the operator relied upon to demonstrate the equivalency; (d) If complying with alternative 3, a description of why it is infeasible for the operator to provide and maintain an undisturbed natural buffer of any size;	

(e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determinations, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and (f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a water of the U.S.

Such documentation will provide inspectors with verification that the operator has complied with the permit's buffer and/or equivalent sediment controls compliance alternatives.

ii. Perimeter controls for a "linear construction site" (see Part 2.2.3).

Part 7.2.6.b.ii requires operators to document their compliance the linear construction site exception for perimeter controls.

Part 7.2.6.b.ii	Permit Requirements
For areas at linear construction sites where perimeter controls are not feasible, Part 7.2.6.b.ii requires the operator to include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities. The permit also notes that routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3.a requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.	

This requirement corresponds to Part 7.2.10.1.d from the 2012 CGP (stormwater control measures to be used during construction activity) and also documents in the SWPPP the maintenance requirement from Part 2.1.2.2.b from the 2012 CGP for removing sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

iii. Sediment track-out controls (See Parts 2.2.4.b and 2.2.4.c).

The requirement in Part 7.2.6.b.iii ensures proper documentation regarding the controls that will be implemented to remove sediment prior to vehicle exist and demonstrate the operator's ability to comply with the Part 2.2.4.b and 2.2.4.c requirements.

Part 7.2.6.b.iii	Permit Requirements
The operator must document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.	

This requirement corresponds to Part 7.2.10.1.d from the 2012 CGP (stormwater control measures to be used during construction activity).

iv. Sediment basins (See Part 2.2.12).

The requirement in Part 7.2.6.b.iv ensures documentation when it is infeasible to utilize outlet structures required in Part 2.2.12 for withdrawing water from sediment basins.

Part 7.2.6.b.iv	Permit Requirements
In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, the operator must include documentation in the SWPPP to support this determination, including the specific conditions or time periods when this exception will apply.	

This requirement corresponds to Part 2.1.3.2 from the 2012 CGP (sediment basin design requirements), and provides SWPPP documentation for when this requirement is infeasible.

v. Treatment chemicals (see Part 2.2.13).

The requirements in Part 7.2.6.b.v ensure proper documentation regarding the use of chemicals at permitted sites, and a demonstration of the operator's ability to comply with the Part 2.2.13 requirements.

Part 7.2.6.b.v	Permit Requirements
The operator must include the following in the SWPPP:	
(a)	A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent the operator has this information prior to construction;
(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 the operator's site;
(c)	If the EPA Regional Office authorized the operator to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that the operator's use of cationic treatment chemicals will not lead to an exceedance of water quality standards;
(d)	The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;
(e)	Information from any applicable Safety Data Sheet (SDS);
(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 2.2.13.c;
(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 the operator's site

For Part 7.2.6.b.v above, information on soils may be obtained at http://websoilsurvey.nrcs.usda.gov/app/. This requirement corresponds to Part 7.2.10.2 from the 2012 CGP (stabilization practices).

vi. Stabilization measures (See Part 2.2.14).

The requirements in Part 7.2.6.b.vi provide greater specificity regarding the use of vegetative and/or non-vegetated controls, and the use of such controls for both temporary and final stabilization.

Part 7.2.6.b.vi	Permit Requirements
The operator must include the following in the SWPPP:	
(a)	The specific vegetative and/or non-vegetative practices that will be used;
(b)	The stabilization deadline that will be met in accordance with Part 2.2.14.a.i-ii;

(c)	If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period and the schedule the operator will follow for initiating and completing vegetative stabilization; and
(d)	If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

EPA includes such specificity so that documentation in the SWPPP corresponds to the permit requirements for stabilization in Part 2.2.14 of the CGP. The requirements in Part 7.2.6.b.vi will provide the operator the opportunity to support its compliance with the stabilization requirements in Part 2.2.14 of the CGP in the SWPPP. Such documentation will also provide inspectors with verification that the operator has complied with the permit's stabilization requirements. This requirement corresponds to Part 7.2.10.3 from the 2012 CGP (stabilization practices). EPA has added a requirement to document the stabilization deadline that will be met in accordance with Part 2.2.14.a.i-ii so that operators can support their compliance with the stabilization deadline requirements and inspectors can verify the operator is complying with the appropriate deadlines.

vii. Spill prevention and response procedures (See Part 1.3.5 and Part 2.3).

The requirements in Part 7.2.6.b.vii provide the operator an opportunity to develop a response plan for preventing spills from occurring and, if they do occur, a plan for responding to them in order to minimize the potential discharge of any pollutants from the site. The documentation in the SWPPP of spill prevention and response procedures also will demonstrate to inspectors the operator's compliance with the spill prevention and response procedures of the Pollution Prevention procedures in Part 2.3 of the permit.

Part 7.2.6.b.vii	Permit Requirements
The operator must include the following in its SWPPP:	
(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 2.3.6 and established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.
(c)	The operator 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 the operator keep a copy of that other plan onsite.

This requirement corresponds to Part 7.2.11.1 from the 2012 CGP (spill prevention and response procedures).

viii. Waste management procedures (See Part 2.3.3).

The requirement in Part 7.2.6.b.viii will allow operators the opportunity to develop procedures for waste management, and provide documentation to inspectors demonstrating

compliance with the pollution prevention requirements relating to the management of construction wastes.

Part 7.2.6.b.viii	Permit Requirements
The operator must describe procedures it will follow for handling, storing, and disposing of all wastes generated at its site consistent with all applicable federal, state, tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.	

This requirement corresponds to Part 7.2.11.2 from the 2012 CGP (waste management procedures).

ix. ***Application of fertilizers*** (See Part 2.3.5).

The requirement in Part 7.2.6.b.ix ensures documentation in the SWPPP when the operator applies fertilizers at a rate, in an amount, at a time or in another manner that is a departure from the manufacturer specifications. This may be necessary in some limited circumstances, and Part 7.2.6.b.ix requires the operator to document these departures from manufacturer specifications.

Part 7.2.6.b.ix	Permit Requirements
The operator must document any departures from the manufacturer specifications where appropriate.	

This requirement corresponds to Part 7.2.7.2 from the 2012 CGP (construction site pollutants).

Part 7.2.7: Procedures for Inspection, Maintenance, Corrective Action

Part 7.2.7 requires SWPPP documentation of the procedures that will be employed to meet the permit's inspection, maintenance, and corrective action requirements.

Part 7.2.7	Permit Requirements
The SWPPP must describe the procedures that will be followed for maintaining stormwater control measures, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Parts 2.1.4, Part 4, and Part 5 of the permit. The following information must also be included in the SWPPP: a. The inspection schedule the operator will be following, which is based on whether the site is subject to Part 4.2 or Part 4.3, and whether the site qualifies for any of the allowances for reduced inspection frequencies in Part 4.4. b. If the operator will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.2, the location of the rain gauge or the address of the weather station the operator will be using to obtain rainfall data. c. If the operator will be reducing the inspection frequency in accordance with Part 4.4.2, the beginning and ending dates of the seasonally defined arid period for the area or the valid period of drought. d. If the operator will be reducing the inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on the site; and e. Any inspection or maintenance checklists or other forms that will be used.	

The requirements in Part 7.2.7 will allow operators the opportunity to develop and document their procedures for inspections, maintenance activities, and corrective actions, and

allow operators to demonstrate their compliance with the permit requirements corresponding to this documentation.

Part 7.2.8: Staff Training

Part 7.2.8 requires the SWPPP to include documentation on the training it conducted pursuant to Part 6 of the permit.

Part 7.2.8	Permit Requirements
The SWPPP must include documentation that the required personnel were trained in accordance with Part 6.	

Part 7.2.9: Documentation of Compliance with Other Requirements

Part 7.2.9 requires operators to include in the SWPPP documentation for compliance with the following other requirements:

a. *Threatened and Endangered Species Protection.*

Part 7.2.9.a specifies what Endangered Species Act documentation must be kept with the SWPPP.

Part 7.2.9.a	Permit Requirements
The SWPPP must include documentation required by Appendix D supporting the operator's eligibility with regard to the protection of threatened and endangered species and critical habitat.	

The permit requires documentation with regard to endangered species in Part 7.2.9.a to provide the operator the opportunity to document their compliance with Appendix D of the permit, and to provide anyone who inspects the SWPPP the opportunity to review such compliance.

b. *Historic Properties.*

Part 7.2.9.b specifies what historic property documentation must be kept with the SWPPP.

Part 7.2.9.b	Permit Requirements
The SWPPP must include documentation required by Appendix E supporting the operator's eligibility with regard to the protection of historic properties.	

The permit requires documentation with regard to historic properties in Part 7.2.9.b to provide the operator the opportunity to document their compliance with the screening process in Appendix E.

c. *Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.*

Part 7.2.9.c specifies what UIC documentation must be kept with the SWPPP.

Part 7.2.9.c	Permit Requirements
If the operator is using any of the following stormwater controls at the site, the operator must document any contact with the applicable state agency or EPA Regional Office responsible for implementing the requirements 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:	

i.	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);
ii.	Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and
iii.	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).

The permit requires documentation with regard to underground injection wells in Part 7.2.9.c to make operators aware of and to provide operators the opportunity to document their compliance with the Safe Drinking Water Act requirements for underground injection wells. For state UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

Part 7.2.10: SWPPP Certification

Part 7.2.10 establishes the certification requirements for the SWPPP.

Part 7.2.10	Permit Requirements
The operator must sign and date the SWPPP in accordance with Appendix I, Part I.11.	

This requirement is consistent with standard NPDES permit conditions described in 40 CFR 122.22 and is intended to ensure that the operator understands their responsibility to create and maintain a complete and accurate SWPPP. Operators must appoint an authorized representative consistent with the regulations. Therefore, if a facility feels it is more appropriate for a member of the stormwater team to sign the documentation, that option is available under the permit. The signature requirement includes an acknowledgment that there are significant penalties for submitting false information.

Part 7.2.11: Post-Authorization Additions to SWPPP

Part 7.2.11 specifies the documents that must be included in the SWPPP following authorization to discharge.

Part 7.2.11	Permit Requirements
The operator must include the following documents as part of the SWPPP once the operator is notified of coverage under this permit: a. A copy of the NOI submitted to EPA along with any correspondence exchanged with EPA related to coverage under this permit; b. A copy of the acknowledgment letter the operator received from the NeT assigning the NPDES ID (i.e., permit tracking number); and c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).	

Part 7.2.11 will assist facility personnel and EPA (and other agency) inspectors in determining that the construction site has been authorized for permit coverage.

Part 7.3: On-Site Availability of the SWPPP

Part 7.3 instructs the operator on the requirements for retaining the SWPPP on-site.

Part 7.3	Permit Requirements

The operator must keep a current copy of the 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) (known together as "the Services").

EPA may provide access to portions of the 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 on-site 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 the operator's construction site.

Part 7.3 requires operators to retain copies of their SWPPP on site, and to make the document available to EPA or the Services immediately upon request. If a member of the public wishes to have access to the non-CBI portions of the operator's SWPPP, they must first contact EPA. EPA may require that a copy be sent to the agency so that it can be provided to the requestor. The mechanism for providing EPA with a copy of the SWPPP is at the discretion of the operator (e.g., web-based, hard copy), though EPA strongly encourages that SWPPPs be provided electronically.

Part 7.4: Required SWPPP Modifications

Part 7.4.1: List of Conditions Requiring SWPPP Modification

Part 7.4.1 sets out the conditions requiring the SWPPP to be modified.

Part 7.4.1	Permit Requirements

The operator must modify the SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

a. Whenever new operators become active in construction activities on the site, or changes are made to the construction plans, stormwater controls, or other activities at the site that are no longer accurately reflected in the SWPPP. This includes changes made in response to corrective actions triggered under Part 5. The operator is not required to modify the SWPPP if the estimated dates in Part 7.2.3.f change during the course of construction;

b. To reflect areas on the site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;

c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;

d. Where EPA determines it is necessary to install and/or implement additional controls at the operator's site in order to meet the requirements of this permit, the following must be included in the SWPPP:

i A copy of any correspondence describing such measures and requirements; and ii A description of the controls that will be used to meet such requirements. e. To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater controls implemented at the site; and f. If applicable, if a change in chemical treatment systems or chemically-enhanced stormwater controls is made, including use of a different treatment chemical, different dosage, or different area of application.

The requirement in Part 7.4.1 to maintain a modified SWPPP under any of the conditions listed above provides assurance that the SWPPP will be updated to accurately reflect the conditions on the construction site. It is important that the SWPPP be accurate in terms of changes to construction plans, stormwater controls, changes in operational control, and other important changes on the site, so that the facility personnel have access to a SWPPP that is current, and so that inspectors are provided with accurate site information for compliance purposes.

To improve clarity, EPA moved the deadline requirement of SWPPP revisions within 7 days from Part 7.4.2 of the 2012 CGP and to Part 7.4.1. The requirement that any SWPPP revisions be completed within 7 days will ensure that any necessary revisions made to the SWPPP are incorporated in a timely manner so that the SWPPP is kept up to date.

Part 7.4.2: SWPPP Modification Records

Part 7.4.2 requires the operator to maintain a record of all SWPPP modifications.

Part 7.4.2	Permit Requirements
The operator must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.10) and a brief summary of all changes.	

The requirement to maintain a record of all SWPPP modifications is to ensure that a record of all of the changes to the SWPPP is kept. Keeping a record of such changes will help facility personnel to stay current with the changes that have been made to the SWPPP, and will allow inspectors to determine if appropriate modifications were made to the SWPPP under the required circumstances.

Part 7.4.3: Certification Requirements

Part 7.4.3 establishes the certification requirement for SWPPP modifications, as follows:

Part 7.4.3	Permit 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.	

The requirement that the SWPPP and all modifications be authorized by a person identified in Appendix I, Part I.11.b is consistent with standard NPDES permit conditions described in 40 CFR 122.22 and is intended to ensure that the operator certifies any SWPPP modifications. As described in the fact sheet for Part 7.2.10, operators are allowed to appoint an authorized representative consistent with the regulations. Therefore, if an operator feels it is more appropriate for a member of the stormwater team to sign the documentation, that option is available under the permit. The signature requirement includes an acknowledgment that there are significant penalties for submitting false information.

Part 7.4.4: Required Notice to Other Operators

Part 7.4.4 specifies the notice requirement for other operators when the SWPPP is modified.

Part 7.4.4	Permit Requirements
Part 7.4.4 requires operators, upon determining that a modification of the SWPPP is required, if there are multiple operators covered under the permit, to immediately notify any operators who may be impacted by the change to the SWPPP.	

The requirement in Part 7.4.4 ensures that any other operators covered under the permit are kept up to date on the SWPPP so that they can comply with the modifications to the pollution prevention plan.

Part 8: How to Terminate Coverage

Part 8 details the requirements that must be met before an operator of a construction project may be authorized to terminate coverage under the permit. Part 8 reminds the operator that until permit coverage is terminated, the operator must comply with all conditions and effluent limitations in the permit. Permit coverage is not terminated until EPA has received a complete and accurate NOT, certifying that the requirements for termination in Part 8 are met.

Part 8.1: Minimum Information Required in NOT

Part 8.1 lists the minimum information that must be provided in the NOT. The minimum information includes the following:

Part 8.1 (8.1.1 – 8.1.5)	Permit Requirements
8.1.1	NPDES ID *(i.e., permit tracking number)* provided by EPA when the operator 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 site and address (or a description of location if no street address is available); and
8.1.5	NOT certification.

The requirements in Part 8.1 inform operators of the information that must be included in their NOT. The required information facilitates prompt processing of NOTs and provides assurance that operators have a valid basis for terminating.

EPA notes that the NPDES permit tracking number is not the same number that was reported on the NOI form. The NOI contains the "NPDES permit number" as identified in the CGP (e.g., NHR100000) while the "NPDES permit tracking number" is that number provided by EPA's NPDES eReporting Tool (NeT) acknowledging receipt of a complete NOI. The permit tracking numbers are assigned sequentially as NOIs are received by the NeT (e.g., NHR1000001, NHR1000002, NHR1000003, etc.).

Part 8.2: Conditions for Terminating Permit Coverage

Part 8.2 describes the triggering conditions for terminating permit coverage. These conditions are as follows:

Part 8.2 (8.2.1 – 8.2.3)	Permit Requirements

8.2.1 The operator has completed all construction activities at the site and, if applicable, construction support activity areas covered by this permit (see Part 1.2.1.c), and the operator has met the following requirements:

a. For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which the operator had control during the construction activities, the operator has met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14.b;

b. The operator has removed and properly disposed of all construction materials, waste and waste handling devices, and has removed all equipment and vehicles that were used during construction, unless intended for long-term use following termination of permit coverage;

c. The operator has removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following termination of permit coverage or those that are biodegradable; and

d. The operator has removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following termination of permit coverage; or

8.2.2 The operator has transferred control of all areas of the site for which the operator is 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 an alternative general NPDES permit has been obtained.

The requirements in Part 8.2 provide operators a list of all of the conditions for terminating permit coverage. These conditions must be satisfied before an NOT can be filed and permit coverage terminated. EPA notes that the conditions for terminating permit coverage in Part 8.2 are the same as in Part 8.2 of the 2012 CGP.

Part 8.3: How to Submit Your NOT

Part 8.3 describes the process for submitting an NOT. This section also provides information about EPA's NPDES eReporting Tool, or "NeT."

Part 8.3	Permit Requirements
The electronic NOT form the operator must complete is found at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting. The operator will use their NPDES permit tracking number (i.e., the EPA number assigned upon authorization under the permit) to prepare the fillable NOT form, which ensures that EPA properly records your termination of coverage. An operator may request a waiver from electronic reporting if they meet one of the requirements specified in Part 1.4.1. If the EPA Regional Office grants approval to use a paper NOT for an operator requesting a waiver from electronic reporting, they must complete the form in Appendix K.	

In Part 8.3, EPA requires that operators file an electronic NOT to notify EPA that it has met the conditions for terminating permit coverage under Part 8.2. EPA has made use of an electronic reporting system for the past four CGPs. Due to the expansion in internet availability, greater efficiency in administrative processing, and reductions in cost to manage the system as compared to paper NOTs, it is required that the NeT system be the primary mechanism by which operators of construction projects obtain permit coverage and submit an NOT. If the operator

requests a waiver from electronic reporting as specified in Part 1.4.1 and the EPA Regional Office grants approval to use of a paper NOT in Appendix K, then operators may submit a paper NOT to the Regional Office.

Part 8.4: Deadline for Submitting NOTs

Part 8.4 provides the operator with a deadline for when the NOT must be submitted following the occurrence of any of the triggering conditions in 8.2. The deadline is as follows:

Part 8.4	Permit Requirements
Part 8.4 requires that the NOT be submitted within 30 calendar days after any one of the triggering conditions listed in Part 8.2 occur.	

The purpose of requiring a deadline for filing an NOT is to ensure that operators do not remain covered under the CGP for a long period of time after reaching the conditions for permit termination.

Part 8.5: Effective Date of Termination of Coverage

Part 8.5 specifies to operators when their permit termination will become effective and therefore when they will no longer responsible for complying with the permit.

Part 8.5	Permit Requirements
The operator's authorization to discharge under this permit will terminate at midnight of the day that a complete NOT is submitted to EPA.	

If EPA determines that the NOT is incomplete or the operator has not satisfied one or more of the conditions in Part 8.2 for being able to submit a NOT, then the NOT will not be valid, and the operator must continue to comply with the conditions of the permit.

Part 9: Permit Conditions Applicable to Specific States, Indian Country Lands, or Territories

Section 401 of the CWA (See also 40 CFR §122.44(d)(3) and §124.53(a)) provides that no Federal license or permit, including NPDES permits, to conduct any activity that may result in any discharge into navigable waters shall be granted until the State/Tribe in which the discharge originates certifies that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the CWA. The states, Indian Country lands, and U.S. territories will document the completion of their Section 401 certifications for this permit in this section.

VIII. Appendices

Appendix A: Definitions and Acronyms

Appendix A of the permit includes definitions of terms and a list of acronyms used throughout the permit. Appendix A provides a reference tool for terms and acronyms used throughout the permit.

The following terms are defined in the 2017 CGP:

1. "Action Area"
2. "Agricultural Land"
3. "Antidegradation Policy" or "Antidegradation Requirements"
4. "Arid Areas"

5. "Bank"
6. "Bluff"
7. "Borrow Areas"
8. "Business Day"
9. "Bypass"
10. "Cationic Treatment Chemical"
11. "Commencement of Construction Activities"
12. "Common Plan of Development or Sale"
13. "Construction Activities"
14. "Construction and Development Effluent Limitations and New Source Performance Standards"
15. "Construction Site" or "Site"
16. "Construction Support Activity"
17. "Construction Waste"
18. "Conveyance Channel"
19. "Critical Habitat"
20. "CWA"
21. "Dewatering"
22. "Discharge"
23. "Discharge of a Pollutant"
24. "Discharge Point"
25. "Discharge-Related Activity"
26. "Discharge to an Impaired Water"
27. "Domestic Waste"
28. "Drainageway"
29. "Drought-Stricken Area"
30. "Earth-Disturbing Activity"
31. "Earth-Disturbing Activities Conducted Prior to Active Mining Activities"
32. "Effective Operating Condition"
33. "Effluent Limitations"
34. "Effluent Limitations Guideline" (ELG)
35. "Eligible"
36. "Emergency-Related Project"
37. "Endangered Species"
38. "Excursion"
39. "Existing Site"

40. "Exit Points"
41. "Exposed Soils"
42. "Federal Operator"
43. "Final Stabilization"
44. "General Contractor"
45. "Hazardous Substances" or "Hazardous or Toxic Waste"
46. "Historic Property"
47. "Impaired Water"
48. "Impervious Surface"
49. "Indian Country" or "Indian Country Lands"
50. "Infeasible"
51. "Install" or "Installation"
52. "Intermittent (or Seasonal) Stream"
53. "Jar test"
54. "Landward"
55. "Large Construction Activity"
56. "Linear Construction Site"
57. "Minimize"
58. "Mining Activity"
59. "Mining Operations"
60. "Municipal Separate Storm Sewer System" or "MS4"
61. "National Pollutant Discharge Elimination System" (NPDES)
62. "Native Topsoil"
63. "Natural Buffer"
64. "Natural Vegetation"
65. "New Operator of a Permitted Site"
66. "New Site"
67. "New Source"
68. "New Source Performance Standards" (NSPS)
69. "Non-Stormwater Discharges"
70. "Non-Turbid"
71. "Notice of Intent" (NOI)
72. "Notice of Termination" (NOT)
73. "NPDES eReporting Tool" (NeT)
74. "Operational"

75. "Operator"
76. "Ordinary High Water Mark" "Permitting Authority"
77. "Point(s) of Discharge"
78. "Point Source"
79. "Pollutant"
80. "Pollution Prevention Controls"
81. "Polymers"
82. "Prohibited Discharges"
83. "Provisionally Covered Under this Permit"
84. "Qualified Person"
85. "Receiving Water"
86. "Run-On"
87. "Semi-Arid Areas"
88. "Shared Control"
89. "Small Construction Activity"
90. "Small Residential Lot"
91. "Snowmelt"
92. "Spill"
93. "Stabilization"
94. "Steep Slopes"
95. "Storm Sewer System"
96. "Stormwater"
97. "Stormwater Control"
98. "Stormwater Discharge Associated with Construction Activity"
99. "Stormwater Inlet"
100. "Stormwater Team"
101. "Storm Event"
102. "Storm Sewer"
103. "Subcontractor"
104. "SWPPP"
105. "Temporary Stabilization"
106. "Thawing Conditions"
107. "Threatened Species"
108. "Tier 2 Waters"
109. "Tier 2.5 Waters"

110. "Tier 3 Waters"
111. "Total Maximum Daily Load" or "TMDL"
112. "Toxic Waste"
113. "Treatment Chemicals"
114. "Turbidity"
115. "Uncontaminated Discharge"
116. "Upland"
117. "Upset"
118. "Water-Dependent Structures"
119. "Water Quality Standards"
120. "Waters of the United States"
121. "Wetland"
122. "Work Day"

The following acronyms were added to the list that appears in the 2012 CGP:

1. ACHP – Advisory Council on Historic Preservation
2. BMP – Best Management Practice
3. CBI – Confidential Business Information
4. CZMA – Coastal Zone Management Act
5. ECHO – EPA Enforcement and Compliance History Online
6. ELG – Effluent Limitations Guideline
7. FR – Federal Register
8. NEPA – National Environmental Policy Act
9. NeT – NPDES eReporting Tool
10. NHPA – National Historic Preservation Act
11. NSPS – New Source Performance Standards
12. ONRW – Outstanding National Resource Water
13. PAM – Polyacrylamide
14. RUSLE – Revised Universal Soil Loss Equation
15. SDS – Safety Data Sheet
16. SHPO – State Historic Preservation Office
17. THPO – Tribal Historic Preservation Office
18. TSS – Total Suspended Solids
19. UIC – Underground Injection Control
20. USDA – United States Department of Agriculture
21. USFWS – United States Fish and Wildlife Service

EPA notes that it has changed the terms "new project," "existing project," and "new operator of a new or existing project" in the 2012 CGP to "new site," "existing site," and "new operator of a permitted site" in the 2017 CGP. The meaning of these terms has not changed. EPA previously used both "project" and "site" in the 2012 CGP and for consistency and clarity is now using "site" in the permit.

The terms "catchment," "chemical treatment system," "commencement of pollutant-generating activities," "corrective action," "eNOI," "level spreader," "native vegetation," "outfall," "pollutant-generating activities," and "surface water" were removed from Appendix A for the 2017 CGP because these terms were either not used in the permit, were already covered under another definition, or were already well defined in the permit. EPA added definitions for "earth-disturbing activities conducted prior to active mining activities," "mining activity," "mining operations", and "shared control." EPA also notes that it has added several acronyms to ensure that every acronym that appears in the permit also appears in Appendix A.

Appendix B: Permit Areas Eligible for Coverage and EPA Regional Addresses

Appendix B specifies in what areas of the country the permit would apply and EPA Regional Office addresses, and includes specific corresponding permit numbers. EPA added additional permit numbers for all areas of Indian country that are not already covered by an EPA-approved permitting program.

Appendix C: Small Construction Waivers and Instructions

Appendix C provides information to construction operators on the availability of permit waivers for rainfall erosivity (App. C, Sec. A), TMDLs (App. C, Sec. B), and equivalent analysis (App. C, Sec. C).

Appendix D: Eligibility Procedures Relating to Threatened and Endangered Species Protection

Appendix D specifies the eligibility criteria related to the protection of endangered and threatened species and critical habitat. Each operator must certify that they have met one of the 6 eligibility criteria.

Operators who cannot certify to one of the endangered species eligibility criteria are not eligible to submit an NOI to gain coverage under the CGP; instead they must apply to EPA for an individual NPDES permit. As appropriate, EPA will conduct ESA section 7 consultations when issuing individual permits. If there are concerns that CGP coverage for a particular facility may result in adverse effects to listed species or critical habitat, EPA may hold up discharge authorization until such concerns are adequately addressed. Regardless of an operator's eligibility certification under one of the six criteria, EPA may require an application for an individual permit on the basis of adverse effects to species or habitat.

Consistent with Section 7(a)(2) of the Endangered Species Act (ESA), EPA consulted with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), both collectively known as the "Services," regarding the 2017 CGP and ESA eligibility criteria. See, 50 CFR Part 402. Appendix D provides the eligibility language for determining which criterion operators may meet to ensure eligibility under the ESA-related provisions of the permit. As a result of consultation with FWS and NMFS, EPA made clarifying edits to the ESA eligibility criteria. The changes to the wording of the criteria do not change the content of the criteria or ask for new information but are intended to improve operators' understanding of the meaning of each criteria and also provide guidance on the appropriate documentation that would support the basis statement for each criteria.

The FWS and NMFS are responsible for developing and maintaining the list of protected species and critical habitat. Once listed as endangered or threatened, a species is afforded the full range of protections available under the ESA, including prohibitions on killing, harming or

otherwise taking a species. In certain instances, the FWS or NMFS may establish a critical habitat for a threatened or endangered species as a means to further protect those species. Critical habitat is an area determined to be essential for the conservation of a species and need not be in an area currently occupied by the species. Some, but not all, listed species have designated critical habitat. Exact locations of such designated critical habitat are provided in the Services regulations at 50 CFR Parts 17 and 226.

Operators have an independent ESA obligation to ensure that any of their activities do not result in prohibited "take" of listed species. Section 9 of the ESA prohibits any person from "taking" a listed species, e.g., harassing or harming it, with limited exceptions. See ESA Sec 9; 16 U.S.C. §1538. This prohibition generally applies to "any person," including private individuals, businesses and government entities. Many of the requirements and procedures in the CGP to protect species may also assist operators in ensuring that their construction activities do not result in a prohibited take of species in violation of section 9 of the ESA. Operators who intend to undertake construction activities in areas that harbor endangered and threatened species may seek protection from potential "take" liability under ESA section 9 either by obtaining an ESA section 10 permit or by requesting coverage under an individual permit and participating in the section 7 consultation process with the appropriate FWS or NMFS office. Operators unsure of what is needed for such liability protection should confer with the appropriate Services.

Note that operators are required to comply with other applicable federal laws, including the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act.

Appendix E: Historic Property Screening Process

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal "undertakings" on historic properties that are listed on, or eligible for listing on, the National Register of Historic Places. The term Federal "undertaking" is defined in the NHPA regulations to include a project, activity, or program under the direct or indirect jurisdiction of a Federal agency including those requiring a Federal permit, license or approval. See 36 CFR 800.16(y). Historic properties are defined in the NHPA regulations to include prehistoric or historic districts, sites, buildings, structures, or objects that are included in, or are eligible for inclusion in, the National Register of Historic Places. See 36 CFR 800.16(l).

EPA's issuance of the permit is a Federal undertaking within the meaning of the NHPA. To address any issues relating to historic properties in connection with issuance of the final permit, EPA has included a screening process in Appendix E for all prospective dischargers to follow to ensure that potential impacts of their covered activities on historic properties have been appropriately considered and addressed. Although individual applications for coverage under the general permit do not constitute separate Federal undertakings, the screening process and related NOI questions provide an appropriate site-specific means of addressing historic property issues in connection with EPA's issuance of the final permit.

Under the NHPA regulations, a determination that a Federal undertaking has no potential to cause effects on historic properties fulfills an agency's obligations under section 106 of the NHPA. See 36 CFR 800.3(a)(1). EPA has reason to believe that the vast majority of activities that will be authorized under the CGP will have no potential to cause effects on historic properties. EPA does not anticipate effects on historic properties from the pollutants in stormwater and allowable non-stormwater discharges from construction activities that will be covered under the permit. Thus, to the extent EPA's issuance of the general permit will authorize discharges of such constituents, confined to existing stormwater channels or natural drainage areas, the final permitting action does not have the potential to cause effects on historic properties. Additionally, where the site will not be installing stormwater controls that cause subsurface earth disturbance (see Step 1 of Appendix E for examples of these controls), EPA similarly finds that the issuance of the permit does not have the potential to cause effects on historic properties.

It is EPA's judgment that the permit may have some potential to cause effects on historic properties where the permit authorizes or requires the construction and/or installation of stormwater controls that involve subsurface disturbance. Where the operator has to disturb the land through the construction and/or installation of such controls, there is a possibility that artifacts, records, or remains associated with historic properties could be impacted. Therefore, if the operator is installing new stormwater controls to manage its stormwater that will involve subsurface ground disturbance, the operator must consider the potential for effects to historic properties and may need to contact the applicable State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other tribal representative, to determine the likelihood that these controls will impact historic properties. Refer to Appendix E, Steps 2 through 5.

Appendix F: List of Tier 3, Tier 2, and Tier 2.5 Waters

Appendix F provides a list of Tier 3, Tier 2, and Tier 2.5 waters to assist construction operators in determining eligibility for coverage under Parts 1.1, and in complying with any applicable antidegradation requirements in Part 3.2.

Appendix G: Buffer Requirements

Appendix G includes requirements and additional guidance for operators on how to establish the 50-foot buffer or satisfy one of the two other compliance alternatives described in Part 2.2.1.a, as well as how to qualify for and comply with the exceptions in Part 2.2.1.b.

Appendix G provides information to assist operators in complying with Part 2.2.1. This appendix was developed for the permit to help implement the C&D rule requirement at 40 CFR 450.21(a)(6) to "provide and maintain natural buffers around waters of the United States … unless infeasible." In an effort to streamline the permit, much of the language on the buffer requirements from Part 2.1.2.1 of the 2012 CGP was moved to Appendix G for the 2017 permit.

Appendix H: 2-Year, 24-Hour Storm Frequencies

Appendix H provides a guide to operators to determine the volume of precipitation associated with their local 2-year, 24-hour storm event for operators who elect to provide storage for the calculated volume of runoff from a 2-year, 24-hour storm.

Appendix I: Standard Permit Conditions

Appendix I includes the standard NPDES permit conditions consistent with 40 CFR 122.41. No significant changes were made to the standard permit conditions.

As required by the 2015 amendments to the Federal Civil Monetary Penalties Inflation Adjustment Act ("2015 Act"), EPA issued the latest Penalty Inflation Rule on July 1, 2016 to adjust penalties for inflation that has accrued since the date the original penalty amount was enacted by Congress. Beginning January 15, 2017 and annually thereafter, the 2015 Act requires federal agencies to issue a new penalty inflation rule to reflect the amount of inflation that has occurred over the preceding year. Due to the annual changes that will be made to the statutory maximum penalties, EPA removed references to civil and administrative monetary penalties in Part I.1.2.2 and I.1.2.3 of Appendix I.

Appendix I contains a requirement that any person signing documents in accordance with Subsections I.11.1 or I.11.2 in accordance with the permit must include the certification statement available in Part I.11.4. This certification statement includes an additional sentence that, prior to the Vessel General Permit issued in December 2008, had not been included in previous EPA issued NPDES general permits. The sentence reads: "I have no personal knowledge that the information submitted is other than true, accurate, and complete." EPA believes this additional certification language is necessitated by the decision in *U.S. v. Robison*, 505 F.3d 1208 (11th Cir. 2007). In *Robison*, the Court of Appeals struck down the defendant's conviction for a

false statement on the grounds that the certification language did not require him to have personal knowledge regarding the truth or falsity of the information submitted to EPA. Rather, the court reasoned that EPA's certification required the defendant to certify, in part, that he made an inquiry of the persons who prepared and submitted the information and based on that inquiry, the information was accurate to the best of his knowledge. The court further reasoned that there is no requirement in the certification that the person attest to his personal knowledge regarding the information submitted. The government had argued at trial that the defendant had personal knowledge that the facility had committed violations. As a result, EPA feels it is necessary to include language which clarifies that the signatory is certifying that he or she has no personal knowledge that the information submitted is other than true, accurate, and complete.

Appendix J: NOI Form and Instructions

Part 1.4.1 requires operators to use EPA's NPDES eReporting Tool (NeT) to prepare and submit NOIs. However, where an operator requests and receives approval from his/her EPA Regional Office, the operator will be authorized use the paper NOI form included in Appendix J.

The following modifications have been made in the NOI form:

- Clarified the waiver options for using a paper NOI;
- Removed the IRS Employer Identification Number (EIN). This is not a number EPA uses for any purpose;
- Latitude/Longitude information has to be reported in decimal degrees instead of one of three possible formats. This is consistent with the NPDES Electronic Reporting Rule. See 80 FR 64063.
- Added a question on type of construction site;
- Added a question on whether there will be demolition of any structure built or renovated before January 1, 1980;
- Added a question on whether the pre-development land use used for agriculture. Appendix A of the permit provides a definition of "agriculture land";
- Added a question requiring operators to confirm that they understand that the CGP only authorizes the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2, and that any discharges not expressly authorized in the permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of the permit via any means, including the NOI to be covered by the permit, the SWPPP, during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit. This is consistent with EPA's long-standing interpretation of the scope of this permit.
- Provided clarifying edits to the Endangered Species Protection criterion to improve operators' understanding of what each criteria means and what species need to be considered (both USFWS and NMFS species), and also to provide suggested examples of supporting documentation for the basis statements for each criteria.

In the draft CGP, EPA proposed adding a question on the latitude and longitude for all stormwater points of discharge at the site. The CGP already requires discharge point locations to be documented in the SWPPP site map (Part 7.2.4.g.i of this permit). EPA proposed requiring latitude and longitude information to be reported in the NOI to facilitate the identification of receiving waterbodies and their impairment status. The new electronic reporting system, the

NPDES eReporting Tool (NeT), would use the reported latitude and longitude information for each point of discharge to automatically determine the receiving waters that the site discharges to and the receiving waters' impairment status, which would reduce the burden of operators having to separately look up and manually enter this information. Users could also manually input this information if they choose. Information on receiving water impairment status is readily accessible from the state or tribal integrated report/CWA section 303(d) lists of waters.

For the final 2017 CGP, EPA omitted the proposed question on the latitude and longitude for all stormwater points of discharge at the site. It is EPA's intent to include the question in a future Information Collection Request (ICR) and after it is approved, include it in the 2017 CGP NOI form.

Appendix K: NOT Form and Instructions

Part 8.3 requires the operator to use EPA's NPDES eReporting Tool (NeT) to prepare and submit the NOT when any of the conditions in 8.2 have been met. However, where the EPA Regional Office specifically authorizes the operator to use a paper NOT form, that operator must complete and submit the paper form included in Appendix K.

Appendix K also provides potential operators with an idea of what types of questions to anticipate when completing the NOT. The NOT form includes modified reasons for termination. These modifications were considered necessary to reflect the changes made to the conditions for terminating permit coverage in Part 8.2.

Appendix L: Suggested Format for Request for Chemical Treatment

Part 1.1.9 requires operators to notify the applicable EPA Regional Office in advance of submitting an NOI If the operator plans to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge. The EPA Regional Office will authorize coverage under the permit after the operator has included appropriate controls and implementation procedures designed to ensure that its use of cationic treatment chemicals will not lead to an exceedance of water quality standards.

Appendix L provides a suggested format for notifying the operator's applicable EPA Regional Office about its intended use of cationic treatment chemicals. The addition of Appendix L to the permit is to help operators in providing the required information to their Regional Office in order to become eligible for permit coverage under Part 1.1.9.

Appendix C – NOI and EPA Authorization email

This Form Replaces Form 3517-7 (8-98)
Refer to the Following Page for Instructions

Form Approved OMB Nos. 2040-0086 and 2040-0211

NPDES Form

United States Environmental Protection Agency
Washington, DC 20460

Notice of Termination (NOT) of Coverage Under an NPDES General Permit for Storm Water Discharges Associated with Construction Activity

Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with construction activity under the NPDES program 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. Permit Information

NPDES Storm Water General Permit Tracking Number: _____

Reason for Termination (Check only one):

- ☐ Final stabilization has been achieved on all portions of the site for which you are responsible.
- ☐ Another operator has assumed control, according to Appendix G, Section 11.C of the CGP, over all areas of the site that have not been finally stabilized.
- ☐ Coverage under an alternative NPDES permit has been obtained.
- ☐ For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

II. Operator Information

Name: _____

IRS Employer Identification Number (EIN): ___ - _____

Mailing Address:

Street: _____

City: _____ State: ___ Zip Code: _____ - ____

Phone: ___ - ___ - ____ Fax (optional): ___ - ___ - ____

E-mail (optional): _____

III. Project/Site Information

Project/Site Name: _____

Project Street/Location: _____

City: _____ State: ___ Zip Code: _____ - ____

County or similar government subdivision: _____

IV. 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.

Print Name: _____

Print Title: _____

Signature: _____

Date: _____

Instructions for Completing EPA Form 3510-13

Notice of Termination (NOT) of Coverage Under an NPDES General Permit for Storm Water Discharges Associated with Construction Activity

NPDES Form This Form Replaces Form 3517-7 (8-98) Form Approved OMB Nos. 2040-0086 and 2040-0211

Who May File an NOT Form

Permittees who are presently covered under the EPA-issued National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity may submit an NOT form when final stabilization has been achieved on all portions of the site for which you are responsible; another operator has assumed control in accordance with Appendix G, Section 11.C of the General Permit over all areas of the site that have not been finally stabilized; coverage under an alternative NPDES permit has been obtained; or for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

"Final stabilization" means that all soil disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. See "final stabilization" definition in Appendix A of the Construction General Permit for further guidance where background native vegetation covers less than 100 percent of the ground, in arid or semi-arid areas, for individual lots in residential construction, and for construction projects on land used for agricultural purposes.

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 the Storm Water Notice Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Permit Number

Enter the existing NPDES Storm Water General Permit Tracking Number assigned to the project by EPA's Storm Water Notice Processing Center. If you do not know the permit tracking number, refer to *www.epa.gov/npdes/stormwater/cgp* or contact the Storm Water Notice Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one:

Final stabilization has been achieved on all portions of the site for which you are responsible.

Another operator has assumed control according to Appendix G, Section 11.C over all areas of the site that have not been finally stabilized.

Coverage under an alternative NPDES permit has been obtained.

For residential construction only, if temporary stabilization has been completed and the residence has been transferred to the homeowner.

Section II. 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. The operator of the project is the legal entity that controls the site operation, rather than the site manager. 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 and telephone number of the operator. *Optional:* enter the fax number and e-mail address of the operator.

Section III. 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 IV. 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 and title 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. **Visit this website for mailing instructions:** http://cfpub.epa.gov/npdes/stormwater/application_coverage.cfm#mail

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:

IDEQ INTEGRATED REPORT

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:

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.

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.

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 D – Inspection Form

Inspection Report Template – Field Version

Purpose
This Inspection Report Template (or "template") was designed to assist you in preparing inspection reports for EPA's 2012 Construction General Permit (CGP). If you are covered under the 2012 CGP, this template will enable you to create an inspection report form that is customized to the specific circumstances of your project and that complies with the minimum reporting requirements of Part 4.1.7 of the permit. Note that the use of this form is optional; you may use your own inspection report form provided it includes the minimum information required in Part 4.1.7 of the CGP.

If you are covered under a state CGP, this template may be helpful in developing a form that can be used for that permit; however it will need to be modified to meet the specific requirements of that permit. If your permitting authority requires you to use a specific inspection report form, you should not use this form.

Notes:
While EPA has made every effort to ensure the accuracy of all instructions and guidance contained in the Inspection Report 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 Inspection Report Template and any corresponding provision of the 2012 CGP, you must abide by the requirements in the permit. EPA welcomes comments on the Inspection Report 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.

Overview of Inspection Requirements
Construction operators covered under the 2012 CGP are subject to the following requirements in Part 4:

Inspection Frequency (see Part 4.1.4)
You are required to conduct inspections either:
- Once every 7 calendar days; or
- Once every 14 calendar days and within 24 hours of a storm event of 0.25 inches or greater.

Your inspection frequency is increased if the site discharges to a sensitive water. See Part 4.1.3. Your inspection frequency may be decreased to account for stabilized areas, or for arid, semi-arid, or drought-stricken conditions, or for frozen conditions. See Part 4.1.4.

Areas That Need to Be Inspected (see Part 4.1.5)
During each inspection, you must inspect the following areas of your site:
- Cleared, graded, or excavated areas of the site;
- Stormwater controls (e.g., perimeter controls, sediment basins, inlets, exit points etc.) and pollution prevention practices (e.g., pollution prevention practices for vehicle fueling/maintenance and washing, construction product storage, handling, and disposal, etc.) at the site;
- Material, waste, or borrow areas covered by the permit, and equipment storage and maintenance areas;
- Areas where stormwater flows within the site;
- Stormwater discharge points; and
- Areas where stabilization has been implemented.

What to Check For During Your Inspection (see Part 4.1.6)
During your site inspection, you are required to check:
- Whether stormwater controls or pollution prevention practices require maintenance or corrective action, or whether new or modified controls are required;
- For the presence of conditions that could lead to spills, leaks, or other pollutant accumulations and discharges;
- Whether there are visible signs of erosion and sediment accumulation at points of discharge and to the channels and streambanks that are in the immediate vicinity of the discharge;
- If a stormwater discharge is occurring at the time of the inspection, whether there are obvious, visual signs of pollutant discharges; and
- If any permit violations have occurred on the site.

Inspection Reports (see Part 4.1.7)
Within 24 hours of completing each inspection, you are required to complete an inspection report that includes:

- Date of inspection;
- Names and titles of persons conducting the inspection;
- Summary of inspection findings;
- Rain gauge or weather station readings if your inspection is triggered by the 0.25 inch storm threshold; and
- If you determine that a portion of your site is unsafe to access for the inspection, documentation of what conditions prevented the inspection and where these conditions occurred on the site

Instructions for Using This Template

This Field Version of the Inspection Report Template is intended to be used in the field and filled out by hand. If you will be filling out the Inspection Report Template electronically (i.e., you will be typing in your findings), please use the Electronic Version of the Inspection Report Template available at www.epa.gov/npdes/stormwater/swppp. The Electronic Version includes text fields with instructions for what to enter.

Keep in mind that this document is a template and not an "off-the-shelf" inspection report that is ready to use without some modification. You must first customize this form to include the specifics of your project in order for it to be useable for your inspection reports. Once you have entered all of your site-specific information into these fields, you may print out this form for use in the field to complete inspection reports.

The following tips for using this template will help you ensure that the minimum permit requirements are met:

- **Review the inspection requirements.** Before you start developing your inspection report form, read the CGP's Part 4 inspection requirements. This will ensure that you have a working understanding of the permit's underlying inspection requirements.
- **Complete all required text fields.** Fill out all text fields. Only by filling out all fields will the template be compliant with the requirements of the permit. (Note: Where you do not need the number of rows provided in the template form for your inspection, you may leave those rows blank. Or, if you need more space to document your findings, you may add an additional sheet.)
- **Use your site map to document inspection findings.** In several places in the template, you are directed to specify the location of certain features of your site, including where stormwater controls are installed and where you will be stabilizing exposed soil. You are also asked to fill in location information for unsafe conditions and the locations of any discharges occurring during your inspections. Where you are asked for location information, EPA encourages you to reference the point on your SWPPP site map that corresponds to the requested location on the inspection form. Using the site map as a tool in this way will help you conduct efficient inspections, will assist you in evaluating problems found, and will ensure proper documentation.
- **Sign and certify each inspection report.** Each inspection report must be signed and certified by the permittee to be considered complete. Where your inspections are carried out by a contractor or subcontractor, it is recommended that you also have the form signed and certified by the inspector, in addition to the signature and certification required of the permitted operator. The template includes a signature block for both parties.
- **Include the inspection form with your SWPPP.** Once your form is complete, make sure to include a copy of the inspection form in your SWPPP in accordance with Part 7.2.12.4 of the CGP.
- **Retain copies of all inspection reports with your records.** You must also retain in your records copies of all inspection reports in accordance with the requirements in Part 4.1.7.3 of the 2012 CGP. These reports must be retained for at least 3 years from the date your permit coverage expires or is terminated.

Section-by-Section Instructions

You will find specific instructions corresponding to each section of the report form on the reverse side of each page. These instructions provide you with more details in terms of what EPA expects to be documented in these reports.

General Information (see reverse for instructions)					
Name of Project		**CGP Tracking No.**		**Inspection Date**	
Inspector Name, Title & Contact Information					
Present Phase of Construction					
Inspection Location (if multiple inspections are required, specify location where this inspection is being conducted)					

Inspection Frequency *(Note: you may be subject to different inspection frequencies in different areas of the site. Check all that apply.)*

Standard Frequency: ☐ Weekly ☐ Every 14 days and within 24 hours of a 0.25" rain

Increased Frequency: ☐ Every 7 days and within 24 hours of a 0.25" rain (for areas of sites discharging to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3)

Reduced Frequency:
- ☐ Once per month (for stabilized areas)
- ☐ Once per month and within 24 hours of a 0.25" rain (for arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought)
- ☐ Once per month (for frozen conditions where earth-disturbing activities are being conducted)

Was this inspection triggered by a 0.25" storm event? ☐ Yes ☐ No

If yes, how did you determined whether a 0.25" storm event has occurred?

☐ Rain gauge on site ☐ Weather station representative of site. Specify weather station source:

Total rainfall amount that triggered the inspection (in inches)**:**

Unsafe Conditions for Inspection

Did you determine that any portion of your site was unsafe for inspection per CGP Part 4.1.5? ☐ Yes ☐ No

If "yes", complete the following:

- Describe the conditions that prevented you from conducting the inspection in this location:

- Location(s) where conditions were found:

Instructions for Filling Out "General Information" Section

Name of Project
Enter the name for the project.

CGP Tracking No.
Enter the tracking number that was assigned to your NOI application for permit coverage.

Inspection Date
Enter the date you conducted the inspection.

Inspector Name, Title & Contact Information
Provide the name of the person(s) (either a member of your company's staff or a contractor or subcontractor) that conducted this inspection. Provide the inspector's name, title, and contact information as directed in the form.

Present Phase of Construction
If this project is being completed in more than one phase, indicate which phase it is currently in.

Inspection Location
If your project has multiple locations where you conduct separate inspections, specify the location where this inspection is being conducted. If only one inspection is conducted for your entire project, enter "Entire Site." If necessary, complete additional inspection report forms for each separate inspection location.

Inspection Frequency
Check the box that describes the inspection frequency that applies to you. Note that you may be subject to different inspection frequencies in different areas of your site. If your project does not discharge to a "sensitive water" (i.e., a water impaired for sediment or nutrients, or listed as Tier 2, 2.5, or 3 by your state or tribe) and you are not affected by any of the circumstances described in CGP Part 4.1.4, then you can choose your frequency based on CGP Part 4.1.2 – either weekly, or every other week <u>and</u> within 24 hrs of a 0.25 in storm event. For any portion of your site that discharges to a sensitive water, your inspection frequency for that area is fixed under CGP Part 4.1.3 at weekly <u>and</u> within 24 hrs of a 0.25 inch storm event. If portions of your site are stabilized, are located in arid, semi-arid, or drought-stricken areas, or are subject to frozen conditions, consult CGP Part 4.1.4 for the applicable inspection frequency. Check all the inspection frequencies that apply to your project.

Was This Inspection Triggered by a 0.25 Inch Storm Event?
If you were required to conduct this inspection because of a 0.25 inch (or greater) rain event, indicate whether you relied on an on-site rain gauge or a nearby weather station (and where the weather station is located). Also, specify the total amount of rainfall for this specific storm event.

Unsafe Conditions for Inspection
Inspections are not required where a portion of the site or the entire site is subject to unsafe conditions. See CGP Part 4.1.5. These conditions should not regularly occur, and should not be consistently present on a site. Generally, unsafe conditions are those that render the site (or a portion of it) inaccessible or that would pose a significant probability of injury to applicable personnel. Examples could include severe storm or flood conditions, high winds, and downed electrical wires.

If your site, or a portion of it, is affected by unsafe conditions during the time of your inspection, provide a description of the conditions that prevented you from conducting the inspection and what parts of the site were affected. If the entire site was considered unsafe, specify the location as "Entire site"

Condition and Effectiveness of Erosion and Sediment (E&S) Controls (CGP Part 2.1) (see reverse for instructions)				
Type/Location of E&S Control [Add an additional sheet if necessary]	**Repairs or Other Maintenance Needed?***	**Corrective Action Required?***	**Date on Which Maintenance or Corrective Action First Identified?**	**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		
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		

*** Note:** The permit differentiates between conditions requiring repairs and maintenance, and those requiring corrective action. The permit requires maintenance in order to keep controls in effective operating condition and requires repairs if controls are not operating as intended. Corrective actions are triggered only for specific, more serious conditions, which include: 1) A required stormwater control was never installed, was installed incorrectly, or not in accordance with the requirements in Part 2 and/or 3; 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; 3) One of the prohibited discharges in Part 2.3.1 is occurring or has occurred; or 4) EPA requires corrective actions as a result of a permit violation found during an inspection carried out under Part 4.2. If a condition on your site requires a corrective action, you must also fill out a corrective action form found at www.epa.gov/npdes/stormwater/swppp. See Part 5 of the permit for more information.

Instructions for Filling Out the "Erosion and Sediment Control" Table

Type and Location of E&S Controls

Provide a list of all erosion and sediment (E&S) controls that your SWPPP indicates will be installed and implemented at your site. This list must include at a minimum all E&S controls required by CGP Part 2.1.2. Include also any natural buffers established under CGP Part 2.1.2.1. Buffer requirements apply if your project's earth-disturbing activities will occur within 50 feet of a surface water. You may group your E&S controls on your form if you have several of the same type of controls (e.g., you may group "Inlet Protection Measures", "Perimeter Controls", and "Stockpile Controls" together on one line), but if there are any problems with a specific control, you must separately identify the location of the control, whether repairs or maintenance or corrective action are necessary, and in the notes section you must describe the specifics about the problem you observed.

Repairs or Other Maintenance Needed?

Answer "yes" if the E&S control requires a repair of any kind (due to normal wear and tear, or as a result of damage) or requires maintenance in order for the control to continue operating effectively. At a minimum, maintenance is required in the following specific instances: (1) for perimeter controls, whenever sediment has accumulated to ½ or more the above-ground height of the control (CGP Part 2.1.2.2.b); (2) where sediment has been tracked-out onto the surface of off-site streets or other paved areas (CGP Part 2.1.2.3.d); (3) for inlet protection measures, when sediment accumulates, the filter becomes clogged, and/or performance is compromised (CGP Part 2.1.2.9.b); and (4) for sediment basins, as necessary to maintain at least ½ of the design capacity of the basin (CGP Part 2.1.3.2.b). Note: In many cases, "yes" answers are expected and indicate a project with an active operation and maintenance program. You should also answer "yes" if work to fix the problem is still ongoing from the previous inspection.

Corrective Action Needed?

Answer "yes" if during your inspection you found any of the following conditions to be present (CGP, Part 5.2.1): (1) a required E&S control was never installed, was installed incorrectly, or not in accordance with the corresponding CGP Part 2 or 3 requirement; (2) you become aware that the inadequacy of the E&S control has led to an exceedance of an applicable water quality standard; or (3) EPA requires corrective action for an E&S control as a result of a permit violation found during an inspection carried out under Part 4.2. If you answer "yes", you must take corrective action and complete a corrective action report, found at www.epa.gov/npdes/stormwater/swppp. Note: You should answer "yes" if work to fix the problem from a previous inspection is still ongoing.

Date on Which Maintenance or Corrective Action First Identified?

Provide the date on which the condition that triggered the need for maintenance or corrective action was first identified. If the condition was just discovered during this inspection, enter the inspection date. If the condition is a carryover from a previous inspection, enter the original date of the condition's discovery.

Notes

For each E&S control and the area immediately surrounding it, note whether the control is properly installed and whether it appears to be working to minimize sediment discharge. Describe any problem conditions you observed such as the following, and why you think they occurred as well as actions (e.g., repairs, maintenance, or corrective action) you will take or have taken to fix the problem:

1. Failure to install or to properly install a required E&S control
2. Damage or destruction to an E&S control caused by vehicles, equipment, or personnel, a storm event, or other event
3. Mud or sediment deposits found downslope from E&S controls
4. Sediment tracked out onto paved areas by vehicles leaving construction site
5. Noticeable erosion at discharge outlets or at adjacent streambanks or channels
6. Erosion of the site's sloped areas (e.g., formation of rills or gullies)
7. E&S control is no longer working due to lack of maintenance

For buffer areas, make note of whether they are marked off as required, whether there are signs of construction disturbance within the buffer, which is prohibited under the CGP, and whether there are visible signs of erosion resulting from discharges through the area.

If repairs, maintenance, or corrective action is required, briefly note the reason. If repairs, maintenance, or corrective action have been completed, make a note of the date it was completed and what was done. *If corrective action is required, note that you will need to complete a separate corrective action report describing the condition and your work to fix the problem.*

Condition and Effectiveness of Pollution Prevention (P2) Practices (CGP Part 2.3) (see reverse for instructions)				
Type/Location of P2 Practices [Add an additional sheet if necessary]	**Repairs or Other Maintenance Needed?***	**Corrective Action Required?***	**Date on Which Maintenance or Corrective Action First Identified?**	**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		
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		

*** Note:** The permit differentiates between conditions requiring repairs and maintenance, and those requiring corrective action. The permit requires maintenance in order to keep controls in effective operating condition and requires repairs if controls are not operating as intended. Corrective actions are triggered only for specific, more serious conditions, which include: 1) A required stormwater control was never installed, was installed incorrectly, or not in accordance with the requirements in Part 2 and/or 3; 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; 3) One of the prohibited discharges in Part 2.3.1 is occurring or has occurred; or 4) EPA requires corrective actions as a result of a permit violation found during an inspection carried out under Part 4.2. If a condition on your site requires a corrective action, you must also fill out a corrective action form found at www.epa.gov/npdes/stormwater/swppp. See Part 5 of the permit for more information.

Instructions for Filling Out the "Pollution Prevention (P2) Practice" Table

Type and Location of P2 Controls
Provide a list of all pollution prevention (P2) practices that are implemented at your site. This list must include all P2 practices required by Part 2.3.3, and those that are described in your SWPPP.

Repairs or Other Maintenance Needed?
Answer "yes" if the P2 practice requires a repair of any kind (due to normal wear and tear, or as a result of damage) or requires maintenance in order for the control to continue operating effectively. Note: In many cases, "yes" answers are expected and indicate a project with an active operation and maintenance program.

Corrective Action Needed?
Answer "yes" if during your inspection you found any of the following conditions to be present (CGP, Part 5.2.1): (1) a required P2 practice was never installed, was installed incorrectly, or not in accordance with the corresponding CGP Part 2 requirement; (2) you become aware that the inadequacy of the P2 practice has led to an exceedance of an applicable water quality standard; (3) one of the "prohibited discharges" listed in CGP Part 2.3.1 is occurring or has occurred, or (4) EPA requires corrective action for a P2 practice as a result of a permit violation found during an inspection carried out under Part 4.2. If you answer "yes", you must take corrective action and complete a corrective action report (see www.epa.gov/npdes/stormwater/swppp). Note: You should answer "yes" if work to fix the problem from a previous inspection is still ongoing.

Date on Which Maintenance or Corrective Action First Identified?
Provide the date on which the condition that triggered the need for maintenance or corrective action was first identified. If the condition was just discovered during this inspection, enter the inspection date. If the condition is a carryover from a previous inspection, enter the original date of the condition's discovery.

Notes
For each P2 control and the area immediately surrounding it, note whether the control is properly installed, whether it appears to be working to minimize or eliminate pollutant discharges, and whether maintenance or corrective action is required. Describe problem conditions you observed such as the following, and why you think they occurred, as well as actions you will take or have taken to fix the problem:

1. Failure to install or to properly install a required P2 control
2. Damage or destruction to a P2 control caused by vehicles, equipment, or personnel, or a storm event
3. Evidence of a spill, leak, or other type of pollutant discharge, or failure to have properly cleaned up a previous spill, leak, or other type of pollutant discharge
4. Spill response supplies are absent, insufficient, or not where they are supposed to be located
5. Improper storage, handling, or disposal of chemicals, building materials or products, fuels, or wastes
6. P2 practice is no longer working due to lack of maintenance

If repairs, maintenance, or corrective action is required, briefly note the reason. If repairs, maintenance, or corrective action have been completed, make a note of the date it was completed and what was done. *If corrective action is required, note that you will need to complete a separate corrective action report describing the condition and your work to fix the problem*.

Stabilization of Exposed Soil (CGP Part 2.2) (see reverse for instructions)			
Stabilization Area **[Add an additional sheet if necessary]**	**Stabilization Method**	**Have You Initiated Stabilization?**	**Notes**
1.		☐ YES ☐ NO If yes, provide date:	
2.		☐ YES ☐ NO If yes, provide date:	
3.		☐ YES ☐ NO If yes, provide date:	
4.		☐ YES ☐ NO If yes, provide date:	
5.		☐ YES ☐ NO If yes, provide date:	

Description of Discharges (CGP Part 4.1.6.6) (see reverse for instructions)	
Was a stormwater discharge or other discharge occurring from any part of your site at the time of the inspection? ☐ Yes ☐ No **If "yes", provide the following information for each point of discharge:**	
Discharge Location **[Add an additional sheet if necessary]**	**Observations**
1.	Describe the discharge: At points of discharge and the channels and banks of surface waters in the immediate vicinity, are there any visible signs of erosion and/or sediment accumulation that can be attributed to your discharge? ☐ Yes ☐ No If yes, describe what you see, specify the location(s) where these conditions were found, and indicate whether modification, maintenance, or corrective action is needed to resolve the issue:
2.	Describe the discharge: At points of discharge and the channels and banks of surface waters in the immediate vicinity, are there any visible signs of erosion and/or sediment accumulation that can be attributed to your discharge? ☐ Yes ☐ No If yes, describe what you see, specify the location(s) where these conditions were found, and indicate whether modification, maintenance, or corrective action is needed to resolve the issue:

Instructions for Filling Out the "Stabilization of Exposed Soil" Table

Stabilization Area
List all areas where soil stabilization is required to begin because construction work in that area has permanently stopped or temporarily stopped (i.e., work will stop for 14 or more days), and all areas where stabilization has been implemented.

Stabilization Method
For each area, specify the method of stabilization (e.g., hydroseed, sod, planted vegetation, erosion control blanket, mulch, rock).

Have You Initiated Stabilization
For each area, indicate whether stabilization has been initiated.

Notes
For each area where stabilization has been initiated, describe the progress that has been made, and what additional actions are necessary to complete stabilization. Note the effectiveness of stabilization in preventing erosion. If stabilization has been initiated but not completed, make a note of the date it is to be completed. If stabilization has been completed, make a note of the date it was completed. If stabilization has not yet been initiated, make a note of the date it is to be initiated, and the date it is to be completed.

Instructions for Filling Out the "Description of Discharges" Table

You are only required to complete this section if a discharge is occurring at the time of the inspection.

Was a Stormwater Discharge Occurring From Any Part of Your Site At The Time of the Inspection?
During your inspection, examine all points of discharge from your site, and determine whether a discharge is occurring. If there is a discharge, answer "yes" and complete the questions below regarding the specific discharge. If there is not a discharge, answer "no" and skip to the next page.

Discharge Location (repeat as necessary if there are multiple points of discharge)
Location of discharge. Specify the location on your site where the discharge is occurring. The location may be an outlet from a stormwater control or constructed stormwater channel, a discharge into a storm sewer inlet, or a specific point on the site. Be as specific as possible; it is recommended that you refer to a precise point on your site map.

Describe the discharge. Include a specific description of any noteworthy characteristics of the discharge such as color; odor; floating, settled, or suspended solids; foam; oil sheen; and other obvious pollution indicators.

Are there visible signs of erosion or sediment accumulation? At each point of discharge and the channel and streambank in the immediate vicinity, visually assess whether there are any obvious signs of erosion and/or sediment accumulation that can be attributed to your discharge. If you answer "yes", include a description in the space provided of the erosion and sediment deposition that you have found, specify where on the site or in the surface water it is found, and indicate whether modification, maintenance, or corrective action is needed to resolve the issue.

Turbidity Testing

Describe the testing that occurred on site.

	Date	Turbidity Testing Location	Exact Time of Test was Taken	Was Turbidity Tested?	If no, why?	If yes, describe the results (Date, Turbidity Value Upstream, Turbidity Value Downstream)
1				❑Yes ❑No	❑No runoff present at time of inspection	
2				❑Yes ❑No	❑No runoff present at time of inspection	
3				❑Yes ❑No	❑No runoff present at time of inspection	
4				❑Yes ❑No	❑No runoff present at time of inspection	
5				❑Yes ❑No	❑No runoff present at time of inspection	
6				❑Yes ❑No	❑No runoff present at time of inspection	
7				❑Yes ❑No	❑No runoff present at time of inspection	
8				❑Yes ❑No	❑No runoff present at time of inspection	
9				❑Yes ❑No	❑No runoff present at time of inspection	
10				❑Yes ❑No	❑No runoff present at time of inspection	

Contractor or Subcontractor Certification and Signature (see reverse for instructions)
"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 of Contractor or Subcontractor:** _____ **Date:** **Printed Name and Affiliation:** _____

Certification and Signature by Permittee (see reverse for instructions)
"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 of Permittee or** **"Duly Authorized Representative":** _____ **Date:** **Printed Name and Affiliation:** _____

Instructions for Signature/Certification

Each inspection report must be signed and certified to be considered complete.

Contractor or Subcontractor Signature and Certification
Where a contractor or subcontractor is relied on to carry out the inspection and complete the inspection report, you should require the inspector to sign and certify each report. Note that this does not relieve the permitted operator of the requirement to sign and certify the inspection report as well.

Signature and Certification by Permittee
At a minimum, the inspection report must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply to scenarios (1) and (2):

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation*: 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.
- *For a partnership or sole proprietorship*: A general partner or the proprietor, respectively.
- *For a municipality, state, federal, or other public agency*: 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).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- 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
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Appendix E – Corrective Action Form

Corrective Action Report Form – Field Version

Purpose
This Corrective Action Report Form is designed to assist you in preparing corrective action reports for EPA's 2012 Construction General Permit (CGP). If you are covered under EPA's 2012 CGP, this form will enable you to create a corrective action report that complies with the minimum reporting requirements of Part 5.4 of the permit.

You are only required to fill out this form if one of the corrective action triggering conditions in Part 5.2.1 or 5.3 occurs on your site. Routine maintenance and repairs are generally not considered to be a corrective action triggering condition. Corrective actions are triggered only for specific, more serious conditions that are identified below in the "Overview of Corrective Action Requirements."

If you are covered under a state CGP, this form may be helpful in developing a report that can be used for that permit; however it will need to be modified to meet the specific requirements of the permit. If your permitting authority requires you to use a specific corrective action report form, you should not use this form.

Notes
While EPA has made every effort to ensure the accuracy of all instructions and guidance contained in the Corrective Action Report Form, the actual obligations of regulated construction activities are determined by the relevant provisions of the permit, not by the form. In the event of a conflict between the Corrective Action Report Form and any corresponding provision of the 2012 CGP, you must abide by the requirements in the permit. EPA welcomes comments on the Corrective Action Report Form 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.

Overview of Corrective Action Requirements
Construction operators covered under the 2012 CGP are required to conduct corrective actions and report on progress made in correcting the problem condition(s) in accordance with the following requirements:

Corrective Action Triggering Conditions (Parts 5.2.1 and 5.3)
Corrective action is required whenever any of the following conditions occur at your site:

- A required stormwater control was never installed, was installed incorrectly, or not in accordance with the requirements in Part 2 and/or 3;
- The stormwater controls (e.g., erosion and sediment controls or pollution prevention controls) that have been installed and maintained are not effective enough for the discharge to meet applicable water quality standards or applicable requirements in Part 3.1 of the permit;
- A Part 2.3.1 prohibited discharge has occurred or is occurring; or
- Any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.2.

Deadlines for Completing Corrective Actions (Part 5.2.1)
You must complete corrective action (e.g., installing and making operational any new or modified control, correcting errors in installation, preventing, mitigating, or cleaning up spills or leaks making repairs) by no later than 7 calendar days from the time of discovery of the condition. If infeasible to complete the installation or repair within 7 calendar days, you must document why it is infeasible and document your schedule for completing the corrective action as soon as practicable.

Deadlines for Documenting Corrective Actions in a Report (Part 5.4)
You are required to complete a corrective action report for each of corrective action you take in accordance with the following deadlines.

- Within 24 hours of discovering the occurrence of a corrective action triggering condition, you must document the following:
  - The condition identified at your site;

- The nature of the condition identified; and
- The date and time of the condition identified and how it was identified

- Within 7 calendar days of discovering a triggering condition, you must document the following:
  - Any follow-up actions taken to review the design, installation, and maintenance of stormwater controls, including the dates such actions occurred;
  - A summary of stormwater controls 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
  - Notice of whether SWPPP modifications are required as a result of the condition identified or corrective action.

Instructions for Using This Report Form

This Field Version of the Corrective Action Report Form is intended to be used in the field and filled out by hand. If you will be filling out the Corrective Action Report Form electronically (i.e., you will be typing in your findings), please use the Electronic Version of the Corrective Action Report Form available at www.epa.gov/npdes/stormwater/swppp. The Electronic Version includes text fields with instructions for what to enter.

The following tips for using this form will help you ensure that the minimum permit requirements are met:

- **Review the corrective action requirements.** Before you fill out this corrective action report form, read the CGP's Part 5 corrective action requirements. This will ensure that you have a working understanding of the permit's underlying corrective action requirements.

- **Complete a separate report for each condition that triggers corrective action.** For each triggering condition on your site, you will need to fill out a separate corrective action report form.

- **Complete all required text fields.** Fill out all text fields. Only by filling out all fields will the form be compliant with the requirements of the permit. (Note: Where you do not need the number of rows provided in the corrective action report form, you leave those rows blank. Or, if you need more space to document your findings, you may add an additional sheet.)
- **Sign and certify each corrective action report.** Each corrective action report form must be signed and certified by the permittee to be considered complete. Where your corrective actions are carried out by a contractor or subcontractor, it is recommended that you also have the form signed and certified by the inspector, in addition to the signature and certification required of the permitted operator. The form includes a signature block for both parties.
- **Include the corrective action report form with your SWPPP.** Once your form is complete, make sure to include a copy of the corrective action report form in your SWPPP in accordance with Part 7.2.12.4 of the CGP.
- **Retain copies of all corrective action reports with your records.** You must retain copies of your corrective action reports in your records in accordance with the requirements in Part 5.4.4 of the 2012 CGP. These reports must be retained for at least 3 years from the date your permit coverage expires or is terminated.

Section-by-Section Instructions

You will find specific instructions corresponding to each section of the report form on the reverse side of each page. These instructions were written in order to provide you with more details in terms of what EPA expects to be documented in these reports.

Section A – Initial Report (CGP Part 5.4.1)

(Complete this section within 24 hours of discovering the condition that triggered corrective action)

Name of Project		**CGP Tracking No.**		**Today's Date**	

Date Problem First Discovered		**Time Problem First Discovered**	
Name and Contact Information of Individual Completing this Form			

What site conditions triggered the requirement to conduct corrective action *(check the box that applies)*:

- ☐ A required stormwater control was never installed, was installed incorrectly, or not in accordance with the requirements in Part 2 and/or 3
- ☐ The stormwater controls that have been installed and maintained are not effective enough for the discharge to meet applicable water quality standards or applicable requirements in Part 3.1 of the permit
- ☐ A Part 2.3.1 prohibited discharge has occurred or is occurring
- ☐ EPA requires corrective action as a result of permit violations found during an EPA inspection carried out under Part 4.2

Provide a description of the problem:

Deadline for completing corrective action (*Enter date that is either: (1) no more than 7 calendar days after the date you discovered the problem, or (2) if it is infeasible to complete work within the first 7 days, enter the date that is as soon as practicable following the 7th day*):

If your estimated date of completion falls after the 7-day deadline, explain (1) why you believe it is infeasible to complete work within 7 days, and (2) why the date you have established for making the new or modified stormwater control operational is the soonest practicable timeframe:

Section B – Corrective Action Progress (CGP Part 5.4.2)

(Complete this section no later than 7 calendar days after discovering the condition that triggered corrective action)

Section B.1 – Why the Problem Occurred

Cause(s) of Problem (Add an additional sheet if necessary)	**How This Was Determined and the Date You Determined the Cause**
1.	**1.**
2.	**2.**

Section B.2 – Stormwater Control Modifications to be Implemented to Correct the Problem

List of Stormwater Control Modification(s) Needed to Correct Problem (Add an additional sheet if necessary)	**Date of Completion**	**SWPPP Update Necessary?**	**Notes**
1.		☐Yes ☐No If yes, provide date SWPPP modified:	
2.		☐Yes ☐No If yes, provide date SWPPP modified:	

Instructions for Filling Out the Initial Report (Section A)

You must complete Section A of the report form within 24 hours of discovering the condition that triggered corrective action

Name of Project
Enter the name for the project.

CGP Tracking No.
Enter the tracking number that was assigned to your NOI application for permit coverage.

Today's Date
Enter the date you completed this form.

Date/Time Problem First Discovered
Specify the date on which the triggering condition was first discovered. Also specify the time of the discovery.

Name/Contact Information
Provide the individual's name, title, and contact information as directed in the form.

Site Condition That Triggered Corrective Action
Under the CGP, corrective action is required when one of 3 triggering conditions occurs at your site. See CGP Parts 5.2.1 and 5.3. Check the box that corresponds to the condition that triggered this corrective action.

Description of the Site Condition
Provide a summary description of the condition you found that triggered corrective action under CGP Part 5.2.1 and the specific location where it was found. Be as specific as possible about the location; it is recommended that you refer to a precise point on your site map. If you have already provided this explanation in an inspection report, you can refer to that report.

Deadline for Completing Corrective Action
This deadline is fixed in CGP Part 5.2.1. For all projects, the deadline is either: (1) no more than 7 calendar days after the date you discovered the problem, or (2) if it is infeasible to complete work within the first 7 days, as soon as practicable following the 7th day. If your estimated date of completion falls after the 7-day deadline consistent with (2), above, explain (a) why you believe it is infeasible to complete work within 7 days, and (b) why the date you have established for making the new or modified stormwater control operational is the soonest practicable timeframe:

Instructions for Filling Out the Corrective Action Progress Table (Section B)

You must complete Section B of the report form no later than 7 calendar days after discovering the condition that triggered corrective action.

Section B.1 – Why the Problem Occurred
After you have had the opportunity to examine the problem more closely, provide details as to what you believe to be the cause of the problem, and specify the follow-up actions you took (along with the dates of such actions) to diagnose the problem. This is consistent with CGP Part 5.4.2.1.

Section B.2 – Stormwater Control Modifications to be Implemented
Provide a list of modifications you plan to make to your stormwater controls to correct the problem and the date you completed such work. Keep in mind that your work must be completed within the timeline specified in Section A for the completion of corrective action work.

Also, if a SWPPP modification is necessary consistent with Part 7.4.1.1 in order to reflect changes implemented at your site, indicate the date you modified your SWPPP. Keep in mind that SWPPP changes must be made within 7 days of discovering the problem that triggered this corrective action.

Space is provided for you to include additional notes or observations regarding the change that you implemented at your site to correct the problem.

Section C – Certification and Signature (CGP Part 5.4.3)

Section C.1 – Certification and Signature by Contractor or Subcontractor

"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 of Contractor or Subcontractor: _____ **Date:**

Printed Name and Affiliation: _____

Section C.2 – Certification and Signature by Permittee

"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 of Permittee or
"Duly Authorized Representative": _____ **Date:**

Printed Name and Affiliation: _____

Instructions for Signature and Certification (Section C)

Each corrective action report must be signed and certified to be considered complete.

Section C.1 – Contractor or Subcontractor Signature and Certification
Where a contractor or subcontractor is relied on to complete this report and the associated corrective action, you should require the individual(s) to sign and certify each report. Note that this does not relieve you of the requirement to sign and certify the report as well.

Section C.2 – Signature and Certification by Permittee
At a minimum, the corrective action report form must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply to scenarios (1) and (2):

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation*: 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.
- *For a partnership or sole proprietorship*: A general partner or the proprietor, respectively.
- *For a municipality, state, federal, or other public agency*: 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).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- 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
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

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 controls, 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 install and/or implement additional controls at your site in order to meet requirements of the permit; 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]
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	
		INSERT DATE	

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**
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE
INSERT DATE			INSERT DATE ☐ Temporary ☐ Permanent	INSERT DATE

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**
- ☐ **Stabilization Controls**
- ☐ **Pollution Prevention Measures**
- ☐ **Emergency Procedures**
- ☐ **Inspections/Corrective Actions**

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 (CGP), 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 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 have no personal knowledge that the information submitted is other than 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: _____

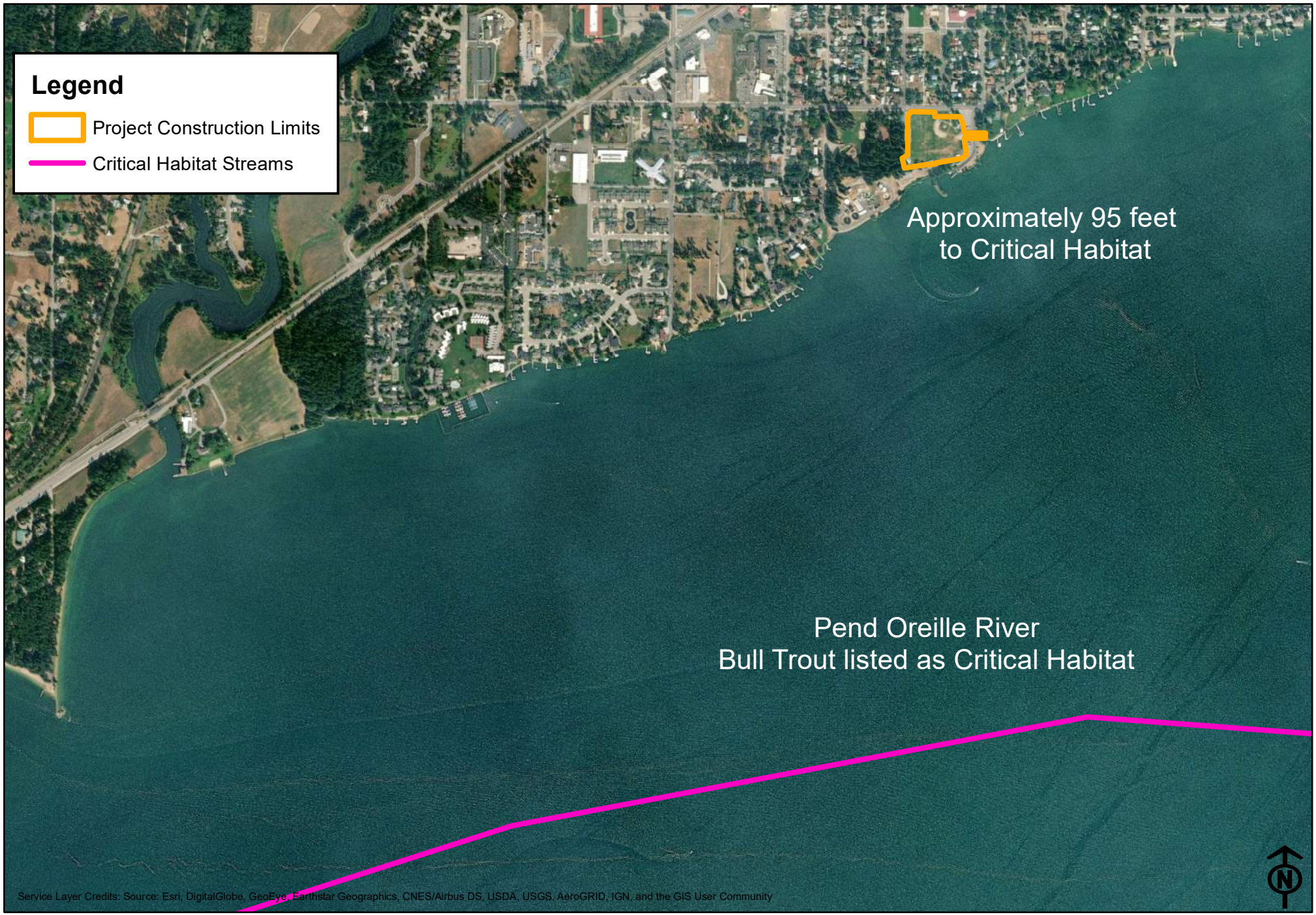
Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation



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Sandpoint War Memorial Field

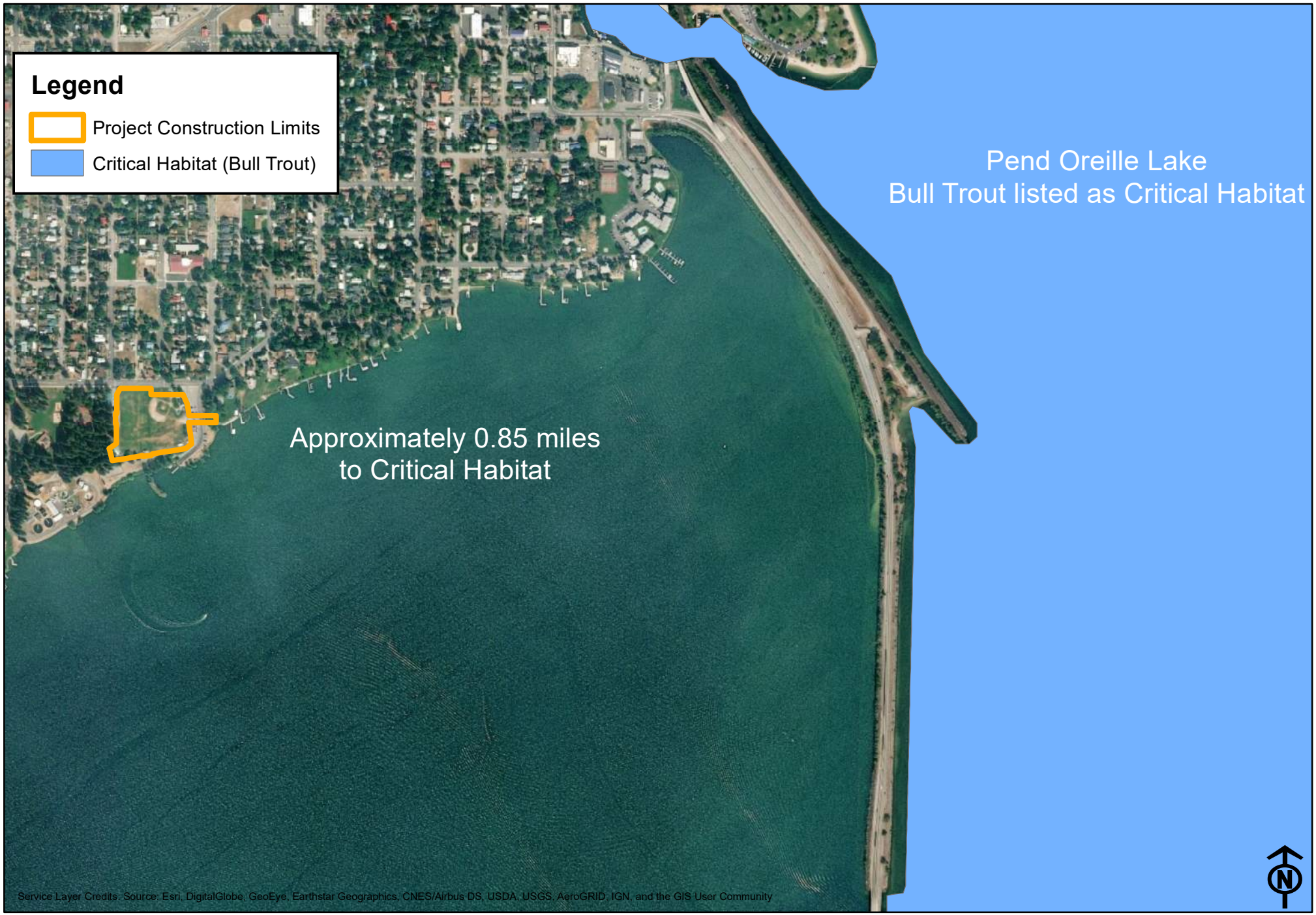
SWPPP

Appendix A

Critical Habitat

Sources:
Kootenai County GIS
Idaho Transportation Dept.
Aerial (see above)

PROJECT NO.....44045
DRAWN BY.....LP
FILENAME.....CriticalHabitat
DATE.....2/6/2020



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Sandpoint War Memorial Field

SWPPP

Appendix K

Critical Habitat

Sources:
Kootenai County GIS
Idaho Transportation Dept.
Aerial (see above)

PROJECT NO.....44045
DRAWN BY.....LP
FILENAME.....CriticalHabitat
DATE.....2/6/2020

IPaC **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

NOT FOR CONSULTATION

Location

Bonner County, Idaho

Local office

Idaho Fish And Wildlife Office

(208) 378-5243
(208) 378-5262

1387 South Vinnell Way, Suite 368
Boise, ID 83709-1657

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

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1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS

NOT FOR CONSULTATION

North American Wolverine *Gulo gulo luscus* No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5123	Proposed Threatened

Fishes

NAME	STATUS
Bull Trout *Salvelinus confluentus* There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/8212	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

NOT FOR CONSULTATION

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on

this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31
Cassin's Finch *Carpodacus cassinii* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9462	Breeds May 15 to Jul 15
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31

NOT FOR CONSULTATION

Rufous Hummingbird selasphorus rufus Breeds Apr 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
https://ecos.fws.gov/ecp/species/8002

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

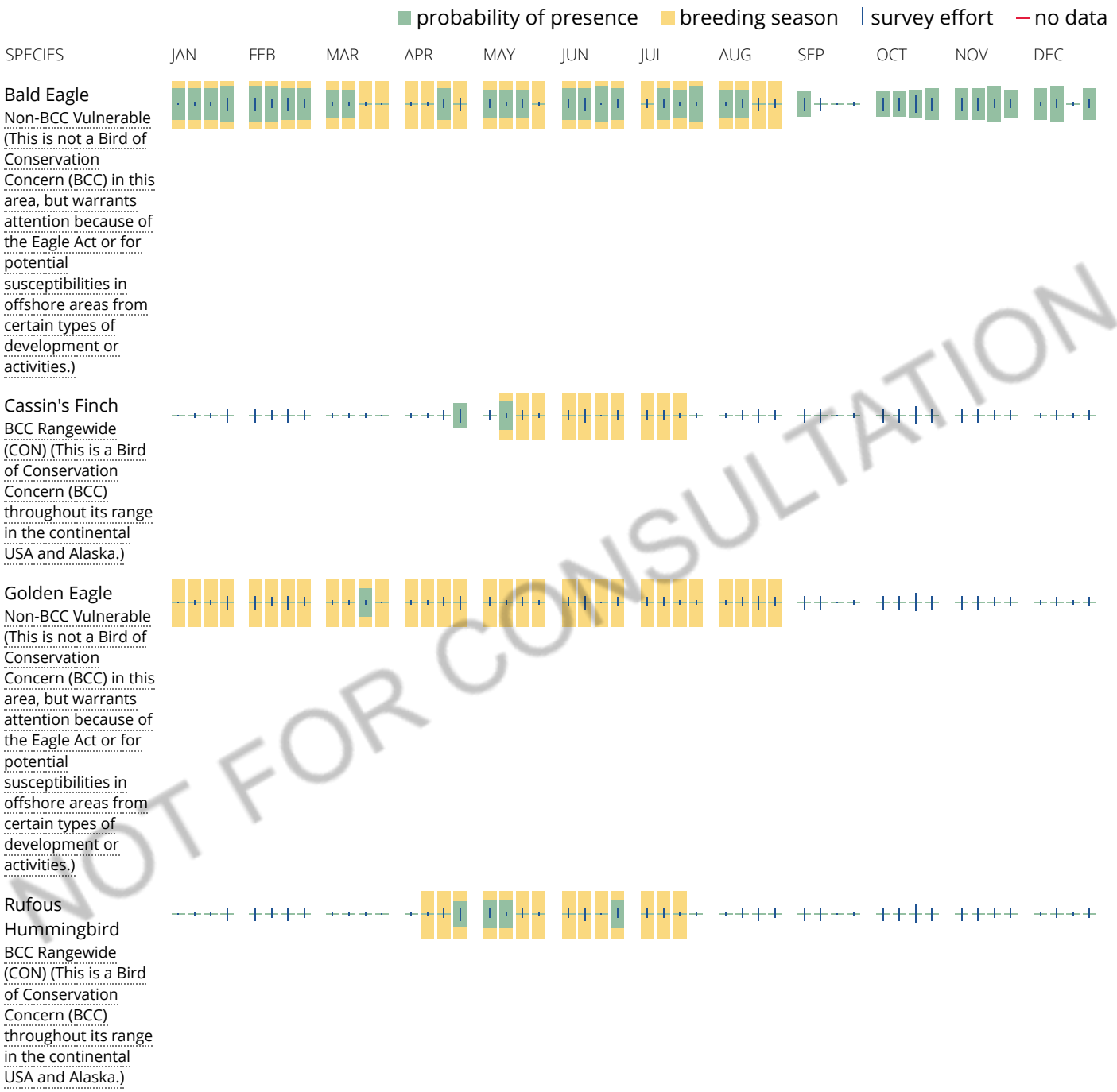
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

NOT FOR CONSULTATION

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



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Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

NOT FOR CONSULTATION

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

NOT FOR CONSULTATION

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

LAKE

- L2UBH

A full description for each wetland code can be found at the National Wetlands Inventory website

NOT FOR CONSULTATION

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal,

state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

Appendix L – Historic Properties Documentation

Documentation will be provided for Appendix L upon issuance

Appendix M – Rainfall Gauge Recording

Use the table below to record the rainfall gauge readings at the beginning and end of each workday. An example table follows.

Month/Year			Month/Year			Month/Year		
Day	Start time	End time	Day	Start time	End time	Day	Start time	End time
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
7			7			7		
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28			28			28		
29			29			29		
30			30			30		
31			31			31		

Example Rainfall Gauge Recording

April 2017			May 2017			June 2017		
Day	7:00 am	4:400 pm	Day	7:00 am	4:00 pm	Day	7:00 am	4:00 pm
1	--	--	1	0.2	0	1	0	0.4
2	--	--	2	0	0	2	0	0
3	0	0	3	0.1	0.3	3	--	--
4	0	0.3	4	0	0	4	--	--
5	0	0	5	0	0	5	0	0

In this example (for only partial months), 0.25-inch rainfall inspections would have been conducted on April 4 and June 1.

Appendix N – Operator's Cooperative Agreement

It has been assumed that there will be two operators (as defined in CGP Part 1.1.1) for this project: the Owner and the General Contractor. **It shall be the Contractor's responsibility to identify any other operator and update the SWPPP as necessary.** All operators must file an NOI.

This cooperative agreement describes stormwater responsibilities for all construction operators working on the project. The operators below agree to abide by the following conditions throughout the duration of the construction project, effective at the date of signature. These conditions apply to all operators on the site, regardless of whether an operator develops his/her own Stormwater Pollution Prevention Plan (SWPPP) or agrees to be covered under the one created by the Owner.

This project is subject to EPA's 2017 NPDES Construction General Permit (CGP) for Stormwater Discharges From Construction Activities. The goal of this permit is to prevent the discharge of pollutants and sediment associated with construction activity to waters of the United States. The Owner has developed a SWPPP for the project, and it shall be updated and made available for review and use on site by the Contractor.

Owner's Responsibilities:

1. The Owner will be primarily responsible for developing the initial SWPPP and/or Contract Documents.

2. The Owner shall file a Notice of Intent (NOI) to be covered by the Construction General Permit as an operator with the Environmental Protection Agency (EPA).

3. The Owner shall complete inspections of BMPs and erosion control activities as specified within the SWPPP. The Owner must also complete all required reporting as specified within the SWPPP.

4. The Owner shall file an NOT once the site has reached final stabilization.

Contractor Responsibilities:

5. Immediately following Notice of Award, the Contractor will file an electronic NOI with EPA.

6. The Contractor shall maintain compliance with the CGP and the SWPPP at all times between NOI and NOT. The Contractor will be responsible for updating a single, on-site SWPPP book, and for providing updates to the Engineer weekly.

7. The Contractor will be responsible for compliance with the CGP and SWPPP, including, but not limited to, the following:

    1. The Contractor will be responsible for the installation, maintenance, and inspection of the BMPs as specified in the SWPPP and/or Contract Documents.

    2. The Contractor will be responsible for maintaining the SWPPP documentation, and updating and completing the SWPPP, as required therein and as associated with the project.

3. Every effort shall be made, by the Contractor, to prevent sediment from being tracked off-site by vehicles and equipment. If such tracking does occur, the Contractor shall provide street sweeping as required by the Contract Documents and this SWPPP. If the Contractor fails to respond to off-site tracking in a timely and effective manner, the Owner may elect to provide street sweeping at the sole expense of the Contractor.

4. The Contractor shall initiate and complete corrective actions, maintenance and/or repairs as specified within the SWPPP.

5. The Contractor shall understand and comply with all requirements of the CGP, SWPPP and Contract Documents.

The undersigned agrees to abide by the terms and conditions of this SWPPP operators' cooperatives agreement as described above.

City of Sandpoint

Operator	Signature	Title	Date

In addition, I agree to comply with and be covered by the Owner's SWPPP for this project.

Operator	Signature	Title	Date

SWPPP for this project.

Operator	Signature	Title	Date

Appendix O – Excerpts from IDEQ Stormwater Best Management Practices Catalog

Stabilization of Construction Entrance/Exit BMP 5

Description

A temporary sediment removal device--normally a pad of crushed rock or stone--can be installed at the approach from a construction site to a public roadway to stabilize the road. This BMP is used to limit sediment tracking from vehicles and equipment leaving the construction site onto public rights-of-way and streets.

Applications

A stabilized construction entrance is appropriate in the following locations:

- Wherever vehicles are entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk or parking area.
- At any unpaved entrance/exit location where there is risk of transporting mud or sediment onto paved roads.

Limitations

Drainage area - unlimited
Minimum bedrock depth – 3 ft
NRCS soil type - ABCD
Drainage/flood control – no
Maximum slope – 15%
Minimum water table – N/A
Freeze/thaw – good

Targeted Pollutants

- Sediment
- Phosphorus
- Trace Metals
- Hydrocarbons

Design Parameters

Width: The width should be at least 10 ft but not less than the full width of points where ingress or egress occurs. At sites where traffic volume is high, the entrance should be wide enough for two vehicles to pass safely. Flare the entrance where it meets the existing road to provide a sufficient turning radius.

Length: The minimum length should be 50 ft except on a single-residence lot where a 30 ft minimum would apply.

Depth: Total depth of rock should be at least 6 in.

Aggregate: Fractured

stone 2 to 8 in. diameter (for the base layer) and crushed
stone 2 in. diameter or reclaimed or recycled concrete equivalent (for the top layer).

Geotextile (filter fabric): Most installations will include geotextile (filter fabric) with the products placed over the entire area to be covered with aggregate. Work on single residential lots will generally not need geotextile unless there is potential for excessive erosion, a high water table, or other risk factor. The geotextile should be a woven or

nonwoven fabric consisting only of continuous chain polymeric filaments or yarns of polyester. The geotextile should be inert to commonly encountered chemicals, hydrocarbons, mildew, and rot resistant.

Drainage: Runoff from a stabilized construction entrance should drain to a sediment trap or a sediment basin. Piping of surface water under the entrance should be provided as needed. If piping is impossible, install a mountable berm with 5:1 slopes.

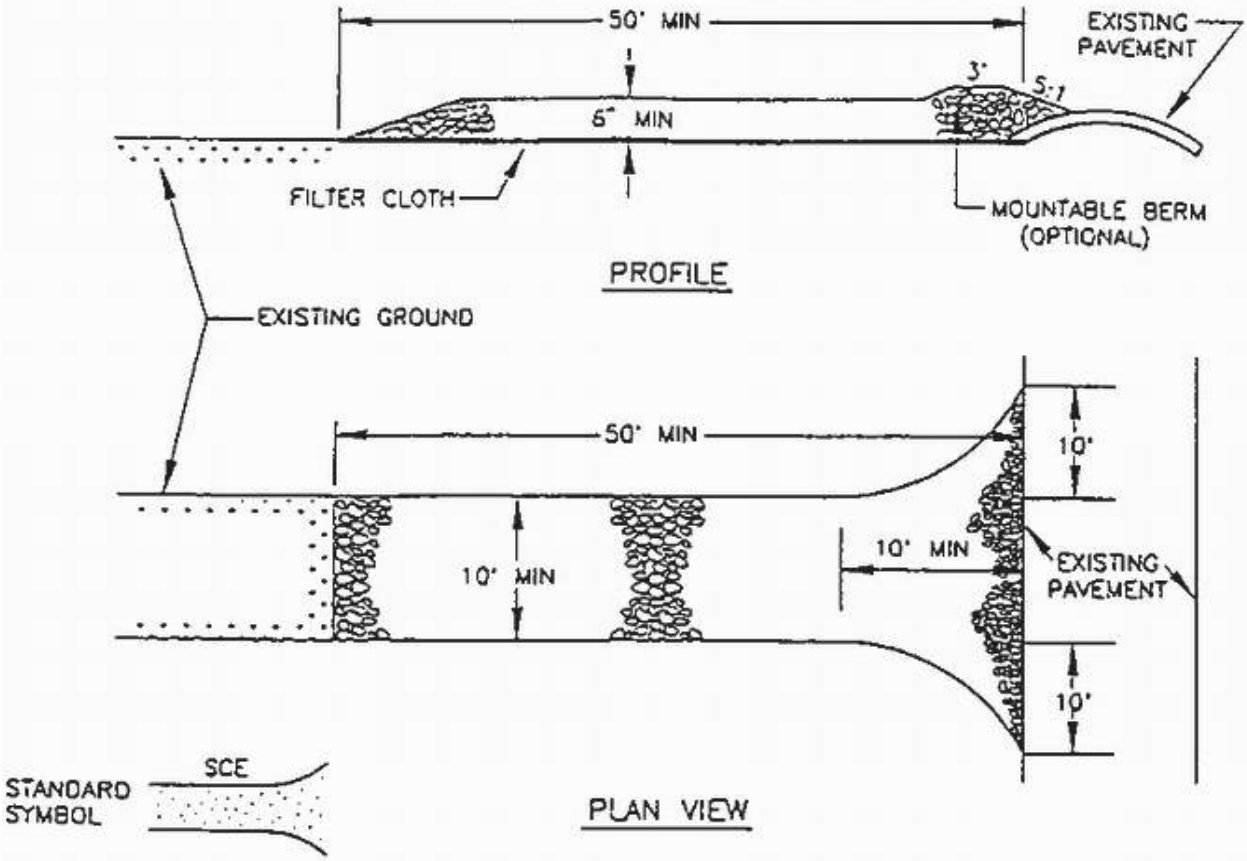
Dust Control: Dust control should be provided at all times (see BMP 7-Dust Control).

Construction Guidelines

- Clear all vegetation, roots, and all other obstructions in preparation for grading.
- Prior to placing geotextile (filter fabric), make sure that the entrance is properly graded and compacted.
- To reduce maintenance and loss of aggregate, place geotextile over the existing ground before placing the stone for the entrance.
- Place a 1 ft layer of fractured stone over the entire width and length of the entrance.
- Place a 4 in. layer of 2 in. crushed stone over the base layer.

Maintenance

- The entrance should be maintained in a condition that will prevent tracking or flow of mud onto public rights-of-way. This may require periodic top dressing with additional 2 in. stone (as conditions demand) and repair or cleaning of any structures used to trap sediment.
- All materials spilled, dropped, washed, or tracked from vehicles onto roadways or into storm drains should be removed immediately. When necessary, vehicle wheels should be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it should be done on an area stabilized with aggregate that drains into an approved sediment trap.
- Trapped sediment should be removed from the site or stabilized on site and prevented from entering storm drains, ditches, or waterways. Disturbed soil areas resulting from removal should be permanently stabilized.
- The stabilized construction entrance may be removed after final site stabilization is achieved or after the temporary BMPs are no longer needed.



CONSTRUCTION SPECIFICATIONS

1. STONE SIZE–USE 2" STONE OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH–AS REQUIRED, BUT NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. THICKNESS–NOT LESS THAN 6 INCHES.
4. WIDTH–10 FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS.
5. FILTER CLOTH–WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE. FILTER WILL NOT BE REQUIRED ON A SINGLE FAMILY RESIDENCE LOT.
6. SURFACE WATER–ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE–THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WASHING–WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	STABILIZED CONSTRUCTION ENTERANCE	STANDARD DRAWING
TOOTHMAN–ORTON ENGINEERING COMANY BOISE, IDAHO McCALL, IDAHO		SCE–1

Mulching BMP 15

Description

Mulching is a temporary soil stabilization or erosion control practice where materials such as straw, grass, grass hay, compost, wood chips or wood fibers are placed on or incorporated into the soil surface. In addition to stabilizing soils, mulching can reduce the velocity of stormwater runoff over an area. When used together with seeding or planting, mulching can aid in plant growth by holding the seed, fertilizers, and topsoil in place, by helping to retain moisture, and by insulating against extreme temperatures.

Mulching protects the soil surface from splash erosion. It retards runoff, traps sediment, and creates more favorable conditions to assist germination and the early development of plants. The following natural and synthetic (stabilizers) mulches are suitable for use at construction sites:
Vegetative materials: wheat straw, rye straw, barley straw, grass hay
Wood products: wood cellulose fibers, wood chips, bark, sawdust
Other organic materials: leaves, peat, manure, compost
Rock products: gravel, slag, crushed stone
Fabricated mulch: jute, burlap, coconut (coir), excelsior, Kraft paper string
Synthetic mulch: asphalt, vinyl, plastics, latex, rubber, adhesives or "tackifiers."

Applications

- Mulch is an immediate, effective, and inexpensive means of controlling dust and erosion and aiding revegetation of construction sites. It provides immediate protection to soils that are exposed and that are subject to heavy erosion; it retains moisture (which may minimize the need for watering); and it requires no removal because of natural deterioration of most mulching materials.
- Mulch is often used alone in areas where temporary seeding cannot be used because of the season or climate. It may be used in conjunction with other treatments for increased effectiveness. Use of mulch may or may not require a binder, netting, or tacking agent to hold the mulch in place. On steep slopes and critical areas such as waterways, mulch matting is used with netting or anchoring to hold it in place.
- To aid in establishing vegetation, mulch seeded and planted areas where slopes are steeper then 2:1, where runoff is flowing across the area, or when seedlings need protection from bad weather. If the mulching effect is to be maintained longer than 3 months, the preferred mulch is vegetative material. Wheat straw is the most preferred vegetative material, followed by rye straw, barley straw, or grass hay.
- Wood chips are suitable for areas that will not be closely mowed and around ornamental plantings. Chips decompose slowly and do not require tacking, but they should be treated with nitrogen to prevent nutrient deficiency. Wood chips can be very inexpensive if they are obtained from trees cleared on the site. Chips should not be used on slopes greater than 6% because they tend to wash down slopes.

- Bark mulch is suitable for areas planted with grasses that will not be closely mowed. The bark may be applied mechanically or by hand.

- Crushed stone and gravel mulches are appropriate for dust control and soil protection on low-use dirt roads, driveways, and other areas of light vehicular activity within the construction site.

Limitations

Drainage area – 2 ac.
Minimum bedrock depth – N/A
NRCS soil type - ABCD
Drainage/flood control – no
Maximum slope – 50%
Minimum water table - N/A
Freeze/thaw – fair

Disadvantages of mulch include the following:

- It may delay germination of some seeds because cover reduces the soil surface temperature.
- Mulch can be easily blown or washed away by runoff if not secured or incorporated. Lightweight mulch, such as straw, requires matting, crimping, or other methods to hold it in place.
- Some mulch materials, such as wood chips, may absorb nutrients necessary for plant growth.
- Straw mulch provides organic matter as it breaks down and is incorporated into the soil. If applications are too heavy, however, soil nutrient levels (especially nitrogen) may decline during the period of decomposition. Therefore, prescribed application rates of both the straw mulch and the specified fertilizer should be strictly followed. The use of a fertilizer low in phosphorus is recommended.
- Synthetic spray-on materials are not recommended except for temporary dust/erosion control or for steep, rocky slopes where other mulches and mechanical methods cannot be effectively applied. The synthetic mulches may create impervious surfaces and can have adverse effects on water quality.
- Avoid applying mulch as the only control on long slopes. Break up concentrated flows on these slopes using recommended methods in other BMPs.

Targeted Pollutants

Sediment
Phosphorus

Design Parameters

Stone and gravel:

- After the gravel or stone is applied, construction traffic may move over it. Areas that become compacted or depressed should be remulched to the same level as the remaining area to prevent flows from the site from becoming channelized into these depressions.
- Upon completion of activities on the site, the gravel or stone mulch may be left in place during revegetation operations.
- When used for driveways or dirt roads, a filter blanket should be placed under the gravel.

Straw:

- Straw mulch forms a loose layer when applied over a loose soil surface. To protect the mulch from wind drifting and water damage, it should be stabilized by covering it with netting, such as jute, or by spraying it with a tacking agent. Straw mulch should cover the entire seeded area or exposed slope. The mulch should extend into existing vegetation or stabilized areas on all sides to prevent wind or water damage which may start at the edges of the mulched area
- The straw fibers should be applied to form a uniform cover of loose straw through which 20% or less of the original ground surface can be seen. No large clumps of unscattered straw should exist after application.
- On small slopes, straw mulch should be applied by hand broadcasting to a uniform depth of 2 to 3.1 in. On larger slopes, straw can be blown onto the slope to achieve a uniform cover of 2 to 3.1 in.

Wood chips:

- Due to bacterial action during decomposition, nutrient concentrations in the soil may be depressed under a layer of wood chips. Because of this, applications should not exceed the specified thickness that would cause a marked decline in some soil nutrients for longer periods.
- When using wood chips to mulch revegetation projects, the specified application of fertilizer should be increased approximately 25% to replenish soil nutrients lost due to breakdown of wood chips.

Effectiveness of mulches:

- Crushed stone and gravel mulches retain their effectiveness indefinitely if properly applied and protected from compacting traffic. Sediment generation reduction is estimated at 70 to 90%, and nutrient generation reduction at 50 to 70%.
- Straw mulches react similarly to hydromulches, as they break down fairly rapidly. However, straw is twice as effective and at about half the cost of hydromulches. Sediment reduction by straw mulch without vegetation is 90 to 95% for a few months. It drops to 70 to 90% in 6 months, and further to 40 to 60% in 2 years, and 10 to 30% after that. Nutrient reductions are estimated at 60 to 80% for a few months, 50 to 70% in 6 months, 20 to 50% up to 2 years, and 0 to 10% beyond 2 years.
- Wood chips deteriorate more slowly than wood fiber and, therefore, retain their effectiveness longer. Sediment reductions of 90 to 95% can be expected for 1 year, 80 to 90% up to 2 years, and 50 to 60% beyond 2 years. Nutrient reductions of 60 to 80%, 50 to 70% , and 30 to 50% are estimated for the same period.

Construction Guidelines

- Seeding (temporary or permanent) can take place prior to or concurrent with mulching. Other surface runoff control measures should be installed prior to seeding and mulching. If seed is applied prior to mulch, mulch should be applied to seeded areas immediately after seeding.
- Mulches should not be applied when free surface water is present, but may be applied to damp ground.

- The choice of materials for mulching will be based on the type of soil to

be protected, site conditions, season, and economics.

Straw mulch: The straw should be stabilized to prevent it from being damaged by water or wind (blown away). Use one of the following methods to apply straw mulch:

- Hand punching can be used on small sites, sites with rock and stone on the surface, sites with slopes that are steeper than 3:1, or sites that have been wattled. Take care not to damage wattling or planted vegetation. Use a spade or shovel to punch the straw into the slope until all areas have straw standing perpendicularly to the slope and embedded at least 4 in. into the slope. The bunches of straw should resemble the tufts of a toothbrush.
- Roller punching can be used on large, gently sloping sites without significant outcroppings of rock and stone. Roller punching should not be used on sites that have been wattled (unless there is adequate space between lines of wattling) or on planted sites. A roller equipped with straight studs not less than 6 in., from 4 to 6 in. wide, and approximately 3/4 in. thick, will best accomplish the desired effect. Studs should stand approximately 8 in. apart and should be staggered. All corners should be rounded to prevent withdrawing the straw from the soil. Vegetative planting may be conducted following roller punching.
- Crimper punching involves specially designed straw-crimping rollers. These are suitable for use wherever roller punching can be used. The crimpers consist of serrated disk blades, set 4 to 8 in. apart, that force straw mulch into the soil. Crimping should be done in two directions with the final pass conducted across the slope rather than up and down it.
- Tacking agents may be used on any type of site, but are best used only on very stony or rocky soils or small, steep slopes. Apply 28.5 ft^3/ac. of the tacking agent or its equivalent over the straw mulch. Agents that are neutral or nearly neutral in color and of demonstrated effectiveness for the soils and climate of the application area are acceptable.
- Matting may be used on large, steep areas that cannot be punched with a roller. Jute or wood excelsior on plastic netting should be applied over unpunched straw according BMP 18-Matting.

Maintenance

Inspect all mulched areas periodically (according to the inspection interval prescribed in the project site stormwater plan and after runoff-producing storm events. Repair damaged areas of the mulch immediately. Reseed or replant such areas, if necessary, before replacing the mulch cover. Straw mulch and other organic products do not have to be removed when the vegetation becomes established.

Table 15-1 shows the various mulches and their application rates.

Table 15-1. Guide to Mulch Materials, Rates and Uses				
Mulch Material	Quality Standards	Application Rate 1100 ft^2	Depth and Coverage	Remarks
Gravel, slag, or crushed stone	Washed, 3/4 to 11/2 in. diameter with at least 30% of it larger than 3/4 in. diameter	280 ft^3 (or more to ensure 90% coverage at 2.5 tons/1100 ft^2	2.75 to 3.1 in. uniform covering	Excellent mulch for short slopes around woody plants and ornamentals. Use where subject to foot traffic. Approximately 42.5 lb/ft
Hay or straw	Air dried, free of unwanted seeds and coarse material. Fibers should not be chopped or ground to reduce fiber length. Minimum fiber length - 8 in.	88 TO 110 lb (2 to 3 bales)	2 to 3.1 in. to form a uniform mat through which 20 to 40% of the original ground surface can be seen.	Use where the mulching effect is to be maintained for >3 months. Subject to blowing unless kept moist, punched, or tacked down. Most common and widely used mulching material. Can be used in critical erosion areas.
Wood fiber cellulose	Dyed material should not contain any growth inhibiting factors	22 to 33 lb		If used on critical areas, double the normal application rate. Apply with hydromulch. No tie-down required. Packaged in 110 lb bags
Wood chips	Do not use kiln-dried or air-dried material. Chip size 1/2 x 1 1/2 in. diameter and 1/10 to 1/2 in. thick		2.75 to 3.1 in. uniform depth	Applying at over the specified thickness may markedly reduce soil nutrients for a long time. Increase fertilizer 25% with wood chip mulch on revegetation sites.
Compost	Odorless or earthy smell	5.3 to 53 ft^3	2 to 3.1 in. uniform depth	Inexpensive, but may not be available in some areas.

Seeding BMP 21

Description

Permanent Seeding means growing a long-term or permanent vegetative cover (plants) on disturbed areas or areas that need assistance in revegetation. The purpose of permanent seeding is to reduce erosion and sedimentation and to establish desirable competitive ground cover for wildlife habitat and ease of roadside maintenance. This practice uses prescribed perennial grasses, legumes and native shrubs or wild flowers that will hold the soils, reduce stormwater runoff and act as a bio-filtering system on long-term basis.

The guidelines given in this fact sheet for design, construction and maintenance can also be used to install temporary seeding on construction sites.

Applications

Temporary seeding should be considered as slope protection and erosion control practice for construction sites. Permanent seeding should be considered for any disturbed area where all construction or maintenance activities have ceased or been finalized and is now ready for permanent vegetative cover. Typical areas subject to permanent vegetative cover are all areas disturbed by new construction, reconstruction and maintenance, and materials source site and areas in need of revegetation.

The primary advantages of seeding are:

- It establishes good soil stabilization.
- It prevents soil erosion and sedimentation.
- It contains and filters stormwater runoff.

Additional advantages specific to permanent seeding are:

- It provides wildlife ground cover and habitat.
- It competes with undesirable vegetation and noxious weeds.
- It provides aesthetic qualities.
- It reduces the cost of maintenance.

Limitations

Drainage area – unlimited
Minimum bedrock depth – 2 ft
NRCS soil type – N/A
Drainage/flood control – no
Maximum slope – 5%
Minimum water table – 2 ft
Freeze/thaw – fair

Permanent vegetative ground cover will take several years before sufficient establishment takes place. Establishment will occur quicker in high precipitation areas, usually over 20 in., as opposed to the arid or semi-arid regions of the state. Permanent seeding should be conducted in conjunction with various forms of mulching, matting, and annual grass (cereal grain) as a nurse crop.

Other factors that contribute to the success or failure of permanent seeding are:

- Seeding should be done at the proper time of year.
- Proper application of fertilizers as prescribed will contribute to the success of the seeding.
- Once seeded, the site should not be disturbed.
- Irrigation may have to be used in low precipitation area (arid/semi-arid) for establishment.

Targeted Pollutants

Sediment
Phosphorus
Trace metals

Design Parameters

Conduct all permanent seeding and fertilizing in accordance with local requirements. See Volume 4, Appendix C, Stormwater Plant Materials for additional guidelines.

Construction Guidelines

Permanent seeding is the last phase of reclaiming any disturbed soils.

Maintenance

- Inspect all seeded areas on a regular basis and after each major storm event to check for areas where corrective measures may have to be made.
- Indicate which areas need to be reseeded or where other remedial actions are necessary to assure establishment of permanent seeding.
- Continue monitoring of the site/area until permanent vegetation is established.

Inlet Protection BMP 31

Description

Inlet protection consists of a filtering measure placed around an inlet or drain to trap sediment and prevent the sediment from entering the storm drain system. Additionally, it serves to prevent the silting-in of inlets, storm drainage systems, or receiving channels. Inlet protection may be composed of gravel and stone with a wire mesh filter, block and gravel, or sod. Manufactured products are also available that are designed to trap silt and sediment at the point of entry to a storm drain. Inserts can include bags, racks, baskets and other materials that hang down into a catch basin or inlet. Inserts are made from filter fabric, wire mesh, metal plates, various types of plastic products and combinations of these and other materials. Care should be taken not to cause flooding with diverted flow.

Applications

- Inlet protection is appropriate for small drainage areas (less than 1 ac.) where storm drains will be ready for use before the drainage area reaches final stabilization. Storm drain inlet protection is also used where:
  - ✓ A permanent storm drain structure is being constructed on site and there is danger of sediment silting it in before permanent site stabilization.
  - ✓ There is a threat of sediment silting in an inlet that is in place prior to permanent stabilization.
  - ✓ Ponding around the inlet structure could be a problem to traffic on site.
- Block and gravel filters can be used where velocities are higher. They may be used with most types of inlets where overflow capability is needed and in areas of heavy flows (238 gal/min or greater).
- Gravel and mesh filters can be used where flows are higher and in locations subject to disturbance by site traffic. This type of protection may be used with most inlets where overflow capability is needed and in areas of heavy flows (238 gal/min or greater).
- Sod inlet filters are usually used where sediments in the stormwater runoff are low.
- Gravel and mesh filters and block and gravel filters should not be used in the right of way unless there is sufficient space to avoid a traffic hazard.

Limitations

Drainage area – 1 ac.
Minimum bedrock depth – 2 ft
NRCS soil type - ABCD
Drainage/flood control – no

Maximum slope – 5%
Minimum water table – 2 ft
Freeze/thaw – good

- Consider sandbags (BMP 43-Temporary Berms) in situations where anchoring is not possible (e.g., paved road surfaces).
- Inlet protection is a high maintenance item compared with other more permanent measures.
- These devices require additional upslope BMPs to be effective.

Targeted Pollutants

Sediment

Design Parameters

Several different designs are in use and the configurations vary. The following design considerations apply to most of inlet protection. Some additional concerns apply to only one or two of the types.

Drainage area: Not to exceed 1 ac. Overland flow to the inlet should be no greater than 240 gal/min.

Slope gradient: The drainage area should be fairly flat, with slopes of 5% or less. With filter fabric designs, the area immediately surrounding the inlet should not exceed a slope of 1%.

Sump: Where possible, a block-and-gravel protection device should be provided with a sediment-trapping sump 12 to 20 in. deep as measured from the crest of the inlet. Side slopes should be 2:1. The recommended volume of excavation is 860 ft^3/ac. of ground disturbed.

Orientation: To achieve maximum trapping efficiency in gravel-and-mesh or block-and-gravel traps; the longest dimension of the basin should be oriented toward the longest inflow area.

Materials for excavated gravel inlet protection:
- Hardware cloth or wire mesh with 2/5 to 3/5 in. openings
- Washed gravel 0.8 to 4 in. diameter

Materials for block and gravel inlet protection:
- Hardware cloth or wire mesh with 2/5 to 3/5 in. openings
- Filter fabric (see the fabric specifications for silt fence, BMP 36-Silt Fence)
- Concrete blocks 4 to 12 in. wide
- Washed gravel 0.8 to 4 in. diameter

Inlet Inserts:
Devices should be installed as per the manufacturer's instruction meeting the following criteria:
- Devices should be installed as a point protection or in series as a perimeter sediment control BMP prior to any site grading activity.
- Installation should not block flows from filtering into the inlet or catch basin.
- Fabrics or other materials should be sized to handle projected site runoff and sediment load flows. Filter fabric should not be used alone as inlet protection.
- Devices should be installed without protruding parts that could be a traffic, worker, or pedestrian hazard.
- Retrieval edges, cords, bars, chains or other mechanisms should be flagged or marked for retrieval under submerged conditions.

Construction

Gravel and mesh:

Guidelines

- Remove any obstructions to excavating and grading. Excavate sump area, grade slopes, and properly dispose of soil.
- Secure the inlet grate to prevent seepage of sediment-laden water.
- Place wire mesh over the drop inlet so the wire extends a minimum of 1ft beyond each side of the inlet structure. Overlap the strips of mesh if more than one is necessary.
- Place filter fabric over the mesh, extending it at least 1 ft beyond the inlet opening on all sides. Ensure that weep holes in the inlet structure are protected by filter fabric and gravel.
- Place stone or gravel over the fabric/wire mesh to a depth of at least 20 in.

Block and gravel:

- open ends of the block should face outward, not upward, and the ends of adjacent blocks should abut. Lay one block on each side of the structure on its side to allow for dewatering of the pool.
- The block barrier should be at least 12 in. high and may be up to a Secure the inlet grate to prevent seepage of sediment-laden water.
- Place wire mesh over the drop inlet so the wire extends a minimum of 12 to 20 in. beyond each side of the inlet structure. Overlap the strips of mesh if more than one is necessary.
- Place filter fabric (optional) over the mesh and extend it at least 20 in. beyond the inlet structure.
- Place concrete blocks over the filter fabric in a single row lengthwise on their sides along the sides of the inlet. Excavate the foundation a minimum of 2 in. below the crest of the inlet. The bottom row of blocks should be against the edge of the structure for lateral support.
- The maximum of 24 in. high. It may be from 4 to 12 in. deep, depending on the size of block used.
- Prior to backfilling, place wire mesh over the outside vertical end of the blocks so that stone does not wash down the inlet.
- Place gravel against the wire mesh to the top of the blocks.

Swale, ditch line or yard inlet protection:

- Excavate completely around inlet to a depth of 18 in. below notch elevation.
- Drive 2 x 4 post 1 ft into ground at four corners of inlet. Place nail strips between posts on ends of inlet. Assemble top portion of 2 x 4 frame using overlap joint shown. Top of frame (weir) should be 6 in. below edge of roadway adjacent to inlet.
- Stretch wire mesh tightly around frame and fasten securely. Ends should meet at post.
- Stretch filter cloth tightly over wire mesh, the cloth should extend from top of frame to 18 in. below inlet notch elevation. Fasten securely to frame. Ends should meet at post, be overlapped and folded, then fastened down.
- Backfill around inlet in compacted 6 in. layers until layer of earth is even with notch elevation on ends and top elevation on sides.
- If the inlet is not in a low point, construct a compacted earth dike in the ditch line below it. The top of the dike is to be at least 6 in. higher than

the top of frame (weir).

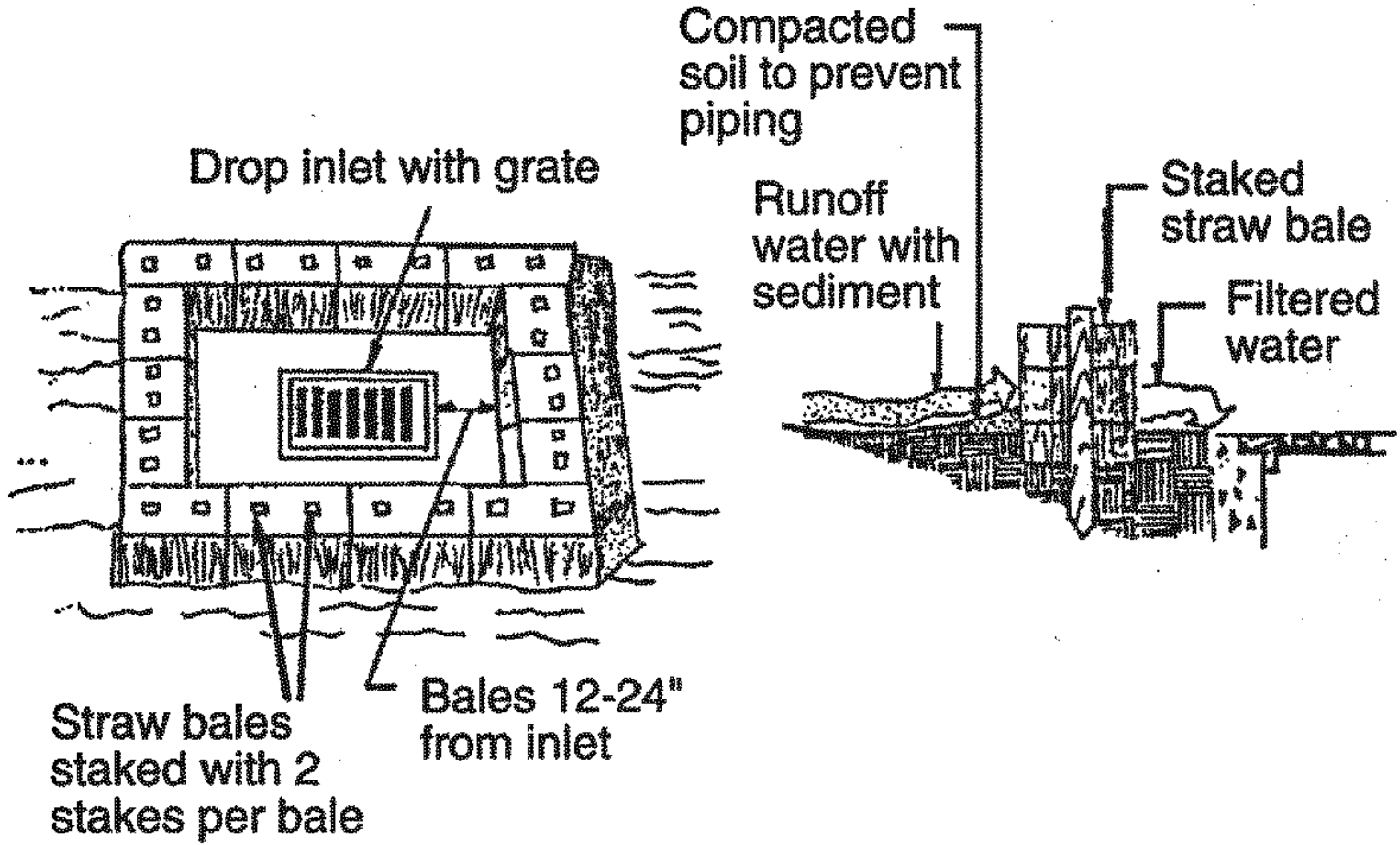
- This structure should be inspected frequently and the filter fabric replaced when clogged.

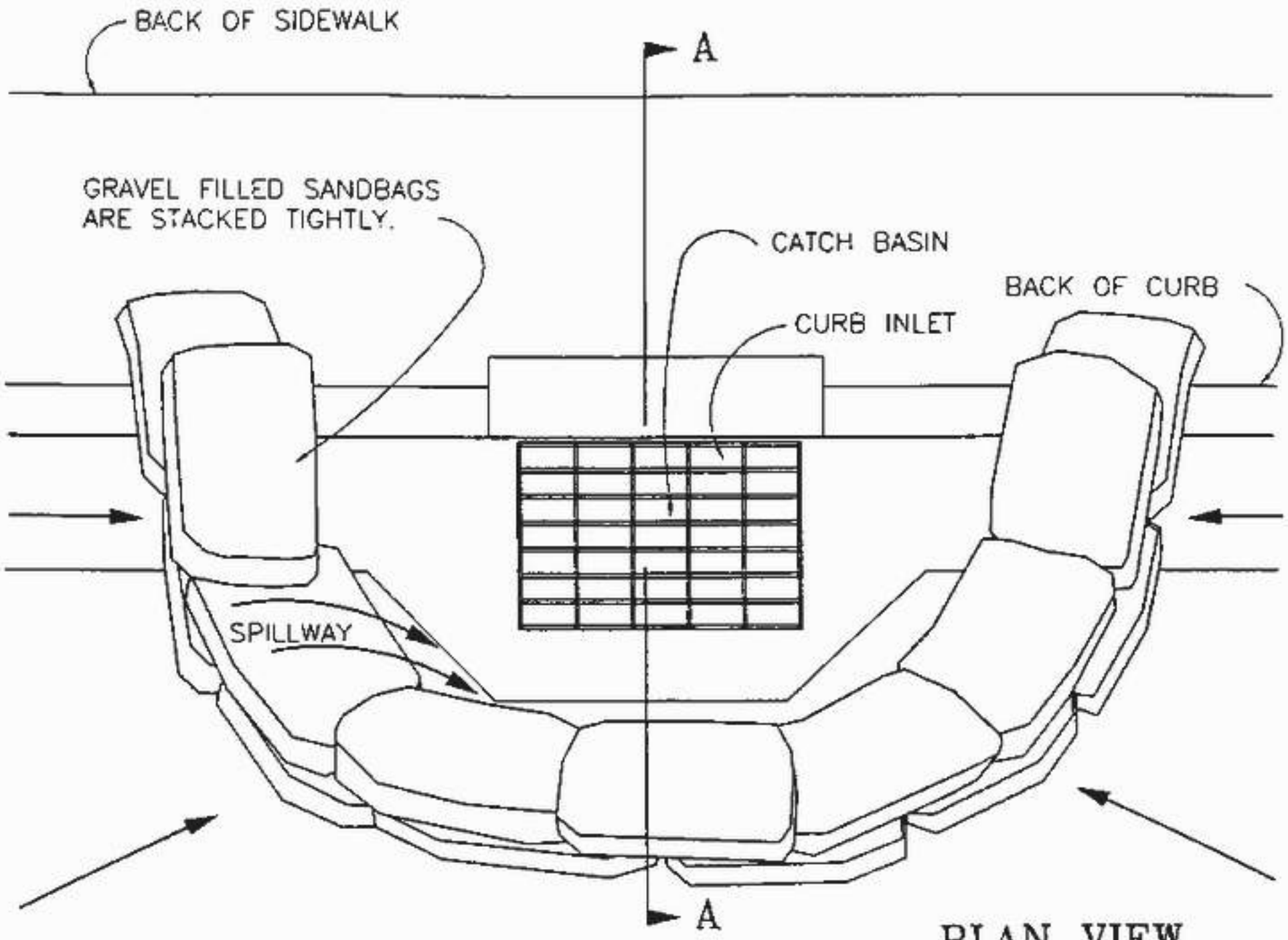
Curb Inlet Protection:

- Attach a continuous piece of wire mesh (30 in. minimum width by throat length plus 4 ft) to the 2 x 4 in. weir (measuring throat length plus 2 ft) as shown on the standard drawing.
- Place a piece of approved filter cloth (40-85 sieve) of the same dimensions as the wire mesh over the wire mesh and securely attach to the 2 in. of 4 in. weir.
- Securely nail the 2 x 4 in. weir to 9 in. long vertical spacers to be located between the weir and inlet face (maximum 6 ft apart).
- Place the assembly against the inlet throat and nail (minimum 2 ft) lengths of 2 x 4 in. to the top of the weir at spacer locations. These 2 x 4 in. anchors should extend across the inlet top and be held in place by gravel-filled bags or alternate weight.
- The assembly should be placed so that the end spacers are a minimum 1 ft beyond both ends of the throat opening.
- Form the wire mesh and filter cloth to the concrete gutter and against the face of curb on both sides of the inlet. Place clean 2 in. stone over the wire mesh and filter fabric in such a manner as to prevent water from entering the inlet under or around the filter cloth.
- This type of protection should be inspected frequently and the filter cloth and stone replaced when clogged with sediment.
- Assure that storm flow does not bypass inlet by installing temporary earth or asphalt dikes directing flow into inlet.

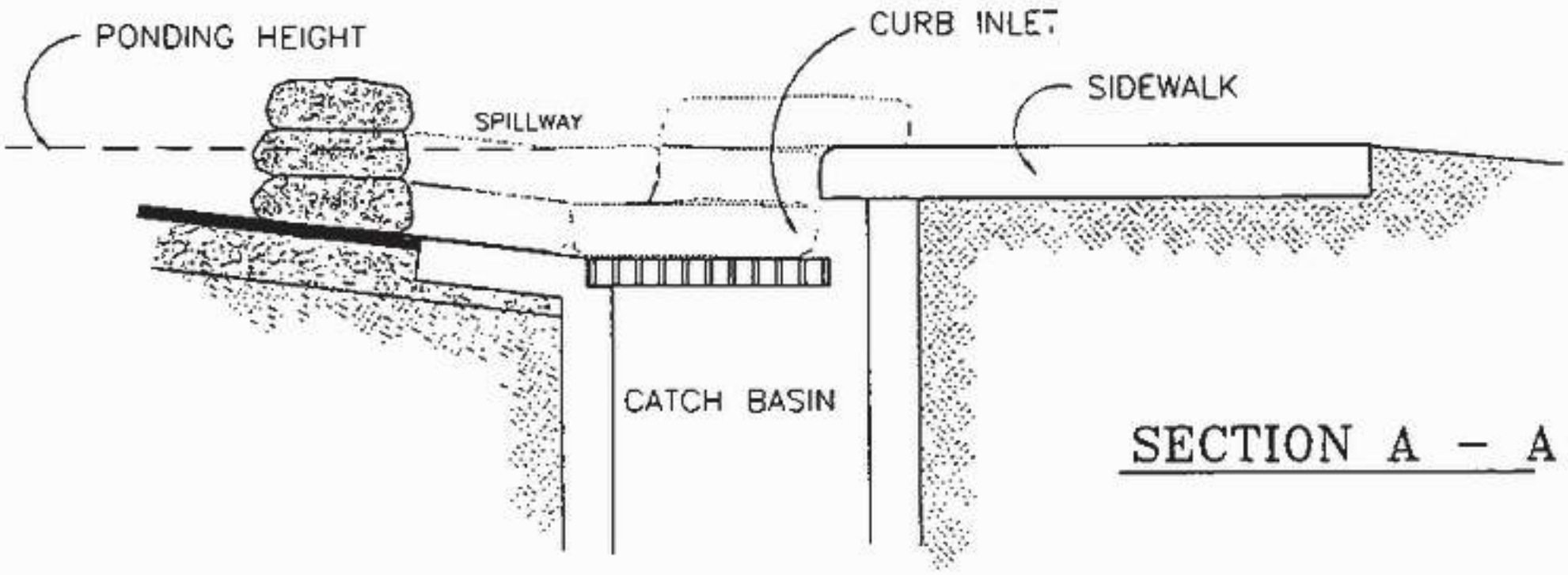
Maintenance

- Inspect regularly and after every storm. Make any repairs necessary to ensure the measure is in good working order.
- Remove accumulated sediment and restore the trap to its original dimensions when sediment has accumulated to half the design depth of the trap. All sediments removed should be disposed of properly.
- On gravel-and-mesh devices, clean (or remove and replace) the stone filter if it becomes clogged.
- Replacement of inlet inserts should be per manufacturer's instructions or when device no longer drains. At no time should devices be punctured or otherwise modified to bypass.
- Unless cleaned for reuse as a permanent site control or cleaned and left to biodegrade, all inlet inserts should be removed after construction is completed (or after permanent vegetation is established).
- Inlet protection should remain in place and operational up to 30 days after the drainage area is completely stabilized.


Compacted soil to prevent piping
Drop inlet with grate
Runoff water with sediment
Staked straw bale
Filtered water
Bales 12-24" from inlet
Straw bales staked with 2 stakes per bale



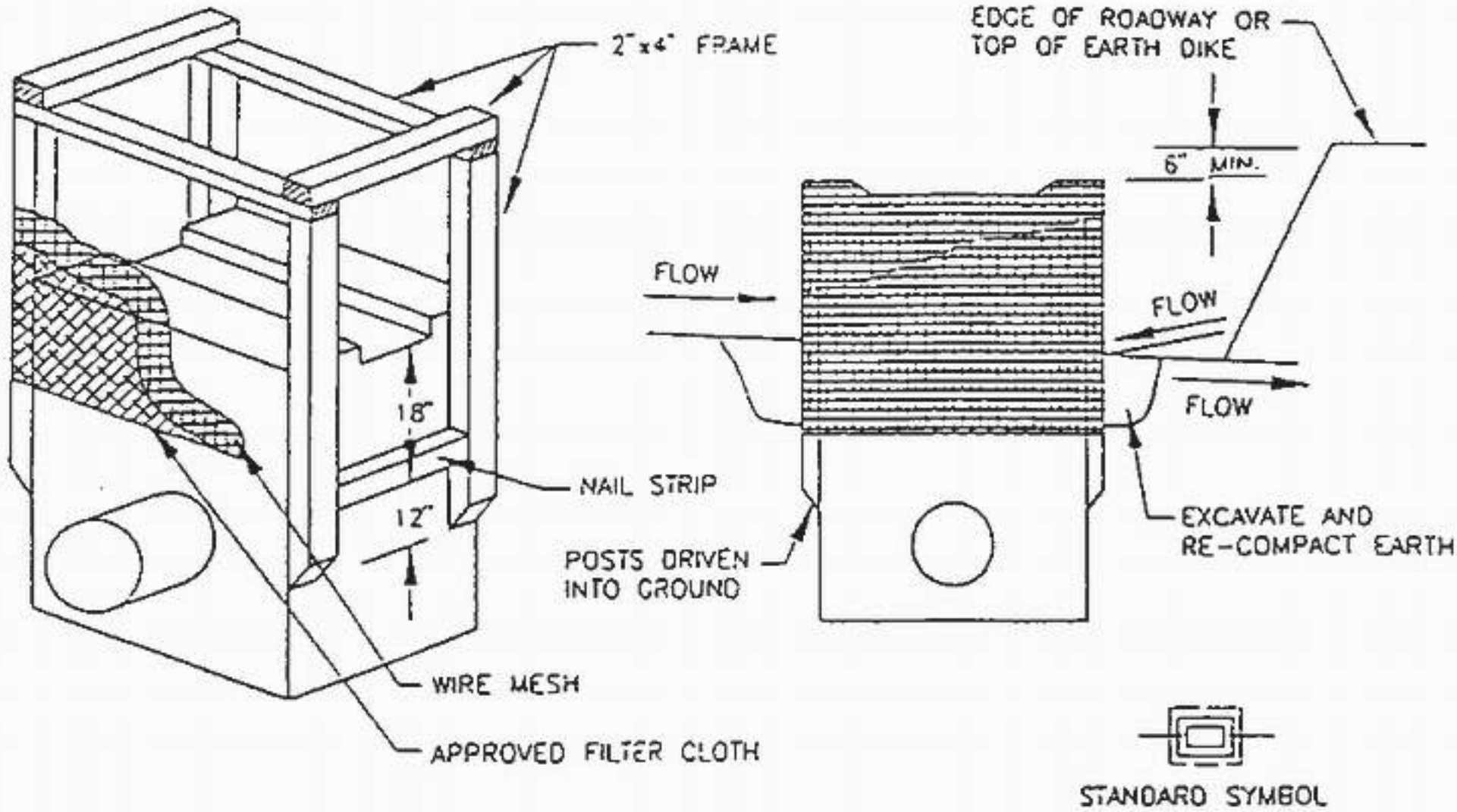
PLAN VIEW



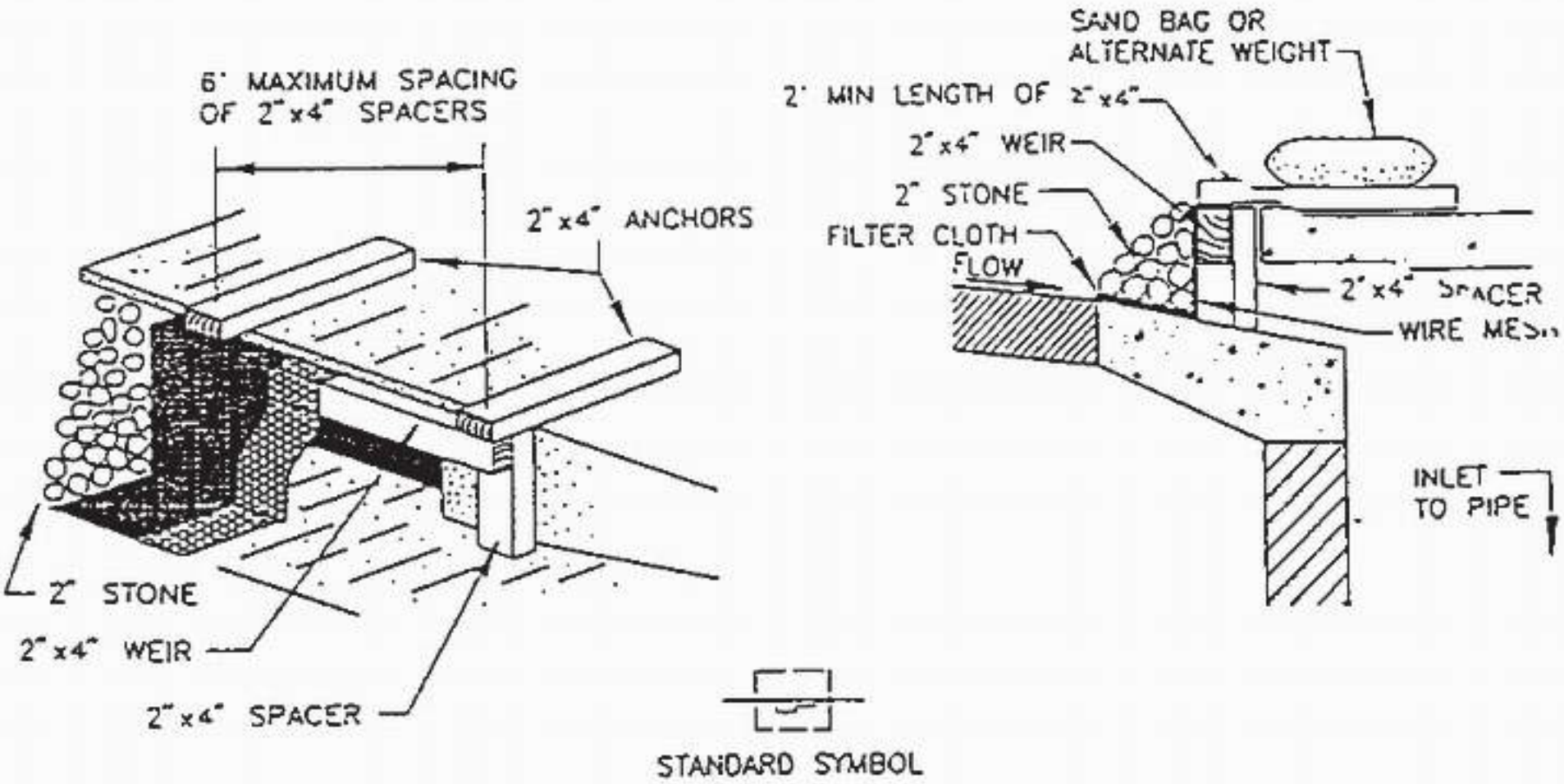
SECTION A – A

NOTES:

1. PLACE CURB TYPE SEDIMENT BARRIERS ON GENTLY SLOPING STREET SEGMENTS, WHERE WATER CAN POND AND ALLOW SEDIMENT TO SEPARATE FROM RUNOFF.
2. SANDBAGS, OF EITHER BURLAP OR WOVEN GEOTEXTILE FABRIC, ARE FILLED WITH GRAVEL, LAYERED AND PACKED TIGHTLY.
3. LEAVE ONE SANDBAG GAP IN THE TOP ROW TO PROVIDE A SPILLWAY FOR OVERFLOW.
4. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT. SEDIMENT AND GRAVEL MUST BE REMOVED FROM THE TRAVELED WAY IMMEDIATELY.

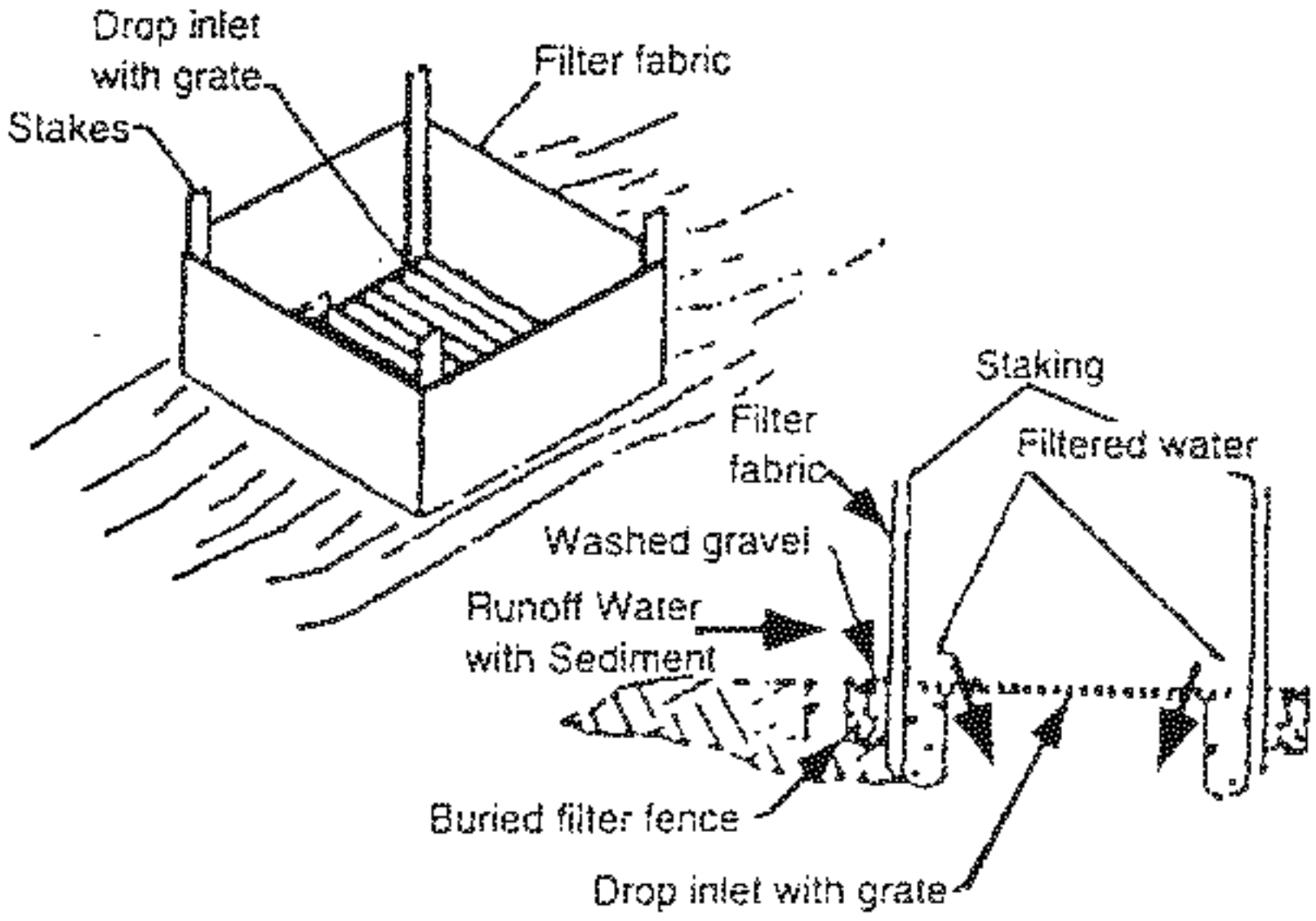


SWALE INLET PROTECTION DETAIL

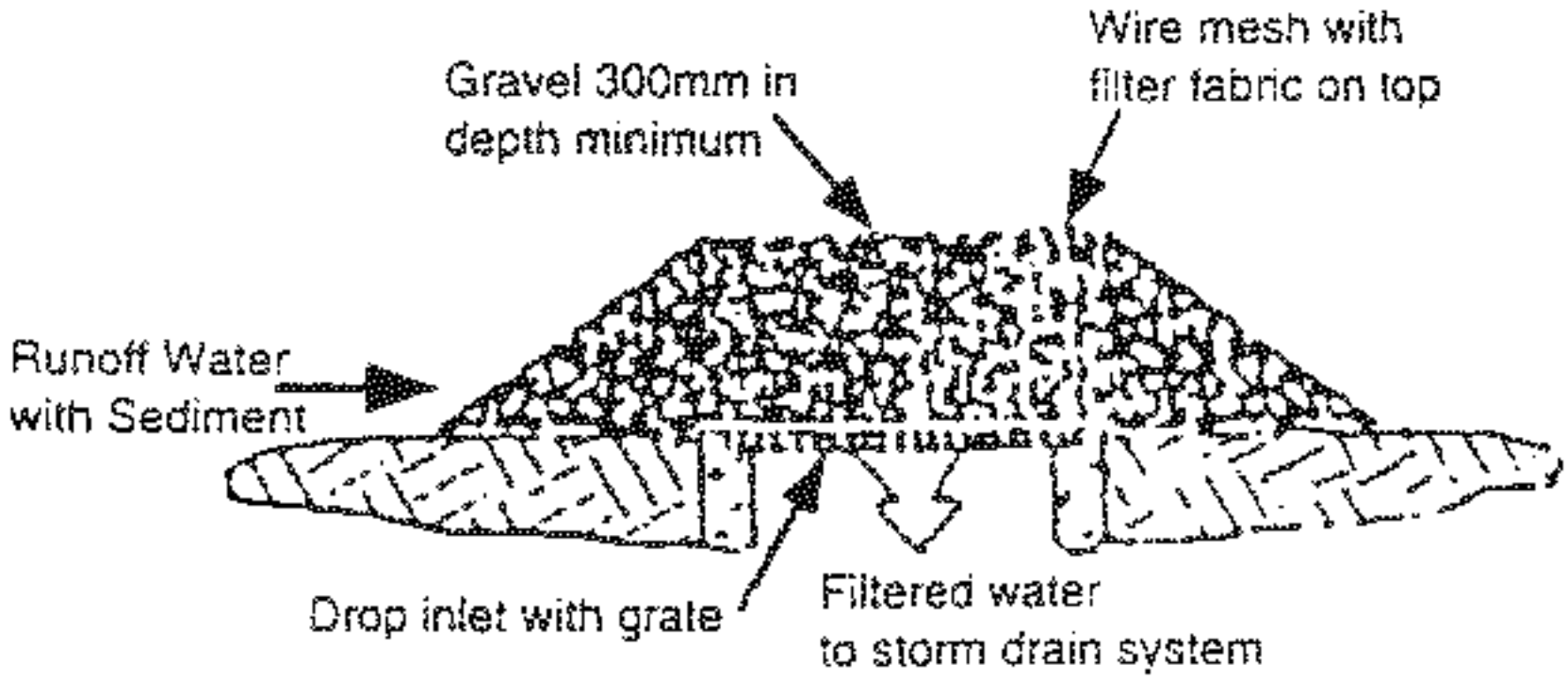


CURB INLET PROTECTION DETAIL

U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	INLET PROTECTION DETAIL	STANDARD DRAWING
TOOTHMAN-ORTON ENGINEERING COMANY BOISE, IDAHO McCALL, IDAHO		IPD-1



FILTER FABRIC FENCE INLET FILTER



GRAVEL AND WIRE MESH FILTER SECTION

Fiber Rolls BMP 35

Description

A fiber roll (wattle/compost-filled socks) consists of straw, flax, or other similar materials bound into a biodegradable tubular plastic or similar encasing material. When fiber rolls are placed at the toe and on the face of slopes, they intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and provide removal of sediment from the runoff. By interrupting the length of a slope, fiber rolls can also reduce erosion.

Applications

- Along the toe, top, face, and at grade breaks of exposed and erodible slopes to shorten slope length and spread runoff as sheet flow
- At the end of a downward slope where it transitions to a steeper slope
- Along the perimeter of a project
- As check dams in unlined ditches
- Down-slope of exposed soil areas
- Around temporary stockpiles
- As temporary curbs for conveying water to catch basins and pipe slope drains
- For catch basin protection

Limitations

Drainage area – N/A

Maximum slope – See Design Parameters

Minimum bedrock depth – N/A

Minimum water table - N/A

NRCS soil type - ABCD

Freeze/thaw – good

Drainage/flood control – yes

- Fiber rolls are not effective unless trenched.
- Fiber rolls at the toe of slopes greater than 5:1 (H:V) should be a minimum of 20 in. diameter or installations achieving the same protection (i.e., stacked smaller diameter fiber rolls, etc.).
- Difficult to move once saturated.
- If not properly staked and trenched in, fiber rolls can be transported by high flows.
- Fiber rolls have a very limited sediment capture zone.
- Fiber rolls should not be used on slopes subject to creep, slumping, or landslide.

Targeted Pollutants

Sediment

Design Parameters

Locate fiber rolls on level contours spaced as follows:

- Slope inclination of 4:1 or flatter: Fiber rolls should be placed at a maximum interval of 20 ft.
- Slope inclination between 4:1 and 2:1: Fiber rolls should be placed at a maximum interval of 15 ft (A closer spacing is more effective.).
- Slope inclination 2:1 or greater: Fiber rolls should be placed at a maximum interval of 10 ft (A closer spacing is more effective.).

Construction Guidelines

- Fiber rolls should be either prefabricated rolls or rolled tubes of erosion control blanket. Field rolled fiber roll is assembled by rolling the length of erosion control blanket into a tube of minimum 8 in. diameter and binding the roll at each end and every 4 ft along the length of the roll with jute-type twine.
- Turn the ends of the fiber roll up slope to prevent runoff from going around the roll.
- Stake fiber rolls into a 2 to 4 in.-deep trench with a width equal to the diameter of the fiber roll. Drive stakes at the end of each fiber roll and spaced 4 ft maximum on center. Use wood stakes with a nominal classification of 0.75 x 0.75 in. and minimum length of 24 in.
- If more than one fiber roll is placed in a row, the rolls should be overlapped, not abutted.

Maintenance

- Inspect prior to forecast rain, daily during extended rain events, after rain events, weekly during the rainy season, and at 2-week intervals during the non-rainy season.
- Repair or replace split, torn, unraveling, or slumping fiber rolls.
- If the fiber roll is used as a sediment capture device, or as an erosion control device to maintain sheet flows, sediment that accumulates in the BMP should be periodically removed in order to maintain BMP effectiveness. Sediment should be removed when sediment accumulation reaches one-half the designated sediment storage depth, usually one-half the distance between the top of the fiber roll and the adjacent ground surface.
- Sediment removed during maintenance may be incorporated into earthwork on the site or disposed at an appropriate location.
- If fiber rolls are used for erosion control, such as in a mini-check dam, sediment removal should not be required as long as the system continues to control the grade. Sediment control BMPs will likely be required in conjunction with this type of application.

Silt Fence BMP 36

Description

A silt fence is a temporary sediment barrier consisting of a filter fabric stretched and attached to supporting posts. Wire fence backing is necessary with several types of filter fabric commonly used. Silt fences assist in sediment control by retaining some of the eroded soil particles and slowing the runoff velocity to allow particle settling.

Applications

- Silt fences can be used near the perimeter of a disturbed area to intercept sediment while allowing water to percolate through. The fences should remain in place until the disturbed area is permanently stabilized.
- Silt fences can also be used along the toe of fills, on the downhill side of large through-cut areas, along streams, and at natural drainage areas to reduce the quantity of sediment and to dissipate flow velocities to downstream areas.
- Also use at grade breaks on cut/fill slopes and above interceptor dikes.
- The silt fence should be constructed after the cutting and slashing of trees and before excavating haul roads, fill benches, or any soil disturbing construction activity in the drainage areas.

Limitations

Drainage area – 1 ac./100 ft
Minimum bedrock depth – 2 ft
NRCS soil type - ABCD
Drainage/flood control – no
Maximum slope – 33%
Minimum water table – 2 ft
Freeze/thaw – good

Silt fences should not be used where there is a concentration of water in a channel or drainageway or where soil conditions prevent the minimum fabric toe-in depth or minimum depth for installation of support posts. If concentrated flow occurs after installation, take corrective action by placing rock berms or other corrective measures in the areas of concentrated flow.

Targeted Pollutants

Sediment

Design Parameters

- Maximum allowable slope lengths contributing runoff to a silt fence are listed in Table 36-1 below.
- Maximum drainage area for overland flow to a silt fence should not exceed 0.5 ac. per 100 ft of fence.
- Design computations are not required. All silt fences should be placed as close to the contour as possible, and the area below the fence should be undisturbed or stabilized.
- A detail of the silt fence should be shown on the plan, and contain the following minimum requirements:
  - ✓ The type, size, and spacing of fence posts
  - ✓ The size of woven wire support fences
  - ✓ The type of filter cloth used
  - ✓ The method of anchoring the filter cloth

- ✓ The method of fastening the filter cloth to the fencing support
- Where ends of filter fabric come together, they should be overlapped, folded and stapled to prevent sediment bypass.
- Materials:
  - ✓ Silt Fence Fabric: The fabric should meet the specifications in Table 36-2 below, unless otherwise approved by the appropriate erosion and sediment control plan approval authority. Such approval does not constitute statewide acceptance. Statewide acceptability depends on in-field and/or laboratory observations and evaluations.
  - ✓ Fence Posts (for fabricated units): The length should be a minimum of 36 in. long. Wood posts will be of sound quality hardwood with a minimum cross sectional area of 3.0 square in.. Steel posts will be standard "T" and "U" section weighing not less than 1 pound per linear ft.
  - ✓ Wire Fence (for fabricated units): Wire fencing should be a minimum 14.25 gage with a maximum 6 in. mesh opening, or as approved.
  - ✓ Prefabricated Units: Envirofence or approved equal may be used in lieu of the above method providing the unit is installed per manufacturer's instructions.

Construction Guidelines

- Posts should be spaced 10 ft apart when a wire mesh support fence is used and no more than 6.5 ft apart when using extra-strength filter fabric (without a wire fence). The posts should extend at least 16 in. into the ground.
- If standard strength filter fabric is to be used, fasten the optional wire mesh support fence to the upslope side of the posts using heavy duty wire staples, tie wires, or hog rings. Extend the wire mesh support to the bottom of the trench. The filter fabric should then be stapled or wired to the fence.
- Extra strength filter fabric does not require a wire mesh support fence. Staple or wire the filter fabric directly to the posts.
- Do not attach filter fabric to trees.
- Where joints in the fabric are required, splice it together only at a support post, with a minimum 6 in. overlap, and securely seal the joint.
- Embedded filter fabric should extend in a flap that is anchored by backfill, to prevent fabric from pulling out of ground.

Maintenance

Silt fences should be inspected periodically for damage (such as tearing by wind, animals, or equipment) and for the amount of sediment that has accumulated. Remove the sediment when it reaches one-half the height of the silt fence. In situations where access is available, machinery can be used.

Otherwise, the silt should be removed manually. The following are key elements to remember:

- The sediment deposits should be removed when heavy rain or high water is anticipated.
- The sediment deposits should be placed in an area where there is little danger of erosion.

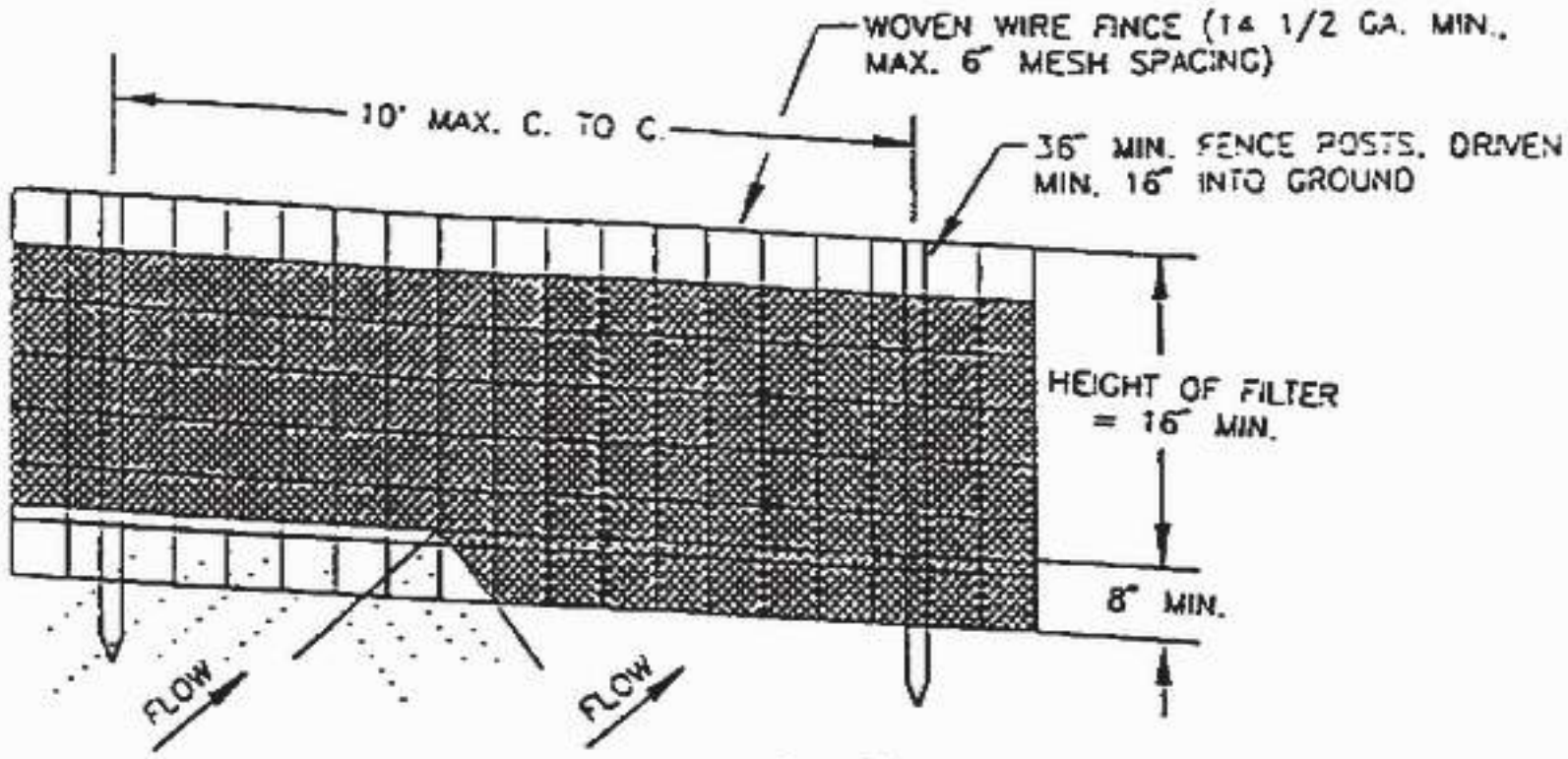
- The silt fence should not be removed until adequate vegetative growth ensures no further erosion of the slopes. Generally, the fabric is cut at ground level, the wire and posts are removed, then the sediment is spread, seeded, and protected (mulched) immediately.

Table 36–1. Maximum Allowable Slope Lengths

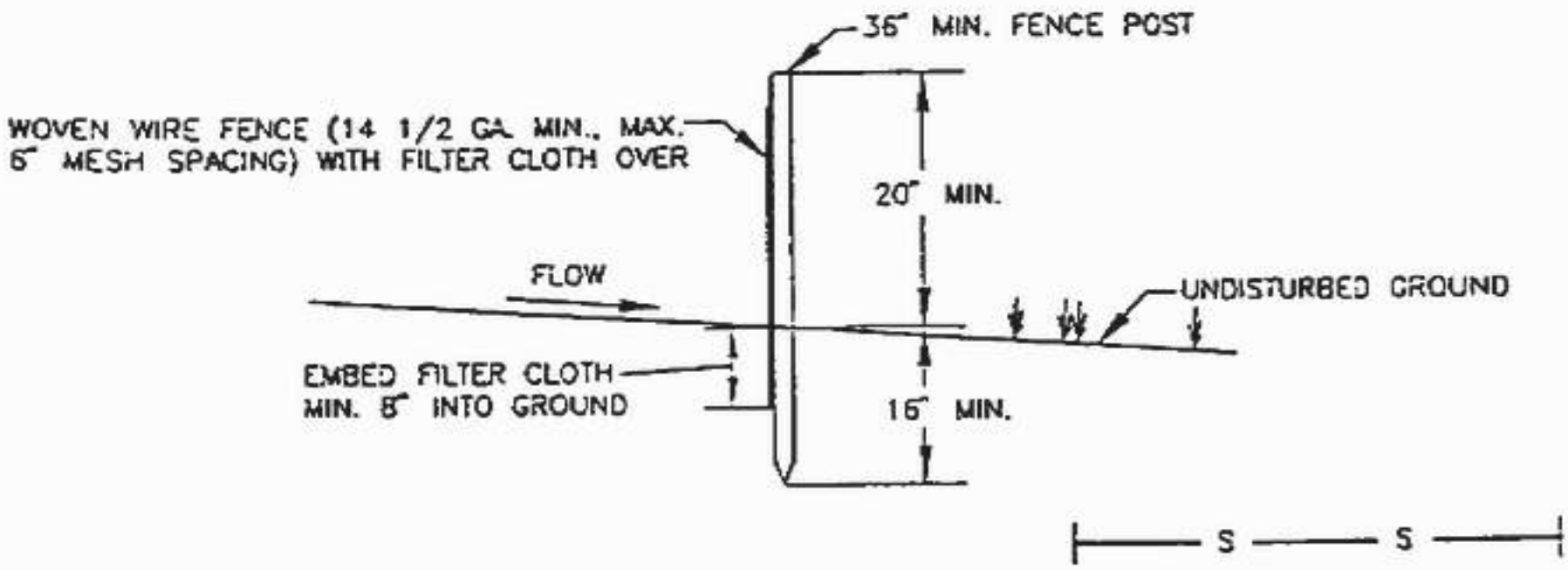
Slope Steepness	Maximum Slope Length (Feet)
2:1	50
3:1	75
4:1	125
5:1	175
Flatter than 5:1	200

Table 36-2. Filter Fabric Specifications

Fabric Properties	Value	Minimum Acceptable Test Method
Grab Tensile Strength (lbs)	90	ASTM D1682
Elongation at Failure (%)	50	ASTM D1682
Mullen Burst Strength (PSI)	190	ASTM D3786
Puncture Strength (lbs)	40	ASTM D751 (modified)
Equivalent Opening Size	40-80	US Std Sieve CW-02215
Ultraviolet Radiation Stability %	90	ASTM-G-26



PERSPECTIVE VIEW



SECTION

STANDARD SYMBOL

CONSTRUCTION NOTES FOR FABRICATED SILT FENCE

1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES.
2. FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24 INCHES AT TOP AND MID-SECTION.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 6 INCHES AND FOLDED.
4. MAINTENANCE SHALL BE PREFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

POSTS: STEEL, EITHER "T" OR "U" TYPE OR 2" HARDWOOD.

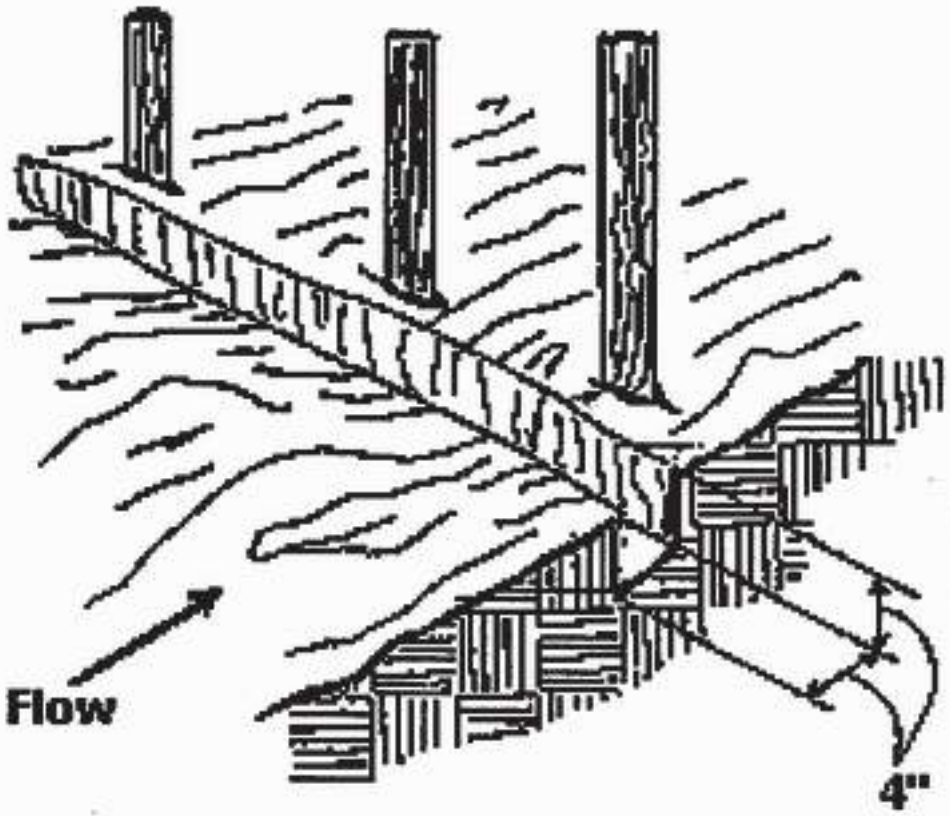
FENCE: WOVEN WIRE, 14 GAGE, 6" MAX. MESH OPENING.

FILTER CLOTH: FILTER X, MIRAFI 100X, STABILINKA T140N OR APPROVED EQUAL.

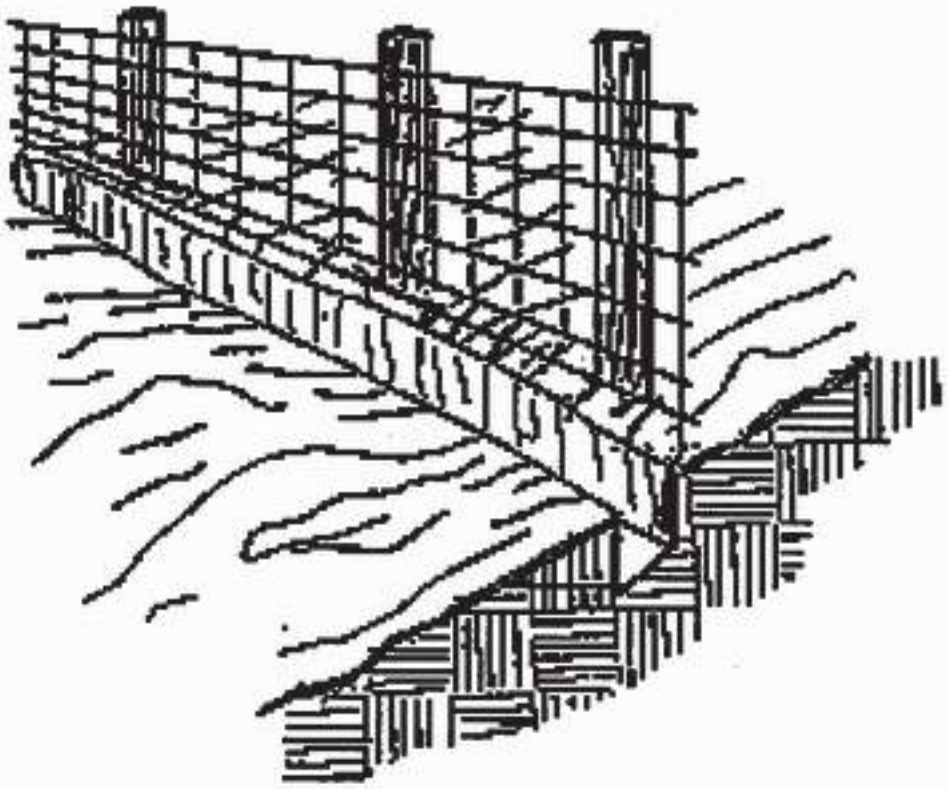
PREFABRICATED UNIT: GEOFAB, ENVIROFENCE OR APPROVED EQUAL.

U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	SILT FENCE	STANDARD DRAWING
TOOTHMAN-ORTON ENGINEERING COMANY BOISE, IDAHO McCALL, IDAHO		SF-1

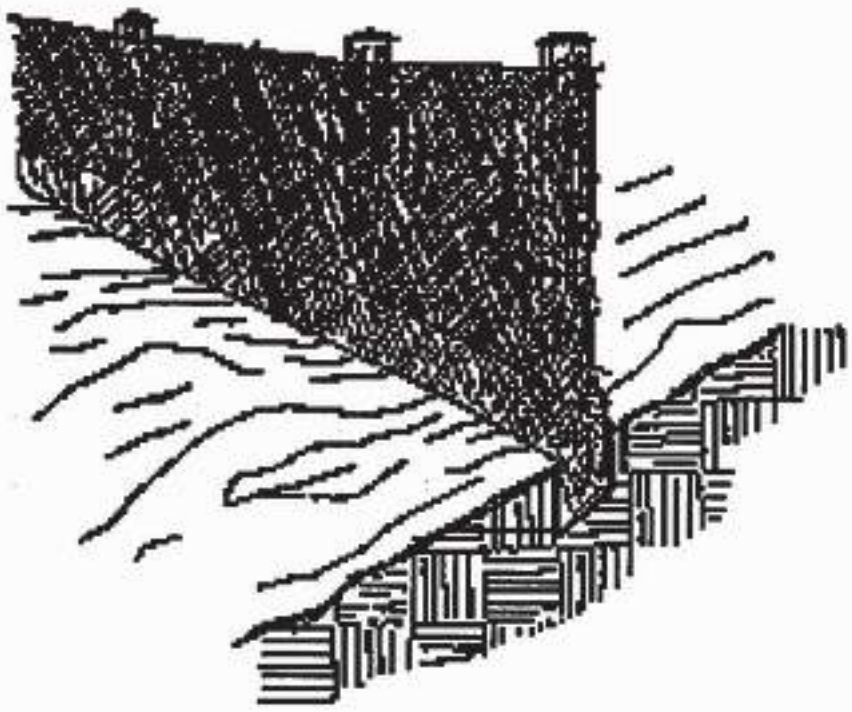
1. Set Posts and Excavate a 4" x 4" Trench upslope along the line of the posts.



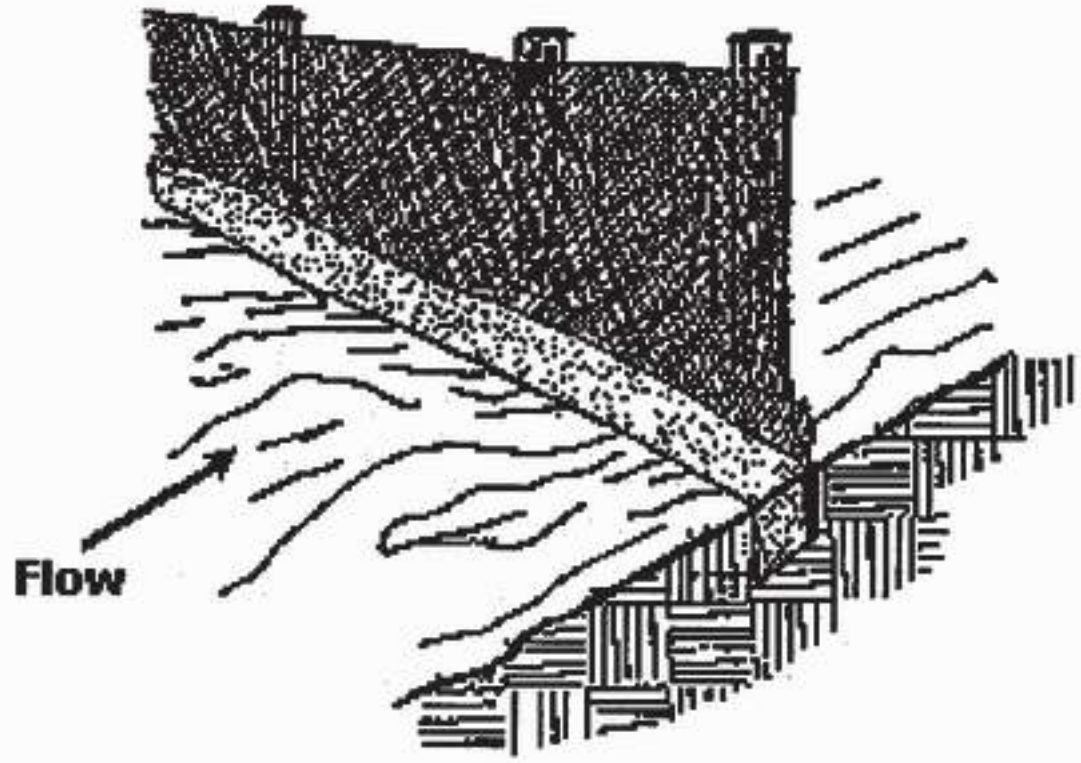
2. Staple Wire Fencing to the Posts.



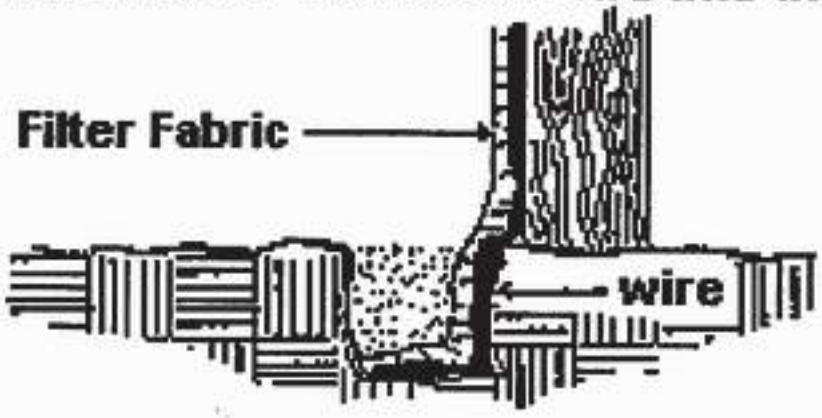
3. Attach the Filter Fabric to the Wire Fence and Extend it into the Trench.



4. Backfill and Compact the Excavated Soil



Extension of Fabric and Wire into the Trench



Sedimentation Trap (Basin) BMP 38

Description

A sedimentation trap is a temporary or permanent dam or basin used to collect, trap, and store sediment produced by construction activities, or as a flow detention facility for reducing peak runoff rates. Sediment basins can be designed to maintain a permanent pool or to drain completely dry. Either way, the basin detains sediment-laden runoff long enough to allow most of the sediment to settle out.

A sediment basin can be constructed by excavation or by placing an earthen embankment across a low area or drainage swale. The pond has a riser and pipe outlet with a gravel outlet or spillway to slow the release of runoff and provide some sediment filtration.

Applications

Sediment traps are appropriate where physical site conditions or land ownership restrictions preclude the effective use of barrier-type erosion control measures. It may be used below construction operations which expose critical areas to soil erosion.

A temporary sediment basin used in combination with other control measures, such as seeding or mulching, is especially effective for removing sediments. Note that the use of sedimentation basins on construction sites greater than or equal to 1 ac., with an NPDES stormwater permit has special requirements. Refer to Part IV.D.2.a. (2)(a) of the NPDES stormwater general permit for on-site activities.

Limitations

Drainage area – 5 ac.
Minimum bedrock depth – 3 ft
NRCS soil type - BCD
Drainage/flood control – no
Maximum slope – 10%
Minimum water table – 2 ft
Freeze/thaw – good

- May not be feasible downstream of narrow right-of-way due to lack of space.
- May not be practical in highly erodible soil types (0.01in. and smaller, very fine sand, silt and clay) due to extremely large basin size requirements.
- May not remove enough of the fine silts. Additional control measures such as filter cloth around riser should be used to minimize release of fine silts. If filter cloth is used, regular inspection and replacement is required to deal with clogging.
- Should not be located in any active stream channel.

Targeted Pollutants

Sediment

Design Parameters

- Design of the basin should be based upon the total drainage area lying upstream and (if permanent) on the future use of such lands. A professional engineer should approve the design.

- The volume of the sediment basin should be at least 1800 ft^3 /ac. of total drainage area (about 0.5 in. over the watershed). Disturbed areas greater than 10 acres within the same drainage basin should be provided a basin with a capacity of 3600 ft^3 of total drainage area (1 in. over the watershed) to meet the NPDES regulations.
- The basin should be designed with baffles or other deflectors to spread the flow throughout the basin. It should also include an emergency spillway and riser pipe(s). These structures should be designed on a site-specific basis using standard engineering practices. Calculating the settling zone volume and adding the necessary sediment storage volume should size the basin pond.
- The settling zone volume is determined by the pond surface area calculated using the following equation:

  $$SA = 1.2Qx / Vsed$$

  Where:
  - ✓ SA = the pond surface area in square meters
  - ✓ Qx = the design inflow (in cubic meters per second) based on the runoff from the design storm event for the drainage area.
  - ✓ Vsed = the settling velocity for the design soil particle in meters per second. Table 38 lists theoretical settling velocities for different particle sizes (#200 sieve).

- For particle sizes of 0.01in. and smaller, the Vseds are so low that the SA becomes extremely large, often making the overall basin size requirement too large to be practical. In this case, extra protection measures should be taken to negate the need for the basin.
- The settling volume requirement is then calculated by multiplying the surface area by the settling depth. The settling depth should be a minimum of 1 ft and a maximum of 4 ft and is governed by a relationship with the basin length (distance from the inlet to the outlet). The ratio of length to settling depth should be greater than 200. For example, if the length was 394 ft, the settling depth should be less than 2 ft to achieve the ratio of greater than 200.
- Typically, a sediment storage depth of 3 ft is appropriate unless large volumes of soil are expected from highly erodible site conditions. In this case, use the universal soil loss equation or other applicable estimating methods to design the storage depth on a site-specific basis.

Determine the final pond dimensions and volume as follows:

- Determine the pond geometry for the sediment settling volume calculated above by adding a sediment storage depth of 3 ft and 3:1 side slopes from the bottom of the basin. The bottom should be level.
- Extend the side slopes (at 3:1) as necessary to obtain the settling zone volume at the settling zone depth determined above.
- Adjust the geometry of the basin to effectively combine the settling zone volume and sediment storage volume while preserving the depth and side slope criteria listed above.

Sediment basins covered by this standard should be limited to the following

category:

- The water surface at the crest elevation of the pipe spillway should not exceed 10 ft measured upward from the original streambed to the crest elevation of the pipe spillway; and the drainage area should not exceed 150 acres.
- Because finer silts may not settle out completely, additional erosion control measures should be used to minimize release of the fine silt. Runoff should enter the basin as far from the outlet as possible to provide maximum retention time.

Construction Guidelines

- The temporary sediment basin should be installed before clearing and grading is undertaken. It should not be built within an active stream channel. Putting a dam in such a site could destroy aquatic habitat, and failure of the dam could result in flooding. A temporary sediment basin should be constructed only if there is sufficient space and appropriate topography. The basin should be made large enough to handle the maximum expected amount of site drainage. Fencing around the basin may be necessary for safety reasons or to discourage vandalism.
- The following general construction criteria are critical to successful installation and operation of sediment basins.
  - ✓ Locate the dam to provide maximum volume capacity for silt behind the structure.
  - ✓ Prepare the dam site by clearing vegetation and removing topsoil before beginning dam construction. Areas under the embankment and any structural works should be cleared and grubbed, and the topsoil stripped to remove all trees, vegetation, roots and other objectionable material. To facilitate cleanout and restoration, the pool area (measured at the top of the pipe spillway) should be cleaned of all brush, trees or other debris.
  - ✓ Level the bed for the pipe spillway to provide uniform support through its entire length under the dam.
  - ✓ Construct an emergency spillway (as per design) on undisturbed soil--not on fill. The design width and entrance/exit channel slopes are critical to the spillway's ability to successfully protect the dam with a minimum of erosion hazard in the spillway channel. The spillway should be lined with 4 in. of concrete, reinforced with 6 x 6 in. 10/10 wire mesh extending to a minimum of 36 in. down each face of the embankment. The spillway should be at least 20 in. deep with 1:1.5 slide slopes.
  - ✓ All pipe joints should be securely fastened and watertight. The riser should be rigidly and securely fastened to the barrel and the bottom of the riser should be sealed (watertight). The barrel should be placed on a firm foundation according to the lines and grades shown on the plans.
  - ✓ Place at least 1 ft of hand-compacted backfill (maximum 6 in. lifts) over the pipe spillway before crossing it with construction equipment. The movement of the hauling and spreading equipment over the fill should be controlled so that the entire surface of each lift will be traversed by not less than one tread tract of the

equipment.

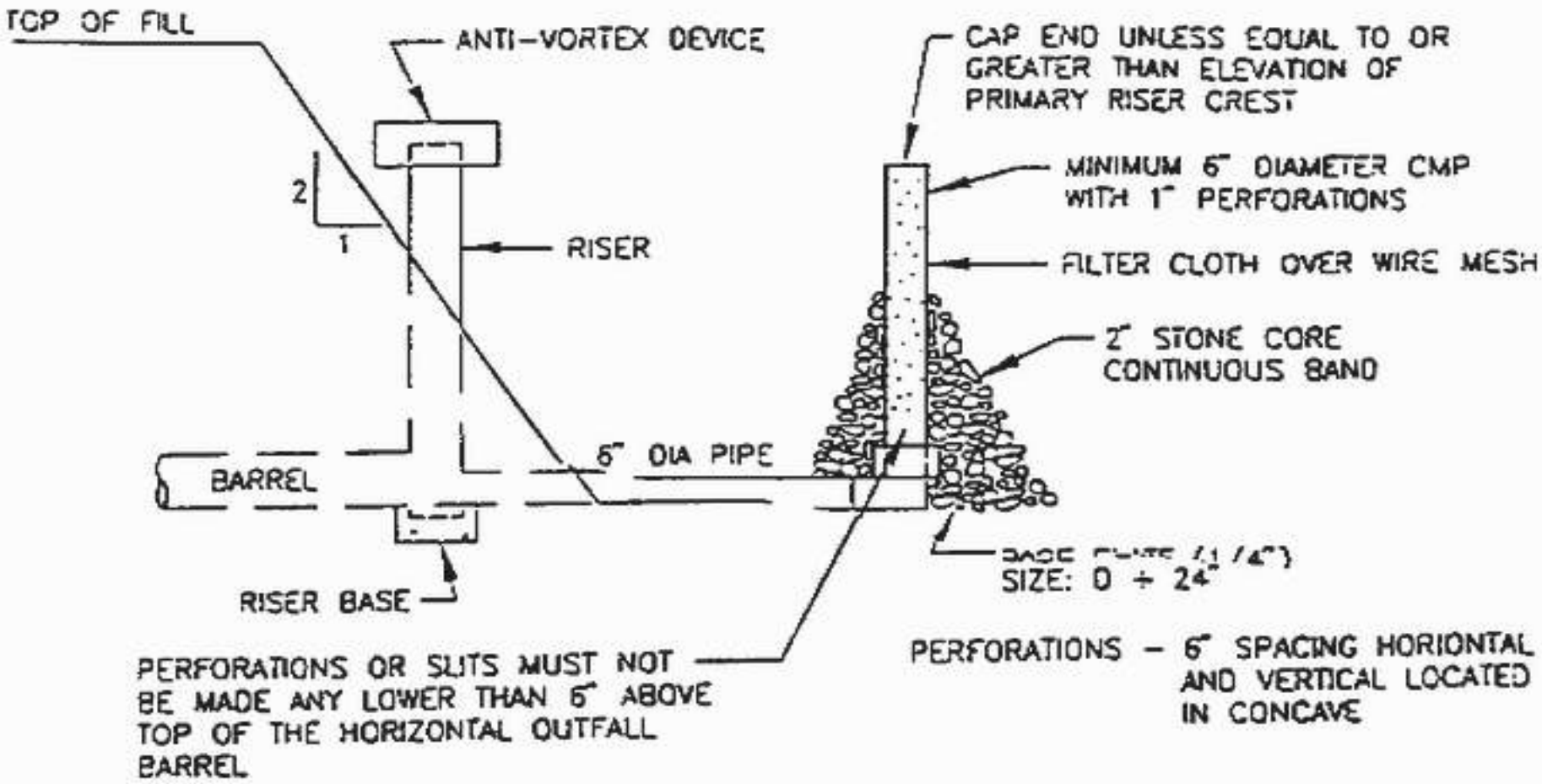
- ✓ The pipe spillway should discharge at ground elevation below the dam, and not more than 12 in. above any streambed.
- ✓ Fill material should be taken from approved designated borrow areas, and should be of the type and quality conforming to that specified for the adjoining fill material. It should be free of roots, woody vegetation, oversize stones, rocks exceeding 6 in. diameter, or other objectionable materials. Do not use frozen material.
- ✓ Areas on which fill is to be placed should be scarified prior to placement of fill. Fill materials should be placed in 6 in. maximum lifts, compacted by construction equipment. The embankment should be raised and compacted to an elevation that provides for anticipated settlement to design elevation (allow at least 10% for settlement). Lifts should be continuous over the entire length of the fill and approximately horizontal.
- ✓ Stabilize the embankment and emergency spillway with revegetation or other stabilization measures.

Maintenance

- Sediment basins should be readily accessible for maintenance and sediment removal. The sediment maintenance volume should be determined and marked before the basin is used. They should be inspected after each rainfall and be cleaned out when about half the volume has been filled with sediment. Poorly draining basins require maintenance to clean clogged riser or filter cloth. Removed sediment should be disposed of and stabilized in an approved location such that spoils do not re-enter waters of the state. Sediment may not be dumped into any water of the U.S. without appropriate permitting.
- The sediment basin should remain in operation and be properly maintained until vegetation or other measures permanently stabilize the drainage area. A well-built temporary sediment basin that is large enough to handle the post-construction runoff volume may later be converted to use as a permanent stormwater management structure.
- If the pond is located near a residential area, it is recommended for safety reasons that a sign be posted and that the area be secured by a fence.

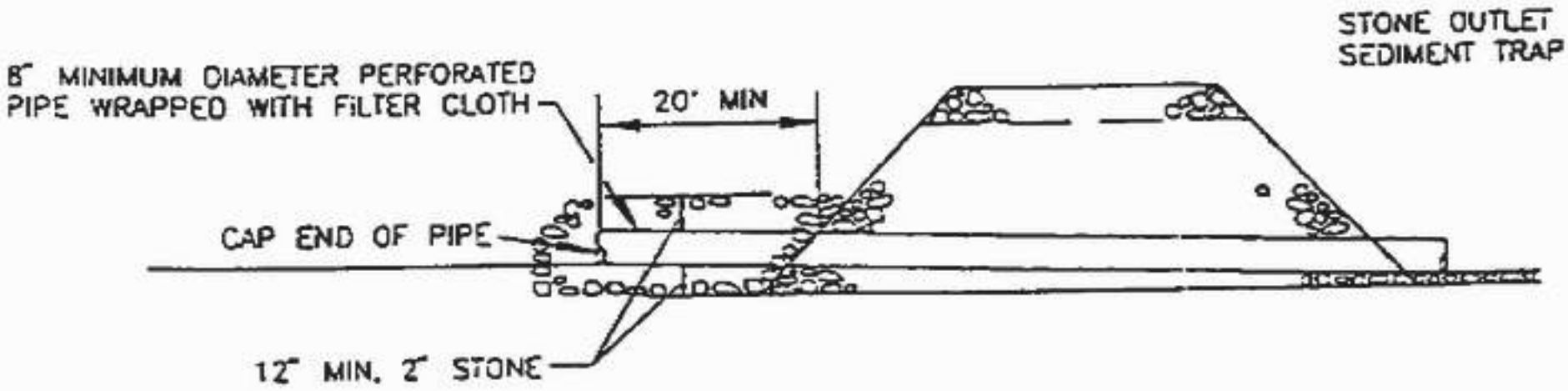
Table 38-1. Theoretical settling velocities for different particle sizes (#200 sieve).

Size (in.)	V_{sed} (in./sec)
0.02	0.0023
0.008	0.00079
0.004	0.00028
0.002	0.000079
0.0008	0.000012
0.0004	0.0000028
0.0002	0.00000079



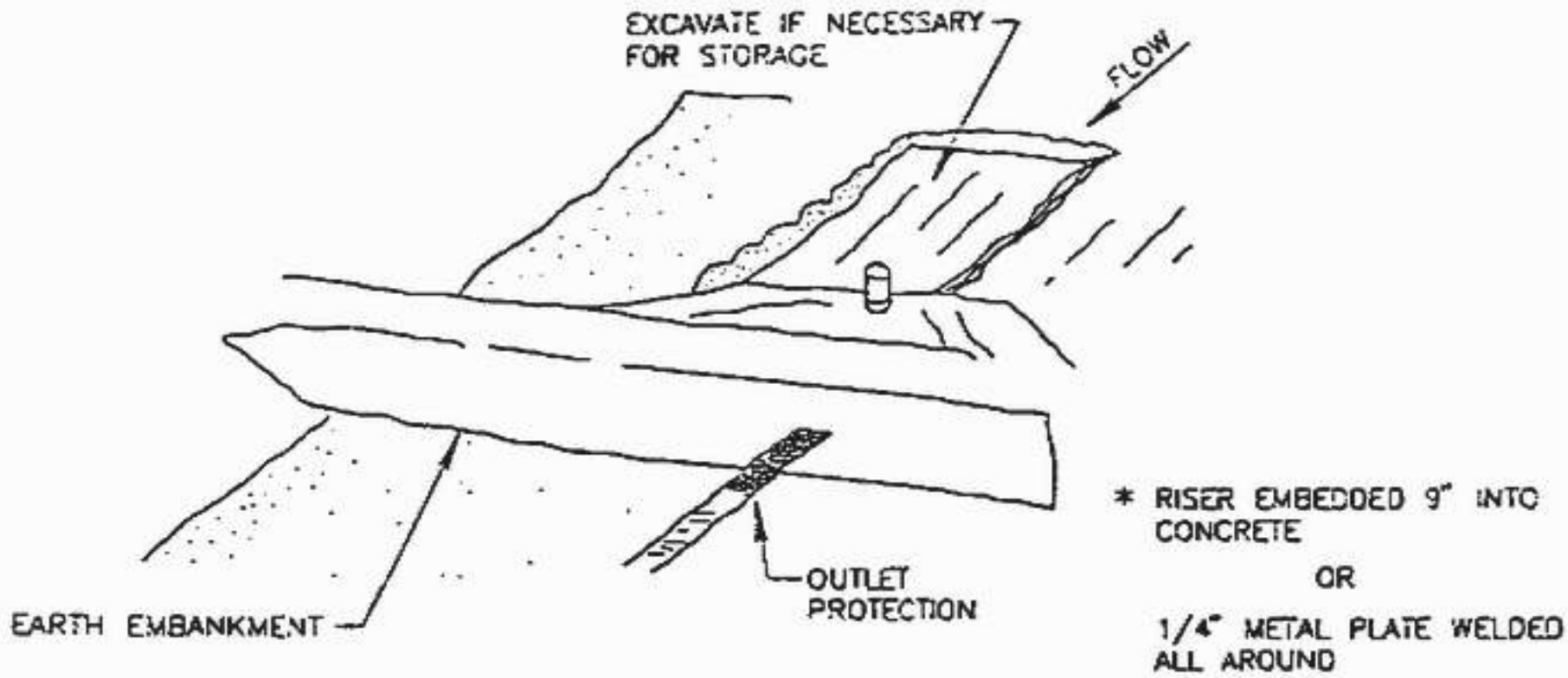
OPTIONAL SEDIMENT TRAP DEWATERING DEVICE-I

WITH 6" PERFORATED RISER

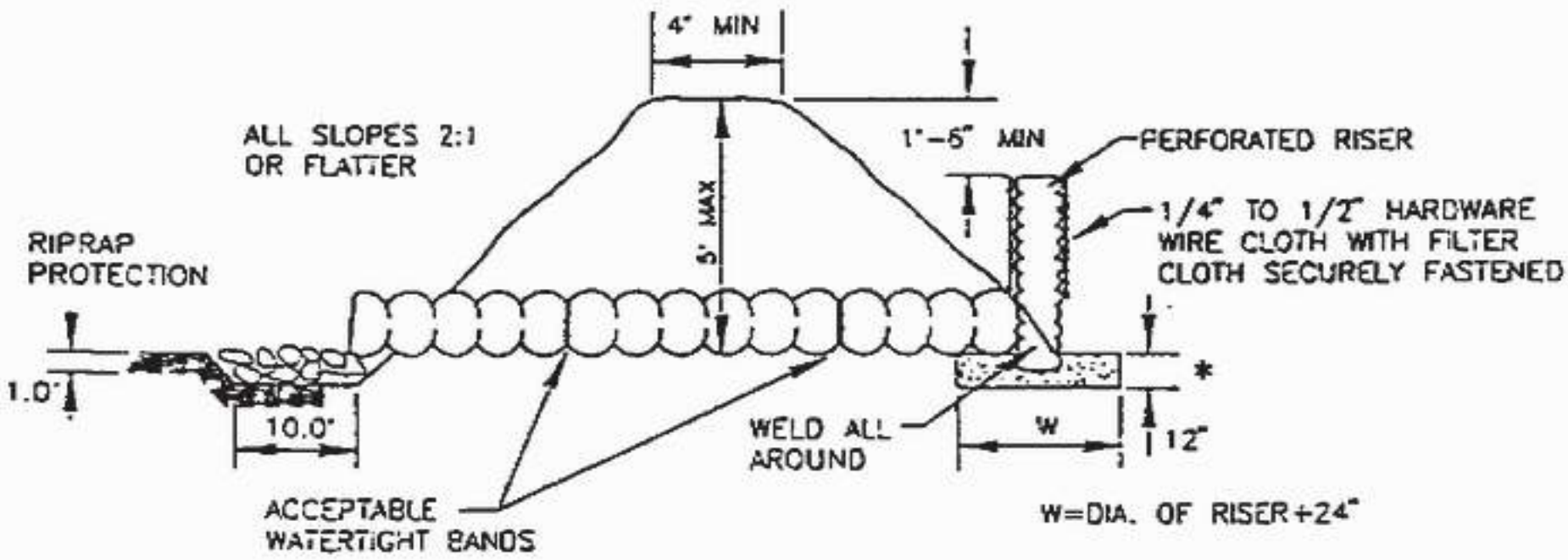


OPTIONAL SEDIMENT TRAP DEWATERING DEVICE-II

U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	OPTIONAL SEDIMENT TRAP DEWATERING DEVICES	STANDARD DRAWING
TOOTHMAN-ORTON ENGINEERING COMANY BOISE, IDAHO McCALL, IDAHO		ST



PERSPECTIVE VIEW



EMBANKMENT SECTION THRU RISER

SIZES OF PIPE NEEDED

BARREL DIAMETER _____

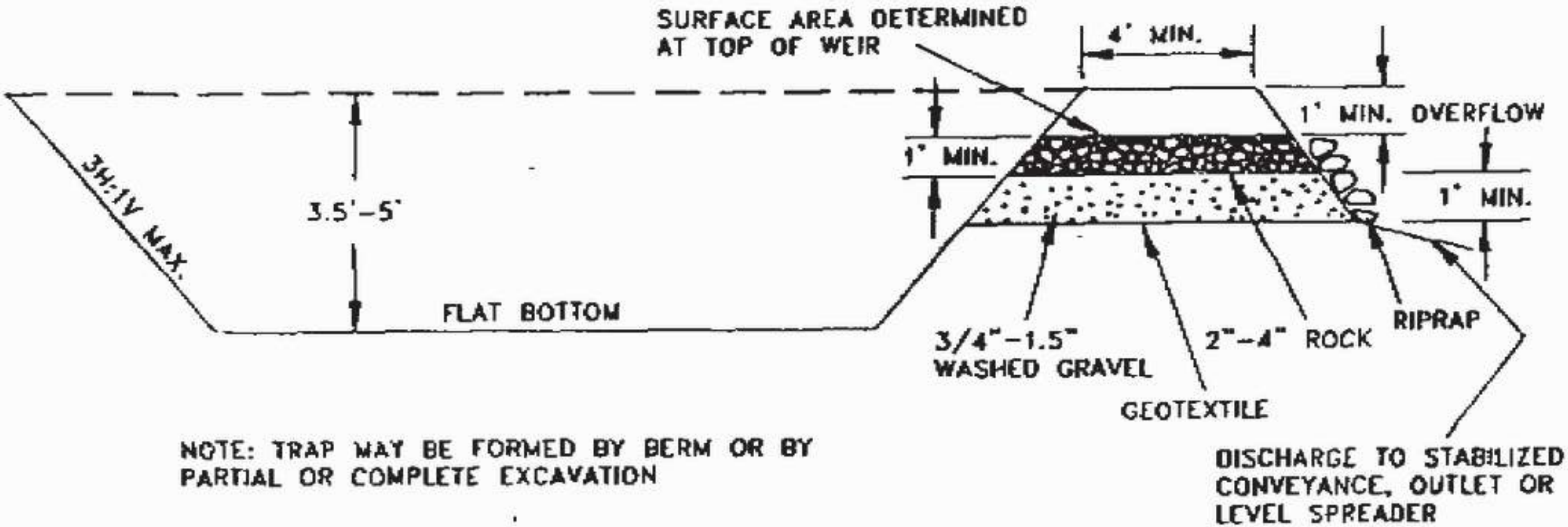
RISER DIAMETER _____

NOTE:

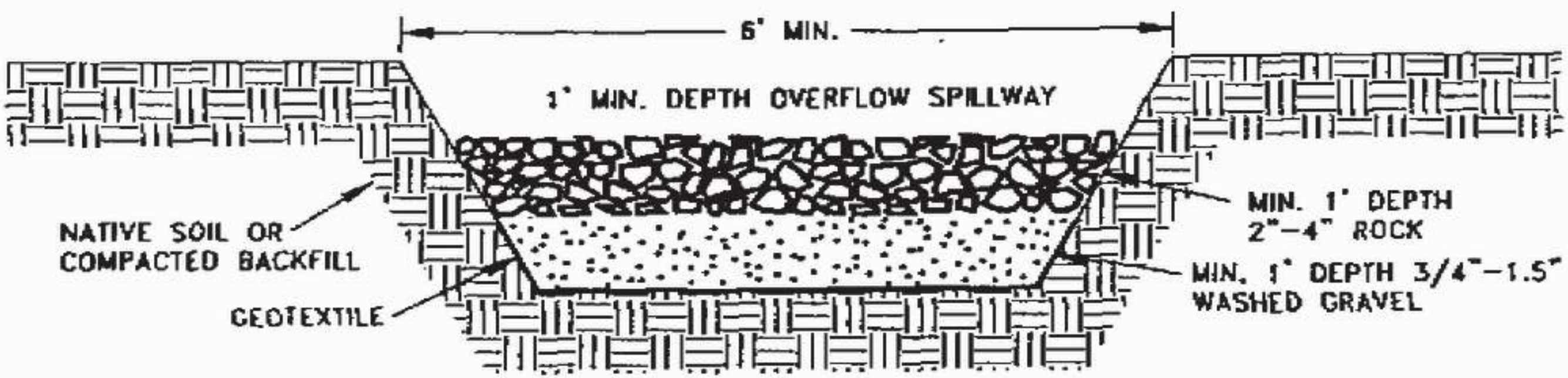
FOR CONSTRUCTION SPECIFICATION SEE SHEET _____

MAXIMUM DRAINAGE AREA: 5 ACRES

U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	PIPE OUTLET SEDIMENT TRAP	STANDARD DRAWING
TOOTHMAN-ORTON ENGINEERING COMANY BOISE, IDAHO McCALL, IDAHO		ST-1



CROSS-SECTION



TRAP OUTLET

Appendix P – EPA Fine List

PLEASE NOTE THIS EPA FINE LIST REFERENCES THE 2008 CGP AS THE NEW 2012 FINE LIST HAS NOT BEEN RELEASED. FOR INFORMATIONAL PURPOSES ONLY.

Expedited Settlement Offer Worksheet
Findings and Alleged Violations

Consult instructions regarding eligibility criteria and procedures prior to use

1 Legal Name and Mailing Address of Operator

Telephone Number

NPDES Permit Number

2 Location and Address of Site

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 Disturbed (whole common plan):
Is Site Eligible for Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?

	Texas Citation Reference*	National Permit Citation Reference**	No. of Vio-lations	Violation Amount	Settlement Offer
3 Operator(s) in control of site specifications unpermitted for _____ months (# of months = # of violations)	CWA 301	CWA 301	0	$500.00	$0.00
4 Operator(s) in control of day-to-day activities unpermitted for _____ months (# of months = # of violations)	CWA 301	CWA 301	0	$500.00	$0.00
5 SWPPP not prepared (If no SWPPP, leave elements 6 - 31 blank)	TXCGP III.	CGP 3.1.A	0	$4,000.00	$0.00
6 SWPPP prepared but prepared after construction start (# of months = # of violations)	TXCGP III.C.1.(a)	CGP 3.1.A	0	$75.00	$0.00
7 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*...	TXCGP III.F.1.(a)	CGP 3.1.B	0	$250.00	$0.00
8 SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control	TXCGP III.A.1.-2.	CGP 3.3.A	0	$500.00	$0.00
9 SWPPP does not have site description, as follows:					
A Nature of activity in description	TXCGP III F.1.(a)	CGP 3.3.B.1	0	$100.00	$0.00
B Intended sequence of major activities	TXCGP III F.1.(b)	CGP 3.3.B.2	0	$100.00	$0.00
C Total disturbed acreage	TXCGP III F.1.(c)	CGP 3.3.B.3	0	$100.00	$0.00
D General location map	TXDGP III.F.1.(e)	CGP 3.3.B.4	0	$100.00	$0.00
E Site map	TXDGP III.F.1.(f)	CGP 3.3.C	0	$500.00	$0.00
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 9F as 1 violation)	TXCGP III F.1.(f)(i)-(vii)	CGP 3.3.C 1 - 8	0	$50.00	$0.00
G. Location/description industrial activities, like concrete or asphalt batch plants	TXCGP III.F.1.(g)	CGP 3.3.D	0	$500.00	$0.00
10 SWPPP does not:					
A Describe all pollution control measures (e.g. BMPs)	TXCGP III.F.2.(a)(ii)	CGP 3.4.A	0	$750.00	$0.00
B Describe sequence for implementation	TXCGP III.F.2.	CGP 3.4.A	0	$250.00	$0.00
C Detail operator(s) responsible for implementation	TXCGP III.A.2.	CGP 3.4.A	0	$250.00	$0.00
11 SWPPP does not describe interim stabilization practices	TXCGP IIIF.2.(b)	CGP 3.4.B	0	$250.00	$0.00
12 SWPPP does not describe permanent stabilization practices	TXCGP III.F.2.(b).(i)	CGP 3.4.B	0	$250.00	$0.00
13 SWPPP does not describe a schedule to implement stabilization practices	TXCGP III.F.2.(b).(ii)	CGP 3.4.B	0	$250.00	$0.00
14 Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 14 as 1 violation)	TXCGP III.F.2.(b).(ii).(a	CGP 3.4.C.1-3	0	$250.00	$0.00
15 SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed	TXCGP III.F.3	CGP 3.4.D	0	$500.00	$0.00

areas					
16 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	TXCGP III.F.4	CGP 3.4.E	0	$500.00	$0.00
17 SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit	TXCGP III.F.5.	CGP 3.4.F	0	$500.00	$0.00
18 SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust	TXCGP III.F.5.(a)	CGP 3.4.G	0	$500.00	$0.00
19 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	TXCGP III.F.5.(b)	CGP 3.4.H	0	$250.00	$0.00
20 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	TXCGP III.F.5.(c)	CGP 3.4.I	0	$500.00	$0.00
21 SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP	TXCGP III.F.5.(c)	CGP 3.5	0	$500.00	$0.00
22 SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges	TXCGP III.F.5.(c)	CGP 3.5	0	$500.00	$0.00
23 Endangered Species Act documentation is not in SWPPP	Not Required	CGP 3.7	0	$500.00	$0.00
24 Historic Properties (Reserved)	Not Required	CGP 1.3.C.7	0	$500.00	$0.00
25 Copy of permit and/or NOI not in SWPPP (count each omission under 25 as 1 violation)	TXCGP III.F.1.(i)	CGP 3.8	0	$250.00	$0.00
26 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)	TXCGP III.F.6.(a)	CGP 3.9	0	$750.00	$0.00
27 SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans	TXCGP III.F.6.(b)	CGP 3.9	0	$250.00	$0.00
28 Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates	TXCGP V.1.-3.	CGP 3.10.G	0	$500.00	$0.00
29 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 29 as 1 violation)	TXCGP III.F.8.(c)	CGP 3.11.C	0	$50.00	$0.00
30 Copy of SWPPP not retained on site	TXCGP III.D.2.(d)	CGP 3.12.A	0	$500.00	$0.00
A SWPPP not made available upon request	TXCGP III.D.1.	CGP 3.12.C	0	$500.00	$0.00
31 SWPPP not signed/certified	Not Required	CGP 3.12.D	0	$500.00	$0.00
32 Inspections not performed 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)	TXCGP III.F.8.(a)	CGP 3.10.A, 3.10	0	$75.00	$0.00
33 Inspections not conducted by qualified personnel	TXCGP III.F.8.(a), (d)	CGP 3.10.D	0	$500.00	$0.00
34 All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected	TXCGP III.F.8.(a)	CGP 3.10.E.	0	$50.00	$0.00
35 All pollution control measures not inspected to ensure proper operation	TXCGP III.7.	CGP 3.10.E.	0	$500.00	$0.00
36 Discharge locations are not observed and inspected	Not Required	CGP 3.10.E.	0	$50.00	$0.00
37 For discharge locations that are not accessible, nearby locations are not inspected	Not Required	CGP 3.10.E.	0	$50.00	$0.00
38 Entrance/exit not inspected for off-site tracking	TXCGP III.F.8.(a)	CGP 3.10.E.	0	$500.00	$0.00
39 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 39 as 1 violation)	TXCGP III.F.8.(d)	CGP 3.10.G	0	$50.00	$0.00
40 Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)	TXCGP III.F.8.(d)	CGP 3.10.G	0	$50.00	$0.00
41 Sign/notice not posted	TXCGP III D.2	CGP 3.12.B	0	$250.00	$0.00
A Does not contain copy of complete NOI	TXCGP III D.2.(a)	CGP 3.12.B	0	$50.00	$0.00
B Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign	TXCGP III D.2.(b)	CGP 3.12.B	0	$50.00	$0.00
42 No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water	TXCGP III F.5.(d)	CGP 3.13.F	0	$500.00	$0.00
43 Control measures are not properly:					
A Selected	TXCGP III F.2.(a)(ii)	CGP 3.13.A	0	$500.00	$0.00
B Installed	TXCGP III F.2.(a)(ii)	CGP 3.13.A	0	$500.00	$0.00
C Maintained	TXCGP III F.2.(a)(ii)	CGP 3.13.A	0	$500.00	$0.00
1. Maintenance not performed prior to next anticipated storm event (count each failure of operator to properly select, install, or maintain each BMP as 1 violation)	TXCGP III F 2.(a).(iv)	CGP 3.6.B	0	$250.00	$0.00
44 When sediment escapes the site, it is not removed at a frequency	TXCGP III F.2.(a).(iv)	CGP 3.13.B	0	$500.00	$0.00

necessary to minimize off-site impacts					
45 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.)	TXCGP III F 2.(a).(v)	CGP 3.13.C	0	$500.00	$0.00
46 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	TXCGP III F.2.(b).(iii)	CGP 3.13.D	0	$500.00	$0.00
*Exceptions:					
(a) Snow or frozen ground conditions	TXCGP III F.2.(b).(iii).(a	CGP 3.13.D.1			
(b) Activities will be resumed within 14 days	TXCGP III F.2.(b).(iii).(b	CGP 3.13.D.2			
(c) Arid or Semi-arid areas (<20 inches per year)	TXCGP III F.2.(b).(iii).(c	CGP 3.13.D.3			
47 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	TXCGP III F.3.(a)	CGP 3.13.E.1	0	$1,000.00	$0.00
A Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries	TXCDP II.F.3.(a)	CGP 3.13.E.2	0	$1,000.00	$0.00
B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more	TXCGP III F 2.(a).(iii)	CGP 3.6.C	0	$500.00	$0.00
48 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 47 above)	TXCGP III F.3.(b)	CGP 3.13.E.3	0	$500.00	$0.00
A Sediment not removed from sediment trap when design capacity reduced by 50% or more	TXCGP III F 2.(a).(iii)	CGP 3.6.C	0	$500.00	$0.00
			Total Expedited Settlement:		$0

* TPDES General Permit No. TXR150000, Texas Water Code 26.040, Clean Water Act Section 402, issued by TCEQ on March 5, 2003
** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, http://cfpub.epa.gov/npdes/stormwater/cgp.cfm

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 21 2003

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Expedited Settlement Offer Program for Storm Water (Construction)

FROM: John Peter Suarez, Assistant Administrator
Office of Enforcement and Compliance Assurance

TO: Water Management Division Directors
Regions I - X

Enforcement Division Directors
Regions II, VI, VIII

Regional Counsels
Regions I - X

This memorandum transmits the final framework for the Expedited Settlement Offer (ESO) Program for Storm Water. The joint regional and Office of Regulatory Enforcement staff workgroup developed: an ESO scope and procedure document; an inspection check-off sheet; a penalty calculation worksheet and a model ESO settlement agreement (attached) in an effort to have a consistent and uniform program throughout the country. I want to thank Regions I, III, IV, VI, VII, VIII and X for their active participation in the development of the ESO program for storm water. I also want to acknowledge the efforts of Regions III and VI in performing the field test of the program earlier this spring. This effort could not have been accomplished without the experience, knowledge and expertise of all of the workgroup members.

Storm water cases often involve facilities or sites where the cumulative effect of discharges can have significant environmental impact on a watershed. In storm water cases, issuing timely and consistent enforcement actions to compel compliance is necessary to achieve deterrence and insure timely correction of violations. An ESO provides "real time" enforcement in situations where violations can be corrected quickly and a penalty assessed within a short amount of time, generally a few months from EPA's discovery of the violation.

The purpose of expedited settlements is to supplement, not replace, the traditional administrative and judicial enforcement options. The program enables the regions to establish a credible and pervasive field presence. Traditional enforcement actions should be pursued for all violations where an expedited settlement is not adequate to address the level of non-compliance or the nature of the violator (*e.g.*, where there is a significant environmental harm, large economic benefit, repeat violator), or where the violator declines the offer for expedited settlement.

In order to ensure that the ESO is used appropriately, regions must consider the ESO criteria. Sites that meet all of the following criteria can be ESO-eligible: (1) construction sites up to 50 acres[1]; (2) sites where the penalty calculated via the ESO worksheet is no more than $15,000; (3) sites where there is no evidence of significant environmental impact (*e.g.*, turbidity observed in receiving water); (4) sites where the operator is a first-time violator; and (5) sites where there are no non-allowable storm water discharges (*e.g.*, a process wastewater discharge such as truck washing or discharge from a concrete batch plant operation). After one year of implementation, ORE in consultation with the regions will evaluate the criteria and the effectiveness of the ESO for storm water and make any changes that may be needed to ensure the continued usefulness of this program.

Regions may use ESOs for storm water upon providing a memorandum to ORE/Water Enforcement Division that they are committed to using the ESO as part of a complete storm water enforcement program that will encompass other administrative penalty cases and judicial referrals as appropriate. In addition, regions must commit that the ESO for storm water will complement, rather than substitute for other formal Section 402 enforcement. Finally, regions must also state that they will use the ESO as developed and that they will not revise or edit the documents, including the criteria determining which sites are eligible for ESOs, without obtaining prior approval by WED. ORE will review the regional ESOs to maintain the uniformity of the nationally-implemented criteria and penalty schedules.

ORE looks forward to working with the regions in exploring meaningful and effective opportunities to use the ESO for storm water. For specific questions, please contact Lauren V. Kabler in the Water Enforcement Division at (202) 564-4052.

Attachment(s)

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[1]ESOs for sites over 50 acres will be considered by the Water Enforcement Division on a case-by-case basis provided that the ESO is part of a complete storm water enforcement program as detailed in the final framework.

EXPEDITED SETTLEMENT OFFER ("ESO") for STORM WATER (Construction)

Scope

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 to compel compliance is necessary to achieve the goal of deterrence. This can be achieved through issuing an expedited settlement offer ("ESO") 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, particularly 40 C.F.R. § 22.13(b).[1] An ESO 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.

The revisions to Part 22 provide a less resource-intensive mechanism for processing widespread violations associated with relatively small penalty amounts. Relatively limited penalty amounts are contemplated by this approach in keeping with the nature of the violations and the violator. The size of the penalty for each violation is important to the success of an expedited settlement program.

The purpose of expedited settlements is to supplement, not replace, the traditional administrative and judicial enforcement options. The program enables the regions to establish a credible and pervasive field presence. Traditional enforcement actions should be pursued for all violations where an expedited settlement is not adequate to address the level of non-compliance or the nature of the violator (*e.g.*, where there is a significant environmental harm, large economic benefit, repeat violator), or where the violator declines the offer for expedited settlement.

Regions may use ESOs for storm water upon providing a memorandum to ORE/Water Enforcement Division that they are committed to using the ESO as part of a complete storm water enforcement program that will encompass other administrative penalty cases and judicial referrals as appropriate. In addition, regions must commit that the ESO for storm water will complement, rather than substitute for other formal Section 402 enforcement. Finally, regions must also state that they will use the ESO as developed and that they will not revise or edit the documents, including the criteria determining which sites are eligible for ESOs, without obtaining prior approval by WED. ESOs for sites over fifty acres will be considered by WED on a case-by-case basis provided that the ESO is part of a complete storm water enforcement program as detailed in the final framework. The regions must seek WED approval if they wish to use the ESO at sites larger than fifty acres. ORE will review the regional ESOs to maintain the

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[1]The ESO is a settlement approach and the ESO worksheet is not intended , and should not be used as, the basis for a penalty demand in an administrative penalty hearing or a judicial trial. The ESO settlement penalty is not intended for use by EPA, defendants, respondents, courts, or administrative law judges at a hearing or in a trial. Further, whether the Agency decides to use the ESO approach is purely within EPA's discretion.

uniformity of the nationally-implemented criteria and penalty schedules. After one year of implementation, ORE will evaluate the effectiveness of the ESO for storm water and make any changes that may be needed to ensure the continued usefulness of this tool.

Terminology

A. The **Inspector Worksheet** is the *NPDES Industrial Storm Water Worksheet for Construction*. It is the worksheet that an inspector uses in the field when conducting an inspection - each block cross-references the applicable ESO element(s) allowing an inspector to quickly and easily transfer inspection findings to ESO Worksheet and calculate a proposed penalty.[2]

B. The **ESO Worksheet** is the *Expedited Settlement Offer Worksheet - Findings and Alleged Violations*. It is the worksheet that an inspector uses to calculate a proposed or recommended penalty for the site based on the inspector's findings - it will be incorporated by reference into the ESO Settlement Agreement.

C. The **ESO Agreement** is the *Expedited Stormwater Settlement Agreement*. It is a combined "Complaint" and "Consent Agreement and Final Order."

D. The **ESO Criteria**, as follows, controls which sites are ESO-eligible. Sites which meet all of the following criteria can be ESO-eligible: (1) construction sites up to fifty acres; (2) sites where the penalty calculated via the ESO worksheet is no more than $15,000; (3) sites where there is no evidence of significant environmental impact (*e.g.*, turbidity observed in receiving water); (4) sites where the operator is a first-time violator[3]; and (5) sites where there is no evidence of non-allowable storm water discharges (*e.g.*, process wastewater discharge, such as truck washing or discharge from a concrete batch plant operation).

Procedure

1. Inspector conducts a storm water inspection using the Inspector Worksheet for Construction.

2. The inspector consults the ESO Criteria to determine whether the site is ESO-eligible.

3. If the inspector determines that the site is ESO-eligible, the inspector transfers the findings to the ESO Worksheet and calculates a proposed penalty.

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[2]Use of this form is not mandatory - it is merely provided as a tool to for the inspector.

[3]"Violator" refers to any operator who has been issued a formal enforcement action, or APO, by either EPA or a state for violation of either the MSGP or the CGP.

4.a. The inspector leaves the ESO Worksheet (proposed penalty) in the field with the site representative; or,[4]

4.b. The inspector does not leave the ESO Worksheet in the field with the site representative. Some regions may require that the ESO Worksheet undergo supervisor review and approval before it is delivered to a site representative.

5. A supervisor reviews the Inspector Worksheet and ESO Worksheet and either approves or does not approve the proposed penalty. If the penalty is approved, the ESO Agreement, along with attached instruction sheet, and ESO worksheet are mailed to the site representative within seven business days of the inspection.[5]

6. The site representative is given thirty days to return a signed ESO Agreement accompanied by a check. The check will be deposited in an interest-bearing escrow account.[6] If the signed ESO Agreement is not received within thirty days the ESO is automatically withdrawn. If the offer is withdrawn the region should be prepared to escalate enforcement response by commencing an administrative enforcement proceeding under 40 C.F.R. Part 22.

7. The region provides for a thirty day public notice of ESO Agreement. Some regions may choose to public notice the ESO Agreement concurrent with the thirty days the violator has to correct the violation and sign the ESO Agreement. Other regions may choose to public notice the ESO Agreement after it has been signed by the violator and returned to EPA.

8. Regions are required to consider any public comments received regarding the ESO in order to determine, after reviewing the comments, whether the ESO is in the public interest. If a region determines, after a mandatory ten day period following the close of the comment period, that the ESO is in the public interest, the Appropriate Official at a region (*e.g.*, an approving neutral, like a Regional Judicial Officer) will sign the Agreement. Regions will file the signed ESO Agreement with a Hearing Clerk, mail the original back to the site representative and mail a copy to any commenters informing them of their right to file with the Regional Administrator a petition to set aside the ESO pursuant to §309(g)(4)(C) of the Act, 33 U.S.C. §1319(g)(4)(C) and Part 22. The ESO is

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[4]The inspector must clearly explain to the site representative that the penalty left in the field by the inspector is a proposed penalty and that it is not an official offer by EPA to settle the government's civil penalty claims against the respondent. A final offer will be mailed to the site recipient by EPA upon supervisor review and approval.

[5]Some regions may choose to send an administrative order at this time as well.

[6]Requesting check prior to public notice guards against collection actions, however, some regions may choose not to accept a check prior to public notice. If this is the case, a region may request that the check be mailed within thirty days of receiving the final signed ESO Agreement from the region.

effective thirty days after signature by the Appropriate Official, unless a petition to set aside the ESO Agreement is filed by a commenter.

NPDES Industrial Storm Water Worksheet (Construction)

National Database Information			
Inspection Type			
NPDES ID Number			
Inspection Date			
Inspector Type *(circle one)*	EPA	State	EPA Oversight
Facility Type *(circle one)*	Commercial/ Industrial	Residential	Municipal

General	
Inspector Name	
Telephone	
Entry Time	
Exit Time	
Signature	

Facility Location Information					
Name/Location/ Mailing Address					
GPS Coordinates	Latitude		Longitude		
Receiving Water(s)					
Disturbed Area		Start Date		Stop Date	

Contact Information		
	Name(s)	Telephone
Name(s) and Role(s) of All Parties Meeting the Definition of Operator		
Facility Contact		
Authorized Official(s)		

Site Information: *(circle all that apply)*							
Nature of Project	Residential	Commercial/ Industrial	Roadway	Private	Federal	State/ Municipal	Other
Construction Stage	Clearing/ Grubbing	Rough Grading	Infrastructure	Building Const.	Final Grading	Final Stabilization	

Basic Permit Information		
Permit Coverage *ESO Element 3 & 4*	Y	N
Permit Type	General	Individual
Permit notice/sign visibly posted including: copy of NOI, contact name & phone number, location of SWPPP *ESO Element 41*	Y	N
NOI Date		
If applicable, is waiver certification & approval on file?	Y	N

Basic SWPPP Information		
SWPPP Prepared & Available *ESO Element 5 & 30*	Y	N
SWPPP Contents Satisfactory *ESO Elements 5 - 31*	Y	N
SWPPP Implementation Satisfactory *ESO Elements 32 - 48*	Y	N
SWPPP Date		
Intentionally left blank		

NPDES Industrial Storm Water Worksheet (Construction)

SWPPP Review *(can be completed in office)*

General			Notes:
Is there a SWPPP? *ESO Element 5*	Y	N	
SWPPP completed prior to NOI submission? *ESO Element 6*	Y	N	
Copy of permit language? *ESO Element 25*	Y	N	
Is SWPPP consistent with state/tribal/local regulations and permits? *ESO Element 26*	Y	N	
SWPPP updated to incorporate changes to State, Tribal, Local erosion plans? *ESO Element 27*	Y	N	
Have copies of inspection reports/all other documentation been retained as part of the SWPPP for 3 years from date permit coverage expires? *ESO Element 28*	Y	N	
Is a copy of the SWPPP on site or made available? *ESO Element 30*	Y	N	
Did all "operators" sign/certify the SWPPP? *ESO Element 31*	Y	N	

Site Description			Notes:
SWPPP identifies potential sources of pollution? *ESO Element 7*	Y	N	
SWPPP identifies all operators and their areas of control? *ESO Element 8*	Y	N	
Is there a site description? *ESO Element 9*	Y	N	
Nature/sequence of construction activity? *ESO Element 9A - 9B*	Y	N	
Total area of site and total area to be disturbed? *ESO Element 9C*	Y	N	
Is there a general location map? *ESO Element 9D*	Y	N	
Is there a site map? *ESO Element 9E*	Y	N	

NPDES Industrial Storm Water Worksheet (Construction)

Site Description (cont'd)			Notes:
Drainage patterns/outfalls on site map? *ESO Element 9F*	Y	N	
Area of soil disturbance on site map? *ESO Element 9F*	Y	N	
Location of major structural controls on site map? *ESO Element 9F*	Y	N	
Location of storm water discharges to a surface water on site map? *ESO Element 9F*	Y	N	
Location of materials or equipment storage on site map (on-site or off-site)? *ESO Element 9F*	Y	N	
Location/description industrial activities? *ESO Element 9G*	Y	N	
Name of Receiving water(s) or MS4 listed?	Y	N	*Note: Indicate whether receiving water is 303(d) listed.*
Does the SWPPP include dates of major grading activities, temporary/permanent construction cessation, and initiation of stabilization practices? *ESO Element 14*	Y	N	
Endangered Species Documentation? *ESO Element 23*	Y	N	

Controls to Reduce Pollutants			Notes:
Does the SWPPP include a description of all pollution control measures (BMPs) that will be implemented to control pollutants in storm water discharges, including sequence and which operator responsible for implementation? *ESO Element 10 A - C*	Y	N	
Does the SWPPP include a description of interim and permanent *stabilization practices* (e.g., seeding, mulching, riprap for the site)? *ESO Element 11; 12*	Y	N	

NPDES Industrial Storm Water Worksheet (Construction)

Controls to Reduce Pollutants (cont'd)			Notes:
Does the SWPPP identify the contractor(s) and timing by which *stabilization practices* will be implemented? *ESO Element 13*	Y	N	
Does the SWPPP include a description of *structural practices* (e.g., vehicle track-out, silt fences, sediment traps, storm drain inlet protection) for the site? *ESO Element 15*	Y	N	
Does the SWPPP identify the contractor(s) and timing by which *structural practices* will be implemented? *ESO Element 10B - 10C*	Y	N	
Does the SWPPP identify storm water management measures to address storm water runoff once the construction is completed (e.g., retention ponds, velocity dissipation controls)? *ESO Element 16*	Y	N	
Does SWPPP describe measures to prevent discharge of dredge/fill materials to waters of the U.S.? Does site have 404 permit? *ESO Element 17*	Y	N	
Does SWPPP describe measures to minimize off-site vehicle tracking and generation of dust? *ESO Element 18*	Y	N	
Does SWPPP describe controls for pollutants from storage of construction or waste materials? *ESO Element 19*	Y	N	
Does the SWPPP describe controls for pollutants from non-construction activities? *ESO Element 20*	Y	N	
Does SWPPP identify allowable non-storm water discharges? *ESO Element 21*	Y	N	
Does SWPPP ensure implementation of pollution prevention measures for non-storm water discharges? *ESO Element 22*	Y	N	
Is SWPPP revised when BMPs added/modified within 7 days after inspection reveals problems? *ESO Element 29*	Y	N	

NPDES Industrial Storm Water Worksheet (Construction)

Inspections			Notes:
Inspections performed once every 7 days, or every 14 days within 24 hours of a rain event greater 0.5"? *ESO Element 32*	Y	N	
Inspections performed by qualified personnel? *ESO Element 33*	Y	N	
All disturbed areas and/or used for storage and exposed to rain inspected? *ESO Element 34*	Y	N	
All pollution control measures inspected to ensure proper operation? *ESO Element 35*	Y	N	
All discharge locations inspected if accessible, or if not accessible, are nearby downstream locations inspected? *ESO Element 36; 37*	Y	N	
Entrance/exit inspected for off-site tracking? *ESO Element 38*	Y	N	
Inspection report contain all required items and certified? *ESO Element 39; 40*	Y	N	

Notes on SWPPP Review

Site Description:

NPDES Industrial Storm Water Worksheet (Construction)

SWPPP Implementation (*complete in field*)

Stabilization Practices	
List and describe stabilization practices *ESO Element 43, 48*	*(e.g., seeding, mulching, geotextiles, sod stabilization)*
Are stabilization measures initiated no more than 14 days after temporary or permanent construction cessation? *ESO Element 46*	*(e.g., indicate "yes" or "no"; if "yes", how long without stabilization measures?)*

NPDES Industrial Storm Water Worksheet (Construction)

Structural Practices	
List and describe structural controls *ESO Element 42, 43, 47*	*(e.g., silt fences, hay bales, storm drain inlet protection, sedimentation pond, rip rap, check dam, diversion structure, off-site vehicle track-out)*

Non-Structural Practices	
Street Cleaning *ESO Element 44*	*(e.g., describe measures taken to remove offsite accumulation of sediment)*
Good Housekeeping & Waste Disposal Practices *ESO Element 45*	*(e.g., describe measures taken to prevent litter and debris from becoming a pollutant source)*

NPDES Industrial Storm Water Worksheet (Construction)

Non-Structural Practices (cont'd)	
Equipment Wash/ Maintenance Area *ESO Elements 43*	*(provide brief description)*
Concrete Washout Areas *ESO Elements 43*	*(provide brief description)*

Miscellaneous	
Evidence of Sediment Deposition to Surface Waters **ESO Eligibility - if "yes," site not eligible for ESO*	*(e.g., significant turbidity observed in a receiving water body)*
Pollution prevention measures for non-storm water discharges? **ESO Eligibility - If evidence of non-allowable non-storm water discharges, site not eligible for ESO*	*(provide brief description and determine whether/if non-storm water discharges allowable)*

NPDES Industrial Storm Water Worksheet (Construction)

Miscellaneous (cont'd)	
Has implementation of additional/modified BMPs been completed before next anticipated storm event? *ESO Element 43.C.1*	*(provide brief description)*

Notes on SWPPP Implementation

NPDES Industrial Storm Water Worksheet (Construction)

Photograph Log
1.
*Insert additional rows as needed

Expedited Settlement Offer Worksheet
Findings and Alleged Violations

Consult instructions regarding eligibility criteria and procedures prior to use

1	Legal Name and Mailing Address of Operator	Telephone Number		NPDES Permit Number	
2	Location and Address of Site				

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 Disturbed (whole common plan):	
Is Site Eligible for Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?	

		Citation Reference	No. of Vio-lations	Violation Amount	Settlement Offer
3	Operator(s) in control of site specifications unpermitted for _____ months (# of months = # of violations)	CWA 301	0	$500.00	$0.00
4	Operator(s) in control of day-to-day activities unpermitted for _____ months (# of months = # of violations)	CWA 301	0	$500.00	$0.00
5	SWPPP not prepared (If no SWPPP, leave elements 6 - 31 blank)	CGP 3.1.A	0	$4,000.00	$0.00
6	SWPPP prepared but prepared after construction start (# of months = # of violations)	CGP 3.1.A	0	$75.00	$0.00
7	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	0	$250.00	$0.00
8	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	0	$500.00	$0.00
9	SWPPP does not have site description, as follows:				
	A Nature of activity in description	CGP 3.3.B.1	0	$100.00	$0.00
	B Intended sequence of major activities	CGP 3.3.B.2	0	$100.00	$0.00
	C Total disturbed acreage	CGP 3.3.B.3	0	$100.00	$0.00
	D General location map	CGP 3.3.B.4	0	$100.00	$0.00
	E Site map	CGP 3.3.C	0	$500.00	$0.00
	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 9F as 1 violation)	CGP 3.3.C 1 - 8	0	$50.00	$0.00
	G. Location/description industrial activities, like concrete or asphalt batch plants	CGP 3.3.D	0	$500.00	$0.00
10	SWPPP does not:				
	A Describe all pollution control measures (e.g. BMPs)	CGP 3.4.A	0	$750.00	$0.00

	B Describe sequence for implementation	CGP 3.4.A	0	$250.00	$0.00
	C Detail operator(s) responsible for implementation	CGP 3.4.A	0	$250.00	$0.00
11	SWPPP does not describe interim stabilization practices	CGP 3.4.B	0	$250.00	$0.00
12	SWPPP does not describe permanent stabilization practices	CGP 3.4.B	0	$250.00	$0.00
13	SWPPP does not describe a schedule to implement stabilization practices	CGP 3.4.B	0	$250.00	$0.00
14	Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 14 as 1 violation)	CGP 3.4.C.1-3	0	$250.00	$0.00
15	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	0	$500.00	$0.00
16	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	0	$500.00	$0.00
17	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	0	$500.00	$0.00
18	SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust	CGP 3.4.G	0	$500.00	$0.00
19	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	0	$250.00	$0.00
20	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	0	$500.00	$0.00
21	SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP	CGP 3.5	0	$500.00	$0.00
22	SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges	CGP 3.5	0	$500.00	$0.00
23	Endangered Species Act documentation is not in SWPPP	CGP 3.7	0	$500.00	$0.00
24	Historic Properties (Reserved)	CGP 1.3.C.7			
25	Copy of permit and/or NOI not in SWPPP (count each omission under 25 as 1 violation)	CGP 3.8	0	$250.00	$0.00
26	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	0	$750.00	$0.00
27	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	0	$250.00	$0.00
28	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	0	$500.00	$0.00
29	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 29 as 1 violation)	CGP 3.11.C	0	$50.00	$0.00
30	Copy of SWPPP not retained on site	CGP 3.12.A	0	$500.00	$0.00
	A SWPPP not made available upon request	CGP 3.12.C	0	$500.00	$0.00
31	SWPPP not signed/certified	CGP 3.12.D	0	$500.00	$0.00
32	Inspections not performed 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)	CGP 3.10.A, 3.10.B	0	$75.00	$0.00
33	Inspections not conducted by qualified personnel	CGP 3.10.D	0	$500.00	$0.00
34	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected	CGP 3.10.E.	0	$50.00	$0.00
35	All pollution control measures not inspected to ensure proper operation	CGP 3.10.E.	0	$500.00	$0.00
36	Discharge locations are not observed and inspected	CGP 3.10.E.	0	$50.00	$0.00
37	For discharge locations that are not accessible, nearby locations are not inspected	CGP 3.10.E.	0	$50.00	$0.00

38	Entrance/exit not inspected for off-site tracking	CGP 3.10.E.	0	$500.00	$0.00
39	Site inspection report does not include: date, name and qualifications	CGP 3.10.G	0	$50.00	$0.00
	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 39 as 1 violation)				
40	Inspection reports not properly signed/certified (count each failure to	CGP 3.10.G	0	$50.00	$0.00
	to sign/certify as 1 violation)				
41	Sign/notice not posted	CGP 3.12.B	0	$250.00	$0.00
	A Does not contain copy of complete NOI	CGP 3.12.B	0	$50.00	$0.00
	B Location of SWPPP or contact person for scheduling viewing	CGP 3.12.B	0	$50.00	$0.00
	times where on-site location for SWPPP unavailable not noted on				
	sign				
42	No velocity dissipation devices located at discharge locations or	CGP 3.13.F	0	$500.00	$0.00
	outfall channels to ensure non-erosive flow to receiving water				
43	Control measures are not properly:				
	A Selected	CGP 3.13.A	0	$500.00	$0.00
	B Installed	CGP 3.13.A	0	$500.00	$0.00
	C Maintained	CGP 3.13.A	0	$500.00	$0.00
	1. Maintenance not performed prior to next anticipated storm event	CGP 3.6.B	0	$250.00	$0.00
	(count each failure of operator to properly select, install, or maintain				
	each BMP as 1 violation)				
44	When sediment escapes the site, it is not removed at a frequency	CGP 3.13.B	0	$500.00	$0.00
	necessary to minimize off-site impacts				
45	Litter, construction debris, and construction chemicals	CGP 3.13.C	0	$500.00	$0.00
	exposed to storm water are not prevented from becoming a				
	pollutant source (e.g. screening outfalls, pickup daily, etc.)				
46	Stabilization measures are not initiated as soon as practible on	CGP 3.13.D	0	$500.00	$0.00
	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	CGP 3.13.D.1			
	(b) Activities will be resumed within 14 days	CGP 3.13.D.2			
	(c) Arid or Semi-arid areas (<20 inches per year)	CGP 3.13.D.3			
47	Common Drainage of 10+ acres does not have a sedimentation basin	CGP 3.13.E.1	0	$1,000.00	$0.00
	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	CGP 3.13.E.2	0	$1,000.00	$0.00
	B Sediment not removed from sediment basin or traps when design				
	capacity reduced by 50% or more	CGP 3.6.C	0	$500.00	$0.00
48	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 47 above)	CGP 3.13.E.3	0	$500.00	$0.00
	A Sediment not removed from sediment trap when design capacity				
	reduced by 50% or more	CGP 3.6.C	0	$500.00	$0.00
			Total Expedited Settlement:		**$0.00**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
[Region, Address]
EXPEDITED STORM WATER SETTLEMENT AGREEMENT
Docket Number: CWA-_____-_____, NPDES No._____

_____ (herein the "Respondent") is a "person," within the meaning of § 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is a "Findings and Alleged Violations Form" (herein the "Form"), which is hereby incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent has committed the violation(s) set forth in the Form.

Respondent had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act ("the Act" or "CWA"), 33 U.S.C. § 1311, and/or failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit authorized under Section 402 of the Act, 33 U.S.C. § 1342, as noted on the attached Form.

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 the allegations and any "person" who "discharges pollutants" from a "point source" to "waters of the United States" Respondent neither admits nor denies the allegation(s) specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("CAFO") 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 CFR § 22.13(b). The parties enter into this CAFO in order to settle the civil violation(s) specified in the Form for a penalty of $_____. Respondent consents to the assessment of this penalty, and waives the right to contest the allegation(s) specified in the Form, and waives the right to appeal.

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that it has corrected any deficiencies identified in the Form, and to the best of its knowledge, is in compliance with the NPDES permitting program. [Respondent also certifies that it has sent a bank, cashiers or certified check for the amount specified above, payable to the "Treasurer, United States of America"] OR [Within ten (10) days of the effective date of this CAFO Respondent shall submit a bank, cashiers or certified check for the amount specified above payable to the "Treasurer, United States of America"] to:

U.S. EPA, Region [Insert Region here]
In the Matter of: [Insert Case Name here]
Docket No.: [Insert Docket Number here]
P.O Box [Insert Box Number]
Pittsburgh, PA 15251

Respondent shall write the docket number of this case on the penalty payment check. This CAFO, along with a photocopy of your check, is to be returned to the address at the top of this document.

This CAFO settles EPA's civil penalty claims against Respondent for the CWA violation(s) described in the Form. However, 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, and does not waive its right to issue a compliance order for the violation(s) described in the Form. EPA has determined this CAFO to be in the public interest, and Respondent agrees.

This CAFO is binding on the parties signing below and effective thirty (30) days from the date it is signed by the **[Appropriate Official]** unless a petition to set aside the Order is filed by a commenter pursuant to §309(g)(4)(C) of the Act, 33 U.S.C. §1319(g)(4)(C) and Part 22. If Respondent does not sign and return this CAFO as presented within 30 days of the date of its receipt, the proposed CAFO is withdrawn without prejudice to EPA's ability to issue any order or file any enforcement action for the violation(s) identified in the Form.

APPROVED BY EPA:

_____ Date:_____

[Complainant]
[Title]

APPROVED BY RESPONDENT in accordance with 40 CFR §122.22:

Name (print):_____

Title (print):_____

Signature:_____

Having determined that this CAFO is authorized by law and is in the public interest,

IT IS SO ORDERED:

_____ Date_____

[Appropriate Official]
[Title]

EXPEDITED STORM WATER SETTLEMENT INSTRUCTIONS & AGREEMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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 easily verifiable violations of storm water requirements, such as the violations cited in the Expedited Settlement Agreement for which these instructions are provided.

You may resolve the cited violations quickly by signing and returning the original Expedited Settlement Agreement and paying the penalty amount within 30 days of your receipt of the Expedited Settlement Agreement. As a condition of the settlement, you must also correct the violations within 30 days of your receipt of the Expedited Settlement Agreement . After a 30 day public comment period and once fully executed by EPA the Expedited Settlement Agreement is binding on EPA and the owner or operator. Upon signing and returning of the Expedited Settlement Agreement and a check for the amount of the penalty, copies of which should be retained by you, this will resolve these civil penalty claims for these violations. EPA will not accept or approve any Expedited Settlement Agreement returned more than 30 days after the date of your receipt of the settlement agreement.

If you do not sign and return the Expedited Settlement Agreement with payment of the penalty amount within 30 days of your receipt of the Expedited Settlement Agreement the Expedited Settlement Agreement will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the above or any other violations. Failure to return the Expedited Settlement Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations, including correcting the violations that have been specifically identified in the Expedited Settlement Offer Worksheet Findings and Alleged Violations form. If you decide not to sign and return the Expedited Settlement Agreement and pay the penalty, EPA may pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to a maximum penalty of $27,500 per day per violation.

You are required in the Expedited Settlement Agreement to certify that you have corrected the violations and paid the penalty amount. The payment for the penalty amount **must** be in the form of a bank, cashiers or certified check payable to the "Treasurer, United States of America" with **EPA and the Docket Number of the Expedited Settlement Agreement written on the check**. The Docket Number is located at the top of the Expedited Settlement Agreement.

The **original, signed, Expedited Settlement Agreement** and a **copy of the check payment** of the penalty amount **must** be sent via **CERTIFIED MAIL** to the address listed at the top of the Expedited Settlement Agreement. The original **check payment** of the penalty amount **must** be sent to the address listed in the lower left hand column of the Expedited Settlement Agreement.

By the terms of the Expedited Settlement Agreement, you waive your opportunity for a hearing pursuant to Section 309 of the Clean Water Act. EPA will treat any response to the proposed Expedited Settlement Agreement, other than acceptance of the settlement offer, as an indication that the recipient is not interested in pursuing this expedited settlement procedure.

If you have any questions, you may contact EPA Region [Region] at [phone number].

Appendix Q – Soils Data

United States Department of Agriculture

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Bonner County Area, Idaho, Parts of Bonner and Boundary Counties

February 5, 2020

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map

Map Scale: 1:2,210 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 30 60 120 180

Feet: 0 100 200 400 600

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 11N WGS84

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Spoil Area

Stony Spot

Very Stony Spot

Wet Spot

Other

Special Line Features

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Bonner County Area, Idaho, Parts of Bonner and Boundary Counties
Survey Area Data: Version 15, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 15, 2010—Aug 23, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

MAP LEGEND

MAP INFORMATION

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
31	Mission silt loam, 0 to 2 percent slopes	20.9	82.9%
65	Water	4.3	17.1%
Totals for Area of Interest		**25.2**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however,

onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Bonner County Area, Idaho, Parts of Bonner and Boundary Counties

31—Mission silt loam, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 5462
Elevation: 2,000 to 2,800 feet
Mean annual precipitation: 25 to 38 inches
Mean annual air temperature: 43 to 45 degrees F
Frost-free period: 90 to 120 days
Farmland classification: Prime farmland if drained

Map Unit Composition

Mission and similar soils: 75 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Mission

Setting

Landform: Terraces
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Linear
Parent material: Volcanic ash and loess over silty glaciolacustrine deposits

Typical profile

Oi - 0 to 1 inches: slightly decomposed plant material
A - 1 to 3 inches: silt loam
Bw - 3 to 12 inches: silt loam
2Btx - 12 to 21 inches: silt loam
2E - 21 to 33 inches: silt
2Bt - 33 to 48 inches: silt loam
3C - 48 to 67 inches: fine sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: 10 to 20 inches to fragipan
Natural drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: About 6 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum in profile: 5 percent
Available water storage in profile: Very low (about 2.7 inches)

Interpretive groups

Land capability classification (irrigated): 6e
Land capability classification (nonirrigated): 6e
Hydrologic Soil Group: D
Other vegetative classification: western redcedar/queencup beadlily (CN530)
Hydric soil rating: No

Minor Components

Hoodoo

Percent of map unit: 3 percent
Landform: Flood plains, drainageways
Down-slope shape: Concave
Across-slope shape: Linear
Hydric soil rating: Yes

Odenson

Percent of map unit: 2 percent
Landform: Depressions
Hydric soil rating: Yes

65—Water

Map Unit Composition

Water: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

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