CHAPTER 11-55 APPENDIX C

NPDES GENERAL PERMIT
AUTHORIZING DISCHARGES OF STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY

This General Permit is effective on

DEC 0 6 2013

and expires five years from this date.

1. Coverage under this General Permit

1.1.

This general permit covers discharges composed entirely of storm water runoff associated with construction activities, including, but not limited to, clearing, grading, excavation, and construction support activities that result in the disturbance of one acre or more of total land area. This general permit also covers activities that disturb 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 one acre or more of total land area.

Construction support activities include, but are not limited to, concrete or asphalt batch plants, rock crushing plants, equipment staging yards/areas, material storage areas, excavated material disposal areas, borrow areas, etc. Coverage under this general permit for construction support activities is allowed provided that the support activity is directly related to the construction site required to have permit coverage for storm water discharges; is not a commercial operation, nor does it serve multiple unrelated construction projects; does not continue to operate beyond the completion of the construction activity at the project it supports; and storm water controls are implemented in accordance with this

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section and if applicable, section 6, for discharges from the support activity areas.

1.2.

This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."

1.3.

This general permit shall automatically cover discharges of storm water from construction activities in response to a public emergency proclaimed by the President of the United States or State Governor if all of the following conditions are met:

1.3.1.

The earth-disturbing activities are 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; and

1.3.2.

Provide documentation to substantiate the issuance of the public emergency proclamation by the President of the United States or State Governor.

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1.4.

"Disturbance of land" refers to the penetration, turning, or moving of soil or resurfacing of pavement with exposure of the base course or the exposure of bare soil or ground surface, including the land surface exposed by construction roads, baseyards, staging areas, demolition, headquarters, and parking areas. It does not include grass or weed cutting, bush or tree trimming or felling that leaves soil or ground intact. It includes "grubbing" in its normal meaning of the use of equipment to knock down and push vegetation out of the way, typically uprooting vegetation and disturbing the ground surface.

1.5.

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

Note: Projects within a common plan of development must submit separate Notice of Intents (NOIs). For the purpose of this permit, a "project" means separate and distinct construction activities.

1.6.

A "SWPPP" (Storm Water Pollution Prevention Plan) is a site-specific, written document that, among other things: (1) identifies potential sources of storm water

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pollution at the construction site; (2) describes storm water control measures to reduce or eliminate pollutants in storm water discharges from the construction site; and (3) identifies procedures the permittee will implement to comply with the terms and conditions of this general permit.

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"Infeasible" means not technologically possible, or cost prohibitive and not achievable in light of best industry practices.

2. Limitations on Coverage under this General Permit

2.1.

This general permit does not cover the following:

2.1.1.

Storm water discharges associated with construction activity which flow into a sanitary sewer system;

2.1.2.

Storm water discharges from construction activities using polymers, flocculants, or other treatment chemicals;

2.1.3

Storm water discharges associated with construction activities that are regulated by existing individual permits;

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2.1.4.

Storm water discharges from a construction activity which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval is granted by the owner(s) of the drainage system(s) allowing the subject discharge to enter their drainage system(s); except if the permittee is the owner of the drainage system;

2.1.5

Storm water discharges from construction approved under a CWA Section 404 permit or;

2.1.6.

Storm water discharges from the clearing of lands specifically for agricultural purposes in accordance with 40 CFR 122.3(e);

2.1.7.

Storm water discharges for which the director has issued a notice of general permit coverage under another general permit specific to that type of construction or industrial activity; and

2.1.8.

Storm water discharges that the director finds more appropriately regulated under an individual permit.

2.2.

Discharges of storm water from new sources that have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard are not eligible for coverage under this permit, except

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if the permittee has included appropriate controls and implementation procedures designed to bring the discharge into compliance with water quality standards. In the absence of information demonstrating otherwise, the department expects that compliance with the storm water control requirements in this permit, including the requirements applicable to such discharges in section 6.2., will result in discharges that will not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

For this permit "new sources" means projects which occur after this general permit becomes effective when section 11-55-34.02(b)(2) becomes effective, ten days after filing with the office of the lieutenant governor.

2.3.

The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.11.

3. Term of the General Permit and Notice of General Permit Coverage

3.1. Term of the General Permit

This general permit becomes effective when section 11-55-34.02(b)(2) becomes effective, ten days after filing with the office of the lieutenant governor. This general permit expires the sooner of when section 11-55-34.02(b)(2) is amended and becomes effective or five years after section 11-55-34.02(b)(2) became effective.

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3.2. Term of the Notice of General Permit Coverage

A notice of general permit coverage under this general permit expires, the earlier of the following, unless the notice of general permit coverage is automatically terminated in accordance with section 2.3 or administratively extended under section 11-55-34.09(d):

3.2.1.

As specified on Page 55-C-1; or 3.2.2.

When the notice of general permit coverage specifies.

4. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55. In case of conflict between the conditions stated here and those specified in the standard general permit conditions, the more stringent conditions shall apply.

5. Effluent Limitation Applicable To All Discharges From Construction Sites

The permittee is required to comply with the following effluent limitations in this section for discharges from the site and/or from construction support activities.

Note: If the project is an "existing project" meaning that an administrative extension of the NGPC was granted or the NGPC was renewed under this general permit; or if the permittee is new because of a transfer of ownership and/or operation replaces the permittee of an already issued NGPC, and it is infeasible for the permittee to comply with a specific requirement in this section because (1) the requirement was not part of the permit previously covered under

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(i.e., the 2007 Appendix C), and (2) because the permittee is prevented from compliance due to the nature or location of earth disturbances that commenced prior to the issuance date of this general permit, or because the permittee is unable to comply with the requirement due to the manner in which storm water controls have already been installed or were already designed prior to the issuance date of this general permit, the permittee is required to document this fact in the SWPPP, refer to section 7, and are waived from complying with that requirement. This flexibility applies only to the requirements in sections 5.1 and 5.3.3. through 5.3.5. (except for sections 5.3.3.1., 5.3.3.2.2., 5.3.3.3.3.a., and 5.3.3.4.). This only applies to those portions of the site that have already commenced earth-disturbing activities or where storm water controls implemented in compliance with the previous permit have already been installed.

5.1. Erosion and sediment control requirements.

The permittee shall design, install, and maintain erosion and sediment controls that minimize the discharge of pollutants from earth-disturbing activities. For purposes of this general permit, "Minimize" means to reduce and/or eliminate to the extent achievable using storm water controls that are technologically available and economically practicable and achievable in light of best industry practices. To meet this requirement, the permittee shall comply with the following provisions.

5.1.1. General requirements applicable to all construction sites.

5.1.1.1. Area of disturbance.

The permittee is required to minimize the amount of soil exposed during construction activities. The

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permittee is also subject to the deadlines for temporarily and/or permanently stabilizing exposed portions of the site pursuant to section 5.2.

5.1.1.2. Design requirements.

5.1.1.2.1.

The permittee shall account for the following factors in designing storm water controls:
5.1.1.2.1.1.

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

5.1.1.2.1.2.

The nature of storm water runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. If any storm water flow will be channelized at the site, the permittee shall design storm water controls to control both peak flowrates and total storm water volume to minimize channel and streambank erosion in the immediate vicinity of discharge points; and

5.1.1.2.1.3.

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

5.1.1.2.2.

The permittee shall direct discharges from storm water controls to vegetated areas of the site, including any natural buffers established under section 5.1.2.1., and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible. Use velocity dissipation devices if necessary to minimize soil erosion in order

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to minimize pollutant discharges when directing storm water to vegetated areas.

5.1.1.3. Installation requirements.

5.1.1.3.1.

Complete installation of storm water controls prior to earth-disturbance. Prior to earth-disturbing activities in any given portion of the site have begun the permittee shall install and make operational any downgradient sediment controls (e.g., buffers or equivalent sediment controls, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other land-disturbing activities.

Note: The requirement to install storm water controls prior to earth-disturbance of the project does not apply to the earth disturbance associated with the actual installation of these controls.

5.1.1.3.2.

Use good engineering practices and follow manufacturer's specifications. The permittee shall install all storm water controls in accordance with good engineering practices, including applicable design specifications.

Note: Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

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5.1.1.4. Maintenance Requirements

5.1.1.4.1.

The permittee shall ensure that all erosion and sediment controls required in this section remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

5.1.1.4.2.

The permittee shall inspect all erosion and sediment controls in accordance with the applicable requirements in section 9.1., and document the findings in accordance with section 9.1.7. If a problem is found (e.g., erosion and sediment controls need to be replaced, repaired, or maintained), the permittee shall make the necessary repairs or modifications in accordance with the following schedule:

5.1.1.4.2.1.

Initiate work to fix the problem immediately after discovering the problem, and complete such work by the close of the next work day, if the problem does not require significant repair or replacement, or if the problem can be corrected through routine maintenance.

5.1.1.4.2.2.

When installation of a new erosion or sediment control or a significant repair is needed, the permittee shall install the new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery where feasible. If it is infeasible to complete the installation or repair within 7 calendar days, the permittee shall document in its records why it is

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infeasible to complete the installation or repair within the 7-day timeframe and document the schedule for installing the storm water control(s) and making it operational as soon as practicable after the 7-day timeframe. Where these actions result in changes to any of the storm water controls or procedures documented in the SWPPP, the permittee shall modify the SWPPP accordingly within 7 calendar days of completing this work.

5.1.2.

Erosion and sediment control requirements applicable to all sites.

5.1.2.1.

Provide natural buffers and sediment control. (These requirements only apply when a state water is located within 50 feet of the project's earth disturbances).

Note: The department does not consider all storm water control features (e.g., storm water conveyance channels, storm drain inlets, sediment basins) to be state waters.

Note: Written documentation allowing use is required from the owner of areas that are not owned by the permittee or that are otherwise outside the operational control to be considered areas of undisturbed natural buffer for purposes of compliance with this section.

The permittee shall ensure that any discharges to state waters through the area between the disturbed portions of the property and any state waters located within 50 feet of the site are treated by an area of undisturbed natural buffer and sediment controls.

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Note: If the boundary of the disturbance area is within 50 feet of the State water, triggering this requirement, then the installation of the project's perimeter control may be considered equivalent to the installation of sediment control.

5.1.2.1.1. Compliance Alternatives.

The permittee can comply with this requirement in one of the following ways:

5.1.2.1.1.1.

Provide and maintain a 50-foot undisturbed natural buffer and sediment control; or

Note: If the earth disturbances are located 50 feet or further from a state water and have installed sediment control, then the permittee has complied with this alternative.

5.1.2.1.1.2.

Provide and maintain an undisturbed natural buffer that is less than 50 feet and double sediment control (e.g., double perimeter control) spaced a minimum of 5 feet apart; or

5.1.2.1.1.3.

If it is infeasible to provide and maintain an undisturbed natural buffer of any size, the permittee shall provide and maintain double sediment control (e.g., perimeter control) spaced a minimum of 5 feet apart and complete stabilization within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.

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Note: For the compliance alternatives in sections 5.1.2.1.1.1. and 5.1.2.1.1.2., the permittee is not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists. The permittee only need to retain and protect from disturbance the natural buffer that existed prior to the commencement of construction. Any preexisting structures or impervious surfaces are allowed in the natural buffer provided the permittee retain and protect from disturbance the natural buffer area outside the preexisting disturbance.

The permittee shall document the selected compliance alternative in the SWPPP, and comply with the applicable additional requirements described in section 5.1.2.1.2. and 5.1.2.1.3. below.

The compliance alternative selected above must be maintained throughout the duration of permit coverage, except that the permittee may select a different compliance alternative during the period of permit coverage, in which case the permittee shall modify the SWPPP to reflect this change.

5.1.2.1.2.

Additional Requirements for the Compliance Alternatives in section 5.1.2.1.1.1. and 5.1.2.1.1.2. If either of the compliance alternatives in section 5.1.2.1.1.1. or 5.1.2.1.1.2. is chosen above, throughout the period of coverage under this permit, the permittee shall comply with the following additional requirements:

5.1.2.1.2.1.

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 minimize

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soil erosion in order to minimize pollutant discharges caused by storm water within the buffer;

5.1.2.1.2.2.

Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on the site plan; and

5.1.2.1.2.3.

Delineate, and clearly mark off, with flags, tape, or other similar marking device all natural buffer areas.
5.1.2.1.3.

Additional Requirement for the Compliance Alternative in section 5.1.2.1.1.3. If the compliance alternative in section 5.1.2.1.1.3. is chosen, the permittee shall also include in the SWPPP a description of why it is infeasible to provide and maintain an undisturbed natural buffer of any size.

5.1.2.1.4. Exceptions.

5.1.2.1.4.1.

If there is no discharge of storm water to state waters through the area between the site and any state waters located within 50 feet of the site, the permittee is not required to comply with the requirements in this section. This includes situations where control measures have been implemented, such as a berm or other barrier, that will prevent such discharges.

5.1.2.1.4.2.

For "linear construction projects" where "linear construction projects" means the construction of roads, bridges, conduits, substructures, pipelines, sewer

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lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area, the permittee is not required to comply with the requirements in this section if site constraints (e.g., limited right-of-way) prevent the permittee from meeting any of the compliance alternatives in section 5.1.2.1.1., provided that, to the extent practicable, the permittee limit disturbances within 50 feet of state waters and/or the permittee provide erosion and sediment controls to treat storm water discharges from earth disturbances within 50 feet of the state water. The permittee shall also document in the SWPPP the rationale as to why it is infeasible to comply with the requirements in section 5.1.2.1.1., and describe any buffer width retained and/or erosion and sediment controls installed.

5.1.2.1.4.3.

The following disturbances within 50 feet of a state water are exempt from the requirements in this Part: construction approved under a CWA 404 permit; or construction of a water-dependent structure or water access area (e.g., pier, boat ramp, trail).

The permittee shall document in the SWPPP if any of the above disturbances will occur within the buffer area on the site.

5.1.2.2 Install perimeter controls.

5.1.2.2.1.

Installation requirements: The permittee shall install sediment controls along those perimeter areas of the site that will receive storm water from earth-disturbing activities.

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For linear projects with rights-of-way that restrict or prevent the use of such perimeter controls, the permittee shall maximize the use of these controls where practicable and document in the SWPPP why it is impracticable in other areas of the project.

5.1.2.2.2.

Maintenance Requirements: The permittee shall remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

5.1.2.3. Minimize sediment track-out.

The permittee shall minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting the construction site. To comply with this requirement, the permittee shall:

5.1.2.3.1.

Restrict vehicle use to properly designated exit points;

5.1.2.3.2.

Use appropriate stabilization techniques at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit;

5.1.2.3.3.

Where necessary, use additional controls to remove sediment from vehicle tires prior to exit; and

5.1.2.3.4.

Where sediment has been tracked-out from the site onto the surface of off-site streets, other paved areas, and

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sidewalks, the permittee shall remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs during non-working hours. The permittee shall remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. The permittee is prohibited from hosing or sweeping tracked-out sediment into any storm water conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or state water.

Note: The department recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after the implementation of sediment removal practices. Such "staining" is not a violation of this section.

5.1.2.4. Control discharges from stockpiled sediment or soil.

For any stockpiles or land clearing debris composed, in whole or in part, of sediment or soil, the permittee shall comply with the following requirements:

Note: For the purposes of this permit, sediment or soil stockpiles are defined as the storage for multiple days of soil or other sediment material to be used in the construction project.

5.1.2.4.1.

Locate the piles outside of any natural buffers established under section 5.1.2.1.1. and physically separated from other storm water controls implemented in accordance with section 5.1.;

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5.1.2.4.2.

Protect from contact with storm water (including run-on) using a temporary perimeter sediment barrier;
5.1.2.4.3.

Where practicable, provide cover or appropriate temporary stabilization to avoid direct contact with precipitation or to minimize sediment discharge;

5.1.2.4.4.

Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any storm water conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or state water; and

5.1.2.4.5.

Unless infeasible, contain and securely protect from wind.

5.1.2.5. Minimize dust.

In order to avoid pollutants from being discharged into state waters, to the extent feasible, the permittee shall minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

5.1.2.6. Minimize the disturbance of steep slopes.

The permittee shall minimize the disturbance of "steep slopes." For this permit, "steeps slopes" means those that are 15 percent or greater in grade.

Note: The permit does not prevent or prohibit disturbance on steep slopes. For some projects,

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disturbance on steep slopes may be necessary for construction (e.g., a road cut in mountainous terrain). If a disturbance to steep slopes is required for the project, the department would recognize that it is not economically achievable to avoid the disturbance to steep slopes. However, in cases where steep slope disturbances are required, minimizing the disturbances to steep slopes consistent with this requirement can be accomplished through the implementation of a number of standard erosion and sediment control practices, such as by phasing disturbances to these areas and using stabilization practices designed to be used on steep grades.

5.1.2.7. Preserve topsoil.

The permittee shall preserve native topsoil on the site, unless infeasible. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

Note: Some projects may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain. In these cases, preserving topsoil at the site would not be feasible. Some sites may not have space to stockpile topsoil on site for later use, in which case, it may also not be feasible to preserve topsoil.

Note: Stockpiling of topsoil at off-site locations, or transfer of topsoil to other locations, is an example of a practice that is consistent with the requirements in this section.

5.1.2.8. Minimize soil compaction.

In areas of the site where final vegetative stabilization will occur or where infiltration

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practices will be installed, the permittee shall either:

5.1.2.8.1. Restrict vehicle/equipment use.

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

5.1.2.8.2. Use soil conditioning techniques.

Prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary and feasible.

5.1.2.9. Protect storm drain inlets.

If discharging to any storm drain inlet that carries storm water flow from the site directly to a state water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), and the permittee has authority to access the storm drain inlet, the permittee shall:

5.1.2.9.1. Installation requirements.

Install inlet protection measures that remove sediment from the discharge prior to entry into the storm drain inlet.

Note: Inlet protection measures can be removed in the event of flood conditions where safety or loss of property is of concern or to prevent erosion.

5.1.2.9.2. Maintenance requirements.

Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet

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protection measure, the permittee shall remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.

5.1.2.10 Contaminated soil and contaminated soil stockpiles.

The permittee shall either:

5.1.2.10.1.

Prevent storm water from contacting contaminated soil and contaminated soil stockpiles; or
5.1.2.10.2.

Prevent the discharge of storm water runoff from contaminated soil and contaminated soil stockpiles.

5.1.3.

Requirements applicable only to sites using these specific storm water controls.

The permittee is required to comply with the following requirements if installing any of the following storm water controls at the site:

5.1.3.1. Constructed storm water conveyance channels.

Design storm water conveyance channels to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. Minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices within and along the length of any constructed storm water conveyance

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channel, and at any outlet to provide a non-erosive flow velocity.

5.1.3.2. Sediment Basins.

If installing a sediment basin, the permittee shall comply with the following:

5.1.3.2.1. Design requirements.

5.1.3.2.1.1.

Provide storage for either (1) the calculated volume of runoff from a minimum 2-year, 24-hour storm , or (2) 3,600 cubic feet per acre drained;
5.1.3.2.1.2.

When discharging from the sediment basin, utilize outlet structures that withdraw water from the surface in order to minimize the discharge of pollutants, unless infeasible;

Note: The department believes that the circumstances in which it is infeasible to design outlet structures in this manner are rare. If determined by the permittee that it is infeasible to meet this requirement, the permittee shall provide documentation in the SWPPP to support the determination.

5.1.3.2.1.3.

Prevent erosion of (1) the sediment basin using stabilization controls (e.g., erosion control blankets), and (2) the inlet and outlet using erosion controls and velocity dissipation devices; and

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5.1.3.2.1.4.

Sediment basins must be situated outside of state waters and any natural buffers established under section 5.1.2.1.1., and must be designed to avoid collecting water from wetlands.

5.1.3.2.2. Maintenance requirements.

Keep in effective operating condition and remove accumulated sediment to maintain at least ½ of the design capacity of the sediment basin at all times.

5.1.3.3. Dewatering practices.

The permittee is prohibited from discharging ground water or accumulated storm water that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation.

5.2. Stabilization Requirements.

The permittee is required to stabilize exposed portions of the site in accordance with the requirements of this section.

Note: For the purposes of this permit, "exposed portions of the site" means areas of exposed soil that are required to be stabilized. Note that the department does not expect that temporary or permanent stabilization measures to be applied to areas that are intended to be left unvegetated or unstabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials). Otherwise, permanent stabilization is required for disturbed areas.

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5.2.1. Deadlines for initiating and completing stabilization.

5.2.1.1. Deadline to initiate stabilization.

The permittee shall initiate soil stabilization measures immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site. In limited circumstances, stabilization may not be required immediately (or, in even more limited circumstances, permanently) if the intended function of a specific area of the site necessitates that it remain disturbed.

Note: The Department can envision only limited cases where a disturbed area would not require stabilization because it should remain disturbed. Permittees must still minimize discharges from disturbed areas.

Note: Earth-disturbing activities have permanently ceased when clearing and excavation within any area of the construction site that will not include permanent structures has been completed.

Note: Earth-disturbing activities have temporarily ceased when clearing, grading, and excavation within any area of the site that will not include permanent structures will not resume (i.e., the land will be idle) for a period of 14 or more calendar days, but such activities will resume in the future.

The 14 calendar day timeframe above begins counting as soon as the permittee knows that construction work on a portion of the site will be temporarily ceased. In circumstances where the permittee experiences unplanned or unanticipated delays in construction due to circumstances beyond the permittee's control (e.g., sudden work stoppage due to unanticipated problems associated with construction labor, funding, or other

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issues related to the ability to work on the site; weather conditions rendering the site unsuitable for the continuation of construction work) and it is not known at first how long the work stoppage will continue, the permittee's requirement to immediately initiate stabilization is triggered as soon as it is known with reasonable certainty that work will be stopped for 14 or more additional calendar days. At that point, the permittee shall comply with sections 5.2.1.1. and 5.2.1.2.

Note: For the purposes of this permit, the department will consider any of the following types of activities to constitute the initiation of stabilization:

a. prepping the soil for vegetative or non-vegetative stabilization;

b. applying mulch or other non-vegetative product to the exposed area;

c. seeding or planting the exposed area;

d. starting any of the activities in a - c on a portion of the area to be stabilized, but not on the entire area; and

e. finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization in sections 5.2.1.2. and 5.2.1.3.

This list of examples is not exhaustive.

Note: The term "immediately" is used to define the deadline for initiating stabilization measures. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next

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work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

5.2.1.2. Deadline to complete stabilization activities.

As soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization measures consistent with section 5.2.1.1. , the permittee is required to have completed:

5.2.1.2.1.

For vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized; and/or
5.2.1.2.2.

For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

5.2.1.3. Exceptions to the deadlines for initiating and completing stabilization.

5.2.1.3.1

Deadlines for projects that are affected by circumstances beyond the control of the permittee that delay the initiation and/or completion of vegetative stabilization as required in sections 5.2.1.1. and/or 5.2.1.2. If the permittee is unable to meet the deadlines in sections 5.2.1.1. and/or 5.2.1.2. due to circumstances beyond the permittee's control (e.g. problems with the supply of seed stock or with the availability of specialized equipment, unsuitability of soil conditions due to excessive precipitation and/or flooding), and the permittee is using vegetative cover for temporary or permanent stabilization, the permittee

may comply with the following stabilization deadlines instead:

5.2.1.3.1.1.

Immediately initiate, and within 14 calendar days complete, the installation of temporary non-vegetative stabilization measures to prevent erosion;

5.2.1.3.1.2.

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

Note: The permittee is required to have stabilized the exposed portions of the site consistent with section 5.2.2. prior to terminating permit coverage.

5.2.1.3.1.3.

Document the circumstances that prevent the permittee from meeting the deadlines required in sections 5.2.1.1. and/or 5.2.1.2. and the schedule the permittee will follow for initiating and completing stabilization.

5.2.1.3.2.

Deadlines for sites discharging to impaired waters. For any portion of the site that discharges to a sediment or nutrient-impaired water (see section 6.2.), the permittee is required to complete the stabilization activities specified in sections 5.2.1.2.1. and/or 5.2.1.2.2. within 7 calendar days after the temporary or permanent cessation of earth-disturbing activities.

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Note: If the permittee qualifies for the deadlines for initiating and completing stabilization in section 5.2.1.3.1. or 5.2.1.3.2., the permittee may comply with the stabilization deadlines in section 5.2.1.3.1. or 5.2.1.3.2. for any portion of the site that discharges to an impaired water.

5.2.2. Criteria for stabilization.

To be considered adequately stabilized, the permittee shall meet the criteria below depending on the type of cover the permittee is using, either vegetative or non-vegetative.

5.2.2.1. Vegetative stabilization.

5.2.2.1.1.

For all sites, except those located on agricultural lands.

5.2.2.1.1.1.

If the permittee is vegetatively stabilizing any exposed portion of the site through the use of seed or planted vegetation, the permittee shall provide established uniform vegetation (e.g., evenly distributed without large bare areas), which provides 70 percent or more of the density of coverage that was provided by vegetation prior to commencing earth-disturbing activities. The permittee should avoid the use of invasive species;

5.2.2.1.1.2.

For final stabilization, vegetative cover must be perennial; and

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5.2.2.1.1.3.

Immediately after seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded or planted area, the permittee shall select, design, and install non-vegetative erosion controls that provide cover (e.g., mulch, rolled erosion control products) to the area while vegetation is becoming established.

5.2.2.1.2.

For sites located on land used for agriculture. Disturbed areas on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction) that are restored to their pre-construction agricultural use are not subject to these final stabilization criteria. Areas disturbed that were not previously used for agricultural activities, and areas that are not being returned to preconstruction agricultural use, must meet the conditions for stabilization in this section.

5.2.2.2. Non-Vegetative Stabilization.

If the permittee is using non-vegetative controls to stabilize exposed portions of the site, or if the permittee is using such controls to temporarily protect areas that are being vegetatively stabilized, the permittee shall provide effective non-vegetative cover to stabilize any such exposed portions of the site.

5.3. Pollution prevention requirements.

The permittee is required to design, install, and maintain effective pollution prevention measures in order to prevent the discharge of pollutants. Consistent with this requirement, the permittee shall:

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a. Eliminate certain pollutant discharges from the site (see section 5.3.1.);

b. Properly maintain all pollution prevention controls (see section 5.3.2.); and

c. Comply with pollution prevention standards for pollutant-generating activities that occur at the site (see section 5.3.3.).

These requirements apply to all areas of the construction site and any and all support activities covered by this permit consistent with section 5.

5.3.1. Prohibited Discharges.

The permittee is prohibited from discharging the following from the construction site:

5.3.1.1. Wastewater from washout of concrete;

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

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

5.3.1.4. Soaps, solvents, or detergents used in vehicle and equipment washing; and

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

5.3.2. General Maintenance Requirements.

The permittee shall ensure that all pollution prevention controls installed in accordance with this

section remain in effective operating condition and are protected from activities that would reduce their effectiveness. The permittee shall inspect all pollutant-generating activities and pollution prevention controls in accordance with the inspection frequency requirements in sections 9.1.2 or 6.2.2.1. to avoid situations that may result in leaks, spills, and other releases of pollutants in storm water discharges to receiving waters, and must document the findings in accordance with section 9.1.7. If the permittee finds that controls need to be replaced, repaired, or maintained, the permittee shall make the necessary repairs or modifications in accordance with the following:

5.3.2.1.

Initiate work to fix the problem immediately after discovering the problem, and complete such work by the close of the next work day, if the problem does not require significant repair or replacement, or if the problem can be corrected through routine maintenance.

5.3.2.2.

When installation of a new pollution prevention control or a significant repair is needed, the permittee shall install the new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, the permittee shall document in the records why it is infeasible to complete the installation or repair within the 7 calendar day timeframe and document the schedule for installing the storm water control(s) and making it operational as soon as practicable after the 7 calendar day timeframe. Where these actions result in changes to any of the pollution prevention controls or procedures documented

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in the SWPPP, the permittee shall modify the SWPPP accordingly within 7 calendar days of completing this work.

5.3.3. Pollution prevention standards.

The permittee is required to comply with the pollution prevention standards in this section if the permittee conducts any of the following activities at the site or at any construction support activity areas covered by this permit (see section 5):

a. Fueling and maintenance of equipment or vehicles;

b. Washing of equipment and vehicles;

c. Storage, handling, and disposal of construction materials, products, and wastes; and

d. Washing of applicators and containers used for paint, concrete, or other materials.

The pollution prevention standards are as follows:

5.3.3.1. Fueling and maintenance of equipment or vehicles.

If the permittee conducts fueling and/or maintenance of equipment or vehicles at the site, the permittee shall provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place. To comply with the prohibition in section 5.3.1.3., the permittee shall:

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5.3.3.1.1.

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

5.3.3.1.2.

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

5.3.3.1.3.

Use drip pans and absorbents under or around leaky vehicles and equipment;

5.3.3.1.4.

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

5.3.3.1.5.

Clean up spills or contaminated surfaces immediately, using dry clean up measures where possible, and eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and

5.3.3.1.6.

Do not clean surfaces by hosing the area down.

5.3.3.2. Washing of equipment and vehicles.

5.3.3.2.1.

The permittee shall provide an effective means to prevent the discharge of pollutants from equipment and

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vehicle washing, wheel wash water, and other types of washing; and

5.3.3.2.2.

To comply with the prohibition in section 5.3.1.4., for storage of soaps, detergents, or solvents, the permittee shall provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these detergents from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these storage areas.

5.3.3.3. Storage, Handling, and Disposal of Construction Products, Materials, and Wastes.

The permittee shall minimize the exposure to storm water of any of the products, materials, or wastes specified below that are present at the site by complying with the requirements in this section.

Note: These requirements do not apply to those products, materials, or wastes that are not a source of storm water contamination or that are designed to be exposed to storm water.

To ensure meeting this requirement, the permittee shall:

5.3.3.3.1.

For building products: In storage areas, provide either:

a. Cover (e.g., plastic sheeting or temporary roofs) to prevent these products from coming into contact with rainwater, or

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b. A similarly effective means designed to prevent the discharge of pollutants from these areas.

5.3.3.3.2.

For pesticides, herbicides, insecticides, fertilizers, and landscape materials:

a. In storage areas, provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these chemicals and materials from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas; and

b. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.

5.3.3.3.3.

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

a. To comply with the prohibition in section 5.3.1.3., store chemicals in water-tight containers, and provide either (1) cover (e.g., plastic sheeting or temporary roofs) to prevent these containers from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., spill kits), or provide secondary containment (e.g., spill berms, decks, spill containment pallets); and

b. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the

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source of the spill to prevent a discharge or a continuation of an ongoing discharge.

5.3.3.3.4.

For hazardous or toxic waste:

Separate hazardous or toxic waste from construction and domestic waste;

a. 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, and local requirements;

b. Store all containers that will be stored outside away from surface waters and within appropriately-sized secondary containment (e.g., spill berms, decks, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in covered area or having a spill kit available on site);

c. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state, and local requirements; and

d. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

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5.3.3.3.5.

For construction and domestic waste:

Provide waste containers (e.g., dumpster or trash receptacle) of sufficient size and number to contain construction and domestic wastes. In addition, the permittee shall:

a. On work days, clean up and dispose of waste in designated waste containers; and

b. Clean up immediately if containers overflow.

5.3.3.3.6.

For sanitary waste:

Position portable toilets so that they are secure and will not be tipped or knocked over.

5.3.3.4. Washing of applicators and containers used for paint, concrete, or other materials.

The permittee shall provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials. To comply with this requirement, the permittee shall:

5.3.3.4.1.

Direct all washwater into a leak-proof container or leak-proof pit. The container or pit must be designed so that no overflows can occur due to inadequate sizing or precipitation;

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5.3.3.4.2.

Handle washout or cleanout wastes as follows:

a. Do not dump liquid wastes in storm sewers;

b. Dispose of liquid wastes in accordance with applicable requirements in section 5.3.3.3.; and

c. Remove and dispose of hardened concrete waste consistent with the handling of other construction wastes in section 5.3.3.3.; and

5.3.3.4.3.

Locate any washout or cleanout activities as far away as possible from state waters and storm water inlets or conveyances, and, to the extent practicable, designate areas to be used for these activities and conduct such activities only in these areas.

5.3.4. Emergency spill notification.

The permittee is prohibited from discharging toxic or hazardous substances from a spill or other release, consistent with section 5.3.1.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, the permittee shall notify the National Response Center (NRC) at (800) 424-8802 , the Clean Water Branch during regular business hours at 586-4309, and the Hawaii State Hospital Operator at 247-2191 and the Clean Water Branch via email at cleanwaterbranch@doh.hawaii.gov during non-business hours as soon as the permittee has knowledge of the discharge. The permittee shall also, within 7 calendar days of knowledge of the release, provide a description

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of the release, the circumstances leading to the release, and the date of the release. State and local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

5.3.5. Fertilizer discharge restrictions.

The permittee is required to minimize discharges of fertilizers containing nitrogen or phosphorus. To meet this requirement, the permittee shall comply with the following requirements:

5.3.5.1. Apply at a rate and in amounts consistent with manufacturer's specifications, or document departures from the manufacturer specifications where appropriate in section 7.2.7.2. of the SWPPP;

5.3.5.2. Apply at the appropriate time of year for the location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

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

5.3.5.4. Never apply to storm water conveyance channels with flowing water; and

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

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6. Water Quality-Based Effluent Limitations

6.1 General Effluent limitation to meet applicable water quality standards.

The permittee shall not cause or contribute to a violation of the basic water quality criteria as specified in section 11-54-4.

In the absence of information demonstrating otherwise, the department expects that compliance with the conditions in this permit will result in storm water discharges being controlled as necessary to meet applicable water quality standards. If at any time the permittee becomes aware, or the department determines, that the discharge is not being controlled as necessary to meet applicable water quality standards, the permittee must take corrective action as required in section 10.2.1., and document the corrective actions as required in section 10.2.1. and section 10.4.

The department will also impose additional water quality-based limitations on a site-specific basis, or require the permittee to obtain coverage under an individual permit, if information in the NOI, or from other sources indicates that the 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 a state-established and EPA-approved Total Maximum Daily Load (TMDL).

6.2. Discharge limitations for impaired waters

If discharge is to a state water that is impaired for (1) sediment or a sediment-related parameter, such as total suspended solids (TSS) or turbidity, and/or (2) nutrients, including impairments for nitrogen and/or

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phosphorus, the permittee is required to comply with the requirements in section 6.2.2.

Note: For the purposes of this section, "impaired waters" are waters identified as impaired on the State CWA section 303(d) list, and waters with a state-established and EPA-approved TMDL. The construction site will be considered to discharge to an impaired water if the first state water to which the discharge enters is to a water on the section 303(d) list or one with a state established and EPA-approved TMDL. For discharges that enter a storm water drainage system prior to discharge, the first state water to which discharge is the water body that receives the storm water discharge from the storm water drainage system.

If discharge is to an impaired water that is impaired for a parameter other than a sediment-related parameter or nutrients, the department will inform the permittee if any additional limits or controls are necessary for the 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.

If during the coverage under a previous permit, the permittee was required to install and maintain storm water controls specifically to meet the assumptions and requirements of a state-established and EPA-approved TMDL (for any parameter) or to otherwise control the discharge to meet water quality standards, the permittee shall continue to implement such controls as part of this permit.

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6.2.1. Identify if you discharge to an impaired water.

If discharge is to an impaired water, the permittee shall provide the following information in the NOI:

a. A list of all impaired waters to which discharge enters;

b. The pollutant(s) for which the state water is impaired; and

6.2.2. Requirements for discharges to sediment or nutrient-impaired waters.

If discharge is to a state water that is impaired for (1) sediment or a sediment-related parameter (e.g., total suspended solids (TSS) or turbidity) and/or (2) nutrients (e.g., nitrogen and/or phosphorus), including impaired waters for which a TMDL has been approved or established for the impairment, the permittee is required to comply with the following storm water control requirements in sections 6.2.2.1. and 6.2.2.2., which supplement the requirements applicable to the site in other corresponding sections of the permit.

The department will also impose additional water quality-based limitations on a site-specific basis, or require the permittee to obtain coverage under an individual permit, if it is determined that the controls will not be sufficient to control discharges consistent with the assumptions and requirements of an applicable wasteload allocation of an approved or established TMDL or to prevent the site from contributing to the impairment.

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6.2.2.1. Frequency of site inspection.

The permittee shall conduct inspections at the frequency specified in section 9.1.3.

6.2.2.2. Deadline to complete stabilization.

The permittee shall comply with the deadlines for completing site stabilization as specified in section 5.2.1.3.2.

7. Storm Water Pollution Prevention Plan (SWPPP)

7.1. Requirement to develop a SWPPP prior to submitting an NOI.

All permittees and their contractors with a construction project to be covered under this permit must develop a SWPPP.

The Permittee is required to develop the site's SWPPP prior to submitting the NOI. The SWPPP must include at a minimum the information required in section 7.2. and as specified in other sections of this general permit and any other information as requested by the director. The permittee shall also update the SWPPP as required in section 7.4.

If a Site Specific Construction Best Management Practices (SSCBMP) Plan was previously developed for coverage under a previous version of this general permit, the permittee shall review and update the SSCBMP Plan to ensure that requirements of this permit's SWPPP are addressed prior to submitting the NOI.

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7.2. SWPPP Contents

The SWPPP must include the following information, at a minimum.

7.2.1. Storm water team.

The permittee shall assemble and oversee a "storm water team," which is responsible for the development of the SWPPP, any later modifications to it, and for compliance with the requirements in this permit.

The SWPPP must identify the personnel (by name or position) that are part of the storm water team, as well as their individual responsibilities. Each member of the storm water team must have ready access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7.2.2. Nature of construction activities.

The SWPPP must describe the nature of the construction activities, including the size of the project site (in acres) and the total area expected to be disturbed by the construction activities (in acres), construction support activity areas covered by this permit (see section 5), and the maximum area expected to be disturbed at any one time.

7.2.3. Emergency-related projects.

If conducting earth-disturbing activities in response to a public emergency (see section 1.3.), the permittee shall document the cause of the public emergency (e.g., natural disaster, extreme flooding conditions, etc.), information substantiating its occurrence (e.g., state emergency proclamation or similar state proclamation),

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and a description of the construction necessary to reestablish effected public services. The proclamation of a civil defense emergency or similar proclamation is required to be from the President of the United States or State Governor.

7.2.4. Identification of other site contractors.

The SWPPP must include a list of all other contractors (e.g., sub-contractors) who will be engaged in construction activities at the site, and the areas of the site over which each contractor has control.

Note: The department acknowledges that a list of all other contractors might not be available at the time the SWPPP and NOI are submitted. If that is the case, then the SWPPP must be amended to include the information required in Section 7.2.4 prior to the start of construction activities.

7.2.5. Sequence and estimated dates of construction activities.

The SWPPP must include a description of the intended sequence of construction activities, including a schedule of the estimated start dates and the duration of the activity, for the following activities:

7.2.5.1.

Installation of storm water control measures, and when they will be made operational, including an explanation of how the sequence and schedule for installation of storm water control measures complies with section 5.1.1.3.1. and of any departures from manufacturer specifications pursuant to section 5.1.1.3.2., including removal procedures of the storm water control measures after construction has ceased;

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7.2.5.2.

Commencement and duration of earth-disturbing activities, including clearing and grubbing, mass grading, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

7.2.5.3.

Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site;

7.2.5.4.

Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which the permittee is subject to in section 5.2.1.; and

7.2.5.5.

Removal of temporary storm water conveyances/channels and other storm water control measures, removal of construction equipment and vehicles, and cessation of any pollutant-generating activities.

Note: If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the permittee or contractor to meeting these projections. When departures from initial projections are necessary, this should be documented in the SWPPP itself or in associated records, as appropriate.

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7.2.6. Site map.

The SWPPP must include a legible site map, or series of maps, showing the following features of the project:

Note: Included in the project site are any construction support activities covered by this permit (see section 5).

7.2.6.1.

Boundaries of the property and of the locations where construction activities will occur, including:

a. Locations where earth-disturbing activities will occur, noting any sequencing of construction activities;

b. Approximate slopes before and after major grading activities and drainage patterns with flow arrows. Note areas of steep slopes, as defined in section 5.1.2.6.;

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

d. Locations of any contaminated soil or contaminated soil stockpiles;

e. Locations of any crossings of state waters;

f. Designated points on the site where vehicles will exit onto paved roads;

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

h. Locations of construction support activity areas covered by this permit (see section 5).

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7.2.6.2.

Locations of all state waters, including wetlands, that exist within or in the immediate vicinity of the site and indicate which waterbodies are listed as impaired;

7.2.6.3.

The boundary lines of any natural buffers provided consistent with section 5.1.2.1.1.;

7.2.6.4.

Topography of the site, existing vegetative cover and features (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of storm water onto, over, and from the site property before and after major grading activities;

7.2.6.5.

Storm water discharge locations, including:

a. Locations of any storm drain inlets on the site and in the immediate vicinity of the site to receive storm water runoff from the project; and

b. Locations where storm water will be discharged to state waters (including wetlands).

7.2.6.6.

Locations of all potential pollutant-generating activities identified in section 7.2.7.;

7.2.6.7.

Locations of storm water control measures; and

7.2.6.8.

Locations where chemicals will be used and stored.

7.2.7. Construction site pollutants.

The SWPPP must include the following:

a. A list and description of all the pollutant-generating activities on the site.

b. For each pollutant-generating activity, an inventory of pollutants or pollutant constituents (e.g., sediment, fertilizers and/or pesticides, paints, solvents, fuels) associated with that activity, which could be exposed to rainfall and could be discharged from the construction site. The permittee shall take into account where potential spills and leaks could occur that contribute pollutants to storm water discharges. The permittee shall also document any departures from the manufacturer's specifications for applying fertilizers containing nitrogen and phosphorus, as required in section 5.3.5.1.

7.2.8. Sources of non-storm water.

The SWPPP must also identify all sources of non-storm water and information, including, but not limited to, the design, installation, and maintenance of the control measures to prevent its discharge.

7.2.9. Buffer documentation.

If the permittee is required to comply with section 5.1.2.1. because a state water is located within 50 feet of the project's earth disturbances, the permittee shall describe which compliance alternative the permittee has selected for the site, and comply with

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any additional requirements to provide documentation in section 5.1.2.1.

7.2.10. Description of storm water control measures.

7.2.10.1 Storm water control measures to be used during construction Activity.

The SWPPP must describe all storm water control measures that are or will be installed and maintained at the site to meet the requirements of section 5. For each storm water control measure, the permittee must document:

a. Information on the type of storm water control measure to be installed and maintained, including design information;

b. What specific sediment controls will be installed and made operational prior to conducting earth-disturbing activities in any given portion of the site to meet the requirement of section 5.1.2.2.1.;

c. If contaminated soil exists on-site, the control measures to either prevent the contact of storm water with the contaminated soil, including any contaminated soil stockpiles, or prevent the discharge of any storm water runoff which has contacted contaminated soil or any contaminated soil stockpiles;

d. For exit points on the site, document stabilization techniques the permittee will use and any additional controls that are planned to remove sediment prior to vehicle exit consistent with section 5.1.2.3.; and

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e. For linear projects, where the permittee has determined that the use of perimeter controls in portions of the site is impracticable, document why the permittee believes this to be the case (see section 5.1.2.2.1.).

7.2.10.2. Stabilization practices.

The SWPPP must describe the specific vegetative and/or non-vegetative practices that will be used to comply with the requirements in section 5.2., including if the permittee will be complying with the stabilization deadlines specified in section 5.2.1.3.2. The permittee shall document the circumstances that prevent the permittee from meeting the deadlines specified in sections 5.2.1.1. and/or 5.2.1.2.

7.2.10.3. Post construction measures.

Descriptions of measures that will minimize the discharge of pollutants via storm water discharges after construction operations have been finished. All projects require post construction BMPs to minimize the discharge of pollutants via storm water discharges after construction operations have been finished. Examples include: open, vegetated swales and natural depressions; structures for storm water retention, detention, or recycle; velocity dissipation devices to be placed at the outfalls of detention structures or along with the length of outfall channels; and other appropriate measures.

7.2.11 Pollution prevention procedures.

7.2.11.1. Spill prevention and response procedures.

The SWPPP must describe procedures that the permittee will follow to prevent and respond to spills and leaks consistent with section 5.3., including:

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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 section 5.3.4. and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.

The permittee 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 permittee keeps a copy of that other plan onsite.

Note: Even if the permittee already has an SPCC or other spill prevention plan in existence, the plans will only be considered adequate if they meet all of the requirements of this section, either as part of the existing plan or supplemented as part of the SWPPP.

7.2.11.2. Waste management procedures.

The SWPPP must describe procedures for how the permittee will handle and dispose of all wastes generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from

the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

7.2.12. Procedures for inspection, maintenance, and corrective action.

The SWPPP must describe the procedures the permittee will follow for maintaining the storm water control measures, conducting site inspections, and, where necessary, taking corrective actions, in accordance with section 5.1.1.4., section 5.3.2., section 9, and section 10 of the permit. The following information must also be included in the SWPPP:

a. Personnel responsible for conducting inspections;

b. The inspection schedule the permittee will be following, which is based on whether the site is subject to section 9.1.2. or section 9.1.3., and whether the site qualifies for any of the allowances for reduced inspection frequencies in 9.1.4. If the permittee will be conducting inspections in accordance with the inspection schedule in section 9.1.2.a. or section 9.1.2.b., the location of the rain gauge on the site or the address of the weather station the permittee will be using to obtain rainfall data; and

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

7.2.13. Staff training.

The SWPPP must include documentation that the required personnel were trained in accordance with the following:

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7.2.13.1.

Prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first, the permittee shall ensure that the following personnel 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 storm water controls (including pollution prevention measures);

b. Personnel responsible for the application and storage of chemicals (if applicable);

c. Personnel who are responsible for conducting inspections as required in Part 4.1.1; and

d. Personnel who are responsible for taking corrective actions as required in Part 5.

Notes: (1) If the person requiring training is a new employee, who starts after the permittee commences earth-disturbing or pollutant-generating activities, the permittee shall ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. (2) For emergency-related construction activities, the requirement to train personnel prior to commencement of earth-disturbing activities does not apply, however, such personnel must have the required training prior to NOI submission.

7.2.13.2.

The permittee is responsible for ensuring that all activities on the site comply with the requirements of

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this permit. The permittee 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.

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 location of all storm water controls on the site required by this permit, and how they are to be maintained;

b. The proper procedures to follow with respect to the permit's pollution prevention requirements; and

c. When and how to conduct inspections, record applicable findings, and take corrective actions.

7.2.14. Documentation of compliance with Safe Drinking Water Act Underground Injection Control (UIC) requirements for certain subsurface storm water controls.

If using any of the following storm water controls at the site, as they are described below, the permittee must document any contact with the department's Safe Drinking Water Branch for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR Parts 144 -147. Such controls would generally be considered Class V UIC wells:

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a. Infiltration trenches (if storm water is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);

b. Commercially manufactured precast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate storm water flow; and

c. Drywells, seepage pits, or improved sinkholes (if storm water 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).

7.2.15. Information to be included in the SWPPP prior to the start of construction activities.

7.2.15.1. Contractor information.

The following contractor (general and subcontractors) information shall be included in the SWPPP: legal name, street address, contact person's name and position title, telephone number, and email address.

7.2.15.2. Other state, federal, or county permits.

The following are required to be included in the SWPPP prior to the start of construction activities, if applicable:

a. Copy of the drainage system owner's approval allowing the discharge to enter their drainage system;

b. Copy of the county-approved grading permit;

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c. Copy of the department of the army permit and section 401 water quality certification; and

d. A list of other permits.

7.2.16. Any other information as requested by the director.

7.2.17. SWPPP certification.

The permittee must certify, sign, and date the SWPPP in accordance with section 15 of appendix A, chapter 11-55.

7.2.18. Post-authorization additions to the SWPPP.

After the issuance of the NGPC the permittee shall include the following documents as part of the SWPPP:

a. A copy of the NOI submitted to the department along with any correspondence exchanged between the permittee and the department related to coverage under this permit;

b. A copy of the NGPC and all attachments included with the NGPC (an electronic copy easily available to the storm water team is also acceptable).

7.3. On-site availability of the SWPPP.

The permittee is required to 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 the department; EPA; or local agency approving storm water management plans; the operator of a storm water drainage system receiving discharges from the site; or representatives of the

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U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

The department 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 the department only to the extent of, and by means of, the procedures set forth in 40 CFR Part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

If an onsite location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of the construction site.

7.4. Required SWPPP modifications.

7.4.1. List of conditions requiring SWPPP modification.

The permittee shall modify the SWPPP, including the site map(s), in response to any of the following conditions:

7.4.1.1.

Whenever new contractors become active in construction activities on the site, or changes are made to the

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construction plans, storm water control measures, pollution prevention measures, 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 section 10. The permittee does not need to modify the SWPPP if the estimated dates in section 7.2.5. change during the course of construction;

7.4.1.2.

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

7.4.1.3.

If inspections or investigations by site staff, or by local, state, or federal officials determine that SWPPP modifications are necessary for compliance with this permit;

7.4.1.4.

Where the department determines it is necessary to impose additional requirements on the discharge, the following must be included in the SWPPP:

a. A copy of any correspondence describing such requirements; and

b. A description of the storm water control measures that will be used to meet such requirements.

7.4.1.5.

To reflect any revisions to applicable federal, state, and local requirements that affect the storm water control measures implemented at the site; and

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7.4.2. Deadlines for SWPPP modifications.

The permittee shall complete required revisions to the SWPPP within 7 calendar days following the occurrence of any of the conditions listed in section 7.4.1.

7.4.3. SWPPP modification records.

The permittee shall maintain records showing the dates of all SWPPP modifications. The records must include a signature of the person authorizing each change (see section 7.2.17. above), date, and a brief summary of all changes.

7.4.4. Certification requirements.

All modifications made to the SWPPP consistent with section 7.4. must be certified, signed, and dated by the Certifying Person that meets the requirements in section 15 of appendix A, chapter 11-55 or the duly authorized representative that meets the requirements of 11-55-07(b).

7.4.5. Required notice to other contractors.

Upon determining that a modification to the SWPPP is required, if there are multiple contractors covered under this permit, the permittee shall immediately notify any contractors who may be impacted by the change to the SWPPP.

8. Implementation of the Storm Water Pollution Prevention Plan (SWPPP)

8.1.

The permittee shall design, operate, implement, and maintain the SWPPP to ensure that storm water discharges associated with construction activities will

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not cause or contribute to a violation of applicable state water quality standards.

8.2.

The permittee shall implement the SWPPP to improve the quality of storm water discharges or when instructed by the director.

9. Inspections

9.1 Site Inspections

The permittee shall timely inspect the receiving state waters, storm water runoff and control measures and best management practices to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 11-54-4. (e.g., the permittee shall look at storm water discharges and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.) Except, if the discharge enters an MS4 or separate drainage system, then the permittee may inspect their discharge when it enters a drainage system rather than at the receiving water (excluding an upset event, BMP failure, or rainfall events greater than 0.25 inches).

9.1.1. Person(s) responsible for inspecting site.

The person(s) inspecting the site may be a person on staff or a third party hired to conduct such inspections. The permittee is responsible for ensuring that the person who conducts inspections is a "qualified person."

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

9.1.2. Frequency of Inspections.

At a minimum, the permittee shall conduct a site inspection in accordance with one of the two schedules listed below, unless subject to section 9.1.3. or section 9.1.4.:

a. At least once every 7 calendar days; or

b. Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater. To determine if a storm event of 0.25 inches or greater has occurred on the site, the permittee shall 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 permittee shall record the total rainfall measured for that day in accordance with section 9.1.7.1.d.

Note: Inspections are only required during the project's normal working hours.

Note: The permittee is required to specify in the SWPPP which schedule will be followed.

Note: "Within 24 hours of the occurrence of a storm event" means that the permittee is required to conduct

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an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if the permittee has elected to inspect bi-weekly in accordance with section 9.1.2.b. 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 permittee is required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

9.1.3. Increase in inspection frequency for sites discharging to impaired waters.

For any portion of the site that discharges to an impaired water (see section 6.2.), instead of the inspection frequency specified in section 9.1.2., the permittee shall conduct inspections in accordance with the following inspection frequencies:

a. Once every 7 calendar days; and

b. Within 24 hours of the occurrence of a storm event of 0.25 inches or greater. To determine if a storm event of 0.25 inches or greater has occurred on the site, the permittee shall 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 permittee shall record the total rainfall measured for that day in accordance with section 9.1.7.1.d.

Note: Inspections are only required during the project's normal working hours.

Note: "Within 24 hours of the occurrence of a storm event" means that the permittee is required to conduct

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an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if there is a storm event at the site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, the permittee is required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

Note: If the permittee qualifies for any of the reduced inspection frequencies in section 9.1.4., the permittee may conduct inspections in accordance with section 9.1.4. for any portion of the site that discharges to an impaired water.

9.1.4. Reductions in inspection frequency.

For stabilized areas. The permittee may reduce the frequency of inspections to once per month in any area of the site where the stabilization steps in sections 5.2.1.2.1. and 5.2.1.2.2. 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 sections 9.1.2. or 9.1.3., if applicable. The permittee shall document the beginning and ending dates of this period in the records.

9.1.5. Areas that need to be inspected.

The permittee shall at a minimum inspect the following areas of the site:

a. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with section 5.2.;

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b. All storm water controls (including pollution prevention measures) installed at the site to comply with this permit;

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

d. All areas where storm water typically flows within the site, including drainageways designed to divert, convey, and/or treat storm water;

e. All points of discharge from the site; and

f. All locations where stabilization measures have been implemented.

The permittee is not required to inspect areas that, at the time of the inspection, are considered unsafe to inspection personnel.

9.1.6. Requirements for inspections. During the site inspection, the permittee shall at a minimum:

9.1.6.1.

Check whether all erosion and sediment controls and pollution prevention controls are installed, appear to be operational, and are working as intended to minimize pollutant discharges. Determine if any controls need to be replaced, repaired, or maintained in accordance with sections 5.1.1.4. and 5.3.2.;

9.1.6.2.

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

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9.1.6.3.

Identify any locations where new or modified storm water controls are necessary to meet the requirements of sections 5 and/or 6;

9.1.6.4.

At points of discharge and, if applicable, the banks of any state waters flowing within the property boundaries or immediately adjacent to the property, check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to the discharge; and

9.1.6.5.

Identify any and all incidents of noncompliance observed.

9.1.6.6.

If a discharge is occurring during the inspection, the permittee is required to:

a. Identify all points of the property from which there is a discharge;

b. Observe and document the visual quality of the discharge, and take note of the characteristics of the storm water discharge, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of storm water pollutants; and

c. Document whether the storm water controls are operating effectively, and describe any such controls that are clearly not operating as intended or are in need of maintenance.

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9.1.6.7.

Based on the results of the inspection, initiate corrective action under section 10.

9.1.7. Inspection report.

9.1.7.1.

Requirement to Complete Inspection Report. The permittee must complete an inspection report within 48 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 made in accordance with section 9.1.6.;

d. If inspecting the site at the frequency specified in section 9.1.2.b., section 9.1.3., or section 9.1.4., and have conducted an inspection because of rainfall measuring 0.25 inches or greater, the permittee shall include the applicable rain gauge or weather station readings that triggered the inspection; and

e. If determined that it is unsafe to inspect a portion of the site, the permittee shall describe the reason to be unsafe and specify the locations that this condition applied to.

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9.1.7.2. Signature Requirements.

Each inspection report must be certified and signed in accordance with section 15 of appendix A, chapter 11-55 or the duly authorized representative that meets the requirements of 11-55-07(b).

9.1.7.3. Recordkeeping Requirements.

The permittee is required to keep a current, copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by the department or EPA.

All inspection reports completed for this section must be retained for at least 5 years from the date that the permit coverage expires or is terminated.

9.2. Inspection by the department or EPA.

The permittee shall allow the department, EPA, or an authorized representative of the EPA, to conduct the following activities at reasonable times:

a. Enter onto areas of the site, including any construction support activity areas covered by this permit (see Section 5), and onto locations where records are kept under the conditions of this permit;

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

c. Inspect the construction site, including any construction support activity areas covered by this permit (see section 5) and any storm water controls installed and maintained at the site; and

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d. Sample or monitor for the purpose of ensuring compliance.

10. Corrective Action

The permittee shall immediately stop, reduce, or modify construction, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in section 11-54-4.

10.1 "Corrective actions" defined.

Corrective actions are actions taken in compliance with this section to:

a. Repair, modify, or replace any storm water control used at the site;

b. Clean up and properly dispose of spills, releases, or other deposits; or

c. Remedy a permit violation.

10.2. Requirements for taking corrective actions.

The permittee shall complete the following corrective actions in accordance with the deadlines specified in this section. In all circumstances, the permittee shall immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

Note: In this context, the term "immediately" requires construction contractors to, on the same day a condition requiring corrective action is found, take

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all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if the problem is identified at a time in the work day when it is too late to initiative corrective action, the initiation of corrective action must begin on the following work day.

10.2.1.

For any of the following conditions on the site, the permittee shall install a new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery. If it is infeasible to complete the installation or repair within 7 calendar days, the permittee shall document in the records why it is infeasible to complete the installation or repair within the 7 calendar day timeframe and document a schedule for installing the storm water control(s) and making it operational as soon as practicable after the 7-day timeframe.

a. A required storm water control was never installed, was installed incorrectly, or not in accordance with the requirements in sections 5 and/or 6; or

b. The permittee becomes aware that the storm water controls installed and being maintained are not effective enough for the discharge to meet applicable water quality standards or applicable requirements in section 6.1. In this case, the permittee shall notify the department by the end of the next work day; or

c. One of the prohibited discharges in section 5.3.1. is occurring or has occurred.

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10.2.2.

Where corrective actions result in changes to any of the storm water controls or procedures documented in the SWPPP, the permittee shall modify the SWPPP accordingly within 7 calendar days of completing corrective action work.

10.3. Corrective actions required by the department.

The permittee shall comply with any corrective actions required by the department as a result of permit violations found during an inspection carried out under section 9.2.

10.4. Corrective action report.

For each corrective action taken in accordance with this section, the permittee shall complete a corrective action report, which includes the applicable information in sections 10.4.1. and 10.4.2. Note that these reports must be maintained in the permittee's records but do not need to be provided to the department except upon request.

10.4.1.

Within 24 hours of discovering the occurrence of one of the triggering conditions in section 10.2.1. at the site, the permittee shall complete a report of the following:

a. Which condition was identified at the site;

b. The nature of the condition identified; and

c. The date and time of the condition identified and how it was identified.

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10.4.2.

Within 7 calendar days of discovering the occurrence of one of the triggering conditions in section 10.2.1. at the site, the permittee shall complete a report of the following:

a. Any follow-up actions taken to review the design, installation, and maintenance of storm water controls, including the dates such actions occurred;

b. A summary of storm water control modifications taken or to be taken, including a schedule of activities necessary to implement changes, and the date the modifications are completed or expected to be completed; and

c. Notice of whether SWPPP modifications are required as a result of the condition identified or corrective action.

10.4.3.

Each corrective action report must be certified and signed in accordance with section 15 of appendix A, chapter 11-55 or the duly authorized representative that meets the requirements of 11-55-07(b).

10.4.4.

The permittee shall keep a current copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by the department.

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All corrective action reports completed for this Part must be retained for at least 5 years from the date that the permit coverage expires or is terminated.

11. Notice of Intent requirements

11.1

The owner or its duly authorized representative shall submit a complete notice of intent no later than thirty days before the proposed starting date of the construction activity or thirty days before the expiration date of the applicable notice of general permit coverage.

11.2.

The owner or its duly authorized representative shall include the following information in the notice of intent:

11.2.1.

Information required in section 34 of appendix A of chapter 11-55;

11.2.2.

That coverage is being requested as a result of an emergency and meets the eligibility requirements under this permit and information required in section 7.2.3.

11.2.3.

That coverage is being requested for discharge to an impaired water, if applicable;

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11.2.4.

Preparation of a SWPPP in accordance with section 7 prior to submitting the NOI;

11.2.5.

Information required in section 7.2.2 - Nature of construction activities.

11.2.6.

Information required in section 7.2.5. - Sequence and estimated dates of construction activities.

11.2.7.

Information required in section 7.2.6. - Site map, except for sections 7.2.6.6. - 7.2.6.8.

11.2.8.

If applicable, army corps of engineers' jurisdictional determination and section 401 water quality certification best management practices plan.

11.2.9.

Agreement to the terms, conditions, and requirements in this general permit and all other applicable State, County, and Federal regulations.

11.3.

The director may require additional information to be submitted.

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11.4

The owner or its duly authorized representative shall submit a complete notice of intent to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

12. Reporting Requirements

12.1

The permittee shall immediately notify the director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in section 16 of appendix A of chapter 11-55.

12.2

The permittee shall notify the director of the construction start date by e-mail at cleanwaterbranch@doh.hawaii.gov or fax at (808) 586-4352 within seven (7) calendar days before the start of construction activities. All communication, including but not limited to the e-mail and fax, with the department shall include the file number and the certification statement. The notification will only be accepted from the person qualified in accordance with section 11-55-34.08(f).

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13. Submittal Requirements

13.1

The owner or its duly authorized representative shall prepare a monthly compliance report, which shall include but is not limited to information as required in this general permit and NGPC, any incidences of non-compliance and corrective actions. The monthly compliance report shall be kept on-site and available by the end of the next business day when requested by the department. Upon the department receiving EPA's Cross-Media Electronic Reporting Regulation (CROMERR), the monthly compliance reports shall be submitted through the e-Permitting Portal. Any comments provided by the department shall be answered in the time specified and to the satisfaction of the department. If the activity is in compliance and none of the information on file with the department requires updating, or there were no incidences of non-compliance, preparation of the monthly compliance information is still required which states that there were "no changes, updates, or any incidences of non-compliance to report."

Note: EPA's Cross-Media Electronic Reporting Regulation (CROMERR) sets performance-based, technology-neutral standards for systems that states, tribes, and local governments use to receive electronic reports from facilities they regulate under EPA-authorized programs and requires program modifications or revisions to incorporate electronic reporting. CROMERR also addresses electronic reporting directly to EPA.

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13.2

When all construction activities have ceased, the owner shall submit to the department a completed Notice of Cessation form. The department shall receive this information within 7 calendar days after the end of the month.

13.3

The owner or its duly authorized representative shall submit signed copies of all reports required by this general permit to the director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
State Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

13.4

The owner or its duly authorized representative shall include the following certification statement and an original signature on each submittal in accordance with section 11-55-34.08(e) or (f):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant

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penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

13.5

The owner or its duly authorized representative shall include the notice of general permit coverage file number on each submittal. Failure to provide the assigned notice of general permit coverage file number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).

14. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

15. Record Retention

The permittee shall retain all records and information resulting from the activities required by this general permit for a minimum of five years. This period of retention shall be extended during the course of any unresolved litigation or administrative enforcement action regarding the discharge of pollutants by the permittee or when requested by the director or Regional Administrator.

16. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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