Stormwater Pollution Prevention Plan

For:

Phase II Mixed Use Redevelopment
of the Former Jordan's Meats Site
Fore, India & Middle Streets
Portland, ME

Operator:

Opechee Construction Corporation (OCC)
11 Corporate Drive
Belmont, NH 03220
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SWPPP Contact:

Opechee Construction Corporation (OCC)
Steve Long
11 Corporate Drive
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Office Phone: (603) 527-9090
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SWPPP Preparation Date:

5-16-12

Estimated Project Dates:

Start of Construction: July 2012
Completion of Construction: July 2013

OPECHEE

Contents

SECTION 1 Project/Site Information

1.1 - Project Name and Location: (Latitude, Longitude, or Address)

Phase II Mixed Use Redevelopment of the Former Jordan's Meats Site
Fore, India and Middle Streets
Portland, Cumberland County, ME
Lat: 43° 39' 34.51" N
Long: -070° 15' 04.29" W

1.2 - Owner Name and Address:

Fore Middle India, LLC
11 Corporate Drive
Belmont, New Hampshire 03220

1.3 - Operators Name, Address, Phone Number:

Opechee Construction Corporation
Steve Long
11 Corporate Drive
Belmont, NH 03220
Office Phone: (603) 527-9090
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Email: stevel@opechee.com

Description of Operator's Control:
Opechee Construction Corporation (OCC) has been hired by the applicant to design and permit the project and oversee all aspects of the construction phase of the project, including preparation and implementation of the SWPPP to meet Maine's Construction General Permit. OCC will be responsible for general oversight of the project and will retain operational control over construction plans and specifications, including review of the SWPPP and any amendments, inspection reports, corrective actions and changes to stormwater conveyance or control designs. OCC will implement and maintain the best management practices (BMPs) specified in Sections 2 and 3, conduct inspections (Section 5) and address stormwater over the entire site including all areas disturbed by construction activities, areas used for materials storage, discharge points, and construction exits.

1.4 - Nature of Construction Activity:

This project is the second phase of development for the site that was formally the Jordan's Meats facility. The original property was approximately 1.75 acres in size. The site was fully developed with two buildings, paved parking and loading dock aprons. The site occupies nearly the entire city block bounded by Fore Street, Middle Street, India Street and Franklin Arterial, with the exception of a two-story building at the southeast corner of Franklin Arterial and Middle Street, currently occupied by Hugo's Restaurant and the Pepper Club.

Phase I subdivided the lot into two lots. Lot 1 is 0.66 acres and Lot 2 is 1.09 acres. The Phase I development is a mixed use development which consists of a 7,000 sf Sebago Brewing Company restaurant, 122-room Hampton Inn, and 12 Portside Residences condominium units located on Lot 1. Temporary surface parking and additional landscaping improvements are located on Lot 2.

The Phase II proposal is a five-story mixed-use condominium building containing 22,463 sf of retail space, 65,712 sf of office space, and 18 residential condominium units located on Lot 2 bound by Fore, India and Middle Streets. This development will replace the temporary surface parking. The total disturbed area associated with Phase II will be 55,805 sf.

Runoff from the project site enters the municipal drainage system and is conveyed to combined sewer overflow structures in Franklin Arterial. Normal low flow discharges within the system are conveyed to an interceptor in Commercial Street and on to the City of Portland wastewater treatment plant. Combined overflows during large storm events are diverted to a 48" diameter combined sewer overflow drain that runs down the center of Franklin Arterial, eventually discharging to Casco Bay south of Commercial Street.

Soil disturbing activities will include following: Demolition, minimal clearing & grubbing, excavation for sewer, storm drainage, underground utilities, building foundations, cuts and fills, grading, and preparation for final seeding and plantings.

1.5 - Project Area:

The site is approximately 1.09 acres size and is currently a surface parking lot as shown in the previously approved Hotel, Restaurant and Residences project. This project proposes a five-story mixed-use condominium building containing 22,463 sf of retail space, 65,712 sf of office space, and 18 residential condominium units. The project will disturb approximately 1.09 acres.

1.6 - Construction Site Estimates:

Total Project Area (area of parcel):	1.09 Acres
Construction Site Area to be disturbed (including right-of-way):	1.25 Acres
Impervious area before construction:	70,565 sq.ft.
Runoff coefficient before construction (SCS Method):	95
Impervious area after Phase II construction:	73,722 sq.ft.
Runoff coefficient after Phase II construction (SCS Method):	96

1.7 - Receiving Waters:

The impervious surfaces of the site drain into the municipal system surrounding the site and discharges into the Casco Bay.

1.8 - Sequence and Timing of Major Activities:

1. Clear & grub, and demolish as necessary to install a stabilized construction exit, and the sediment barriers as indicated in the construction details in the site plans.
2. Install stabilized construction exit, sediment barriers, and sediment traps as specified in the construction details.
3. Install sheet piles as necessary
4. Continue to clear & grub, and perform demolition as required.
5. Construct temporary drainage and/or erosion control facilities as necessary (i.e. grassed swales, sediment traps, stone check dams, and/or dandy sacks).
6. Inspect compost filed silt sock and repair as required.
7. Strip and remove any loam, unsuitable materials, and unsuitable soils from the site. Then where necessary, replace with a clean backfill as specified by a Geotechnical Engineer.
8. Perform cuts and fills as required.
9. Temporary stabilize any exposed soils that will not be worked for more than 7 days with seed, mulch or other non-erodable cover. See Section 2.2 below for direction on temporary stabilization practices.
10. Construct any additional temporary sediment and erosion control facilities as required. (i.e. stone check dams and/or dandy sacks).
11. Begin constructing municipal sewer and drainage systems
12. Begin constructing building foundation.
13. Finishing constructing stormwater conveyance systems as required.
14. Install temporary sediment traps around newly constructed catch basins.
15. Finish constructing wastewater conveyance systems as required.
16. Install all other utilities as required.
17. Place bank run gravel course in areas to be paved.
18. Loam, and permanently seed (or sod) all areas that are not to be worked for more than one year or that has been brought to final grade. See Section 2.2 below for direction on permanent stabilization practices.
19. Place crush gravel and construct pads for exterior concrete flatwork and pavement areas.
20. Finish grade, construct, and place all areas of concrete and base course pavement.
21. Install catch basin inlet sediment traps (i.e. silt sacks).
22. Complete loaming, permanent seeding (or sod), and mulching. Reseed any areas that have not been established from prior seeding.
23. Complete final paving (wearing course).
23. When all construction activity is complete and the site is stabilized, remove temporary erosion control measures and reseed (or sod) any areas disturbed by their removal.

1.9 - Potential Sources of Pollution

Potential sources of sediment to stormwater runoff:

- Demolition
- Clearing and grubbing operations
- Topsoil stripping and stockpiling
- Grading and site excavation operations
- Vehicle tracking
- Landscaping operations

Potential pollutants and sources, other than sediment, to stormwater runoff:

- Combined Staging Area – small fueling activities, minor equipment maintenance, sanitary facilities, and hazardous waste storage.
- Materials Storage Area – general building materials, solvents, adhesives, paving materials, paints, aggregates, trash, and so on.
- Construction Activity – paving, curb installation, concrete pouring,/mortar
- Concrete Washout Area

Inventory of Potential construction site pollutants:

- Concrete
- Detergents
- Paints
- Metal Studs
- Steel Beams
- Asphalt
- Fertilizers
- Pesticides
- Cleaning solvents
- Wood Preservatives
- Masonry block
- Roofing Material
- Glue, adhesives
- Brick
- Insulation
- Curing compounds
- Hydraulic oil/fluids
- Sheetrock
- Plaster
- Gasoline
- Diesel fuel
- Kerosene
- Antifreeze/coolant
- Sanitary toilets

1.10 - Non-Stormwater Discharges:

It is expected that the following non-stormwater discharges will occur from the site during the construction period:

- Fire hydrant flushing;
- Potable water including uncontaminated water line flushing;
- Sprinkler testing;
- Pavement & concrete wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
- Uncontaminated groundwater or spring water;
- Waters used to wash vehicles where detergents are not used;
- Water used to control dust;
- Uncontaminated air conditioning or compressor condensate;
- Uncontaminated excavation dewatering;
- Landscape irrigation;
- Foundation or footing drains where flows are not contaminated with process materials such as solvents.

All non-storm water discharges will be directed through sediment control measures before discharge.

1.11 – Endangered Species Certification

The Maine Department of Inland Fisheries and Wildlife, US Fish and Wildlife Service, Maine Natural Areas Program databases were checked for records of rare species and exemplary natural communities near the project area. The species considered include those listed as threatened or endangered by either the State of Maine or the federal government. Currently there are no recorded occurrences for sensitive species near this project area. Please see Appendix C for supporting documentation.

1.12 - Applicable State, Tribal, or Local Programs

- Local City of Portland Planning Board Approval is required.
- The city of Portland is the designated authority for approval of Stormwater Management.

1.12 - Maps

Please see Appendix K – For the Grading and Utilities Plan and for the Erosion Control Plan

SECTION 2 Erosion and Sediment Control BMPS

2.1 - Overview of the Stormwater Management System:

Stormwater runoff from the newly constructed impervious areas will be controlled and conveyed by the use of curbing, catch basins with sumps, and drainage manholes. This on-site drainage system will discharge the runoff into the City's combined sewer system and is conveyed to sewer overflow structures in Franklin Street Arterial. At the overflow structure, normal low flows are conveyed to Portland's wastewater treatment plant, and flows from large storms events are diverted to Casco Bay.

The proposed project in phase II will only slightly increase the on-site impervious cover (less than a tenth of an acre) in comparison to the development that was in existence prior to November 16, 2005. Thus detention of stormwater runoff for purposes of mitigating peak flow rates is not required.

Open space areas will be graded as per the site plan and will have permanent seeding or plantings. When construction is completed and the site is stabilized, all accumulated sediment and temporary erosion control devices will be removed from the site and be properly disposed of.

2.2 - Stabilization Practices:

●Temporary Stabilization measures shall be performed with mulch or other non-erodable cover any exposed soils that will not be worked for more than 7 days. Stabilize areas within 75 feet of a wetland or water body within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.

If temporary seeding is being utilized, the mixture will vary based on time of seeding:

4/01 – 5/15	oats	2.0 lbs/1,000 sq.ft.
5/16 - 8/14	sudangrass	1.0 lbs/1,000 sq.ft.
5/16 - 8/14	annual ryegrass	2.0 lbs/1,000 sq.ft.
8/15 - 9/15	winter rye	2.5 lbs/1,000 sq.ft.
9/16 - 3/31	winter rye (protect w/ mulch cover)	2.5 lbs/1,000 sq.ft.

Prior to seeding, all stones and trash that will interfere with the seeding should be removed, the soil should be tilled to a depth of 3 inches (where feasible), and the area should be fertilized with a minimum 7 pounds per 1,000 sq.ft. of a 10-10-10 fertilizer. After seeding, the area is to be mulched with straw.

●Winter Stabilization is necessary when construction activity is performed during the period from November 1st through April 15th. If disturbed areas are not stabilized with permanent measures by November 1st or new soil disturbance occurs after November 1st, but before April 15th, then these areas must be protected and runoff from them must be controlled by additional measures and restrictions.

●Permanent Stabilization measures shall be performed if an area will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, soil, and moisture conditions; amend areas of disturbed subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established. If necessary, areas must be seeded and mulched again if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. One or more of the following may apply to a particular.

An area shall be considered permanently stable if:

(a) *Seeded Areas* shall have a 90% cover of healthy plants with no evidence of washing or rilling of the topsoil.
(b) *Sodded Areas* shall have a complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.
(c) *Permanent Mulched* areas shall have a total coverage of the exposed area with an approved mulch material. Erosion control mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.
(d) *Riprap* used to stabilize slopes shall have an appropriate backing of well-graded gravel or approved geotextile to prevent soil movement from behind the stone. The stone must be sized appropriately. It is recommended that angular stone be used.
(e) *Paved areas* shall have competed installing the compacted gravel subbase.
(f) *Ditches, Channels, and Swales* shall have 90% cover of healthy vegetation, with a well-graded riprap lining, or with another non-erosive lining such as concrete or asphalt pavement. There must be no evidence of slumping of the channel lining, undercutting of the channel banks, or down-cutting of the channel.

Use permanent seed mixes and rates between 5/15 and 9/30. Permanent lawn mixtures shall be as follows:

Sun areas:	7 to 9 pounds per 1,000 sq.ft.	50% fine fescue 20% perennial ryegrass 20% Kentucky bluegrass 10% Dutch white clover

Shade areas:	4 to 5 pounds per 1,000 sq.ft.	70% fine fescue 20% perennial ryegrass 10% Kentucky bluegrass * *(shade tolerant variety)

Prior to seeding, apply 100 lbs/1,000 sq.ft. of lime and till into the upper 3 inches of soil. Then rake a starter-type fertilizer into the upper inch of soil that delivers 1 lb. of actual Nitrogen per 1000 sq.ft. After seeding, areas shall be mulched with straw.

2.3 - Temporary Erosion Control Devices:

●Compost Filled Silt Socks are a type of contained compost filter berm. It is a mesh tube filled with composted material that is placed perpendicular to sheet-flow runoff to control erosion and retain sediment in disturbed areas. The filter sock can be used in place of a traditional sediment and erosion control tool such as a silt fence or straw bale barrier.

●Dandy Sacks are sediment trap devices to be used with catch basin grates to filter out all the sediment-laden stormwater. The suspended solids are allowed to settle out of the slowed flow and are captured by the sack after entering the catch basin inlet.

●Stabilized Construction Exit are a stone stabilized pad located where vehicles leave a construction site. They provide an area where mud can be dislodged from tires before the vehicle leaves the construction site to reduce the amount of mud transported onto paved roads.

2.4 - Schedule of Controls/Measures:

- Prior to construction, properly install the Stabilized Construction Exit
- Prior to construction, properly install sediment barriers at the edge of any down gradient disturbed area and adjacent to any drainage channels within the disturbed area.
- Prior to construction, properly install dandy sacks in inlets of any down gradient catch basins from the disturbed area.
- Maintain the sediment controls until the disturbed area is permanently stabilized.
- Once construction activity ceases permanently in an area, that area will be stabilized with permanent seed or mulch. After the entire site is stabilized, all accumulated sediment will be removed from any grassed swales, catch basins, riprap, and silt fences.
- Remove any temporary sediment control measures within 30 days after permanent stabilization in attained.
- A log shall be kept to document the timing and description of grading and stabilization activities. Please see Appendix I for the Grading and Stabilization Activities Log.

SECTION 3 Good Housekeeping BMPS

3.1 - Waste Management:

- Construction waste materials

All waste materials will be collected and stored securely in a metal dumpster rented from a local solid waste management company. The dumpster will meet all local and state solid waste management regulations. The dumpster will be emptied as necessary, and the trash will be hauled to the local dump or transfer center. No waste materials generated by construction will be buried onsite. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted in the office trailer and the site superintendent managing the day-to-day site operations; will be responsible for seeing that these procedures are followed.

- Hazardous waste

All hazardous waste materials will be disposed of in the manner specified by local or state regulation or by the manufacturer. Site personnel will be instructed in these practices and the site superintendent will be responsible for seeing that these practices are followed.

- Sanitary Waste

A local licensed sanitary waste management contractor will collect all sanitary waste from the portable units.

3.2 - Offsite Vehicle Tracking:

A stabilized construction entrance will be provided to help reduce vehicle tracking of sediments. The paved street into to the site entrance will be swept as necessary (could be as frequent as daily during heavy earth hauling operations) to remove any excess mud, dirt or rock tracked from the site. Dump trucks hauling material from the construction site will be covered with a tarpaulin.

3.3 - Concrete Washout Area:

Concrete trucks shall only discharge washed out surplus concrete or drum wash water into an above grade concrete washout area. The temporary concrete washout area will be constructed with sufficient quantity and volume to contain all liquid and concrete waste generated by washout operations. The washout area shall be lined with plastic sheeting at least 10 mils thick and free of any holes or tears. Concrete mixer trucks and chutes will be washed in the designated area or concrete wastes will be properly disposed of off-site. The washout area will be cleaned out once the area is filled to 75 percent of the holding capacity or when the temporary washout area is no longer needed for the construction project. The concrete wastes will be allowed to harden; the concrete wastes will be broken up, removed and taken to a landfill for disposal. If the washout area is needed, the plastic sheeting will be replaced if tears occur during the removal of concrete wastes.

The wash water is alkaline and contains high levels of chromium, which can leach into the ground and contaminate groundwater. It can also migrate to a storm drain, which can increase the pH of area waters and harm aquatic life. Solids that are improperly disposed of can clog storm drain pipes and cause flooding. Installing concrete washout facilities not only prevents pollution but also is a matter of good housekeeping at your construction site.

3.4 – Spill Prevention:

- The following are material management practices that will be followed onsite during the construction project to reduce the risk of spills or other accidental exposures of material and substances to stormwater runoff.
  - An effort will be made to store only enough product required to do the job
  - All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure
  - Products will be kept in their original containers with the original manufacturer's label
  - Substances will not be mixed with one another unless recommended by the manufacturer
  - Whenever possible, all of a product will be used up before disposing of the container
  - Manufacturer's recommendations for proper use and disposal will be followed
  - The site superintendent will inspect daily to ensure proper use and disposal of materials
  - Products will be kept in original containers unless they are not re-sealable
  - Original labels and material safety data will be retained; they contain important product information
  - If surplus product must be disposed of, manufacturers' or local and State recommended methods for proper disposal will be followed.

- The following product specific practices will be followed onsite:
  - Petroleum Products:
    All onsite vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations.

  - Fertilizers:
    Fertilizers used will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to stormwater. Storage will be in a covered shed or trailer. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.

  - Paints:
    All containers will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the storm sewer system but will be properly disposed of according to manufacturers' instructions or State and local regulations.

- In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup:
  - Manufacturers' recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
  - Materials and equipment necessary for spill cleanup will be kept in the material storage area onsite. Equipment and materials will include but not be limited to brooms, dustpans, mops, rags, gloves, goggles, absorbent (i.e. clay kitty litter), sand, sawdust, and plastic and metal trash containers specifically for this purpose.
  - All spills will be cleaned up immediately after discovery.
  - The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
  - Spills of toxic or hazardous material shall be reported to the appropriated state or local government agency, regardless of the size of the area involved or the quantity of material spilled.

- The spill prevention plan shall be adjusted to include measures to prevent this type of spill from reoccurring and how to cleanup the spill if it recurs.
- The site superintendent responsible for the day-to-day site operations will be the spill prevention and cleanup coordinator. All site sub-contractors are responsible for providing at least one site personnel apiece who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names of responsible spill personnel will be posted in the material storage area and in the office trailer onsite.

SECTION 4 Inspections

4.1 – Inspection Personnel

- Opechee Construction Corporation's on-site project manager is the compliance officer for OCC and is responsible for site compliance with the SWPPP and EPA's Construction General Permit. Opechee Construction Corporation's on-site project manager will conduct inspections for all areas of the site disturbed by construction activities, areas used for storage of materials that are exposed to precipitation, discharge points, and construction exits.

  In absence of an Opechee Construction Corporation's on-site project manager, the SWPPP contact for the operator (OCC) will conduct inspections

4.2 – Inspection Schedule and Procedures:

Schedule:

- Inspections of the site will be performed once every 14 days and within 24-hours of the end of a storm event of one-half inch or greater. The inspections will verify that all BMPs required in this SWPPP are implemented, maintained, and effectively minimizing erosion and preventing stormwater contamination from construction materials. For a copy of the inspection report, see Appendix J.

Procedures:

- Compost filter socks should be inspected regularly, as well as after each rainfall event, to ensure that they are intact and the area behind the sock is not filled with sediment. If there is excessive ponding behind the filter sock or accumulated sediments reach the top of the sock, an additional sock should be added on top or in front of the existing filter sock in these areas, without disturbing the soil or accumulated sediment.
- Accumulated sediment shall be removed from the dandy sacks when the containment sack is one-third full. Remove the sacks with lifting straps and empty using dumping straps.
- The catch basin sumps will be inspected for sediment build-up and cleaned when sediment has accumulated within 12" of the outlet.
- The underground detention system shall be inspected after significant storm events and/or when the upstream catch basins require maintenance.
- Temporary and permanent seeding and planting will be inspected for bare spots, washouts and healthy growth
- A maintenance inspection report will be made after each inspection
- All necessary repairs to erosion control measures must be made as soon as possible.

Corrective Actions:

- If corrective actions are identified by OCC's on-site project manager during the inspection, they will notify and submit a copy of the inspection report to the OCC's project manager. For corrective actions identified, OCC's on-site project manager will be responsible for initiating the corrective action within 24-hours of the report and completing maintenance as soon as possible or before the next storm event. For any corrective actions requiring a SWPPP amendment or change to a stormwater conveyance or control design, OCC's on-site project manager will notify the project manager as soon as possible before initiating the corrective action.

- When corrective actions are completed, a log will be kept to describe the repair, replacement, and maintenance of BMPs undertaken as a result of the inspections and maintenance procedures described above. The log entry should reference the specific inspection report related to finding the deficiencies. Please see Appendix H for the Corrective Action Log.

- If changes and updates of the SWPPP are necessary, a log will be kept to describe any additions of new BMPs, replacement of failed BMPs, significant changes in the activities or their timing on the project, changes in personnel, changes in inspection and maintenance procedures, updates to site maps, and so on. Please see Appendix G for the Corrective Action Log.

SECTION 5 CERTIFICATION AND NOTIFICATION

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

Name: Steve Long Title: Project Manager

Signature: _____ Date: 5-16-12

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A –Maine Construction General Permit

Appendix B – General Map

Appendix C –Essential Habitat & Historic Preservation Inquiry Results

Appendix D – Delegation of Authority

Appendix E – Subcontractor Certifications/Agreements

Appendix F –General Permit – Construction Activity

Appendix G – SWPPP Amendment Log

Appendix H – Corrective Action Log

Appendix I – Grading and Stabilization Activities Log

Appendix J – Inspection Form

Appendix K – Demolition, Site, Grading and Erosion Control Plans

Appendix A: Maine Construction General Permit

Portland Maine is a delegated permitting authority for the EPA's NPDES Construction General Permit

STATE OF MAINE

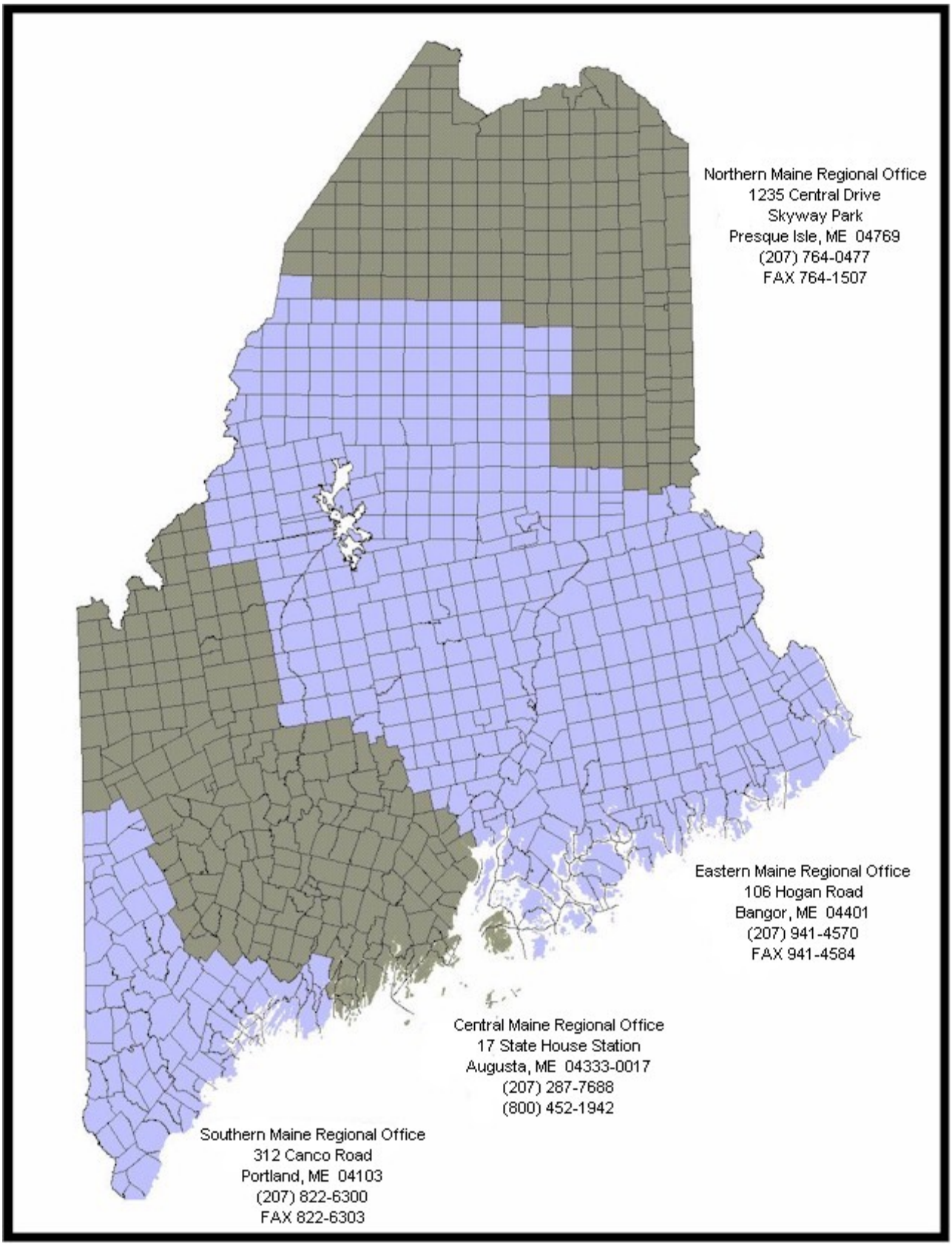
DEPARTMENT OF ENVIRONMENTAL PROTECTION

General Permit – Construction Activity

Maine Pollutant Discharge Elimination System (MPDES)
With Basic Performance Standards Appendices

Bureau of Land and Water Quality
No. DEPLW0801

July 21, 2006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GENERAL PERMIT -- CONSTRUCTION ACTIVITY
Maine Pollutant Discharge Elimination System (MPDES)

Contents

PART I -- General Permit Coverage

A. General coverage of this permit. This general permit authorizes the direct discharge (point source discharge) of stormwater associated with construction activity to waters of the state other than groundwater, provided that the discharge meets the requirements of this general permit and applicable provisions of Maine's waste discharge and water classification statutes and rules. This general permit also authorizes the direct discharge of stormwater from support activities. "Construction activity" is defined in Part II (page 2).

This general permit is effective July 21, 2006, and authorization to discharge under this general permit expires January 20, 2008. This general permit applies in those parts of the State of Maine for which the Department has received delegated authority under the federal NPDES program. See Part V (page 10), for a list of specific limitations on coverage of this general permit.

B. Authority. A permit is required for the direct or indirect discharge of pollutants to waters of the State.[1] A general permit may be issued for point discharges (direct discharges) of stormwater.[2] A violation of a condition or requirement of a general permit constitutes a violation of Maine's water quality laws and the federal Clean Water Act, and subjects the discharger to penalties under 38 M.R.S.A. § 349, and § 309 of the Clean Water Act. Nothing in this general permit is intended to limit the Department's authority under the waste discharge and water classification statutes or rules. This general permit does not affect requirements under other applicable Maine statutes such as Site Location of Development (Site Law), Stormwater Management, Land Use Regulation Commission (LURC), and Natural Resources Protection (NRPA).

C. Continuation of expired General Permit. If this permit is not reissued, revoked or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedures Act and remain in force and effect. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

[1] See 38 M.R.S.A. § 413.
[2] See 06-096 CMR 529(2)(a)(2)(i).

1. Reissuance or replacement of this general permit, at which time the permittee must comply with the notice of intent conditions of the new permit to maintain authorization to discharge; or
2. The permittee's submittal of a Notice of Termination; or
3. Issuance of an individual permit for the permittee's discharges; or
4. A formal permit decision by the Director not to reissue this general permit, at which time the permittee must seek coverage under an alternative general permit or individual permit.

This general permit does not prevent a municipality from adopting stricter standards than contained in this general permit, or in state or federal law.

PART II -- Definitions

The following terms have the following meanings when used in this general permit. Additional definitions are found in 06-096 CMR 520 and in the waste discharge and classification laws.

A. Construction activity. "Construction activity" or "activity" means:

1. Construction activity including one acre or more of disturbed area, or activity with less than one acre of total land area that is part of a common plan of development or sale, if the common plan of development or sale will ultimately disturb equal to or greater than one acre; or

2. Any other construction activity designated by the Department based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State.

Note: Based upon Maine's soils, topography, and extensive water resources, the Department has determined that the great majority of construction activities disturbing one acre or more will result in discernable concentrated flows (direct discharges) to waters of the state.

B. Common plan of development or sale. A "common plan of development or sale" means a subdivision as determined by the Land Use Regulation Commission (LURC), or a subdivision under municipal law as determined by the municipality where the subdivision is located.

C. Department. "Department" means the State of Maine Department of Environmental Protection.

D. Direct discharge. "Direct discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.[3]

E. Direct watershed of a waterbody or wetland. "Direct watershed of a waterbody or wetland" is the land area that drains, via overland flow, natural or man-made drainage systems, or waterbodies or wetlands, to a given waterbody or wetland without first passing through an upstream waterbody classified as GPA.

F. Disturbed area. "Disturbed area" is clearing, grading and excavation, which means all the land areas that are stripped, graded, grubbed, filled, or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. "Disturbed area" does not include routine

[3] 38 MRSA § 466(5) (definition of "direct discharge") and 06-096 CMR 520 (definition of "point source").

maintenance, but does include redevelopment and new impervious areas. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving an impervious gravel surface while maintaining the original line and grade, hydraulic capacity and original purpose of the facility is considered *routine* maintenance. Cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area".

G. Drainageway. "Drainageway" is a natural or man-made channel or course within which and from which surface discharge of water may occur. Drainageways include, but are not limited to rivers, streams and brooks (whether intermittent or perennial), swales, ditches, pipes, culverts, and wetlands with localized discharge of water.

H. Impaired waterbody. An "impaired waterbody" means a waterbody that is not attaining water quality criteria or standards, as determined by the Department and listed in Chapter 502.[4]

1. Best currently available data. The Department may use the best currently available data to determine the status of a waterbody, rather than relying upon the list published in Chapter 502, Direct Watersheds of Lakes Most at Risk from New Development, and Urban Impaired Streams, when the activity itself may have caused or contributed to the impairment, or when the Department reviews an application for a permit such as an individual Waste Discharge license or Site Law permit.

I. Notice of Intent ("NOI"). "Notice of Intent or "NOI" means a notification of intent to seek coverage under this general permit made by the applicant to the Department on a notification form provided by the Department.

J. Notice of Termination ("NOT"). "Notice of Termination" or "NOT" means a notification of intent to end coverage under this general permit on a form provided by the Department.

K. Person. "Person" means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.[5]

L. Stormwater. "Stormwater" means the part of precipitation, including runoff from rain or melting ice and snow that flows across the surface as sheet flow, shallow concentrated flow, or in drainageways. "Stormwater" has the same meaning as "storm water".

M. Stream. "Stream" means a river, stream or brook as defined in the Natural Resources Protection Act at 38 M.R.S.A. § 480-B.

N. Support activities. "Support activities" means support activities associated with a construction activity (e.g. concrete or asphalt batch plants, equipment storage yards, material storage areas, excavated material disposal areas, borrow areas) provided the following requirements are met.

1. **Direct relationship.** The support activity is directly related to a construction site that is required to have waste discharge permit coverage for discharges of storm water associated with construction activity.
2. **Type of operation.** The support activity is not a commercial operation serving multiple unrelated construction projects by different persons, and does not operate beyond the completion of the construction activity at the last construction project it supports.

[4] See 06-096 CMR 502
[5] See 38 M.R.S.A. § 361-A(4).

PART III -- Requirements

Part III describes the requirements for obtaining authorization under this general permit. See Part IV for general submission requirements and procedures related to Notices of Intent (NOIs) and Notices of Termination (NOTs).

A person may not construct or cause to be constructed or operate or cause to be operated or, in the case of a common plan of development or sale (subdivision), sell or lease, offer for sale or lease or cause to be sold or leased any area affected by construction activity without obtaining approval from the Department. A person having an interest in or undertaking an activity on a parcel of land affected by this general permit may not act contrary to this general permit.

A. Construction activity (other than a common plan of development or sale). Construction activity including one acre or more of disturbed area on the parcel, or other construction activity designated by the Department, must meet the following requirements.

1. Submit NOI and NOT.
2. Meet the standards in Appendices A-C of this general permit.
3. Erosion and sedimentation control (ESC) plan development and maintenance. This plan demonstrates how the standards in Appendix A will be met. An ESC plan is required pursuant to the Site Law and this general permit, however additional requirements may apply pursuant to the Site Law. See Part III (D) concerning referencing a plan submitted as part of a Site Law application.

B. Common plan of development or sale. A common plan of development or sale must meet the following requirements.

1. Site Law, Stormwater, or LURC. A common plan of development or sale is considered to meet the requirements of this general permit if:

a. A Site Law, Stormwater (38 M.R.S.A. § 420-D), or LURC permit is required, and the requirements of Part III (A) are met; and
b. If a Stormwater permit is required, the requirements of Part III(A) are also met on all associated lots in the subdivision, as determined by the Department.

The Department will assume that one acre of disturbed area will be created per 3 lots (1/3 ac. per lot), unless the person proposing the common plan of development or sale provides information concerning actual disturbed area.

2. Other. If the project does not require a Site Law, Stormwater, or LURC permit, and is not located within an area subject to the jurisdiction of LURC, then the project must meet the standards of the Maine Erosion and Sedimentation Control Law. An NOI is not required.

A lot buyer or subsequent transferee within a common plan of development or sale must submit an individual NOI if he or she proposes a construction activity as defined at Part II (A), regardless of whether the developer has filed an NOI.

The standards apply to the lots in the subdivision as well as associated facilities such as roads, pads, and ponds.

Note: The LURC Development Law only applies to areas of the state administered by the Land Use Regulation Commission (LURC). The Maine Site Law (in regard to subdivisions), Erosion and Sedimentation Control Law, and Stormwater Management Law, apply to projects or portions of projects outside the jurisdiction of LURC.

C. Total maximum daily load (TMDL). If the waterbody to which a direct discharge drains is impaired and has an EPA approved TMDL, then the discharge must be consistent with any waste load allocation (WLA) contained in the TMDL and any implementation plan.

D. ESC plan. Material submitted with an application for a Site Law or Stormwater Management Law permit may be referenced to the extent it substantively addresses the standards in Appendix A. If all the standards are not addressed, supplementary material must be provided with the NOI. If an applicant wishes the Department to rely in whole or part on a submission that is part of a Site Law or Stormwater Management Law application, the applicant should submit a letter with the NOI describing the previous submission and the extent to which it should be relied upon, and listing the standards addressed by any supplementary material.

PART IV. Procedure

A. Notice of Intent (NOI). When the applicant submits a notification form, NOI, he or she agrees to comply with the standards and requirements of this general permit. An NOI must be submitted to the Department with the appropriate fee.

1. Processing of NOI. An NOI must be reviewed and approved by the Department prior to beginning construction activity or causing soil disturbance except as provided in Part IV(K).

The NOI is deemed approved 14 calendar days after the Department receives the notification form, unless the Department approves the notification or finds the notification deficient prior to that date. Within the 14 day period, the Department may notify the applicant in writing or through verbal communication that the project is ineligible for coverage under this general permit, or that additional information is needed or further review is required.. If the DEP does not inform the applicant that the notification is unacceptable within this 14-day period, the notification is deemed accepted by the Department and the applicant may proceed to carry out the activity

Activities that require a permit under the Site Location of Development or the Storm Water Management Acts may not proceed until any required permit under those laws is obtained. Any NOI and supplementary information required by this subsection should be submitted at the same time as any required Stormwater Management or Site Law application for the activity in order to avoid delays in processing. The NOI may not be filed before these applications. The Department may consolidate application materials with these or other programs. When application materials are consolidated, the review period for the NOI is extended to coincide with the review period of the other program.

2. Submission. Applicants for a Maine CGP must submit the notification form, fee and other information for the Department's review and approval. This information includes a location map, site plan, erosion and sedimentation plan, and photographs of the area to be developed. Also, if the project is located in Essential Habitat, approval from Department of Inland Fisheries and Wildlife will need to be submitted. A landowner or leasehold owner, or his or her authorized representative, must file the NOI using a form provided by the Department. The NOI must contain information specified by the Department that is listed in this subsection. The Department

may require the submission of additional information as necessary. Send the completed NOI form to the DEP office serving the area where the project is located. This general permit contains a map showing the municipalities served by the Department regional offices and the regional office mailing addresses.

a. The legal name, address, telephone number, and any email address of the landowner or leasehold owner.
b. The legal name, address, telephone number, and any email address of the agent or contractor.
c. A narrative describing in detail how to get to and access the parcel and construction activities, and a USGS or similar map with the location marked.
d. A narrative describing the project and its purpose.
e. UTM Northing and UTM Easting (if known)
f. The size of disturbed area proposed.
g. Name of the receiving water(s) or if the discharge is through a municipal separate storm sewer system, the name of the municipal operator of the storm sewer.
h. Signature of applicant (landowner or lessee) or authorized representative with documentation showing authorization. For signatory requirements, see 06-096 CMR 521(5).
i. For any construction activity occurring within an essential habitat or that may violate protection guidelines, written approval of the activity from the Department of Inland Fisheries and Wildlife (IF&W). The applicant must follow any conditions stated in the IF&W approval.[6]

Note: Maps showing areas of essential habitat are available from the Department of Inland Fisheries and Wildlife regional headquarters, municipal offices, the Land Use Regulation Commission (or areas within LURC's jurisdiction) and DEP regional offices. If the activity is located in essential habitat, IF&W must be contacted to request and obtain a "certification of review and approval."

B. Location map. The Notification form must be accompanied by a photocopy of a portion of a 7.5 minute USGS topographic map or a DeLorme Atlas map showing the site's location and approximate property boundaries, if the size of the parcel and scale of the map allows it. A USGS topographic map can be useful for showing the general contour and topography of the project site.

C. Site plan. Submit a scaled plan showing, at a minimum, the locations of structures and roads, the extent of disturbed land, pre-construction site topography, post-construction site topography, on-site and adjacent surface waterbodies, and all erosion and sedimentation control measures to be used on the site. Such measures include, but are not limited to, sedimentation barriers, ditch lining, rip rap, and culvert inlet and outlet designs. Identify retained downgradient buffers, or explain in a narrative why such buffers will not be retained (see Pollution Prevention standard, Appendix A(1)). Identify protected natural resources, such as wetlands, streams, or high water line of ponds or coastal wetlands on the site plan. It is not necessary to have the plan professionally prepared. However, it must be legible and drawn to a scale that allows clear representation of distances and measurements on the plan.

An applicant may substitute the following information for surveyed pre-development and post-development site topography on the location plans:

1. the locations of high points on the site,
2. the locations of any ponds or other runoff storage depressions on the site,

[6] A state agency may not license a project that will significantly alter habitat of any species designated as threatened or endangered, or violate protection guidelines, without a determination from IF&W. See 12 M.R.S.A. § 7755-A.

3. the locations and flow direction of any drainage ditches, brooks, or streams,
4. the locations of any catch basin inlets or culvert inlets, and
5. arrows showing the general direction(s) of overland drainage for the site.

D. Erosion and Sedimentation Control plan. In addition to a site plan, an erosion control plan must be included which contains, at a minimum, permanent stabilization measures to be taken (e.g. paving or planting vegetation), installation details of the erosion control measures proposed to be used, seeding and mulching rates, and a construction schedule with the proposed construction dates and timeframe for major earth moving and construction events. **This plan and its details may be included on the site plan instead of being a separate submission.**

An erosion and sedimentation control plan must be designed by a professional who is registered, licensed, or certified in a related land-use field, or by education, training, or experience is knowledgeable in erosion and sedimentation control, or has received specific training in erosion and sedimentation control at a department-sponsored erosion and sedimentation control workshop.

Note: A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in 38 M.R.S.A. § 480-B. Sediment control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken. The site must be maintained to prevent unreasonable erosion and sedimentation. See 38 M.R.S.A § 420-C (in part). Other or additional standards may apply, under the Natural Resources Protection Act, to a project located in or adjacent to a protected natural resource.

E. **Photos.** Provide photographs of the project site that show the existing character and topography of the area proposed for development.

F. Notice of Termination (NOT). The permittee shall submit a Notice of Termination (NOT) on a form provided by the Department within 20 days of the completion of permanent stabilization or within 20 days of obtaining coverage under an alternative MEPDES permit. If the property is transferred and construction activity is ongoing, the permittee is not required to file an NOT if the new owner or lessee files an NOI to continue authorization under this general permit for a continuing discharge.

1. Common plan of development or sale. A person who has filed an NOI for a common plan of development or sale shall file an NOT as follows.

a. For areas of the site over which the developer has control, the NOT must be filed after permanent stabilization has been completed.

b. For areas of the site over which the developer does not have control (ex. lots sold in an undeveloped or partially undeveloped state), the NOT must be filed after (i) temporary stabilization including perimeter controls for individual lots have been completed if the developer has done prep work (stripping or grading) on the lots, (ii) the developer has informed the lot buyers of the requirements of this general permit, and (iii) the developer has provided the buyers with copies of any erosion control plan, or portion of a plan applicable to the lots, required to be certified or provided to the Department under the requirements of this general permit.

A lot buyer within a common plan of development or sale is required to meet the standards of this general permit, except that residential lot buyers are not required to maintain inspection logs as provided in Appendix A(2).

2. Timing. A permittee's authorization to discharge under this permit terminates at midnight on the day the NOT is signed.

3. Submission. The NOT must include information specified by the Department, including the following:

a. The legal name, address, telephone number, and any email address of the landowner or leasehold owner.
b. The legal name, address, telephone number, of the agent or contractor.
c. Photographs showing the completed project and the affected area. Exception: a person filing an NOT for a common plan of development is not required to include photographs for disturbed areas created by lot buyers or lessees.
d. Signature of the permittee or authorized person together with documentation demonstrating authorization. If documentation has been previously submitted and is still current, it may be referenced.

G. Mail/copy. The notification forms must be sent to the DEP by certified mail (return receipt requested) or other service providing a record of DEP's receipt of the item to the sender, or hand delivered to the DEP and date stamped by the Department. The applicant must keep a copy of the notification forms and all materials provided to the Department.

H. Retention of records

1. Documents. The permittee shall retain copies of the ESC plan and any forms, submissions, reports, or other materials required by this general permit for a period of at least three years from the completion of permanent stabilization. This period may be extended by request of the Department.

2. Accessibility. Employees and agents of the Department may enter any property at reasonable hours in order to determine compliance.[7] The permittee shall retain a copy of the ESC plan and this general permit at the construction site or other location accessible to the Department, local government officials, and any operator of a municipal separate stormwater sewer receiving discharges from the site, from project initiation to permanent stabilization. The permittee shall ensure that a copy of the ESC plan and this general permit are available for the use of any contractors on the site undertaking work regulated by this general permit.

I. Changes in the activity or owner/lessee. Coverage under this general permit will be continued provided there are no changes in the discharge as described in the NOI and associated submissions. If any changes are proposed in the activity, the person having filed the NOI must notify the Department through the submission of updated information in writing, including submitting or obtaining certification for any revisions to an ESC plan required in Part III.

The updated information must be submitted with a new NOI if the permittee proposes to expand or relocate disturbed area of one acre or more beyond what was indicated in the original NOI, or to

[7] See 38 M.R.S.A. § 347-C(in part).

change the waterbody to which the stormwater will be discharged. Information concerning other changes may be submitted in a letter.

If the owner or lessee of the land changes, the new owner or lessee must file an NOI if he or she wishes to continue coverage under this general permit. Materials submitted with an NOI by a prior owner or lessee may be referenced if they are still current. Exception: a lot buyer or subsequent transferee of a lot within a common plan of development or sale is not required to file an NOI unless he or she proposes a construction activity as defined in Part II(A).

J. Request to be excluded. A person may request that an activity be excluded from coverage under this general permit and apply for an individual waste discharge permit pursuant to the Department's rules. When an individual permit is issued to a person otherwise subject to this general permit, the applicability of this general permit to that person is automatically terminated on the effective date of the individual permit.

K. Effect of prior approvals.

1. Construction activity including one acre or more of disturbed area. This subsection applies for purposes of determining jurisdiction under the "one acre" threshold only.

a. Persons disturbing less than 5 acres. A person with on-going construction activity as of July 21, 2006, who received authorization to discharge under a prior MCGP(s) and whose activity includes less than 5 acres of disturbed area and, that have not submitted a NOT do not have to submit a new NOI to obtain coverage under this general permit and are authorized under this general permit provided that the activity meets the standards of this general permit.

b. Persons disturbing 5 or more acres. A person with on-going construction activity as of July 21, 2006, who received authorization to discharge for the activity under a prior MCGP(s) and have or will disturb five or more acres shall submit a new notice of intent (NOI) prior to or on October 20, 2006. The new NOI may reference information in prior NOI submissions to the extent it is still current.

2. Common plan of development or sale. This subsection applies for purposes of determining jurisdiction under the "common plan of development or sale" threshold only.

A common plan of development or sale (subdivision) is not required to meet the requirements of this general permit if it received approval from LURC or the municipality where it is located before March 10, 2003.

a. If a subdivision that received municipal or LURC approval prior to March 10, 2003, is modified on or after the effective date of this permit so as to add three or more subdivision lots as determined by LURC or the municipality, this general permit applies to those lots and their associated facilities as provided in Part III.

b. If a subdivision receives approval on or after March 10, 2003, then this general permit does not apply to lots transferred before March 10, 2003.

Note: A person subdividing land must still file an NOI if he or she will undertake construction activity on the parcel that includes one or more acres of disturbed area, as provided in Part III(A). Examples of such activity would be road or pad construction, or stripping and grading. A single NOI may be filed for both the common plan of development or sale and this disturbed area.

PART V -- Limitations on Coverage

A. Individual permit or other general permit. This general permit does not authorize a stormwater discharge associated with construction activity that requires an individual waste discharge permit or is required to obtain coverage under another waste discharge general permit. See Part VI(A) for information on related waste discharge permits.

The Department may require any person with a discharge authorized by this general permit to apply for and obtain an individual permit.[8] When the DEP notifies an applicant than an individual permit is required, no work may be begun or continued unless and until the individual permit is obtained. Any interested person may petition the Department to take action under this paragraph. Examples of when an individual waste discharge permit may be required are specified in rule.[9]

B. Compliance with this general permit. This general permit does not authorize a stormwater discharge that is not in compliance with the requirements of this general permit. If the Department determines that the standards of this general permit have not been met, the Department shall notify the person and may:

1. Authorize coverage under this general permit after appropriate controls and implementation procedures designed to bring the discharge into compliance with this general permit and water quality standards have been implemented as determined by the Department;

2. Require an individual waste discharge permit; or

3. Inform the person that the discharge is prohibited.

Compliance with this subparagraph does not preclude any enforcement activity under Maine law for an underlying violation.

C. Non-stormwater. This general permit does not authorize a discharge that is mixed with a source of non-stormwater, other than those discharges in compliance with Appendix C(6).

D. Total maximum daily load (TMDL). This general permit does not authorize a direct discharge that is inconsistent with any EPA approved TMDL for the waterbody to which the direct discharge drains as provided in Part III(C).

E. Discharge of hazardous substances, chemicals, or oil. This general permit does not authorize the discharge of hazardous substances, chemicals, or oil resulting from an on-site spill.

F. Violation of water quality standards. This general permit does not authorize a discharge that may cause or contribute to a violation of a water quality standard.

G. Related laws. This general permit does not authorize stormwater discharges that are not in conformance with the terms and conditions of permits issued under Site Location of, 38 M.R.S.A. §§ 481-490; Stormwater Management, 38 M.R.S.A. § 420-D; Natural Resources Protection, 38 M.R.S.A. §§ 480-A - 480-Z; or the Land Use Regulation Commission §§ 481 et. seq.. This general permit does not authorize stormwater discharges that are not in conformance with the Maine Erosion and Sedimentation Control Law, 38 M.R.S.A. § 420-C.

[8] See 06-096 CMR 529(2)(B)(3).
[9] 06-096 CMR 529(2)(b)(3)

H. Post-construction discharges. This general permit does not authorize stormwater discharges after the completion of permanent stabilization.

I. Metallic mineral mining or advanced exploration. This general permit does not authorize discharges from metallic mineral mining or advanced exploration. Stormwater and erosion and sedimentation standards related to construction are specified in the Site Location of Development permit and LURC permit and, if required, an individual waste discharge permit.

J. Exemptions. Certain exemptions apply and are specified in the Maine Waste Discharge Law. An exemption in a Maine law other than the Maine Waste Discharge Law, such as the Site Law or Maine Stormwater Management Law, does not create an exemption to the Maine Waste Discharge Law or the requirements of this general permit. Each law has its own set of statutory exemptions.

K. Reopener. This general permit may be modified or reopened as provided in 38 M.R.S.A. § 414-A(5).

Part VI -- Relationship to other programs

An activity may include "construction activity" and also be regulated under other programs.

A. Related waste discharge permits

1. **Multi-sector.** A stormwater discharge requiring approval as an industrial activity other than 06-096 CMR 521(b)(14)(x) is not authorized under this general permit.

2. **Waste discharge permit (surface water).** A waste discharge permit may be required for activities such as combined sewer overflows (CSOs), spray irrigation, process water treatment systems, metallic mine drainage, and other discharges inadequately covered by this general permit, as determined by the Department.

3. **Waste discharge permit (groundwater).** A waste discharge permit may be required for the discharge of stormwater through any well or wells, including drywells and subsurface fluid distribution systems. For complete requirements, see 06-096 CMR 543.

   A "subsurface fluid distribution system" is an assemblage of perforated pipes, drain tiles, or similar mechanisms intended to distribute fluids below the surface of the ground. A "well" is a bored, drilled, or driven shaft the depth of which is greater than the largest surface dimension, whether the shaft is typically dry or contains liquid; or a dug hole the depth of which is greater than the largest surface dimension; or a subsurface fluid distribution system. "Well injection" means the subsurface discharge of fluids into or through a well.

B. Quarry or an excavation for borrow, clay, topsoil, or silt. Clearing, grading or excavation activities conducted as part of the exploration and construction phase of a mineral mining operation must meet the requirements of this general permit, if they will result in the direct discharge of stormwater to waters of the state other than groundwater, will disturb one or more acres of land, and occur on or after March 10, 2003. These requirements do not apply to an area that is internally drained. Construction activity includes the building of site access roads and removal of overburden and waste rock to expose mineable materials. If the activity must meet the requirements of this general permit, the following exceptions apply.

1. **Stabilization deadlines.** The 14 day time limit for temporary stabilization in Appendix A(3), and the one-year time limit for permanent stabilization in Appendix A(5) do not apply.

2. **If under the Gravel Pit or Quarry Program -- may need to do an ESC plan.** If the clearing, grading, or excavation activity subject to this general permit is also required to meet the Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt,[10] or Performance Standards for Quarries[11], then the operator does not have to meet the requirements specified in Part III of this general permit, except for the ESC plan requirements in Part III(A)(2).

In some cases, an area that is not internally drained initially may become internally drained during construction. For an area that has become internally drained, it is not necessary to undertake stabilization as otherwise required under this general permit before filing the NOT.

C. Other programs such as Site Law, Stormwater, and Waste. The Department may combine application requirements for this general permit and other programs administered by the Department. Other programs may include facilities and projects regulated pursuant to programs such as 38 M.R.S.A. § 1310-N (Solid waste facility licenses), 1319-R (facility siting), 1319-X (criteria for development of waste oil facilities and biomedical facilities), 38 M.R.S.A. § 483-A (Site Location), 38 M.R.S.A. 420-C (Stormwater Management), and 12 M.R.S.A. § 685-A (LURC). In case of a conflict between the standards in Appendix A, B, and C and those adopted pursuant to any of these laws, the stricter standard applies, as determined by the Department. The review period for the NOI may be extended as provided in Part IV(A)(1)(b). The Department may waive the fee required with the NOI pursuant to this general permit for certain combined applications. Completing a stormwater Permit By Rule notification meets the requirements of this general permit.

D. Silvicultural activities. Authorization under this general permit is not required for non-point silvicultural activities as provided in 06-096 CMR 521(10).

E. Maine Department of Transportation. Construction activities conducted by the Maine Department of Transportation (MDOT) or the Maine Turnpike Authority (MTA) pursuant to a Memorandum of Agreement between the Department, and MDOT and MTA, are authorized under this general permit within the limits of coverage specified in this general permit. MDOT and MTA are considered qualifying state programs as provided in 40 CFR 122.44(s).

PART VII -- Standard Conditions

A. General restrictions. A discharge covered by a General Permit may not:

1. Be to a body of water classified as Class GPA, AA, A or SA;[12]
2. Be to a body of water having a drainage area of less than 10 square miles;
3. Contain any pollutant, including toxic substances, in quantities or concentrations, which may cause or contribute to any adverse impact on the receiving water;

[10] 38 M.R.S.A. §§ 490-A et. seq.
[11] 38 M.R.S.A. §§ 490-W et. seq.
[12] This standard condition is required by 06-096 CMR 529(3), effective January 12, 2001. However, note that 38 M.R.S.A. 465-A(1)(C), 465(1)(C) allow discharge of stormwater to GPA, AA and SA waters if the discharge is in compliance with state and local requirements. For requirements applicable to discharges to Class A waters, see 38 MRSA 465(2)(C). The Department is proposing emergency legislation to allow certain stormwater discharges to Class A waters and to watersheds of less than 10 square miles. The statutory provisions control for purposes of this general permit.

4. Be to a receiving water which is not meeting its classification standard for any characteristic which may be affected by the discharge; or

5. Impart color, taste, turbidity, radioactivity, settleable materials, floating substances or other properties that cause the receiving water to be unsuitable for the designated uses ascribed to its classification.

B. Removed substances. Pollutants removed or resulting from the treatment of wastewaters must be disposed of in a manner approved by the Department.

C. Monitoring requirement. The Department may require monitoring of an individual discharge as may be reasonably necessary in order to characterize the nature, volume or other attributes of that discharge or its sources.

D. Other information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, he or she shall promptly submit such facts or information.

E. Other applicable conditions. The conditions in 06-096 CMR 523(2) also apply to discharges pursuant to this general permit[13] and are incorporated herein as if fully set forth. These conditions address areas such as: duty to comply; need to reduce or halt activity not a defense; duty to mitigate; permit actions; property rights; duty to provide information; and inspection and entry.

F. Duty to reapply. If the permittee wishes to continue an activity regulated by this general permit after the expiration date of this general permit, the permittee must apply for and obtain a new permit.

G. Severability. The conditions of this general permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

[13] See 06-096 CMR 529(3)(i).

APPENDICES -- BASIC PERFORMANCE STANDARDS

APPENDIX A. Erosion and sedimentation control

A person who conducts, or causes to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials shall take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource as defined in 38 MRSA § 480-B. Erosion control measures must be in place before the activity begins. Measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken.

NOTE: The site must be maintained to prevent unreasonable erosion and sedimentation. See 38 M.R.S.A § 420-C (in part). A license is required for any stormwater discharge that the department "determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the State". 06-096 CMR 521(9)(a)(1)(v)(in part).

(1) Pollution prevention. Minimize disturbed areas and protect natural downgradient buffer areas to the extent practicable. The discharge may not result in erosion of any open drainage channels, swales, upland, or coastal or freshwater wetlands.

Note: Buffers improve water quality by helping to filter pollutants in run-off both during and after construction. Minimizing disturbed areas through phasing limits the amount of exposed soil on the site through retention of natural cover and by retiring areas as permanently stabilized. Less exposed soil results in fewer erosion controls to install and maintain. If work within an area is not anticipated to begin within two weeks time, consider leaving the area in its naturally existing cover.

(2) Sediment barriers. Prior to construction, properly install sediment barriers at the edge of any downgradient disturbed area and adjacent to any drainage channels within the disturbed area. Maintain the sediment barriers until the disturbed area is permanently stabilized.

(3) Temporary stabilization. Stabilize with mulch, or other non-erodable cover any exposed soils that will not be worked for more than 7 days. Stabilize areas within 75 feet of a wetland or waterbody within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.

NOTE: For guidance on erosion and sedimentation controls, consult *the Maine Erosion and Sediment Control Handbook for Construction -- Best Management Practices* or *the Maine Erosion and Sedimentation Control Best Management Practices*.

(4) Removal of temporary measures. Remove any temporary control measures, such as silt fence, within 30 days after permanent stabilization is attained. Remove any accumulated sediments and stabilize.

NOTE: It is recommended that silt fence be removed by cutting the fence materials at ground level so as to avoid additional soil disturbance.

(5) Permanent stabilization. If the area will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, moisture, and soil conditions; amend areas of disturbed subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding so to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established. If necessary, areas must be reworked and restabilized if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. One or more of the following may apply to a particular site.

(a) Seeded areas. For seeded areas, permanent stabilization means a 90% cover of the disturbed area with mature, healthy plants with no evidence of washing or rilling of the topsoil.

(b) Sodded areas. For sodded areas, permanent stabilization means the complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.

(c) Permanent Mulch. For mulched areas, permanent mulching means total coverage of the exposed area with an approved mulch material. Erosion Control Mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.

(d) Riprap. For areas stabilized with riprap, permanent stabilization means that slopes stabilized with riprap have an appropriate backing of a well-graded gravel or approved geotextile to prevent soil movement from behind the riprap. Stone must be sized appropriately. It is recommended that angular stone be used.

(e) Agricultural use. For construction projects on land used for agricultural purposes (e.g., pipelines across crop land), permanent stabilization may be accomplished by returning the disturbed land to agricultural use.

(f) Paved areas. For paved areas, permanent stabilization means the placement of the compacted gravel subbase is completed.

(g) Ditches, channels, and swales. For open channels, permanent stabilization means the channel is stabilized with mature vegetation at least three inches in height, with well-graded riprap lining, or with another non-erosive lining capable of withstanding the anticipated flow velocities and flow depths without reliance on check dams to slow flow. There must be no evidence of slumping of the lining, undercutting of the banks, or down-cutting of the channel.

(6) Winter Construction. "Winter construction" is construction activity performed during the period from November 1 through April 15. If areas within the construction activity are not stabilized with temporary or permanent measures outlined above by November 15, then the site must be protected with additional stabilization measures that are specific to winter conditions. No more than one acre of the site may be without stabilization at one time.

(a) Site Stabilization. For winter stabilization, hay mulch is applied at twice the standard temporary stabilization rate. At the end of each construction day, areas that have been brought to final grade must be stabilized. Mulch may not be spread on top of snow.

(b) Sediment Barriers. All areas within 75 feet of a protected natural resource must be protected with a double row of sediment barriers.

(c) Ditch. All vegetated ditch lines that have not been stabilized by November 1, or will be worked during the winter construction period, must be stabilized with an appropriate stone lining backed by an appropriate gravel bed or geotextile unless specifically released from this standard by the department.

(d) Slopes. Mulch netting must be used to anchor mulch on all slopes greater than 8% unless erosion control blankets or erosion control mix is being used on these slopes.

NOTE: For guidance on winter construction standards, see the "Maine Erosion and Sediment Control BMPs", Maine Department of Environmental Protection.

(7) Stormwater channels. Ditches, swales, and other open stormwater channels must be designed, constructed, and stabilized using measures that achieve long-term erosion control. Ditches, swales and other open stormwater channels must be sized to handle, at a minimum, the expected volume run-off. Each channel should be constructed in sections so that the section's grading, shaping, and installation of the permanent lining can be completed the same day. If the channel's final grading or lining installation must be delayed, then diversion berms must be used to divert stormwater away from the channel, properly-spaced check dams must be installed in the channel to slow the water velocity, and a temporary lining installed along the channel to prevent scouring. Permanent stabilization for channels is addressed under Appendix A(5)(g) above.

NOTE: (1) The channel should receive adequate routine maintenance to maintain capacity and prevent or correct any erosion of the channel's bottom or side slopes. (2) When the watershed draining to a ditch or swale is less than 1 acre of total drainage and less than ¼ acre of impervious area, diversion of runoff to adjacent wooded or otherwise vegetated buffer areas is encouraged where the opportunity exists.

(8) Roads. Gravel and paved roads must be designed and constructed with crowns or other measures, such as water bars, to ensure that stormwater is delivered immediately to adjacent stable ditches, vegetated buffer areas, catch basin inlets, or street gutters.

NOTE: (1) Gravel and paved roads should be maintained so that they continue to conform to this standard in order to prevent erosion problems. (2) The department recommends that impervious surfaces, including roads, be designed and constructed so that stormwater is distributed in sheet flow to natural vegetated buffer areas wherever such areas are available. Road ditches should be designed so that stormwater is frequently (at least every 100 to 200 feet) discharged via ditch turnouts in sheet flow to adjacent natural buffer areas wherever possible.

(9) Culverts. Culverts must be sized to avoid unintended flooding of upstream areas or frequent overtopping of roadways. Culvert inlets must be protected with appropriate materials for the

expected entrance velocity, and protection must extend at least as high as the expected maximum elevation of storage behind the culvert. Culvert outlet design must incorporate measures, such as aprons or plunge pools, to prevent scour of the stream channel. Outlet protection measures must be designed to stay within the channel limits. The design must take account of tailwater depth.

(10) Parking areas. Parking areas must be constructed to ensure runoff is delivered to adjacent swales, catch basins, curb gutters, or buffer areas without eroding areas downslope. The parking area's subbase compaction and grading must be done to ensure runoff is evenly distributed to adjacent buffers or side slopes. Catch basins must be located and set to provide enough storage depth at the inlet so to allow inflow of peak runoff rates without by-pass of runoff to other areas.

(11) Additional requirements. Additional requirements may be applied on a site-specific basis**.**

APPENDIX B. Inspection and maintenance

(1) Inspection and maintenance. Inspect disturbed and impervious areas, and erosion and stormwater control measures, areas used for storage that are exposed to precipitation, and locations where vehicles enter or exit the site. Inspect these areas at least once a week as well as and before and after a storm event, and prior to completion of permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards in this permit and any departmental companion document to this permit, must conduct the inspection. This person must be identified in the inspection log. If best management practices (BMPs) need to be modified or if additional BMPs are necessary, implementation must be completed within 7 calendar days and prior to any storm event (rainfall). All measures must be maintained in effective operating condition until areas are permanently stabilized.

(2) Inspection log (report). A log (report) must be kept summarizing the scope of the inspection, name(s) and qualifications of the personnel making the inspection, the date(s) of the inspection, and major observations relating to operation of erosion and sedimentation controls and pollution prevention measures. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to department staff and a copy must be provided upon request. The permittee shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

APPENDIX C. Housekeeping

These performance standards apply to all sites.

(1) Spill prevention. Controls must be used to prevent pollutants from construction and waste materials stored on-site, including storage practices to minimize exposure of the materials to

stormwater, and appropriate spill prevention, containment, and response planning and implementation.

(2) Groundwater protection. During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials.

NOTE: Lack of appropriate pollutant removal best management practices (BMPs) may result in violations of the groundwater quality standard established by 38 M.R.S.A. §465-C(1). Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area, in order to prevent the accumulation of fines, reduction in infiltration rate, and consequent flooding and destabilization.

(3) Fugitive sediment and dust. Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control.

Examples of BMPS -- Operations during wet months, that experience tracking of mud off the construction site onto public roads, should provide for sweeping of road areas at least once a week and prior to significant storm events. Where chronic mud tracking occurs, a stabilized construction entrance should be provided. Operations during dry months, that experience fugitive dust problems, should wet down the access roads once a week or more frequently if needed.

NOTE: Dewatering a stream without a permit from the department violates state water quality standards and the Natural Resources Protection Act.

(4) Debris and other materials. Litter, construction debris, and construction chemicals exposed to stormwater must be prevented from becoming a pollutant source.

NOTE: To prevent these materials from becoming a source of pollutants, construction activities related to a project may be required to comply with applicable provision of rules related to solid, universal, and hazardous waste, including, but not limited to, the Maine solid waste and hazardous waste management rules; Maine hazardous waste management rules; Maine oil conveyance and storage rules; and Maine pesticide requirements.

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(5) Trench or foundation de-watering. Trench de-watering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site.

NOTE: For guidance on de-watering controls, consult the Maine Erosion and Sediment Control BMPs", Maine Department of Environmental Protection."

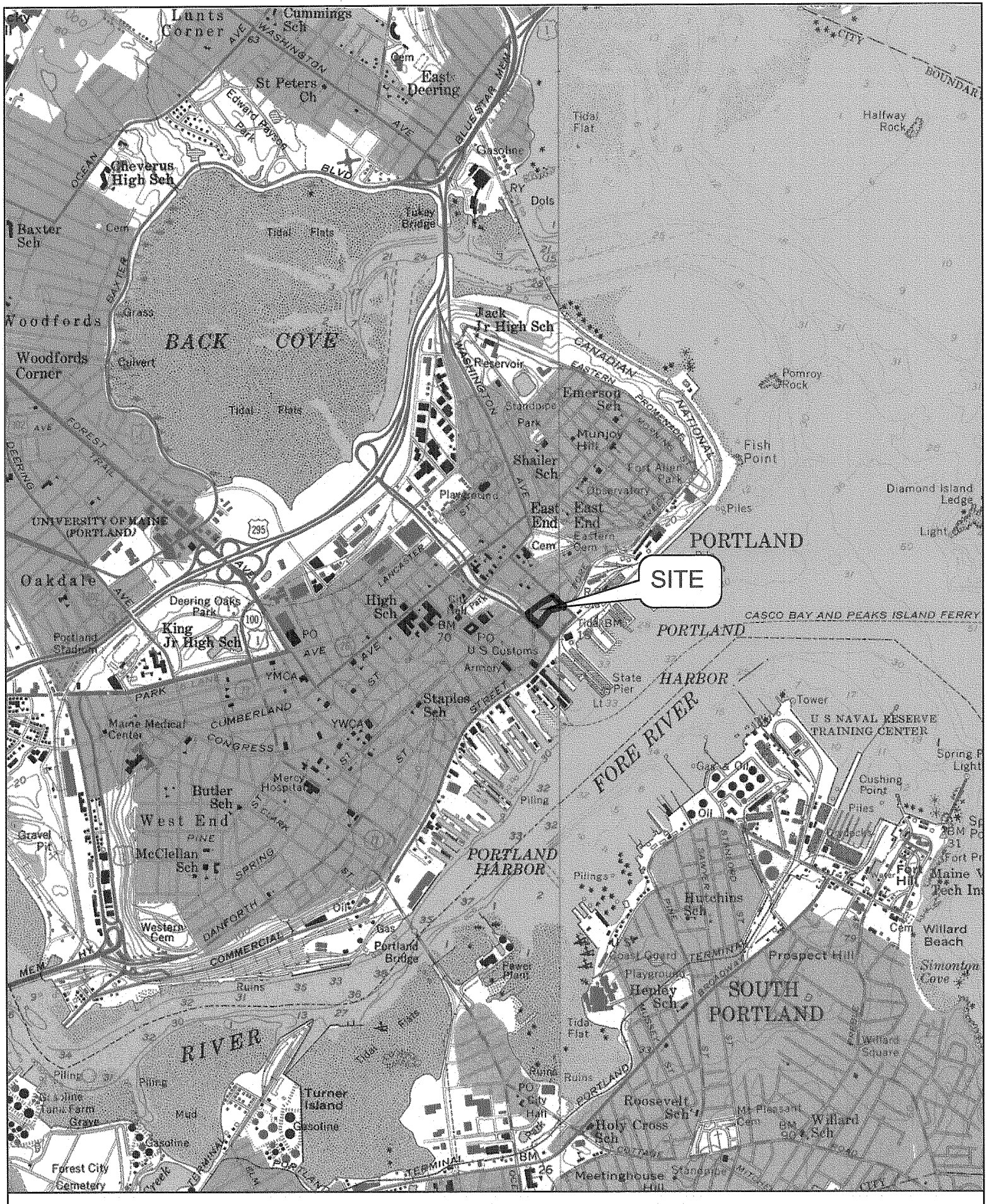
(6) Non-stormwater discharges. Identify and prevent contamination by non-stormwater discharges. Where allowed non-stormwater discharges exist, they must be identified and steps should be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Authorized non-stormwater discharges are:

(i) Discharges from firefighting activity;
(ii) Fire hydrant flushings;[1]
(iii) Vehicle washwater if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarraige and transmission washing is prohibited);
(iv) Dust control runoff in accordance with permit conditions and Appendix (C)(3);
(v) Routine external building washdown, not including surface paint removal, that does not involve detergents;
(vi) Pavement washwater (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used;
(vii) Uncontaminated air conditioning or compressor condensate;
(viii) Uncontaminated groundwater or spring water;
(ix) Foundation or footer drain-water where flows are not contaminated; and
(x) Uncontaminated excavation dewatering (see requirements in Appendix C(5)).
(vi) Potable water sources including waterline flushings.[2]

Allowable non-stormwater discharges cannot be authorized under this permit unless they are directly related to and originate from a construction site or dedicated support activity (e.g., a pressure washing company cannot broadly use this general permit for their business operations, because general vehicle washing is not associated with a construction site). It is not necessary to list these sources of non-stormwater in the NOI.

[1] This non-stormwater discharge is authorized under this general permit until the Department issues a separate general permit containing requirements specific to this type of discharge, which would replace this authorization.
[2] See previous footnote.

Appendix B - General Map



Name: PORTLAND EAST
Date: 2/10/2010
Scale: 1 inch equals 2000 feet

Location: 043° 39' 36.03" N 070° 15' 14.57" W NAD27

Appendix C: Essential Habitat & Historic Preservation Inquiry Results

Maine Department of Inland
Fisheries and Wildlife
358 Shaker Road
Gray, Maine 04039

Telephone: 207-657-2345 ext.113
Fax: 207-657-2980
Email: brian.lewis @maine.gov

John Elias Baldacci, Governor

Roland Martin, Commissioner

March 8, 2010

Steve Long
13 Corporate Drive
Belmont, New Hampshire 03220

RE: Proposed Hotel/Restaurant, Fore Street, Portland

Dear Steve Long,

I have reviewed your request for fishery resource information, and there are no known threatened/endangered fish species or habitat in the vicinity of the proposed project. There are also no known fisheries resources within the proposed project area. In the event any streams are encountered in the course of your project our regional riparian buffer policy is outlined below.

Stream systems are vulnerable to environmental impacts associated with increased development and encroachment. If present, this project should be sensitive to these resource issues by including provisions for riparian buffers and minimizing any other potential stream impacts. Our regional buffer policy requests 100 foot undisturbed buffers along both sides of any stream or stream-associated wetlands. Buffers should be measured from the upland wetland edge of stream-associated wetlands, and if the natural vegetation has been previously altered then restoration may be warranted. This buffer requirement improves erosion/sedimentation problems; reduces thermal impacts; maintains water quality; supplies leaf litter and woody debris for the system; and provides valuable wildlife habitat. Protection of these important riparian functions insures that the overall health of the stream habitat is maintained.

Stream crossings, if applicable, must include provisions for adequate fish passage, and any in-stream work needs to be done between the first of July and the first of October. Project design should minimize the number of stream crossings. I have forwarded your information requests to our wildlife division and they will be responding separately. If you have any additional questions or concerns then feel free to contact us.

Sincerely,

Brian Lewis
Fishery Specialist
MDIFW

STATE OF MAINE
DEPARTMENT OF CONSERVATION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

JOHN ELIAS BALDACCI
GOVERNOR

ELIZA TOWNSEND
ACTING COMMISSIONER

February 17, 2010

Steve Long
Opechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220

Re: Rare and exemplary botanical features in proximity to: Proposed Hotel/Restaurant Development, Portland, Maine.

Dear Mr. Long:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request of February 5, 2010 for information on the presence of rare or unique botanical features documented from the vicinity of the project site in Portland, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

www.maine.gov/doc
PHONE: 207-287-4900
FAX: 207-287-2400
TTY: 888-577-6690

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. The Natural Areas Program welcomes coordination with individuals or organizations proposing environmental alteration, or conducting environmental assessments. If, however, data provided by the Natural Areas Program are to be published in any form, the Program should be informed at the outset and credited as the source.

The Natural Areas Program has instituted a fee structure of $75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for $75.00 for our services.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,

Sarah Demers

Sarah Demers
Environmental Review Coordinator
Maine Natural Areas Program
207-287-8670
sarah.demers@maine.gov

Enclosures

Rare and Exemplary Botanical Features in the Project Vicinity

Documented within a four-mile radius of the proposed Hotel/Restaurant Development, Portland, Maine.

Feature Name	Global Rank	State Rank	State Status	EO Number	Last Seen	Habitat
Chimaphila maculata	G5	S2	E	11	1991-09	Hardwood to mixed forest (forest, upland)
Viola palmata	G5	SH	PE	1	1908	Hardwood to mixed forest (forest, upland)
Carex polymorpha	G3	S1	E	9	1911-06-29	Dry barrens (partly forested, upland)
Allium canadense	G5	S2	SC	6	1918-07-16	Hardwood to mixed forest (forest, upland)
Allium tricoccum	G5	S3	SC	17	1978-06-28	Forested wetland
Platanthera flava var. herbiola	G4T4Q	S2	SC	27	1907-07-05	Non-tidal rivershore (non-forested, seasonally wet)
Elymus hystrix	G5	S3	SC	10	1905-09-13	Hardwood to mixed forest (forest, upland)
Eleocharis engelmannii	G4G5Q	SH	PE	2	1916-08-31	Open wetland, not coastal nor rivershore (non-forested, wetland)
Adlumia fungosa	G4	S1	T	9	1860-10	Rocky summits and outcrops (non-forested, upland)
Suaeda calceoliformis	G5	S2	T	5	1932-09-12	Tidal wetland (non-forested, wetland)
Zannichellia palustris	G5	S2	SC	9	1913-09-13	Tidal wetland (non-forested, wetland)
Aureolaria pedicularia	G5	S3	SC	13	1902-09-02	Dry barrens (partly forested, upland)
Polygala cruciata var. aquilonia	G5T4	SH	PE	1	1903-08-18	Dry barrens (partly forested, upland)
Lobelia siphilitica	G5	SX	PE	3	1905-09	Forested wetland
Allium canadense	G5	S2	SC	5	1921-07-26	Forested wetland
Saxifraga pensylvanica	G5	S3	SC	3	1913-06-11	Forested wetland

Rare and Exemplary Botanical Features in the Project Vicinity

Documented within a four-mile radius of the proposed Hotel/Restaurant Development, Portland, Maine.

Feature Name	Global Rank	State Rank	State Status	EO Number	Last Seen	Habitat
Proserpinaca pectinata	G5	S1	E	1	1906-09-29	Open wetland, not coastal nor rivershore (non-forested, wetland)
Triosteum aurantiacum	G5	S1	E	5	1910-06-19	Non-tidal rivershore (non-forested, seasonally wet)
Lonicera dioica	G5	S2	E	5	1905-06	Hardwood to mixed forest (forest, upland)
Allium tricoccum	G5	S3	SC	42	2003-06-17	Hardwood to mixed forest (forest, upland)
Wolffia columbiana	G5	S2	SC	2	2002-08-04	Open water (non-forested, wetland)

STATE RARITY RANKS

S1 Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.

S2 Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.

S3 Rare in Maine (20-100 occurrences).

S4 Apparently secure in Maine.

S5 Demonstrably secure in Maine.

SU Under consideration for assigning rarity status; more information needed on threats or distribution.

S#? Current occurrence data suggests assigned rank, but lack of survey effort along with amount of potential habitat create uncertainty (e.g. S3?).

Note: **State Rarity Ranks** are determined by the Maine Natural Areas Program.

GLOBAL RARITY RANKS

G1 Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extinction.

G2 Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.

G3 Globally rare (20-100 occurrences).

G4 Apparently secure globally.

G5 Demonstrably secure globally.

GNR Not yet ranked.

Note: **Global Ranks** are determined by NatureServe.

STATE LEGAL STATUS

Note: State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's **Endangered** and **Threatened** plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.

E ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.

T THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.

NON-LEGAL STATUS

SC SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.

PE Potentially Extirpated; Species has not been documented in Maine in past 20 years or loss of last known occurrence has been documented.

ELEMENT OCCURRENCE RANKS - EO RANKS

Element Occurrence ranks are used to describe the quality of a rare plant population or natural community based on three factors:

- **Size**: Size of community or population relative to other known examples in Maine. Community or population's viability, capability to maintain itself.
- **Condition**: For communities, condition includes presence of representative species, maturity of species, and evidence of human-caused disturbance. For plants, factors include species vigor and evidence of human-caused disturbance.
- **Landscape context**: Land uses and/or condition of natural communities surrounding the observed area. Ability of the observed community or population to be protected from effects of adjacent land uses.

These three factors are combined into an overall ranking of the feature of **A, B, C, or D**, where **A** indicates an excellent example of the community or population and **D** indicates a poor example of the community or population. The Maine Natural Areas Program tracks all occurrences of rare (S1-S3) plants and natural communities as well as A and B ranked common (S4-S5) natural communities.

Note: **Element Occurrence Ranks** are determined by the Maine Natural Areas Program.

Visit our website for more information on rare, threatened, and endangered species!
http://www.maine.gov/doc/nrimc/mnap

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Maine Field Office – Ecological Services
17 Godfrey Drive, Suite #2
Orono, ME 04473
(207) 866-3344 Fax: (207) 866-3351

In Reply Refer To: 53411-2010-SL-0120
FWS/Region5/ES/MEFO

February 24, 2010

Steve Long
Opeechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220

Dear Mr. Long:

Thank you for your letter dated February 5, 2010 requesting information or recommendations from the U.S. Fish and Wildlife Service. This letter provides the Service's response pursuant to Section 7 of the Endangered Species Act (ESA), as amended (16 U.S.C. 1531-1543), Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) and the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667d).

Project Name/Location: Hotel, Fore Street, Portland, ME

Federally listed species

Based on the information currently available to us, no federally threatened or endangered species under the jurisdiction of the Service are known to occur in the project area. Accordingly, no further action is required under Section 7 of the ESA, unless: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review; or (3) a new species is listed or critical habitat determined that may be affected by the identified action.

Other protected species

We have not reviewed this project for state-threatened and endangered wildlife, wildlife species of special concern, and significant wildlife habitats protected under the Maine Natural Resources Protection Act. I recommend that you contact the Maine Department of Inland Fisheries and Wildlife:

Steve Timpano
Maine Department of Inland Fisheries and Wildlife
284 State St.
State House Station 41
Augusta, ME 04333-0041
Phone: 207 287-5258

I recommend that you contact the Maine Natural Areas Program for additional information on state-threatened and endangered plant species, plant species of special concern, and rare natural communities.

Lisa St. Hilaire
Maine Natural Areas Program
Department of Conservation
93 State House Station
Augusta, ME 04333
Phone: 207 287-8046

Bald eagles

Occasional, transient bald eagles (*Haliaeetus leucocephalus*) may occur in the area. Based on the information currently available to use, there are no bald eagle nests near your project. The bald eagle was removed from the federal threatened list on August 9, 2007 and is now protected from take under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. "Take" means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. The term "disturb" under the Bald and Golden Eagle Protection Act was recently defined within a final rule published in the Federal Register on June 5, 2007 (72 Fed. Reg. 31332). "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle; 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior; or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Further information on bald eagle delisting and their protection can be found at http://www.fws.gov/migratorybirds/baldeagle.htm.

Please consult with our new national bald eagle guidelines, which can found at http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf.

These Guidelines are voluntary and were prepared to help landowners, land managers and others meet the intent of the Eagle Act and avoid disturbing bald eagles. If you believe your project will result in taking or disturbing bald or golden eagles, please contact our office for further guidance. We encourage early and frequent consultations to avoid take of eagles.

If you have any questions, please call Mark McCollough, endangered species biologist, at (207) 866-3344 ext.115.

Sincerely,

Lori Nordstrom, Project Leader
Maine Field Office

OPECHEE
CONSTRUCTION CORPORATION

February 10, 2010

Earle G. Shettleworth, Jr. Director
Maine Historic Preservation Commission
55 Capitol Street, 65 State House Station
Augusta, ME 04333

Re: Proposed Hotel, Restaurant and Residences, Fore Street, Portland Maine
Subject: Historic Preservation Commission Review ; Map 29 lots 1, 2 & 3

Dear Earle

Enclosed please find plans and photographs for the above mentioned project and for a previous project proposed at the same location. The subject property is the former Jordans Meats Facility. This site was previously reviewed in 2005 for a Westin Hotel. We are asking for an updated review of our project. As you can see from the attached plans the current project will be much smaller in size and height than the previously approved project.

Please do not hesitate to contact me if you need more information. Thank you in advance for your assistance.

Sincerely,

Steve Long PE
Project Manger

Enclosures

As proposed, the project will not adversely affect historic properties. Pursuant to 800.5(c), if no consulting parties object to this finding within the 30-day review period, the project may proceed, as proposed, unless resources are discovered during project implementation pursuant to 800.13.

Kirk F. Mohney
Kirk F. Mohney,
Deputy State Historic Preservation Officer

3/4/10
Date

11 CORPORATE DRIVE, BELMONT, NH 03220
PHONE (603) 527-9090 FAX (603) 527-9191

Appendix D: Delegation of Authority

Delegation of Authority:

I, Gregory R. Kirsch, hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Maine Construction General Permit, at the Mixed Use Redevelopment at Fore, Middle and India Streets, Portland, ME construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

Person: Steve Long
Address: Opechee Construction Corporation, 11 Corporate Drive, Belmont, NH 03220
Phone: 603-527-9090

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix A, Maine's Construction General Permit (MCGP), and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix A.

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

Name: Gregory R. Kirsch

Company: Opechee Construction Corporation

Title: Vice President & General Counsel

Signature:_____

Date: _____

Appendix E: Subcontractor Certifications/Agreements

Appendix E – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Name: Phase II Mixed Use Redevelopment of the Former Jordan's Meats Site, Portland, ME

Operator(s): Opechee Construction Corporation, Steve Long

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the BMPs and practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company:

Address:

Telephone Number:

Type of construction service to be provided:

Signature:

Title:

Date:

Appendix F : 2012 EPA General Permit – Construction Activity

National Pollutant Discharge Elimination System
General Permit for Discharges from
Construction Activities

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Part 1.1.a and Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) general permit, are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of earth-disturbing activities" (see Appendix A) until "final stabilization" (see Part 2.2).

This permit becomes effective on **February 16, 2012**. For the State of Idaho (except for Indian country), this permit becomes effective on **April 9, 2012**. For areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, this permit becomes effective on **April 13, 2012**. For projects located in the following areas, this permit becomes effective on **May 9, 2012**: Fond du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and the Bad River Band and Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin.

This permit and the authorization to discharge expire at midnight, **February 16, 2017**.

Signed and issued this 16th day of February, 2012

H. Curtis Spalding
Regional Administrator, Region 1

Signed and issued this 16th day of February, 2012

William K. Honker, P.E.
Acting Director, Water Quality Protection Division, Region 6

Signed and issued this 16th day of February, 2012

John Filippelli
Director, Division of Environmental Planning & Protection, Region 2

Signed and issued this 16th day of February, 2012

Karen Flournoy
Director, Wetlands and Pesticides Division, Region 7

Signed and issued this 16th day of February, 2012

José C. Font
Acting Division Director, Carribbean Environmental Protection Division, Region 2, Caribbean Office

Signed and issued this 16th day of February, 2012

Melanie L. Pallman
Acting Assistant Regional Administrator, Office of Partneships and Regulatory Assistance, Region 8

Signed and issued this 16th day of February, 2012

Catherine A. Libertz
Assistant Director, Water Protection Division, Region 3

Signed and issued this 16th day of February, 2012

Nancy Woo
Deputy Director, Water Division, Region 9

Signed and issued this 16th day of February, 2012

James D. Giattina
Director, Water Protection Division, Region 4

Signed and issued this 16th day of February and 9th day of April, 2012

Michael J. Lidgard
Acting Director, Office of Water and Watersheds, Region 10

Signed and issued this 16th day of February and 9th day of May, 2012

Tinka G. Hyde
Director, Water Division, Region 5

Signed and issued this 13th day of April, 2012

Christine Psyk
Associate Director, Office of Water and Watersheds, Region 10

The signatures are for the permit conditions in Parts 1 through 9 and Appendices A through K.

CONTENTS

1. HOW TO OBTAIN PERMIT COVERAGE UNDER THE CGP.

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

1.1. ELIGIBILITY CONDITIONS REQUIRED OF ALL PROJECTS.

Only those projects that meet all of the following eligibility conditions may be covered under this permit:

a. You are an "operator" of the construction project for which discharges will be covered under this permit;

Note: For the purposes of this permit, an "operator" is any party associated with a construction project that meets either of the following two criteria:

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

Subcontractors generally are not considered operators for the purposes of this permit.

Note: Where there are multiple operators associated with the same project, all operators are required to obtain permit coverage. The following applies in these situations:

1. *If one operator has control over plans and specifications and a different operator has control over activities at the project site, they may divide responsibility for compliance with the terms of this permit as long as they develop a group SWPPP (see Part 7.1.1), which documents which operator has responsibility for each requirement of the permit.*
2. *If an operator only has operational control over a portion of a larger project (e.g., one of four homebuilders in a subdivision), the operator is responsible for compliance with all applicable effluent limits, terms, and conditions of this permit as it relates to the activities on their portion of the construction site, including protection of endangered species, critical habitat, and historic properties, and implementation of control measures described in the SWPPP in the areas under their control.*
3. *You must ensure either directly or through coordination with other permittees, that your activities do not render another party's pollutant discharge controls ineffective.*
4. *If the operator of a "construction support activity" (see Part 1.3.c) is different than the operator of the main construction site, that operator is also required to obtain permit coverage.*

b. Your project:

i. Will disturb 1 or more acres of land, or will disturb less than 1 acre of land but is part of a common plan of development or sale that will ultimately disturb 1 or more acres of land; or

ii. Your project's discharges have been designated by EPA as needing a permit under § 122.26(a)(1)(v) or § 122.26(b)(15)(ii);

c. Your project is located in an area where EPA is the permitting authority (see Appendix B);

d. Discharges from your project are not:

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

   ii. In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.[1, 2]

e. You are able to demonstrate that you meet one of the criteria listed in Appendix D with respect to the protection of species that are federally-listed as endangered or threatened under the Endangered Species Act (ESA) or federally-designated critical habitat;

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

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

1.2. ELIGIBILITY CONDITIONS THAT APPLY DEPENDING ON TYPE OF PROJECT.

You must also satisfy, if applicable, the conditions in Parts 1.2.1 through 1.2.4 in order to obtain coverage under this permit.

1.2.1. Eligibility for Emergency-Related Construction Activities.

If you are conducting earth-disturbing activities in response to a public emergency *(e.g., natural disaster, widespread disruption in essential public services)*, and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you are authorized to discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing earth-disturbing activities (see Table 1) establishing that you are eligible under this permit. You are also required to provide documentation in your SWPPP to substantiate the occurrence of the public emergency.

1.2.2. Water Quality Standards – Eligibility for New Sources.

If you are a "new source" (as defined in Appendix A), you are not eligible for coverage under this permit for discharges that EPA, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary in accordance with Part 1.4.5. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the stormwater control requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

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[1] Parts 1.1.d.i and 1.1.d.ii do not include sites currently covered under the 2003 or 2008 CGPs, which are in the process of obtaining coverage under this permit, and sites covered under this permit, which are transferring coverage to a different operator.

[2] Notwithstanding a project being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.d.i or 1.1.d.ii, above, EPA may waive the applicable requirement after specific review if it determines that coverage under this permit is appropriate.

1.2.3. Discharging to Waters with High Water Quality – Eligibility for New Sources.

If you are a "new source" (as defined in Appendix A), you are eligible to discharge to a Tier 2, Tier 2.5, or Tier 3 water only if your discharge will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the stormwater control requirements of this permit, including the requirements applicable to such discharges in Part 3.3.2, will result in discharges that will not lower the water quality of the applicable water. See list of Tier 2, Tier 2.5, and Tier 3 waters in Appendix F.

Note: Your project will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first surface water to which you discharge is identified by a state, tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first surface water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

1.2.4. Use of Cationic Treatment Chemicals.

If you plan to use cationic treatment chemicals (as defined in Appendix A), you are ineligible for coverage under this permit, unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

1.3. Types of Discharges Authorized Under the CGP.

The following is a list of discharges that are allowed under the permit provided that appropriate stormwater controls are designed, installed, and maintained:

a. Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i);

b. Stormwater discharges designated by EPA as needing a permit under 40 CFR § 122.26(a)(1)(v) or § 122.26(b)(15)(ii);

c. Stormwater discharges from construction support activities *(e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas)* provided:

   i. The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;

   ii. The support activity is not a commercial operation, nor does it serve multiple unrelated construction projects;

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

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

d. The following non-stormwater discharges from your construction activity, provided that, with the exception of water used to control dust and to irrigate areas to be vegetatively stabilized, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Part 2:

   i. Discharges from emergency fire-fighting activities;

ii. Fire hydrant flushings;

iii. Landscape irrigation;

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

v. Water used to control dust;

vi. Potable water including uncontaminated water line flushings;

vii. Routine external building washdown that does not use detergents;

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

ix. Uncontaminated air conditioning or compressor condensate;

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

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

xii. Construction dewatering water that has been treated by an appropriate control under Part 2.1.3.4; and

e. Discharges of stormwater listed above in Parts a, b, and c, or authorized non-stormwater discharges in Part d above, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

1.4. SUBMITTING YOUR NOTICE OF INTENT (NOI).

To be covered under this permit, you must submit to EPA a complete and accurate NOI prior to commencing construction activities. The NOI certifies to EPA that you are eligible for coverage according to Part 1.1 and 1.2, and provides information on your construction operation and discharge.

Note: All "operators" (as defined in Appendix A) associated with your construction project, who meet the Part 1.1 eligibility requirements, and who elect to seek coverage under this permit, are required to submit an NOI.

Note: There are two exceptions to the requirement to submit the NOI prior to the commencement of construction activities: (1) for emergency-related projects, and (2) for new projects scheduled to commence construction activities on or after February 16, 2012, but no later than March 1, 2012. [3] *For these two types of projects, the NOI*

[3] For new projects in the State of Idaho (except Indian country), if you are scheduled to commence construction activities on or after April 9, 2012, but no later than May 9, 2012, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities. For new projects in areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, if you are scheduled to commence construction activities on or after April 13, 2012, but no later than May 13, 2012, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities. For new projects in the following areas, if you are schedule to commence construction activities on or after May 9, 2012, but no later than June 8, 2012, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities: the Fond du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and the Bad River Band and Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin.

must be submitted within 30 calendar days after the commencement of earth-disturbing activities (see Part 1.4.2).

Note: You must complete the development of a Stormwater Pollution Prevention Plan (SWPPP) consistent with Part 7 prior to submitting your NOI for coverage under this permit.

1.4.1. How to Submit Your NOI.

You are required to use EPA's electronic NOI system, or "eNOI system", to prepare and submit your NOI. Go to www.epa.gov/npdes/stormwater/cgpenoi to access the eNOI system and file an NOI. If you have a problem with the use of the eNOI system, contact the EPA Regional Office that corresponds to the location of your site. If you are given approval by the EPA Regional Office to use a paper NOI, and you elect to use it, you must complete the form in Appendix J.

1.4.2. Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage.

Table 1 provides the deadlines for submitting your NOI and your official start date of permit coverage, which differ depending on when you commence construction activities. The following terms are used in Table 1 to establish NOI deadlines:

a. New project – a construction project that commences construction activities on or after February 16, 2012, or or April 9, 2012 for the State of Idaho (except for Indian country), or April 13, 2012 for areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, or May 9, 2012 for projects located in the following areas: the Fond du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and the Bad River Band and Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin.

b. Existing project – a construction project that commenced construction activities prior to February 16, 2012, or April 9, 2012 for the State of Idaho (except for Indian country), or April 13, 2012 for areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, or May 9, 2012 for projects located in the following areas: the Fond du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and the Bad River Band and Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin.

c. New operator of a new or existing project – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction project.

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

Type of Construction Project	Deadlines for Operators to Submit NOI	Official Start Date for Permit Coverage
New project	You must submit your NOI at least 14 calendar days prior to commencing earth-disturbing activities. *Exception:* If your project qualifies as an "emergency-related project" under Part 1.2.1, you must submit your NOI by no later than 30 calendar days after commencing	You are considered covered under this permit 14 calendar days after EPA has acknowledged receipt of your NOI on the Agency's website (www.epa.gov/npdes/stormwater/cgpnoisearch), unless EPA notifies you that your authorization has been delayed or denied. *Exception:* If your project qualifies as

Type of Construction Project	Deadlines for Operators to Submit NOI	Official Start Date for Permit Coverage
	earth-disturbing activities. *Exception:* If you are scheduled to commence construction activities on or after February 16, 2012, but no later than March 1, 2012, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities.[4]	an "emergency-related project" under Part 1.2.1, you are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA has acknowledged receipt of your NOI, unless EPA notifies you that your authorization has been delayed or denied. *Exception:* If you are scheduled to commence construction activities on or after February 16, 2012, but no later than March 1, 2012, you are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA has acknowledged receipt of your NOI, unless EPA notifies you that your authorization has been delayed or denied.[5]

[4] For new projects in the State of Idaho (except Indian country), if you are scheduled to commence construction activities on or after April 9, 2012, but no later than May 9, 2012, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities. For new projects in areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, if you are scheduled to commence construction activities on or after April 13, 2012, but no later than May 13, 2012, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities. For new projects located in the following areas, if you are scheduled to commence construction activities on or after May 9, 2012, but no later than June 8, 2012, you must submit your NOI by no later than 30 days after commencing earth-disturbing activities: the Fond du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and the Bad River Band and Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin.

[5] For new projects in the State of Idaho (except Indian country), if you are scheduled to commence construction activities on or after April 9, 2012, but no later than May 9, 2012, you are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA has acknowledged receipt of your NOI, unless EPA notifies you that your authorization has been delayed or denied. For new projects in areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, if you are scheduled to commence construction activities on or after April 13, 2012, but no later than May 13, 2012, you are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA has acknowledged receipt of your NOI, unless EPA notifies you that your authorization has been delayed or denied. For new projects located in the following areas, if you are scheduled to commence construction activities on or after May 9, 2012, but no later than June 8, 2012, you are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA has acknowledged receipt of your NOI, unless EPA notifies you that your authorization has been delayed or denied: the Fond du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and the Bad River Band and Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin.

Type of Construction Project	Deadlines for Operators to Submit NOI	Official Start Date for Permit Coverage
Existing project	You must submit your NOI by no later than May 16, 2012.[6] However, if you have not previously obtained coverage under an NPDES permit, you must submit your NOI immediately.	You are considered covered under this permit 14 calendar days after EPA has acknowledged receipt of your NOI on the Agency's website (www.epa.gov/npdes/stormwater/cgpnoisearch), unless EPA notifies you that your authorization has been delayed or denied.[7]
New operator of a new or existing project	You must submit your NOI at least 14 calendar days before the date the transfer to the new operator will take place.	You are considered covered under this permit 14 calendar days after EPA has acknowledged receipt of your NOI on the Agency's website (www.epa.gov/npdes/stormwater/cgpnoisearch), unless EPA notifies you that your authorization has been delayed or denied.

Note: If you have missed the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the Clean Water Act until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of earth-disturbing activities and discharge authorization.

Note: Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage.

1.4.3. Your Official End Date of Permit Coverage

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

- You terminate permit coverage consistent with Part 8; or
- Your discharges are permitted under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2017; or
- For existing projects that continue after this permit has expired, the deadline has passed for the submission of an NOI for coverage under a reissued or replacement version of this permit and you have failed to submit an NOI by the required deadline.

1.4.4. Continuation of Coverage for Existing Permittees After the Permit Expires.

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and

[6] For existing projects located in the State of Idaho (except Indian country), NOIs must be submitted by no later than July 8, 2012. For existing projects located in areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, NOIs must be submitted by no later than July 12, 2012. For existing projects located in the following areas, NOIs must be submitted no later than August 7, 2012: the Fond Du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and Bad River, Lac Du Flambeau, and Sokaogon Chippewa (Mole Lake) Community in Wisconsin.

[7] Note that if you are currently covered under the 2003 or 2008 CGP, this coverage continues until your coverage under this permit begins, provided you have submitted an NOI by the deadline.

remain in force and effect for discharges that were covered prior to expiration. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by this permit until the earliest of:

- Your authorization for coverage under a reissued or replacement version of this permit following your timely submittal of a complete and accurate NOI requesting coverage under the new permit; or

  Note: If you fail to submit a timely NOI for coverage under the reissued or replacement permit, your coverage will terminate on the date that the NOI was due.

- Your submittal of a Notice of Termination; or
- Issuance or denial of an individual permit for the project's discharges; or
- A final permit decision by EPA not to reissue a general permit, at which time EPA will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this time period.

EPA reserves the right to modify or revoke and reissue this permit under 40 CFR 122.62 and 63, in which case you will be notified of any relevant changes or procedures to which you may be subject.

1.4.5. Procedures for Denial of Coverage.

Following your submittal of a complete and accurate NOI, you may be notified in writing by EPA that you are not covered, and that you must either apply for and/or obtain coverage under an individual NPDES permit or an alternate general NPDES permit. This notification will include a brief statement of the reasons for this decision and will provide application information. Any interested person may request that EPA consider requiring an individual permit under this paragraph.

If you are already a permittee with coverage under this permit, the notice will set a deadline to file the permit application, and will include a statement that on the effective date of the individual NPDES permit or alternate general NPDES permit, as it applies to you, coverage under this general permit will terminate. EPA may grant additional time to submit the application if you request it. If you are covered under this permit and fail to submit an individual NPDES permit application or an NOI for an alternate general NPDES permit as required by EPA, then the applicability of this permit to you is terminated at the end of the day specified by EPA as the deadline for application submittal. EPA may take appropriate enforcement action for any unpermitted discharge. If you submit a timely permit application, then when an individual NPDES permit is issued to you or you are provided with coverage under an alternate general NPDES permit, your coverage under this permit is terminated on the effective date of the individual permit or date of coverage under the alternate general permit.

1.5. REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE.

You must post a sign or other notice conspicuously at a safe, publicly accessible location in close proximity to the project site. At a minimum, the notice must include the NPDES Permit tracking number and a contact name and phone number for obtaining additional project information. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way.

2. EFFLUENT LIMITATIONS APPLICABLE TO ALL DISCHARGES FROM CONSTRUCTION SITES

You are required to comply with the following effluent limitations in this Part for discharges from your site and/or from construction support activities (see Part 1.3.c).

Note: If your project is an "existing project" (see Part 1.4.2.b) or if you are a "new operator of an existing project" (see Part 1.4.2.c), and it is infeasible for you to comply with a specific requirement in this Part because (1) the requirement was not part of the permit you were previously covered under (i.e., the 2003 or 2008 CGP), and (2) because you are prevented from compliance due to the nature or location of earth disturbances that commenced prior to February 16, 2012 (or prior to April 9, 2012 for projects in the State of Idaho (except for Indian country), or prior to April 13, 2012 for projects in areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, or prior to May 9, 2012 for projects located in the following areas: the Fond du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and the Bad River Band and Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin), or because you are unable to comply with the requirement due to the manner in which stormwater controls have already been installed or were already designed prior to February 16, 2012 (or prior to April 9, 2012 for projects in the State of Idaho (except for Indian country), or prior to April 13, 2012 for projects in areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, or prior to May 9, 2012 for projects located in the following areas: the Fond du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and the Bad River Band and Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin), you are required to document this fact in your SWPPP and are waived from complying with that requirement. This flexibility applies only to the requirements in Parts 2.1, and 2.3.3 through 2.3.5 (except for Parts 2.3.3.1, 2.3.3.2b, 2.3.3.3c.i, and 2.3.3.4). This only applies to those portions of your site that have already commenced earth-disturbing activities or where stormwater controls implemented in compliance with the previous permit have already been installed.

Part 2 includes the following types of requirements:

- Erosion and Sediment Control Requirements (Part 2.1)
- Stabilization Requirements (Part 2.2)
- Pollution Prevention Requirements (Part 2.3)

2.1. EROSION AND SEDIMENT CONTROL REQUIREMENTS.

You must design, install, and maintain erosion and sediment controls that minimize the discharge of pollutants from earth-disturbing activities. To meet this requirement, you must comply with the following provisions.

2.1.1. General Requirements Applicable to All Construction Sites.

2.1.1.1 ***Area of Disturbance.*** You are required to minimize the amount of soil exposed during construction activities. You are also subject to the deadlines for temporarily and/or permanently stabilizing exposed portions of your site pursuant to Part 2.2.

2.1.1.2 ***Design Requirements.***

a. You must account for the following factors in designing your stormwater controls:

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

ii. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. If any stormwater flow will be channelized at your site, you must design stormwater controls to control both peak flowrates and total stormwater volume to minimize erosion at outlets and to minimize downstream channel and streambank erosion; and

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

b. You must direct discharges from your stormwater controls to vegetated areas of your site to increase sediment removal and maximize stormwater infiltration, including any natural buffers established under Part 2.1.2.1, unless infeasible. Use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas.

2.1.1.3 ***Installation Requirements.***

a. **Complete installation of stormwater controls by the time each phase of earth-disturbance has begun, unless infeasible.** By the time earth-disturbing activities in any given portion of your site have begun, unless infeasible, you must install and make operational any downgradient sediment controls (*e.g., buffers or equivalent sediment controls, perimeter controls, exit point controls, storm drain inlet protection)* that control discharges from the initial site clearing, grading, excavating, and other land-disturbing activities.

Note: Where it is infeasible to install stormwater controls prior to the initial earth disturbance, it is EPA's expectation that it will be a rare circumstance that will prevent the operator from installing such controls immediately following the initial earth disturbance.

Following the installation of these initial controls, all other stormwater controls planned for this portion of your site and described in your SWPPP must be installed and made operational as soon as conditions on the site allow.

Note: The requirement to install stormwater controls prior to earth-disturbance for each phase of the project does not apply to the earth disturbance associated with the actual installation of these controls.

b. **Use good engineering practices and follow manufacturer's specifications.** You must install all stormwater controls in accordance with good engineering practices, including applicable design specifications.

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

2.1.1.4 ***Maintenance Requirements.***

a. You must ensure that all erosion and sediment controls required in this Part remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

b. You must inspect all erosion and sediment controls in accordance with the applicable requirements in Part 4.1, and document your findings in accordance with Part 4.1.7. If you find a problem (*e.g., erosion and sediment controls need to be replaced, repaired, or maintained*), you must make the necessary repairs or modifications in accordance with the following schedule:

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

ii. When installation of a new erosion or sediment control or a significant repair is needed, you must install the new or modified control and make it operational, or complete the repair, by no later than 7 calendar days from the time of discovery where feasible. If it is infeasible to complete the installation or repair within 7 calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as practicable after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 7 calendar days of completing this work.

2.1.2. Erosion and Sediment Control Requirements Applicable to All Sites.

2.1.2.1 **Provide Natural Buffers or Equivalent Sediment Controls.** (These requirements only apply when a surface water is located within 50 feet of your project's earth disturbances).

Note: EPA does not consider stormwater control features (e.g., stormwater conveyance channels, storm drain inlets, sediment basins) to constitute "surface waters" for the purposes of triggering the requirement to comply with this Part.

Note: Areas that you do not own or that are otherwise outside your operational control may be considered areas of undisturbed natural buffer for purposes of compliance with this part.

You must ensure that any discharges to surface waters through the area between the disturbed portions of the property and any surface waters located within 50 feet of your site are treated by an area of undisturbed natural buffer and/or additional erosion and sediment controls in order to achieve a reduction in sediment load equivalent to that achieved by a 50-foot natural buffer. Refer to Appendix G (Buffer Guidance) for information to assist you in complying with this requirement, and to Part 2.1.2.1e for exceptions to this requirement.

a. **Compliance Alternatives.** You can comply with this requirement in one of the following ways:

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

Note: If your earth disturbances are located 50 feet or further from a surface water, then you have complied with this alternative.

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

iii. If it is infeasible to provide and maintain an undisturbed natural buffer of any size, you must implement erosion and sediment

controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

Note: For the compliance alternatives in Parts 2.1.2.1a.i and 2.1.2.1a.ii, you are not required to enhance the quality of the vegetation that already exists in the buffer, or provide vegetation if none exists (e.g., arid and semi-arid areas). You only need to retain and protect from disturbance the natural buffer that existed prior to the commencement of construction. Any preexisting structures or impervious surfaces are allowed in the natural buffer provided you retain and protect from disturbance the natural buffer area outside the preexisting disturbance. Similarly, for alternatives 2.1.2.1a.ii and 2.1.2.1a.iii, you are required to implement and maintain sediment controls that achieve the sediment load reduction equivalent to the undisturbed natural buffer that existed on the site prior to the commencement of construction. In determining equivalent sediment load reductions, you may consider naturally non-vegetated areas and prior disturbances. See Appendix G for a discussion of how to determine equivalent reductions.

You must document the compliance alternative you have selected in your SWPPP, and comply with the applicable additional requirements described in Parts 2.1.2.1b and 2.1.2.1c below.

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

b. **Additional Requirements for the Compliance Alternatives in Parts 2.1.2.1a.i and 2.1.2.1a.ii.** If you choose either of the compliance alternatives in Parts 2.1.2.1a.i or 2.1.2.1a.ii above, throughout your period of coverage under this permit, you must comply with the following additional requirements:

   i. Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by stormwater within the buffer;

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

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

c. **Additional Requirements for the Compliance Alternatives in Parts 2.1.2.1a.ii and 2.1.2.1a.iii.** If you choose either of the compliance alternatives in Parts 2.1.2.1a.ii and 2.1.2.1a.iii, you must document in your SWPPP the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency.

d. **Additional Requirement for the Compliance Alternative in Part 2.1.2.1a.iii.** If you choose the compliance alternative in Part 2.1.2.1a.iii, you must also

include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

e. **Exceptions.**

i. If there is no discharge of stormwater to surface waters through the area between your site and any surface waters located within 50 feet of your site, you are not required to comply with the requirements in this Part. This includes situations where you have implemented control measures, such as a berm or other barrier, that will prevent such discharges.

ii. Where no natural buffer exists due to preexisting development disturbances *(e.g., structures, impervious surfaces)* that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in this Part, unless you will remove portions of the preexisting development.

Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you are required to comply with the requirements in this Part. For the purposes of calculating the sediment load reduction for either Part 2.1.2.1a.ii or 2.1.2.1a.iii above, you are not expected to compensate for the reduction in buffer function from the area covered by these preexisting disturbances. See Appendix G for further information on how to comply with the compliance alternatives in Part 2.1.2.1a.ii or 2.1.2.1a.iii above.

If during your project, you will disturb any portion of these preexisting disturbances, the area disturbed will be deducted from the area treated as natural buffer.

iii. For "linear construction projects" (see Appendix A), you are not required to comply with the requirements in this Part if site constraints (*e.g., limited right-of-way*) prevent you from meeting any of the compliance alternatives in Part 2.1.2.1a, provided that, to the extent practicable, you limit disturbances within 50 feet of the surface water and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the surface water. You must also document in your SWPPP your rationale as to why it is infeasible for you to comply with the requirements in Part 2.1.2.1a, and describe any buffer width retained and/or supplemental erosion and sediment controls installed.

iv. For "small residential lot" construction (*i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre*), you have the option of complying with the requirements in Appendix G (Part G.2.3).

v. The following disturbances within 50 feet of a surface water are exempt from the requirements in this Part:

- Construction approved under a CWA Section 404 permit; or
- Construction of a water-dependent structure or water access area *(e.g., pier, boat ramp, trail)*.

You must document in your SWPPP if any of the above disturbances will occur within the buffer area on your site.

2.1.2.2 ***Install Perimeter Controls.***

a. **Installation Requirements:** You must install sediment controls along those perimeter areas of your site that will receive stormwater from earth-disturbing activities.[8]

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

b. **Maintenance Requirements:** You must remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

2.1.2.3 ***Minimize Sediment Track-Out.*** You must minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting your construction site. To comply with this requirement, you must:

a. Restrict vehicle use to properly designated exit points;

b. Use appropriate stabilization techniques[9] at all points that exit onto paved roads so that sediment removal occurs prior to vehicle exit;

c. Where necessary, use additional controls[10] to remove sediment from vehicle tires prior to exit; and

d. Where sediment has been tracked-out from your site onto the surface of off-site streets, other paved areas, and sidewalks, you must remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day. You must remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.

Note: EPA recognizes that some fine grains may remain visible on the surfaces of off-site streets, other paved areas, and sidewalks even after you have implemented sediment removal practices. Such "staining" is not a violation of Part 2.1.2.3.

2.1.2.4 **Control Discharges from Stockpiled Sediment or Soil.** For any stockpiles or land clearing debris composed, in whole or in part, of sediment or soil, you must comply with the following requirements:

[8] Examples of perimeter controls include, but are not limited to, filter berms, silt fences, and temporary diversion dikes.

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

[10] Examples of additional controls to remove sediment from vehicle tires include, but are not limited to, wheel washing, rumble strips, and rattle plates.

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

a. Locate the piles outside of any natural buffers established under Part 2.1.2.1a and physically separated from other stormwater controls implemented in accordance with Part 2.1;

b. Protect from contact with stormwater (including run-on) using a temporary perimeter sediment barrier;[11]

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

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

e. Unless infeasible, contain and securely protect from wind.

2.1.2.5 ***Minimize Dust.*** In order to avoid pollutants from being discharged into surface waters, to the extent feasible, you must minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

2.1.2.6 ***Minimize the Disturbance of Steep Slopes.*** You must minimize the disturbance of "steep slopes" (see definition in Appendix A).

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

2.1.2.7 ***Preserve Topsoil.*** You must preserve native topsoil on your site, unless infeasible.

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

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

2.1.2.8 ***Minimize Soil Compaction***. In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed, you must either:

[11] Examples include berms, dikes, fiber rolls, silt fences, sandbag, gravel bags, or straw bale.

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

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

2.1.2.9 ***Protect Storm Drain Inlets.*** If you discharge to any storm drain inlet that carries stormwater flow from your site directly to a surface water (and it is not first directed to a sediment basin, sediment trap, or similarly effective control), and you have authority to access the storm drain inlet, you must:

a. **Installation Requirements.** Install inlet protection measures[12] that remove sediment from your discharge prior to entry into the storm drain inlet.

Note: Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

b. **Maintenance Requirements.** Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, you must remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.

2.1.3. Requirements Applicable Only to Sites Using These Specific Stormwater Controls.

You are required to comply with the following requirements if you will install any of the following stormwater controls at your site:

2.1.3.1 ***Constructed Stormwater Conveyance Channels.*** Design stormwater conveyance channels to avoid unstabilized areas on the site and to reduce erosion, unless infeasible. Minimize erosion of channels and their embankments, outlets, adjacent streambanks, slopes, and downstream waters during discharge conditions through the use of erosion controls and velocity dissipation devices[13] within and along the length of any constructed stormwater conveyance channel, and at any outlet to provide a non-erosive flow velocity.

2.1.3.2 ***Sediment Basins.*** If you install a sediment basin , you must comply with the following:

a. **Design requirements.**

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

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

[12] Examples of inlet protection measures include fabric filters, sandbags, concrete blocks, and gravel barriers.

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

Note: EPA believes that the circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where surface outlets may not be feasible during certain time periods (although it is expected that they would be used during other periods). If you have determined that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination.

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

iv. Sediment basins must be situated outside of surface waters and any natural buffers established under Part 2.1.2.1a, and must be designed to avoid collecting water from wetlands.

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

2.1.3.3 ***Use of Treatment Chemicals.*** If you are using polymers, flocculants, or other treatment chemicals at your site, you must comply with the following minimum requirements:

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

b. **Select appropriate treatment chemicals**. Chemicals must be selected that are appropriately suited to the types of soils likely to be exposed during construction and discharged to locations where chemicals will be applied, and to the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area.

c. **Minimize discharge risk from stored chemicals.** Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures *(e.g., spill berms, decks, spill containment pallets),* or provide equivalent measures, designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means *(e.g., storing chemicals in covered area or having a spill kit available on site)*.

d. **Comply with state/local requirements.** Comply with relevant state and local requirements affecting the use of treatment chemicals.

e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** You must also use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document specific departures from these practices or specifications and how they reflect good engineering practice.

f. **Ensure proper training.** Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training. Among other things, the training must cover proper dosing requirements.

g. **Comply with additional requirements for the approved use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.2.4, and the authorization is conditioned on your compliance with additional requirements necessary to ensure that the use of such chemicals will not cause an exceedance of water quality standards, you are required to comply with all such requirements.

h. **Provide proper SWPPP documentation.** You must include documentation in your SWPPP consistent with Parts 7.2.6.9 and 7.2.10.2 on the specific chemicals and chemical treatment systems you will use, and how you will comply with the requirements in this Part.

2.1.3.4 ***Dewatering Practices.*** You are prohibited from discharging ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, unless such waters are first effectively managed by appropriate controls.[14] Uncontaminated, non-turbid dewatering water can be discharged without being routed to a control.

You must also meet the following requirements for dewatering activities:

a. **Discharge requirements.**

i. Do not discharge visible floating solids or foam;

ii. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to contain these materials;

iii. To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. In no case will surface waters be considered part of the treatment area;

iv. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.1.3.1;

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

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

b. **Treatment chemical restrictions.** If you are using polymers, flocculants, or other treatment chemicals to treat dewatering water, you must comply with the requirements in Parts 2.1.3.3.

2.2. STABILIZATION REQUIREMENTS.

You are required to stabilize exposed portions of your site in accordance with the requirements of this Part.

[14] Examples of appropriate controls include, but are not limited to, sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, or filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

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

2.2.1. Deadlines for Initiating and Completing Stabilization.

2.2.1.1 ***Deadline to Initiate Stabilization.*** You must initiate soil stabilization measures immediately whenever earth-disturbing activities have permanently or temporarily ceased on any portion of the site.

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

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

The 14 calendar day timeframe above begins counting as soon as you know that construction work on a portion of your site will be temporarily ceased. In circumstances where you experience unplanned or unanticipated delays in construction due to circumstances beyond your control (e.g., sudden work stoppage due to unanticipated problems associated with construction labor, funding, or other issues related to the ability to work on the site; weather conditions rendering the site unsuitable for the continuation of construction work) and you do not know at first how long the work stoppage will continue, your requirement to immediately initiate stabilization is triggered as soon as you know with reasonable certainty that work will be stopped for 14 or more additional calendar days. At that point, you must comply with Parts 2.2.1.1 and 2.2.1.2.

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

1. *prepping the soil for vegetative or non-vegetative stabilization;*
2. *applying mulch or other non-vegetative product to the exposed area;*
3. *seeding or planting the exposed area;*
4. *starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area; and*
5. *finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization in Parts 2.2.1.2 and 2.2.1.3.*

This list of examples is not exhaustive.

Note: The term "immediately" is used to define the deadline for initiating stabilization measures. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased.

2.2.1.2 ***Deadline to Complete Stabilization Activities.*** As soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization measures consistent with Part 2.2.1.1[15], you are required to have completed:

[15] EPA may determine, based on an inspection carried out under Part 4.2 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil

a. For vegetative stabilization, all activities[16] necessary to initially seed or plant the area to be stabilized; and/or

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

2.2.1.3 ***Exceptions to the Deadlines for Initiating and Completing Stabilization.***

a. *Deadlines for projects occurring in arid or semi-arid areas, or drought-stricken areas*. These requirements apply if (1) your site is located in an arid area, a semi-arid area, or a drought-stricken area, as these terms are defined in Appendix A, (2) construction will occur during the seasonally dry period or during a period in which drought is predicted to occur, and (3) you are using vegetative cover for temporary or permanent stabilization. You may also comply with the deadlines in Part 2.2.1.1 instead. The deadlines for these types of projects are as follows:

i. Immediately initiate, and within 14 calendar days of a temporary or permanent cessation of work in any portion of your site complete, the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;

ii. As soon as practicable, given conditions or circumstances on your site, complete all activities necessary to initially seed or plant the area to be stabilized; and

iii. If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. You must also include the schedule you will follow for initiating and completing vegetative stabilization.

b. *Deadlines for projects that are affected by circumstances beyond the control of the permittee that delay the initiation and/or completion of vegetative stabilization as required in Parts 2.2.1.1 and/or 2.2.1.2*. If you are unable to meet the deadlines in Parts 2.2.1.1and/or 2.2.1.2 due to circumstances beyond your control[17], and you are using vegetative cover for temporary or permanent stabilization, you may comply with the following stabilization deadlines instead:

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

ii. Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and

that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

[16] For example, such activities might include, but are not limited to, soil conditioning, application of seed or sod, planting of seedlings or other vegetation, application of fertilizer, and, as deemed appropriate, watering.

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

Note: You are required to have stabilized the exposed portions of your site consistent with Part 2.2.2 prior to terminating permit coverage under Part 8.2.

iii. Document the circumstances that prevent you from meeting the deadlines required in Parts 2.2.1.1and/or 2.2.1.2 and the schedule you will follow for initiating and completing stabilization.

c. *Deadlines for sites discharging to sensitive waters.* For any portion of the site that discharges to a sediment or nutrient-impaired water (see Part 3.2) or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.3), you are required to complete the stabilization activities specified in Parts 2.2.1.2a and/or 2.2.1.2b within 7 calendar days after the temporary or permanent cessation of earth-disturbing activities.

Note: If you qualify for the deadlines for initiating and completing stabilization in Part 2.2.1.3a or b*, you may comply with the stabilization deadlines in Part 2.2.1.3a or* b *for any portion of your site that discharges to a sensitive water.*

2.2.2. Criteria for Stabilization.

To be considered adequately stabilized, you must meet the criteria below depending on the type of cover you are using, either vegetative or non-vegetative.

2.2.2.1 ***Vegetative Stabilization.***

a. ***For all sites, except those located in arid or semi-arid areas or on agricultural lands.***

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

ii. For final stabilization, vegetative cover must be perennial; and

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

b. ***For sites located in arid or semi-arid areas, or drought-stricken areas.*** If you are located in an arid or semi-arid area, or a drought-stricken area, as these terms are defined in Appendix A, you are considered to have completed final stabilization if both of the following criteria are met:

i. The area you have seeded or planted must within 3 years provide established vegetation that covers 70 percent or more of the density of vegetation prior to commencing earth-disturbing activities; and

ii. In addition to seeding or planting the area to be vegetatively stabilized, to the extent necessary to prevent erosion on the seeded

or planted area, you must select, design, and install non-vegetative erosion controls that provide cover for at least 3 years without active maintenance by you.

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

2.2.2.2 ***Non-Vegetative Stabilization.*** If you are using non-vegetative controls to stabilize exposed portions of your site, or if you are using such controls to temporarily protect areas that are being vegetatively stabilized, you must provide effective non-vegetative cover[18] to stabilize any such exposed portions of your site.

2.3. POLLUTION PREVENTION REQUIREMENTS.

You are required to design, install, and maintain effective pollution prevention measures in order to prevent the discharge of pollutants. Consistent with this requirement, you must:

- Eliminate certain pollutant discharges from your site (see Part 2.3.1);
- Properly maintain all pollution prevention controls (see Part 2.3.2); and
- Comply with pollution prevention standards for pollutant-generating activities that occur at your site (see Part 2.3.3).

These requirements apply to all areas of your construction site and any and all support activities covered by this permit consistent with Part 1.3.c.

2.3.1. Prohibited Discharges.

You are prohibited from discharging the following from your construction site:

2.3.1.1 Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.3.4;

2.3.1.2 Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, unless managed by an appropriate control as described in Part 2.3.3.4;

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

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

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

2.3.2. General Maintenance Requirements.

You must ensure that all pollution prevention controls installed in accordance with this Part remain in effective operating condition and are protected from activities that would reduce their effectiveness. You must inspect all pollutant-generating activities and

[18] For temporary stabilization, examples of temporary non-vegetative stabilization methods include, but are not limited to, hydromulch and erosion control blankets. For final stabilization, examples of permanent non-vegetative stabilization methods include, but are not limited to, riprap, gabions, and geotextiles.

pollution prevention controls in accordance with your inspection frequency requirements in Parts 4.1.2 or 3.2.2.1 to avoid situations that may result in leaks, spills, and other releases of pollutants in stormwater discharges to receiving waters, and must document your findings in accordance with Part 4.1.7. If you find that controls need to be replaced, repaired, or maintained, you must make the necessary repairs or modifications in accordance with the following:

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

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

2.3.3. Pollution Prevention Standards.

You are required to comply with the pollution prevention standards in this Part if you conduct any of the following activities at your site or at any construction support activity areas covered by this permit (see Part 1.3.c):

- Fueling and maintenance of equipment or vehicles;
- Washing of equipment and vehicles;
- Storage, handling, and disposal of construction materials, products, and wastes; and
- Washing of applicators and containers used for paint, concrete, or other materials.

The pollution prevention standards are as follows:

2.3.3.1 ***Fueling and Maintenance of Equipment or Vehicles***. If you conduct fueling and/or maintenance of equipment or vehicles at your site, you must provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place.[19]

To comply with the prohibition in Part 2.3.1.3, you must:

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

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

[19] Examples of effective controls include, but are not limited to, locating activities away from surface waters and stormwater inlets or conveyances, providing secondary containment *(e.g., spill berms, decks, spill containment pallets)*and cover where appropriate, and/or having spill kits readily available.

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

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

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

f. Do not clean surfaces by hosing the area down.

2.3.3.2 ***Washing of Equipment and Vehicles.***

a. You must provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing;[20] and

b. To comply with the prohibition in Part 2.3.1.4, for storage of soaps, detergents, or solvents, you must provide either (1) cover (*e.g., plastic sheeting or temporary roofs*) to prevent these detergents from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.

2.3.3.3 ***Storage, Handling, and Disposal of Construction Products, Materials, and Wastes.*** You must minimize the exposure to stormwater of any of the products, materials, or wastes specified below that are present at your site by complying with the requirements in this Part.

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

To ensure you meet this requirement, you must:

a. *For building products*[21]*:* In storage areas, provide either (1) cover (*e.g., plastic sheeting or temporary roofs*) to prevent these products from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.

b. *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*

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

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

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

[20] Examples of effective controls include, but are not limited to, locating activities away from surface waters and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

[21] Some examples of building products that are typically stored at construction sites include, but are not limited to, asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures.

i. To comply with the prohibition in Part 2.3.1.3, store chemicals in water-tight containers, and provide either (1) cover *(e.g., plastic sheeting or temporary roofs)* to prevent these containers from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas *(e.g., spill kits)*, or provide secondary containment *(e.g., spill berms, decks, spill containment pallets)*; and

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

d. *For hazardous or toxic waste*[22]*:*

i. Separate hazardous or toxic waste from construction and domestic waste;

ii. Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;

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

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

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

e. *For construction and domestic waste*[23]: Provide waste containers *(e.g., dumpster or trash receptacle)* of sufficient size and number to contain construction and domestic wastes. In addition, you must:

(1) On work days, clean up and dispose of waste in designated waste containers; and

(2) Clean up immediately if containers overflow.

[22] Examples of hazardous or toxic waste that may be present at construction sites include, but are not limited to, paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids.

[23] Examples of construction and domestic waste include, but are not limited to, packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials.

f. *For sanitary waste:* Position portable toilets so that they are secure and will not be tipped or knocked over.

2.3.3.4 **Washing of Applicators and Containers used for Paint, Concrete, or Other Materials.** To comply with the prohibition in Parts 2.3.1.1 and 2.3.1.2, you must provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials. To comply with this requirement, you must:

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

b. Handle washout or cleanout wastes as follows:

i. Do not dump liquid wastes in storm sewers;

ii. Dispose of liquid wastes in accordance with applicable requirements in Part 2.3.3.3; and

iii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3.3; and

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

2.3.4. Emergency Spill Notification.

You are prohibited from discharging toxic or hazardous substances from a spill or other release, consistent with Part 2.3.1.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117, and 40 CFR Part 302 as soon as you have knowledge of the discharge. You must also, within 7 calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.3.5. Fertilizer Discharge Restrictions.

You are required to minimize discharges of fertilizers containing nitrogen or phosphorus. To meet this requirement, you must comply with the following requirements:

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

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

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

2.3.5.4 Never apply to frozen ground;

2.3.5.5 Never apply to stormwater conveyance channels with flowing water; and

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

3. WATER QUALITY-BASED EFFLUENT LIMITATIONS.

3.1. GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Your discharge must be controlled as necessary to meet applicable water quality standards. You must also comply with any additional requirements that your state or tribe requires you to meet in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that your discharge is not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Part 5.2.1, and document the corrective actions as required in Part 5.2.2 and Part 5.4.

EPA will also impose additional water quality-based limitations on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI, or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA established or approved TMDL.

3.2. DISCHARGE LIMITATIONS FOR IMPAIRED WATERS

If you discharge to a surface water that is impaired for (1) sediment or a sediment-related parameter, such as total suspended solids (TSS) or turbidity, and/or (2) nutrients, including impairments for nitrogen and/or phosphorus, you are required to comply with the requirements in Part 3.2.2.

Note: For the purposes of this Part, "impaired waters" are waters identified as impaired on the appropriate CWA Section 303(d) list, or waters with an EPA-approved or established TMDL. Your construction site will be considered to discharge to an impaired water if the first surface water to which you discharge is identified by a state, tribe, or EPA pursuant to Section 303(d) of the CWA as not meeting an applicable water quality standard, or is included in an EPA-approved or established total maximum daily load (TMDL). For discharges that enter a storm sewer system prior to discharge, the first surface water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system.

If you discharge to an impaired water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional limits or controls are necessary for your discharge to be controlled as necessary to meet water quality standards, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary in accordance with Part 1.4.5.

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

3.2.1. Identify If You Discharge To An Impaired Water.

If you discharge to an impaired water, you must provide the following information in your NOI:

- A list of all impaired waters to which you discharge;
- The pollutant(s) for which the surface water is impaired; and

- Whether a TMDL has been approved or established for the waters to which you discharge.

3.2.2. Requirements for Discharges to Sediment or Nutrient-Impaired Waters.

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

3.2.2.1 ***Frequency of Site Inspection.*** You must conduct inspections at the frequency specified in Part 4.1.3.

3.2.2.2 ***Deadline to Complete Stabilization.*** You must comply with the deadlines for completing site stabilization as specified in Part 2.2.1.3c.

3.2.2.3 ***State and Tribal Requirements.*** You must comply with any additional state or tribal impairment-related requirements included in Part 9.

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

3.3. DISCHARGES TO WATERS IDENTIFIED AS TIER 2, TIER 2.5, OR TIER 3.

3.3.1. Identify if You Discharge to a Tier 2, Tier 2.5, or Tier 3 Water.

If you discharge to a water identified by a state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 water, you must provide on your NOI a list of waters identified as Tier 2, Tier 2.5, or Tier 3 to which you discharge. See Appendix F for a list of Tier 2 and 3 waters in Idaho, Massachusetts, New Hampshire, and New Mexico.

Note: For the purposes of this permit, you are considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first surface water to which you discharge is identified by a state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3. Tiers 2, 2.5 and 3 refer to waters either identified by the state as high quality waters or Outstanding National Resource Waters under 40 CFR §131.12(a)(2) and (3). For discharges that enter a storm sewer system prior to discharge, the surface water to which you discharge is the first surface water that receives the stormwater discharge from the storm sewer system.

3.3.2. Requirements for New Projects Discharging to Tier 2, Tier 2.5, or Tier 3 Waters.

For new projects, if you will discharge to a Tier 2, Tier 2.5, or Tier 3 water, you are required to comply with the requirements in Parts 4.1.3 (inspection frequencies) and 2.2.1.3c (stabilization deadlines), and, if applicable, Part 9 (relevant state or tribal requirements). In addition, on a case-by-case basis, EPA may notify operators of such new projects or operators of existing projects with increased discharges that additional analyses, stormwater controls, or other permit conditions are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary in accordance with Part 1.4.5.

4. INSPECTIONS.

4.1. SITE INSPECTIONS.

4.1.1. Person(s) Responsible for Inspecting Site.

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

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

4.1.2. Frequency of Inspections.

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to Part 4.1.3 or Part 4.1.4:

4.1.2.1 At least once every 7 calendar days; or

4.1.2.2 Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.1.7.1d.

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

Note: You are required to specify in your SWPPP which schedule you will be following.

Note: "Within 24 hours of the occurrence of a storm event" means that you are required to conduct an inspection within 24 hours once a storm event has produced 0.25 inches, even if the storm event is still continuing. Thus, if you have elected to inspect bi-weekly in accordance with Part 4.1.2.2 and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you are required to conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm.

4.1.3. Increase in Inspection Frequency for Sites Discharging to Sensitive Waters.

For any portion of the site that discharges to a sediment or nutrient-impaired water (see Part 3.2) or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.3), instead of the inspection frequency specified in Part 4.1.2, you must conduct inspections in accordance with the following inspection frequencies:

4.1.3.1 Once every 7 calendar days; and

4.1.3.2 Within 24 hours of the occurrence of a storm event of 0.25 inches or greater. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that

measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.1.7.1d.

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

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

Note: If you qualify for any of the reduced inspection frequencies in Part 4.1.4, you may conduct inspections in accordance with Part 4.1.4 for any portion of your site that discharges to a sensitive water.

4.1.4. Reductions in Inspection Frequency.

Your inspection frequency may be reduced as follows:

4.1.4.1 ***For Stabilized Areas.*** You may reduce the frequency of inspections to once per month in any area of your site where the stabilization steps in Parts 2.2.1.2a and 2.2.1.2b have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.1.2 or 4.1.3, if applicable. You must document the beginning and ending dates of this period in your records.

4.1.4.2 ***For Arid, Semi-Arid, or Drought-Stricken Areas.*** You may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event of 0.25 inches or greater if your site is located in an arid, semi-arid, or drought-stricken area, as these terms are defined in Appendix A, and construction is occurring during the seasonally dry period or during a period in which drought is predicted to occur. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.1.7.1d.

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

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

4.1.4.3 ***For Frozen Conditions.***

a. If you are suspending earth-disturbing activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (see Appendix A) begin to occur if:

i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least 3 months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain on snow events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.1.2 or 4.1.3, if applicable;

ii. Land disturbances have been suspended; and

iii. All disturbed areas of the site have been temporarily or permanently stabilized in accordance with Part 2.2.

b. If you are still conducting earth-disturbing activities during frozen conditions, you may reduce your inspection frequency to once per month if:

i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least 3 months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain on snow events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.1.2 or 4.1.3 if applicable; and

ii. Except for areas in which you are actively conducting earth-disturbing activities, disturbed areas of the site have been temporarily or permanently stabilized in accordance with Part 2.2.

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

4.1.5. Areas that Need to Be Inspected. During your site inspection, you must at a minimum inspect the following areas of your site:

4.1.5.1 All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2;

4.1.5.2 All stormwater controls (including pollution prevention measures) installed at the site to comply with this permit;

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

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

4.1.5.5 All points of discharge from the site; and

4.1.5.6 All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.1.6. Requirements for Inspections. During your site inspection, you must at a minimum:

4.1.6.1 Check whether all erosion and sediment controls and pollution prevention controls are installed, appear to be operational, and are working as intended to minimize pollutant discharges. Determine if any controls need to be replaced, repaired, or maintained in accordance with Parts 2.1.1.4 and 2.3.2;

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

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

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

4.1.6.5 Identify any and all incidents of noncompliance observed.

4.1.6.6 If a discharge is occurring during your inspection, you are required to:

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

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

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

4.1.6.7 Based on the results of your inspection, initiate corrective action under Part 5.

4.1.7. Inspection Report.

4.1.7.1 ***Requirement to Complete Inspection Report.*** You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.1.6;

d. If you are inspecting your site at the frequency specified in Part 4.1.2.2, Part 4.1.3, or Part 4.1.4.2, and you conducted an inspection because of rainfall measuring 0.25 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and

e. If you have determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations that this condition applied to.

4.1.7.2 ***Signature Requirements.*** Each inspection report must be signed in accordance with Appendix I, Part I.11 of this permit.

4.1.7.3 ***Recordkeeping Requirements.*** You are required to keep a current, copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by EPA. For purposes of this permit, your inspection reports may be kept electronically if the records are:

a. In a format that can be read in a similar manner as a paper record;

b. Legally dependable with no less evidentiary value than their paper equivalent; and

c. Accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

Note: See Section IX.1.7 of the Fact Sheet for a discussion on ways to ensure that electronic records satisfy this requirement. See Appendix I, Part I.11.5 for requirements relating to electronic signature of these documents.

All inspection reports completed for this Part must be retained for at least 3 years from the date that your permit coverage expires or is terminated.

4.2. INSPECTIONS BY EPA.

You must allow EPA, or an authorized representative of the EPA, to conduct the following activities at reasonable times:

4.2.1. Enter onto areas of your site, including any construction support activity areas covered by this permit (see Part 1.3.c), and onto locations where records are kept under the conditions of this permit;

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

4.2.3. Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.3.c) and any stormwater controls installed and maintained at the site; and

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

5. CORRECTIVE ACTIONS.

5.1. "CORRECTIVE ACTIONS" DEFINED.

Corrective actions are actions you take in compliance with this Part to:

- Repair, modify, or replace any stormwater control used at the site;
- Clean up and properly dispose of spills, releases, or other deposits; or
- Remedy a permit violation.

5.2. REQUIREMENTS FOR TAKING CORRECTIVE ACTION.

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

Note: In this context, the term "immediately" requires construction operators to, on the same day a condition requiring corrective action is found, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational. However, if the problem is identified at a time in the work day when it is too late to initiative corrective action, the initiation of corrective action must begin on the following work day.

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

5.2.1.1 A required stormwater control was never installed, was installed incorrectly, or not in accordance with the requirements in Parts 2 and/or 3; or

5.2.1.2 You become aware that the stormwater controls you have installed and are maintaining are not effective enough for the discharge to meet applicable water quality standards or applicable requirements in Part 3.1. In this case, you must notify your EPA Regional Office by the end of the next work day. You are required to submit your notification through EPA's electronic NOI system, or "eNOI", at www.epa.gov/npdes/cgpenoi; or

5.2.1.3 One of the prohibited discharges in Part 2.3.1 is occurring or has occurred.

5.2.2. Where your corrective actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within 7 calendar days of completing corrective action work.

5.3. CORRECTIVE ACTION REQUIRED BY EPA.

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.2.

5.4. CORRECTIVE ACTION REPORT.

For each corrective action taken in accordance with this Part, you must complete a corrective action report, which includes the applicable information in Parts 5.4.1 and 5.4.2. Note that these reports must be maintained in your records but do not need to be provided to EPA except upon request.

5.4.1. Within 24 hours of discovering the occurrence of one of the triggering conditions in Part 5.2.1 at your site, you must complete a report of the following:

5.4.1.1 Which condition was identified at your site;

5.4.1.2 The nature of the condition identified; and

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

5.4.2. Within 7 calendar days of discovering the occurrence of one of the triggering conditions in Part 5.2.1 at your site, you must complete a report of the following:

5.4.2.1 Any follow-up actions taken to review the design, installation, and maintenance of stormwater controls, including the dates such actions occurred;

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

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

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

5.4.4. Recordkeeping Requirements. You are required to keep a current copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by EPA. For purposes of this permit, your corrective action reports may be kept electronically if the records are:

5.4.4.1 In a format that can be read in a similar manner as a paper record;

5.4.4.2 Legally dependable with no less evidentiary value than their paper equivalent; and

5.4.4.3 Accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

Note: See Section IX.1.7 of the Fact Sheet for a discussion on ways to ensure that electronic records satisfy this requirement. See Appendix I, Part I.11.5 for requirements relating to electronic signature of these documents.

All corrective action reports completed for this Part must be retained for at least 3 years from the date that your permit coverage expires or is terminated.

6. STAFF TRAINING REQUIREMENTS.

Prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first, you must ensure that the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention measures);
- Personnel responsible for the application and storage of treatment chemicals (if applicable);
- Personnel who are responsible for conducting inspections as required in Part 4.1.1; and
- Personnel who are responsible for taking corrective actions as required in Part 5.

Notes: (1) If the person requiring training is a new employee, who starts after you commence earth-disturbing or pollutant-generating activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit.

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

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of the permit that may be affected by the work they are subcontracted to perform.

At a minimum, personnel must be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

- The location of all stormwater controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions.

7. STORMWATER POLLUTION PREVENTION PLAN (SWPPP).

7.1. GENERAL REQUIREMENTS.

7.1.1. Requirement to Develop a SWPPP Prior to Submitting Your NOI.

All operators associated with a construction project to be covered under this permit must develop a SWPPP.

Note: You have the option of developing a group SWPPP where you are one of several operators who will be engaged in construction activities at your site. For instance, if both the owner and the general contractor of the construction site are permitted, the owner may be the party responsible for SWPPP development, and the general contractor can choose to use this same SWPPP, as long as the SWPPP addresses the general contractor's scope of construction work and obligations under this permit.

You are required to develop your site's SWPPP prior to submitting your NOI. At a minimum, your SWPPP must include the information required in Part 7.2 and as specified in other parts of the permit. [24] You must also update the SWPPP as required in Part 7.4.

Note: If your project is an "existing project" (see Part 1.4.2.b) or if you are a new operator of an existing project" (see Part 1.4.2.c), and it is infeasible for you to comply with a specific requirement in this Part or in Parts 2.1, and 2.3.3 through 2.3.5 (except for Parts 2.3.3.1, 2.3.3.2b, 2.3.3.3c.i, and 2.3.3.4) because (1) the provision was not part of the permit you were previously covered under (i.e., the 2003 or 2008 CGP), and (2) because you are prevented from compliance due to the nature or location of earth disturbances that commenced prior to February 16, 2012 (or prior to April 9, 2012 for projects in the State of Idaho (except for Indian country), or prior to April 13, 2012 for projects in areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, or prior to May 9, 2012 for projects located in the following areas: the Fond du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and the Bad River Band and Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin), or because you are unable to comply with the requirement due to the manner in which stormwater controls have already been installed or were already designed prior to February 16, 2012 (or prior to April 9, 2012 for projects in the State of Idaho (except for Indian country), or prior to April 13, 2012 for projects in areas in the State of Washington (except for Indian country) subject to construction activity by a Federal Operator, or prior to May 9, 2012 for projects located in the following areas: the Fond du Lac Band and Grand Portage Band of Lake Superior Chippewa in Minnesota; and the Bad River Band and Lac du Flambeau Band of Lake Superior Chippewa in Wisconsin), you are required to include documentation of the reasons why it is infeasible for you to meet the specific requirement, and then you may be waived from complying with this requirement. You must include a separate justification why it is infeasible for you to meet each of the applicable requirements.

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

7.2. SWPPP CONTENTS.

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

[24] The SWPPP does not establish the effluent limits that apply to your site's discharges; these limits are established in this permit in Parts 2 and 3.

7.2.1. Stormwater Team.

Each operator, or group of multiple operators, must assemble a "stormwater team," which is responsible for overseeing the development of the SWPPP, any later modifications to it, and for compliance with the requirements in this permit.

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

7.2.2. Nature of Construction Activities.

The SWPPP must describe the nature of your construction activities, including the size of the property (in acres) and the total area expected to be disturbed by the construction activities (in acres), construction support activity areas covered by this permit (see Part 1.3.c), and the maximum area expected to be disturbed at any one time.

7.2.3. Emergency-Related Projects.

If you are conducting earth-disturbing activities in response to a public emergency (see Part 1.2), you must document the cause of the public emergency *(e.g., natural disaster, extreme flooding conditions, etc.)*, information substantiating its occurrence *(e.g., state disaster declaration or similar state or local declaration)*, and a description of the construction necessary to reestablish effected public services.

7.2.4. Identification of Other Site Operators.

The SWPPP must include a list of all other operators who will be engaged in construction activities at your site, and the areas of the site over which each operator has control.

7.2.5. Sequence and Estimated Dates of Construction Activities.

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

7.2.5.1 Installation of stormwater control measures, and when they will be made operational, including an explanation of how the sequence and schedule for installation of stormwater control measures complies with Part 2.1.1.3a and of any departures from manufacturer specifications pursuant to Part 2.1.1.3b;

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

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

7.2.5.4 Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which you are subject in Part 2.2.1; and

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

Note: If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant

to "lock in" the operator to meeting these projections. When departures from initial projections are necessary, this should be documented in the SWPPP itself or in associated records, as appropriate.

7.2.6. Site Map.

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

Note: Included in the project site are any construction support activities covered by this permit (see Part 1.3.c).

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

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

b. Approximate slopes before and after major grading activities. Note areas of steep slopes, as defined in Appendix A;

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

d. Locations of any crossings of surface waters;

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

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

g. Locations of construction support activity areas covered by this permit (see Part 1.3.c).

7.2.6.2 Locations of all surface waters, including wetlands, that exist within or in the immediate vicinity of the site. Indicate which waterbodies are listed as impaired, and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters;

7.2.6.3 The boundary lines of any natural buffers provided consistent with Part 2.1.2.1a;

7.2.6.4 Areas of federally-listed critical habitat for endangered or threatened species;

7.2.6.5 Topography of the site, existing vegetative cover (*e.g., forest, pasture, pavement, structures*), and drainage pattern(s) of stormwater and authorized non-stormwater flow onto, over, and from the site property before and after major grading activities;

7.2.6.6 Stormwater and allowable non-stormwater discharge locations, including:

a. Locations of any storm drain inlets on the site and in the immediate vicinity of the site; and

Note: The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

b. Locations where stormwater or allowable non-stormwater will be discharged to surface waters (including wetlands) on or near the site.

7.2.6.7 Locations of all potential pollutant-generating activities identified in Part 7.2.7;

7.2.6.8 Locations of stormwater control measures; and

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

7.2.7. Construction Site Pollutants.

The SWPPP must include the following:

7.2.7.1 A list and description of all the pollutant-generating activities[25] on your site.

7.2.7.2 For each pollutant-generating activity, an inventory of pollutants or pollutant constituents *(e.g., sediment, fertilizers and/or pesticides, paints, solvents, fuels)* associated with that activity, which could be exposed to rainfall, or snowmelt, and could be discharged from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges. You must also document any departures from the manufacturer's specifications for applying fertilizers containing nitrogen and phosphorus, as required in Part 2.3.5.1.

7.2.8. Non-Stormwater Discharges.

The SWPPP must also identify all sources of allowable non-stormwater discharges listed in Part 1.3.d.

7.2.9. Buffer Documentation.

If you are required to comply with Part 2.1.2.1 because a surface water is located within 50 feet of your project's earth disturbances, you must describe which compliance alternative you have selected for your site, and comply with any additional requirements to provide documentation in Part 2.1.2.1.

7.2.10. Description of Stormwater Control Measures.

7.2.10.1 ***Stormwater Control Measures to be Used During Construction Activity.*** The SWPPP must describe all stormwater control measures that are or will be installed and maintained at your site to meet the requirements of Part 2. For each stormwater control measure, you must document:

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

b. What specific sediment controls will be installed and made operational prior to conducting earth-disturbing activities in any given portion of your site to meet the requirement of Part 2.1.2.2a;

c. For exit points on your site, document stabilization techniques you will use and any additional controls that are planned to remove sediment prior to vehicle exit consistent with Part 2.1.2.3; and

d. For linear projects, where you have determined that the use of perimeter controls in portions of the site is impracticable, document why you believe this to be the case (see Part 2.1.2.2a).

7.2.10.2 ***Use of Treatment Chemicals.*** If you will use polymers, flocculants, or other treatment chemicals at your site, the SWPPP must include:

a. A listing of all soil types[26] that are expected to be exposed during construction and that will be discharged to locations where chemicals

[25] Examples of pollutant-generating activities include, but are not limited to: paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

will be applied. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction.

b. A listing of all treatment chemicals to be used at the site, and why the selection of these chemicals is suited to the soil characteristics of your site;

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

d. The dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage;

e. Information from any applicable Material Safety Data Sheets (MSDS);

f. Schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;

g. A description of how chemicals will be stored consistent with Part 2.1.3.3b;

h. References to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and

i. A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

7.2.10.3 ***Stabilization Practices.*** The SWPPP must describe the specific vegetative and/or non-vegetative practices that will be used to comply with the requirements in Part 2.2, including:

a. If you will be complying with the stabilization deadlines specified in Part 2.2.1.3a, you must indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions; and

b. If you will be complying with the stabilization deadlines specified in Part 2.2.1.3b, you must document the circumstances that prevent you from meeting the deadlines specified in Parts 2.2.1.1 and/or 2.2.1.2.

7.2.11. Pollution Prevention Procedures.

7.2.11.1 ***Spill Prevention and Response Procedures.*** The SWPPP must describe procedures that you will follow to prevent and respond to spills and leaks consistent with Part 2.3, including:

a. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and

[26] Information on soils may be obtained at http://websoilsurvey.nrcs.usda.gov/app/.

b. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.4 and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.

You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan onsite.

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

7.2.11.2 ***Waste Management Procedures.*** The SWPPP must describe procedures for how you will handle and dispose of all wastes generated at your site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

7.2.12. Procedures for Inspection, Maintenance, and Corrective Action.

The SWPPP must describe the procedures you will follow for maintaining your stormwater control measures, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.1.4, Part 2.3.2, Part 4, and Part 5 of the permit. The following information must also be included in your SWPPP:

7.2.12.1 Personnel responsible for conducting inspections;

7.2.12.2 The inspection schedule you will be following, which is based on whether your site is subject to Part 4.1.2 or Part 4.1.3, and whether your site qualifies for any of the allowances for reduced inspection frequencies in Part 4.1.4. If you will be conducting inspections in accordance with the inspection schedule in Part 4.1.2.2 or Part 4.1.3, the location of the rain gauge on your site or the address of the weather station you will be using to obtain rainfall data;

7.2.12.3 If you will be reducing your inspection frequency in accordance with Part 4.1.4.2, the beginning and ending dates of the seasonally-defined arid period for your area or the valid period of drought. If you will be reducing your inspection frequency in accordance with Part 4.1.4.3, the beginning and ending dates of frozen conditions on your site; and

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

7.2.13. Staff Training.

The SWPPP must include documentation that the required personnel were trained in accordance with Part 6.

7.2.14. Documentation of Compliance with Other Federal Requirements.

7.2.14.1 *Endangered Species Act.* The SWPPP must include documentation supporting your determination with respect to Part 1.1.e and Appendix D.

7.2.14.2 *Historic Properties.* The SWPPP must include documentation required by Appendix E in relation to potential impacts to historic properties.

7.2.14.3 *Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.* If you are using any of the following stormwater controls at your site, as they are described below, you must document any contact you have had with the applicable state agency or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR Parts 144 -147. Such controls would generally be considered Class V UIC wells:

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

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

c. Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

Note: For state UIC program contacts, refer to the following EPA website: http://water.epa.gov/type/groundwater/uic/whereyoulive.cfm.

7.2.15. SWPPP Certification.

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

7.2.16. Post-Authorization Additions to the SWPPP.

Once you are notified of your coverage under this permit, you must include the following documents as part of your SWPPP:

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

7.2.16.2 A copy of the acknowledgment letter you receive from the NOI Processing Center or eNOI system assigning your permit tracking number;

7.2.16.3 A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3. ON-SITE AVAILABILITY OF YOUR SWPPP.

You are required to keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a state, tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.

Note: Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR Part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may

be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

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

7.4. REQUIRED SWPPP MODIFICATIONS.

7.4.1. List of Conditions Requiring SWPPP Modification.

You must modify your SWPPP, including the site map(s), in response to any of the following conditions:

7.4.1.1 Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater control measures, pollution prevention measures, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.5 change during the course of construction;

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

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

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

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

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

7.4.1.5 To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater control measures implemented at the site; and

7.4.1.6 If applicable, if a change in chemical treatment systems or chemically-enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

7.4.2. Deadlines for SWPPP Modifications.

You must complete required revisions to the SWPPP within 7 calendar days following the occurrence of any of the conditions listed in Part 7.4.1.

7.4.3. SWPPP Modification Records.

You are required to maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.15 above) and a brief summary of all changes.

7.4.4. Certification Requirements.

All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix I, Part I.11.b.

7.4.5. Required Notice to Other Operators.

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

8. HOW TO TERMINATE COVERAGE.

Until you terminate coverage under this permit, you are required to comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1. MINIMUM INFORMATION REQUIRED IN NOT.

You will be required to provide the following in your NOT:

8.1.1. NPDES permit tracking number provided by EPA when you received coverage under this permit;

8.1.2. Basis for submission of the NOT (see Part 8.2);

8.1.3. Operator contact information;

8.1.4. Name of project and address (or a description of location if no street address is available); and

8.1.5. NOT certification.

8.2. CONDITIONS FOR TERMINATING PERMIT COVERAGE.

You may terminate permit coverage only if one of the following conditions occurs at your site:

8.2.1. You have completed all earth-disturbing activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.3.c), and you have met the following requirements:

8.2.1.1 For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.2;

8.2.1.2 You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;

8.2.1.3 You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and

8.2.1.4 You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

8.2.2. You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

8.2.3. Coverage under an individual or alternative general NPDES permit has been obtained.

8.3. HOW TO SUBMIT YOUR NOT.

You are required to use EPA's electronic NOI system, or "eNOI system", to prepare and submit your NOT. The electronic NOT form you are required to complete is found at www.epa.gov/npdes/stormwater/cgpenoi. You will use your NOI tracking number *(i.e., the EPA number you were assigned upon authorization under the permit)* to upload the

fillable NOT form, which will ensure that EPA properly records your termination of coverage. If you have a problem with the use of the eNOI system, contact the EPA Regional Office that corresponds to the location of your site. If you are given approval by the EPA Regional Office to use a paper NOT, you must complete the form in Appendix K.

8.4. DEADLINE FOR SUBMITTING NOTS.

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

8.5. EFFECTIVE DATE OF TERMINATION OF COVERAGE.

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is processed and posted on EPA's website (www.epa.gov/npdes/stormwater/cgpnoisearch).

Appendix G: SWPPP Amendment Log

Appendix G – SWPPP Amendment Log

SWPPP Contact: Steve Long, Opechee Construction Corporation

Amendment No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]

Appendix H: Corrective Action Log

Appendix H – Corrective Action Log

SWPPP Contact: Steve Long, Opechee Construction Corporation

Inspection Date	Inspector Name(s)	Description of BMP Deficiency	Corrective Action Needed (including planned date/responsible person)	Date Action Taken/Responsible person

Appendix I: Grading and Stabilization Activities Log

Appendix I –Grading and Stabilization Activities Log

SWPPP Contact: Steve Long, Opechee Construction Corporation

Date Grading Activity Initiated	Description of Grading Activity	Date Grading Activity Ceased (Indicate Temporary or Permanent)	Date When Stabilization Measures are Initiated	Description of Stabilization Measure and Location

Appendix J: Inspection Form

Stormwater Construction Site Inspection Report

General Information			
Project Name	Mixed Use Redevelopment Portland, ME		
NPDES Tracking No.		**Location**	
Date of Inspection		**Start/End Time**	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications			
Describe present phase of construction			
Type of Inspection: ❑ Regular ❑ Pre-storm event ❑ During storm event ❑ Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? ❑Yes ❑No **If yes, provide:** Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? ❑ Clear ❑Cloudy ❑ Rain ❑ Sleet ❑ Fog ❑ Snowing ❑ High Winds ❑ Other: Temperature:			
Have any discharges occurred since the last inspection? ❑Yes ❑No **If yes, describe:**			
Are there any discharges at the time of inspection? ❑Yes ❑No **If yes, describe:**			

Site-specific BMPs

- *Number the structural and non-structural BMPs identified in your SWPPP on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.*
- *Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.*

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1	Dandy Sacks Middle St.	❑Yes ❑No	❑Yes ❑No	
2	Dandy Sacks India St.	❑Yes ❑No	❑Yes ❑No	
3	Dandy Sacks Fore St.	❑Yes ❑No	❑Yes ❑No	
4	Dandy Sacks behind the hotel	❑Yes ❑No	❑Yes ❑No	
5	Compost Filled Silt Sock	❑Yes ❑No	❑Yes ❑No	

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	❑Yes ❑No	❑Yes ❑No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	❑Yes ❑No	❑Yes ❑No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	❑Yes ❑No	❑Yes ❑No	
4	Are discharge points and receiving waters free of any sediment deposits?	❑Yes ❑No	❑Yes ❑No	
5	Are storm drain inlets properly protected?	❑Yes ❑No	❑Yes ❑No	
6	Is the construction exit preventing sediment from being tracked into the street?	❑Yes ❑No	❑Yes ❑No	
7	Is trash/litter from work areas collected and placed in covered dumpsters?	❑Yes ❑No	❑Yes ❑No	
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	❑Yes ❑No	❑Yes ❑No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	❑Yes ❑No	❑Yes ❑No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	❑Yes ❑No	❑Yes ❑No	

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	❑Yes ❑No	❑Yes ❑No	
12	(Other)	❑Yes ❑No	❑Yes ❑No	

Non-Compliance

Describe any incidents of non-compliance not described above:

CERTIFICATION STATEMENT

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

Print name and title: _____

Signature:_____ **Date:**_____

Appendix K: Demolition, Site, Grading and Erosion Control Plans