Stormwater Report

Waterfront West
Merrimac Street
Newburyport, MA 01950

Prepared For:

NEW ENGLAND DEVELOPMENT

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March 10, 2017

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I. STORMWATER MANAGEMENT PLAN NARRATIVE

1.0 Introduction

RJ O'Connell & Associates, Inc. (RJOC) has prepared this stormwater management report on behalf of New England Development for the proposed redevelopment of the existing Merrimack River waterfront site located on Merrimac Street in Newburyport, Massachusetts (see Fig-1, "USGS Site Locus Map"). The existing, fully developed site will be completely redeveloped to accommodate a new mixed-use development. The new development will be comprised of approximately 20,000 square feet of retail, approximately 200 residential units, and approximately 100 hotel units. This study presents a comparative analysis of pre-redevelopment, hydrologic conditions to post-redevelopment conditions, and demonstrates that the proposed condition will be a significant improvement over the existing condition.

2.0 Site Location and Existing Conditions

The project is located on a 5.7+/- acre site on Merrimac Street in Newburyport, Massachusetts within the Waterfront Mixed Use (WMU) Zone. The site is fully developed consisting of approximately 32,000 square feet of structures with varying uses and an open gravel area utilized for boat sales, storage and maintenance of boats.

The property is bounded by a public parking lot to the east, the Merrimack River to the north, Merrimac Street to the south and Route 1/1A to the west. Site topography within the first 60± feet slopes steeply from Merrimac Street to the site ranging in elevation from 13 to 22. The site then slopes slightly over the next 200± feet from elevation 8 to elevation 13, then there is a relatively flat area until the edge of the wetland located between Michael's Harborside and Yacht Office. The site is subject to tidal action as the site is located at the mouth of the Merrimack River. An existing salt marsh has been delineated on the west side of the site with a mean high water elevation of 4.12 and a mean low water elevation of -3.97. Historically, the site is located on filled in private and public tidelands which occurred in the early 1800's. According to the most recent NRCS maps, the soil type is listed as 602, Urban Land. The area is assumed to be a Type D soil due to the original soil conditions that existed prior to the filling of the tidelands to create the site as it currently exists.

Currently, there is an existing 24" pipe on the western side of the site which is partially collapsed and is proposed to be replaced under a separate plan and permit. The 24" pipe also appears to discharge directly into the existing salt marsh, as can be observed by a drainage channel formed at the outlet within the limits of the salt marsh to the Merrimack River. Additionally, since there are no catch basins on the site, it appears stormwater runoff ponds in various locations and infiltrates into the ground or flows overland directly and untreated into the Merrimack River. A closed drainage system on the east side of the site in the parking area in front of the Black Cow restaurant and connects to an existing 42" pipe located in the adjacent lot which discharges directly into the Merrimack River.

The site is located within a Zone AE and a Zone VE according to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel 25009C0128F effective on 7/3/2012 (see Fig-2, "FEMA Flood Insurance Rate Map"). No portion of the site is located

within an Interim Wellhead Protection Area (IWPA), a Zone I Wellhead Protection Area, or a Zone II Wellhead Protection Area (see Fig-3, "Wellhead Protection Map").

3.0 Proposed Project

The proposed redevelopment project consists of approximately 20,000 square feet of retail, approximately 200 residential units, and approximately 100 hotel units. The existing building structures between the Black Cow and Michael's Harborside will be demolished to make room for the proposed development. Main vehicle access to the site will be provided via Tournament Wharf on the western side of the site, Brown's Wharf Way on the eastern side, and Mckay's Wharf serving the buildings in the middle of the site.

A majority of the parking will be provided beneath the proposed buildings, with additional parking provided along driveways throughout the site. Parking beneath the proposed buildings will be single level and protected from exposure to rain, snow, and stormwater runoff. A stormwater management system has been designed that will substantially improve water quality discharging from the site in comparison to current stormwater conditions and is consistent with the objectives of the Massachusetts Stormwater Management Policy and its standards for a redevelopment project. Since the site is located on land subject to coastal storm flowage, control of peak discharge rates and recharge of groundwater is not necessary, and therefore not proposed. The City Engineer has indicated that a waiver of these requirements will be permitted. Stormwater runoff water quality will be improved by implementing the following Best Management Practices (BMPs):

- Implement a closed drainage system utilizing a combination of deep sump catch basins with hooded outlets and hydrodynamic particle separators for treatment;
- Eliminate gravel parking areas and the potential for fluids to leak from vehicles, directly into the ground;
- Minimize the exposure of land uses with higher potential pollutant loads (LUHPPLs, including parking lots with high-intensity-uses) to rain, snow, and stormwater runoff by providing completely covered parking areas beneath the residential buildings;
- Implement a Stormwater Pollution Prevention Plan (SWPPP) to control erosion, sedimentation and other construction related impacts in accordance with the US EPA's NPDES Construction General Permit for Discharges from Construction Activities;
- Implement an Operation and Maintenance (O&M) Plan for the proposed stormwater management system that describes the various components of the system, identifies inspection and maintenance tasks, and provides a schedule to follow which will ensure the proper, long-term, post-construction performance of the system;
- Implement a Long Term Pollution Prevention Plan (LTPPP) to prevent illicit discharges to the stormwater management system.

4.0 Compliance with the MassDEP Stormwater Management Standards

This redevelopment program includes a stormwater management system that will significantly improve stormwater runoff water quality in conformance with the *Massachusetts Stormwater Policy*. Stormwater improvements will be incorporated to meet the following standards to the maximum extent practicable and improve existing conditions.

Standard 1: No new stormwater conveyances may discharge untreated directly to or cause erosion in wetlands or waters of the Commonwealth.

Currently the majority of stormwater flows through the site untreated directly to the Merrimack River. The proposed redevelopment will incorporate deep sump catch basins with hooded outlets and hydrodynamic particle separators. Runoff from building roofs will be directed into the proposed drainage system as opposed to flowing overland directly into the Merrimack River. The closed drainage systems will connect into either the new 24" pipe on the western side of the site or the 42" pipe near the Black Cow Restaurant. Runoff from snowmelt and residual rainfall from vehicles in covered parking areas beneath the buildings and courtyard areas will discharge to the sanitary sewer. No new stormwater conveyances discharging untreated stormwater directly to, or causing erosion in wetlands or waterways of the Commonwealth are proposed.

Standard 2: Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.

The project proponent requests a waiver from Standard 2 as the site is on land subject to coastal storm flowage. The site currently exists in a FEMA designated Zone AE and Zone VE as shown on Fig-2, "FEMA Flood Insurance Rate Map".

Standard 3: Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from pre-development conditions based on soil type. This standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determine in accordance with the Massachusetts Stormwater Handbook.

The site is directly adjacent to the Merrimack River, and exists over filled tidelands assumed to be a Type D soil. Due to the elevations of the site, its proximity to the Merrimack River, and poor soil conditions, recharge systems would not be effective. Therefore, recharge to groundwater is not proposed for the project.

Standard 4: Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS).

A redevelopment project is required to meet the pretreatment requirements of Standard 4 (44% TSS removal). Runoff from building roofs and courtyard areas requires no pretreatment, and runoff from covered parking areas will discharge to the sanitary sewer. The pretreatment requirements of Standard 4 will be met by installing deep sump catch basins with hooded outlets

and hydrodynamic particle separators to treat stormwater runoff from the proposed driveway and open parking areas prior to discharge.

Standard 5: For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable.

The project includes a parking lot with high-intensity-use, and is therefore classified as a land use with higher potential pollutant loads (LUHPPL). Discharge of stormwater with higher potential pollutant loads will be significantly reduced by locating a majority of the parking beneath the buildings. The covered parking areas will be protected from exposure to rain, snow, and stormwater runoff. The proposed BMPs will reduce untreated discharge from open parking areas and access drives to the maximum extent practicable.

Standard 6: Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply, and stormwater discharges near or to any other critical area, require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook.

No portion of the site is located within a Zone I, Zone II, or Interim Wellhead Protection Area of a public water supply or any other critical area, so this standard does not apply to this project.

Standard 7: A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.

The proposed project qualifies as a redevelopment project. As such, all standards shall be met to the maximum extent practicable.

Standard 8: A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentations, and pollution prevention plan) shall be developed and implemented.

A Stormwater Pollution Prevention Plan (SWPPP) addressing erosion, sedimentation, and other pollutant source control during construction, has been developed and is included in Appendix D.

Standard 9: A long-term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed.

An Operation and Maintenance Plan (O&M) outlining inspection and maintenance requirements to ensure the long-term, post-construction operation of the stormwater management system, has been developed and is included in Appendix C.

Standard 10: All illicit discharges to the stormwater management system are prohibited.

An Illicit Discharge Compliance Statement verifying there will be no illicit discharges to the stormwater management system is included in Section 3 of the Operations and Maintenance Plan.

5.0 Soils

The soil survey of Middlesex County, Massachusetts by the Natural Resources Conservation Service (NRCS) characterized the underlying soils on-site as Urban land, 602, Hydrologic Soil Type D (see Fig-4, "NRCS Web Soil Survey Map").

6.0 Existing and Proposed Drainage Patterns

Existing and proposed drainage patterns remain unchanged. The total area of the watersheds analyzed is approximately 8.5 acres and consisted of three catchment areas based on the property lines, topography, the existing and proposed drainage systems, and their points of discharge from the site, which were the Points of Analysis (POAs) for the study. Runoff from the redeveloped site is collected by on-site drainage systems that direct stormwater runoff to the 42" pipe (POA-1), the 24" pipe (POA-3), and ultimately to the Merrimack River.

In the analysis of the existing conditions, three catchment areas were defined (see Fig-5, "Existing Catchments Plan"). Existing Catchment Area 1 consists of the area on the east side of the site, including the area around the Black Cow restaurant, the Hudson Building, and parking areas for these uses. Stormwater runoff in Existing Catchment Area 1 flows overland towards the restaurant and eventually into the Merrimack River without treatment (POA-1). Existing Catchment Area 2 consists of the area in the central part of the site, including the area around the Yacht Club, bulkhead, and boat storage area. Stormwater runoff in Existing Catchment Area 2 flows overland and untreated to the Merrimack River at the bulkheads (POA-2). Existing Catchment Area 3 consists of the area on the west side of the site, including the area round Michael's Harborside, the salon, and garage. Stormwater runoff from Existing Catchment Area 3 currently flows overland and untreated directly into the salt marsh (POA-3). There is an existing drainage trunk line that collects runoff from an area upstream of Merrimac Street and flows to a 42" pipe east of the Black Cow, and an existing 24" pipe that discharges directly into the salt marsh in Existing Catchment Area 3 as well. The upstream section of the 24" pipe is partially collapsed, and the total contributing area is unknown. Upon commencement of construction, the routing of the 24" pipe along with any contributing pipes and/or structures will be investigated.

The proposed drainage analysis reduces the number of catchment areas to two areas (see Fig-6, "Proposed Catchments Plan"). The number of areas was reduced to provide pretreatment of

stormwater runoff prior to discharge to the Merrimack River. Stormwater runoff will be collected in off-line catch basins with deep sumps and hooded outlets, and directed by pipes through hydrodynamic particle separator pretreatment units designed to operate in a submerged water condition prior to discharge into the Merrimack River. Proposed Catchment Area 1 consists of Buildings "E" and "F", the Black Cow restaurant, the Hudson Building, and the associated driveways and parking areas. Runoff from this area is collected in a closed drainage system, routed through a hydrodynamic particle separator, and discharges to an existing manhole on the 42" drain pipe east of the Black Cow that outlets to the Merrimack River (POA-1). Existing Catchment Area 2 was eliminated in the proposed analysis. This area has been split between Proposed Catchment Areas 1 and 3 to provide pretreatment and eliminate an additional outfall to the Merrimack River. Proposed Catchment Area 3 consists of the remaining buildings, parking areas, decks, and pervious areas. This area is collected in a closed drainage system, directed through a hydrodynamic particle separator for pretreatment, and connects to the existing 24" drain pipe that discharges into the salt marsh (POA-3).

The proposed development will be phased. The first phase will be initiated in the Brown's Wharf area. The runoff of from this phase will be collected in a closed drainage system and treated prior to discharging runoff into the Merrimack River. It is proposed the closed drainage system will connect to the existing 42-inch pipe east of the Black Cow restaurant. The second phase of the development will be in the central part of the project site. The runoff in this area will be directed to a closed drainage system and treated prior to discharging to the Merrimack River. The runoff from this area will be diverted to both the 42-inch pipe and 24-inch pipe as necessary to balance the runoff exiting the project site. The third phase of the development will be in the west part of the project site. The runoff in this area will be directed to a closed drainage system and treated prior to discharging to the Merrimack River. The runoff from this area will be diverted to the 24-inch pipe east of Michael's Harborside restaurant, prior to discharging to the Merrimack River.

This is the anticipated phasing development program at this time, though it may be altered as the tenant program becomes more defined and the final design is refined. In any and all phases of this project, there will be a substantial improvement compared to existing conditions.

7.0 Peak Flow Rate Mitigation

As noted in Section 3.0 of this Stormwater Report, "Proposed Project", peak flows are not required to be mitigated. However, as part of the drainage analysis, peak rates of stormwater runoff discharged from the site under existing and proposed conditions were determined for the 2, 10, 25 and 100 year storms at the Points of Analysis (POAs). The drainage analysis was performed using the Rational Method for calculating estimated peak rates of runoff for both pre and post-redeveloped conditions at the POAs. Drainage calculations are included in Appendix A of this Stormwater Report. Table 1: Peak Rates of Discharge (cfs) below summarizes the peak pre and post-redevelopment rates of stormwater discharge at the POAs.

Table 1: Peak Rates of Discharge (cfs)

Point of Analysis	2 year storm event		10 year storm event		25 year storm event		100 year storm event	
	Pre (cfs)	Post (cfs)	Pre (cfs)	Post (cfs)	Pre (cfs)	Post (cfs)	Pre (cfs)	Post (cfs)
POA-1	4.80	11.12	6.10	14.15	6.65	15.42	8.16	18.92
POA-2	6.89	N/A	8.77	N/A	9.56	N/A	11.73	N/A
POA-3	17.86	22.80	22.91	29.01	25.14	31.61	30.86	38.78
TOTAL SITE	**29.07**	**33.93**	**37.29**	**43.15**	**40.91**	**47.03**	**50.22**	**57.70**

8.0 Groundwater Recharge

Due to the elevations of the site, its proximity to the Merrimack River, and poor, Type D soil conditions underlying the site, recharge systems would not be effective. Therefore, recharge to groundwater is not proposed for the project.

9.0 Water Quality

The pollutant loads in the stormwater discharged from the site will be significantly reduced by increasing the amount of building roof areas on-site, and placing much of the high-intensity-use parking beneath the buildings, where it will be sheltered from exposure to rain, snow, and stormwater runoff. The redevelopment program includes suitable measures to treat stormwater runoff from exposed, paved areas prior to discharge off-site. Through the use of structural and non-structural BMPs, the water quality of runoff from the site access driveways and open air parking areas will undergo treatment to the maximum extent practicable. The following BMPs were selected to remove at least 44% of the average annual post-construction load of Total Suspended Solids (TSS) from stormwater runoff. Table 2: TSS Removal Calculation Worksheet below summarizes the TSS removal rate provided by each BMP to be implemented on-site.

- Street Sweeping
  Sweeping of the access driveways and exposed parking areas will be performed monthly to reduce sediment and trash quantities before they enter the closed drainage system.

- Deep Sump Catch Basins
  All on-site stormwater runoff from exposed pavement areas will be directed via curbing and site grading to catch basins with deep sumps and hoods installed over the outlets. The sumps capture sediment and coarse particles, and the hoods prevent hydrocarbons and other floatable debris from entering the drainage system. The basins will trap and remove sediment and larger particles from the stormwater, which will improve the performance of subsequent BMPs. Regular inspection and maintenance in accordance with the Operation and Maintenance Plan will ensure the optimal long-term performance of the basins.

- Hydrodynamic Particle Separators
  Stormwater runoff from the access driveways and parking areas on the site will be directed through hydrodynamic particle separators. Hydrodynamic particle separators are underground structures that employ a helical flow pattern which enhances trapping and containment of pollutants and provides very effective removal of settleable solids and floating debris from stormwater runoff. Hydrodynamic particle separators are designed to operate in a partially or fully submerged pipe application for use in coastal areas, floodplains, and areas with high groundwater tables.

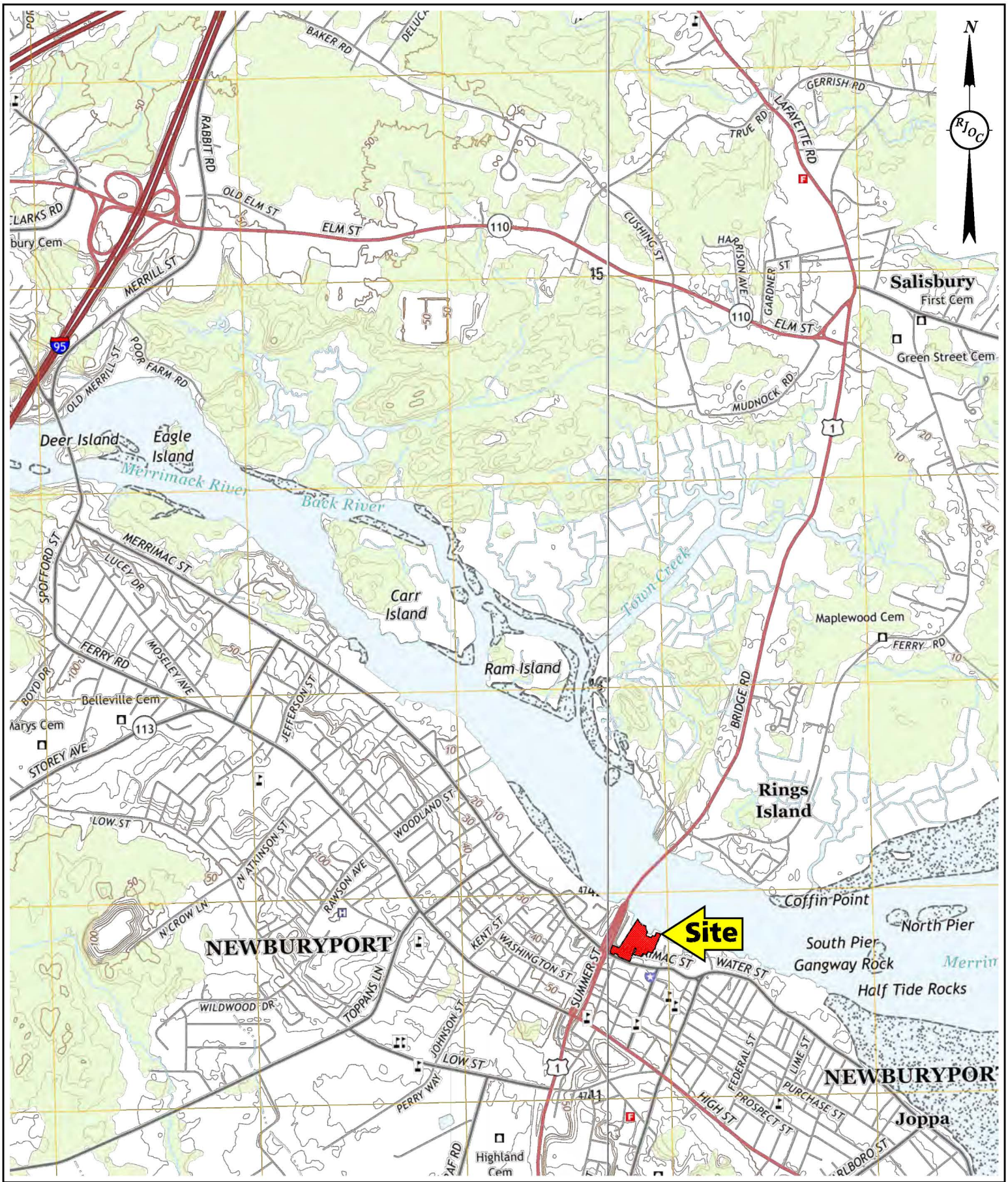
Table 2: TSS Removal Calculation Worksheet

TSS Removal Pretreatment Train: Pavement Sweeping → Catch Basins → Hydrodynamic Particle Separators				
BMP (A)	**TSS Removal Rate (B)**	**Starting TSS Load (C)**	**Amount Removed (B×C) (D)**	**Remaining Load (C-D) (E)**
Pavement Sweeping	0.05	1.00	0.05	0.95
Catch Basins with Deep Sumps and Hooded Outlets	0.25	0.95	0.24	0.71
Hydrodynamic Particle Separators	0.75	0.71	0.53	0.18
Total TSS Removal = Summation of (D) =				**82%**

10.0 Summary

This stormwater management study calculates peak rates of stormwater runoff from the site for both the existing and proposed conditions. As shown in the attached calculations and in the summary table of peak rates of discharges, there is an increase in the peak rate of discharge. This increase will have no adverse effects on the Merrimack River immediately downstream from the site. By increasing the amount of building area and routing stormwater runoff through hydrodynamic particle separators, along with other proposed structural and non-structural BMPs, water quality of stormwater runoff from the redeveloped site will be significantly improved. Initiating regularly scheduled pavement sweeping and implementing the inspection and maintenance program outlined in the Operation and Maintenance Plan will ensure the long-term performance of the drainage system. The proposed stormwater improvements under the redeveloped condition represent a substantial improvement over existing stormwater management conditions, and satisfy the requirements and objectives of the *Massachusetts Stormwater Policy* to the maximum extent practicable.

II. FIGURES



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Project Name:
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Drawing Name:
USGS SITE LOCUS MAP

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FIG-1

Project No.: 16025

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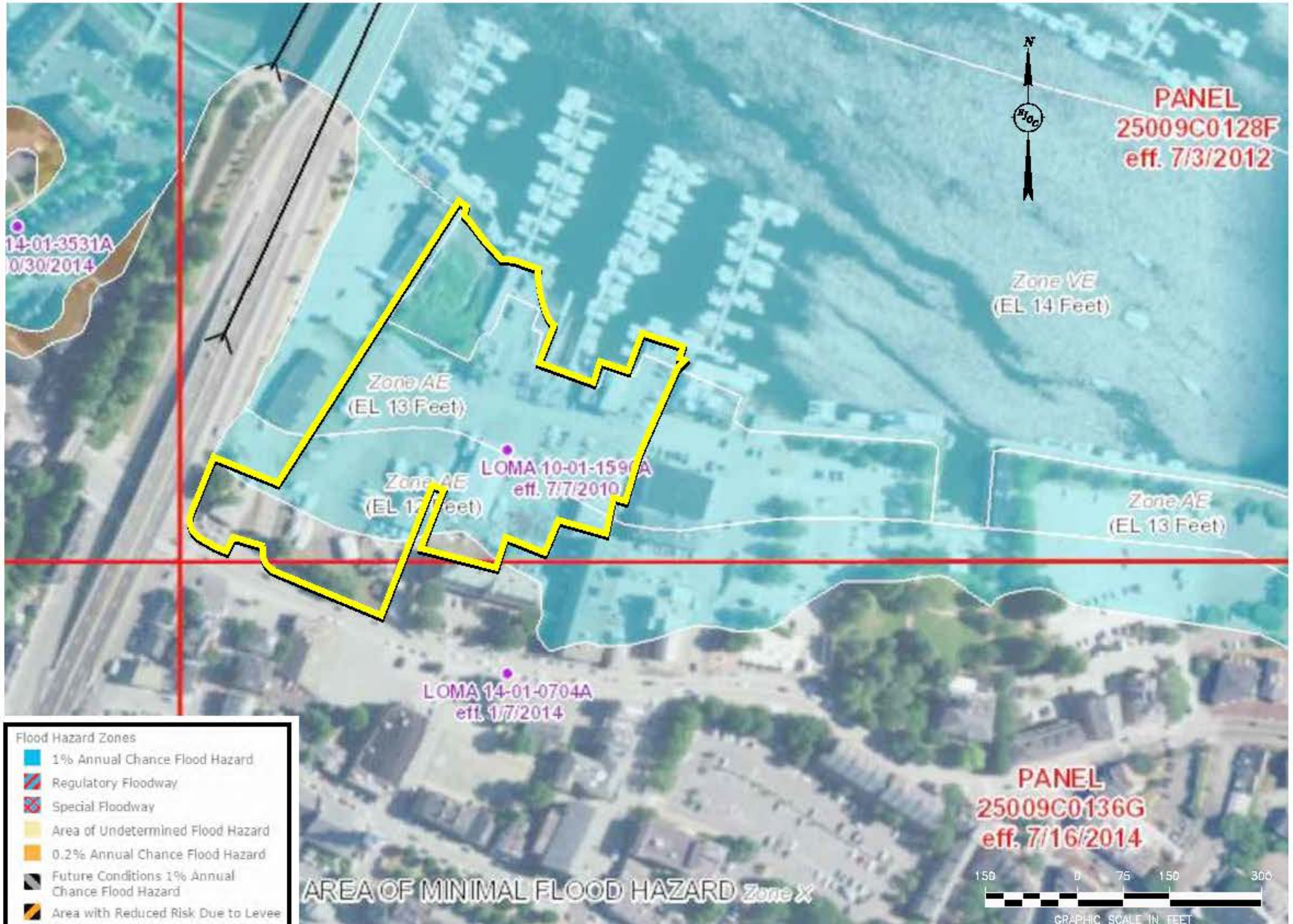

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Drawing Name:

FEMA FLOOD INSURANCE RATE MAP

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FIG-2

Project No.: 16025

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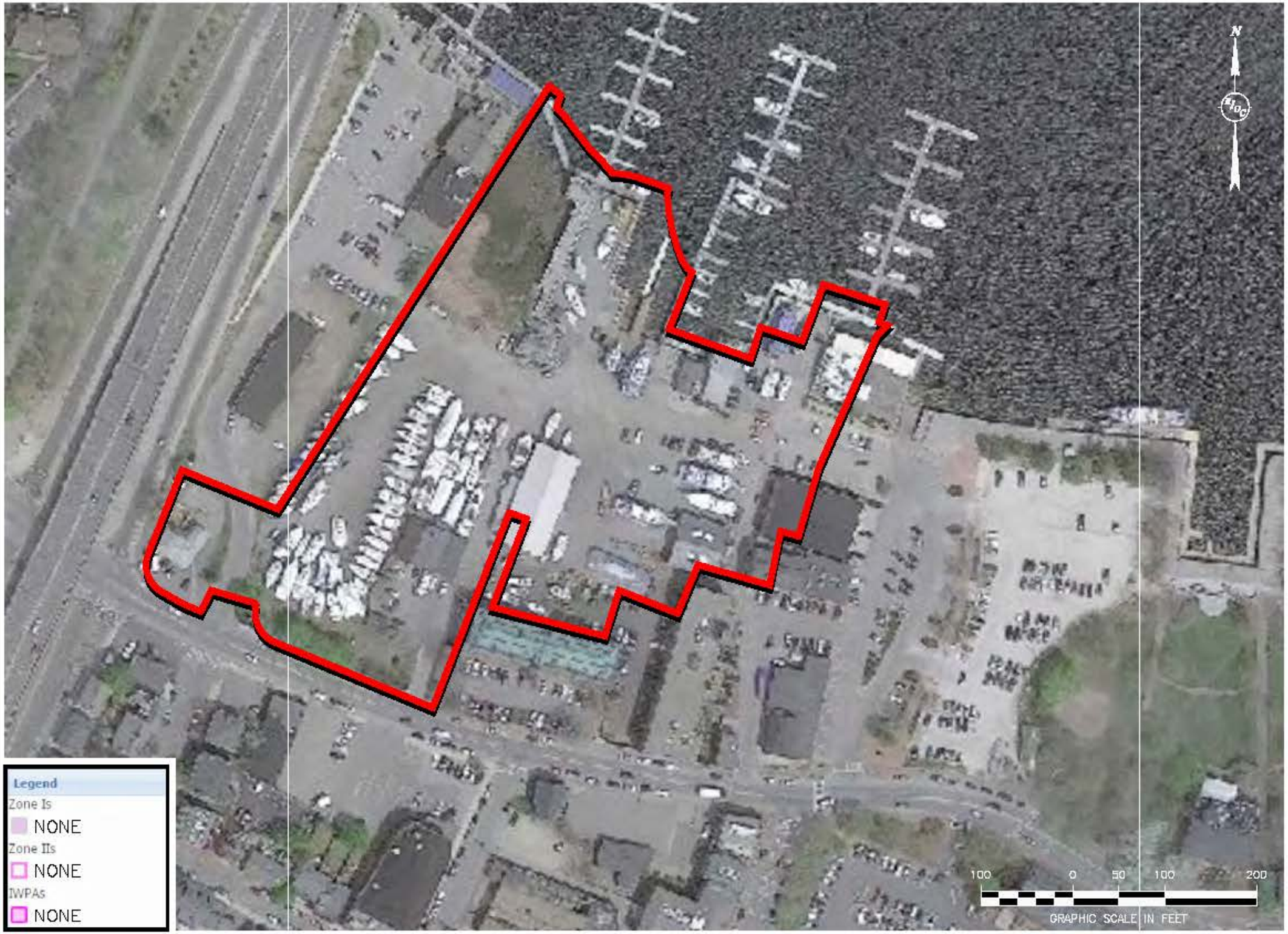

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Project Name:

WATERFRONT WEST
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Drawing Name:

WELLHEAD PROTECTION MAP

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FIG-3

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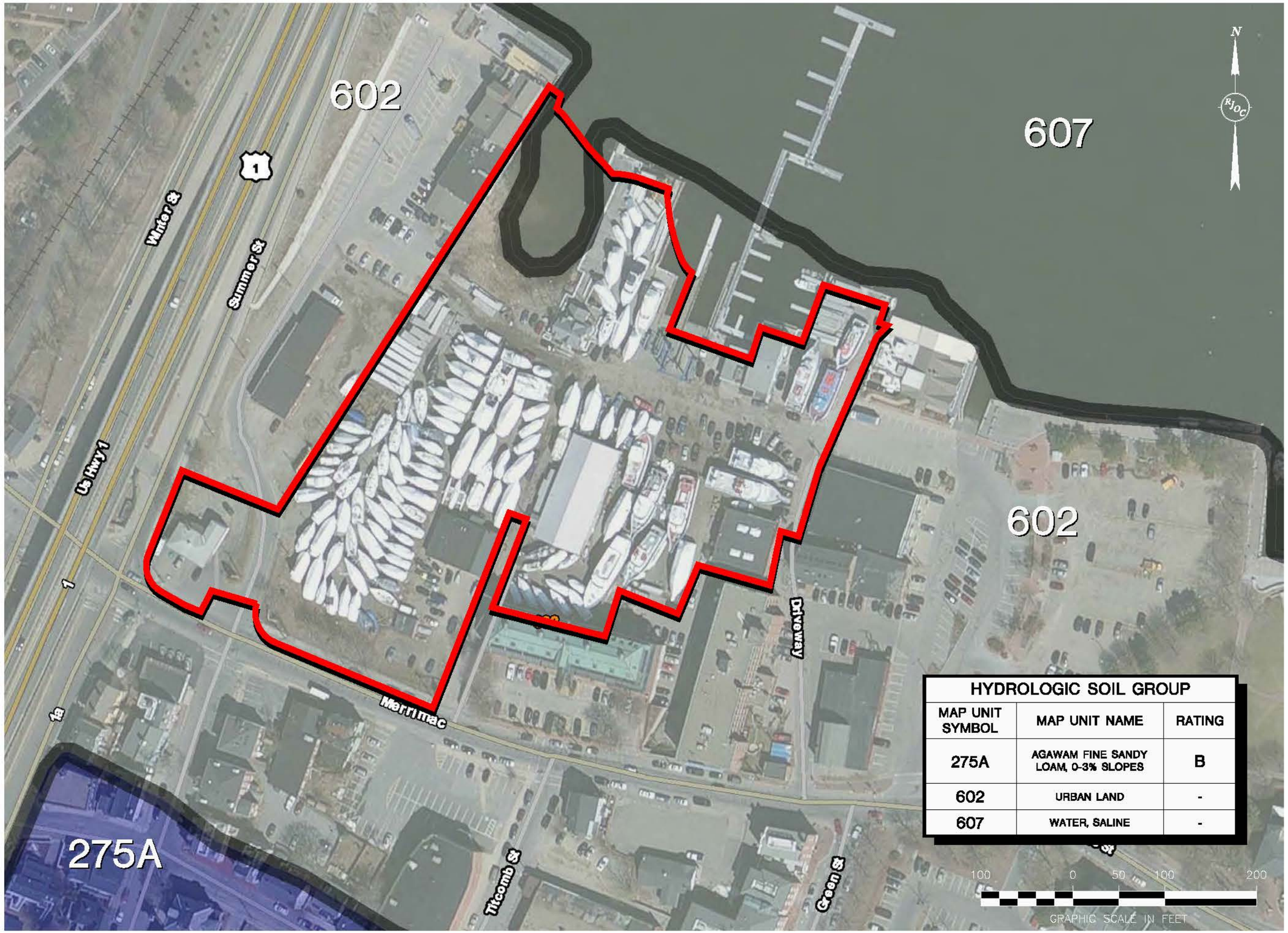

HYDROLOGIC SOIL GROUP		
MAP UNIT SYMBOL	MAP UNIT NAME	RATING
275A	AGAWAM FINE SANDY LOAM, 0-3% SLOPES	B
602	URBAN LAND	-
607	WATER, SALINE	-

No.	Revision	Date

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NEWBURYPORT, MA

Drawing Name:

NRCS WEB SOIL SURVEY MAP

Drawing No.:

FIG-4

Project No.: 16025

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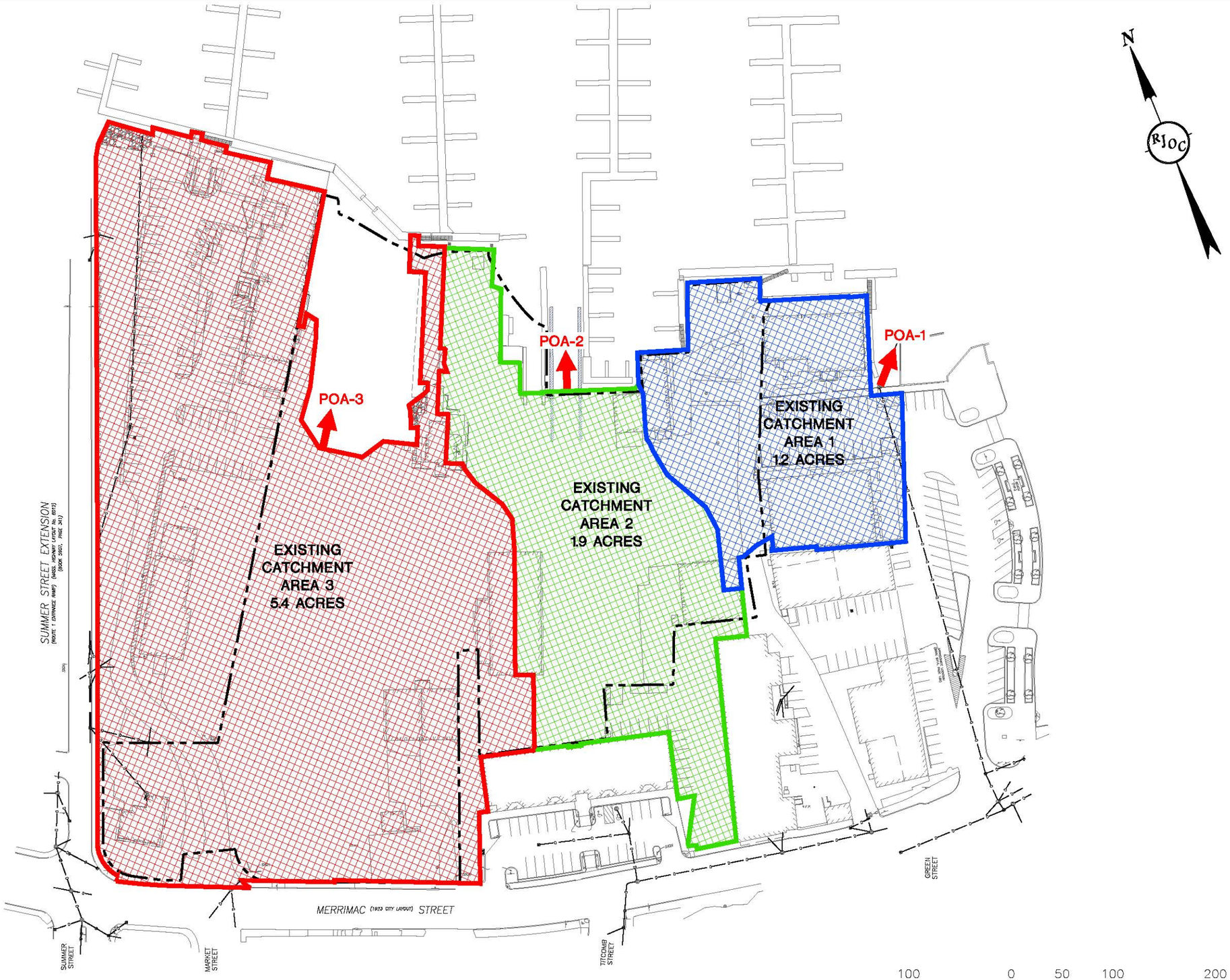

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WATERFRONT WEST
NEWBURYPORT, MA

Drawing Name:

EXISTING CATCHMENTS PLAN

Drawing No.:

FIG-5

Project No.: 16025

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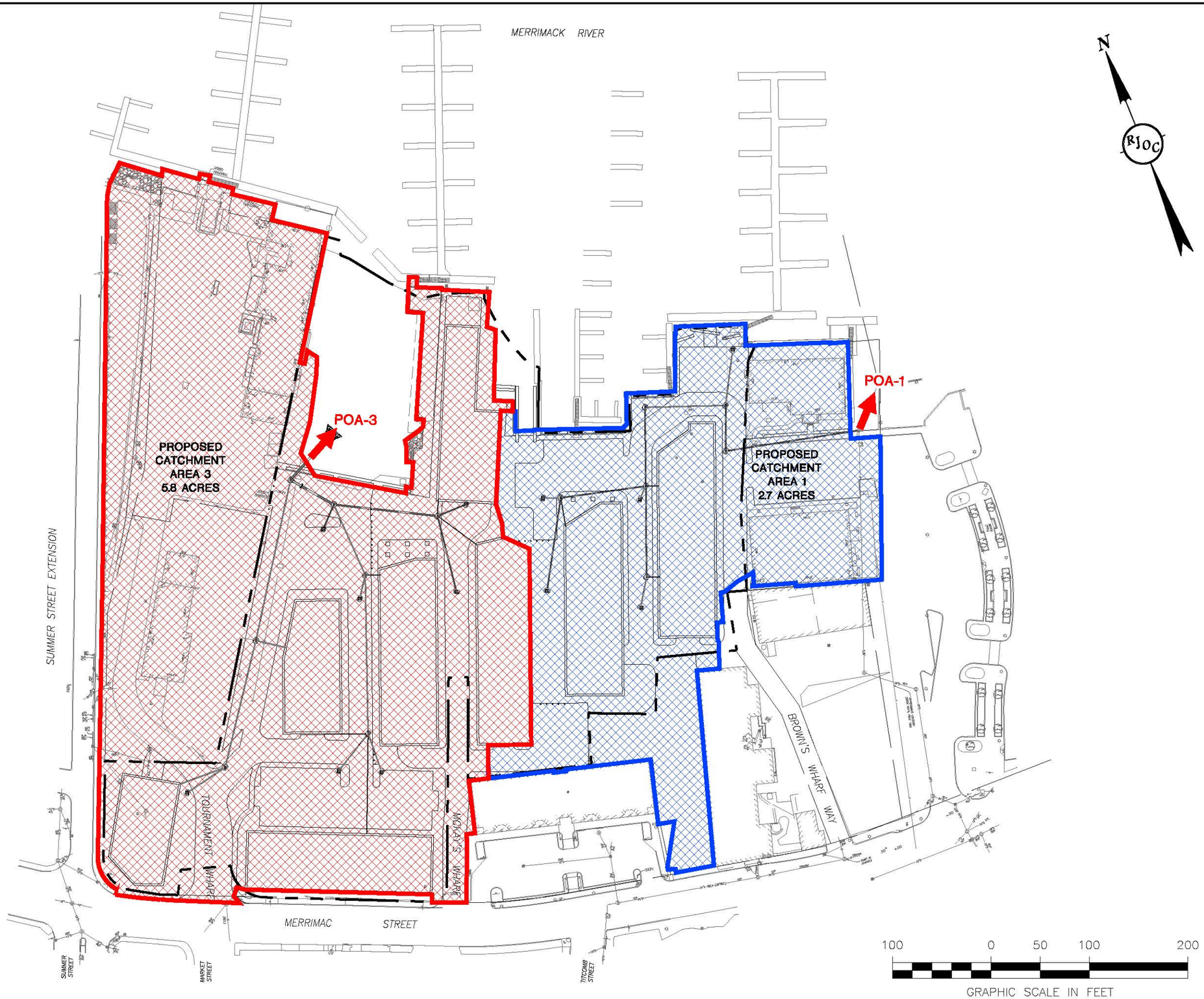

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Project Name:

WATERFRONT WEST
NEWBURYPORT, MA

Drawing Name:

PROPOSED CATCHMENTS PLAN

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FIG-6

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III. APPENDIX A

Storm Drainage Methodology
including:
Recommended Runoff Coefficients, C
Existing Drainage Calculations
Proposed Drainage Calculations
Pipe Sizing Calculations

III. APPENDIX A

Storm Drainage Methodology
including:
Recommended Runoff Coefficients, C
Existing Drainage Calculations
Proposed Drainage Calculations
Pipe Sizing Calculations

STORM DRAINAGE METHODOLOGY

MERRIMAC STREET

NEWBURYPORT, MASSACHUSETTS

Methodology:

Storm runoff calculated using the Rational Formula, Q=CiA where:

Q = peak rate of runoff, in acre-inches per hour, which is approximately equal to cubic feet per second (cfs).

C = coefficient of runoff.

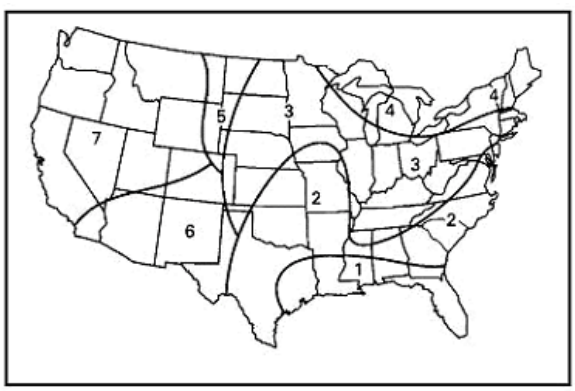
I = average intensity of rainfall in inches per hour for a storm duration equal to the time of concentration, Tc, and the selected storm frequency.

A = tributary drainage area, in acres, to the point of analysis.

T_c= time of concentration: The time of concentration is the time required for runoff to travel from the hydraulically most distant point of the tributary drainage area to the point of analysis (POA).

- The Steel formula for Region 3 was used to determine the rainfall intensity.

$$i = \frac{a}{(tc+b)}$$



U.S. Regions for STEEL Equation

Steel Equation Constants for U.S. Regions (i = in/hr)

return period	Equation Constants	U.S. Region 1	2	3	4	5	6	7
2	a	209	140	102	70	70	68	32
	b	30	21	17	13	16	14	11
5	a	247	190	131	97	81	75	48
	b	29	25	19	16	13	12	12
10	a	300	230	170	111	111	122	60
	b	36	29	23	16	17	23	13
25	a	327	260	230	170	130	155	67
	b	33	32	30	27	17	26	10
50	a	315	350	250	187	187	160	65
	b	28	38	27	24	25	21	8
100	a	367	375	290	240	240	210	77
	b	33	36	31	28	29	26	10

- Runoff from storms of regional 2 year, 10 year, 25 year and 100 year frequency were calculated for pre and post-redevelopment conditions.

- Minimum time of concentration, Tc=5 minutes.

Exhibit 8-8
Recommended Runoff Coefficients (C) for Rational Method
(By Overall Character of Area)

Description of Area	Runoff Coefficients
Business	
Downtown	0.70 to 0.95
Neighborhood	0.50 to 0.70
Residential	
Single-Family	0.30 to 0.50
Multi-Family, Detached	0.40 to 0.60
Multi-Family, Attached	0.60 to 0.75
Residential (Suburban)	0.25 to 0.40
Apartment	0.50 to 0.70
Industrial	
Light	0.50 to 0.80
Heavy	0.60 to 0.90
Parks, Cemeteries	0.10 to 0.25
Playgrounds	0.20 to 0.35
Railroad Yard	0.20 to 0.35
Unimproved	0.10 to 0.30
Woodland	0.15 to 0.25
Cultivated	0.40 to 0.60

Source: Design Manual for Storm Drainage, ASCE 1960

Exhibit 8-9
Recommended Runoff Coefficients (C) For Rational Method
(For Surface Type)

Character of Surface	Runoff Coefficients
Pavement	
Asphaltic and Concrete	0.70 to 0.95
Brick	0.70 to 0.85
Roofs	0.75 to 0.95
Lawns, Sandy Soil	
Flat, 2 Percent	0.05 to 0.10 0.
Average, 2 to 7 Percent	10 to 0.15
Steep, 7 Percent	0.15 to 0.20
Lawns, Heavy Soil	
Flat, 2 Percent	0.13 to 0.17
Average, 2 to 7 Percent	0.18 to 0.22
Steep, 7 Percent	0.25 to 0.35

Source: Design Manual for Storm Drainage, ASCE 1960

DRAINAGE ANALYSIS
EXISTING CONDITIONS
NEWBURYPORT, MA
2-YEAR STORM

Description	Cover	Increm.	Total_A (ACRE)	C	CA	Tc (MIN)	I (IPH)	Q (CFS)
AREA 1								
	LANDSCAPED	0.056		0.300				
	ROOF	0.329		0.900				
	GRAVEL	0.304		0.750				
	DECK	0.049		0.900				
	PAVEMENT	0.507		0.900				
			1.245	0.836	1.041	6	4.61	**4.80**
AREA 2								
	LANDSCAPED	0.007		0.300				
	ROOF	0.193		0.900				
	GRAVEL	1.249		0.750				
	DECK	0.000		0.900				
	PAVEMENT	0.426		0.900				
			1.875	0.798	1.496	6	4.61	**6.89**
AREA 3								
	LANDSCAPED	0.758		0.300				
	ROOF	0.584		0.900				
	GRAVEL	2.404		0.750				
	DECK	0.167		0.900				
	PAVEMENT	1.486		0.900				
			5.399	0.749	4.044	7	4.42	**17.86**
TOTAL SITE								
	LANDSCAPED	0.821		0.300				
	ROOF	1.106		0.900				
	GRAVEL	3.957		0.750				
	DECK	0.216		0.900				
	PAVEMENT	2.419		0.900				
			8.519	0.773	6.581	7	4.42	**29.07**

DRAINAGE ANALYSIS
EXISTING CONDITIONS
NEWBURYPORT, MA
10-YEAR STORM

Description	Cover	Increm.	Total_A (ACRE)	C	CA	Tc (MIN)	I (IPH)	Q (CFS)
AREA 1								
	LANDSCAPED	0.056		0.300				
	ROOF	0.329		0.900				
	GRAVEL	0.304		0.750				
	DECK	0.049		0.900				
	PAVEMENT	0.507		0.900				
			1.245	0.836	1.041	6	5.86	**6.10**
AREA 2								
	LANDSCAPED	0.007		0.300				
	ROOF	0.193		0.900				
	GRAVEL	1.249		0.750				
	DECK	0.000		0.900				
	PAVEMENT	0.426		0.900				
			1.875	0.798	1.496	6	5.86	**8.77**
AREA 3								
	LANDSCAPED	0.758		0.300				
	ROOF	0.584		0.900				
	GRAVEL	2.404		0.750				
	DECK	0.167		0.900				
	PAVEMENT	1.486		0.900				
			5.399	0.749	4.044	7	5.67	**22.91**
TOTAL SITE								
	LANDSCAPED	0.821		0.300				
	ROOF	1.106		0.900				
	GRAVEL	3.957		0.750				
	DECK	0.216		0.900				
	PAVEMENT	2.419		0.900				
			8.519	0.773	6.581	7	5.67	**37.29**

DRAINAGE ANALYSIS
EXISTING CONDITIONS
NEWBURYPORT, MA
25-YEAR STORM

	Cover	Increm.	Total_A (ACRE)	C	CA	Tc (MIN)	I (IPH)	Q (CFS)
AREA 1								
	LANDSCAPED	0.056		0.300				
	ROOF	0.329		0.900				
	GRAVEL	0.304		0.750				
	DECK	0.049		0.900				
	PAVEMENT	0.507		0.900				
			1.245	0.836	1.041	6	6.39	**6.65**
AREA 2								
	LANDSCAPED	0.007		0.300				
	ROOF	0.193		0.900				
	GRAVEL	1.249		0.750				
	DECK	0.000		0.900				
	PAVEMENT	0.426		0.900				
			1.875	0.798	1.496	6	6.39	**9.56**
AREA 3								
	LANDSCAPED	0.758		0.300				
	ROOF	0.584		0.900				
	GRAVEL	2.404		0.750				
	DECK	0.167		0.900				
	PAVEMENT	1.486		0.900				
			5.399	0.749	4.044	7	6.22	**25.14**
TOTAL SITE								
	LANDSCAPED	0.821		0.300				
	ROOF	1.106		0.900				
	GRAVEL	3.957		0.750				
	DECK	0.216		0.900				
	PAVEMENT	2.419		0.900				
			8.519	0.773	6.581	7	6.22	**40.91**

DRAINAGE ANALYSIS
EXISTING CONDITIONS
NEWBURYPORT, MA
100-YEAR STORM

	Cover	Increm.	Total_A (ACRE)	C	CA	Tc (MIN)	I (IPH)	Q (CFS)
AREA 1								
	LANDSCAPED	0.056		0.300				
	ROOF	0.329		0.900				
	GRAVEL	0.304		0.750				
	DECK	0.049		0.900				
	PAVEMENT	0.507		0.900				
			1.245	0.836	1.041	6	7.84	**8.16**
AREA 2								
	LANDSCAPED	0.007		0.300				
	ROOF	0.193		0.900				
	GRAVEL	1.249		0.750				
	DECK	0.000		0.900				
	PAVEMENT	0.426		0.900				
			1.875	0.798	1.496	6	7.84	**11.73**
AREA 3								
	LANDSCAPED	0.758		0.300				
	ROOF	0.584		0.900				
	GRAVEL	2.404		0.750				
	DECK	0.167		0.900				
	PAVEMENT	1.486		0.900				
			5.399	0.749	4.044	7	7.63	**30.86**
TOTAL SITE								
	LANDSCAPED	0.821		0.300				
	ROOF	1.106		0.900				
	GRAVEL	3.957		0.750				
	DECK	0.216		0.900				
	PAVEMENT	2.419		0.900				
			8.519	0.773	6.581	7	7.63	**50.22**

DRAINAGE ANALYSIS
PROPOSED CONDITIONS
NEWBURYPORT, MA
2-YEAR STORM

Description	Cover	Increm.	Total_A (ACRE)	C	CA	Tc (MIN)	I (IPH)	Q (CFS)
AREA 1A								
	ROOF	0.549		0.900				
	PAVEMENT	1.029		0.900				
			1.578	0.900	1.420	6	4.61	**6.55**
AREA 1B								
	PAVEMENT	0.294		0.900				
			0.294	0.900	0.265	6	4.61	**1.22**
AREA 1C								
	LANDSCAPED	0.056		0.300				
	ROOF	0.279		0.900				
	DECK	0.049		0.900				
	PAVEMENT	0.463		0.900				
			0.847	0.860	0.729	6	4.61	**3.36**
TOTAL AREA 1								
	LANDSCAPED	0.056		0.300				
	ROOF	0.828		0.900				
	DECK	0.343		0.900				
	PAVEMENT	1.492		0.900				
			2.719	0.888	2.414	6	4.61	**11.12**
AREA 3A								
	LANDSCAPED	0.476		0.300				
	ROOF	0.331		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.081		0.900				
	PAVEMENT	1.293		0.900				
			2.557	0.766	1.959	6	4.61	**9.03**
AREA 3B								
	ROOF	1.044		0.900				
	PAVEMENT	1.983		0.900				
			3.027	0.900	2.724	6	4.61	**12.56**
AREA 3C								
	DECK	0.294		0.900				
			0.294	0.900	0.265	6	4.61	**1.22**
TOTAL AREA 3								
	LANDSCAPED	0.476		0.300				
	ROOF	1.375		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.375		0.900				
	PAVEMENT	3.276		0.900				
			5.878	0.842	4.948	6	4.61	**22.80**
TOTAL SITE								
	LANDSCAPED	0.532		0.300				
	ROOF	2.203		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.718		0.900				
	PAVEMENT	4.768		0.900				
			8.597	0.856	7.362	6	4.61	**33.93**

DRAINAGE ANALYSIS
PROPOSED CONDITIONS
NEWBURYPORT, MA
10-YEAR STORM

Description	Cover	Increm.	Total_A (ACRE)	C	CA	Tc (MIN)	I (IPH)	Q (CFS)
AREA 1A								
	ROOF	0.549		0.900				
	PAVEMENT	1.029		0.900				
			1.578	0.900	1.420	6	5.86	**8.33**
AREA 1B								
	PAVEMENT	0.294		0.900				
			0.294	0.900	0.265	6	5.86	**1.55**
AREA 1C								
	LANDSCAPED	0.056		0.300				
	ROOF	0.279		0.900				
	DECK	0.049		0.900				
	PAVEMENT	0.463		0.900				
			0.847	0.860	0.729	6	5.86	**4.27**
TOTAL AREA 1								
	LANDSCAPED	0.056		0.300				
	ROOF	0.828		0.900				
	DECK	0.343		0.900				
	PAVEMENT	1.492		0.900				
			2.719	0.888	2.414	6	5.86	**14.15**
AREA 3A								
	LANDSCAPED	0.476		0.300				
	ROOF	0.331		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.081		0.900				
	PAVEMENT	1.293		0.900				
			2.557	0.766	1.959	6	5.86	**11.49**
AREA 3B								
	ROOF	1.044		0.900				
	PAVEMENT	1.983		0.900				
			3.027	0.900	2.724	6	5.86	**15.97**
AREA 3C								
	DECK	0.294		0.900				
			0.294	0.900	0.265	6	5.86	**1.55**
TOTAL AREA 3								
	LANDSCAPED	0.476		0.300				
	ROOF	1.375		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.375		0.900				
	PAVEMENT	3.276		0.900				
			5.878	0.842	4.948	6	5.86	**29.01**
TOTAL SITE								
	LANDSCAPED	0.532		0.300				
	ROOF	2.203		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.718		0.900				
	PAVEMENT	4.768		0.900				
			8.597	0.856	7.362	6	5.86	**43.15**

DRAINAGE ANALYSIS
PROPOSED CONDITIONS
NEWBURYPORT, MA
25-YEAR STORM

Description	Cover	Increm.	Total_A (ACRE)	C	CA	Tc (MIN)	I (IPH)	Q (CFS)
AREA 1A								
	ROOF	0.549		0.900				
	PAVEMENT	1.029		0.900				
			1.578	0.900	1.420	6	6.39	**9.07**
AREA 1B								
	PAVEMENT	0.294		0.900				
			0.294	0.900	0.265	6	6.39	**1.69**
AREA 1C								
	LANDSCAPED	0.056		0.300				
	ROOF	0.279		0.900				
	DECK	0.049		0.900				
	PAVEMENT	0.463		0.900				
			0.847	0.860	0.729	6	6.39	**4.66**
TOTAL AREA 1								
	LANDSCAPED	0.056		0.300				
	ROOF	0.828		0.900				
	DECK	0.343		0.900				
	PAVEMENT	1.492		0.900				
			2.719	0.888	2.414	6	6.39	**15.42**
AREA 3A								
	LANDSCAPED	0.476		0.300				
	ROOF	0.331		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.081		0.900				
	PAVEMENT	1.293		0.900				
			2.557	0.766	1.959	6	6.39	**12.52**
AREA 3B								
	ROOF	1.044		0.900				
	PAVEMENT	1.983		0.900				
			3.027	0.900	2.724	6	6.39	**17.41**
AREA 3C								
	DECK	0.294		0.900				
			0.294	0.900	0.265	6	6.39	**1.69**
TOTAL AREA 3								
	LANDSCAPED	0.476		0.300				
	ROOF	1.375		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.375		0.900				
	PAVEMENT	3.276		0.900				
			5.878	0.842	4.948	6	6.39	**31.61**
TOTAL SITE								
	LANDSCAPED	0.532		0.300				
	ROOF	2.203		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.718		0.900				
	PAVEMENT	4.768		0.900				
			8.597	0.856	7.362	6	6.39	**47.03**

DRAINAGE ANALYSIS
PROPOSED CONDITIONS
NEWBURYPORT, MA
100-YEAR STORM

Description	Cover	Increm.	Total_A (ACRE)	C	CA	Tc (MIN)	I (IPH)	Q (CFS)
AREA 1A								
	ROOF	0.549		0.900				
	PAVEMENT	1.029		0.900				
			1.578	0.900	1.420	6	7.84	**11.13**
AREA 1B								
	PAVEMENT	0.294		0.900				
			0.294	0.900	0.265	6	7.84	**2.07**
AREA 1C								
	LANDSCAPED	0.056		0.300				
	ROOF	0.279		0.900				
	DECK	0.049		0.900				
	PAVEMENT	0.463		0.900				
			0.847	0.860	0.729	6	7.84	**5.71**
TOTAL AREA 1								
	LANDSCAPED	0.056		0.300				
	ROOF	0.828		0.900				
	DECK	0.343		0.900				
	PAVEMENT	1.492		0.900				
			2.719	0.888	2.414	6	7.84	**18.92**
AREA 3A								
	LANDSCAPED	0.476		0.300				
	ROOF	0.331		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.081		0.900				
	PAVEMENT	1.293		0.900				
			2.557	0.766	1.959	6	7.84	**15.36**
AREA 3B								
	ROOF	1.044		0.900				
	PAVEMENT	1.983		0.900				
			3.027	0.900	2.724	6	7.84	**21.35**
AREA 3C								
	DECK	0.294		0.900				
			0.294	0.900	0.265	6	7.84	**2.07**
TOTAL AREA 3								
	LANDSCAPED	0.476		0.300				
	ROOF	1.375		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.375		0.900				
	PAVEMENT	3.276		0.900				
			5.878	0.842	4.948	6	7.84	**38.78**
TOTAL SITE								
	LANDSCAPED	0.532		0.300				
	ROOF	2.203		0.900				
	GRAVEL	0.376		0.750				
	DECK	0.718		0.900				
	PAVEMENT	4.768		0.900				
			8.597	0.856	7.362	6	7.84	**57.70**

DRAINAGE SYSTEM DESIGN
WEST END DEVELOPMENT
NEWBURYPORT, MA
25 YEAR STORM

Project #16025
Sheet 1 of 2
Prepared by: AK
Checked by: -

Description	Cover	Increm.	Total_A (ACRE)	C	CA	Total CA	To Inlet (MIN)	In Pipe (MIN)	Tc (MIN)	I (IPH)	Q (CFS)	Structure		Invert		PIPE CHARACTERISTICS Pipe	SIZE IN	Length FT	A SF	R FT	Slope %	n	Qf CFS	Vf (FT/S)	FLOW CHARACTSTICS Q/Qf	V/Vf	V (FT/S)	L/V (MIN)
TO FES#1																												
CB3	LANDSCAPED	0.000		0.400								From:	CB3	Out:	-													
	IMPERVIOUS	0.336		0.900												RCP	12	80.0	0.79	0.250	0.005	0.014	**2.34**	**2.98**	0.85	1.00	2.97	0.45
			0.336	0.900	0.302		5.00	NONE	5	6.57	**1.99**	To:	DMH2	In:	-													
CB4	LANDSCAPED	0.000		0.400								From:	CB4	Out:	-													
	IMPERVIOUS	0.145		0.900												RCP	12	32.0	0.79	0.250	0.005	0.014	**2.34**	**2.98**	0.37	0.78	2.33	0.23
			0.145	0.900	0.131		5.00	NONE	5	6.57	**0.86**	To:	DMH2	In:	-													
RD "D"	LANDSCAPED	0.000		0.400								From:	RD D	Out:	-													
	IMPERVIOUS	0.261		0.900												CI	10	50.0	0.55	0.208	0.005	0.013	**1.55**	**2.84**	1.00	1.05	2.97	0.28
			0.261	0.900	0.235		5.00	NONE	5	6.57	**1.54**	To:	DMH2	In:	-													
RD "G"	LANDSCAPED	0.000		0.400								From:	RD G	Out:	-													
	IMPERVIOUS	0.203		0.900												CI	10	16.0	0.55	0.208	0.005	0.013	**1.55**	**2.84**	0.77	0.97	2.76	0.10
			0.203	0.900	0.183		5.00	NONE	5	6.57	**1.20**	To:	DMH2	In:	-													
DMH#2 TO DMH#5						0.851	5	0.45	5.45	6.49	**5.52**	From:	DMH2	Out:	-													
																RCP	18	102.0	1.77	0.375	0.005	0.014	**6.90**	**3.90**	**0.80**	**0.98**	**3.83**	**0.44**
												To:	DMH5	In:	-													
CB5	LANDSCAPED	0.000		0.400								From:	CB5	Out:	-													
	IMPERVIOUS	0.167		0.900												CPP	12	46.0	0.79	0.250	0.005	0.012	**2.73**	**3.47**	0.36	0.78	2.71	0.28
			0.167	0.900	0.150		5.00	NONE	5	6.57	**0.99**	To:	DMH3	In:	-													
CB6	LANDSCAPED	0.000		0.400								From:	CB6	Out:	-													
	IMPERVIOUS	0.107		0.900												CPP	12	40.0	0.79	0.250	0.005	0.012	**2.73**	**3.47**	0.23	0.69	2.38	0.28
			0.107	0.900	0.096		5.00	NONE	5	6.57	**0.63**	To:	DMH3	In:	-													
RD "A"	LANDSCAPED	0.000		0.400								From:	RD A	Out:	-													
	IMPERVIOUS	0.203		0.900												CI	10	101.0	0.55	0.208	0.010	0.013	**2.19**	**4.02**	0.55	0.88	3.53	0.48
			0.203	0.900	0.183		5.00	NONE	5	6.57	**1.20**	To:	DMH3	In:	-													
TR DRAIN	LANDSCAPED	0.000		0.400								From:	TR DR	Out:	-													
	IMPERVIOUS	0.059		0.900												CI	8	42.0	0.35	0.167	0.010	0.013	**1.21**	**3.46**	0.29	0.73	2.53	0.28
			0.059	0.900	0.053		5.00	NONE	5	6.57	**0.35**	To:	DMH3	In:	-													
DMH#3 TO DMH#4						0.482	5	0.48	5.48	6.48	**3.13**	From:	DMH3	Out:	-													
																RCP	12	160.0	0.79	0.250	0.010	0.014	**3.31**	**4.21**	**0.95**	**1.03**	**4.34**	**0.61**
												To:	DMH4	In:	-													
CB7	LANDSCAPED	0.000		0.400								From:	CB7	Out:	-													
	IMPERVIOUS	0.177		0.900												RCP	12	24.0	0.79	0.250	0.005	0.014	**2.34**	**2.98**	0.45	0.83	2.47	0.16
			0.177	0.900	0.159		5.00	NONE	5	6.57	**1.05**	To:	DMH4	In:	-													
RD "C"	LANDSCAPED	0.000		0.400								From:	RD C	Out:	-													
	IMPERVIOUS	0.258		0.900												CI	10	15.0	0.55	0.208	0.010	0.013	**2.19**	**4.02**	0.70	0.94	3.79	0.07
			0.258	0.900	0.232		5.00	NONE	5	6.57	**1.53**	To:	DMH4	In:	-													
DMH#4 TO DMH#5						0.874	5.48	0.61	6.09	6.37	**5.57**	From:	DMH4	Out:	-													
																RCP	18	76.0	1.77	0.375	0.005	0.014	**6.90**	**3.90**	**0.81**	**0.98**	**3.84**	**0.33**
												To:	DMH5	In:	-													
CB8	LANDSCAPED	0.000		0.400								From:	CB8	Out:	-													
	IMPERVIOUS	0.666		0.900												RCP	15	22.0	1.23	0.313	0.005	0.014	**4.24**	**3.46**	0.93	1.02	3.54	0.10
			0.666	0.900	0.599		5.00	NONE	5	6.57	**3.94**	To:	DMH5	In:	-													
DMH#5 TO DMH#8						2.324	6.09	0.33	6.42	6.32	**14.68**	From:	DMH5	Out:	-													
																CPP	24	50.0	3.14	0.500	0.005	0.012	**17.33**	**5.52**	**0.85**	**1.00**	**5.50**	**0.15**
												To:	DMH8	In:	-													
CB9	LANDSCAPED	0.074		0.400								From:	CB9	Out:	-													
	IMPERVIOUS	0.000		0.900												CPP	12	46.0	0.79	0.250	0.010	0.012	**3.86**	**4.91**	0.05	0.44	2.16	0.35
			0.074	0.400	0.030		5.00	NONE	5	6.57	**0.19**	To:	DMH6	In:	-													
RD "HOTEL"	LANDSCAPED	0.000		0.400								From:	RD HOT	Out:	-													
	IMPERVIOUS	0.142		0.900												CI	8	50.0	0.35	0.167	0.010	0.013	**1.21**	**3.46**	0.69	0.94	3.26	0.26
			0.142	0.900	0.128		5.00	NONE	5	6.57	**0.84**	To:	DMH6	In:	-													
DMH#6 TO DMH#7						0.157	5	0.35	5.35	6.51	**1.02**	From:	DMH6	Out:	-													
																CPP	12	132.0	0.79	0.250	0.010	0.012	**3.86**	**4.91**	**0.27**	**0.71**	**3.50**	**0.63**
												To:	DMH7	In:	-													

RD "B"	LANDSCAPED	0.000		0.400								From:	RD B	Out:	-													
	IMPERVIOUS	0.179		0.900												CI	8	30.0	0.35	0.167	0.010	0.013	**1.21**	**3.46**	0.88	1.01	3.49	0.14
			0.179	0.900	0.161		5.00	NONE	5	6.57	**1.06**	To:	DMH7	In:	-													
DMH#7 TO DMH#8						0.319	5.35	0.36	5.71	6.44	**2.05**	From:	DMH7	Out:	-													
																RCP	12	164.0	0.79	0.250	0.005	0.014	**2.34**	**2.98**	**0.88**	**1.01**	**3.00**	**0.91**
												To:	DMH8	In:	-													
DMH#8 TO FES#1						2.642	6.42	0.38	6.8	6.25	**16.51**	From:	DMH8	Out:	-													
																CPP	24	60.0	3.14	0.500	0.005	0.012	**17.33**	**5.52**	**0.95**	**1.03**	**5.70**	**0.18**
												To:	FES1	In:	-													
TO EXIST DMH																												
CB1	LANDSCAPED	0.000		0.400								From:	CB1	Out:	-													
	IMPERVIOUS	0.230		0.900												RCP	12	92.0	0.79	0.250	0.005	0.014	**2.34**	**2.98**	0.58	0.89	2.66	0.58
			0.230	0.900	0.207		5.00	NONE	5	6.57	**1.36**	To:	DMH1	In:	-													
CB2	LANDSCAPED	0.000		0.400								From:	CB2	Out:	-													
	IMPERVIOUS	0.239		0.900												RCP	12	14.0	0.79	0.250	0.005	0.014	**2.34**	**2.98**	0.60	0.90	2.69	0.09
			0.239	0.900	0.215		5.00	NONE	5	6.57	**1.41**	To:	DMH1	In:	-													
RD "E"	LANDSCAPED	0.000		0.400								From:	RD E	Out:	-													
	IMPERVIOUS	0.261		0.900												CI	10	30.0	0.55	0.208	0.010	0.013	**2.19**	**4.02**	0.70	0.95	3.80	0.13
			0.261	0.900	0.235		5.00	NONE	5	6.57	**1.54**	To:	DMH1	In:	-													
DMH#1 TO DMH#10						0.657	5	0.52	5.52	6.48	**4.25**	From:	DMH1	Out:	-													
																RCP	15	80.0	1.23	0.313	0.005	0.014	**4.24**	**3.46**	**1.00**	**1.05**	**3.62**	**0.37**
												To:	DMH10	In:	-													
CB10	LANDSCAPED	0.000		0.400								From:	CB10	Out:	-													
	IMPERVIOUS	0.213		0.900												RCP	12	32.0	0.79	0.250	0.005	0.014	**2.34**	**2.98**	0.54	0.87	2.61	0.20
			0.213	0.900	0.192		5.00	NONE	5	6.57	**1.26**	To:	DMH9	In:	-													
RD "F"	LANDSCAPED	0.000		0.400								From:	RD F	Out:	-													
	IMPERVIOUS	0.144		0.900												CI	8	15.0	0.35	0.167	0.010	0.013	**1.21**	**3.46**	0.70	0.95	3.27	0.08
			0.144	0.900	0.130		5.00	NONE	5	6.57	**0.85**	To:	DMH9	In:	-													
DMH#9 TO DMH#10						0.321	5	0.18	5.18	6.54	**2.10**	From:	DMH9	Out:	-													
																RCP	12	92.0	0.79	0.250	0.005	0.014	**2.34**	**2.98**	**0.90**	**1.01**	**3.02**	**0.51**
												To:	DMH10	In:	-													
CB11	LANDSCAPED	0.000		0.400								From:	CB11	Out:	-													
	IMPERVIOUS	0.167		0.900												RCP	12	32.0	0.79	0.250	0.005	0.014	**2.34**	**2.98**	0.42	0.82	2.43	0.22
			0.167	0.900	0.150		5.00	NONE	5	6.57	**0.99**	To:	DMH9	In:	-													
RD "F"	LANDSCAPED	0.000		0.400								From:	RD F	Out:	-													
	IMPERVIOUS	0.144		0.900												CI	8	15.0	0.35	0.167	0.010	0.013	**1.21**	**3.46**	0.70	0.95	3.27	0.08
			0.144	0.900	0.130		5.00	NONE	5	6.57	**0.85**	To:	DMH10	In:	-													
DMH#10 TO DMH#11						1.258	5.52	0.40	5.92	6.40	**8.06**	From:	DMH10	Out:	-													
																RCP	21	80.0	2.41	0.438	0.005	0.014	**10.40**	**4.33**	**0.77**	**0.97**	**4.21**	**0.32**
												To:	DMH11	In:	-													
DMH#11 TO DMH#12						1.258	5.92	0.28	6.2	6.35	**7.99**	From:	DMH11	Out:	-													
																RCP	21	82.0	2.41	0.438	0.005	0.014	**10.40**	**4.33**	**0.77**	**0.97**	**4.20**	**0.33**
												To:	DMH12	In:	-													
CB12	LANDSCAPED	0.000		0.400								From:	CB12	Out:	-													
	IMPERVIOUS	0.179		0.900												RCP	12	56.0	0.79	0.250	0.005	0.014	**2.34**	**2.98**	0.45	0.83	2.48	0.38
			0.179	0.900	0.161		5.00	NONE	5	6.57	**1.06**	To:	DMH12	In:	-													
DMH#12 TO DMH#13						1.419	6.2	0.34	6.54	6.29	**8.93**	From:	DMH12	Out:	-													
																RCP	21	46.0	2.41	0.438	0.005	0.014	**10.40**	**4.33**	**0.86**	**1.00**	**4.33**	**0.18**
												To:	DMH13	In:	-													
DMH#13 TO EX DMH						1.419	6.54	0.28	6.82	6.25	**8.87**	From:	DMH13	Out:	-													
																RCP	21	136.0	2.41	0.438	0.005	0.014	**10.40**	**4.33**	**0.85**	**1.00**	**4.32**	**0.52**
												To:	EXDMH	In:	-													

III. APPENDIX B

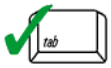
MassDEP Checklist for Stormwater Report

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands Program

Checklist for Stormwater Report

A. Introduction

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A Stormwater Report must be submitted with the Notice of Intent permit application to document compliance with the Stormwater Management Standards. The following checklist is NOT a substitute for the Stormwater Report (which should provide more substantive and detailed information) but is offered here as a tool to help the applicant organize their Stormwater Management documentation for their Report and for the reviewer to assess this information in a consistent format. As noted in the Checklist, the Stormwater Report must contain the engineering computations and supporting information set forth in Volume 3 of the Massachusetts Stormwater Handbook. The Stormwater Report must be prepared and certified by a Registered Professional Engineer (RPE) licensed in the Commonwealth.

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.[1] This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8[2]
- Operation and Maintenance Plan required by Standard 9

In addition to all plans and supporting information, the Stormwater Report must include a brief narrative describing stormwater management practices, including environmentally sensitive site design and LID techniques, along with a diagram depicting runoff through the proposed BMP treatment train. Plans are required to show existing and proposed conditions, identify all wetland resource areas, NRCS soil types, critical areas, Land Uses with Higher Potential Pollutant Loads (LUHPPL), and any areas on the site where infiltration rate is greater than 2.4 inches per hour. The Plans shall identify the drainage areas for both existing and proposed conditions at a scale that enables verification of supporting calculations.

As noted in the Checklist, the Stormwater Management Report shall document compliance with each of the Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook. The soils evaluation and calculations shall be done using the methodologies set forth in Volume 3 of the Massachusetts Stormwater Handbook.

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the Stormwater Report. If any of the information specified in the checklist has not been submitted, the applicant must provide an explanation. The completed Stormwater Report Checklist and Certification must be submitted with the Stormwater Report.

[1] The Stormwater Report may also include the Illicit Discharge Compliance Statement required by Standard 10. If not included in the Stormwater Report, the Illicit Discharge Compliance Statement must be submitted prior to the discharge of stormwater runoff to the post-construction best management practices.

[2] For some complex projects, it may not be possible to include the Construction Period Erosion and Sedimentation Control Plan in the Stormwater Report. In that event, the issuing authority has the discretion to issue an Order of Conditions that approves the project and includes a condition requiring the proponent to submit the Construction Period Erosion and Sedimentation Control Plan before commencing any land disturbance activity on the site.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands Program

Checklist for Stormwater Report

B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

Note: Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that the item is not applicable (N.A.) and provide the reasons for that determination.

A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

Registered Professional Engineer's Certification

I have reviewed the Stormwater Report, including the soil evaluation, computations, Long-term Pollution Prevention Plan, the Construction Period Erosion and Sedimentation Control Plan (if included), the Long-term Post-Construction Operation and Maintenance Plan, the Illicit Discharge Compliance Statement (if included) and the plans showing the stormwater management system, and have determined that they have been prepared in accordance with the requirements of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook. I have also determined that the information presented in the Stormwater Checklist is accurate and that the information presented in the Stormwater Report accurately reflects conditions at the site as of the date of this permit application.

Registered Professional Engineer Block and Signature

Signature and Date

Checklist

Project Type: Is the application for new development, redevelopment, or a mix of new and redevelopment?

☐ New development

☒ Redevelopment

☐ Mix of New Development and Redevelopment

Checklist for Stormwater Report

Checklist (continued)

LID Measures: Stormwater Standards require LID measures to be considered. Document what environmentally sensitive design and LID Techniques were considered during the planning and design of the project:

- ☐ No disturbance to any Wetland Resource Areas
- ☐ Site Design Practices (e.g. clustered development, reduced frontage setbacks)
- ☐ Reduced Impervious Area (Redevelopment Only)
- ☐ Minimizing disturbance to existing trees and shrubs
- ☐ LID Site Design Credit Requested:
  - ☐ Credit 1
  - ☐ Credit 2
  - ☐ Credit 3
- ☐ Use of "country drainage" versus curb and gutter conveyance and pipe
- ☐ Bioretention Cells (includes Rain Gardens)
- ☐ Constructed Stormwater Wetlands (includes Gravel Wetlands designs)
- ☐ Treebox Filter
- ☐ Water Quality Swale
- ☐ Grass Channel
- ☐ Green Roof
- ☐ Other (describe): _____

Standard 1: No New Untreated Discharges

- ☒ No new untreated discharges
- ☒ Outlets have been designed so there is no erosion or scour to wetlands and waters of the Commonwealth
- ☐ Supporting calculations specified in Volume 3 of the Massachusetts Stormwater Handbook included.

Checklist for Stormwater Report

Checklist (continued)

Standard 2: Peak Rate Attenuation

☒ Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.

☐ Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.

☐ Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

Standard 3: Recharge

☐ Soil Analysis provided.

☐ Required Recharge Volume calculation provided.

☐ Required Recharge volume reduced through use of the LID site Design Credits.

☐ Sizing the infiltration, BMPs is based on the following method: Check the method used.

☐ Static ☐ Simple Dynamic ☐ Dynamic Field[1]

☐ Runoff from all impervious areas at the site discharging to the infiltration BMP.

☐ Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.

☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume.

☒ Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:

- ☒ Site is comprised solely of C and D soils and/or bedrock at the land surface
- ☐ M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
- ☐ Solid Waste Landfill pursuant to 310 CMR 19.000
- ☒ Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.

☐ Calculations showing that the infiltration BMPs will drain in 72 hours are provided.

☐ Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

[1] 80% TSS removal is required prior to discharge to infiltration BMP if Dynamic Field method is used.

Checklist for Stormwater Report

Checklist (continued)

Standard 3: Recharge (continued)

☐ The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.

☐ Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

Standard 4: Water Quality

The Long-Term Pollution Prevention Plan typically includes the following:

- Good housekeeping practices;
- Provisions for storing materials and waste products inside or under cover;
- Vehicle washing controls;
- Requirements for routine inspections and maintenance of stormwater BMPs;
- Spill prevention and response plans;
- Provisions for maintenance of lawns, gardens, and other landscaped areas;
- Requirements for storage and use of fertilizers, herbicides, and pesticides;
- Pet waste management provisions;
- Provisions for operation and management of septic systems;
- Provisions for solid waste management;
- Snow disposal and plowing plans relative to Wetland Resource Areas;
- Winter Road Salt and/or Sand Use and Storage restrictions;
- Street sweeping schedules;
- Provisions for prevention of illicit discharges to the stormwater management system;
- Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
- Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
- List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.

☒ A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.

☐ Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:

- ☐ is within the Zone II or Interim Wellhead Protection Area
- ☐ is near or to other critical areas
- ☐ is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)
- ☐ involves runoff from land uses with higher potential pollutant loads.

☐ The Required Water Quality Volume is reduced through use of the LID site Design Credits.

☒ Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.

Checklist for Stormwater Report

Checklist (continued)

Standard 4: Water Quality (continued)

☐ The BMP is sized (and calculations provided) based on:

- ☐ The ½" or 1" Water Quality Volume or
- ☐ The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.

☒ The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the propriety BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.

☐ A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs)

☐ The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.

☐ The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted ***prior to*** the discharge of stormwater to the post-construction stormwater BMPs.

☒ The NPDES Multi-Sector General Permit does ***not*** cover the land use.

☒ LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.

☐ All exposure has been eliminated.

☒ All exposure has ***not*** been eliminated and all BMPs selected are on MassDEP LUHPPL list.

☒ The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

Standard 6: Critical Areas

☐ The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.

☐ Critical areas and BMPs are identified in the Stormwater Report.

Checklist for Stormwater Report

Checklist (continued)

Standard 7: Redevelopments and Other Projects Subject to the Standards only to the maximum extent practicable

☒ The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:

- ☐ Limited Project
- ☐ Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
- ☐ Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
- ☐ Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
- ☐ Bike Path and/or Foot Path
- ☒ Redevelopment Project
- ☐ Redevelopment portion of mix of new and redevelopment.

☒ Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.

☒ The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan must include the following information:

- Narrative;
- Construction Period Operation and Maintenance Plan;
- Names of Persons or Entity Responsible for Plan Compliance;
- Construction Period Pollution Prevention Measures;
- Erosion and Sedimentation Control Plan Drawings;
- Detail drawings and specifications for erosion control BMPs, including sizing calculations;
- Vegetation Planning;
- Site Development Plan;
- Construction Sequencing Plan;
- Sequencing of Erosion and Sedimentation Controls;
- Operation and Maintenance of Erosion and Sedimentation Controls;
- Inspection Schedule;
- Maintenance Schedule;
- Inspection and Maintenance Log Form.

☐ A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.

Checklist for Stormwater Report

Checklist (continued)

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control (continued)

☐ The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has ***not*** been included in the Stormwater Report but will be submitted ***before*** land disturbance begins.

☐ The project is ***not*** covered by a NPDES Construction General Permit.

☐ The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.

☒ The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

Standard 9: Operation and Maintenance Plan

☒ The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:

- ☒ Name of the stormwater management system owners;
- ☒ Party responsible for operation and maintenance;
- ☒ Schedule for implementation of routine and non-routine maintenance tasks;
- ☒ Plan showing the location of all stormwater BMPs maintenance access areas;
- ☒ Description and delineation of public safety features;
- ☐ Estimated operation and maintenance budget; and
- ☒ Operation and Maintenance Log Form.

☐ The responsible party is ***not*** the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:

- ☐ A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
- ☐ A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

Standard 10: Prohibition of Illicit Discharges

☒ The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;

☒ An Illicit Discharge Compliance Statement is attached;

☐ NO Illicit Discharge Compliance Statement is attached but will be submitted ***prior to*** the discharge of any stormwater to post-construction BMPs.

III. APPENDIX C

Operation and Maintenance Plan (O&M)
including:
Long Term Pollution Prevention Plan (LTPPP)
Illicit Discharge Statement
Snow Management and Disposal Plan
Public Safety Features

Operation and Maintenance Plan (O&M)

Waterfront West
Merrimac Street
Newburyport, MA 01950

Prepared For:

NEW ENGLAND DEVELOPMENT

Newburyport Manager, LLC
c/o New England Development
75 Park Plaza
Boston, MA 02116

Prepared By:

RJ O'Connell & Associates, Inc.
80 Montvale Avenue, Suite 201
Stoneham, MA 02180

Date:

March 10, 2017

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INTRODUCTION

This Operation and Maintenance Plan has been prepared to ensure that the stormwater management system implemented for Waterfront West Development, Newburyport, MA functions as designed and to develop and carry out suitable practices for source control and pollution prevention. It consists of six sections:

Section 1 - Stormwater Management System-Operation and Maintenance, which describes the various components of the stormwater management system, identifies the inspection and maintenance tasks to be undertaken after construction is complete and a schedule for implementing these tasks to ensure the proper, long-term operation of the system.

Section 2 - Long Term Pollution Prevention Plan which identifies and implements suitable measures, practices and procedures for source control and pollution prevention.

Section 3 - Illicit Discharge Statement.

Section 4 - Snow Management and Disposal Plan which describes how snow removal will be managed and deicing operations performed.

Section 5 - Public Safety Features which lists features of the stormwater management system to ensure the safety of the public.

SECTION 1 - STORMWATER MANAGEMENT SYSTEM OPERATION AND MAINTENANCE

The objectives of the stormwater management system are to effectively control and treat stormwater runoff from the site in accordance with the Massachusetts Stormwater Management Policy. To accomplish this objective, the following Best Management Practices (BMP's) are included in the stormwater management system:

Pre-treatment BMP's

- Sweeping of paved surface areas to remove solids and reduce suspended solids in surface runoff.
- Catch basins with deep sumps and hoods to reduce the discharge of sediment and pollutants.
- Oil/grit separators for removal of Total Suspended Solids (TSS), oil and grease.
- Proprietary particle separators for removal of TSS, oil and grease.

To ensure the ongoing and proper functioning of the on-site stormwater management/BMP facilities, this Operation and Maintenance Plan has been developed.

In consideration of the foregoing, it is the ongoing responsibility of the Landowner, his successors and assignees to adequately maintain the on-site stormwater management/BMP facilities. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions.

Based on this, the Landowner, his successors and assignees are required to create a Pollution Prevention Team (PPT) that will be responsible for implementing the Operation and Maintenance Plan.
Upon transfer of ownership of the property, the Landowner is required to notify the new owner of the presence of the stormwater management system and the requirements of this Operation and Maintenance Plan.

Property Information

Address: Waterfront West Development
Merrimac Street, Tournament Wharf, McKay's Wharf, Brown's Wharf
Newburyport, MA 01950

Landowner and Pollution Prevention Team Leader

Owners Name: TBD
Team Leader: TBD
Title: TBD
Office Phone: TBD
Email: TBD

Responsibilities: Coordinate all aspects of the Operation and Maintenance Plan, coordinate and hire the other Pollution Prevention team members in order to conduct inspections, keep all

records, coordinate with contractors for maintenance and repairs of the stormwater management system.

Spill Prevention & Control Contractor

The following contacts shall be notified only in those instances identified within 310 CMR 40 Massachusetts Contingency Plan Subpart C.

Primary Contact: TBD
Office Phone: TBD

Emergency Contact:
Company Name: TBD
Contact Name: TBD
Emergency Phone: TBD

Consultant Contact:
Company Name: TBD
Contact Name: TBD
Phone: TBD

Department of Environmental Protection (DEP) Contact
Spill Emergency Coordinator
Contact Name: TBD
Phone: TBD

Municipal Contacts
City of Newburyport Engineer
Contact Name: Jon-Eric White, P.E.
Phone: 978-465-4464 x1710

Other Pollution Prevention Team Members

Member: Qualified Engineering and/or Environmental Consulting Firm(s)
Responsibilities: Conduct scheduled inspections, maintain records, advise the Team Leader of maintenance needs, ensure inspection maintenance and repairs are completed, keep and maintain all records and inspection reports.

Company Name(s): TBD
Address:
Office Phone:

Team Member Training

The Pollution Prevention Team Leader will coordinate an annual in-house training session with the qualified Engineering and/or Environmental Consulting Firm to discuss the Operation and Maintenance Plan, ongoing inspection and maintenance and preventative maintenance procedures.

Annual training session will generally include the following:

- Discuss the Operation and Maintenance Plan
  - What it is- identify potential sources of stormwater pollution and methods of reducing or eliminating that pollution
  - What it contains- emphasize good housekeeping measures and the location of potential pollution sources.
  - Pollution Prevention Team- introduce the team and individual responsibilities, explain that the operation of the Mall's stormwater management system, and that it must be continuously monitored and encourage input and assistance from all.
- Review and explain the storm drainage system, how it works and its components, note the receiving resource area in which the storm drainage system discharges into and the role each one of these BMPs play.
- Emphasize the importance of maintaining current and up-to-date inspection reports and maintenance records of BMPs. Documentation shall include any changes to the O&M Plan's procedures to accommodate changes and revisions to BMPs.

The components of the stormwater management system must be inspected, monitored and maintained in accordance with the following in order to ensure that the on-site stormwater management/BMP facilities for the Waterfront West Development function as designed. Routine inspection and proper maintenance of these individual components is essential to providing the long-term enhancement of both the quality and quantity of the runoff from the properties.

Proprietary Particle Separators with Grates:

The hydrodynamic particle separators are precast concrete structures designed to remove debris, sediment, oil, and grease from incoming stormwater runoff, thereby preventing the transfer of pollutants downstream. The screening capability of the units allows for 100% removal of floatables and neutrally buoyant materials. Particle separators will be inspected and maintained as follows:

Inspection: Quarterly, and the level of accumulated pollutants and indications of vector infestation are to be noted and reported.

Maintenance: Jet vacuumed by a licensed contractor at least semi-annually or as recommended by the manufacturer. Accumulated sediment and hydrocarbons will be disposed of in accordance with applicable local, state, and federal guidelines and regulations. Particle separators will also be cleaned when observed sediment depth is at 80% of the sump capacity.

Curbing:

Although the site is graded to direct runoff away from curbing, it is still important for the curbing to be in good working order to delineate edge of pavement from grass and landscaped areas.

Inspection: Twice per year to ensure structural condition.

Maintenance: Repair/replace as needed.

Sweeping and Site Clean-Up:

Routine sweeping of paved areas is an effective method to provide important nonpoint source pollution control and will be performed by mechanical sweepers. Most stormwater pollutants travel with the suspended solids contained in the stormwater runoff and regular sweeping will help reduce a portion of this load. Sweeping, especially during the period immediately following winter snowmelt (March/April) when road sand and other debris has accumulated on the pavement, will capture a peak sediment load before spring rains wash residual sand from winter applications into nearby resource areas.

Inspection: Paved areas will be inspected for litter on a weekly basis and picked up and disposed of immediately.

Maintenance: All parking areas, sidewalks, driveways and other impervious surfaces (except roofs) will be swept clean of sand, litter, trash, etc. on a monthly basis. A log of land/lot sweeping and cleanup will be kept. Housekeeping concerns noted by store leadership, PPT members, guests and others will be noted and acted upon. Separate cleanup services will be conducted at least twice a year, once between November 14 and December 15 (after leaf fall) and once during the month of April (after snow melt). Additional cleanup services will be conducted as necessary.

Please refer to Appendix A for the Inspection Forms which are to be used by the Pollution Prevention Team member responsible for conducting the scheduled inspections.

SECTION 2 - LONG TERM POLLUTION PREVENTION PLAN (LTPPP)

A. MATERIALS COVERED

The following materials or substances are expected to be present onsite after construction:

Cleaning solvents	Petroleum based products
Detergents	Pesticides/Insecticides
Paints/Solvents	Fertilizers/Herbicides
Acids	Contaminated Soil
Solid Waste	

B. MATERIALS MANAGEMENT PRACTICES

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to stormwater runoff. The Pollution Prevention Team Leader will be responsible for ensuring that these procedures are followed:

1. Good Housekeeping

The following good housekeeping practices will be followed onsite after construction:

a) An effort will be made to store only enough products required to do the job.
b) All materials stored onsite will be stored in a neat, orderly manner and, if possible, under a roof or in a containment area. At a minimum, all containers will be stored with their lids on when not in use. Drip pans shall be provided under all dispensers.
c) Products will be kept in their original containers with the original manufacturer's label in legible condition.
d) Substances will not be mixed with one another unless recommended by the manufacturer.
e) Whenever possible, all of a product will be used up before disposing of the container.
f) Manufacturer's recommendations for proper use and disposal will be followed.
g) A Pollution Prevention Team Member will be responsible for daily inspections to ensure proper use and disposal of materials.

2. Hazardous Substances

These practices will be used to reduce the risks associated with hazardous substances. Safety Data Sheets (SDS's) for each product with hazardous characteristics that is used on the properties will be obtained and used for the proper management of potential wastes that may result from these products. A SDS will be posted in the immediate area where such product is stored and/or used and another copy of each SDS will be maintained on-site, in the management office. Each employee who must handle a hazardous substance will be instructed on the use of SDS sheets and the specific

information in the applicable SDS for the product he/she is using, particularly regarding spill control techniques.

a) Products will be kept in original containers with the original labels in legible condition.
b) Original labels and SDS's will be procured and used for each product.
c) If surplus product must be disposed of, the manufacturer's and local/state/federal required methods for proper disposal must be followed.

3. Hazardous Waste

It is imperative that all hazardous waste be properly identified and handled in accordance with all applicable hazardous waste standards, including the storage, transport and disposal of the hazardous wastes. There are significant penalties for the improper handling of hazardous wastes. It is important that the Pollution Prevention Team Leader seeks appropriate assistance in making the determination of whether a substance or material is a hazardous waste. For example, hazardous waste may include certain hazardous substances, as well as pesticides, paints, paint solvents, cleaning solvents, contaminated soils, and other materials, substances or chemicals that have been discarded (or are to be discarded) as being out-of-date, contaminated, or otherwise unusable. The Pollution Prevention Team Leader is responsible for ensuring that all Pollution Prevention Team Members are instructed as to these hazardous waste requirements and also that the requirements for handling and disposal are being followed.

4. Product Specific Practices

The following product specific practices will be followed on the job site:

a) Petroleum Products

Petroleum products will be stored in tightly sealed containers which are clearly labeled. Petroleum storage tanks shall be located a minimum of 100 linear feet from wetland resource areas, drainage ways, inlets and surface waters unless stored within a building. Any petroleum storage tanks stored onsite will be located within a containment area that is designed with an impervious surface between the tank and the ground. The secondary containment must be designed to provide a containment volume that is equal to 110% of the volume of the largest tank. Drip pans shall be provided for all dispensers. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations. The location of any fuel tanks and/or equipment storage areas must be identified on the Erosion Control Plan by the Contractor once the locations have been determined.

b) Fertilizers, Herbicides, Pesticides, and Insecticides

Fertilizers, herbicides, pesticides, and insecticides will be applied only in the minimum amounts recommended by the manufacturer. Once applied, they will be

worked so as to limit exposure to storm water. Storage will be in a covered shed. The contents of any partially used bags or containers will be transferred to a sealable plastic bin to avoid spills.

Use only organic, phosphorus-free, slow-release fertilizers on site. Phosphorus-containing fertilizers can be used in minimal concentrations/amounts where soil tests conclude that its absence is prohibiting plant establishment.

c) Paints, Paint Solvents, and Cleaning Solvents

All containers will be tightly sealed and stored when not in use. Excess paint and solvents will not be discharged to the storm sewer system but will be properly disposed of according to manufacturer's instructions or state and federal regulations.

5. Solid Waste

All waste materials will be collected and stored in an appropriately covered container and/or securely contained metal dumpster rented from a local waste management company which must be a licensed solid waste management company. The dumpster will comply with all local and state solid waste management regulations.

All trash and debris from the site will be deposited in dumpsters. The dumpsters will be emptied a minimum of once per week or more often if necessary. All personnel will be instructed regarding the correct procedures for waste disposal.

All waste dumpsters and roll-off containers will be located in an area where the likelihood of the containers contributing to storm water discharges is negligible.

6. Contaminated Soils

Any contaminated soils (resulting from spills of hazardous substances or oil will be contained and cleaned up immediately in accordance with the procedures given in the Materials Management Plan and in accordance with applicable state and federal regulations. If there is a release, it should be reported as a spill, if it otherwise meets the requirements for a reportable spill.

C. SPILL PREVENTION AND RESPONSE PROCEDURES

The Pollution Prevention Team Leader will train all personnel in the proper handling and cleanup of spilled hazardous substances or oil. No spilled hazardous substances or oil will be allowed to come in contact with storm water discharges. If such contact occurs, the storm water discharge will be contained on site until appropriate measures in compliance with state and federal regulations are taken to dispose of such contaminated storm water. It shall be the responsibility of the Pollution Prevention Team Leader to be properly trained, and to train all personnel in spill prevention and clean up procedures.

1. In order to prevent or minimize the potential for a spill of hazardous substances or oil to come into contact with storm water, the following steps will be implemented:

a) All hazardous substances or oil (such as pesticides, petroleum products, fertilizers, detergents, acids, paints, paint solvents, cleaning solvents, etc.) will be stored in a secure location, with their lids on, preferably under cover, when not in use.
b) The minimum practical quantity of all such materials will be kept on site.
c) A spill control and containment kit (containing, for example, absorbent materials, acid neutralizing powder, brooms, dust pans, mops, rags, gloves, goggles, plastic and metal trash containers, etc.) will be provided on site.
d) Manufacturer's recommended methods for spill cleanup will be clearly posted and site personnel will be trained regarding these procedures and the location of the information and cleanup supplies.
e) It is the Pollution Prevention Team Leader's responsibility to ensure that all hazardous waste on site is disposed of properly by a licensed hazardous material disposal company. The Pollution Prevention Team Leader is responsible for not exceeding hazardous waste storage requirements mandated by the EPA or state and local authority.

2. In the event of a spill of hazardous substances or oil, the following procedures must be followed:

   a) All measures must be taken to contain and abate the spill and to prevent the discharge of the hazardous substance or oil to storm water or off-site. (The spill area must be kept well ventilated and personnel must wear appropriate protective clothing to prevent injury from contact with the hazardous substances.)
   b) For spills of less than five (5) gallons of material, proceed with source control and containment, clean-up with absorbent materials or other applicable means unless an imminent hazard or other circumstances dictate that the spill should be treated by a professional emergency response contractor.
   c) For spills greater than five (5) gallons of material immediately contact the MA DEP Hazardous Waste Incident Response Group at (617) 792-7653, and an approved emergency response contractor. Provide information on the type of material spilled, the location of the spill, the quantity spilled, and the time of the spill to the emergency response contractor or coordinator, and proceed with prevention, containment and/or clean-up if so desired.
   d) If there is a Reportable Quantity (RQ) release, then the National Response Center will be notified immediately at (800) 424-8802; within 14 days a report will be submitted to the EPA regional office describing the release, the date and circumstances of the release and the steps taken to prevent another release. This Pollution Prevention Plan must be updated to reflect any such steps or actions taken and measures to prevent the same from reoccurring.

3. The Pollution Prevention Team Leader will be the spill prevention and response coordinator. He/she will designate the individuals who will receive spill prevention and response training. These individuals will each become responsible for a particular phase of prevention and response. The names of these personnel will be posted in the material storage area and in the management office.

SECTION 3 - ILLICIT DISCHARGE STATEMENT

Certain types of discharges are allowable under the U.S. Environmental Protection Agency Construction General Permit, and it is the intent of this LTPPP to allow such discharges. These types of discharges will be allowed under the conditions that no pollutants will be allowed to come in contact with the water prior to, or after its discharge. The control measures which have been outlined previously in this LTPPP will be strictly followed to ensure that no contamination of these non-storm water discharges takes place. Illicit discharges, if they exist currently, will be contained and eliminated in the manner specified by local, state and federal regulations, and will be prohibited in the proposed development.

_____
For New England Development

SECTION 4 - SNOW MANAGEMENT AND DISPOSAL PLAN

Snow management will be overseen by a full-time Property Manager who will implement this plan and be authorized to utilize additional resources should unusual events occur. The Snow Management Contractor (SMC) shall be responsible for maintaining all roads, driveways, parking lots, sidewalks and pedestrian access areas for clear and safe travel. The SMC shall report directly to the Property Manager and maintain communication via cell phones 24 hours per day, 7 days per week. All drives, entrances and exits are the first priority. During extreme events, the first priority will be to clear and maintain proper access for employees and public safety vehicles. The next priority is parking areas, sidewalks, and delivery areas. Snow will not be piled around light bases and handicap parking areas shall be cleared frequently. Snow will not be allowed to be pushed directly into the Merrimack River.

The anti-icing operations typically precede snow plowing and will be provided when conditions warrant. There will be NO ROCK SALT use at any time on any of the surfaces on the site. Within 12 months of new concrete walks, pads, or other features being constructed, no product that assists in melting ice shall be placed on those surfaces. After the materials have cured for 12 months, a combination of calcium chloride de-icers and sand ("washed", fine to medium grade) or other environmental safe ice melter shall be utilized. Parking areas shall receive spot treatment only when and where needed in a similar manner. The sand/calcium chloride(or environmental safe ice melter) mixture shall consist of 20 parts calcium chloride to 80 parts sand.

Snow plowing shall commence upon accumulation of two inches ("2") or more. Snow shall be deposited in Snow Storage Area as depicted on the Site Layout Plan, as prepared by R.J. O'Connell & Associates. Due to the lack of snow storage on site, all snow will be removed off-site. The SMC shall keep existing catch basins open for drainage or water resulting from melting. At no times will the SMC be allowed to direct snow directly into the Merrimack River.

Once the storm is over, the SMC shall monitor all areas on-site for icy spots and snowdrifts. If needed, an application of sand and calcium chloride will be applied to all pavement areas so that the riding surface remains drivable.

Deicing chemicals will be kept in original containers with the original product label in legible condition. When not in use, deicing materials will be stored in a neat, orderly manner under cover with their container lids on.

SECTION 5 - PUBLIC SAFETY FEATURES

The following measures have been incorporated into the stormwater management system to ensure the safety of the public:

- Storm drain manholes and catch basins provided with heavy duty covers and/or grates and designed to withstand H20 loading.
- Control and collect stormwater runoff through positive drainage and curbing directing it toward drainage inlet structures.
- Maintenance of peak rates of runoff from the site under post-development conditions as compared to pre-developed conditions.
- Development and implementation of an Operation and Maintenance Plan to ensure the proper functioning of the stormwater management system and a Long Term Pollution Prevention Plan identifying potential pollution sources and suitable practices to control and prevent them from impacting the environment and/or the public's health and safety.
- Treatment of stormwater runoff from paved surfaces to remove 44% of the average annual post-construction load of Total Suspended Solids (TSS).

APPENDIX A

Waterfront West Development
Maintenance and Inspection Forms

Waterfront West Development
Operation and Maintenance Plan
Activity Guide

The table below is a list of the minimum inspection and maintenance activities the Pollution Prevention Team needs to conduct for the Stormwater Operations and Management Plan and who is responsible for the activity. The Activity Guide is provided to assist the Pollution Prevention Team Leader and ensure that the activities are being conducted as scheduled.

Timing	**Activity**	**Responsible Party**
Weekly	Inspect lot/land Pet waste management	PPT PPT
Monthly	Parking lot sweeping	PPT Contractor
Quarterly	Inspect catch basins Inspect Oil/Grit Separators Inspect and Clean Stormceptor Particle Separators	PPT Contractor PPT Contractor
Semi-Annually	Clean Oil/Grit Separators Inspect Curbing	PPT Contractor PPT
Annually	Pollution Prevention Team training Comprehensive annual stormwater evaluation and inspection report	PPT Leader PPT Leader
March/April	Spring clean-up,	PPT/Contractor
Between November 14 and December 15	Fall clean-up	PPT/Contractor

Waterfront West Development
Operations and Maintenance Plan
Comprehensive Annual Evaluation and Inspection Report

Once a year, the Pollution Prevention Team Leader must inspect and evaluate all aspects and provisions of the Opeations and Maintenance Plan, complete the following report and keep a copy on file at the site.

Inspector/Reviewers:_____

Date of Inspection/Review: _____

Note any changes to the Plan in the space below and in the appropriate section of the Plan.

1. Review the Pollution Prevention Team list and update if necessary. Does the Pollution Prevention Team list need updating:
   (circle one) Yes No

2. Review the Operations and Maintenance Plan (O&M Plan). Are there sections of the O&M Plan that need updating?
   (circle one) Yes No

3. Review Monthly and Weekly Checklists. Update these as necessary

   - Are there any updates needed to Spill and Leak History and/or the checklists?
   (circle one) Yes No

4. Review site drawings and update if necessary
   - Are there updates needed to any of the drawings? (circle one) Yes No
   -

Requested Changes (attach revisions)

Waterfront West Development
Operations and Maintenance Plan
Annual Training Signoff Sheet

For each Operations and Maintenance Plan training session, the Team Leader should keep records of all attending Team Members using the signoff sheet below, as well as the training agenda, notes, etc.

Training Date: _____	**Topic**:
Trainer: _____	
Team Member Name	**Team Member Signature**

Waterfront West Development
Operations and Maintenance Plan
Weekly Inspection Checklist

The site will be checked each week for trash and debris by a member of the Pollution Prevention Team. If any trash or debris is observed in the specified area, write "yes" in the 2nd column and note the problem and corrective measures taken in the appropriate space. Make a new copy of this checklist each week.

Date: _____ **Checklist completed by**: _____

GROUNDS AREA TO CHECK	TRASH OR DEBRIS PRESENT?	DESCRIPTION OF PROBLEM	CORRECTIVE MEASURES TAKEN
Parking Lot & Roadways			
Landscaped Areas			
Compactor/Dumpster & Loading Dock Areas			
Perimeter of Property			

Waterfront West Development
Operations and Maintenance Plan
Monthly Inspection Checklist

The following will be checked each month for sources of pollutants by a member of the Pollution Prevention Team. If the condition in the "check for" column is observed, note the problem and corrective measures taken in the appropriate space. Make a new copy of the checklist each month.

Date: _____ **Checklist completed by**: _____

LOCATION	CHECK FOR…	DESCRIPTION OF PROBLEM (IF PRESENT)	CORRECTIVE MEASURES TAKEN
Loading Dock Areas	Evidence of Spills or Leaks, Spill Response equipment, Trash		
Parking Lot and Paved Areas	Spillage and Trash, Sweep		
Perimeter of Site	Trash		
Outside Storage Areas (grease, etc.)	Spillage		

Waterfront West Development
Operations and Maintenance Plan
Quarterly Inspection Checklist

The following will be checked each quarter for sources of pollutants by a member of the Pollution Prevention Team. If the condition in the "check for" column is observed, note the problem and corrective measures taken in the appropriate space. Make a new copy of the checklist each month.

Date: _____ **Checklist completed by**: _____

BMP	CHECK FOR…	DESCRIPTION OF PROBLEM (IF PRESENT)	CORRECTIVE MEASURES TAKEN
Inspect Catch Basins and Oil/Grit Separators	Trash, oil sheen, hood (securely fastened) excessive sediment		
Inspect and Clean Stormceptor Particle Separators	Trash, oil sheen and excessive sediment		

Waterfront West Development
Operations and Maintenance Plan
Semi-Annually Inspection Checklist

The following will be checked each quarter for sources of pollutants by a member of the Pollution Prevention Team. If the condition in the "check for" column is observed, note the problem and corrective measures taken in the appropriate space. Make a new copy of the checklist each month.

Date: _____ **Checklist completed by**: _____

BMP	ACTION	DESCRIPTION OF PROBLEM (IF PRESENT)	CORRECTIVE MEASURES TAKEN
Clean Catch Basins and Oil/Grit Separators	Remove trash excessive sediment		
Curbing	Inspect structural condition		

Waterfront West Development
Operations and Maintenance Plan
Annual Inspection Checklist

The following will be checked each quarter for sources of pollutants by a member of the Pollution Prevention Team. If the condition in the "check for" column is observed, note the problem and corrective measures taken in the appropriate space. Make a new copy of the checklist each month.

Date: _____ **Checklist completed by**: _____

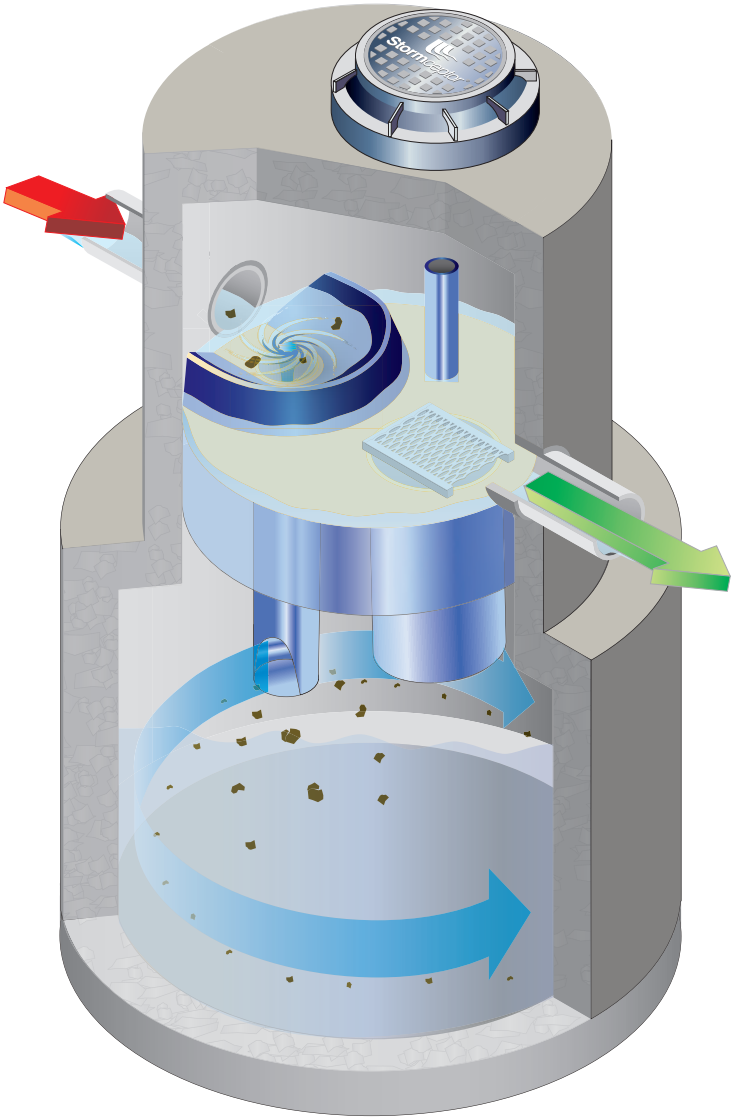
BMP	ACTION	DESCRIPTION OF PROBLEM (IF PRESENT)	CORRECTIVE MEASURES TAKEN
Pollution Prevention Team Training	Prepare annual stormwater evaluation and inspection report		

Waterfront West Development
Long Term Pollution Prevention Plan
Spill and Leak History
(____ to _____)

Date	Spill	Leak	Location	Description				Response Procedures	Measures to Prevent Reoccurrence	Reporting Pollution Prevention Team Member
(MM/DD/YY)	*(check one)*		*(as indicated on Site Map)*	*Type of Material*	*Quantity*	*Source, if known*	*Reason*			

Stormceptor®

Owner's Manual



Stormceptor is protected by one or more of the following patents:

Canadian Patent No. 2,137,942
Canadian Patent No. 2,175,277
Canadian Patent No. 2,180,305
Canadian Patent No. 2,180,338
Canadian Patent No. 2,206,338
Canadian Patent No. 2,327,768
U.S. Patent No. 5,753,115
U.S. Patent No. 5,849,181
U.S. Patent No. 6,068,765
U.S. Patent No. 6,371,690
U.S. Patent No. 7,582,216
U.S. Patent No. 7,666,303
Australia Patent No. 693.164
Australia Patent No. 707,133
Australia Patent No. 729,096
Australia Patent No. 779,401
Australia Patent No. 2008,279,378
Australia Patent No. 2008,288,900
Indonesia Patent No. 0007058
Japan Patent No. 3581233
Japan Patent No. 9-11476
Korean Patent No. 0519212
Malaysia Patent No. 118987
New Zealand Patent No. 314,646
New Zealand Patent No. 583,008
New Zealand Patent No. 583,583
South African Patent No. 2010/00682
South African Patent No. 2010/01796
Other Patents Pending

Table of Contents

Congratulations!

Your selection of a Stormceptor® means that you have chosen the most recognized and efficient stormwater oil/sediment separator available for protecting the environment. Stormceptor is a pollution control device often referred to as a “Hydrodynamic Separator (HDS)” or an “Oil Grit Separator (OGS)”, engineered to remove and retain pollutants from stormwater runoff to protect our lakes, rivers and streams from the harmful effects of non-point source pollution.

1 – Stormceptor Overview

Stormceptor is a patented stormwater quality structure most often utilized as a treatment component of the underground storm drain network for stormwater pollution prevention. Stormceptor is designed to remove sediment, total suspended solids (TSS), other pollutants attached to sediment, hydrocarbons and free oil from stormwater runoff. Collectively the Stormceptor provides spill protection and prevents non-point source pollution from entering downstream waterways.

Key benefits of Stormceptor include:

- Removes sediment, suspended solids, debris, nutrients, heavy metals, and hydrocarbons (oil and grease) from runoff and snowmelt.
- Will not scour or re-suspend trapped pollutants.
- Provides sediment and oil storage.
- Provides spill control for accidents, commercial and industrial developments.
- Easy to inspect and maintain (vacuum truck).
- “STORMCEPTOR” is *clearly* marked on the access cover (excluding inlet designs).
- Relatively small footprint.
- 3rd Party tested and independently verified.
- Dedicated team of experts available to provide support.

Model Types:

- STC (Standard)
- STF (Fiberglass)
- EOS (Extended Oil Storage)
- OSR (Oil and Sand Removal)
- MAX (Custom designed unit, specific to site)

Configuration Types:

- Inlet unit (accommodates inlet flow entry, and multi-pipe entry)
- In-Line (accommodates multi-pipe entry)
- Submerged Unit (accommodates the site’s tailwater conditions)
- Series Unit (combines treatment in two systems)

Please Maintain Your Stormceptor

To ensure long-term environmental protection through continued performance as originally designed for your site, **Stormceptor must be maintained**, as any stormwater treatment practice does. The need for maintenance is determined through inspection of the Stormceptor. Procedures for inspection are provided within this document. Maintenance of the Stormceptor is performed from the surface via vacuum truck.

If you require information about Stormceptor, or assistance in finding resources to facilitate inspections or maintenance of your Stormceptor please call your local Stormceptor Licensee or Imbrium® Systems.

2 – Stormceptor Operation & Components

Stormceptor is a flexibly designed underground stormwater quality treatment device that is unparalleled in its effectiveness for pollutant capture and retention using patented flow separation technology.

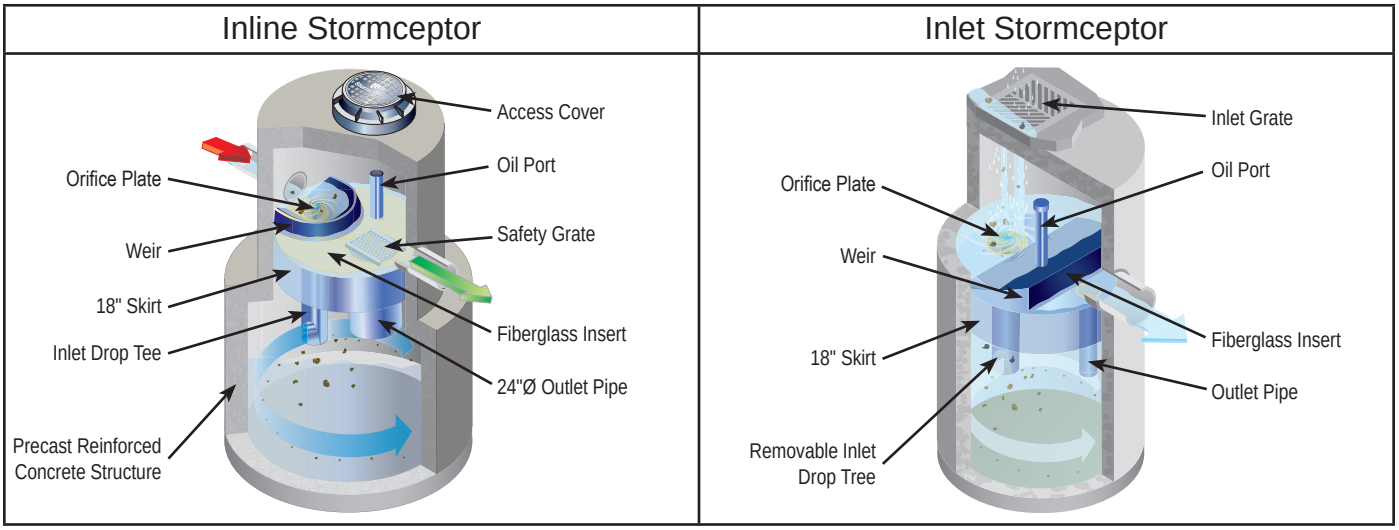
Stormceptor creates a non-turbulent treatment environment below the insert platform within the system. The insert diverts water into the lower chamber, allowing free oils and debris to rise, and sediment to settle under relatively low velocity conditions. These pollutants are trapped and stored below the insert and protected from large runoff events for later removal during the maintenance procedure.

With thousands of units operating worldwide, Stormceptor delivers reliable protection every day, in every storm. The patented Stormceptor design prohibits the scour and release of captured pollutants, ensuring superior water quality treatment and protection during even the most extreme storm events. Stormceptor’s proven performance is backed by the longest record of lab and field verification in the industry.

Stormceptor Schematic and Component Functions

Below are schematics of two common Stormceptor configurations with key components identified and their functions briefly described.

Figure 1. **Figure 2.**



- **Manhole access cover** – provides access to the subsurface components
- **Precast reinforced concrete structure** – provides the vessel's watertight structural support
- **Fiberglass insert** – separates vessel into upper and lower chambers
- **Weir** – directs incoming stormwater and oil spills into the lower chamber
- **Orifice plate** – prevents scour of accumulated pollutants
- **Inlet drop tee** – conveys stormwater into the lower chamber
- **Fiberglass skirt** – provides double-wall containment of hydrocarbons
- **Outlet riser pipe** – conveys treated water to the upper chamber; primary vacuum line access port for sediment removal
- **Oil inspection port** – primary access for measuring oil depth and oil removal
- **Safety grate** – safety measure to cover riser pipe in the event of manned entry into vessel

3 – Stormceptor Identification

Stormceptor is available in both precast concrete and fiberglass vessels, with precast concrete often being the dominant material of construction.

In the Stormceptor, a patented, engineered fiberglass insert separates the structure into an upper chamber and lower chamber. The lower chamber will remain full of water, as this is where the pollutants are sequestered for later removal. Multiple Stormceptor model (STC, OSR, EOS, MAX and STF) configurations exist, each to be inspected and maintained in a similar fashion.

Each unit is easily identifiable as a Stormceptor by the trade name "Stormceptor" embossed on each access cover at the surface. To determine the location of "inlet" Stormceptor units with horizontal catch basin inlet, look down into the grate as the Stormceptor insert will be visible. The name "Stormceptor" is not embossed on inlet models due to the variability of inlet grates used/approved across North America.

Once the location of the Stormceptor is determined, the model number may be identified by comparing the measured depth from the fiberglass insert level at the outlet pipe's invert (water level) to the bottom of the tank using **Table 1**.

In addition, starting in 1996 a metal serial number tag containing the model number has been affixed to the inside of the unit, on the fiberglass insert. If the unit does not have a serial number, or if there is any uncertainty regarding the size of the unit using depth measurements, please contact your local Stormceptor Representative for assistance.

Sizes/Models

Typical general dimensions and capacities of the standard precast STC, EOS & OSR Stormceptor models in both USA and Canada/International (excluding South East Asia and Australia) are provided in **Tables 1 and 2**. Typical rim to invert measurements are provided later in this document. The total depth for cleaning will be the sum of the depth from outlet pipe invert (generally the water level) to rim (grade) and the depth from outlet pipe invert to the precast bottom of the unit. Note that depths and capacities may vary slightly between regions.

Table 1A. (US) Stormceptor Dimensions – Insert to Base of Structure

STC Model	Insert to Base (in.)	EOS Model	Insert to Base (in.)	OSR Model	Insert to Base (in.)	Typical STF m (in.)
450	60	4-175	60	65	60	1.5 (60)
900	55	9-365	55	140	55	1.5 (61)
1200	71	12-590	71			1.8 (73)
1800	105	18-1000	105			2.9 (115)
2400	94	24-1400	94	250	94	2.3 (89)
3600	134	36-1700	134			3.2 (127)
4800	128	48-2000	128	390	128	2.9 (113)
6000	150	60-2500	150			3.5 (138)
7200	134	72-3400	134	560	134	3.3 (128)
11000*	128	110-5000*	128	780*	128	
13000*	150	130-6000*	150			
16000*	134	160-7800*	134	1125*	134	

Notes:

1. *Depth Below Pipe Inlet Invert to the Bottom of Base Slab can vary slightly by manufacturing facility, and can be modified to accommodate specific site designs, pollutant loads or site conditions. Contact your local representative for assistance.*

   **Consist of two chamber structures in series.*

Table 1B. (CA & Int'l) Stormceptor Dimensions – Insert to Base of Structure

STC Model	Insert to Base (m)	EOS Model	Insert to Base (m)	OSR Model	Insert to Base (m)	Typical STF m (in.)
300	1.5	300	1.5	300	1.7	1.5 (60)
750	1.5	750	1.5	750	1.6	1.5 (61)
1000	1.8	1000	1.8			1.8 (73)
1500	2.8					2.9 (115)
2000	2.8	2000	2.8	2000	2.6	2.3 (89)
3000	3.7	3000	3.7			3.2 (127)
4000	3.4	4000	3.4	4000	3.6	2.9 (113)
5000	4.0	5000	4.0			3.5 (138)
6000	3.7	6000	3.7	6000	3.7	3.3 (128)
9000*	3.4	9000*	3.4	9000*	3.6	
11000*	4.0	10000*	4.0			
14000*	3.7	14000*	3.7	14000*	3.7	

Notes:

1. *Depth Below Pipe Inlet Invert to the Bottom of Base Slab can vary slightly by manufacturing facility, and can be modified to accommodate specific site designs, pollutant loads or site conditions. Contact your local representative for assistance.*

   **Consist of two chamber structures in series.*

Table 2A. (US) Storage Capacities

STC Model	Hydrocarbon Storage Capacity gal	Sediment Capacity ft^3	**EOS Model**	Hydrocarbon Storage Capacity gal	**OSR Model**	Hydrocarbon Storage Capacity gal	Sediment Capacity ft^3
450	86	46	**4-175**	175	**065**	115	46
900	251	89	**9-365**	365	**140**	233	58
1200	251	127	**12-590**	591			
1800	251	207	**18-1000**	1198			
2400	840	205	**24-1400**	1457	**250**	792	156
3600	840	373	**36-1700**	1773			
4800	909	543	**48-2000**	2005	**390**	1233	465
6000	909	687	**60-2500**	2514			
7200	1059	839	**72-3400**	3418	**560**	1384	690
11000*	2797	1089	**110-5000***	5023	**780***	2430	930
13000*	2797	1374	**130-6000***	6041			
16000*	3055	1677	**160-7800***	7850	**1125***	2689	1378

Notes:

1. *Hydrocarbon & Sediment capacities can be modified to accommodate specific site design requirements, contact your local representative for assistance.*

   **Consist of two chamber structures in series.*

Table 2B. (CA & Int'l) Storage Capacities

STC Model	Hydrocarbon Storage Capacity L	Sediment Capacity L	EOS Model	Hydrocarbon Storage Capacity L	OSR Model	Hydrocarbon Storage Capacity L	Sediment Capacity L
300	300	1450	**300**	662	**300**	300	1500
750	915	3000	**750**	1380	**750**	900	3000
1000	915	3800	**1000**	2235			
1500	915	6205					
2000	2890	7700	**2000**	5515	**2000**	2790	7700
3000	2890	11965	**3000**	6710			
4000	3360	16490	**4000**	7585	**4000**	4700	22200
5000	3360	20940	**5000**	9515			
6000	3930	26945	**6000**	12940	**6000**	5200	26900
9000*	10555	32980	**9000***	19010	**9000***	9300	33000
11000*	10555	37415	**10000***	22865			
14000*	11700	53890	**14000***	29715	**14000***	10500	53900

Notes:

1. *Hydrocarbon & Sediment capacities can be modified to accommodate specific site design requirements, contact your local representative for assistance.*

   **Consist of two chamber structures in series.*

4 – Stormceptor Inspection & Maintenance

Regular inspection and maintenance is a proven, cost-effective way to maximize water resource protection for all stormwater pollution control practices, and is required to insure proper functioning of the Stormceptor. Both inspection and maintenance of the Stormceptor is easily performed from the surface. Stormceptor's patented technology has no moving parts, simplifying the inspection and maintenance process.

Please refer to the following information and guidelines before conducting inspection and maintenance activities.

When is inspection needed?

- Post-construction inspection is required prior to putting the Stormceptor into service.
- Routine inspections are recommended during the first year of operation to accurately assess the sediment accumulation.
- Inspection frequency in subsequent years is based on the maintenance plan developed in the first year.
- Inspections should also be performed immediately after oil, fuel, or other chemical spills.

When is maintenance cleaning needed?

- For optimum performance, the unit should be cleaned out once the sediment depth reaches the recommended maintenance sediment depth, which is approximately 15% of the unit's total storage capacity (see **Table 2**). The frequency should be adjusted based on historical inspection results due to variable site pollutant loading.

- Sediment removal is easier when removed on a regular basis at or prior to the recommended maintenance sediment depths, as sediment build-up can compact making removal more difficult.
- The unit should be cleaned out immediately after an oil, fuel or chemical spill.

What conditions can compromise Stormceptor performance?

- If construction sediment and debris is not removed prior to activating the Stormceptor unit, maintenance frequency may be reduced.
- If the system is not maintained regularly and fills with sediment and debris beyond the capacity as indicated in **Table 2**, pollutant removal efficiency may be reduced.
- If an oil spill(s) exceeds the oil capacity of the system, subsequent spills may not be captured.
- If debris clogs the inlet of the system, removal efficiency of sediment and hydrocarbons may be reduced.
- If a downstream blockage occurs, a backwater condition may occur for the Stormceptor and removal efficiency of sediment and hydrocarbons may be reduced.

What training is required?

The Stormceptor is to be inspected and maintained by professional vacuum cleaning service providers with experience in the maintenance of underground tanks, sewers and catch basins. For typical inspection and maintenance activities, no specific supplemental training is required for the Stormceptor. Information provided within this Manual (provided to the site owner) contains sufficient guidance to maintain the system properly.

In unusual circumstances, such as if a damaged component needs replacement or some other condition requires manned entry into the vessel, confined space entry procedures must be followed. Only professional maintenance service providers trained in these procedures should enter the vessel. Service provider companies typically have personnel who are trained and certified in confined space entry procedures according to local, state, and federal standards.

What equipment is typically required for inspection?

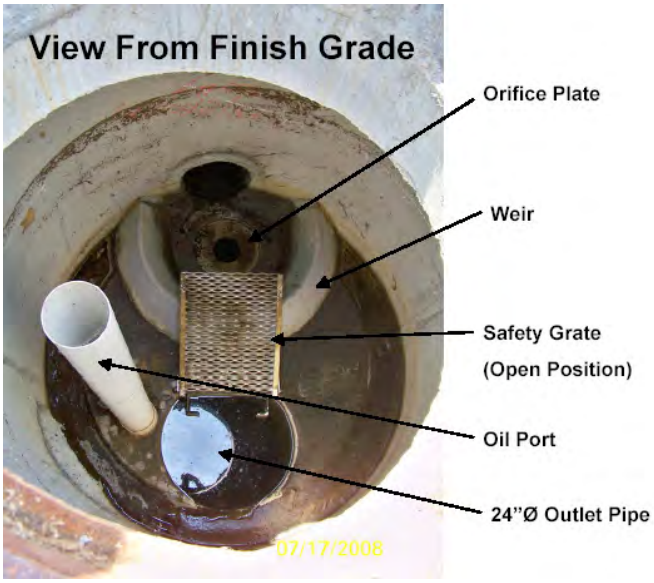
- Manhole access cover lifting tool
- Oil dipstick / Sediment probe with ball valve (typically ¾-inch to 1-inch diameter)
- Flashlight
- Camera
- Data log / Inspection Report
- Safety cones and caution tape
- Hard hat, safety shoes, safety glasses, and chemical-resistant gloves

Recommended Stormceptor Inspection Procedure:

- Stormceptor is to be inspected from grade through a standard surface manhole access cover.
- Sediment and oil depth inspections are performed with a sediment probe and oil dipstick.
- Oil depth is measured through the oil inspection port, either a 4-inch (100 mm) or 6-inch (150 mm) diameter port.
- Sediment depth can be measured through the oil inspection port or the 24-inch (610 mm) diameter outlet riser pipe.
- Inspections also involve a visual inspection of the internal components of the system.

Figure 3.

Figure 4.



What equipment is typically required for maintenance?

- Vacuum truck equipped with water hose and jet nozzle
- Small pump and tubing for oil removal
- Manhole access cover lifting tool
- Oil dipstick / Sediment probe with ball valve (typically ¾-inch to 1-inch diameter)
- Flashlight
- Camera
- Data log / Inspection Report
- Safety cones
- Hard hats, safety shoes, safety glasses, chemical-resistant gloves, and hearing protection for service providers
- Gas analyzer, respiratory gear, and safety harness for specially trained personnel if confined space entry is required

Recommended Stormceptor Maintenance Procedure

Maintenance of Stormceptor is performed using a vacuum truck.

No entry into the unit is required for maintenance. ***DO NOT ENTER THE STORMCEPTOR CHAMBER*** unless you have the proper personal safety equipment, have been trained and are qualified to enter a confined space, as identified by local Occupational Safety and Health Regulations (e.g. 29 CFR 1910.146 or Canada Occupational Safety and Health Regulations – SOR/86-304). Without the proper equipment, training and permit, entry into confined spaces can result in serious bodily harm and potentially death. Consult local, provincial, and/or state regulations to determine the requirements for confined space entry. Be aware, and take precaution that the Stormceptor fiberglass insert may be slippery. In addition, be aware that some units do not have a safety grate to cover the outlet riser pipe that leads to the submerged, lower chamber.

- Ideally maintenance should be conducted during dry weather conditions when no flow is entering the unit.
- Stormceptor is to be maintained through a standard surface manhole access cover.
- Insert the oil dipstick into the oil inspection port. If oil is present, pump off the oil layer into separate containment using a small pump and tubing.
- Maintenance cleaning of accumulated sediment is performed with a vacuum truck.
    - For 6-ft (1800 mm) diameter models and larger, the vacuum hose is inserted into the lower chamber via the 24-inch (610 mm) outlet riser pipe.
    - For 4-ft (1200 mm) diameter model, the removable drop tee is lifted out, and the vacuum hose is inserted into the lower chamber via the 12-inch (305 mm) drop tee hole.

Figure 5.

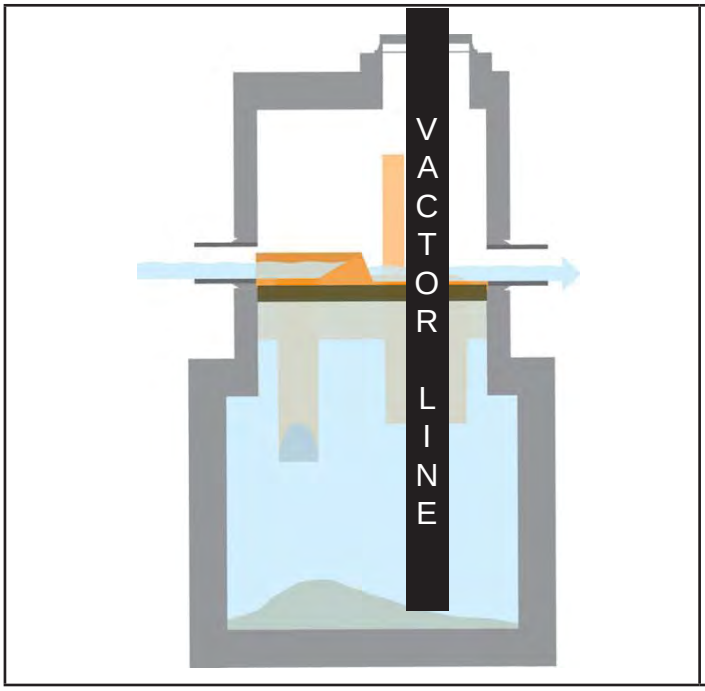
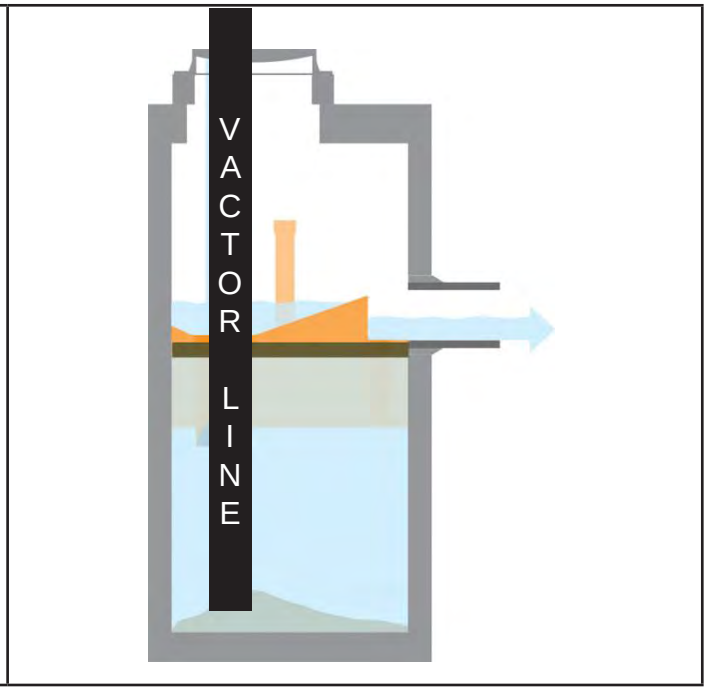


Figure 6.



- Using the vacuum hose, decant the water from the lower chamber into a separate containment tank or to the sanitary sewer, if permitted by the local regulating authority.
- Remove the sediment sludge from the bottom of the unit using the vacuum hose. For large Stormceptor units, a flexible hose is often connected to the primary vacuum line for ease of movement in the lower chamber.
- Units that have not been maintained regularly, have surpassed the maximum recommended sediment capacity, or contain damaged components may require manned entry by trained personnel using safe and proper confined space entry procedures.

Figure 7.

Figure 8.

A maintenance worker stationed at the above ground surface uses a vacuum hose to evacuate water, sediment, and debris from the system.

What is required for proper disposal?

The requirements for the disposal of material removed from Stormceptor units are similar to that of any other stormwater treatment Best Management Practices (BMP). Local guidelines should be consulted prior to disposal of the separator contents. In most areas the sediment, once dewatered, can be disposed of in a sanitary landfill. It is not anticipated that the sediment would be classified as hazardous waste. This could be site and pollutant dependent. In some cases, approval from the disposal facility operator/agency may be required.

What about oil spills?

Stormceptor is often implemented in areas where there is high potential for oil, fuel or other hydrocarbon or chemical spills. Stormceptor units should be cleaned immediately after a spill occurs by a licensed liquid waste hauler. You should also notify the appropriate regulatory agencies as required in the event of a spill.

What if I see an oil rainbow or sheen at the Stormceptor outlet?

With a steady influx of water with high concentrations of oil, a sheen may be noticeable at the Stormceptor outlet. This may occur because a hydrocarbon rainbow or sheen can be seen at

very small oil concentrations (< 10 ppm). Stormceptor is effective at removing 95% of free oil, and the appearance of a sheen at the outlet with high influent oil concentrations does not mean that the unit is not working to this level of removal. In addition, if the influent oil is emulsified, the Stormceptor will not be able to remove it. The Stormceptor is designed for free oil removal and not emulsified or dissolved oil conditions.

What factors affect the costs involved with inspection/maintenance?
The Vacuum Service Industry for stormwater drainage and sewer systems is a well-established sector of the service industry that cleans underground tanks, sewers and catch basins. Costs to clean Stormceptor units will vary. Inspection and maintenance costs are most often based on unit size, the number of units on a site, sediment/oil/hazardous material loads, transportation distances, tipping fees, disposal requirements and other local regulations.

What factors predict maintenance frequency?
Maintenance frequency will vary with the amount of pollution on your site (number of hydrocarbon spills, amount of sediment, site activity and use, etc.). It is recommended that the frequency of maintenance be increased or reduced based on local conditions. If the sediment load is high from an unstable site or sediment loads transported from upstream catchments, maintenance may be required semi-annually. Conversely once a site has stabilized, maintenance may be required less frequently (for example: two to seven year, site and situation dependent). Maintenance should be performed immediately after an oil spill or once the sediment depth in Stormceptor reaches the value specified in **Table 3** based on the unit size.

Table 3A. (US) Recommended Sediment Depths Indicating Maintenance

STC Model	Maintenance Sediment depth (in)	**EOS Model**	Maintenance Sediment depth (in)	Oil Storage Depth (in)	**OSR Model**	Maintenance Sediment depth (in)
450	8	**4-175**	9	24	**065**	8
900	8	**9-365**	9	24	**140**	8
1200	10	**12-590**	11	39		
1800	15					
2400	12	**24-1400**	14	68	**250**	12
3600	17	**36-1700**	19	79		
4800	15	**48-2000**	16	68	**390**	17
6000	18	**60-2500**	20	79		
7200	15	**72-3400**	17	79	**560**	17
11000*	17	**110-5000***	16	68	**780***	17
13000*	20	**130-6000***	20	79		
16000*	17	**160-7800***	17	79	**1125***	17

Note:
1. *The values above are for typical standard units.*

**Per structure.*

Table 3B. (CA & Int'l) Recommended Sediment Depths Indicating Maintenance

STC Model	Maintenance Sediment depth (mm)	EOS Model	Maintenance Sediment depth (mm)	Oil Storage Depth (mm)	OSR Model	Maintenance Sediment depth (mm)
300	225	**300**	225	610	**300**	200
750	230	**750**	230	610	**750**	200
1000	275	**1000**	275	990		
1500	400					
2000	350	**2000**	350	1727	**2000**	300
3000	475	**3000**	475	2006		
4000	400	**4000**	400	1727	**4000**	375
5000	500	**5000**	500	2006		
6000	425	**6000**	425	2006	**6000**	375
9000*	400	**9000***	400	1727	**9000***	425
11000*	500	**10000***	500	2006		
14000*	425	**14000***	425	2006	**14000***	425

Note:

1. *The values above are for typical standard units.*

   **Per structure.*

Replacement parts

Since there are no moving parts during operation in a Stormceptor, broken, damaged, or worn parts are not typically encountered. Therefore, inspection and maintenance activities are generally focused on pollutant removal. However, if replacements parts are necessary, they may be purchased by contacting your local Stormceptor Representative, or Imbrium Systems.

The benefits of regular inspection and maintenance are many – from ensuring maximum operation efficiency, to keeping maintenance costs low, to the continued protection of natural waterways – and provide the key to Stormceptor's long and effective service life.

Stormceptor Inspection and Maintenance Log

Stormceptor Model No: _____

Allowable Sediment Depth: _____

Serial Number: _____

Installation Date: _____

Location Description of Unit: _____

Other Comments: _____

Contact Information

Questions regarding the Stormceptor can be addressed by contacting your area Stormceptor Licensee, Imbrium Systems, or visit our website at www.stormceptor.com.

Stormceptor Licensees:

CANADA

Lafarge Canada Inc.	
www.lafargepipe.com	
403-292-9502 / 1-888-422-4022	Calgary, AB
780-468-5910	Edmonton, AB
204-958-6348	Winnipeg, MB, NW. ON, SK
Langley Concrete Group	
www.langleyconcretegroup.com	
604-502-5236	BC
Hanson Pipe & Precast Inc.	
www.hansonpipeandprecast.com	
519-622-7574 / 1-888-888-3222	ON
Lécuyer et Fils Ltée.	
www.lecuyerbeton.com	
450-454-3928 / 1-800-561-0970	QC
Strescon Limited	
www.strescon.com	
902-494-7400	NS, NF
506-633-8877	NB, PE

UNITED STATES

Rinker Materials
www.rinkerstormceptor.com
1-800-909-7763

AUSTRALIA & SOUTHEAST ASIA, including New Zealand & Japan

Humes Water Solutions
www.humes.com.au
+61 7 3364 2894

Imbrium Systems Inc. & Imbrium Systems LLC

Canada	1-416-960-9900 / 1-800-565-4801
United States	1-301-279-8827 / 1-888-279-8826
International	+1-416-960-9900 / +1-301-279-8827
Email	info@imbriumsystems.com

www.imbriumsystems.com
www.stormceptor.com

Inspection and Maintenance. Easy. Convenient.

When it rains, oils, sediment and other contaminants are captured and contained by over 40,000 Stormceptor units operating worldwide. While Stormceptor's patented scour prevention technology ensures captured pollutants remain in the unit during all rainfall events, the accumulated pollutants must eventually be removed as part of a regular maintenance program.

If neglected, oil and sediment gradually build up and diminish any BMP's efficiency, harming the environment and leaving owners and operators vulnerable to fines, surcharges and bad publicity.

Maintenance is a must

Ease, frequency and cost of maintenance are often overlooked by specifiers when considering the merits of a stormwater treatment system. In reality, maintenance is fundamental to the long-term performance of any stormwater quality treatment device.

While regular maintenance is crucial, it shouldn't be complicated. An ongoing maintenance program with Stormceptor is convenient and practically effortless. With virtually no disruptions, you can concentrate on your core business.

Quick inspections

Inspections are easily carried out above ground from any standard surface access cover through a visual inspection of the orifice and drop tee components. A sludge judge and oil dip-stick are all that are needed for sediment and oil depth measurements.

Easy unit access

Maintenance is typically conducted from the same surface access cover, eliminating the need for confined space entry into the unit. Your site remains undisturbed, saving you time and money.

No muss, no fuss and fast

Maintenance is performed quickly and inexpensively with a standard vacuum truck. Servicing usually takes less than two hours, with no disruption to your site.

A complete stormwater management plan for Stormceptor extends beyond installation and performance to regular maintenance. It's the smart, cost-effective way to ensure your unit continues to remove more pollutants than any other separator for decades to come.

Stormceptor maintenance recommendations

- Units should be inspected post-construction, prior to being put into service.
- Inspect every six months for the first year of operation to determine the oil and sediment accumulation rate.
- In subsequent years, inspections can be based on first-year observations or local requirements.
- Cleaning is recommended once the sediment depth reaches 15% of storage capacity, (generally taking one year or longer). Local regulations for maintenance frequency may vary.
- Inspect the unit immediately after an oil, fuel or chemical spill.
- A licensed waste management company should remove captured petroleum waste products from any oil, chemical or fuel spills and dispose responsibly.

With over 40,000 units operating worldwide, Stormceptor performs and protects every day, in every storm.

imbrium

www.imbriumsystems.com

USA: (888) 279 8826
CANADA: (800) 565 4801

APPENDIX B

310 CMR 40.00 Subpart C: Notification of Releases and Threats of Release of Oil and Hazardous Material

310 CMR 40.0000: Massachusetts Contingency Plan
SUBPART C: NOTIFICATION OF RELEASES AND THREATS OF RELEASE OF OIL AND HAZARDOUS MATERIAL; IDENTIFICATION AND LISTING OF OIL AND HAZARDOUS MATERIAL

40.0300: Notification of Releases and Threats of Release of Oil and Hazardous Material; Identification and Listing of Oil and Hazardous Material

310 CMR 40.0301 through 40.0399, cited collectively as 310 CMR 40.0300, contain requirements and procedures for notifying the Department of releases and threats of release of oil and/or hazardous material.

40.0301: Purpose and Scope

(1) The purpose of 310 CMR 40.0300 is to identify oil and hazardous material which are subject to the provisions of this Contingency Plan, to identify those releases and threats of release of such oil and hazardous material that require notification to the Department, to set forth the time periods and procedures for notification, and to set forth provisions to allow limited removal of such oil and hazardous material under certain circumstances.

(2) Nothing in 310 CMR 40.0300 shall relieve any person described in M.G.L. c. 21E, s. 5(a)(1) through (5) from any liability which that person would otherwise possess in connection with a release or threat of release of any oil or hazardous material that is listed at 310 CMR 40.1600, identified by characteristic in 310 CMR 40.0347 or otherwise meets either the definition of oil or the definition of hazardous material, which are set forth in 310 CMR 40.0006.

(3) The Department may take response actions, seek any reimbursement or compensation to which the Commonwealth is entitled, and/or pursue enforcement actions in connection with any release or threat of release of oil and/or hazardous material, provided, however, that the Department shall not seek penalties for failure to provide notification to the Department of any release or threat of release:

(a) unless notification is required pursuant to the provisions of 310 CMR 40.0300, or

(b) for which notification is exempted pursuant to the provisions of 310 CMR 40.0317.

40.0302: Applicability

(1) The provisions of 310 CMR 40.0300 shall apply to all releases and threats of release of oil and/or hazardous material to the environment, except as set forth in 310 CMR 40.0302(2).

(2) The notification requirements set forth in 310 CMR 40.0300 shall only apply to:

(a) releases and threats of release that commence on or after October 1, 1993; and

(b) releases and threats of release of which knowledge is possessed or obtained on or after October 1, 1993, by any person listed at 310 CMR 40.0331.

Notwithstanding any other provision hereof, the applicable "2 Hour", "72 Hour" and "120 Day" notification time periods which arise solely as a result of 310 CMR 40.0300 shall commence no earlier than October 1, 1993.

40.0303: Role of Licensed Site Professional

Persons required to provide oral and/or written notification to the Department of releases and threats of release of oil and/or hazardous material to the environment pursuant to the provisions of 310 CMR 40.0300 may wish to retain the services of competent individuals, time permitting, or as circumstances require, to investigate, evaluate, and/or otherwise facilitate the fulfillment of that requirement, but shall not be obligated to use a Licensed Site Professional for that purpose.

40.0310: Releases and Threats of Release Which Require Notification

40.0311: Releases Which Require Notification Within Two Hours

Except as provided in 310 CMR 40.0317 or 310 CMR 40.0332(1) or (7), persons required to notify under 310 CMR 40.0331 shall notify the Department as soon as possible but not more than two hours after obtaining knowledge that a release meets one or more of the following sets of criteria:

(1) a sudden, continuous or intermittent release to the environment of any hazardous material that is listed at 310 CMR 40.1600 or that exhibits one or more of the characteristics described in 310 CMR 40.0347, when:

(a) the quantity of the release is equal to or greater than the applicable Reportable Quantity specified at 310 CMR 40.0352 or 40.1600; and

(b) it is likely that the release occurred within any period of 24 consecutive hours or less;

(2) a sudden, continuous or intermittent release to the environment of any hazardous material that is listed at 310 CMR 40.1600 or that exhibits one or more of the characteristics described in 310 CMR 40.0347, when:

(a) the quantity of the release is unknown;

(b) it is likely that the quantity of the release is equal to or greater than the applicable Reportable Quantity specified at 310 CMR 40.0352 or 40.1600; and

(c) it is likely that the release occurred within any period of 24 consecutive hours or less;

(3) a sudden, continuous or intermittent release to the environment of oil that is listed at 310 CMR 40.1600 when:

(a) the quantity of the release is equal to or greater than the applicable Reportable Quantity specified at 310 CMR 40.0351 or 310 CMR 40.1600; and

(b) it is likely that the release occurred within any period of 24 consecutive hours or less;

(4) a sudden, continuous or intermittent release to the environment of oil that is listed at 310 CMR 40.1600, when:

(a) the quantity of the release is unknown;

(b) it is likely that the quantity of the release is equal to or greater than the applicable Reportable Quantity specified at 40.1600; and

(c) it is likely that the release occurred within any period of 24 consecutive hours or less;

(5) a sudden, continuous or intermittent release to the environment of any quantity of oil or waste oil that is listed at 310 CMR 40.1600 that results in the appearance of a sheen on surface water;

(6) a release to the environment indicated by the measurement of oil and/or hazardous material in a private drinking water supply well at concentrations equal to or greater than a Category RCGW-1 Reportable Concentration, as described in 310 CMR 40.0360 through 40.0369 and listed at 40.1600;

(7) any release of any oil and/or hazardous material, in any quantity or concentration, that poses or could pose an Imminent Hazard, as described in 310 CMR 40.0321 and 40.0950;

(8) any release of oil and/or hazardous material described in 310 CMR 40.0311(1) through (4) or 310 CMR 40.0311(7) that is indirectly discharged to the environment by means of discharge to a stormwater drainage system;

(9) any release of oil and/or hazardous material described in 310 CMR 40.0311(7) that is indirectly discharged into the environment by means of discharge to a sanitary sewerage system.

40.0312: Threats of Release Which Require Notification Within Two Hours

Except as provided in 310 CMR 40.0317 or 310 CMR 40.0332(1) or (7), persons required to notify under 310 CMR 40.0331 shall notify the Department as soon as possible but not more than two hours after obtaining knowledge that a threat of release meets one or more of the following sets of criteria:

(1) a threat of release to the environment of oil and/or hazardous material that is listed at 310 CMR 40.1600 or that exhibits one or more of the characteristics described in 310 CMR 40.0347, when:

(a) it is likely that the release threatened is about to occur; and

(b) it is likely that the quantity of the release, if it occurred, would be equal to or greater than the applicable Reportable Quantity specified at 310 CMR 40.0351, 40.0352 or 40.1600; or

(2) a threat of release to the environment of oil and/or hazardous material that is listed at 310 CMR 40.1600 or that exhibits one or more of the characteristics described in 310 CMR 40.0347, which poses or could pose an Imminent Hazard, as described in 310 CMR 40.0321, irrespective of the quantity likely to be released.

40.0313: Releases Which Require Notification Within 72 Hours

Except as provided in 310 CMR 40.0317 or 40.0332(7), persons required to notify under 310 CMR 40.0331 shall notify the Department not more than 72 hours after obtaining knowledge that a release of oil and/or hazardous material(s) meets one or more of the following sets of criteria:

(1) a release to the environment indicated by the presence of a subsurface Non-Aqueous Phase Liquid (NAPL) having a measured thickness equal to or greater than 1/2 inch;

(2) a release to the environment indicated by the presence of oil and/or hazardous material within ten feet of the exterior wall of an underground storage tank, as established by measurement of equal to or greater than 100 parts-per-million (ppm) by volume of total organic vapors "as benzene" in the headspace of a soil or groundwater sample using a headspace screening method, and where such sample was obtained:

(a) greater than two feet below the ground surface; and

(b) as part of a closure assessment required pursuant to 527 CMR 9.00 and 40 CFR Parts 280 and 281, or in connection with the removal or closure of an underground storage tank otherwise regulated by M.G.L. c. 148 or 527 CMR 9.00;

(3) a release to the environment indicated by the measurement of oil and/or hazardous material in the groundwater at concentrations equal to or greater than a Category RCGW-1 Reportable Concentration, as described in 310 CMR 40.0360 through 40.0369 and listed at 40.1600, within:

(a) the Zone I of a public water supply well; or

(b) 500 feet of a private water supply well; or

(4) a release to the environment indicated by measurement within the groundwater of equal to or greater than five milligrams per liter of total volatile organic compounds at any point located within 30 feet of a school or occupied residential structure, where the groundwater table is less than 15 feet below the surface of the ground; or

(5) a Condition of Substantial Release Migration, where such condition is associated with a release for which notification otherwise is or has at any time in the past been required in accordance with 310 CMR 40.0300.

40.0314: Threats of Release Which Require Notification Within 72 Hours

Except as provided in 310 CMR 40.0317, persons required to notify under 310 CMR 40.0331 shall notify the Department not more than 72 hours after obtaining knowledge of a threat of release of oil and/or hazardous material to the environment from an Underground Storage Tank, as established by a test conducted in conformance with the methodology prescribed for that test which indicates there is a substantial likelihood of a leak equal to or greater than 0.05 gallons per hour:

(1) in a single walled Underground Storage Tank;

(2) in the inner wall of a doubleâ€‘walled Underground Storage Tank; or

(3) in the outer wall of a doubleâ€‘walled Underground Storage Tank.

40.0315: Releases Which Require Notification Within 120 Days

Except as provided in 310 CMR 40.0317 or 40.0318, persons required to notify under 310 CMR 40.0331 shall notify the Department not more than 120 days after obtaining knowledge that a release meets one or more of the following sets of criteria:

(1) a release to the environment indicated by the measurement of one or more hazardous materials in soil or groundwater in an amount equal to or greater than the applicable Reportable Concentration described in 310 CMR 40.0360 through 40.0369 and listed at 40.1600;

(2) a release to the environment indicated by the measurement of oil and/or waste oil in soil in an amount equal to or greater than the applicable Reportable Concentration described in 310 CMR 40.0360 through 40.0369 and listed at 40.1600, where the total contiguous volume of the oil and/or waste oil contaminated soil is equal to or greater than two cubic yards;

(3) a release to the environment indicated by the measurement of oil in groundwater in an amount equal to or greater than the applicable Reportable Concentration described in 310 CMR 40.0360 through 40.0369 and listed at 40.01600; or

(4) a release to the environment indicated by the presence of a subsurface Non-Aqueous Phase Liquid (NAPL) having a measured thickness equal to or greater than 1/8 inch and less than 1/2 inch.

40.0317: Releases and Threats of Release Which Do Not Require Notification

Notwithstanding the provisions of 310 CMR 40.0311 through 40.0315, the following releases and threats of release of oil and/or hazardous material are exempt from the notification requirements set forth in 310 CMR 40.0300:

(1) releases of oil that occur during normal handling and transfer operations at an oil facility, if the releases are completely captured by a properly functioning oil/water separator; provided, however, that releases of oil which exceed the capacity of the oil/water separator, and that releases of oil from the oil/water separator, itself, in excess of its discharge permit limits, shall be subject to the notification requirements set forth in 310 CMR 40.0300;

(2) releases or threats of release of gasoline or diesel fuel that result from the rupture of the fuel tank of a passenger vehicle as a result of an accident involving that vehicle;

(3) releases of oil and/or hazardous material that are discharged or emitted from an outfall, stack or other point source, or as fugitive emissions, any of which are regulated under and have received a valid permit, license, or approval, or which are operating under a valid registration, order or guideline issued under a federal or state statute or regulation, unless the release:

(a) exceeds the amount allowed by the permit, license, approval, registration, order or guideline; and

(b) represents an Imminent Hazard to health, safety, public welfare or the environment. This provision shall not relieve any person from any other duty to notify which may exist under any other statute or regulation, nor shall it in any way limit the authority of any other agency, political subdivision or authority of the federal or state government or of any office or division of the Department to enforce or otherwise carry out the duties assigned to it by law;

(4) releases of radionuclides regulated by EPA under 42 USC s. 9602, 33 USC s.s. 1321 and 1361, and 40 CFR Part 302 et seq.;

(5) releases of forbidden, Class A or Class B explosives, as defined in 49 CFR s.s. 173.50, 173.53 and 173.88 respectively, if the explosives are under military transport or supervision and the U.S. Army Explosive Ordnance responds to the release;

(6) releases of methane, propane, and other component compounds associated with a release of natural gas, natural gas liquids and liquified natural gas;

(7) sheens:

(a) resulting from emissions or discharges from outboard motors in recreational use; or

(b) associated with normal surface water runoff from roadways, driveways, and parking lots;

(8) releases of hazardous material indicated by residues in the environment:

(a) emanating from a point of original application of lead-based paint;

(b) resulting from emissions from the exhaust of an engine; or

(c) resulting from the application of pesticides in a manner consistent with their labelling;

(9) releases of oil and/or hazardous material related to coal, coal ash, or wood ash, excluding wood ash resulting from the combustion of lumber or wood products that have been treated with chemical preservatives;

(10) releases of oil and/or hazardous material resulting from the land application, reuse, or disposal of wastewater residuals and/or dredged spoils conducted in accordance with an approval, permit or certification issued by the Department under the authority of 310 CMR 32.00, 314 CMR 9.00, M.G.L. c. 21, s.s. 26 through 53, M.G.L. c. 111, s. 17, M.G.L. c. 83, s. 6 and 7 and c. 21A, s. 14 and any regulations promulgated thereunder;

(11) releases of oil and/or hazardous material in groundwater detected by sampling conducted by Public Water Supply owners or operators under 310 CMR 22.00 as indicated by the presence of oil and/or hazardous material in a public water supply source;

(12) releases of oil and/or hazardous material resulting or emanating from:

(a) the asphalt binder in bituminous pavement;

(b) piers, pilings and building foundation structures;

(c) landscaping timbers in use;

(d) utility poles in use; or

(e) building materials that are in good repair and still serving their original intended use;

(13) releases indicated solely by the presence of oil and/or hazardous material in soils that are treated, recycled, reused or disposed of at a facility licensed, permitted or approved by the Department, provided that:

(a) the soil has been excavated and transported from a disposal site in compliance with 310 CMR 40.0000; and

(b) the facility is operated in a manner consistent with the terms and conditions of its license, permit or approval;

(14) releases of oil and/or hazardous material that require notification solely because an RP, PRP or Other Person obtains knowledge of media concentrations and/or site conditions that meet one or more of the sets of criteria set forth in 310 CMR 40.0311 through 310 CMR 40.0315, when such media concentration value(s) and/or knowledge of site conditions resulted from a sampling, analytical or observational error, as established by a preponderance of the evidence and/or as verified by additional sampling, analyses, and/or observation, within the applicable time period for notification;

(15) releases of oil and/or hazardous material that require notification solely because an RP, PRP or Other Person obtains knowledge of soil concentrations equal to or greater than one or more applicable Reportable Concentrations, as specified in 310 CMR 40.0315, where a Limited Removal Action conducted under the provisions of 310 CMR 40.0318 has reduced soil concentrations of oil and/or hazardous material at the disposal site to an amount less than the Reportable Concentration(s), within the allowable time period for notification;

(16) releases indicated by the presence of oil and/or hazardous material in concentrations or quantities which would otherwise meet one or more of the sets of criteria set forth in 310 CMR 40.0313 through 310 CMR 40.0315 at a disposal site where:

(a) a response action is being undertaken in compliance with the provisions of 310 CMR 40.0000 to address such release;

(b) a release notification was previously provided to the Department for the disposal site on which the release has been observed or documented; and

(c) such presence of oil and/or hazardous material is consistent with the types, nature, exposure potential and quantities of oil and/or hazardous material for which that notification was provided to the Department;

(17) releases indicated by the presence of oil and/or hazardous material at disposal sites for which a determination or statement as specified in 310 CMR 40.0317(17)(a) through (e) has been provided, in concentrations that would otherwise meet one or more of the sets of criteria set forth in 310 CMR 40.0313 or 40.0315, unless the presence of such oil and/or hazardous material would negate or change such determinations or statements were that presence taken into account in the preparation thereof, or changes in activities, uses, and/or exposures at the disposal site require notification to the Department pursuant to the provisions of 310 CMR 40.0020. In this context, determinations or statements include:

(a) a disposal site where a Response Action Outcome Statement has been submitted to the Department in compliance with the provisions of 310 CMR 40.1000,

(b) a disposal site where a No Further Action Letter has been submitted to the Department in compliance with the provisions of 310 CMR 40.0600,

(c) a disposal site where the Department has made a written determination that no further actions are required,

(d) a disposal site where an LSP Evaluation Opinion has been submitted to the Department in compliance with 310 CMR 40.0600 stating either that the site is not a disposal site for which notification is required pursuant to 310 CMR 40.0300 and no further response actions are required or that completed response actions meet the requirements of a Response Action Outcome, or

(e) a disposal site where a Waiver Completion Statement has been submitted to the Department in compliance with the provisions of 310 CMR 40.537 and/or 310 CMR 40.0630.

(18) threats of release indicated by the outcome of tank tests specified in 310 CMR 40.0314, where a tank test outcome has resulted from a testing error, as documented within the allowable time period for notification by an additional test conducted on identical and unrepaired underground storage tank system elements;

(19) releases of oil and/or hazardous material to:

(a) an underground utility vault if such releases are completely contained within the vault; or

(b) the interior of a building, provided such releases are completely contained within the building;

(20) releases of chloroform in groundwater attributable to naturally-occurring ecological processes and/or leakage or discharges from a public water supply system;

(21) releases of oil or waste oil of less than a Reportable Quantity that result in a sheen on a surface water, provided that:

(a) federal officials receive notice of such release pursuant to the Federal Water Pollution Control Act as amended;

(b) a response occurs as directed by those federal officials and according to other federal, state or local requirements applicable to such a release and response;

(c) the sheen does not persist for more than 24 consecutive hours; and

(d) the sheen does not recur at the same location within any 30 day period; and

(22) arsenic, beryllium or nickel in Boston Blue Clay or arsenic in an area documented by the U.S. Geological Survey or in other scientific literature as an area of elevated arsenic measured in soil or groundwater that

(a) is consistently present in the environment at and in the vicinity of the sampling location;

(b) is solely attributable to natural geologic or ecologic conditions; and

(c) has not been mobilized or transferred to another environmental medium or increased in concentration in an environmental medium as a result of anthropogenic activities.

40.0318: Limited Removal Actions

(1) Limited Removal Actions may be undertaken by RPs, PRPs or Other Persons prior to notification to the Department of those "120 Day Notification" releases described in 310 CMR 40.0315.

(2) Limited Removal Actions shall not be initiated or continued:

(a) after obtaining knowledge that a release or threat of release requires notification under the "2 Hour" or "72 Hour" notification provisions of 310 CMR 40.0311 through 40.0314, whether or not notification has been made to the Department;

(b) following notification to the Department by any person listed at 310 CMR 40.0331 of any release or threat of release of oil and/or hazardous material at the disposal site which requires notification under 310 CMR 40.0315; or

(c) at any Location to Be Investigated or disposal site subject to the provisions of 310 CMR 40.0600.

(3) RPs, PRPs or Other Persons who undertake Limited Removal Actions shall conform to the Response Action Performance Standard specified in 310 CMR 40.0191.

(4) Limited Removal Actions shall be restricted to the excavation and off-site recycling, reuse, treatment, and/or disposal of not more than the following cumulative volumes of soil removed from a disposal site with measured concentrations of oil or hazardous material equal to or greater than an applicable Reportable Concentration:

(a) not more than 100 cubic yards of soil contaminated solely by a release of oil or waste oil; and

(b) not more than 20 cubic yards of soil contaminated by a release of hazardous material or a mixture of oil or waste oil and hazardous material.

(5) All excavation activities conducted by an RP, PRP or Other Person as a Limited Removal Action shall occur within 120 days of obtaining knowledge of a release described in 310 CMR 40.0315.

(6) All contaminated soil generated as a result of a Limited Removal Action shall be stockpiled, stored, characterized, transported, and recycled, reused, treated, or disposed of as set forth in 310 CMR 40.0030.

(7) Records documenting:

(a) the concentrations of oil and/or hazardous material in soil at the disposal site following a Limited Removal Action; and

(b) the chemical characterization and volume of soil removed from a disposal site as part of a Limited Removal Action, shall be maintained by the RP, PRP or Other Person undertaking the Limited Removal Action for a minimum of five years or for so long as is required under 310 CMR 40.0014, whichever is longer.

(8) Limited Removal Actions conducted in compliance with the provisions of 310 CMR 40.0318 shall not require oversight by a Licensed Site Professional, except for Limited Removal Actions that involve the use of the Bill of Lading soil management process described in 310 CMR 40.0030.

(9) In those cases where volumes of contaminated soil encountered unexpectedly exceed initial estimates and the volumetric excavation limits specified in 310 CMR 40.0318(4), persons required to notify under 310 CMR 30.0331 shall notify the Department of the release at the disposal site within the allowable time period for notification, and the person conducting the Limited Removal Action shall either:

(a) cease remedial actions; or

(b) continue removal actions at the disposal site as a Release Abatement Measure, as specified in 310 CMR 40.0443.

40.0320: Releases and Threats of Release that Pose Imminent Hazards

40.0321: Reporting of Releases and Threats of Release that Pose or Could Pose an Imminent Hazard

(1) For the purpose of fulfilling the "Two Hour" release notification obligations of 310 CMR 40.0311(7), the following releases shall be deemed to pose an Imminent Hazard to health, safety, public welfare and/or the environment:

(a) a release to the environment which results in the presence of oil and/or hazardous material vapors within buildings, structures, or underground utility conduits at a concentration equal to or greater than 10% of the Lower Explosive Limit;

(b) a release to the environment of reactive or explosive hazardous material, as described in 310 CMR 40.0347, which threatens human health or safety;

(c) a release to a roadway that endangers public safety;

(d) a release to the environment of oil and/or hazardous material which poses a significant risk to human health when present for even a short period of time, as specified in 310 CMR 40.0950;

(e) a release to the environment of oil and/or hazardous material which produces immediate or acute adverse impacts to freshwater or saltwater fish populations; or

(f) a release to the environment which produces readily apparent effects to human health, including respiratory distress or dermal irritation.

(2) For the purpose of fulfilling the "Two Hour" release notification obligations of 310 CMR 40.0311(7), the following releases could pose an Imminent Hazard to human health:

(a) a release to the environment indicated by the measurement of oil and/or hazardous material in a private drinking water supply well at a concentration equal to or greater than ten times the Category RCGW-1 Reportable Concentration, as described in 310 CMR 40.0360 through 40.0369 and listed at 310 CMR 40.1600; or

(b) a release to the environment indicated by the measurement of concentrations of hazardous material, equal to or greater than any of the following concentrations at the ground surface or within a depth of twelve inches below the ground surface, at any location within 500 feet of a residential dwelling, school, playground, recreation area or park, unless access by children is controlled or prevented by means of bituminous pavement, concrete, fence, or other physical barrier

Hazardous Material	CAS number	Concentration (ug/g dry wt)
Arsenic (total)	7440382	40
Cadmium (total)	7440439	60
Chromium (VI) (or Total Chromium in the absence of CrVI data)	18540299	200
Cyanide (available)	57125	100
Mercury (total)	7439976	300
Methyl Mercury	22967926	10
PCB (total)	1336363	10

or

(c) a release to the environment for which estimated long-term risk levels associated with current exposures are greater than ten times the Cumulative Receptor Risk Limits in 310 CMR 40.0993(6). Past exposures may be included in such evaluations to the extent that it is reasonable to quantify those exposures.

(3) For the purpose of fulfilling the notification obligations of 310 CMR 40.0312(2), threats of release which pose or could pose an Imminent Hazard to health, safety, public welfare and/or the environment shall consist of any threat of release where, if the release were to occur, it is likely that that release would meet any of the criteria described in 310 CMR 40.0321(1) or 40.0321(2).

(4) Notwithstanding the provisions of 310 CMR 40.0321(2) and 40.0321(3), a person required to notify under 310 CMR 40.0331 may demonstrate to the Department by a preponderance of the evidence that release or site conditions specified in 310 CMR 40.0321(2) and/or 40.0321(3) do not constitute an actual Imminent Hazard to human health, in conformance with the Imminent Hazard Evaluation process described in 310 CMR 40.0426, and in consideration of the site-specific factors and the risk assessment and risk management criteria contained in 310 CMR 40.0950. No such demonstration, however, shall relieve any person of the obligation to notify the Department of a release or threat of release under the provisions of 310 CMR 40.0311 or 40.0312.

(5) No provision contained in 310 CMR 40.0321 shall limit the Department's authority to determine that an Imminent Hazard exists at any site, consistent with the provisions of 310 CMR 40.0950, nor shall any such provision limit the Department's authority to undertake response actions, seek any reimbursement or compensation due to the Commonwealth, or pursue enforcement actions in accordance with any such determination.

40.0322: Response Actions to Prevent or Abate Imminent Hazards

(1) An Immediate Response Action, as described in 310 CMR 40.0400, shall be taken to prevent, eliminate, or abate all Imminent Hazards.

(2) Immediate Response Actions shall not be delayed or deferred at sites where continued inaction would likely result in the development of an Imminent Hazard condition.

40.0330: Notification Requirements and Procedures

40.0331: Who Shall Notify

(1) The following persons shall notify the Department in accordance with 310 CMR 40.0300 of a release or threat of release of oil or hazardous material:

(a) the owner or operator of a vessel or a site from or at which there is or has been a release or threat of release of oil and/or hazardous material;

(b) any person who at the time of storage or disposal of any hazardous material owned or operated any site at or upon which such hazardous material was stored or disposed of and from which there is or has been a release or threat of release of hazardous material;

(c) any person who by contract, agreement, or otherwise, directly or indirectly, arranged for the transport, disposal, storage or treatment of hazardous material to or in a site or vessel from or at which there is or has been a release or threat of release of hazardous material;

(d) any person who, directly or indirectly, transported any hazardous material to transport, disposal, storage or treatment vessels or sites from or at which there is or has been a release or threat of release of such material;

(e) any person who otherwise caused or is legally responsible for a release or threat of release of oil and/or hazardous material from a site or vessel;

(f) any fiduciary who holds title to or possession of a site or vessel from or at which there is or has been a release or threat of release of oil and/or hazardous material;

(g) any secured lender who holds title to or possession of a site or vessel from or at which there is or has been a release or threat of release of oil and/or hazardous material;

(h) any agency of the Commonwealth or any public utility company that owns a right of way that is a site from or at which there is or has been a release or threat of release of oil and/or hazardous material; and

(i) any person otherwise required to notify the Department of a release or threat of release pursuant to M.G.L. c. 21E.

(2) If a release to the environment has occurred or a threat of release to the environment exists at any site or vessel and there is a substantial likelihood that such release or threat of release includes or would include oil and/or hazardous material which appears at 310 CMR 40.1600 or exhibits any of the characteristics described in 310 CMR 40.0347, then any owner, operator, or fiduciary or secured lender who holds title to or possession of such site or vessel, shall determine whether such is the case, and whether any such release or threat of release requires notification to the Department under 310 CMR 40.0300.

40.0332: Timing of Notifications

(1) Two Hour Notifications. Notification to the Department of any release or threat of release specified in 310 CMR 40.0311 and 40.0312 shall be made as soon as possible but not more than two hours after obtaining knowledge that the release or threat of release meets one or more of the sets of notification criteria, unless the person responsible for notifying establishes, by a preponderance of the evidence, that extenuating circumstances prevented notification within said two hour time period. In that event, notification to the Department shall be made as soon as possible thereafter, taking into account the extenuating circumstances. Extenuating circumstances shall include, without limitation, the following:

(a) a lack of reasonably available communication equipment at the site of the release or threat of release;

(b) a need to take actions prior to notification in order to mitigate or prevent an Imminent Hazard and/or threat to public safety; and/or

(c) a physical injury to the person responsible for notifying caused by or associated with the release or threat of release, when the injury reasonably prevents that person from notifying.

(2) 72 Hour Notifications. Notification to the Department of any release or threat of release specified in 310 CMR 40.0313 and 40.0314 shall be made not more than 72 hours after obtaining knowledge that the release or threat of release meets one or more of the sets of notification criteria.

(3) 120 Day Notifications. Notification to the Department of any release specified in 310 CMR 40.0315 shall be made not more than 120 days after obtaining knowledge that the release meets one or more of the sets of notification criteria, and prior to the commencement of any remedial actions at the site, with the exception of Limited Removal Actions, as set forth in 310 CMR 40.0318.

(4) If a release or threat of release is subject to more than one notification time period, the shorter time period shall apply.

(5) No provision of 310 CMR 40.0332 shall be construed to prevent a person responsible for notifying from implementing a response action necessary to mitigate or prevent an Imminent Hazard.

(6) No provision of 310 CMR 40.0332 shall be construed to allow an unreasonable delay in notification of the Department after obtaining knowledge of a release or threat of release that meets one or more of the sets of notification criteria specified in 310 CMR 40.0311 or 40.0312.

(7) The notification timelines specified in 310 CMR 40.0332 shall commence at the time that the person required to notify obtains knowledge, or at the time that a person who has knowledge obtains the status of a person required to notify, whichever is later.

40.0333: How to Notify

(1) Two Hour and Seventy-Two Hour Notifications. Persons described in 310 CMR 40.0331(l) shall:

(a) notify the Department of a release or threat of release specified in 310 CMR 40.0311 through 40.0314, by calling a telephone number published by the Department and designated for that purpose and orally providing to the Department the information specified in 310 CMR 40.0334; and

(b) within 60 days thereafter, submit a completed Release Notification Form, as described in 310 CMR 40.0371, to the Department office located in the DEP region in which the release or threat of release occurred. Where appropriate, the Release Notification Form may be accompanied by a Response Action Outcome Statement, as described in 310 CMR 40.1000.

(2) 120 Day Notifications. Persons described in 310 CMR 40.0331(1) shall notify the Department of a release specified in 310 CMR 40.0315 by submitting a completed Release Notification Form, as described in 310 CMR 40.0371, to the Department office located in the DEP region in which the release occurred. Where appropriate, the Release Notification Form may be accompanied by a Response Action Outcome Statement, as described in 310 CMR 40.1000.

40.0334: Content of the Notification

Oral notification to the Department pursuant to 310 CMR 40.0333(1)(a) shall consist of the following information to the extent known to the person responsible for providing the notification:

(a) the name and telephone number of the caller;

(b) the location of the release or threat of release, including, where applicable:

1. the address [street name and number, city or town, and zip code]; and

2. a narrative description of the location (e.g., location aid such as mile marker, business type/name);

(c) the date and time the release occurred;

(d) the set(s) of notification criteria that is the basis for notification;

(e) the name of the oil and/or hazardous material(s) released or of which there is a threat of release;

(f) the approximate quantity of the oil and/or hazardous material(s) which has been released or of which there is a threat of release;

(g) the source of the release or threat of release;

(h) a brief description of the release or threat of release;

(i) the name and telephone number of the owner/operator of the site or vessel where the release has occurred or at which there is a threat of release;

(j) the name and telephone number of a contact person at the site or vessel where the release has occurred or at which there is a threat of release;

(k) a description of Immediate Response Actions taken or proposed to be taken in response to the release or threat of release, as specified in 310 CMR 40.0420;

(l) the names of other federal, state or local government agencies that have been notified of and/or have responded to the release or threat of release; and

(m) any other information, including without limitation, potential environmental impacts, that is relevant to assessing the degree of hazard posed by the release or threat of release.

40.0335: Retracting a Notification

(1) A notification of a release or threat of release of oil and/or hazardous material made by a person described in 310 CMR 40.0331(1) may be retracted in those cases where additional information obtained subsequent to such notification substantiates that:

(a) in the case of a reported release, no release actually occurred;

(b) in the case of a reported threat of release, conditions posing a threat of release did not actually exist; or

(c) the subject release or threat of release did not meet one or more of the sets of notification criteria specified in 310 CMR 40.0300. Retractions of this nature shall only be made by the person described at 310 CMR 40.0331(1) who originally provided notification to the Department of such release or threat of release, or, in cases where notification was made on behalf of a corporate entity, by another authorized employee or agent of that corporation.

(2) All retractions pursuant to 310 CMR 40.0335 shall be in writing and shall include, at a minimum, the following:

(a) the address of the location at which the release or threat of release was initially reported;

(b) the Release Tracking Number assigned by the Department for the reported release or threat of release;

(c) an explanation of the events and site conditions that resulted in the original notification;

(d) a summation of facts, data, and/or other relevant information that demonstrates that the release did not actually occur or the conditions posing the threat of release did not actually exist, or that the release or threat of release did not meet one or more sets or reporting criteria; and

(e) the signature of the person retracting the notification, attesting to the accuracy and completeness of the information contained in the retraction submittal, as specified at 310 CMR 40.0009.

(3) Except as provided in 310 CMR 40.0335(7), all retractions pursuant to 310 CMR 40.0335 must be received by the Department no later than 60 days after the person providing the retraction first notified the Department of the subject release or threat of release.

(4) All retractions pursuant to 310 CMR 40.0335 shall be submitted to the Department using a transmittal form established by the Department for such purposes.

(5) Submission of a notification retraction in conformance with the provisions of 310 CMR 40.0335 shall terminate all future response action requirements and submittals that would otherwise be necessitated by the reporting of said release or threat of release, unless written notice to the contrary is provided by the Department within 21 days of the Department's receipt of such retraction.

(6) Nothing in 310 CMR 40.0335 shall limit the Department's authority to initiate, oversee, or order the performance of any response action deemed necessary by the Department to protect health, safety, public welfare, or the environment.

(7) The deadline for retracting notifications established by 310 CMR 40.0335(3) shall be extended to the date that is 90 days after the effective date of the first revision to the definition of the term "Potentially Productive Aquifer" in 310 CMR 40.0006 and to 310 CMR 40.0932(5)(b) promulgated after December 15, 1995, provided that the following conditions are met:

(a) the groundwater at such disposal site at the time of notification is defined as Category RCGW-1 solely pursuant to 310 CMR 40.0362(1)(a)3. (i.e., such groundwater is defined as RCGW-1 solely because the groundwater is within a Potentially Productive Aquifer); and/or

(b) the soil is defined as Category RCS-1 solely pursuant to 310 CMR 40.0361(1)(a)2. (i.e., the soil is defined as RCS-1 solely due to its location above groundwater that meets the requirements of 310 CMR 40.0362(1)(a), and such groundwater is defined as Category RCGW-1 solely pursuant to the requirements of 310 CMR 40.0362(1)(a)3.).

40.0336: Notification Requirements for Persons that Receive a Notice of Responsibility

(1) Except as provided in 310 CMR 40.0336(2), persons who have not previously notified the Department of a release or threat of release in accordance with 310 CMR 40.0300, and who receive a Notice of Responsibility from the Department requiring submittal of a Release Notification Form for a release or threat of release, shall submit such Release Notification Form to the appropriate Department Regional Office within 60 days of receipt of such Notice of Responsibility.

(2) Persons who received a Notice of Responsibility pursuant to 310 CMR 40.0336(1) who believe:

(a) they are not a person described at 310 CMR 40.0331(1);

(b) a release of oil or hazardous material did not actually occur;

(c) conditions posing a threat or release did not actually exist; or

(d) a release or threat of release which did occur did not meet one or more sets of notification criteria set forth in 310 CMR 40.0300, shall submit notice of the same to the Department within 60 days of receipt of such Notice of Responsibility.

40.0340: Identification Of Oil and Hazardous Material

40.0341: Purpose and Scope

310 CMR 40.0340 through 40.0347, cited collectively as 40.0340:

(1) identify and otherwise describe those oils and hazardous materials which are subject to 310 CMR 40.0000;

(2) set forth the criteria used by the Department to list certain oils and hazardous materials at 310 CMR 40.1600 and to identify the characteristics of unlisted hazardous materials as set forth in 310 CMR 40.0347; and

(3) set forth the procedures for adding and deleting oil or hazardous material to or from 310 CMR 40.1600.

40.0342: Methods of Identification of Oil and Hazardous Material

(1) The Department employs three methods to identify or otherwise describe those oils and hazardous materials which are subject to M.G.L. c. 21E and 310 CMR 40.0000. These methods are:

(a) identification of those substances which meet the definitions of oil or hazardous material set forth in 310 CMR 40.0006;

(b) listing of specific oils and hazardous materials; and

(c) identification of the characteristics of a material which make it hazardous.

(2) Accordingly, a substance is an oil or hazardous material if:

(a) the substance meets any of the definitions of oil or hazardous material set forth in 310 CMR 40.0006;

(b) the substance is listed at 310 CMR 40.1600; or

(c) the substance exhibits any of the characteristics of a hazardous material identified in 310 CMR 40.0347(1) through (5).

40.0343: Criteria for Listing Oil and Hazardous Material

In determining whether to list a substance as an oil or hazardous material, the Department shall consider whether or not the substance meets the statutory definition of oil or hazardous material. This determination by the Department shall include, but not be limited to, a consideration of the following factors:

(1) whether or not other state or federal agencies with expertise in the regulation and management of such substances have identified or characterized that substance as hazardous to health, safety, public welfare, or to the environment;

(2) the extent to which the substance exhibits the characteristics of acute toxicity, chronic toxicity, carcinogenicity, mutagenicity, ignitability, corrosivity, reactivity, infectivity or radioactivity; and

(3) any substantial and relevant scientific data submitted by any person in support of adding any substance to or deleting any substance from 310 CMR 40.1600.

40.0344: Adding and Deleting Substances to or from the Massachusetts Oil and Hazardous Material List

(1) The Department shall review the Massachusetts Oil and Hazardous Material List, which appears at 310 CMR 40.1600, at least once every five years for the purposes of adding or deleting oil and/or hazardous material.

(2) Substances may be added to or deleted from 310 CMR 40.1600 at any time in accordance with the following procedures:

(a) The Department may, in accordance with the procedures set forth in M.G.L. c. 30A and other applicable laws for adopting, amending or repealing regulations:

1. add substances to 310 CMR 40.1600 that meet any of the criteria set forth in 310 CMR 40.0343; or

2. delete substances from 310 CMR 40.1600 that do not meet the criteria set forth in 310 CMR 40.0343.

(b) Any person may petition the Commissioner to add a substance to or delete a substance from 310 CMR 40.1600. Any such petition shall include scientific evidence that a material does or does not meet the criteria set forth in 310 CMR 40.0343.

(3) Any substance that is added to or deleted from either the CERCLA List of Hazardous Substances set out at 40 CFR Part 302.4 or the List of Extremely Hazardous Substances set out at 40 CFR Part 355, Appendix A after the date of promulgation of 310 CMR 40.0300 shall be evaluated by the Department pursuant to the criteria set forth in 310 CMR 40.0343 to determine if that substance should be added to or deleted from 310 CMR 40.1600.

40.0345: The Massachusetts Oil and Hazardous Material List

The oils and hazardous materials listed at 310 CMR 40.1600 are subject to the requirements of 310 CMR 40.0000 unless specifically excluded from regulation thereunder. The Reportable Quantities and Reportable Concentrations which appear beside listed oils and hazardous materials represent those levels which, upon their release or threat of release, invoke the notification requirements of 310 CMR 40.0300.

40.0346: Criteria for Determining the Characteristics of Hazardous Material

In determining whether a substance should be identified as a hazardous material by characteristic, the Department shall first determine that the characteristic can be either:

(1) measured by an available standardized test method that is within the capability of independent laboratories that are available to the public; or

(2) reasonably detected by persons handling hazardous material through their knowledge of those materials.

40.0347: Characteristics of Hazardous Material

310 CMR 40.0347 describes the characteristics of materials that are hazardous materials but that may not be listed at 310 CMR 40.1600. Any material that exhibits one or more of the following characteristics is subject to 310 CMR 40.0000, unless it is specifically excluded from regulation thereunder.

(1) Ignitability:

(a) A substance is a hazardous material if a representative sample exhibits any of the following properties:

1. it is a liquid and has a flash point of less than 60Â° C [approximately 140Â° F]. However, an aqueous solution of ethyl alcohol which contains less than 24% alcohol by volume is not considered ignitable under 310 CMR 40.0000;

2. it is not a liquid and is capable under standard temperature and pressure of catching fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

3. it is a compressed gas and ignitable; or

4. it is an oxidizer;

(b) The flash point of liquids shall be determined by any of the following methods:

1. a Penskyâ€‘Martens Closed Cup Tester, using the test method specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods";

2. a Setaflash Closed Cup Tester, using the test method specified in 310 CMR 30.152(1)(a); or

3. an equivalent test method approved by the Department;

(c) Compressed gas shall be characterized as ignitable if any of the following occurs when the gas is subjected to any of the following tests:

1. either a mixture of 13% or less (by volume) with air forms a flammable mixture or the flammable range is wider than 12% regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure using sampling methods and test procedures acceptable to the U.S. Bureau of Explosives;

2. using the Flame Projection Apparatus of the U.S. Bureau of Explosives, the flame projects more than 18 inches beyond the ignition source with the valve opened fully, or the flame flashes back and burns at the valve with any degree of valve opening;

3. using the Open Drum Apparatus of the U.S. Bureau of Explosives, there is any significant propagation of flame away from the ignition source; or

4. using the Closed Drum Apparatus of the U.S. Bureau of Explosives, there is any explosion of the vaporâ€‘air mixture in the drum.

(2) Corrosivity:

(a) A material is a hazardous material if a representative sample exhibits any of the following properties:

1. it is aqueous and has a pH equal to or less than 2.0 or equal to or greater than 12.5;

2. it is a liquid and corrodes steel (Type SAE 1020) at a rate greater than 6.35 mm per year at a test temperature of 55Â° C; or

3. it is a liquid or solid that causes visible destruction or irreversible alterations in mammalian skin tissue at the site of contact.

(b) pH shall be determined by a pH meter using either method 5.2 in the "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" or by an equivalent test method approved by the Department.

(c) The rate of corrosion of steel shall be determined by the test method specified by the National Association of Corrosion Engineers, standard TMâ€‘01â€‘60, as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" or by an equivalent test method approved by the Administrator of EPA or by the Department.

(3) Reactivity. A material is a hazardous material if a representative sample exhibits any of the following properties:

(a) it is normally unstable and readily undergoes violent changes without detonating;

(b) it reacts violently with water;

(c) it forms potentially explosive mixtures with water;

(d) when mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to health, safety, public welfare, or the environment;

(e) it is a cyanide or sulfideâ€‘bearing material which, when exposed to a pH of between 2.0 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to health, safety, public welfare, or the environment;

(f) it is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(g) it is readily capable of detonation or explosive decomposition or reaction at a standard temperature and pressure; or

(h) it is a forbidden explosive, a Class A or Class B explosive, as defined in 49 CFR s.s. 173.50, 173.53 and 173.88, respectively.

(4) Toxicity. A material is a hazardous material if it exhibits the characteristic of toxicity described at 310 CMR 30.125B, unless specifically excluded.

(5) Infectious Material. Infectious materials are those materials, that, because of their infectious characteristics may:

(a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

(b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Infectious materials include but are not limited to those infectious wastes described in 105 CMR 130.360. Infectious materials are hazardous materials subject to 310 CMR 40.0000, unless specifically excluded from regulation thereunder.

40.0350: Reportable Quantities For Oil and Hazardous Material

(1) The Reportable Quantities for the following substances are established in 310 CMR 40.0351 and 40.0352:

(a) oils and hazardous materials that are listed at 310 CMR 40.1600; and (b) hazardous materials that exhibit one or more of the characteristics set forth in 310 CMR 40.0347(1) through (5).

(2) All releases into the environment of the same oil or hazardous material from a single facility in a 24 hour period shall be aggregated to determine if a Reportable Quantity for the respective oil or hazardous material has been reached or exceeded.

40.0351: Reportable Quantities for Oil

Reportable Quantities for oils appear at 310 CMR 40.1600.

40.0352: Reportable Quantities for Hazardous Material

(1) Listed Hazardous Material:

(a) Reportable Quantities for listed hazardous material appear at 310 CMR 40.1600; and

(b) the applicable Reportable Quantity for a hazardous material that is listed at 310 CMR 40.1600 and that also exhibits one or more of the characteristics described at 310 CMR 40.0347(1) through (5) shall be the Reportable Quantity listed at 310 CMR 40.1600 for that particular hazardous material.

(2) Unlisted Hazardous Materials Identified by Characteristic. The Reportable Quantity for hazardous materials that are not listed at 310 CMR 40.1600 but that exhibit one or more of the characteristics of ignitability, corrosivity or reactivity described at 310 CMR 40.0347(1) through 40.0347(3) or that are infectious materials as described in 310 CMR 40.0347(5) is ten pounds.

(3) Unlisted Hazardous Materials which are Hazardous Material Because They Exhibit the Characteristic of Toxicity:

(a) The Reportable Quantity for unlisted hazardous materials that exhibit the characteristic of toxicity under the provisions of 310 CMR 30.125B shall be the Reportable Quantity listed at 310 CMR 40.1600 for the hazardous material on which the characteristic of toxicity is based. The Reportable Quantity applies to the entire amount of the unlisted hazardous material and not merely to the listed component hazardous material. If an unlisted hazardous material exhibits the characteristic of toxicity on the basis of more than one of its component hazardous materials, the Reportable Quantity for the entire amount of the unlisted hazardous material shall be the Reportable Quantity for that component hazardous material which has the lowest Reportable Quantity in 310 CMR 40.1600.

(b) If an unlisted hazardous material exhibits the characteristic of toxicity, as described in 310 CMR 30.125B, and one or more of the other characteristics described in 310 CMR 40.0347(1) through (3), or in 310 CMR 40.0347(5), the Reportable Quantity for the entire amount of the unlisted hazardous material shall be the lowest of the applicable Reportable Quantities.

(4) Mixtures or solutions:

(a) When a mixture or solution contains one or more component materials that are hazardous materials which appear at 310 CMR 40.1600 or that exhibit one or more of the characteristics of ignitability, corrosivity, or reactivity described at 310 40.0347(1) through (3), releases or threats of release to the environment of the mixture shall be reported to the Department under 310 CMR 40.0311 through 40.0312, when any of the following conditions exist:

1. the concentrations of the component hazardous materials are known and the quantity of any of the component hazardous materials released or threatening to be released is equal to or greater than the Reportable Quantities for those component hazardous materials;

2. the mixture or solution contains at least two component hazardous materials, the concentrations of the component hazardous materials are known and the quantity of any of the component hazardous materials released or threatened to be released does not exceed their respective Reportable Quantity but the total quantity of the hazardous material in the mixture or solution released or threatened to be released is equal to or greater than 50 pounds; or

3. the concentrations of the component hazardous materials are not known, and the total quantity of the mixture or solution released or threatened to be released is equal to or greater than the Reportable Quantity for that component hazardous material which has the lowest Reportable Quantity in 310 CMR 40.1600.

(b) The Reportable Quantity for mixtures which are hazardous material because they exhibit the characteristic of toxicity, as described in 310 CMR 30.125B, shall be determined according to 310 CMR 40.0352(3).

(c) The Reportable Quantity provisions of 310 CMR 40.0352(4) do not apply to soils, sediments, residuals, surface waters and groundwaters that are being managed otherwise in compliance with all federal, state and local laws, regulations, and ordinances.

(5) Materials Containing Polychlorinated Biphenyls:

(a) Releases or threats of release to the environment of materials that contain polychlorinated biphenyls shall be reported to the Department pursuant to 310 CMR 40.0300, if:

1. the concentration of polychlorinated biphenyls in a material is either unknown or known to be less than 500 ppm, and the release or threat of release of such material is equal to or greater than ten gallons; or

2. the concentration of polychlorinated biphenyls in a material is known or likely to be equal to or greater than 500 ppm, and the release or threat of release of such material is equal to or greater than one gallon.

(b) The Reportable Quantity provisions of 310 CMR 40.0352(5) do not apply to soils, sediments, residuals, surface waters and groundwaters that are being managed otherwise in compliance with all federal, state and local laws, regulations, and ordinances.

40.0360: Reportable Concentrations for Oil and Hazardous Material

(1) A release indicated by the measurement of oil and/or hazardous material in soil and/or groundwater requires notification to the Department under the provisions of 310 CMR 40.0315 if the measured concentration of one or more listed substance in 310 CMR 40.1600 in any soil or groundwater sample is equal to or greater than the media and category-specific Reportable Concentration value listed at 310 CMR 40.1600 in effect on the date of the sample analysis.

(2) Except for gasoline, kerosene, and aviation fuel, the Reportable Concentration for the oils listed at 310 CMR 40.1600 shall be the Reportable Concentration established in 310 CMR 40.1600 for Total Petroleum Hydrocarbons (TPH) or the Reportable

Concentrations established in 310 CMR 40.1600 for the Aliphatic Hydrocarbon Fractions and/or Aromatic Hydrocarbon Fractions which comprise these products. Notification shall not be required for sites solely on the basis of a measurement of TPH equal to or greater than an applicable Reportable Concentration if data exists demonstrating that concentrations of the Aliphatic and Aromatic Hydrocarbon Fractions comprising the TPH are less than the applicable Reportable Concentrations established in 310 CMR 40.1600.

(3) The Reportable Concentration for gasoline, kerosene, and aviation fuel shall be the Reportable Concentrations established in 310 CMR 40.1600 for the Aliphatic and Aromatic Hydrocarbon Fractions which comprise these products.

(4) The Reportable Concentration for Chromium shall be the Reportable Concentration established in 310 CMR 40.1600 for Chromium or the Reportable Concentrations established in 310 CMR 40.1600 for the specific species of chromium. Notification shall not be required for sites solely on the basis of a measurement of Total (unspeciated) Chromium equal to or greater than the Reportable Concentration for Chromium if data exists demonstrating that the concentrations of Hexavalent Chromium (Cr VI) and Trivalent Chromium (Cr III) are both less than the applicable Reportable Concentrations established in 310 CMR 40.1600.

(5) The Reportable Concentration values for the hazardous materials listed at 310 CMR 40.1600, including hazardous materials that may be components of oil or waste oil, shall be compared to concentrations of hazardous material in soil or groundwater that have been measured by the analytical procedures detailed in EPA Publication SW-846, "Test Methods for Evaluating Solid Waste", or any other appropriate analytical procedure, as described in 310 CMR 40.0017, and where there is greater than a 95% probability that the reported analyte is present at or above the Reportable Concentration.

(6) The techniques utilized for obtaining soil and groundwater samples for comparison to the Reportable Concentration values listed at 310 CMR 40.1600 shall be in conformance with generally accepted practices and procedures, consistent with the Response Action Performance Standard described in 310 CMR 40.0191, and shall not involve measures or steps that are undertaken to cause or promote the dilution of analyte values for the sole purpose of avoiding reporting obligations imposed in 310 CMR 40.0315.

(7) Persons notifying the Department of a release under the provisions of 310 CMR 40.0315 and 40.0360 through 40.0369 shall specify whether the measured concentration of one or more of the listed substances in 310 CMR 40.1600 constitutes a release of oil, hazardous material, or both oil and hazardous material. Such a determination shall be based upon:

(a) factual evidence relating to the source and mechanism of the release;

(b) factual evidence relating to the storage, use and disposal of oil and hazardous material at the site of the release; and/or

(c) analytical characterization of the release.

40.0361: Reportable Concentrations of Oil and Hazardous Material in Soil

(1) For the purpose of determining whether a notification obligation exists under 310 CMR 40.0315, measured concentrations of any oil or hazardous material listed at 310 CMR 40.1600 shall be compared to the Reportable Concentration value in the reporting category that best characterizes the current use of the site under evaluation, as described below:

(a) Reporting Category RCS-1. Reporting category RCS-1 shall be applied to all soil samples obtained:

1. at or within 500 feet of a residential dwelling, a residentially-zoned property, school, playground, recreational area or park; or

2. within the geographic boundaries of a groundwater resource area categorized as RCGW-1 in 310 CMR 40.0362(1)(a).

(b) Reporting Category RCS-2. Reporting category RCS-2 shall be applied to all soil samples that are not obtained from category RCS-1 areas.

(2) Reporting category RCS-1 shall be selected whenever and wherever reasonable doubts exist over the selection of the appropriate soil Reportable Concentration category.

40.0362: Reportable Concentrations of Oil and Hazardous Material in Groundwater

(1) For the purpose of determining whether a notification obligation exists under 310 CMR 40.0315, measured dissolved concentrations of any oil or hazardous material listed at 310 CMR 40.1600 shall be compared to the Reportable Concentration value in the reporting category that best characterizes the site under evaluation, as described below:

(a) Reporting Category RCGW-1. Reporting category RCGW-1 shall be applied to all groundwater samples obtained:

1. within a Current Drinking Water Source Area; or

2. within a Potential Drinking Water Source Area.

(b) Reporting Category RCGW-2. Reporting category RCGW-2 shall be applied to all groundwater samples that are not obtained from category RCGW-1 areas.

(2) Reporting category RCGW-1 shall be selected whenever and wherever reasonable doubts exist over the selection of the appropriate groundwater Reportable Concentration category.

40.0370: Requirements for Releases of Oil and/or Hazardous Material That Do Not Require Notification

(1) Response actions shall be undertaken for releases or threats of release of oil and/or hazardous material that do not require notification under 310 CMR 40.0300 if the releases or threats of release pose a significant risk to health, safety, public welfare, or the environment, as described in 310 CMR 40.0900.

(2) Persons undertaking response actions for releases or threats of release of oil and/or hazardous material that do not require notification under 310 CMR 40.0300, unless otherwise notified by the Department, are not subject to the submittal requirements, approvals, or fees specified in 310 CMR 40.0000. All such response actions shall conform to all applicable federal, state or local laws, regulations, or ordinances.

40.0371: Release Notification Form

(1) Written notification of releases and threats of release required under 310 CMR 40.0333 shall be submitted to the Department on a form established by the Department for such purposes and shall include, without limitation, the following:

(a) the location and address where the release or threat of release occurred;

1. the street number, city or town, and zip code, where applicable; and

2. the Universal Transverse Mercator coordinates (Northing and Easting in meters using North American Datum 83);

(b) the time and date when the release or threat of release occurred;

(c) the time(s) and date(s) when the person(s) required to provide the notification to the Department pursuant to 310 CMR 40.0331 obtained knowledge that the release or threat of release met one or more sets of notification criteria established in 310 CMR 40.0311 through 40.0315;

(d) the time(s) and date(s) when oral notification of the release or threat of release was made to the Department, if applicable;

(e) the set(s) of notification criteria met, as specified at 310 CMR 40.0311 through 40.0315;

(f) the names and amounts of oil and/or hazardous material released or threatened to be released;

(g) the names and mailing addresses of the owners of all properties impacted by the release or threat of release;

(h) the name(s) and address(es) of the person(s) providing the notification of the release or threat of release;

(i) the affiliation of the person(s) making the notification to the site of the release or threat of release, as described in 310 CMR 40.0331;

(j) a signed and dated certification statement from the person(s) reporting the release or threat of release attesting to the truth and accuracy of the information provided, as specified at 310 CMR 40.0009; and

(k) such other information as the Department may from time to time determine is necessary and useful in the fulfillment of its statutory obligations under M.G.L. c. 21E and 310 CMR 40.0300.

(2) Persons required to notify of releases or threats of release to the Department under 310 CMR 40.0300 shall make reasonable efforts to obtain and preserve the information required in the Release Notification Form described in 310 CMR 40.0371(1), in order to furnish same to the Department.

(3) Persons providing notification of a release(s) or threat(s) of release(s) shall also provide a copy of the Release Notification Form to the Chief Municipal Officer and the Board of Health in accordance with 310 CMR 40.1403(3)(h).

III. APPENDIX D

Stormwater Pollution Prevention Plan (SWPPP)

Stormwater Pollution Prevention Plan (SWPPP)

Waterfront West
Merrimac Street
Newburyport, MA 01950

Prepared For:

NEW ENGLAND DEVELOPMENT

Newburyport Manager, LLC
c/o New England Development
75 Park Plaza
Boston, MA 02116

Prepared By:

RJ O'CONNELL & ASSOCIATES, INC.
80 Montvale Avenue, Suite 201
Stoneham, MA 02180

Date:

March 10, 2017

Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

Waterfront West Development
Merrimac Street
Newburyport, MA 01950
Phone: **To Be Determined**

SWPPP Prepared For:

New England Development
75 Park Plaza
Boston, MA 02116
Phone: (617) 965-8700
Fax: (617) 243-7085

SWPPP Prepared By:

RJ O'Connell & Associates, Inc.
80 Montvale Avenue, Suite 201
Stoneham, MA 02180
Phone: (781) 279-0180
Fax: (781) 279-0173

SWPPP Preparation Date:

03/10/2017

Estimated Project Dates:

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

Contents

SWPPP Appendices

SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Operator(s):

Insert Company or Organization Name: TO BE DETERMINED
Insert Name:
Insert Address:
Insert City, State, Zip Code:
Insert Telephone Number:
Insert Fax/Email:
Insert area of control (if more than one operator at site):

[Repeat as necessary.]

Subcontractor(s):

Insert Company or Organization Name: TO BE DETERMINED
Insert Name:
Insert Address:
Insert City, State, Zip Code:
Insert Telephone Number:
Insert Fax/Email:
Insert area of control (if more than one operator at site):

[Repeat as necessary.]

Emergency 24-Hour Contact:

Insert Company or Organization Name: TO BE DETERMINED
Insert Name:
Insert Telephone Number:

1.2 Stormwater Team

Insert Role or Responsibility: TO BE DETERMINED
Insert Position:
Insert Name:
Insert Telephone Number:
Insert Email:

Insert Role or Responsibility: TO BE DETERMINED
Insert Position:
Insert Name:
Insert Telephone Number:
Insert Email:

Insert Role or Responsibility: TO BE DETERMINED
Insert Position:
Insert Name:
Insert Telephone Number:
Insert Email:

[Repeat as necessary.]

SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1 Project/Site Information

Project Name and Address

Project/Site Name: WATERFRONT WEST DEVELOPMENT
Project Street/Location: MERRIMAC STREET, BROWN'S WHARF AND TOURNAMENT WHARF
City: NEWBURYPORT
State: MA
ZIP Code: 01950
County or Similar Subdivision: ESSEX COUNTY

Project Latitude/Longitude

(Use **one** of three possible formats, and specify method)

Latitude:	Longitude:
1. 42 ° 48 ' 47''N (degrees, minutes, seconds)	1. 70 ° 52 ' 22" W (degrees, minutes, seconds)
2. _ _ ° _ _ . _ _' N (degrees, minutes, decimal)	2. _ _ ° _ _ . _ _' W (degrees, minutes, decimal)
3. _ _ . _ _ _ _ ° N (decimal)	3. _ _ . _ _ _ _ ° W (decimal)

Method for determining latitude/longitude:
☐ USGS topographic map (specify scale: _____) ☐ EPA Web site ☐ GPS
☒ Other (please specify): GOOGLE EARTH

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

If you used a U.S.G.S topographic map, what was the scale? _____

Additional Project Information

Is the project/site located on Indian country lands, or located on a property of religious or cultural significance to an Indian tribe? ☐ Yes ☒ No

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

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency *(e.g., natural disaster, extreme flooding conditions)*, information substantiating its occurrence *(e.g., state disaster declaration)*, and a description of the construction necessary to reestablish effective public services: N/A

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

2.2 *Discharge Information*

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

Are there any surface waters that are located within 50 feet of your construction disturbances?
☒ Yes ☐ No

Table 1 – Names of Receiving Waters (§7.2.4.c)

Name(s) of all waters of the U.S. within one mile downstream of the site's discharge point.
1. Merrimack River
2.
3.
4.
5.
6.

Table 2 – Impaired Waters / TMDLs (Answer the following for each surface water listed in Table 1 above)

	Is this surface water listed as "impaired"?	If you answered yes, then answer the following:			
		What pollutant(s) are causing the impairment?	Has a TMDL been completed?	Title of the TMDL document	Pollutant(s) for which there is a TMDL
1.	☒ YES ☐ NO	**Fecal coliform, PCB in Fish Tissue, Enterococcus**	☐ YES ☒ NO		
2.	☐ YES ☐ NO		☐ YES ☐ NO		
3.	☐ YES ☐ NO		☐ YES ☐ NO		
4.	☐ YES ☐ NO		☐ YES ☐ NO		
5.	☐ YES ☐ NO		☐ YES ☐ NO		

Describe the method(s) you used to determine whether or not your project/site discharges to an impaired water: INSERT TEXT HERE

Table 3 – Tier 2, 2.5, or 3 Waters (Answer the following for each surface water listed in Table 1 above)

	Is this surface water designated as a Tier 2, Tier 2.5, or Tier 3 water? (see Appendix F)	If you answered yes, specify which Tier (2, 2.5, or 3) the surface water is designated as?
1.	☒ YES ☐ NO	Tier 2
2.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
3.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
4.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
5.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
6.	☐ YES ☐ NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"

2.3 Nature of the Construction Activity (§7.2.3)

General Description of Project

Provide a general description of the construction project:

Construction of residential, retail and commercial buildings, associated pedestrian and vehicular access, and utilizes.

Size of Construction Project

What is the size of the property (in acres), the total area expected to be disturbed by the construction activities (in acres), and the maximum area expected to be disturbed at any one time?

Lot Size: 5.7+/- Acres

Total Proposed Disturbance: 5.5+/- Acres

Construction Support Activities

All equipment staging yards, material storage areas, stockpile areas, waste collection areas will be located on the site. These areas may change as building foundations are constructed.

INSERT DESCRIPTION OF CONSTRUCTION SUPPORT ACTIVITY TO BE DETERMINED

DEMOLITION OF EXISTING BUILDING STRUCTURES

INSERT CONTACT INFORMATION FOR CONSTRUCTION SUPPORT ACTIVITY (Name, Telephone No., Email Address)

INSERT LOCATION INFORMATION FOR CONSTRUCTION SUPPORT ACTIVITY (Address and/or Latitude/Longitude)

Business Days and Hours for the Project

Monday through Friday 7:00 AM to 4:00 PM
Saturday
Sunday

[Repeat as necessary.]

2.4 Sequence and Estimated Dates of Construction Activities (§7.2.3.f)

Phase I

INSERT GENERAL DESCRIPTION OF PHASE

- INSERT ESTIMATED START AND END DATES OF CONSTRUCTION DISTURBANCES ASSOCIATED WITH THIS PHASE TO BE DETERMINED
- FOR EACH STORMWATER CONTROL, INSERT ESTIMATED DATE(s) OF INSTALLATION OF EACH STORMWATER CONTROL TO BE DETERMINED
- FOR AREAS OF THE SITE REQUIRED TO BE STABILIZED, INSERT ESTIMATED DATE(s) OF APPLICATION OF STABILIZATION MEASURES TO BE DETERMINED
- INSERT ESTIMATED DATE(s) WHEN STORMWATER CONTROLS WILL BE REMOVED TO BE DETERMINED

[Repeat as needed.]

2.5 Allowable Non-Stormwater Discharges (§7.2.5)

List of Allowable Non-Stormwater Discharges Present at the Site

Type of Allowable Non-Stormwater Discharge	Likely to be Present at Your Site?
Discharges from emergency fire-fighting activities	☒ YES ☐ NO
Fire hydrant flushings	☒ YES ☐ NO
Landscape irrigation	☐ YES ☒ NO
Waters used to wash vehicles and equipment	☐ YES ☒ NO
Water used to control dust	☒ YES ☐ NO
Potable water including uncontaminated water line flushings	☒ YES ☐ NO
Routine external building wash down	☐ YES ☒ NO
Pavement wash waters	☐ YES ☒ NO
Uncontaminated air conditioning or compressor condensate	☐ YES ☒ NO
Uncontaminated, non-turbid discharges of ground water or spring water	☒ YES ☐ NO
Foundation or footing drains	☒ YES ☐ NO
Construction dewatering water	☒ YES ☐ NO

2.6 Site Maps (§7.2.4)

a) Boundaries of the property: *See Site Demolition Plans, Erosion & Sediment Control Plans*
b) Locations where construction activities will occur: *See Site Demolition Plans, Erosion & Sediment Control Plans*
c) Locations of all waters of the U.S. within and one mile downstream of the site's discharge point: *See USGS map in appendix*
d) Areas of federally listed critical habitat within the site and/or at discharge locations: *See Estimated Habitats and Priority Habitats figures in the appendix*
e) Type and extent of pre-construction cover on the site: *See existing conditions plan in plan set*
f) Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities. *See existing watershed plan (in appendix), proposed drainage and grading plan, and erosion and sediment control plans in plan set.*
g) Stormwater and authorized non-stormwater discharge locations, including locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets; and locations where stormwater or authorized non-stormwater will be discharged directly to waters of the United States. *See erosion and sediment control plans.*
h) Locations of all potential pollutant-generating activities: **TO BE DETERMINED**
i) Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit: **TO BE DETERMINED**
j) Locations where polymers, flocculants, or other treatment chemicals will be used and stored: *N/A*

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 Endangered Species Protection

Eligibility Criterion

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

☐ **A** ☐ **B** ☒ **C** ☐ **D** ☐ **E**

For reference purposes, the eligibility criteria listed in Appendix D are as follows:

Criterion A. No federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's "action area" as defined in Appendix A of this permit.

Criterion B. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your action area under eligibility Criterion A, C, D, E, or F and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area". To certify your eligibility under this Criterion, there must be no lapse of NPDES permit coverage in the other operator's certification. By certifying eligibility under this Criterion, you agree to comply with any effluent limitations or conditions upon which the other operator's certification was based. You must include in your NOI the tracking number from the other operator's notification of authorization under this permit. If your certification is based on another operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C in your NOI form.

Criterion C. Federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your site's "action area," and your site's discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or critical habitat. This determination may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect listed species and critical habitat. To make this certification, you must include the following in your NOI: 1) any federally listed species and/or designated habitat located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles). You must also include a copy of your site map with your NOI.

Criterion D. Coordination between you and the Services has been concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in a written concurrence from the relevant Service(s) that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

Criterion E. Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat. The result of this consultation must be either:

i. a biological opinion that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or

ii. written concurrence from the applicable Service(s) with a finding that the site's discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated habitat.

You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

Criterion F. Your construction activities are authorized through the issuance of a permit under section 10 of the ESA, and this authorization addresses the effects of the site's discharges and discharge-related activities on federally-listed species and federally-designated critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

Supporting Documentation

Provide documentation for the applicable eligibility criterion you select in Appendix D, as follows:

For criterion A, indicate the basis for your determination that no federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's action area (as defined in Appendix A of the permit). Check the applicable source of information you relied upon:

- ☐ Specific communication with staff of the U.S. Fish & Wildlife Service or National Marine Fisheries Service. INSERT DATE OF COMMUNICATION AND WHO YOU SPOKE WITH
- ☐ Publicly available species list. INSERT SPECIFIC DOCUMENT AND/OR WEBSITE RELIED UPON
- ☐ Other source: INSERT SPECIFIC SOURCE

For criterion B, provide the Tracking Number from the other operator's notification of permit authorization: INSERT AUTHORIZATION TRACKING NUMBER FROM OTHER OPERATOR'S NOTIFICATION LETTER/EMAIL

Provide a brief summary of the basis used by the other operator for selecting criterion A, B, C, D, E, or F: INSERT TEXT HERE

For criterion C, provide the following information:

- INSERT LIST OF FEDERALLY-LISTED SPECIES OR FEDERALLY-DESIGNATED CRITICAL HABITAT LOCATED IN YOUR ACTION AREA
- INSERT DISTANCE BETWEEN YOUR SITE AND THE LISTED SPECIES OR CRITICAL HABITAT (in miles)

Also, provide a brief summary of the basis used for determining that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat:

A portion of the site is located within mapped Priority Habitat (PH 1321) and Estimated Habitat (EH 65). According to information obtained from the Massachusetts Natural Heritage and Endangered Species Program (NHESP), the species identified within these mapped habitats include the bald eagle (Haliaeetus leucocephalus) and the shortnose sturgeon (Acipenser brevirostrum), which are both listed as endangered.

Based on our review of the mapping information available in MassGIS, the boundary of the Merrimac River is mapped incorrectly at the site. The boundary of the mapped habitats is located almost exactly where the edge of the water is (incorrectly) mapped. As noted in the areas with red arrows, buildings are shown as extending into the waters of the Merrimac River which is not the case (see images below). Specifically, the NHESP mapping includes the finger pier and the Black Cow restaurant, which are both located primarily on solid fill. Therefore, we believe that the NHESP mapping is incorrect.

Nonetheless, it is our opinion that any work on the site will not impact either of these endangered species, as work is not proposed within habitat associated with those species.

For criterion D, E, or F, attach copies of any letters or other communication between you and the U.S. Fish & Wildlife Service or National Marine Fisheries Service concluding consultation or coordination activities. INSERT COPIES OF LETTERS OR OTHER COMMUNICATIONS HERE

3.2 Historic Preservation

Appendix E, Step 1

Do you plan on installing any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

- ☐ Dike
- ☐ Berm
- ☒ Catch Basin
- ☐ Pond
- ☐ Stormwater Conveyance Channel (e.g., ditch, trench, perimeter drain, swale, etc.)
- ☐ Culvert
- ☒ Other type of ground-disturbing stormwater control:
  PROPRIETARY STORMWATER TREATMENT SYSTEM

(Note: If you will not be installing any ground-disturbing stormwater controls, no further documentation is required for Section 3.2 of the Template.)

Appendix E, Step 2

If you answered yes in Step 1, have prior surveys or evaluations conducted on the site already determined that historic properties do not exist, or that prior disturbances at the site have precluded the existence of historic properties? ☒ YES ☐ NO

- If yes, no further documentation is required for Section 3.2 of the Template.
- If no, proceed to Appendix E, Step 3.

Appendix E, Step 3

If you answered no in Step 2, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? ☐ YES ☐ NO

If yes, provide documentation of the basis for your determination. No historic structures exist on the project site as determined by reviewing the City of Newburyport's Historic Commission, Historical Property Survey

If no, proceed to Appendix E, Step 4.

Appendix E, Step 4

If you answered no in Step 3, did the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other tribal representative (whichever applies) respond to you within 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? ☐ YES ☐ NO

If no, no further documentation is required for Section 3.2 of the Template.

If yes, describe the nature of their response:

- ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.
- ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.
- ☒ Other: No historic structures exist on the project site as determined by review of the City of Newburyport's Historic Commission, Historical Property Survey

3.3 Safe Drinking Water Act Underground Injection Control Requirements

Not Applicable To This Project

Do you plan to install any of the following controls? Check all that apply below.

- ☐ Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)
- ☐ Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow
- ☐ Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

SECTION 4: DESCRIPTION OF STORMWATER CONTROLS

Various types of stormwater controls will be utilized mitigate stormwater runoff prior to discharging from the site. Proposed controls include sedimentation fence, haybales/straw wattles/compost socks, sediment basins, dewatering practices, water truck for dust control, designated construction entrance *and other controls as needed due to construction activities.*

4.1 Natural Buffers or Equivalent Sediment Controls (§7.2.6.b.i)

Buffer Compliance Alternatives

Are there any surface waters within 50 feet of your project's earth disturbances? ☒ YES ☐ NO

Check the compliance alternative that you have chosen:

- ☐ I will provide and maintain a 50-foot undisturbed natural buffer.
- ☐ I will provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.
- ☐ It is infeasible to provide and maintain an undisturbed natural buffer of any size, therefore I will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.
- ☒ I qualify for one of the exceptions in Appendix G2.2. (If you have checked this box, provide information on the applicable buffer exception that applies, below.)

Buffer Exceptions

Which of the following exceptions to the buffer requirements applies to your site?

- ☐ There is no discharge of stormwater to the surface water that is located 50 feet from my construction disturbances.
- ☒ No natural buffer exists due to preexisting development disturbances that occurred prior to the initiation of planning for this project.
- ☐ For a "linear project" (defined in Appendix A), site constraints (e.g., limited right-of-way) make it infeasible for me to meet any of the CGP Part 2.2.1.a compliance alternatives.
- ☐ The project qualifies as "small residential lot" construction (defined in Appendix G.2.2).
- ☐ Buffer disturbances are authorized under a CWA Section 404 permit.
- ☒ Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail). Construction of residential, commercial and retail buildings, relocation of bulkhead and boat launch, construction of public access along waterfront, associated parking, driveway and utility work.

4.2 Perimeter Controls (§7.2.6.b.ii)

General

- The perimeter controls will include sedimentation fences in combination with haybales/straw wattles/compost socks to filter any stormwater runoff prior to leaving the site.

Specific Perimeter Controls

Perimeter Control # 1

Perimeter Control Description

- Sedimentation fence and haybales/straw wattles/compost socks will be installed around the downstream perimeter of the project site. Perimeter controls will be located as shown on the Erosion and Sediment Control Plan(s)
- See Erosion and Sediment Control Details in Project Plan Set

Installation

- Prior to commencement of any construction activities

Maintenance Requirements

- At a minimal, removal of sediment before it has accumulated to one-half of the above-ground height of any perimeter control.

4.3 Sediment Track-Out (§7.2.6.b.iii)

General

- A designated construction entrance will be located for access to the site during construction activities.

Specific Track-Out Controls

Track-Out Control # 1

Track-Out Control Description

- Gravel construction entrance with dimensions as indicated on erosion and sediment control plans.
- See Erosion and Sediment Control Details in Project Plan Set

Installation

- Prior to commence of any ground disturbance activities

Maintenance Requirements

- At a minimum, the Operator must comply with the following requirement in CGP Part 2.2.4; where sediment has been tracked-out from the site onto the surface of off-site streets, other paved areas, and sidewalks, the Operator 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.)
- Construction entrance stone to be replaced once stone is clogged and ineffective in preventing track out from the site.

4.4 Stockpiled Sediment or Soil (§2.2.5)

General

- Operators must manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil.

Specific Stockpile Controls

Stockpile Control # 1
Stockpiled Sediment/Soil Control Description

- Locate piles outside 50-feet away from the edge of any water body or resource area, as well as away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated.
- Install a sediment barrier along the base perimeter of all piles.
- Cover all piles at the close of business, everyday.
- See Erosion and Sediment Control Details in Project Plan Set

Installation

- Controls to be installed at the close of the business day when any pile is left onsite.

Maintenance Requirements

- At a minimum, the Operator must comply with following requirement in CGP Part 2.2.5: 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.)

4.5 Minimize Dust (§2.2.6)

General

- Areas with exposed soil, the Operator must minimize the generation of dust through the appropriate application of water or other dust suppression techniques.

Specific Dust Controls

Dust Control # 1
Dust Control Description

- Water trucks will be utilized as necessary to minimize the potential for dust.

4.6 Minimize the Disturbance of Steep Slopes (§2.2.7)

General

- Steep slopes will be disturbed during construction activities.

Specific Steep Slope Controls

- Steep slopes will be supported as necessary during construction activities. Support activities may include but not be limited to shoring and/or temporary hydroseeding.

4.7 Topsoil (§2.2.8)

- There is no existing topsoil on the site.

4.8 Soil Compaction (§2.2.9)

- There are minimal vegetative areas proposed for the final development, soil compaction will be performed throughout the project site.

4.9 Storm Drain Inlets (§2.2.10)

General

- Inlet protection measures prevent sediment-laden stormwater from being discharged ito storm drains and ultimately surface waters.

Specific Storm Drain Inlet Controls

Storm Drain Inlet Control # 1

Storm Drain Inlet Control Description

- Filter sacks will be installed in all catch basins in the vicinity of the site as shown on the demolition plan and/or erosion control plan.
- See sediment and erosion control details in plan set for product specifications and installation.
- NOTE: IN THE EVENT OF FORECASTED FLOOD CONDITIONS, INLET PROTECTION MEASURES MUST BE REMOVED PRIOR TO EVENT OCCURRENCE. Once the event has occurred, inlet protection measures to be reinstalled.

Installation

- Filter sacks will be one of the first stormwater control to be installed prior to commencement of construction activities.

Maintenance Requirements

- At a minimum, the Operator must comply with following requirement in CGP Part 2.2.10: 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, the Operator 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.

4.10 Constructed Stormwater Conveyance Channels (§2.2.11)

- Not applicable to site conditions

4.11 Sediment Basins (§7.2.6.b.iv)

General

- Sediment basins are used to minimize sediment discharges. The basins are typically installed at or near low points of the site in order to temporarily detain stormwater discharges, allowing sediment particulates to settle. Sediment basins may also be used to reduce peak flowrates, reducing downstream flooding and channel erosion. At the point of discharge, which is typically a pipe or channel, installation of riprap or other stabilization measures is often necessary because the

concentrated discharge can cause erosion and additional pollutant discharges to waters of the United States.

Specific Sediment Basin Controls

Sediment Basin Control # 1
Sediment Basin Control Description

- At a minimum, sediment ponds will provide for a volume of runoff from the 2-year, 24-hour storm or 3,600 cubic feet per acre drained.
- Sediment basins will be installed where practical on the site during construction activities.
- Sediment basins may be used as settling ponds during dewatering activities, if needed during construction.

Installation

- The sediment basin(s) may be installed early on during construction activities or as needed, depending upon site requirements.

Maintenance Requirements

- At a minimum, the Operator must comply with following requirement in CGP Part 2.2.10: 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.

4.12 Chemical Treatment (§7.2.6.b.v)

Soil Types
List all the soil types (including soil types expected to be found in fill material) that are expected to be exposed during construction and that will be discharged to locations where chemicals will be applied: Per the most recent NRCS maps, Urban Fill is expected to be encountered on the site during excavation activities. Additionally, soil types consistent with salt marsh composition such as peat may be encountered as the site was created over filled in salt marsh and tidelands in the 1800's.

Treatment Chemicals
List all treatment chemicals that will be used at the site and explain why these chemicals are suited to the soil characteristics: Treatment chemicals are not anticipated to be used on the site during the duration of construction activities.

Describe the dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage: N/A

Provide information from any applicable Safety Data Sheets (SDS): N/A

Describe how each of the chemicals will stored: N/A

Include references to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems: N/A

Special Controls for Cationic Treatment Chemicals (if applicable)
If you have been authorized by your applicable Regional Office to use cationic treatment chemicals, include the official EPA authorization letter or other communication, and identify the specific controls and

implementation procedures you are required to implement to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards: N/A

Schematic Drawings of Stormwater Controls/Chemical Treatment Systems
Provide schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of treatment chemicals: N/A

Training
Describe the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to the use of treatment chemicals: N/A

4.13 Dewatering Practices (§2.4)

General

- The Operator will comply with the following requirements to minimize the discharge of pollutants in ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with CGP § 1.2.2.

Specific Dewatering Practices

- Treat dewaterting discharges with controls to minimize discharges of pollutants
- Do not discharge visible flowing solids or foam
- 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 contain these materials
- To the extect feasible, use vegetated, upland areas of the site infiltrate dewatering water before discharge. Discharging directly to waterways or resources of the United States as part of the treatment is prohibited
- At all points where dewatering water is discharged, comply with the velocity dissipation requirements of CGP §2.2.11
- With backwash water, either haul it away for disposal or return it to the beginning of the treatment process
- Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications
- Where necessary, discharge dewatering water into sediment basins to allow for the settlement of particulates prior to exiting the site.

4.14 Other Stormwater Controls

- Other stormwater controls are not anticipated to be needed on the project.

4.15 Site Stabilization (§2.2.14 & §7.6.2.b.vi)

General

- Site stabilization for exposed areas of the site is not anticipated for the duration of the project.
- If site stabilization measures are required, the Operator shall implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that minimize erosion from exposed portions of the site in accordance with CGP §2.2.14a & 2.2.14b

SECTION 5: POLLUTION PREVENTION STANDARDS (§2.3 & & §7.6.2.b.vii)

5.1 Potential Sources of Pollution

Construction Site Pollutants

Pollutant-Generating Activity	**Pollutants or Pollutant Constituents** (that could be discharged if exposed to stormwater)	**Location on Site** (or reference SWPPP site map where this is shown)
Concrete placement for building slabs, foundation walls and footings	Concrete and additives	All proposed building locations , water main bend locations, and any other incidental work requiring concrete work
Paving Operations	Petroleum hydrocarbons and additives	Throughout the project site, see proposed site layout plan for exact locations
Waste Disposal/Dumpsters	Dependent upon the type of waste	See SWPPP Plan
Hydraulic oil/fluids	Mineral Oil	See SWPPP Plan
Gasoline	Benzene, Ethyl Benzene, Toluene, Xylene, MTBE	See SWPPP Plan
Diesel Fuel	Petroleum Distillate, Oil and Grease, Naphthalene, Xylenes	See SWPPP Plan
Kerosene	Coal Oil, Petroleum Distillates	See SWPPP Plan
Plastering	Calcium Sulphate, Calcium Carbonate, Sulfuric Acid	See SWPPP Plan
Cleaning Solvents	Perchloroethylene, Methylene Chloride, Trishloroethylene, Petroleum Distillates	See SWPPP Plan
Glue, adhesives	Polymers, Epoxies	See SWPPP Plan
Paints	Metal oxides, Stoddard Solvent, Talc, Calcium Carbonate, Arsenic	See SWPPP Plan
Wastewater	Soil, Oil and Grease, Solids	See SWPPP Plan
Wood Preservatives	Stoddard Solvent, Petroleum Distillates, Arsenic, Copper, Chromium	See SWPPP Plan
Antifreeze / Coolant	Ethylene glycol, Propylene, Glycol, Heavy Metals(Copper, Lead, Zinc)	See SWPPP Plan
Erosion	Soil, Sediment	See SWPPP Plan

5.2 Spill Prevention and Response

A spill contingency plan will be implemented during construction, including the following provisions: Equipment necessary to quickly attend to inadvertent spills or will be stored on-site in a secure but accessible location. Such equipment will include:

1. Safety goggles.
2. Chemically resistant gloves and overshoe boots.
3. Water and chemical fire extinguishers.
4. Sand and shovels.
5. Suitable absorbent materials.
6. Storage containers.
7. First aid equipment.

Spills or leaks will be treated properly in accordance with material type, volume of spillage and location of the spill. Mitigation will include:

1. Preventing further spillage.
2. Containing the spilled material in the smallest practical area.
3. Removing spilled material immediately in a safe and environmentally sound manner.
4. Mitigating any damage to the environment.

Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

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

5.3 Fueling and Maintenance of Equipment or Vehicles (§2.3.1)

General

- The Operator will provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities.

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- The Operator will provide at least one spill containment berm to be the designated area for the fueling of construction equipment. At no time will long term maintenance be allowed to be conducted on the spill containment berm which has designated as the fueling point.

Installation

- The spill containment berm will be located as far away from waterways and resource areas of the United States, stormwater inlets, and/or conveyances coming into contact with these activities cannot reach waterways and resource areas of the United States.

Maintenance Requirements

- Any fuel, oil or similar type material spilled within the containment area shall be cleaned up immediately.

Pollution Prevention Practice #2

Description

- The Operator ensure vehicles are equipped with drip pans.

Installation

- Upon the discovery of a leak from a vehicle, the drip pan will be placed to capture fluids flowing from the vehicle.

Maintenance Requirements

- Notify appropriate maintenance personnel and the Operator

Pollution Prevention Practice # 3

Description

- The Operator shall maintain at least two spill containment kits and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

Installation

- One spill containment kit will be designated to be located at the fueling point.
- The other spill containment kit will be located where easily accessible to all personnel on the site.
- The Operator may locate additional spill containment kits throughout the site as they see fit.

Maintenance Requirements

- Designated personnel should inventory spill containment kits weekly to ensure kits are properly stocked and maintained.

Pollution Prevention Practice # 4

Description

- If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR 112 and Section 311 of the Clean Water Act (CWA)

Pollution Prevention Practice # 5

Description

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

Pollution Prevention Practice #6

Description

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

5.4 Washing of Equipment and Vehicles (§2.3.2)

General

- The Operator will provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters.

Specific Pollution Prevention Practices

- Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water
- For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these detergents to precipitation and to stormwater, or (2) similarly effective means designed to minimize the discharge of pollutants from these areas.

5.5 Storage, Handling, and Disposal of Construction Products, Materials, and Wastes (§2.3.3 & 7.2.6.b.viii)

5.5.1 Building Products

General

- For the storage, handling, and disposal of building products, the Operator shall provide cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure to precipitation and stormwater or similar effective means and methods designed to minimize the discharge of pollutants.

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

General

- For the storage, handling, and disposal of these products, the Operator shall provide either cover to minimize the exposure of these chemicals to precipitation and to stormwater or similar effective means and methods designed to minimize the discharge of pollutants.
- Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.

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

General

- For the storage, handling, and disposal of these products, the Operator shall store chemicals in water-tight containes, and provide either cover to minimize the exposure of these containers to precipitation and to stormwater or similar effective means and methods designed to minimize the discharge of pollutants (e.g., having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill), or provide secondary containment (e.g., spill berms, decks, spill containment pallets)
- The Operator will ensure designated personnel clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. The Operator is prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

5.5.4 Hazardous or Toxic Waste

General

- Separate hazardous or toxic waste from construction and domestic waste
- Store waste in sealed containers, which are constructed of suitable materials to prevent leachage 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.

- Store all outside containers within appropriately-sized secondary containment to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas.
- 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.
- Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. The Operator is prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
- Follow all other federal state, tribal, and local requirements regarding hazardous or toxic waste.

5.5.5 Construction and Domestic Waste

General

- Provide waste containers such as dumpster or other trash receptable of sufficient size and number to contain construction and domestic wastes
- Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either cover to minimize exposure of wastes to precipitation or a similarly effective means designed to minimize the discharge of pollutants.
- On business days, personnel shall walk the site and clean up and dispose of waste in designated waste containers
- The Operator shall ensure replacement containers are present onsite before containers onsite overflow

5.5.6 Sanitary Waste

General

- For sanitary waste, position portable toilets so that they are secure and will not be tipped or knocked over, and located away from waterways and resource areas of the United States and stormwater inlets or conveyances

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

General

- The Operator shall direct wash water into designated areas to prevent pollutants from leaving the site.

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- Designated concrete washout areas

Installation

- The Operator shall locate designated site washout areas away from waterways and resource areas of the United States and stormwater inlets or conveyances.
- The designated washout area can be a lined excavated hole, reusable washout pan, disposable concrete washout bag or other EPA/SWPPP compliant methodology.

Maintenance Requirements

- For the use of an excavated hole, the Operator will remove concrete once the hole is no more than three-quarters full with concrete.
- For the use of washout pans, concrete will be allowed to harden prior to disposal.
- For the use of concrete bags, once bag is filled, concrete will be allowed to harden prior to disposal.
- Concrete to be disposed of in accordance with local, state and federal requirements.

Pollution Prevention Practice #2

Description

- Designated washout area for paints and other materials

Installation

- The Operator shall locate designated site washout areas away from waterways and resource areas of the United States and stormwater inlets or conveyances.
- The designated washout area shall be 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 precipication.
- Do not dump wastes in storm inlets or stormwater conveyance that may direct runoff to waterways and resource areas of the United States.

Maintenance Requirements

- Once containers are filled, dispose of wastes in accordance with local, state and federal requirements.

5.7 Fertilizers

General

- Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with §7.2.6.b.ix.
- 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
- Avoid applying before heavy rains that could cause excess nutrients to be discharged
- Never apply to frozen ground
- Never apply to stormwater conveyance channels
- Follow all other federal, state, tribal, and local requirements regarding fertilizer application
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

SECTION 6: INSPECTION AND CORRECTIVE ACTION (§7.2.7)

6.1 Inspection Personnel and Procedures

Personnel Responsible for Inspections

TO BE DETERMINED

Note: All personnel conducting inspections must be considered a "qualified person." CGP Part 4.1.1 clarifies that a "qualified person" is a person knowledgeable in the principles and practices of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

Inspection Schedule

Specific Inspection Frequency

The Merrimack River is designated a sensitive water, inspection frequency will be performed in accordance with CGP §4.3. Inspections shall be once every seven (7) calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge.

Rain Gauge Location (if applicable)

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 the site, or obtain the storm event information from a weather station that is representative of the site location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, the Operator must record the total rainfall measured for that day in accordance with §4.7.1.d.

Reductions in Inspection Frequency (if applicable)

- For the reduction in inspections resulting from stabilization, reduce in accordance with §4.4.1 (List Dates and Locations):

- For reduction in inspections due to frozen conditions, reduce in accordance with §4.4.3 (Dates of Frozen Conditions):

Areas That Must Be Inspected (§4.5)

- All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with §2.2.14a
- All stormwater controls (including pollution prevention controls) installed at the site to comply with this permit
- Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit
- All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, and/or treat stormwater
- All points of discharge from the site
- All locations where stabilization measures have been implemented

*Inspectors are not required to inspect areas that, at the time of the inspection, are considered unsafe to inspection personnel

Requirements for Inspections (§4.6)

- Check whether all stormwater controls are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges
- Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site
- Identify any locations where new or modified stormwater controls are necessary to meet the requirements of the 2017 Construction General Permit
- Check for signs of visible erosion and sedimentation that have occurred and are attributable to your discharge at points of discharge and, if applicable, the banks of any waterways of the United States flowing within or immediately adjacent to the site
- Identify any incidents of noncompliance observed
- If a discharge is occurring during the inspection:
  a. Identify all discharge points at the site
  b. Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color, odor, floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants
- Based on the results of the inspection, complete any necessary maintenance per §2.1.4 and corrective action per §5.

Inspection Report Forms
SEE APPENDIX D

6.2 Corrective Action (§5)

Personnel Responsible for Corrective Actions
PERSONNEL TO BE DETERMINED

Corrective Action Forms
SEE APPENDIX E

SECTION 7: TRAINING (§6)

The Operator, or group of multiple Operators, must assemble a stormwater team to carry out compliance activities associated with the requirements outlined in the 2017 Construction General Permit. Additionally, the stormwater team members must be trained as outlined in the 2017 Construction General Permit.

Table 7-1: Documentation for Completion of Training

Name	Date Training Completed

SECTION 8: 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: _____ Title: _____

Signature: _____ Date: _____

[Repeat as needed for multiple construction operators at the site.]

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A – Site Maps

Appendix B – 2017 NPDES General Permit for Discharges from Construction Activities

Appendix C – NOI and EPA Authorization Email
To be filed prior to construction

Appendix D – SWPPP Inspection Form

Appendix E – Corrective Action Log

Appendix F – SWPPP Amendment Log

Appendix G – Subcontractor Certifications / Agreements Form

Appendix H – Grading and Stabilization Activities Log

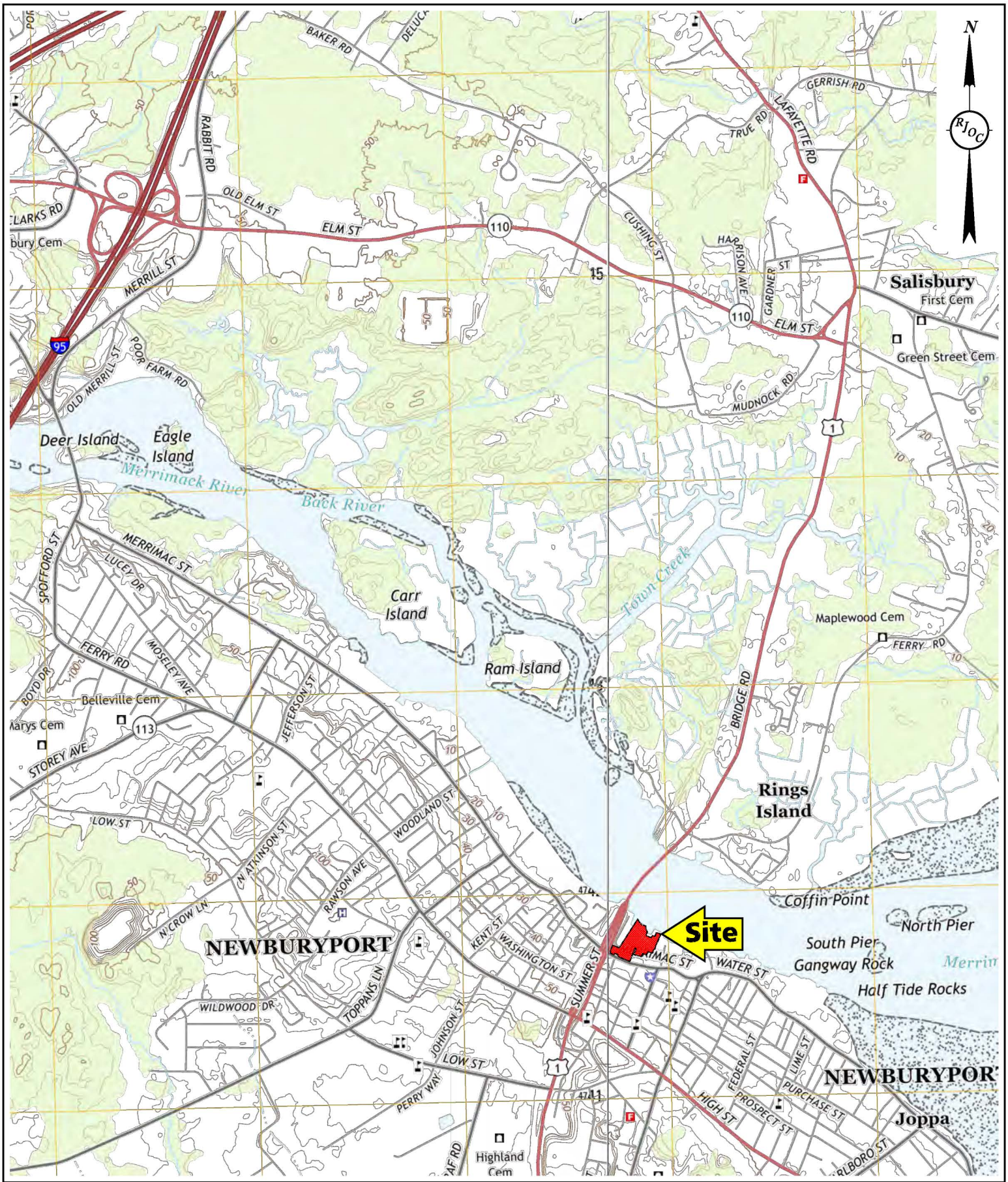
Appendix I – SWPPP Training Log

Appendix J – Endangered Species Documentation

Appendix K – Historic Preservation Documentation

Appendix A

Site Maps



No.	REVISION	DATE

Designed by:	BMS
Drawn by:	KPM
Checked by:	SPG
Scale:	1"=2000'
Date:	03/10/2017

Prepared by:
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781-279-0180 FAX: 781-279-0173

Project Name:
WATERFRONT WEST
NEWBURYPORT, MA

Drawing Name:
USGS SITE LOCUS MAP

Drawing No.:
FIG-1

Project No.: 16025

Drawing name: G:\MA\Newburyport\New England Development\Waterfront West Development\Engineer\Drainage\Figures\Figure 1 – USGS Site Locus Map.dwg
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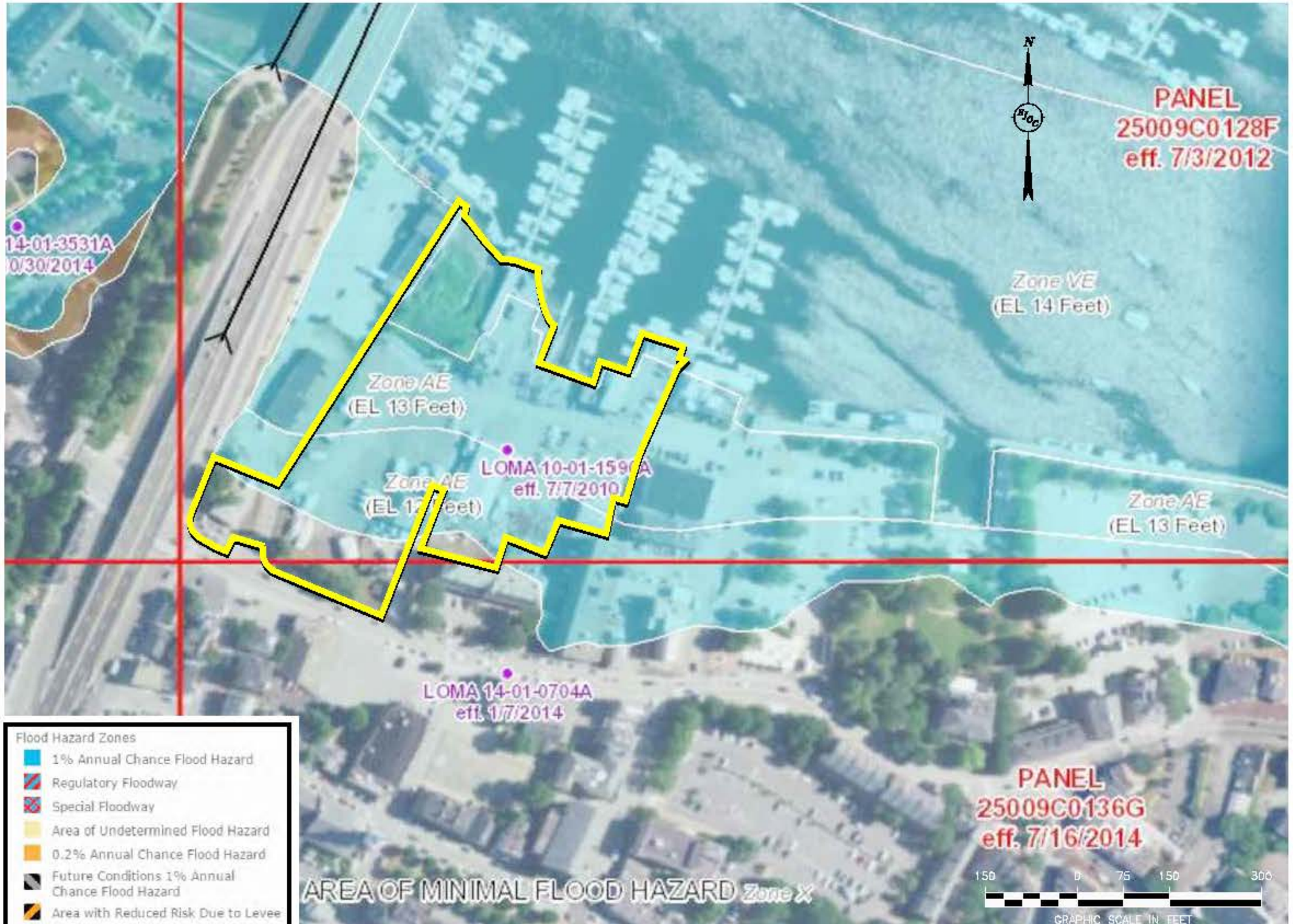

No.	Revision	Date

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Drawn by:	KPM
Checked by:	SPG
Scale:	1"=150'
Date:	03/10/2017

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Project Name:

WATERFRONT WEST
NEWBURYPORT, MA

Drawing Name:

FEMA FLOOD INSURANCE RATE MAP

Drawing No.:

FIG-2

Project No.: 16025

Drawing name: \\FS3\Projects\MA\Newburyport\New England Development\Waterfront West Development\Engineer\Dwfmage\Figures\Figure 2 - FEMA Flood Insurance Rate Map.dwg
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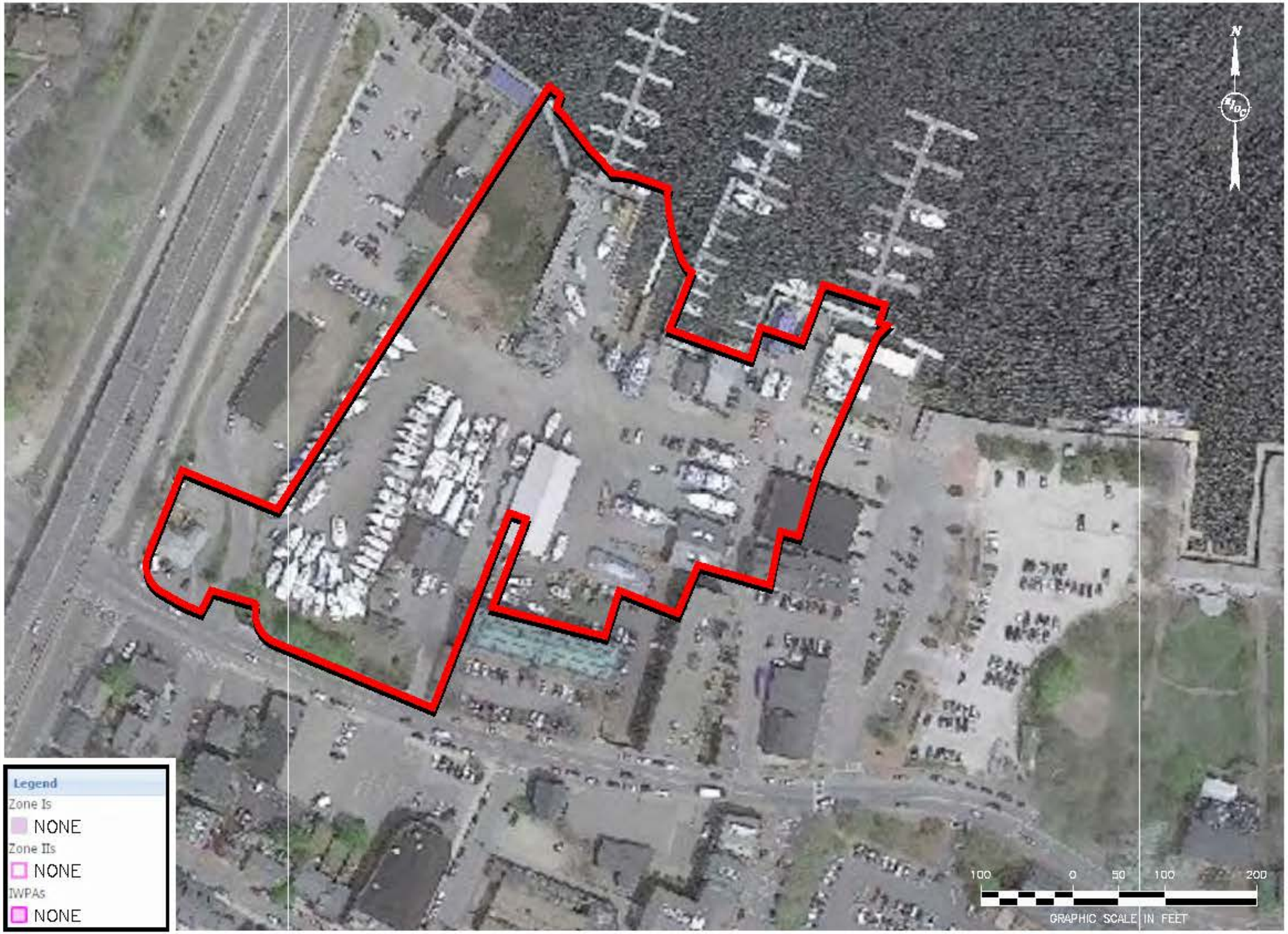

No.	Revision	Date

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Drawn by:	KPM
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Scale:	1"=100'
Date:	03/10/2017

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Project Name:

WATERFRONT WEST
NEWBURYPORT, MA

Drawing Name:

WELLHEAD PROTECTION MAP

Drawing No.:

FIG-3

Project No.: 16025

Drawing name: \\RJO\Projects\MA\Newburyport\New England Development\Waterfront West Development\Engineer\Drainage\Figures\Figure 3 - Wellhead Protection Mapping
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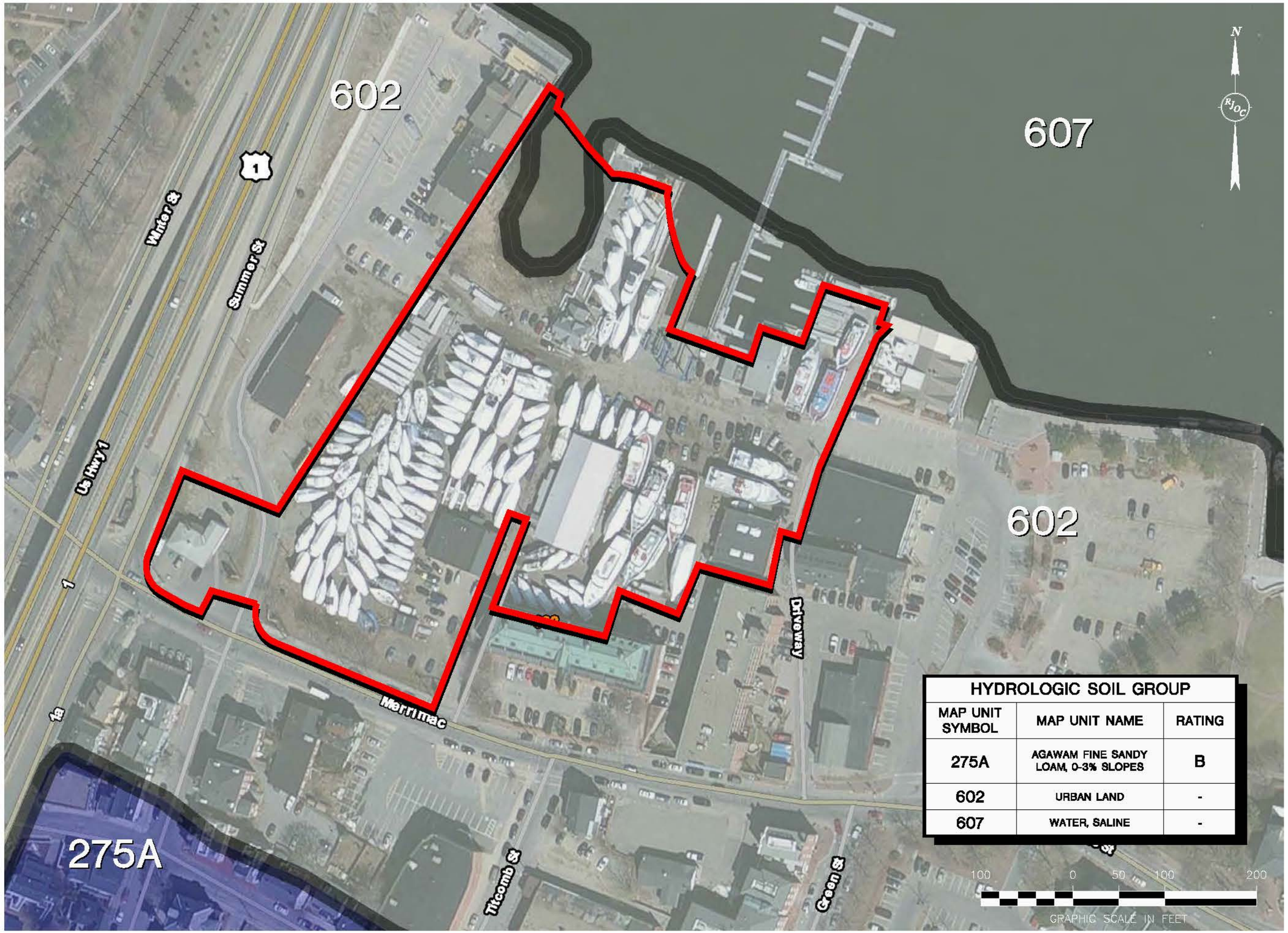

HYDROLOGIC SOIL GROUP		
MAP UNIT SYMBOL	MAP UNIT NAME	RATING
275A	AGAWAM FINE SANDY LOAM, 0-3% SLOPES	B
602	URBAN LAND	-
607	WATER, SALINE	-

No.	Revision	Date

Designed by:	BMS
Drawn by:	KPM
Checked by:	SPG
Scale:	1"=100'
Date:	03/10/2017

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Project Name:

WATERFRONT WEST
NEWBURYPORT, MA

Drawing Name:

NRCS WEB SOIL SURVEY MAP

Drawing No.:

FIG-4

Project No.: 16025

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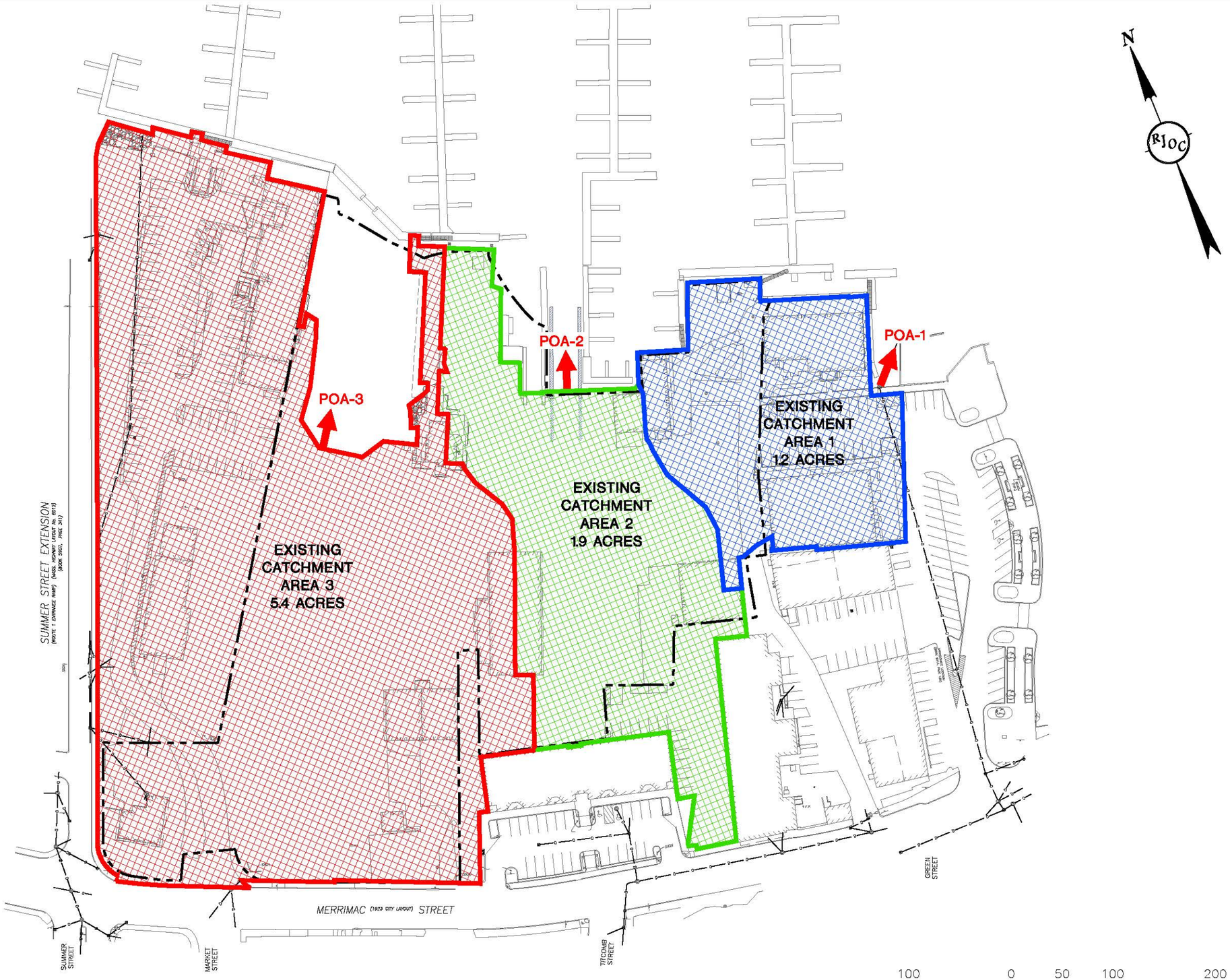

No.	Revision	Date

Designed by:	AXK
Drawn by:	KPM
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Scale:	1"=100'
Date:	03/10/2017

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Project Name:

WATERFRONT WEST
NEWBURYPORT, MA

Drawing Name:

EXISTING CATCHMENTS PLAN

Drawing No.:

FIG-5

Project No.: 16025

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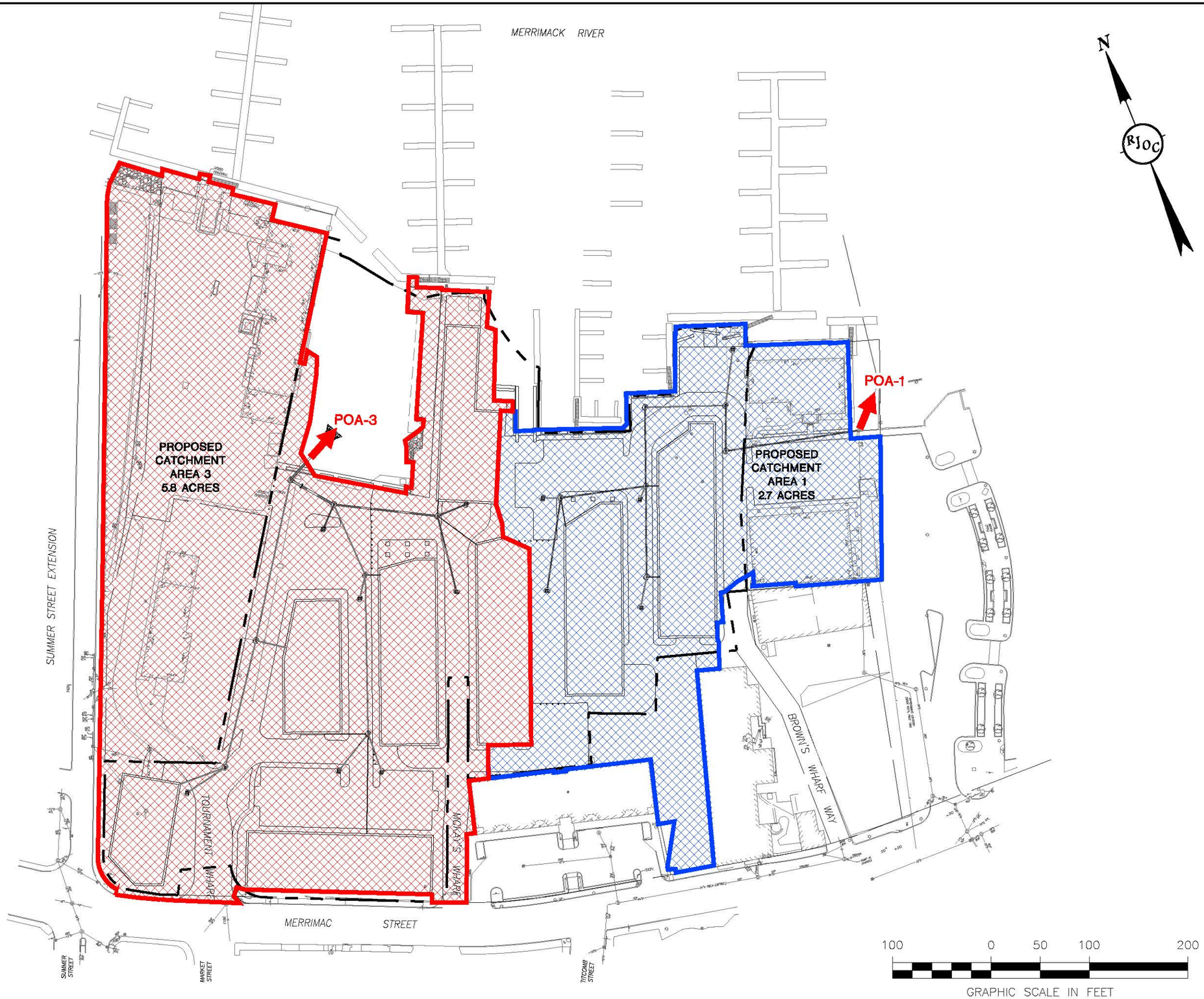

No.	Revision	Date

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Drawn by:	KPM
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Scale:	1"=100'
Date:	03/10/2017

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Project Name:

WATERFRONT WEST
NEWBURYPORT, MA

Drawing Name:

PROPOSED CATCHMENTS PLAN

Drawing No.:

FIG-6

Project No.: 16025

Drawing name: \\FS3\Projects\MA\Newburyport\New England Development\Waterfront West Development\Engineer\Drainage\Figures\Figure 6 – Proposed Catchments Plan.dwg
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Appendix B

2017 NPDES General Permit for Discharges from Construction Activities

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

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) general permit, are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on February 16, 2017.

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

Signed and issued this 11th day of January 2017

Deborah Szaro,
Acting Regional Administrator, EPA Region 1

Signed and issued this 11th day of January 2017

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

Signed and issued this 11th day of January 2017

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

Signed and issued this 11th day of January 2017

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

Signed and issued this 11th day of January 2017

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

Signed and issued this 11th day of January 2017

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

Signed and issued this 11th day of January 2017

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

Signed and issued this 11th day of January 2017

Kristin Gullatt
Deputy Director, Water Division, EPA Region 9

Signed and issued this 11th day of January 2017

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

Signed and issued this 11th day of January 2017

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

Signed and issued this 11th day of January 2017

Christopher Korleski,
Director, Water Division, EPA Region 5

CONTENTS

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

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

1.1 ELIGIBILITY CONDITIONS

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

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

b. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions *(e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor (as defined in Appendix A) of the project).*

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

1.1.2 Your site's construction activities:

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

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

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

1.1.4 Discharges from your site are not:

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

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

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

---

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

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

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

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

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

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

a. EPA has not, prior to authorization under this permit, determined that discharges from your site will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that will not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

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

1.1.9 If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your Notice of Intent (NOI) unless and until you notify your applicable EPA Regional Office (see Appendix L) in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to discharges that cause an exceedance of water quality standards.

1.2 TYPES OF DISCHARGES AUTHORIZED[5]

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

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

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

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

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

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

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

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

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

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

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

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

a. Discharges from emergency fire-fighting activities;

b. Fire hydrant flushings;

c. Landscape irrigation;

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

e. Water used to control dust;

f. Potable water including uncontaminated water line flushings;

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

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

i. Uncontaminated air conditioning or compressor condensate;

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

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

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

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

1.3 PROHIBITED DISCHARGES[6]

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

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

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

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

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

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

1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

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

Exception*:* If you are conducting construction activities in response to a public emergency *(e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services)*, and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency.

1.4.1 Prerequisite for Submitting Your NOI

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

1.4.2 How to Submit Your NOI

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

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

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

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

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

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

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

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

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

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

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

[7] If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

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

1.4.4 Modifying your NOI

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

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

1.4.5 Your Official End Date of Permit Coverage

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

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

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

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

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right-of-way.[9] At a minimum, the notice must include:

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

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

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

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

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

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

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

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

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

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

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

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

b. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and

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

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

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

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

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

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

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

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

[11] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2 and 2.3.

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

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

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

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

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

2.2.4 Minimize sediment track-out.

a. Restrict vehicle use to properly designated exit points;

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

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

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

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

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

d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance, storm drain inlet, or water of the U.S.[18]

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

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

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

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

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

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

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

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

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

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

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

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

2.2.8 Preserve native topsoil, unless infeasible.[21]

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

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

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

2.2.10 Protect storm drain inlets.

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

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

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

2.2.12 If you install a sediment basin or similar impoundment:

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

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

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

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

ii. 3,600 cubic feet per acre drained.

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

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

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

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

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

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

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

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

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

b. Select appropriate treatment chemicals. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated *(i.e., the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area).*

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

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

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

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

g. Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals. If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as conditioned by your authorization to ensure that the use of such chemicals will not cause an exceedance of water quality standards.

[25] The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

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

a. Stabilization Deadlines:[26]

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

[26] EPA may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

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

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

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

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

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

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

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

iii. Exceptions:

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

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

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

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

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

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

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

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

(c) Discharges to a sediment- or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes. Complete stabilization as soon as

[31] See footnote 27

[32] See footnote 28

[33] See footnote 29

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

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

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

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

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

iii. Exceptions:

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

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

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

2.3 POLLUTION PREVENTION REQUIREMENTS[36]

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

2.3.1 For equipment and vehicle fueling and maintenance:

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

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

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

[37] Examples of effective means include:

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

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

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

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

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

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

2.3.2 For equipment and vehicle washing:

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

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

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

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

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

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

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

ii. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).

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

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

[38] Examples of effective means include locating activities away from waters of the U.S. and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

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

the event of a leak or spill), or provide secondary containment *(e.g., spill berms, decks, spill containment pallets)*; and

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

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

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

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

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

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

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

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

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

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

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

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

iv. Clean up immediately if containers overflow.

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

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

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

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

a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing or precipitation;

b. Handle washout or cleanout wastes as follows:

i. Do not dump liquid wastes in storm sewers or waters of the U.S.;

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

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

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

2.3.5 For the application of fertilizers:

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

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

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

d. Never apply to frozen ground;

e. Never apply to stormwater conveyance channels; and

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

2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

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

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

2.4.2 Do not discharge visible floating solids or foam;

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

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

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

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

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

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional state or tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

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

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

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

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

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes, you must comply with the inspection frequency specified in 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14.a.iii.(c).[45]

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

In addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

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

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

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

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

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

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

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

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

4 SITE INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR INSPECTING SITE

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that the person who conducts inspections is a "qualified person."[47]

4.2 FREQUENCY OF INSPECTIONS.[48]

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

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

4.2.2 Once every 14 calendar days *and* within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge.[49] To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

4.3 INCREASE IN INSPECTION FREQUENCY FOR SITES DISCHARGING TO SENSITIVE WATERS.

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), instead of the inspection frequency specified in

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

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

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

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

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

Once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized areas.

a. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month in any area of your site where the stabilization steps in 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.

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

4.4.2 Arid, semi-arid, or drought-stricken areas (as defined in Appendix A). If it is the seasonally dry period or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event of 0.25 inches or greater. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.

4.4.3 Frozen conditions:

a. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:

i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain

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

ii. Land disturbances have been suspended; and

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

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

i. Runoff is unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and

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

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

4.5 AREAS THAT MUST BE INSPECTED

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

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

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

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

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

4.5.5 All points of discharge from the site; and

4.5.6 All locations where stabilization measures have been implemented.

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

4.6 REQUIREMENTS FOR INSPECTIONS

During your site inspection, you must at a minimum:

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

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

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

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

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

4.6.5 Identify any incidents of noncompliance observed;

4.6.6 If a discharge is occurring during your inspection:

a. Identify all discharge points at the site; and

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

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

4.7 INSPECTION REPORT

4.7.1 You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:

a. The inspection date;

b. Names and titles of personnel making the inspection;

c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any necessary maintenance or corrective actions;

d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of rainfall measuring 0.25 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and

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

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

4.7.3 You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by EPA.

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

4.8 INSPECTIONS BY EPA

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

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

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

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

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

4.8.4 Sample or monitor for the purpose of ensuring compliance.

5 CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

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

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

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

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

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

5.2 CORRECTIVE ACTION DEADLINES

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

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

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

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

5.3 CORRECTIVE ACTION REQUIRED BY EPA

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.

5.4 CORRECTIVE ACTION REPORT

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

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

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

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

5.4.4 You must keep a copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an on-site inspection or upon request by EPA.

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

6 STAFF TRAINING REQUIREMENTS

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

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

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

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

[51] If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit.

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

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

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

6.4 Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

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

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

7.2 SWPPP CONTENTS

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

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

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

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

specified in other parts of this permit.

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

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

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

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

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

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

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

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

f. A description and projected schedule for the following:

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

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

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

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

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

h. Business days and hours for the project;

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

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

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

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

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

a. Boundaries of the property;

b. Locations where construction activities will occur, including:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.2.6 Description of Stormwater Controls.

a. For each of the Part 2.2 erosion and sediment control effluent limits, Part 2.3 pollution prevention effluent limits, and Part 2.4 construction dewatering effluent limits, as applicable to your site, you must include the following:

   i. A description of the specific control(s) to be implemented to meet the effluent limit;

   ii. Any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);[57]

   iii. Routine stormwater control maintenance specifications; and

   iv. The projected schedule for stormwater control installation/implementation.

b. You must also include any of the following additional information as applicable.

   i. Natural buffers and/or equivalent sediment controls (see Part 2.2.1 and Appendix G). You must include the following:

      (a) The compliance alternative to be implemented;

      (b) If complying with alternative 2, the width of natural buffer retained;

      (c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;

      (d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;

      (e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and

      (f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a water of the U.S.

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

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

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

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

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

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

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

(a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;

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

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

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

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

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

(g) A description of how chemicals will be stored consistent with Part 2.2.13c;

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

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

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

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

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

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

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

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

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

responsible for detection and response of spills or leaks; and

(b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.[58]

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

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

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

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

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

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

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

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

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

7.2.9 Compliance with Other Requirements.

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

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

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

c. Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls. If you are using any of the following stormwater controls at your site, document any contact you have had with the applicable state agency[59] or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR 144 -147. Such controls would generally be considered Class V UIC wells:

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

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

   iii. Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

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

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

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

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

c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a state, tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.[60]

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

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

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

7.4 SWPPP MODIFICATIONS

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

a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;

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

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

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

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

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

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

f. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

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

7.4.3 All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix I, Part I.11.b.

7.4.4 Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

8 HOW TO TERMINATE COVERAGE

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1 MINIMUM INFORMATION REQUIRED IN NOT

8.1.1 NPDES ID (*i.e., permit tracking number)* provided by EPA when you received coverage under this permit;

8.1.2 Basis for submission of the NOT (see Part 8.2);

8.1.3 Operator contact information;

8.1.4 Name of site and address (or a description of location if no street address is available); and

8.1.5 NOT certification.

8.2 CONDITIONS FOR TERMINATING CGP COVERAGE

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

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

a. For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14b;

b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;

c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and

d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or

8.2.2 You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

8.2.3 Coverage under an individual or alternative general NPDES permit has been obtained.

8.3 HOW TO SUBMIT YOUR NOT

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

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

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

8.4 DEADLINE FOR SUBMITTING THE NOT

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

8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to EPA.

9 PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES

The provisions in this Part provide modifications or additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the state or tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific states, Indian country, and areas in certain states subject to construction projects by Federal Operators. States, Indian country, and areas subject to construction by Federal Operators not included in this Part do not have any modifications or additions to the applicable conditions of this permit.

9.1 EPA Region 1

9.1.1 NHR100000 State of New Hampshire

a. If you disturb 100,000 square feet or more of contiguous area, you must also apply for an Alteration of Terrain (AoT) permit from DES pursuant to RSA 485- A:17 and Env-Wq 1500. This requirement also applies to a lower disturbance threshold of 50,000 square feet or more when construction occurs within the protected shoreline under the Shoreland Water Quality Protection Act (see RSA 483-B and Env-Wq 1400). A permit application must also be filed if your project disturbs an area of greater than 2,500 square feet, is within 50 feet of any surface water, and has a flow path of 50 feet or longer disturbing a grade of 25 percent or greater. Project sites with disturbances smaller than those discussed above, that have the potential to adversely affect state surface waters, are subject to the conditions of an AoT General Permit by Rule.

b. You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-stormwater discharge under this permit (see Part 1.2.2). The water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the groundwater dewatering location. Information on groundwater contamination can be generated over the Internet via the NHDES web site http://des.nh.gov/ by using the One Stop Data Mapper at http://des.nh.gov/onestop/gis.htm. If it is determined that the groundwater to be dewatered is near a remediation or other waste site you must apply for the Remediation General Permit (see https://www3.epa.gov/region1/npdes/rgp.html.)

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

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

d. Construction site owners and operators must consider opportunities for post-construction groundwater recharge using infiltration best management practices (BMPs) during site design and preparation of the SWPPP. If your construction site is in a town that is required to obtain coverage under the NPDES General Permit for discharges from Municipal Separate Storm Sewer Systems (MS4) you may be required to use such practices. The SWPPP must include a description of any on-site infiltration that will be installed as a post-construction stormwater management measure or reasons for not employing such measures such as 1) The facility is located in a wellhead protection area as defined in RSA 485- C:2; or 2) The facility is located in an area where groundwater has been reclassified to GAA, GAI or GA2 pursuant to RSA 485-C and Env-DW 901; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 1507.04(e), including all land uses or activities considered to be a "High-load Area" (see Env-Wq 1502.26). For design considerations for infiltration measures see Volume II of the NH Stormwater Manual.

e. Appendix F contains a list of Tier 2, or high quality waters. Although there is no official list of tier 2 waters, it can be assumed that all NH surface waters are tier 2 for turbidity unless 1) the surface water that you are proposing to discharge into is listed as impaired for turbidity in the states listing of impaired waters (see Surface Water Quality - Watershed Report Cards at http://des.nh.gov/organization/divisions/water/wmb/swqa/report_cards.htm) or 2) sampling upstream of the proposed discharge location shows turbidity values greater than 10 NTU. A single grab sample collected during dry weather (no precipitation within 48 hours) is acceptable.

f. To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 1700 and Env-Wq 302, the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown in Part 9.1.4 (g).

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

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

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

g. All required or requested documents must be sent to:

    NH Department of Environmental Services, Wastewater Engineering Bureau,
    Permits & Compliance Section
    P.O. Box 95
    Concord, NH 03302-0095

9.2 EPA Region 3

9.2.1 DCR100000 District of Columbia

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

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

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

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

d. The Department may request a copy of the Stormwater Pollution Prevention Plan (SWPPP) and the permittee is required to submit the SWPPP to the Department with 14 days of such request. The Department may conduct an inspection of any facility covered by this permit to ensure compliance with District's law requirements including water quality.

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

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

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

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

9.3 EPA Region 5

9.3.1 MNR10I000 Indian country within the State of Minnesota

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[62] 36 C.F.R. § 800.16(l)(2).

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

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

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

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

[67] See footnote 61.

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

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

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

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

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

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

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

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

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

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

[71] See footnote 61.

[72] See footnote 62.

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

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

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

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

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

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

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

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

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

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

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

[73] 36 C.F.R. § 800.3(c)(4).

[74] 36 C.F.R. § 800.3(b).

[75] See footnote 61.

[76] See footnote 61.

[77] See footnote 61.

Lac du Flambeau, WI 54538

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

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

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

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

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

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

9.4 EPA Region 6

9.4.1 NMR100000 State of New Mexico, except Indian country

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

b. Bottom Deposits and Suspended or Settleable Solids:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

   ii. Indicate on the NOI that dewatering activities are anticipated. Provide information on flow and potential to encounter impacted groundwater.

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

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

   v. If disposal will be to the ground surface or in an unlined pond, the permittee must submit an NOI to the NMED Ground Water Quality Bureau.

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

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

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

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

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

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

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

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

s. Operators who intend to obtain authorization under this permit for new and existing storm water discharges from construction sites must satisfy the following condition: The SWPPP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion and sediment control best management practices (BMPs) and/or other controls that are designed to prevent to the maximum extent practicable an increase in the sediment yield and flow velocity from pre-construction, pre-development conditions to assure that applicable standards in 20.6.4.NMAC, including the antidegradation policy, or TMDL waste load allocations (WLAs) are met. This requirement applies to discharges both during construction and after construction operations have been completed. The SWPPP must identify and document the rationale for selecting these BMPs and/or other controls. The SWPPP must also describe design specifications, construction specifications, maintenance schedules (including a long term maintenance plan), criteria for inspections, and expected performance and longevity of these BMPs. For sites greater than 5 acres in size, BMP selection must be made based on the use of appropriate soil loss prediction models (i.e. SEDCAD, RUSLE, SEDIMOT, MULTISED, etc.) OR equivalent generally accepted (by professional erosion control specialists) soil loss prediction tools.

t. For all sites, the operator(s) must demonstrate, and include documentation in the SWPPP, that implementation of the site-specific practices will assure that the applicable standards or TMDL WLAs are met, and will result in sediment yields and flow velocities that, to the maximum extent practicable, will not be greater than

the sediment yield levels and flow velocities from preconstruction, pre-development conditions.

u. All SWPPPs must be prepared in accordance with good engineering practices by qualified (e.g. CPESC certified, engineers with appropriate training) erosion control specialists familiar with the use of soil loss prediction models and design of erosion and sediment control systems based on these models (or equivalent soil loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP. The operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP.

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

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

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

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

(3) Numeric effluent /imitations are infeasible, or

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

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

9.4.2 NMR10I000 Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

k. CGP at 2.3.6 Emergency spill notification requirements: You must notify the Pueblo of Isleta Water Quality Control Officer and National Response Center (NRC) [at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR 110, 40 CFR 117, and 40 CFR 302] as soon as you have knowledge of the release. Verbal and electronic notice shall be provided as specified in I.12.6.1

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

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

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

b. Copies of all Notices of Intent (NOI) submitted to the EPA must also be sent concurrently to the Pueblo of Sandia at the following address. Discharges are not authorized by this permit unless an accurate and complete NOI has been submitted to the Pueblo of Sandia, either by mail or electronically.

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

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

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

d. The Stormwater Pollution Prevention Plan (SWPPP) must be available to the Pueblo of Sandia Environment Department either electronically or hard copy upon request for review. The SWPPP must be made available at least fourteen (14) days before construction begins. The fourteen (14) day period will give Pueblo staff time to become familiar with the project site, prepare for construction site inspections, and

determine compliance with the Pueblo of Sandia Water Quality Standards. Failure to provide a SWPPP to the Pueblo of Sandia may result in the delay or denial of the construction project.

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

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

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

h. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements for site stabilization have been met and any temporary erosion control structures have been removed. A short letter stating the NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to EPA.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pueblo of Tesuque
Office of the Governor

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

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

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

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

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

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

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

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

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

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

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

Ohkay Owingeh Office of Environment Affairs
Attention: Environmental Programs Manager

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

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

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

9.4.3 OKR10I000 Indian country within the State of Oklahoma

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

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

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

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

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

9.4.4 OKR10F000 Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).

a. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Certification is denied for any on-going activities such as sand and gravel mining or any other mineral mining.

b. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.

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

9.5 EPA Region 8

9.5.1 MTR10I000 Indian country within the State of Montana

9.5.1.1 The Confederated Salish and Kootenai Tribes of the Flathead Nation. The following conditions apply only to discharges on the Confederated Salish and Kootenai Tribes of the Flathead Nation Reservation:

a. Permittees must submit the Stormwater Pollution Prevention Plan (SWPPP) to the Confederated Salish and Kootenai Tribes at least 30 days before construction starts.

b. Before submitting the Notice of Termination (NOT), permittees must clearly demonstrate to an appointed Tribal staff person during an onsite inspection that requirements for site stabilization have been met.

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

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

e. Written SWPPPs, NOIs and NOTs may be mailed to:

Clint Folden, Water Quality Regulatory Specialist
Confederated Salish and Kootenai Tribes
Natural Resources Department
P.O. Box 278
Pablo, MT 59855

9.6 EPA Region 9

9.6.1 CAR10I000 Indian country within the State of California

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

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

Tribal Environmental Coordinator
Twenty-Nine Palms Band of Mission Indians
46-200 Harrison Place
Coachella, CA 92236

b. The applicant must also concurrently submit to the Tribal Environmental Coordinator written notification of any other forms or information submitted to the EPA, including waivers, reporting, and Notice of Termination (NOT).

c. Permitted entities under the CGP must keep the Tribal EPA informed of authorized discharges under the CGP by submitting written information about the type, quantity, frequency and location, intended purpose, and potential human health

and/or environmental effects of their activities. These requirements are pursuant to Section 4 of the Twenty-Nine Palms Band of Mission Indians Water Pollution Control Ordinance (022405A). This information may be submitted to Tribal EPA in the form of Stormwater Pollution Prevention Plans (SWPPPs), monitoring reports, or other reports as required under the CGP. Spills, leaks, or unpermitted discharges must be reported in writing to Tribal EPA within 24 hours of the incident.

9.6.2 GUR100000 Island of Guam. The following conditions apply only to discharges on the Island of Guam:

a. Any earth-moving operations which require a permit must be obtained from the Department of Public Works (DPW) with clearance approval from various Government of Guam Agencies including Guam EPA prior to the start of any earth-moving activity.

b. In the event that the construction sites are within the Guam Sole Source Aquifer, the construction site owner and operator must consider opportunities to facilitate groundwater recharge for construction and post-construction implementing infiltration Best Management Practices. Stormwater disposal systems shall be designed and operated within the boundaries of the project. Stormwater systems shall not be permitted within any Wellhead Protection Zone unless the discharge meets the Guam Water Quality Standards within the zone. Waters discharged within the identified category G-2 recharge zone shall receive treatment to the degree required to protect the drinking water quality prior to it entering the category G-1 resource zone.

c. All conditions and requirements set forth in the 22 Guam Administrative Rules and Regulations (GARR), Division II, Water Control, Chapter 10, Guam Soil Erosion and Sediment Control Regulations (GSESCR) that are more protective than the CGP regarding construction activities must be complied with.

d. All standards and requirements set forth in the 22 GARR, Division II, Water Control, Chapter 5, *Guam Water Quality Standards (GWQS) 2001 Revisions*, must be complied with to include reporting GWQS exceedance to Guam EPA.

e. All operators/owners of any property development or earth moving activities shall comply with the erosion control pre-construction and post-construction BMP design performance standards and criteria set forth in the 2006 CNMI and Guam Stormwater Management Manual.

f. All conditions and requirements regarding dewatering activities set forth in 22 Guam Administrative Rules and Regulations Chapter 7, Water Resources Development and Operating Regulations must be complied with to include securing permits with Guam EPA prior to the start of any dewatering activities.

g. If a project to be developed is covered under the Federal Stormwater Regulations (40 CFR Parts 122 & 123), a Notice of Intent (NOI) to discharge stormwater to the surface and marine waters of Guam must be submitted to the U.S. EPA and a copy furnished to Guam EPA, pursuant to Section 10, 104(B)(5)(d) 22GAR, Division II, Chapter 10.

h. Guam EPA shall apply the Buffer Requirements listed in Appendix G of the CGP NPDES Permit for construction activities as it pertains to Waters of the U.S. in Guam. Guam EPA shall also apply the same buffer requirements for sinkholes in Guam.

i. When Guam EPA, through its permit review process, identifies that the proposed construction activity is close proximity to marine waters, contractors and owners will

be informed that any activity that may impair water quality are required to stop during peak coral spawning periods as per the Guam Coral Spawning Construction Moratoriums.

j. The Proposed Construction General Permit must set appropriate measures and conditions to protect Guam's Threatened and Endangered Species and Outstanding Resource Waters of exceptional recreational or ecological significance as determined by the Guam EPA Administrator as per *Guam Water Quality Standards 2001 Revisions,* §5102, Categories of Waters, D. Outstanding Resource Waters.

k. When Guam EPA through its permit review process identifies that proposed construction activity is in close proximity to any Section 303d impaired waters, which includes marine waters and surface waters, shall ensure that construction activity does not increase the impaired water's ambient parameters.

l. When Rainfall Erosivity and TMDL Waivers reflected in the CGP, Appendix C, are submitted to the U.S. EPA, Guam EPA will review waivers on a project by project basis.

m. Prior to submission of the Notice of Termination (NOT) to the U.S. EPA, permittees must clearly demonstration to Guam EPA that the project site has met all soil stabilization requirements and removal of any temporary erosion control as outlined in the GSESCR.

9.7 EPA Region 10

9.7.1 IDR100000 State of Idaho, except Indian country

a. *Idaho's Antidegradation Policy*. The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).

1. Tier I Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier 1 review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.05).
2. Tier II Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).
3. Tier III Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ is employing a water body by water body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier I protection for that use, unless specific circumstances warranting Tier II protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

b. *Pollutants of Concern.* The primary pollutants of concern associated with stormwater discharges from construction activities are sediment, typically

measured as total suspended solids and turbidity. Other potential pollutants include the following: phosphorus, nitrogen, pesticides, organics, metals, PCBs, petroleum products, construction chemicals, and solid wastes.

c. *Receiving Water Body Level of Protection.* The CGP provides coverage to construction activities throughout the entire State of Idaho. Because of the statewide applicability, all of the jurisdictional waters within Idaho could potentially receive discharges either directly or indirectly from activities covered under the CGP. DEQ applies a water body by water body approach to determine the level of antidegradation a water body will receive.

All waters in Idaho that receive discharges from activities authorized under the CGP will receive, at minimum Tier I antidegradation protection because Idaho's antidegradation policy applies to all waters of the state. Water bodies that fully support their aquatic life or recreational uses are considered to be *high quality waters* and will receive Tier II antidegradation protection.

Although Idaho does not currently have any Tier III designated outstanding resource waters (ORWs) designated, it is possible for a water body to be designated as an ORW during the life of the CGP. Because of this potential, the antidegradation review also assesses whether the permit complies with the outstanding resource water requirements of Idaho's antidegradation policy.

To determine the support status of the receiving water body, persons filing a Notice of Intent (NOI) for coverage under this general permit must use the most recent EPA-approved Integrated Report, available on Idaho DEQ's website: http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/.

High quality waters are identified in Categories 1 and 2 of the Integrated Report. If a water body is in either Category 1 or 2, it is a Tier II water body.

Unassessed waters are identified as Category 3 of DEQ's Integrated Report. These waters require a case-by-case determination to be made by DEQ based on available information at the time of the application for permit coverage. If a water body is unassessed, the applicant is directed to contact DEQ for assistance in filing the NOI.

Impaired waters are identified in Categories 4 and 5 of the Integrated Report. Category 4(a) contains impaired waters for which a TMDL has been approved by EPA. Category 4(b) contains impaired waters for which controls other than a TMDL have been approved by EPA. Category 5 contains waters which have been identified as "impaired," for which a TMDL is needed. These waters are Tier I waters, for the use which is impaired. With the exception, if the aquatic life uses are impaired for any of these three pollutants—dissolved oxygen, pH, or temperature—and the biological or aquatic habitat parameters show a health, balanced biological community, then the water body shall receive Tier II protection, in addition to Tier I protection, for aquatic life uses (IDAPA 58.01.02.052.05.c.i.).

DEQ's webpage also has a link to the state's map-based Integrated Report which presents information from the Integrated Report in a searchable, map-based format: http://www.deq.idaho.gov/assistance-resources/maps-data/.

Water bodies can be in multiple categories for different causes. If assistance is

needed in using these tools, or if additional information/clarification regarding the support status of the receiving water body is desired, the operator is directed to make contact with the appropriate DEQ regional office of the State office in the table below:

Regional and State Office	Address	Phone Number	Email
Boise	1445 N. Orchard Rd., Boise 83706	208-373-0550	Kati.carberry@deq.idaho.gov
Coeur d'Alene	2110 Ironwood Parkway, Coeur D'Alene 83814	208-769-1422	June.bergquist@deq.idaho.gov
Idaho Falls	900 N. Skyline, Suite B., Idaho Falls 83402	208-528-2650	Troy.saffle@deq.idaho.gov
Lewiston	1118 "F" St., Lewiston 83501	208-799-4370	Mark.sellet@deq.idaho.gov
Pocatello	444 Hospital way, #300 Pocatello 83201	208-236-6160	Lynn.vanevery@deq.idaho.gov
Twin Falls	650 Addison Ave., W., Suite 110, Twin Falls 83301	208-736-2190	Balthasar.buhidar@deq.idaho.gov
State Office	1410 N. Hilton Rd., Boise 83706	208-373-0502	Nicole.deinarowicz@deq.idaho.gov

d. *Turbidity Monitoring.* The permittee must conduct turbidity monitoring during construction activities and thereafter on days where there is a direct discharge of pollutants from an unstabilized portion of the site which is causing a visible plume to a water of the U.S.

A properly and regularly calibrated turbidimeter is required for measurements analyzed in the field (preferred method), but grab samples may be collected and taken to a laboratory for analysis. If the permittee can demonstrate that there will be no direct discharge from the construction site, then turbidity monitoring is not required. When monitoring is required, a sample must be taken at an undisturbed area immediately upstream of the project area to establish background turbidity levels for the monitoring event. Background turbidity, location, date and time must be recorded prior to monitoring downstream of the project area. A sample must also be taken immediately downstream from any point of discharge and *within* any visible plume. The turbidity, location, date and time must be recorded. The

downstream sample must be taken immediately following the upstream sample in order to obtain meaningful and representative results.

Results from the compliance point sampling or observation[78] must be compared to the background levels to determine whether project activities are causing an exceedance of state WQS. If the downstream turbidity is 50 NTUs or more than the upstream turbidity, then the project is causing an exceedance of WQS. *Any exceedance of the turbidity standard must be reporting to the appropriate DEQ regional office within 24 hours. The following six (6) steps should be followed to ensure compliance with the turbidity standard:*

1. If a visible plume is observed, quantify the plume by collecting turbidity measurements from within the plume and compare the results to Idaho's instantaneous numeric turbidity criterion (50 NTU over the background).
2. If turbidity is less than 50 NTU instantaneously over the background turbidity; continue monitoring as long as the plume is visible. If turbidity exceeds background turbidity by more than 50 NTU instantaneously then stop all earth disturbing construction activities and proceed to step 3.
3. Take immediate action to address the cause of the exceedance. That may include inspection the condition of project BMPs. If the BMPs are functioning to their fullest capability, then the permittee must modify project activities and/or BMPs to correct the exceedance.
4. Notify the appropriate DEQ regional office within 24 hours.
5. Possibly increase monitoring frequency until state water quality standards are met.
6. Continue earth disturbing construction activities once turbidity readings return to within 50 NTU instantaneously <u>and</u> 25 NTU for more than ten consecutive days over the background turbidity.

Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The report must describe all exceedances and subsequent actions taken, including the effectiveness of the action.

e. <u>*Reporting of Discharges Containing Hazardous Materials or Petroleum Products.*</u> All spills of hazardous material, deleterious material or petroleum products which may impact waters (ground and surface) of the state shall be immediately reported. Call 911 if immediate assistance is required to control, contain or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriate DEQ regional office in the table below during normal working hours or Idaho State Communications Center after normal working hours. If the spilled volume is above federal reportable quantities, contact the National Repose Center.

<u>For immediate assistance</u>: Call 911

<u>National Response Center</u>: (800) 424-8802

[78] A visual observation is only acceptable to determine whether BMPs are functioning properly. If a plume is observed, the project may be causing an exceedance of WQS and the permittee must collect turbidity data and inspect the condition of the projects BMPs. If the BMPs appear to be functioning to their fullest capability and the turbidity is 50 NTUs or more than the upstream turbidity, then the permittee must modify the activity or implement additional BMPs (this may also include modifying existing BMPs).

Idaho State Communications Center: (208) 632-8000

Regional office	Toll Free Phone Number	Phone Number
Boise	888-800-3480	208-373-0321
Coeur d'Alene	877-370-0017	208-769-1422
Idaho Falls	800-232-4635	208-528-2650
Lewiston	977-547-3304	208-799-4370
Pocatello	888-655-6160	208-236-6160
Twin Falls	800-270-1663	208-736-2190

9.7.2 IDR10I000 Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)

9.7.2.1 Shoshone-Bannock Tribes. The following conditions apply only to discharges on the Shoshone-Bannock Reservation:

f. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the Shoshone-Bannock Tribes Water Resources Department at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Shoshone-Bannock Tribes Water Resources Department the acknowledgement of receipt of the NOI from the EPA within 7 calendar days of receipt from the EPA.

9.7.3 WAR10F000 Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator. The following conditions apply only to discharges on federal facilities in the State of Washington:

a. Discharges shall not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), groundwater quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (40 CFR Part 131.36). Discharges that are not in compliance with these standards are not authorized.

b. Prior to the discharge of stormwater and non-storm water to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate SWPPP, with all appropriate BMPs installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.

c. Permittees who discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, phosphorus, or pH must comply with the following numeric effluent limits:

Parameter Identified in 303{d) Listing	Parameter Sampled	Unit	Analytical Method	Numeric Effluent Limit
• Turbidity • Fine Sediment • Phosphorus	Turbidity	NTU	SM2130 or EPA 180.1	25 NTUs at the point where the stormwater is discharged from the site.
High pH	pH	Su	pH meter	In the range of

				6.5 – 8.5

d. All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current EPA approved listing of impaired waters that exists on February 16, 2017, or the date when the operator's complete permit application is received by EPA, whichever is later.

e. Discharges to waterbodies subject to an applicable Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus, shall be consistent with the assumptions and requirements of the TMDL.

i. Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements establish by the applicable TMDL.

ii. Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with this permit will be assumed to be consistent with the approved TMDL.

iii. Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with this permit will be assumed to be consistent with the approved TMDL.

iv. Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

v. Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus, which has been completed and approved by EPA prior to February 16, 2017, or prior to the date the operator's complete NOI is received by EPA, whichever is later.

9.7.4 WAR10I000 Indian country within the State of Washington

9.7.4.1 Confederated Tribes of the Colville Reservation. The following conditions apply only to discharges on the Colville Indian Reservation (CIR) and on other Tribal trust lands or allotments of the Confederated Tribes of the Colville Reservation:

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

Environmental Trust Department
Confederated Tribes of the Colville Reservation
PO Box 150
Nesepelem, WA 99155

b. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be sent to the ETD at the same time they are submitted to EPA.

c. Discharges to Omak Creek, the Okanogan River, and Columbia River downstream of Chief Joseph Dam may affect threatened or endangered species, and shall only be permitted in adherence with Appendix D of the CGP.

d. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Chapter 4-8 Water Quality Standards of the Colville Law and Order Code, as amended.

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

f. Stormwater site inspections shall be conducted at least once every 7 calendar days, within 24-hours of the occurrence of a rain event of 0.25 inches or greater in a 24-hour period, and daily during periods of saturated ground surface or snowmelt with accompanying surface runoff.

g. Results of discharge sampling must be reported to the ETD within 7 days of sample collection. All sample reporting must include the date and time, location, and individual performing the sampling.

h. Any corrective action reports that are required under the CGP must be submitted to the ETD at the above address within one (1) working day of the report completion.

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

9.7.4.2 Lummi Nation. The following conditions apply only to discharges on the Lummi Reservation:

a. The Lummi Nation reserves the right to modify this 401 certification if the final version of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity (CGP) on tribal lands in the State of Washington (Permit No. WAR10I000) is substantively different than the draft version of the proposed permit that was made available for public comments during April 2016. The Lummi Nation will determine if the final version of the NPDES CGP is substantively different than the draft version following review of the final version once the EPA makes it available.

b. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies. Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtain a land use permit from the Lummi Planning Department as provided in Title 15 of the Lummi Code of Laws and regulations adopted thereunder.

c. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm Water Pollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.

d. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210 together with supplements and amendments thereto).

e. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOI from the EPA and

the associated NPDES tracking number provided by the EPA within 7 calendar days of receipt from the EPA.

f. Each operator shall submit a signed hard copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT.

g. Storm Water Pollution Prevention Plans, Notice of Intent, Notice of Termination and associated correspondence with the EPA shall be submitted to:

Lummi Natural Resources Department
ATTN: Water Resources Manager
2665 Kwina Road
Bellingham, WA 98226-9298

9.7.4.3 Makah Tribe. The following conditions apply only to discharges on the Makah Reservation:

a. The operator shall be responsible for achieving compliance with the Makah Tribe's Water Quality Standards.

b. The operator shall submit a Storm Water Pollution Prevention Plan to the Makah Tribe Water Quality Program and Makah Fisheries Habitat Division for review and approval at least thirty (30) days prior to beginning any discharge activities.

c. The operator shall submit a copy of the Notice of Intent to the Makah Tribe Water Quality Program and Makah Fisheries Habitat Division at the same time it is submitted to EPA.

d. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:

Aaron Parker
Makah Fisheries Management Water Quality Specialist
(360) 645-3162
Cell 206-356-0319
Aaron.parker@makah.com
PO Box 115
Neah Bay WA 98357

9.7.4.4 Puyallup Tribe of Indians. The following conditions apply only to discharges on the Puyallup Tribe of Indians Reservation:

a. Each permittee shall be responsible for achieving compliance with the Puyallup Tribe's Water Quality Standards, including antidegradation provisions. The Puyallup Natural Resources Department will conduct an antidegradation review for permitted activities that have the potential to lower water quality. The antidegradation review will be consistent with the Tribe's Antidegradation Implementation Procedures. The Tribe may also impose additional controls on a site-specific basis, or request EPA to require the operator obtain coverage under an individual permit, if information in the NOI or from other sources indicates that the operator's discharges are not controlled as necessary to meet applicable water quality standards.

b. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Puyallup Tribe's antidegradation

policies if the discharge point is located within 1 linear mile upstream of waters designated by the Tribe.

c. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Char Naylor (char.naylor@puyalluptribe.com) and Russ Ladley (russ.ladley@puyalluptribe.com) by email or at the address listed below at the same time it is submitted to EPA.

Puyallup Tribe of Indians
3009 E. Portland Avenue
Tacoma, WA 98404
ATTN: Russ Ladley and Char Naylor

d. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to the Tribe's Resource Protection Manager (russ.ladley@puyalluptribe.com) and Char Naylor (char.naylor@puyalluptribe.com) for review.

e. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Russ Ladley and Char Naylor at the address listed above.

f. The permittee shall submit all stormwater pollution prevention plans to Char Naylor for review and approval prior to beginning any activities resulting in a discharge to tribal waters.

g. The permittee shall conduct benchmark monitoring for turbidity (or transparency) and, in the event of significant concrete work or engineered soils, pH monitoring as well. Monitoring, benchmarks, and reporting requirements contained in Condition S.4. (pp.13-20) of the Washington State Construction Stormwater General Permit, effective January 1, 2016, shall apply, as applicable.

h. The permittee shall notify Char Naylor (253-680-5520) and Russ Ladley (253-680-5560) prior to conducting inspections at construction sites generating storm water discharged to tribal waters.

i. Treat dewatering discharges with controls necessary to minimize discharges of pollutants in order to minimize the discharge of pollutants to groundwater or surface waters from stormwater that is removed from excavations, trenches, foundations, vaults, or other storage areas. Examples of appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, and filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

   To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11 of EPA's 2016 General Construction Stormwater Permit. Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

j. The permittee shall provide and maintain natural buffers to the maximum extent possible (and/or equivalent erosion and sediment controls) when tribal waters are located within 100 feet of the site's earth disturbances. If infeasible to provide and maintain an undisturbed 100 foot natural buffer, erosion and sediment controls to achieve the sediment load reduction equivalent to a 100-foot undisturbed natural buffer shall be required.

9.7.4.5 Spokane Tribe of Indians. The following conditions apply only to discharges on the Spokane Tribe Reservation:

a. Pursuant to Tribal Law and Order Code (TLOC) Chapter 30 each operator shall be responsible for achieving compliance with the Surface Water Quality Standards of the Spokane Tribe. The operator shall notify the Spokane Tribe, Water Control Board (WCB) of any spills of hazardous material and;

b. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the WCB at the same time it is submitted to EPA.

c. The permittee shall allow the Tribal Water Control Board or its designee to inspect and sample at the construction site as needed.

d. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the WCB at the same time it is submitted to EPA.

The correspondence address for the Spokane Tribe Water Control Board is:

Water Control Board
c/o. Brian Crossley
P0 Box 480
Wellpinit WA 99040
(509)626-4409
crossley@spokanetribe.com

9.7.4.6 Swinomish Indian Tribal Community. The following conditions apply only to discharges on the Swinomish Reservation:

a. Owners and operators seeking coverage under this permit who intend to discharge to Regulated Surface Waters must submit a copy of the Notice of Intent (NOI) to the DEP at the same time the NOI is submitted to EPA.

b. Owners and operators seeking coverage under this permit must also submit a Stormwater Pollution Prevention Plan to the DEP for review and approval by DEP prior to beginning any discharge activities.

c. Owners and operators must also submit to the DEP Changes in NOI and/or Notices of Termination at the same time they are submitted to EPA.

9.7.4.7 Tulalip Tribes. The following conditions apply only to discharges on the Tulalip Reservation:

a. This certification does not exempt and is provisional upon compliance with other applicable statues and codes administered by federal and Tulalip tribal agencies. Pursuant to Tulalip Tribes code of law, the operator must also obtain a land use permit from the Tulalip Tribes Planning Department as provided in Title 7 of the Tulalip Tribal Code (http://www.codepublishing.com/WA/Tulalip/?Tulalip02/Tulalip0205.html).

b. Each CGP operator shall be responsible for achieving compliance with Tulalip Tribes Water Quality Standards.

c. Each CGP operator shall submit their Stormwater Pollution Prevention Plan (SWPPP) to the:

Tulalip Natural & Cultural Resources Department
Tulalip Tribes
6406 Marine Drive
Tulalip, WA 98271

Appendix A - Definitions and Acronyms

1. Definitions

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of the threatened and endangered species protection eligibility requirements, the following areas are included in the definition of action area:

- The areas on the construction site where stormwater discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes stormwater to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where stormwater discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as listed amphibians) are found in the ditch, swale, or gully.)
- The areas where stormwater from construction activities discharges into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where stormwater from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls. (Example: Where a stormwater retention pond would be built.)
- The areas upstream and/or downstream from the stormwater discharge into a stream segment that may be affected by these discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

"Agricultural Land" - cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

"Antidegradation Policy" or "Antidegradation Requirements" - the water quality standards regulation that requires states and tribes to establish a three-tiered antidegradation program:

1. Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the water quality standards as a designated use. Tier 1 requirements are applicable to all surface waters.
2. Tier 2 maintains and protects "high quality" waters -- waterbodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable" uses. Water quality can be lowered in such waters. However, state and tribal Tier 2 programs identify procedures that must be followed and questions that must be

answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.

3. Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically. Decisions regarding which water bodies qualify to be ONRWs are made by states and authorized Indian tribes.

"Arid Areas" – areas with an average annual rainfall of 0 to 10 inches.

"Bank" (e.g., stream bank or river bank) – the rising ground bordering the channel of a water of the U.S.

"Bluff" – a steep headland, promontory, riverbank, or cliff.

"Borrow Areas" – the areas where materials are dug for use as fill, either onsite or off-site.

"Business day" – for the purposes of this permit, a business day is a calendar day on which construction activities will take place.

"Bypass" – the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m)(1)(i).

"Cationic Treatment Chemical" – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

"Commencement of Construction Activities" – the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site).

"Common Plan of Development or Sale" – A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

"Construction Activities" – earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. Some of the types of pollutants that are typically found at construction sites are:

- sediment;
- nutrients;
- heavy metals;
- pesticides and herbicides;
- oil and grease;
- bacteria and viruses;
- trash, debris, and solids;

- treatment polymers; and
- any other toxic chemicals.

"Construction and Development Effluent Limitations and New Source Performance Standards" (C&D Rule) – as published in 40 CFR § 450, the regulation requiring effluent limitations guidelines (ELGs) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" or "Site" – the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

"Construction Support Activity" – a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

"Construction Waste" – discarded material (such as packaging materials; scrap construction materials; masonry products; timber, steel, pipe, and electrical cuttings; plastics; and styrofoam).

"Conveyance Channel" – a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

"Critical Habitat" – as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

"CWA" – the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

"Dewatering" – the act of draining rainwater and/or ground water from building foundations, vaults, and trenches.

"Discharge" – when used without qualification, means the "discharge of a pollutant."

"Discharge of a Pollutant" – any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

"Discharge Point" – for the purposes of this permit, the location where collected and concentrated stormwater flows are discharged from the construction site.

"Discharge-Related Activity" – activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged.

"Discharge to an Impaired Water" – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water quality standard and (1) requires development of a total maximum daily load (TMDL) (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the stormwater discharge from the storm sewer system.

"Domestic Waste" – for the purposes of this permit, typical household trash, garbage or rubbish items generated by construction activities.

"Drainageway" – an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

"Drought-Stricken Area" – for the purposes of this permit, an area in which the National Oceanic and Atomospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See http://www.cpc.ncep.noaa.gov/products/expert_assessment/sdo_summary.php.

"Earth-Disturbing Activity"– actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

"Earth-Disturbing Activities Conducted Prior to Active Mining Activities" – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads.

Note: only earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining (see (b) above) are considered to be "construction" and therefore stormwater discharges from these activities are eligible for coverage under this permit. See Part 1.2.1.b. The activities described in (a) above are not considered to be "construction" and therefore stormwater discharges associated with this activity are not eligible for coverage under this permit.

"Effective Operating Condition" – for the purposes of this permit, a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

"Effluent Limitations" – for the purposes of this permit, any of the Part 2 or Part 3 requirements.

"Effluent Limitations Guideline" (ELG) – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of the CWA to adopt or revise effluent limitations.

"Eligible" – for the purposes of this permit, refers to stormwater and allowable non-stormwater discharges that are authorized for coverage under this general permit.

"Emergency-Related Project" – a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

"Endangered Species" – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

"Excursion" – a measured value that exceeds a specified limit.

"Existing Site" – a site where construction activities commenced prior to February 16, 2017.

"Exit Points" – any points of egress from the construction site to be used by vehicles and equipment during construction activities.

"Exposed Soils" – for the purposes of this permit, soils that as a result of earth-disturbing activities are left open to the elements.

"Federal Operator" – an entity that meets the definition of "Operator" in this permit and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, performing construction activity for any such department, agency, or instrumentality.

"Final Stabilization" – on areas not covered by permanent structures, either (1) uniform, perennial vegetation *(e.g., evenly distributed, without large bare areas)* has been established, or for arid or semi-arid areas, will be established that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas, and/or (2) permanent non-vegetative stabilization measures (e.g., riprap, gravel, gabions, and geotextiles) have been implemented to provide effective cover for exposed portions of the site

"General Contractor" – for the purposes of this permit, the primary individual or company solely accountable to perform a contract. The general contractor typically supervises activities, coordinates the use of subcontractors, and is authorized to direct workers at a site to carry out activities required by the permit.

"Hazardous Substances" or "Hazardous or Toxic Waste" – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

"Historic Property" – as defined in the National Historic Preservation Act regulations, means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

"Impaired Water"– a water identified by the state, tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

"Impervious Surface" – for the purpose of this permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

"Indian Country" or "Indian Country Lands" – defined at 40 CFR §122.2 as:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

"Infeasible" – for the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with state water rights law.

"Install" or "Installation" – when used in connection with stormwater controls, to connect or set in position stormwater controls to make them operational.

"Jar test" – a test designed to simulate full-scale coagulation/flocculation/sedimentation water treatment processes by taking into account the possible conditions.

"Landward" – positioned or located away from a waterbody, and towards the land.

"Large Construction Activity" – defined at 40 CFR § 122.26(b)(14)(x) and incorporated here by reference. Large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Linear Construction Site" – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

"Minimize" – to reduce and/or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

"Mining Activity" – for the purposes of this permit, includes mining-related construction activities defined at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15)(i), and active mining activities defined at 40 CFR 122.26(b)(14)(iii). Both of these sub categories of activities include earth-disturbing activities, with the latter also including such activities as: extraction, removal or recovery, and beneficiation of mined material from the earth; removal of overburden and waste rock to expose mineable material; and site reclamation and closure activities.

"Mining Operations" – for the purposes of this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: 1) earth-disturbing activities conducted prior to active mining activities; and 2) active mining activities, which includes reclamation.

"Municipal Separate Storm Sewer System" or "MS4" – defined at 40 CFR §122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special

districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

"National Pollutant Discharge Elimination System" (NPDES) – defined at 40 CFR §122.2 as the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an 'approved program.'

"Native Topsoil" – the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

"Natural Buffer" – for the purposes of this permit, an area of undisturbed natural cover surrounding waters of the U.S. within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities.

"Natural Vegetation" – vegetation that occurs spontaneously without regular management, maintenance, or species introductions or removals, and that generally has a strong component of native species..

"New Operator of a Permitted Site" – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site".

"New Site" – a site where construction activities commenced on or after February 16, 2017.

"New Source" – for the purposes of this permit, a construction project that commenced construction activities after February 1, 2010.

"New Source Performance Standards (NSPS)" – for the purposes of this permit, NSPS are technology-based standards that apply to construction sites that are new sources under 40 CFR 450.24.

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

"Non-Turbid" – a discharge that does not cause or contribute to an exceedence of turbidity-related water quality standards.

"Notice of Intent" (NOI) – the form (electronic or paper) required for authorization of coverage under the Construction General Permit.

"Notice of Termination" (NOT) – the form (electronic or paper) required for terminating coverage under the Construction General Permit.

"NPDES eReporting Tool" (NeT) – EPA's online system for submitting electronic Construction General Permit forms.

"Operational" – for the purposes of this permit, stormwater controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

"Operator" – for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

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

This definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity. Subcontractors generally are not considered operators for the purposes of this permit.

"Ordinary High Water Mark" – the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris.

"Permitting Authority" – for the purposes of this permit, EPA, a Regional Administrator of EPA, or an authorized representative.

"Point(s) of Discharge" – see "Discharge Point."

"Point Source" – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

"Pollutant" – defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

"Pollution Prevention Controls" – stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

"Polymers" – for the purposes of this permit, coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

"Prohibited Discharges" – discharges that are not allowed under this permit, including:

1. Wastewater from washout of concrete;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;

4. Soaps or solvents used in vehicle and equipment washing;
5. Toxic or hazardous substances from a spill or other release; and
6. Waste, garbage, floatable debris, construction debris, and sanitary waste.

"Provisionally Covered Under this Permit" – for the purposes of this permit, EPA provides temporary coverage under this permit for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

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

"Receiving Water" – a "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

"Run-On" – sources of stormwater that drain from land located upslope or upstream from the regulated site in question.

"Semi-Arid Areas" – areas with an average annual rainfall of 10 to 20 inches.

"Shared Control" - for the purposes of this permit, a stormwater control, such as a sediment basin or pond, used by two or more operators that is installed and maintained for the purpose of minimizing and controlling pollutant discharges from a construction site with multiple operators associated with a common plan of development or sale. Any operators that are contributing stormwater from their construction activities to a shared control are considered to rely upon a shared control.

"Small Construction Activity" – defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Small Residential Lot" – for the purpose of this permit, a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

"Snowmelt" – the conversion of snow into overland stormwater and ground water flow as a result of warmer temperatures.

"Spill" – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

"Stabilization" – the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

"Steep Slopes" – where a state, tribe, local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a "steep slope", this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

"Storm Sewer System" – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) designed or used for collecting or conveying stormwater.

"Stormwater" – stormwater runoff, snowmelt runoff, and surface runoff and drainage.

"Stormwater Control" - refers to any best management practice or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

"Stormwater Discharge Associated with Construction Activity" – as used in this permit, a discharge of pollutants in stormwater to waters of the United States from areas where earth-disturbing activities (e.g., clearing, grading, or excavation) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck chute washdown, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

"Stormwater Inlet" – a structure placed below grade to conduct water used to collect stormwater runoff for conveyance purposes.

"Stormwater Team" – the group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individuals on the "Stormwater Team" must be identified in the SWPPP.

"Storm Event" – a precipitation event that results in a measurable amount of precipitation.

"Storm Sewer" – a system of pipes (separate from sanitary sewers) that carries stormwater runoff from buildings and land surfaces.

"Subcontractor" – for the purposes of this permit, an individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

"SWPPP" (Stormwater Pollution Prevention Plan) – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater controls to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

"Temporary Stabilization" – a condition where exposed soils or disturbed areas are provided temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

"Thawing Conditions" – for the purposes of this permit, thawing conditions are expected based on the historical likelihood of two or more days with daytime temperatures greater than 32˚F. This date can be determined by looking at historical weather data. Note: the estimation of thawing conditions is for planning purposes only. During construction the permittee will be required to conduct site inspections based upon actual conditions (i.e., if thawing conditions occur sooner than expected, the permittee will be required to conduct inspections at the regular frequency).

"Threatened Species" – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

"Tier 2 Waters" – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(2), those waters that are characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

"Tier 2.5 Waters" – for antidegradation purposes, those waters designated by states or tribes as requiring a level of protection equal to and above that given to Tier 2 waters, but less than that given Tier 3 waters. Some states have special requirements for these waters.

"Tier 3 Waters" – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by states as having high quality waters constituting an Outstanding National Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

"Total Maximum Daily Load" or "TMDL" – the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measure.

"Toxic Waste" – see "Hazardous Substances."

"Treatment Chemicals" – polymers, flocculants, or other chemicals used to reduce turbidity in stormwater.

"Turbidity" – a condition of water quality characterized by the presence of suspended solids and/or organic material.

"Uncontaminated Discharge" – in the context of authorized non-stormwater discharges, a discharge that does not cause or contribute to an exceedance of applicable water quality standards.

"Upland" – the dry land area above and 'landward' of the ordinary high water mark.

"Upset" – Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

"Water-Dependent Structures" – structures or facilities that are required to be located directly adjacent to a waterbody or wetland, such as a marina, pier, boat ramp, etc.

"Water Quality Standards" – defined in 40 CFR § 131.3, and are provisions of state or federal law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high-quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

"Waters of the United States" – see definition at 40 CFR 122.2.

"Wetland" – those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. On-site evaluations are typically required to confirm the presence and boundaries of wetlands.

1. Acronyms

ACHP – Advisory Council on Historic Preservation

BMP – Best Management Practice

CBI – Confidential Business Information

CGP – Construction General Permit

CFR – Code of Federal Regulations

CWA – Clean Water Act

CZMA – Coastal Zone Management Act

ECHO – EPA Enforcement and Compliance History Online

ELG – Effluent Limitations Guideline

EPA – United States Environmental Protection Agency

ESA – Endangered Species Act

FR – Federal Register

MS4 – Municipal Separate Storm Sewer System

MSGP – Multi-Sector General Permit

NEPA – National Environmental Policy Act

NeT – NPDES eReporting Tool

NHPA – National Historic Preservation Act

NMFS – United States National Marine Fisheries Service

NPDES – National Pollutant Discharge Elimination System

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

NRC – National Response Center

NRCS – National Resources Conservation Service

NSPS – New Source Performance Standards

ONRW – Outstanding National Resource Water

PAM – Polyacrylamide

POTW – Publicly Owned Treatment Works

RUSLE – Revised Universal Soil Loss Equation

SDS – Safety Data Sheet

SHPO – State Historic Preservation Office

SPCC – Spill Prevention Control and Countermeasure

SWPPP – Stormwater Pollution Prevention Plan

THPO – Tribal Historic Preservation Office

TMDL – Total Maximum Daily Load

TSS – Total Suspended Solids

UIC – Underground Injection Control

USDA – United States Department of Agriculture

USFWS – United States Fish and Wildlife Service

USGS – United States Geological Survey

WQS – Water Quality Standard

Appendix B - Permit Areas Eligible for Coverage and EPA Regional Addresses

Permit coverage for stormwater discharges from construction activity occurring within the following areas is provided by legally separate and distinctly numbered permits.

B.1 EPA Region 1

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 1:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
CTR10I000	Indian country within the State of Connecticut
MAR100000	Commonwealth of Massachusetts (except Indian country)
MAR10I000	Indian country within the State of Massachusetts
NHR100000	State of New Hampshire
RIR1I0000	Indian country within the State of Rhode Island
VTR10F000	Areas in the State of Vermont subject to construction by a Federal Operator
01R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 1 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 1 Address:
U.S. EPA Region 1
Office of Ecosystem Protection
Stormwater and Construction Permits Section
5 Post Office Square, Suite 100
(OEP 06-1)
Boston, MA 02109-3912

B.2 EPA Region 2

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 2:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
NYR10I000	Indian country within the State of New York
PRR100000	Commonwealth of Puerto Rico
02R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 2 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 2 Address:
For Puerto Rico:
U.S. EPA Region 2
Caribbean Environmental Protection Division
NPDES Stormwater Program

City View Plaza II – Suite 7000
48 Rd. 165 Km 1.2
Guaynabo, PR 00968-8069

For New York:
U.S. EPA Region 2
NPDES Stormwater Program
290 Broadway, 24th Floor
New York, NY 10007-1866

B.3 EPA Region 3

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 3:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
DCR100000	District of Columbia
DER10F000	Areas in the State of Delaware subject to construction by a Federal Operator
VAR10I000	Indian country within the State of Virginia
03R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 3 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 3 Address:
U.S. EPA Region 3
Office of NPDES Permits and Enforcement
NPDES Permits Branch, Mailcode 3WP41
1650 Arch Street
Philadelphia, PA 19103

B.4 EPA Region 4

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 4:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
ALR10I000	Indian country within the State of Alabama
FLR10I000	Indian country within the State of Florida
MSR10I000	Indian country within the State of Mississippi
NCR10I000	Indian country within the State of North Carolina
RE410I000	Indian country within any other Region 4 State (except Catawba lands in South Carolina)
04R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 4 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 4 Address:
U.S. EPA Region 4
Water Protection Division
NPDES Stormwater Program
Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30303-3104

B.5 EPA Region 5

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 5:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
MIR10I000	Indian country within the State of Michigan
MNR10I000	Indian country within the State of Minnesota
WIR10I000	Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community
05R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 5 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 5 Address:
U.S. EPA Region 5
NPDES Program Branch
77 W. Jackson Blvd.
Mail Code WN16J
Chicago, IL 60604-3507

B.6 EPA Region 6

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 6:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
LAR10I000	Indian country within the State of Louisiana
NMR100000	State of New Mexico, except Indian country
NMR10I000	Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.
OKR10I000	Indian country within the State of Oklahoma
OKR10F000	Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
TXR10F000	Discharges in the State of Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly TNRCC), including

	activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline.
TXR10I000	Indian country within the State of Texas
06R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 6 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 6 Address:
U.S. EPA Region 6
NPDES Stormwater Program (WQ-PP)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

B.7 EPA Region 7

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 7:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
IAR10I000	Indian country within the State of Iowa
KSR10I000	Indian country within the State of Kansas
NER10I000	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)
07R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 7 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 7 Address:
U.S. EPA Region 7
NPDES Stormwater Program
11201 Renner Blvd
Lenexa, KS 66219

B.8 EPA Region 8

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 8:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
COR10F000	Areas in the State of Colorado, except those located on Indian country, subject to construction activity by a Federal Operator
COR10I000	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR10I000	Indian country within the State of Montana
NDR10I000	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the

	portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10000I listed below)
SDR10I000	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10000I listed above)
UTR10I000	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYR10I000	Indian country within the State of Wyoming
08R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 8 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 8 Address:
EPA Region 8 Storm Water Program
Mailcode: 8P-W-WW
1595 Wynkoop Street
Denver, CO 80202-1129

B.9 EPA Region 9

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 9:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
ASR100000	Island of American Samoa
AZR10I000	Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
CAR10I000	Indian country within the State of California
GUR100000	Island of Guam
JAR100000	Johnston Atoll
MPR100000	Commonwealth of the Northern Mariana Islands
MWR100000	Midway Island and Wake Island
NVR10000I	Indian country within the State of Nevada, as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah
09R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 9 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 9 Address:
U.S. EPA Region 9
Water Division
NPDES Stormwater Program (WTR-2-3)
75 Hawthorne Street

San Francisco, CA 94105-3901

B.10 EPA Region 10

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 10:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
AKR10I000	Indian country lands as defined in 18 U.S.C. 1151 within the State of Alaska
AKR10F000	Denali National Park and Preserve
IDR100000	State of Idaho, except Indian country
IDR10I000	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
ORR10I000	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
WAR10F000	Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator
WAR10I000	Indian country within the State of Washington
010R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program

For stormwater discharges in EPA Region 10 outside the areas of coverage identified above, please contact your state NPDES permitting authority to obtain coverage under a state-issued NPDES permit.

EPA Region 10 Address:
U.S. EPA Region 10
NPDES Stormwater Program
1200 6th Avenue (OWW-191)
Seattle, WA 98101-3140

Appendix C - Small Construction Waivers and Instructions

These waivers are only available to stormwater discharges associated with small construction activities (i.e., 1-5 acres). As the operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. Each operator, otherwise needing permit coverage, must notify EPA of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

C.1 Rainfall Erosivity Waiver

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. The operator must certify to EPA that construction activity will occur only when the rainfall erosivity factor is less than five. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the CGP have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to EPA prior to commencing construction activities.

> *Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.*

EPA has developed an online rainfall erosivity calculator to help small construction sites determine potential eligibility for the rainfall erosivity waiver. You can access the calculator from EPA's website at: https://www.epa.gov/npdes/rainfall-erosivity-factor-calculator-small-construction-sites. The R factor can easily be calculated by using the construction site latitude/longitude or address and estimated start and end dates of construction. This calculator may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver. Use this online calculator or the Construction Rainfall Erosivity Waiver Fact Sheet (https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf) to assist in determining the R Factor for your small construction site.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you can submit a rainfall erosivity waiver electronically via EPA's NPDES eReporting Tool (NeT) (https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting), unless you received a waiver from your EPA Regional Office (see Part 1.4.1 of the CGP for information about receiving a waiver from electronic reporting).

Note: If the R factor is five or greater, you do not qualify for the rainfall erosivity waiver, and must obtain coverage under an NPDES permit (e.g., the CGP), unless you qualify for the Water Quality Waiver as described in section B below.

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five, you must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of your records. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is five or above, you must obtain NPDES permit coverage.

C.2 TMDL Waiver

This waiver is available if EPA has established or approved a TMDL that addresses the pollutant(s) of concern for the impaired water and has determined that controls on stormwater discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any waterbody that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by EPA is available from EPA online at https://www.epa.gov/tmdl and from state and tribal water quality agencies.

If you are the operator of the construction activity and eligible for a waiver based on compliance with an EPA-established or approved TMDL, you must provide the following information in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Appendix I, Subsection I.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the TMDL.

C.3 Equivalent Analysis Waiver

This waiver is available for discharges to non-impaired waters only. The operator can develop an equivalent analysis that determines allocations for his/her small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);

2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. Your equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Appendix I, Subsection I.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the equivalent analysis.

C.4 Waiver Deadlines and Submissions

1. Waiver certifications must be submitted prior to commencement of construction activities.
2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until EPA approves your request. As such, you may not commence construction activities until receipt of approval from EPA.
3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. The Agency reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of stormwater associated with small construction activity, provided you qualify for the waiver. Any discharge of stormwater associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. As mentioned above, EPA reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. EPA may notify any operator covered by a waiver that they must obtain NPDES permit coverage. EPA may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition EPA to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the applicable EPA Regional Office address specified in Appendix B.

Appendix D - Eligibility Procedures Relating to Threatened and Endangered Species Protection

In accordance with Part 1.1.5 of the CGP, you must follow the procedures in this appendix to determine your eligibility under one of the criteria in Part D.1 of this appendix with respect to the protection of federally listed threatened or endangered species and federally designated "critical habitat" [hereinafter "threatened and endangered species"] under the Endangered Species Act (ESA) from discharges and discharge-related activities authorized under this permit. If you do not meet one of these criteria, you are not eligible for coverage under this permit.

While coordination between you and the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS)(together, the "Services") is not necessarily required in all cases, EPA encourages you to coordinate with the Services, to document that coordination, and to do so early in the planning process prior to submitting your NOI.

This appendix is organized as follows:

- Part D.1: Threatened and Endangered Species Protection Eligibility Criteria
- Part D.2: Procedures for Determining Which Threatened and Endangered Species Protection Criteria Applies

D.1 Threatened and Endangered Species Protection Eligibility Criteria

You must certify in your NOI that you meet one of the eligibility criteria listed below in order to be eligible for coverage under this permit. Once you determine the applicable eligibility criterion, you must:

- Specify the basis for your selection of the applicable eligibility criterion, and if required, provide documentation that is the basis for your determination with the NOI form; and
- Provide documentation in your SWPPP that is sufficient to support your determination that you satisfy the requirements of the applicable criterion.

The definition of "action area," which is contained in Appendix A, is repeated below for convenience.

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. For the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included in the definition of action area:

- The areas on the construction site where stormwater discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes stormwater to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where stormwater discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where stormwater flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as listed amphibians) are found in the ditch, swale, or gully.)
- The areas where stormwater from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where stormwater from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls. (Example: Where a stormwater retention pond would be built.)
- The areas upstream and/or downstream from the stormwater discharge into a stream segment that may be affected by these discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

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

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

Criterion B. Eligibility requirements met by another operator under the 2017 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2017 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2017CGP operator's notification of authorization under this permit. If your certification is based on another 2017 CGP operator's certification under criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in criterion C in your NOI form.

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

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

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

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

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

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

I. biological opinion from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or

II. written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and this NOI.

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

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

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

You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility criteria in this section to remain eligible for coverage under this permit. Documentation of these requirements must be kept as part of your SWPPP (see Part 7.2.9.a).

NMFS will, within 14 days of submission of the NOI, advise EPA whether it believes the planned discharges meet the eligibility criteria of not likely to adversely affect NMFS Listed Resources of Concern, whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. With respects to ESA issues, EPA recognizes NMFS expertise and will carefully consider NMFS' determination in identifying eligibility for authorization, either with or without additional conditions. In the event NMFS has placed a hold on your NOI, EPA will notify you as to whether your discharges are authorized or whether an individual permit will be

required. If you do not hear from EPA within 14 days, you may assume that your discharge is authorized without further conditions.

D.2 Procedures for Determining Which Threatened and Endangered Species Protection Criterion Applies

You must follow the procedures in this Part to determine the criterion listed above under which your site is eligible for permit coverage.

D.2.1 Step 1 - Determine if Your Discharges and Discharge-Related Activities Were Already Addressed in Another Operator's Valid Certification that Included Your Action Area.

- If your discharges and discharge-related activities were already addressed in **another operator's valid certifica**tion that included your action area (e.g., a general contractor or developer may have completed and filed an NOI for the entire action area with the necessary ESA certifications (Criterion A, C, D, E, or F)), *you may select eligibility Criterion B on your NOI form*.

  By certifying eligibility under Criterion B, you must comply with any terms and conditions imposed under the eligibility requirements of the criterion for which the other operator has established eligibility (either Criterion A, C, D, E, or F) to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat.

  > *Note: If you are unable to meet these eligibility requirements, then you may either establish eligibility under one of the other criterion, or you may consider applying to EPA for an individual permit.*

  Under Criterion B, you must provide documentation in your SWPPP of any of these terms and conditions, as well as the other operator's basis for establishing eligibility. You must also provide a description of the basis for your selection of Criterion B on your NOI form, including the eligibility criterion (A, C, D, E, or F) that was certified to by the other operator, and must provide the NPDES ID from the other operator's notification of authorization under this permit.

  If your certification is based on another operator's certification under criterion C, you must provide the documentation required in the NOI for criterion C, namely: 1) what federally listed species and/or designated habitat are located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles).

- If discharges and discharge-related activities from your site were not addressed **in another operator's valid certification** that included your action area, you must follow the applicable procedures in Steps 2 through 5 below.

D.2.2 Step 2 - Determine if Listed Threatened or Endangered Species or their Designated Critical Habitat(s) are Likely to Occur in your Site's Action Area

You must determine, to the best of your knowledge, whether species listed as either threatened or endangered, or their critical habitat(s) (see definitions of these terms in Appendix A), are located in your site's action area. To make this determination, you should first determine if listed species and/or critical habitat are expected to exist in your county or township. The U.S. Fish and Wildlife Service and National Marine Fisheries Service maintain lists of federally listed endangered or threatened species on their internet sites.

- For National Marine Fisheries Service species and critical habitat information, use the following webpages, which provide up-to-date information on listed species (http://www.nmfs.noaa.gov/pr/species/esa/) and critical habitat

(http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm). To determine the field office that corresponds to your site, go to http://www.nmfs.noaa.gov/ (under the left tab for "Regions").

For National Marine Fisheries Service species in the Greater Atlantic Region, go to http://www.greateratlantic.fisheries.noaa.gov/protected/section7/guidence/maps/index.html.

- For Fish and Wildlife Service species information, use the on-line mapping tool IPaC (the Information, Planning, and Consultation System) located at http://ecos.fws.gov/ipac/, and follow these steps:
  - Select Get Started
  - Select Enter Project Location
  - Use an address, city name or other location to zoom into your project area
  - Use the zoom feature to see the entire extent of your action area on the screen
  - Use one of the mapping features (e.g., Polygon or line feature) to draw your action
- When you are done, press *Continue.*
- Select Request an Official Species List
- Complete the fields on the Official Species List Request page, and include "(CGP)" at the end of the project description. – For Classification, select "Water Quality Modification".
- Select the appropriate requesting agency/organization type (for most dischargers, this should be "Other").
- Submit the request to acquire an Official Species List, which should show both listed species as well as any designated critical habitat that are present in the action area in the previous step.
- *Note: If a link to an Official Species List is not available on the page, follow the web link of the office(s) indicated, or contact the office directly by mail or phone if a web link is not shown.*
- *If listed species and/or critical habitat may exist in your action area, you must do one or more of the following*:
  - Conduct visual inspections. This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal stormwater collection systems.
  - Conduct a formal biological survey. In some cases, particularly for larger construction sites with extensive stormwater discharges, biological surveys may be an appropriate way to assess whether species are located in the action area and whether there are likely to be adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms.
  - If required, conduct an environmental assessment under the National Environmental Policy Act (NEPA). Some construction activities might require review under NEPA for specific reasons, such as federal funding or other federal involvement in the project. Note: Coverage under the CGP does not

trigger such a review for individual projects/sites. EPA has complied with NEPA in the issuance of the CGP.

and

- Follow the instructions in Steps 3 – 5 below, as applicable. Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

- *If there are no listed species and no critical habitat areas in your action area, you may check eligibility criterion A on your NOI form*. You must also provide a description of the basis for the criterion selected on your NOI form and provide documentation supporting the criterion selected in your SWPPP.

D.2.3 Step 3 - Determine if the Construction Activity's Discharges or Discharge-Related Activities Are Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat

If in Step 2 you determine that listed species and/or critical habitat could exist in your action area, you must next assess whether your discharges or discharge-related activities are likely to adversely affect listed threatened or endangered species or designated critical habitat.

Potential adverse effects from discharges and discharge-related activities include:

- *Hydrological*. Stormwater discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity, or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.

- *Habitat*. Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of stormwater controls, may adversely affect listed species or their habitat. Stormwater may drain or inundate listed species habitat.

- *Toxicity*. In some cases, pollutants in stormwater may have toxic effects on listed species.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you should contact the appropriate Services office for assistance.

- *If adverse effects to listed threatened or endangered species or their critical habitat are not likely, then you may select eligibility criterion C on the NOI form*. You must provide the following specific information on your NOI form: 1) the federally listed species and/or designated habitat are located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles). You must also provide a copy of your site map with your NOI.

- *If adverse effects to listed threatened or endangered species or their critical habitat are likely*, you must follow Step 4 below.

D.2.4 Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects

If you make a preliminary determination in Step 3 that adverse effects from your construction activity's discharges or discharge-related activities are likely to occur, you can still receive coverage under eligibility criterion C of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for CGP coverage.

These measures may involve relatively simple changes to construction activities such as re-routing a stormwater discharge to bypass an area where species are located, relocating stormwater controls, or by modifying the "footprint" of the construction activity. If you are unable to ascertain which measures to implement to avoid the likelihood of adverse effects, you must coordinate or enter into consultation with the Fish and Wildlife Service and/or National Marine Fisheries Service, in which case you would not be eligible for coverage under eligibility criterion C, but may instead be eligible for coverage under eligibility criterion D, E, or F (described in more detail in Step 5).

- If you are able to install and implement appropriate measures to avoid the likelihood of adverse effects, *then you may check eligibility criterion C on the NOI form.* The measures you adopt to avoid or eliminate adverse effects must be implemented for the duration of the construction project and your coverage under the CGP. You must also provide a description of the basis for the criterion selected, and the following specific information on your NOI form: 1) the federally listed species and/or designated habitat are located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles).
- If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects, you must follow the procedures in Step 5.

D.2.5 Step 5 - Determine if the Eligibility Requirements of Criterion D, E, or F Can Be Met

If in Step 4 you cannot ascertain which measures to implement to avoid the likelihood of adverse effects, you must contact the Fish and Wildlife Service and/or the National Marine Fisheries Service. You may still be eligible for CGP coverage if likely adverse effects can be addressed through meeting criterion D, E, or F.

- Criterion D: Coordination between you and the Services has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and resulted in a written concurrence from the relevant Service(s) that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat.

  If you have met the requirements of criterion D, *you may select eligibility criterion D on the NOI form.* You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between you and the applicable Service in your SWPPP.

- Criterion E: Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat. The result of this consultation must be either (1) a biological opinion that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or (2) written concurrence from the applicable Service(s) with a

finding that the site's discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated habitat.

For more information on section 7 consultation, see 50 CFR §402. If you receive a "jeopardy opinion," you may continue to work with the Fish and Wildlife Service and/or National Marine Fisheries Service and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.

Note that most consultations are accomplished through informal consultation. When conducting informal ESA section 7 consultation as a non-federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify the Services of your intention and agreement to conduct consultation as a non-federal representative.

Consultation may also occur in the context of another federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation).

Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, operators may, if they wish, initiate consultation with the Services at Step Four.

Whether ESA section 7 consultation must be performed with either the Fish and Wildlife Service, National Marine Fisheries Service, or both Services depends on the listed species that may be affected by the operator's activity. In general, the National Marine Fisheries Service has jurisdiction over marine, estuarine, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

If you have met the requirements of criterion E, *you may select eligibility criterion E on the NOI form.* You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between yourself and the Services in your SWPPP.

- Criterion F: Your construction activities are authorized through the issuance of a permit under section 10 of the ESA, and this authorization addresses the effects of the site's discharges and discharge-related activities on federally-listed species and federally-designated critical habitat.

  You must follow Fish and Wildlife Serivce and/or National Marine Fisheries Service procedures when applying for an ESA section 10 permit (see 50 CFR §17.22(b)(1) for Fish and Wildlife Service and §222.22 for National Marine Fisheries Service). Application instructions for section 10 permits can be obtained from http://www.fws.gov and http://www.nmfs.noaa.gov or by contacting the appropriate Service office.

  If you have met the requirements of criterion F, *you may select eligibility criterion F on the NOI form.* You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between yourself and the Services in your SWPPP.

Appendix E – Historic Property Screening Process

Background

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal "undertakings", such as the issuance of this permit, on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. To address any issues relating to historic properties in connection with the issuance of this permit, EPA developed the screening process in this appendix that enables construction operators to appropriately consider the potential impacts, if any, of their installation of stormwater controls on historic properties and to determine whether actions can be taken, if applicable, to mitigate any such impacts. Although the coverages of individual construction sites under this permit do not constitute separate Federal undertakings, the screening process in this appendix provides an appropriate site-specific means of addressing historic property issues in connection with EPA's issuance of the permit.

Key Terms

Historic property- prehistoric or historic districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains that are related to and located within such properties

SHPO – The State Historic Preservation Officer for a particular state

THPO or Tribal representative – The Tribal Historic Preservation Officer for a particular tribe or, if there is no THPO, the representative designated by such tribe for NHPA purposes

Instructions for All Construction Operators

You are required to follow the screening process in this appendix to determine if your installation of stormwater controls on your site has the potential to cause effects to historic properties, and whether or not you need to contact your SHPO, THPO, or other tribal representative for further information. You may not submit your NOI until you have completed this screening process. The following four steps describe how applicants can meet the historic property requirements under this permit:

Step 1 *Are you installing any stormwater controls that require subsurface earth disturbance?*[1]

The first step of the screening process is to determine if you will install stormwater controls that cause subsurface earth disturbance. The installation of the following types of stormwater controls require subsurface earth disturbance:[2]

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches
- Trenches
- Culverts
- Channels

[1] You are only required to consider earth-disturbing activities related to the installation of stormwater controls in the NHPA screening process. You are not reqired to consider other earth-disturbing activities at the site. If you are installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, your stormwater controls have the potential to have an effect on historic properties. If this is the case, then you must proceed to Step 2.

[2] This list is not intended to be exhaustive. Other stormwater controls that are not on this list may involve earth-disturbing activities and must also be examined for the potential to affect historic properties.

- Perimeter Drains
- Swales

If you are not installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, then you may indicate this on your NOI, and no further screening is necessary. During the 14-day waiting period after submitting your NOI, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional controls to address adverse effects to historic properties are necessary.

Step 2 *Have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?*

If you are installing a stormwater control that requires subsurface earth disturbance, you must next determine if no historic properties exist on your site based on prior professional cultural resource surveys or other evaluations, or if the existence of historic properties has been precluded because of prior earth disturbances.

If prior to your project it has already been determined that no historic properties exist at your site based on available information, including information that may be provided by your applicable SHPO, THPO, or other tribal representative, then you may indicate this on your NOI, and no further screening steps are necessary. Similarly, if prior earth disturbances have eliminated the possibility that historic properties exist on your site, you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

If neither of these circumstances exists for your project, you must proceed to Step 3.

Step 3 *If you are installing any stormwater controls that require subsurface earth disturbance, you must determine if these activities will have an effect on historic properties.*

If your answer to the question in Step 2 is "no", then you must assess whether your earth-disturbing activities related to the installation of stormwater controls will have an effect on historic properties. This assessment may be based on historical sources, knowledge of the area, an assessment of the types of earth-disturbing activities you are engaging in, considerations of any controls and/or management practices you will adopt to ensure that your stormwater control-related earth-disturbing activities will not have an effect on historic properties, and any other relevant factors. If you determine based on this assessment that earth disturbances related to the installation of your stormwater controls will have no effect on historic properties, you may indicate this on your NOI, and document the basis for your determination in your SWPPP, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

If none of the circumstances in Steps 1 - 3 exist for your project, you must proceed to Step 4.

Step 4: *If you are installing any stormwater controls that require subsurface earth disturbance and you have not satisfied the conditions in Steps 1 - 3, you must contact and consult with the appropriate historic preservation authorities.*

Where you are installing stormwater controls that require subsurface earth disturbance, and you cannot determine in Step 3 that these activities will have no effect on historic properties, then you must contact the relevant SHPO, THPO, or other tribal representative to request their views as to the likelihood that historic properties are potentially present on your site and may be impacted by the installation of these controls.

> *Note: Addresses for SHPOs and THPOs may be found on the Advisory Council on Historic Preservation's website (www.achp.gov/programs.html). If a tribe does not have a THPO, you should contact the appropriate tribal government office designated by the tribe for this purpose.*

You must submit the following minimum information in order to properly initiate your request for information:

1. Project name (*i.e.*, the name or title most commonly associated with your project);
2. A narrative description of the project;
3. Name, address, phone and fax number, and email address (if available) of the operator;
4. Most recent U.S. Geological Survey (USGS) map section (7.5 minute quadrangle) showing actual project location and boundaries clearly indicated; and
5. Sections of the SWPPP site map (see Part 7.2.4) that show locations where stormwater controls that will cause subsurface earth disturbance will be installed (see Step 1).

Without submitting this minimum information, you will not have been considered to have properly initiated your request. You will need to provide the SHPO, THPO, or other tribal representative a minimum of 15 calendar days after they receive these materials to respond to your request for information about your project.

If you do not receive a response within 15 calendar days after receipt by the SHPO, THPO, or other tribal representative of your request, then you may indicate this on your NOI, and no further screening steps are necessary. Or, if the applicable SHPO, THPO, or other tribal representative responds to your request with an indication that no historic properties will be affected by the installation of stormwater controls at your site, then you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

If within 15 calendar days of receipt of your request the applicable SHPO, THPO, or other tribal representative responds with a request for additional information or for further consultation regarding appropriate measures for treatment or mitigation of effects on historic properties caused by the installation of stormwater controls on your site, you must comply with this request and proceed to Step 5.

<u>Step 5:</u> *Consultation with your applicable SHPO, THPO, or other tribal representative.*

If, following your discussions with the appropriate historic preservation authorities in Step 4, the applicable SHPO, THPO, or tribal represenative requests additional information or further consultation, you must respond with such information or consult to determine impacts to historic properties that may be caused by the installation of stormwater controls on your site and appropriate measures for treatment or mitigation of such impacts. If as a result of your discussions with the applicable SHPO, THPO, or tribal representative, you enter into, and comply with, a written agreement regarding treatment and/or mitigation of impacts on your site, then you may indicate this on your NOI, and no further screening steps are necessary.

If, however, agreement on an appropriate treatment or mitigation plan cannot be reached between you and the SHPO, THPO, or other tribal representative within 30 days of your response to the SHPO, THPO, or other tribal representative's request for additional information or further consultation, you may submit your NOI, but you must indicate that you have not negotiated measures to avoid or mitigate such effects. You must also include in your SWPPP the following documentation:

1. Copies of any written correspondence between you and the SHPO, THPO, or other tribal representative; and
2. A description of any significant remaining disagreements as to mitigation measures between you and the SHPO, THPO, or other tribal representative.

After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, ACHP or other tribal representative may request that EPA place a hold on authorization based upon concerns regarding potential adverse effects to historic properties. EPA, in coordination with the ACHP, will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

Appendix F - List of Tier 3, Tier 2, and Tier 2.5 Waters

EPA's CGP has special requirements for discharges to waters that receive Tier 2, Tier 2.5, or Tier 3 protections for antidegradation purposes. See Parts 1.1.8 and 3.2.

EPA's antidegradation regulation, at 40 CFR 131.12, provides a framework for maintaining and protecting water quality for: (1) existing uses (known as "Tier 1"); (2) high quality waters by establishing a process for authorizing the lowering of water quality where existing water quality exceeds levels needed to support propagation of fish, shellfish, and wildlife and recreation in and on the water (known as "Tier 2"); and (3) for Outstanding National Resource Waters (known as "Tier 3"). While EPA's antidegradation regulation only outlines three levels of antidegradation protection, some states and tribes include an additional level of antidegradation protection between Tier 2 and Tier 3 (sometimes known as "Tier 2.5").

High quality (Tier 2) waters may be identified on a parameter-by-parameter basis or on a water body-by-water body basis consistent with the requirements of 40 CFR 131.12(a)(2). States and tribes using a parameter-by-parameter basis (sometimes called a "pollutant-by-pollutant approach") do not maintain a list of Tier 2 waters, but instead identify a high quality water at the time an entity proposes an activity that would lower water quality. In contrast, states and tribes using a water body-by-water body basis typically identify high quality waters in advance on a list by weighing a variety of factors (*e.g.*, chemical, physical, biological, and other information) to classify a water body's overall quality.

The list below is provided as a resource for operators who must determine whether they discharge to a Tier 2, Tier 2.5, or Tier 3 water. Where available, the table lists waters specifically identified for Tier 2, Tier 2.5, or Tier 3 protection by a water quality standard authority (*e.g.*, a state or tribe). Operators should not assume that a water does not receive Tier 2, Tier 2.5, or Tier 3 protection solely based on the absence of information in this table. Evaluation regarding antidegradation protections for a specific water may need to be done on a case-by-case basis, especially where the state or tribe uses the parameter-by-parameter approach to identify whether water quality is better than necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
MAR100000	Commonwealth of Massachusetts, except Indian Country lands
	Tier 2, Tier 2.5, and 3 waters are identified and listed in the Massachusetts Water Quality Standards 314 CMR 4.00. Surface water qualifiers that correspond with Tier classifications are defined at 314 CMR 4.06(1)(d)m and listed in tables and figures at the end of 314 CMR 4.06. See MassDEP's web page at: http://www.mass.gov/eea/agencies/massdep/water/regulations/314-cmr-4-00-mass-surface-water-quality-standards.html. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-massachusetts

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 2	Listed as "High Quality Waters", and all wetlands that are not designated as an Outstanding Resource Water.
	Tier 2.5	Listed as "Outstanding Resource Water", "Public Water Supply", "Tributary to Public Water Supply", all wetlands bordering Outstanding Resource Waters, and vernal pools.
	Tier 3	Defined as "Special Resource Water". Note: No waters have been identified as a Special Resource Water as of the issuance of this permit.
NHR100000	State of New Hampshire	
	Tier 2 waters are identified on a parameter-by-parameter basis. Tier 2.5 and 3 waters are identified and listed in the New Hampshire Water Quality Standards CHAPTER Env-Wq 1700. Description of the antidegradation tiers are included at CHAPTER Env-Wq 1708 and listed in the tables at. New dischargers and new sources should contact EPA Region 1's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-hampshire	
	Tier 3	Env-Ws 1708.05(a) Surface waters of national forests and surface waters designated as "natural" under RSA 483:7-a, I shall be considered outstanding resource waters (ORW). "Natural waters" are listed at http://www.gencourt.state.nh.us/rsa/html/L/483/483-15.htm. Surface waters of national forests are not included in an official list. For further questions, new dischargers and new sources should contact EPA Region 1's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional.
NYR10I000	Saint Regis Mohawk Tribe (NY)	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Saint Regis Mohawk Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/sites/production/files/2014-12/documents/stregis-tribe.pdf	
	Tier 3	Outstanding Resource Waters. Those waters designated as such by the Tribe. The Waters that may be considered for designation as Outstanding Resource Waters include, but are not limited to, water bodies that are recognized as: (i) Important because of protection through official action, such as Tribal, Federal or State law, Presidential or secretarial action, international treaty, or interstate compact; (ii) Having exceptional recreational significance; (iii) Having exceptional ecological significance; (iv) Having other special environmental, recreational, religious or ecological attributes; or waters whose designation as Outstanding Resource Waters is reasonably necessary for the protection of other waters so designated. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
PRR100000	Commonwealth of Puerto Rico	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Puerto Rico Water Quality Standards. New dischargers and new sources should contact EPA Region 2's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puerto-rico	
	Tier 3	Tier III waters are those which are classified as either Class SA or Class SE. Class SA waters are defined as "Coastal waters and estuarine waters of high quality and/or exceptional ecological or recreational value whose existing characteristics shall not be altered, except by natural causes, in order to preserve the existing natural phenomena." Class SA waters include bioluminiscent lagoons and bays such as La Parguera and Monsio José on the Southern Coast, Bahía de Mosquito in Vieques, and any other coastal or estuarine waters of exceptional quality of high ecological value or recreational which may be designated by Puerto Rico, through Resolution, as requiring this classification for protection of the waters. Class SE waters are defined as "Surface waters and wetlands of exceptional ecological value, whose existing characteristics should not be altered in order to preserve the existing natural phenomena." Class SE waters include Laguna Tortuguero, Laguna Cartagena and any other surface water bodies of exceptional ecological value as may be designated by Puerto Rico through Resolution.
DCR100000	District of Columbia	
	New dischargers and new sources should contact EPA Region 3's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. Tier 2.5 waters are identified and listed in the District of Columbia Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-washington-dc	
	Tier 2.5	Rule 1102.4 SPECIAL WATERS OF THE DISTRICT OF COLUMBIA (SWDC): Any segment or segments of the surface waters of the District that are of water quality better than needed for the current use or have scenic or aesthetic importance shall be designated as Special Waters of the District of Columbia (SWDC). Rock Creek and its tributaries and Battery Kemble Creek and its tributaries are considered Special Waters of the District of Columbia (SWDC) under its antidegradation program.
FLR10I000	Miccosukee Tribe (FL)	
	New dischargers and new sources should contact EPA Region 4's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. The Miccosukee Tribe Water Quality Standards includes an additional tier of protection between Tier 2 and 3 that is referred as Tier 2 ¾ for Outstanding Miccosukee Waters. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-miccosukee-tribe-indians-florida	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 2 ¾	Outstanding Miccosukee Waters (OMW): The Miccosukee Tribe recognizes that the waters of its Federal Reservation which are contained within Water Conservation Area 3-A and the Miccosukee Reserved Area constitute the Tribe's highest quality waters and must be preserved in as pristine a condition as possible while at the same time allowing for the activities of man. These ecologically important waters are essential to the survival of the Miccosukee Tribe, therefore: The Miccosukee Tribe hereby designates the waters of its Federal Reservation which are contained within Water Conservation Area 3-A (North Grass, South Grass, Gap) and Miccosukee Reserved Area as Class III-A and Outstanding Miccosukee waters (OMW). The North Grass is defined as that area bounded by the northern boundary of the reservation, the eastern edge of the L-28 levee (which is east of the L-28 canal), the southern edge of the C-60 Canal, and the eastern boundary of the reservation. The South Grass is defined as the area bounded by southern edge of the C-60 canal, the eastern boundary of the reservation, the southern boundary of the reservation, the eastern edge of the L-28 canal (which is south of the L-28 Tieback Canal), a line running north from the L-28 Canal (where the L-28 Canal turns northwest to become the L-28 Tieback Canal) until this line intersects the oil pipeline, the center of the oil pipeline until the oil pipeline intercepts the L-28 Interceptor Canal, and the eastern edge of the L-28 levee (which is east of the L-28 Canal). The Gap is defined as that area which is bounded by the southern boundary of the reservation, the western boundary of the reservation, the northeastern edge of the L-28 Interceptor Canal, the oil pipeline which runs generally south from the L-28 Interceptor Canal until the pipeline intercepts a line running north from the L-28 Canal where the L-28 canal turns northwest to become the L-28 Tieback Canal, and the eastern edge of the L-28 canal (which is south of the L-28 Tieback Canal).
	Tier 3	Tier 3: Outstanding Natural Resource Waters (ONRW): Where high quality waters constitute an Outstanding Tribal resource such as waters of parks and wildlife refuges and waters of exceptional ecological and recreational significance, that water quality shall be maintained and protected. These waters shall be designated as Outstanding Natural Resource Waters (ONRW). Currently, no Tribal waters are designated as ONRW.
	Seminole Tribe (FL)	
	New dischargers and new sources should contact EPA Region 4's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/seminole_floridawqs.pdf	
MNR10I000	Fond du Lac Band of MN Chippewa	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Fond du Lac Band of MN Chippewa Water Quality Standards. New dischargers and new sources should contact EPA	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Region 5's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-fond-du-lac-band-minnesota-chippewa-tribe	
	Tier 3	Six Lakes are presently identified as Tier 3/Outstanding Reservation Resource Waters (ORRW): (1) Dead Fish Lake; (2) Jaskari Lake; (3) Miller (Mud) Lake; (4) Perch Lake; (5) Rice Portage Lake; (6) Wild Rice Lake.
	Grand Portage Band of MN Chippewa	
	Tier 2 waters are identified on a parameter-by-parameter basis. Two subcategories of protection (referred to as outstanding tribal water resource (OTWR)) exist in the Grand Portage Band of MN Chippewa Water Quality Standards as follows: (a) OTWR-Restricted (lowered water quality may be allowed under limited circumstances); (b) OTWR-Prohibited (Discharges and permanent lowering of water quality are prohibited). New dischargers and new sources should contact EPA Region 5's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-grand-portage-band-minnesota-chippewa-tribe	
	Tier 2	OTWR-Restricted: All waters, not already classified as Tier 3, are high quality Tier 2 waters (see Grand Portage Reservation Water Quality Standards, Section VI & VII, Pages 14-16).
	Tier 3	OTWR-Prohibited: "The portion of Lake Superior north of latitude 47 degrees, 57 minutes, 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the Minnesota-Michigan boundary" (see Section VII, Page 16).
WIR10I000	Bad River Band of Lake Superior Chippewa (WI)	
	Tier 2 waters are identified on a water body-by-water body basis. Tier 2, 2.5, and 3 classifications are included in the Bad River Band of Lake Superior Chippewa Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bad-river-band-lake-superior-chippewa-tribe	
	Tier 2	Any surface water not specifically classified as Outstanding Tribal Resource Water or Outstanding Resource Water is classified as Exceptional Resource Water (Anishinaabosibiing).
	Tier 2.5	Outstanding Resource Waters: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 3	Outstanding Tribal Resource Waters: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.
	Lac du Flambeau Band of the Lake Superior Chippewa	
	Tier 2 waters are identified on a water body-by-water body basis. Tier 2, 2.5, and 3 classifications are included in the Lac du Flambeau Band of the Lake Superior Chippewa Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lac-du-flambeau-band-lake-superior-chippewa-tribe	
	Tier 2	All named waters, including wetlands, not specified under an Antidegradation classification are classified as Tribal Resource Water (Tier 2). Unclassified Named Waters (Tier 2): Buckskin Lake; Flambeau Lake; Long (Interlaken) Lake); Marland's Lake (Sec. 13, T40NR4E); Moss Lake; Pokegema Lake.
	Tier 2.5	Exceptional Tribal Resource Waters: Bills Lake, Birch Lake, Bobidosh Lake, Bog Lake (SE SE Sec. 31, T40NR6E), Bolton Lake, Broken Bow Lake, Chewalah Lake, Clear Lake (Sec. 2, T39NR4E), Corn Great, Great, Corn Lake, Little "Least/Lesser", Crawling Stone Lake, Big, Crawling Stone Lake, Little, Crescent Lake, Crooked Lake, Big, David Lake, Ellerson Lake, Middle, Ellerson Lake, West, Elsie Lake "Boundary Lake", Fat Lake, Fence Lake, Gresham Creek, Green Lake (NW NW Sec. 19, T41R6E), Grey Lake, Gunlock Lake, Haskell Lake, Headflyer Lake (Sec. 19, T41NR5E), Highway Lake (NW NW Sec. 19, T41NR5E), Horsehead Lake (SE SW Sec. 9, T40NR5E), Hutton's Creek, Ike Walton Lake, Lily Lake (SE SW Sec. 35, T40NR5E), Little Ten Lake, Lodge Lake "L. Rice" (NW NW Sec. 8, T41NR6E), Lucy Lake, Mindys Lake (Sec. 8, T40NR5E), Minette Lake, Mitten Lake, Monk's Lake (Sec. 13, T40NR5E), Moving Cloud Lake, Mud Creek, Muskesin Lake, Patterson Lake, Placid Twin Lake (North), Placid Twin Lake (South), Plummer Lake, Poupart Lake, Prairie Lake (NE SW Sec. 13, T40NR4E), Raven Lake, Ross Allen Lake, Sand Lake, Little, Scott Lake (Sec. 22, T40N, R4E), Shishebogama Lake, Signal Lake, Snort Lake (Sec. 5, T41N, R6E), Spring Lake "Jerms", Squirrel Lake, Statenaker Lake "Hollow", Stearns Lake "Hourglass", Sugarbush "Hidden Lake" (NW NW Sec. 17, T41NR5E), Sugarbush Creek, Sugarbush Lake, Little, Sugarbush Lake, Lower, Sugarbush Lake, Middle, Sugarbush Lake, Upper, Sunfish Lake, Tippecanoe Lake, Tomahawk River, To-To Tom Lake, Toulish Lake, Trout River, Warrior Lake, White Sand Lake, Whitefish Lake "Cattail Lake" (Sec. 34, T40N5R), Wishow Lake, Wyandock Lake.
	Tier 3	Outstanding Tribal Resource Waters: Bear River (1st bridge to Reservation boundary), Big Springs (Sec. 25, T40NR4E), Black Lake, Cranberry Lake, Doud Lake, Eagle Lake, Gene Lake, Johnson Springs, Little Trout Lake, Lost Lake (Sect. 1, T41NR4E), Mishonagon Creek, Munnomin (Jesse, Duck) Lake, Negani (Hegani) Lake, Reservation Line Lake, Spring Creek, Tank Lake, Thomas Lake, Wild Rice Lake, Zee Lake.

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
NMR100000	State of New Mexico	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the State of New Mexico Water Quality Standards. New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-new-mexico	
	Tier 2	If you need assistance determining if your discharge is to a Tier 2 waterbody, please contact the NMED Surface Water Quality Bureau's Stormwater Program at https://www.env.nm.gov/swqb/StormWater/index.html.
	Tier 3	See https://www.env.nm.gov/swqb/ONRW/ for current list of NMED's Tier 3/Outstanding National Resource Waters. See also New Mexico's Water Quality Standards at 20.6.4.9.D NMAC.
NMR10I000	Ohkay Owingeh (NM) (formerly the Pueblo of San Juan)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ohkay-owingeh-pueblo-formerly-pueblo-san-juan	
	Pueblo of Acoma (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-acoma	
	Pueblo of Isleta (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-isleta	
	Pueblo of Nambe (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-nambe	
	Pueblo of Picuris (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. Tier 2, 2.5, and 3 classifications are included in the Pueblo of Picuris Water Quality Standards. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-picuris	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Pueblo of Pojoaque (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-pojoaque	
	Pueblo of Sandia (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-sandia	
	Pueblo of Santa Ana (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-ana	
	Pueblo of Santa Clara (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-santa-clara	
	Pueblo of Taos (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-taos	
	Tier 3	Outstanding Tribal Resource Waters: Mountain Lakes; Mountain Streams & Springs;
	Pueblo of Tesuque (NM)	
	New dischargers and new sources should contact EPA Region 6's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pueblo-tesuque	
COR10I000	Ute Mountain Ute Tribe	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Ute Mountain Ute Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-ute-mountain-ute-tribe	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 3	Outstanding Tribal Resource Waters: 1. Ute Spring and unnamed creek from Ute Spring downstream within Section 12, TWP35N R18W (Colorado). 2. Allen Canyon Creek, Sections 17, 20, 29, 30, 31, TWP 35S, R21E (Utah) 3. "Lopez" Spring and unnamed creek tributary to and downstream from the spring, within Section 35, TWP 34N, R18W
MTR10I000	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (MT)	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-assiniboine-and-sioux-tribes-fort-peck-indian	
	Tier 2	Most Tribal Waters will qualify as Tier 2 waters. Unless the water body is not attaining the Clean Water Act Section 101(a)(2) goals, the water body has received an OTRW designation, or there is no assimilative capacity for pollutants to protect existing and designated uses, it is likely that the water body will receive Tier 2 protection.
	Confederated Salish and Kootenai Tribes of the Flathead Reservation (MT)	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Confederated Salish and Kootenai Tribes of the Flathead Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-salish-and-kootenai-tribes-flathead	
	Tier 3	The following are Tier 3 waters: All waters located within Tribally designated primitive or wilderness areas.
	Northern Cheyenne (MT)	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Northern Cheyenne Water Quality Standards. New dischargers and new sources should contact EPA Region 8's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-northern-cheyenne-tribe-northern-cheyenne-reservation	
ASR100000	Island of American Samoa	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf	
AZR10I000	Hopi Tribe (AZ)	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Hopi Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hopi-tribe	
	Tier 3	Unique Waters: In the Moencopi Wash watershed, from Blue Canyon Springs to the confluence of Begashibito Wash.
	Hualapai Indian Tribe (AZ)	
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Hualapai Indian Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hualapai-tribe	
	Tier 3	Segments assigned as Tier 3: Spencer; Meriwhitica; Willow Spring; Upper Milkweed Spring; Bridge Canyon; Travertine Spring; Travertine Falls; Diamond Creek; Diamond Creek Spring; Blue Mountain; Metuck; Peach Springs Spring; Westwater; Clay Tank; Hocky Puck; Pocamote Spring; Mohawk Spring; Granite Spring; Three Spring; Warm Spring; Honga Spring; National Canyon Spring; National Canyon; Moss Spring.
	Navajo Nation (AZ, NM, UT)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-navajo-nation	
	White Mountain Apache Tribe (AZ)	
	Tier 2 waters are identified on a water body-by-water body basis. Tier classifications are identified in Appendix B of the White Mountain Apache Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-white-mountain-apache-tribe	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	Tier 2	High Quality Waters: East Fork White River, above R52 Road; Paradise Creek, above Wohlenberg; Ord Creek; Smith Cienega; Bull Cienega; Smith Creek; Big Bonito; Tonto Creek, below Y47 Crossing; Crooked Creek; Boggy Creek; Little Bonito Creek, above Y55 Crossing; Flash Creek; Squaw Creek; Hurricane Lake; Hurricane Creek; Hughey Creek; Bonito Cienega; West Fork Black River; Hall Cienega; Purcell Cienega; Thompson Creek; Cibecue Creek in Box Canyon to Salt river; Rock Springs Creek; Willow Creek (Lower Canyon Cr.). Sensitive Waters (treated the same manner as Tier 2): East Fork White River below R52 Road, above Rock Cr; Lofer Cienega Creek; Carrizo Creek above Corduroy; Cedar Creek; Big Canyon (E. Cedar Creek); Middle Cedar Creek; West Cedar Creek; Cibecue Creek, Box Canyon up to Confluence with Salt Creek; Spring Creek; Salt Creek; Cibecue Creek, from confluence w/Salt Cr. To Big Springs; Cibecue Creek, above Big Springs; Salt Draw; Canyon Creek S. of Chediski Farms; Oak Creek; Canyon Creek, N. of Chediski Farms.
	Tier 3	Outstanding Waters: East Fork White River, in Wilderness area; Pumpkin Lake.
CAR10I000	Big Pine Band of Owens Valley (CA)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-big-pine-paiute-tribe-owens-valley	
	Hoopa Valley Tribe (CA)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-hoopa-valley-tribe	
	Paiute-Shoshone Indians of the Bishop Community (CA)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-bishop-paiute-tribe	
	Twenty-Nine Palms (CA)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-twenty-nine-palms-band-mission-indians	
GUR100000	Island of Guam	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority	
	stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf	
JAR100000	Johnston Atoll	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional	
MPR100000	Commonwealth of the Northern Mariana Islands	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/sites/production/files/2014-12/documents/aswqs.pdf	
MWR100000	Midway Island and Wake Island	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional	
NVR10000I	Pyramid Lake Paiute (NV)	
	New dischargers and new sources should contact EPA Region 9's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-pyramid-lake-paiute-tribe	
IDR100000	State of Idaho	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the State of Idaho Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-idaho	
	Tier 2 and Tier 3	For Tier 2 and Tier 3 waters, please consult the most recent approved version of Idaho's Idaho Integrated Report, available at: http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/ and the closest regional office of the Idaho Department of Environmental Quality: http://www.deq.idaho.gov/regional-offices-issues/.
IDR10I000	**Coeur D'Alene Tribe (ID)**	
	Tier 2 waters are identified on a water body-by-water body basis. There is not a Tier 2.5 classification identified in the Coeur D'Alene Tribe Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-coeur-dalene-tribe-indians	
ORR10I000	Confederated Tribes of the Warm Springs Reservation (OR)	
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also:	

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
	https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-warm-springs-indian-reservation
	Confederated Tribes of Umatilla (OR)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-umatilla-indian-reservation-oregon
WAR10I000	Confederated Tribes of the Chehalis Reservation (WA)
	Tier 2 waters are identified on a parameter-by-parameter basis. There is not a Tier 2.5 classification identified in the Confederated Tribes of the Chehalis Reservation Water Quality Standards. New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-chehalis-reservation
	Confederated Tribes of the Colville Reservation (WA)
	EPA established federal water quality standards for the Confederated Tribes of the Colville Reservation at 40 CFR 131.35. See: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-confederated-tribes-colville-reservation
	Kalispel Indian Community (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-kalispel-indian-community-kalispel-reservation
	Lummi Tribe (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-lummi-nation
	Makah Indian Nation (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-makah-indian-nation
	Port Gamble S'Klallam (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also:

Permit Number	Areas of Coverage/Where EPA Is Permitting Authority
	https://www.epa.gov/wqs-tech/water-quality-standards-regulations-port-gamble-sklallam-tribe
	Puyallup Tribe of Indians (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-puyallup-tribe-indians
	Spokane Tribe of Indians (WA)
	New dischargers and new sources should contact EPA Region 10's stormwater coordinator found at https://www.epa.gov/npdes/contact-us-stormwater#regional.. See also: https://www.epa.gov/wqs-tech/water-quality-standards-regulations-spokane-tribe-indians

Appendix G – Buffer Requirements.

The purpose of this appendix is to assist you in complying with the requirements in Part 2.2.1 of the permit regarding the establishment of natural buffers and/or equivalent sediment controls. This appendix is organized as follows:

G.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS

The requirement in Part 2.2.1 to provide and maintain natural buffers and/or equivalent erosion and sediment controls applies for any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances. If the water of the U.S. is not located within 50 feet of earth-disturbing activities, Part 2.2.1 does not apply. See G – 1.

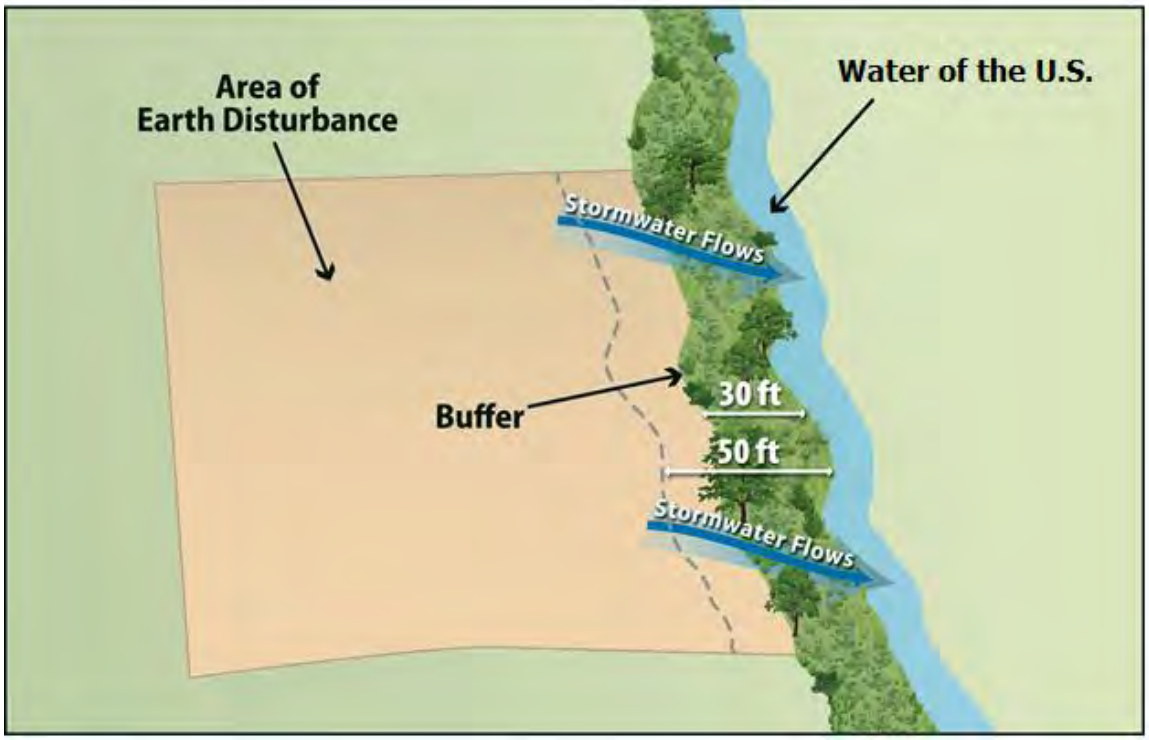


Figure G-1 Example of earth-disturbing activities within 50 feet of a water of the U.S.

G.2 COMPLIANCE ALTERNATIVES AND EXCEPTIONS

G.2.1 Compliance Alternatives

If Part 2.2.1 applies to your site, you have three compliance alternatives from which you can choose, unless you qualify for any of the exceptions (see below and Part 2.2.1.a):

1. Provide and maintain a 50-foot undisturbed natural buffer; or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
3. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer. [1]

The compliance alternative selected must be maintained throughout the duration of permit coverage.

See Part G.2.2 below for exceptions to the compliance alternatives.

See Part G.2.3 for requirements applicable to providing and maintaining natural buffers under compliance alternatives 1 and 2 above.

See Part G.2.4 for requirements applicable to providing erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer under compliance alternatives 2 and 3 above.

G.2.2 Exceptions to the Compliance Alternatives

The following exceptions apply to the requirement to implement one of the Part 2.2.1.a compliance alternatives (see also Part 2.2.1.b):

- The following disturbances within 50 feet of a water of the U.S. are exempt from the requirements Part 2.2.1 and this Appendix:
  - Construction approved under a CWA Section 404 permit; or
  - Construction of a water-dependent structure or water access areas *(e.g., pier, boat ramp, trail)*.
- If there is no discharge of stormwater to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix. This includes situations where you have implemented controls measures, such as a berm or other barrier, that will prevent such discharges.
- Where no natural buffer exists due to preexisting development disturbances *(e.g., structures, impervious surfaces)* that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix.

  Where some natural buffer exists but portions of the area within 50 feet of the water of the U.S. are occupied by preexisting development disturbances, you <u>are</u> required to comply with the requirements in Part 2.2.1 and this Appendix. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3, you are not expected to compensate for the reduction in buffer function that would have resulted from the area covered by these preexisting disturbances. Clarity about how to implement the compliance alternatives for these situations is provided in G.2.3 and G.2.4 below.

  If during your project, you will disturb any portion of these preexisting disturbances, the area removed will be deducted from the area treated as a "natural buffer."
- For "linear construction sites" (see Appendix A), you are not required to comply with this requirement if site constraints *(e.g., limited right-of-way)* make it infeasible to implement one of the Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of any waters of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the water of the U.S. You must also document in your SWPPP your rationale for why it is infeasible for you to implement one of the Part 2.2.1.a compliance alternatives, and describe any buffer width retained and supplemental erosion and sediment controls installed.
- For "small residential lot" construction *(i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre),* you have the option of complying with one of the "small residential lot" compliance alternatives in Part G.3 of this appendix.

Note that you must document in your SWPPP if any disturbances related to any of the above exceptions occurs within the buffer area on your site.

G.2.3 Requirements for Providing and Maintaining Natural Buffers

This part of the appendix applies to you if you choose compliance alternative 1 (50-foot buffer), compliance alternative 2 (a buffer of < 50 feet supplemented by additional erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), or if you are providing a buffer in compliance with one of the "small residential lot" compliance alternatives in Part G.3.

Buffer Width Measurement

Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:

1. The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figures G – 2 and Error! Reference source not found.. You may find that specifically measuring these points is challenging if the flow path of the water of the U.S. changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, EPA suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

Additionally, note that if earth-disturbing activities will take place on both sides of a water of the U.S. that flows through your site, to the extent that you are establishing a buffer around this water, it must be established on both sides. For example, if you choose compliance alternative 1, and your project calls for disturbances on both sides of a small stream, you would need to retain the full 50 feet of buffer on both sides of the water. However, if your construction activities will only occur on one side of the stream, you would only need to retain the 50-foot buffer on the side of the stream where the earth-disturbance will occur.

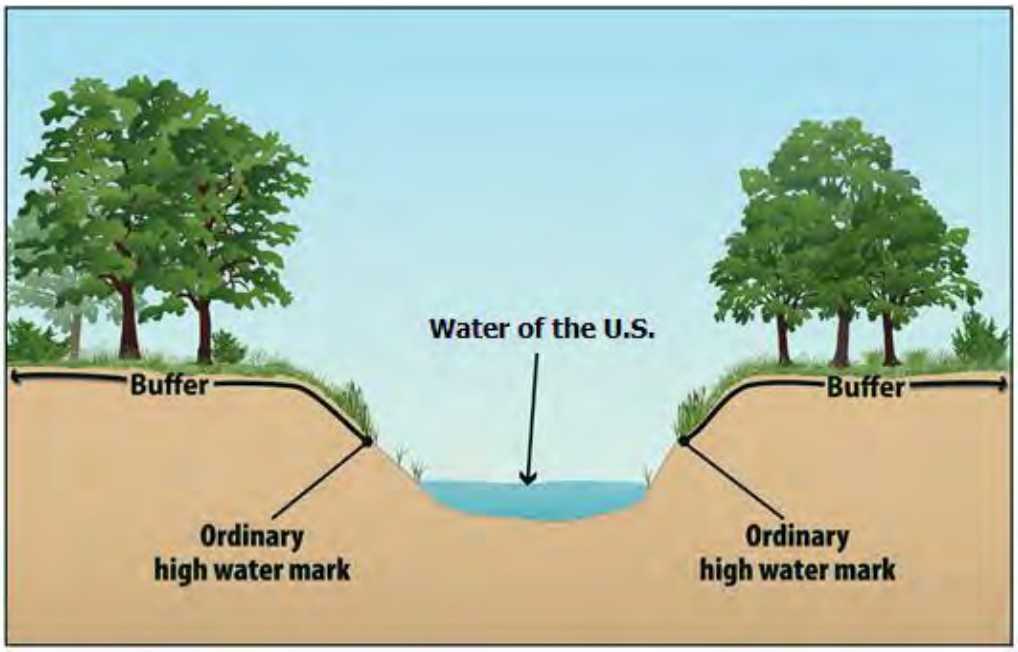


Figure G-2 Buffer measurement from the ordinary high water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

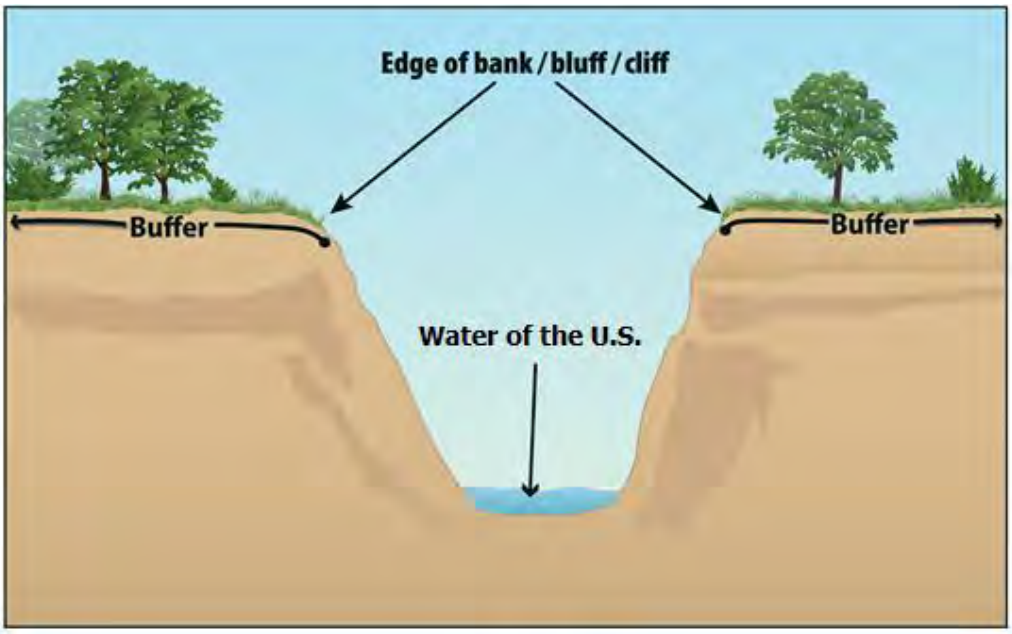


Figure G-3 Buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.

Limits to Disturbance Within the Buffer

You are considered to be in compliance with the requirement to provide and maintain a natural buffer if you retain and protect from construction activities the natural buffer that existed prior to the commencement of construction. If the buffer area contains no vegetation prior to the commencement of construction (e.g., sand or rocky surface), you are not required to plant vegetation. As noted above, any preexisting structures or

impervious surfaces may occur in the natural buffer provided you retain and protect from disturbance the buffer areas outside of the preexisting disturbance.

To ensure that the water quality protection benefits of the buffer are retained during construction, you are prohibited from conducting any earth-disturbing activities within the buffer during permit coverage. In furtherance of this requirement, prior to commencing earth-disturbing activities on your site, you must delineate, and clearly mark off, with flags, tape, or a similar marking device, the buffer area on your site. The purpose of this requirement is to make the buffer area clearly visible to the people working on your site so that unintended disturbances are avoided.

While you are not required to enhance the quality of the vegetation that already exists within the buffer, you are encouraged to do so where such improvements will enhance the water quality protection benefits of the buffer. (Note that any disturbances within the buffer related to buffer enhancement are permitted and do not constitute construction disturbances.) For instance, you may want to target plantings where limited vegetation exists, or replace existing vegetation where invasive or noxious plant species (see http://plants.usda.gov/java/noxiousDriver) have taken over. In the case of invasive or noxious species, you may want to remove and replace them with a diversity of native trees, shrubs, and herbaceous plants that are well-adapted to the climatic, soil, and hydrologic conditions on the site. You are also encouraged to limit the removal of naturally deposited leaf litter, woody debris, and other biomass, as this material contributes to the ability of the buffer to retain water and filter pollutants.

If a portion of the buffer area adjacent to the water of the U.S. is owned by another party and is not under your control, you are only required to retain and protect from construction activities the portion of the buffer area that is under your control. For example, if you comply with compliance alternative 1 (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you must only retain and protect from construction activities the 40-foot buffer area that occurs adjacent to the property on which your construction activities are taking place. EPA would consider you to be in compliance with this requirement regardless of the activities that are taking place in the 10-foot area that is owned by a different party than the land on which your construction activities are taking place that you have no control over.

Discharges to the Buffer

You must ensure that all discharges from the area of earth disturbance to the natural **buffer are first treated by the site's erosion and sediment** controls (*for example, you must comply with the Part 2.2.3 requirement to install sediment controls along any perimeter areas of the site that will receive pollutant discharges*), and if necessary to prevent erosion caused by stormwater flows within the buffer, you must use velocity dissipation devices. The purpose of this requirement is to decrease the rate of stormwater flow and encourage infiltration so that the pollutant filtering functions of the buffer will be achieved. To comply with this requirement, construction operators typically will use devices that physically dissipate stormwater flows so that the discharge entering the buffer is spread out and slowed down.

SWPPP Documentation

You are required to document in your SWPPP the natural buffer width that is retained. For example, if you are complying with alternative 1, you must specify in your SWPPP that you are providing a 50-foot buffer. Or, if you will be complying with alternative 2, you must document the reduced width of the buffer you will be retaining (and you must also

describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as required in Part G.2.4 below). Note that you must also show any buffers on your site map in your SWPPP consistent with Part 7.2.4.i. Additionally, if any disturbances related to the exceptions in Part G.2.2 occur within the buffer area, you must document this in the SWPPP.

G.2.4 Guidance for Providing the Equivalent Sediment Reduction as a 50-foot Buffer

This part of the appendix applies to you if you choose compliance alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot buffer) or compliance alternative 3 (implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot buffer).

Determine Whether it is Feasible to Provide a Reduced Buffer

EPA recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (see G.2.2), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas.

Therefore, you should choose compliance alternative 2 if it is feasible for you to retain some natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part G.2.3, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should choose alternative 3.

Design Controls That Provide Equivalent Sediment Reduction as 50-foot Buffer

You must next determine what additional controls must be implemented on your site that, alone or in combination with any retained natural buffer, achieve a reduction in sediment equivalent to that achieved by a 50-foot buffer.

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 50-foot buffer for discharges through that area. You would not be required to provide additional treatment of stormwater discharges that flow through 50 feet or more of natural buffer. See Error! Reference source not found..

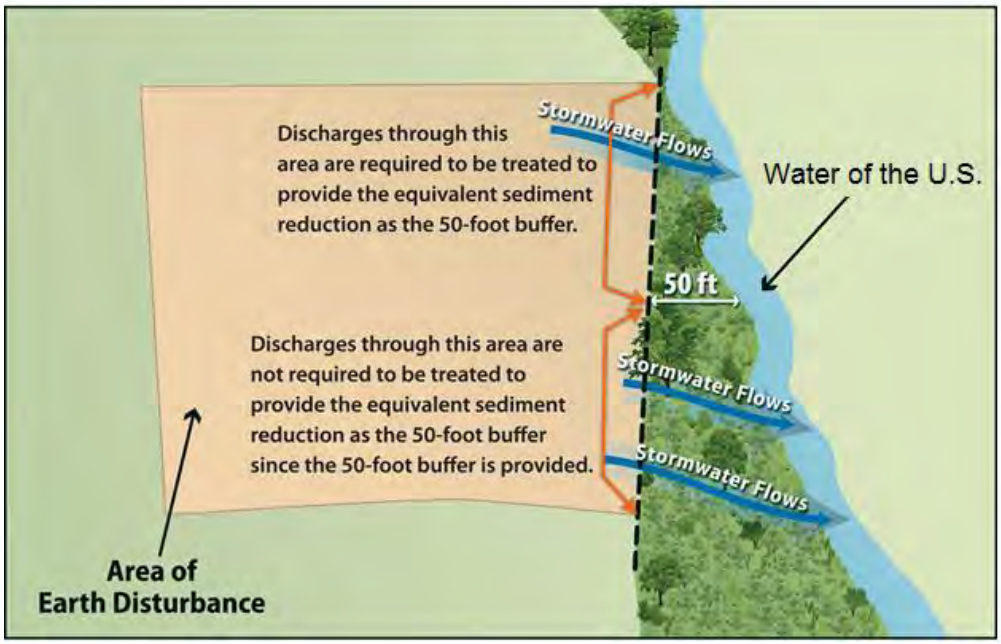


Figure G-4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 50-feet. Area of Earth Disturbance

Steps to help you meet compliance alternative 2 and 3 requirements are provided below.

Step 1 - Estimate the Sediment Reduction from the 50-foot Buffer

In order to design controls that match the sediment removal efficiency of a 50-foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of erosion and sediment controls used to reduce the discharge of sediment prior to the buffer. EPA has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the CGP. See Attachment 1 of this Appendix, Tables G-8 through G-15. Note: buffer performance values in Tables G-8 through G-15 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 50-foot buffers at disturbed sites of fixed proportions and slopes.[1]

[1] EPA used the following when developing the buffer performance tables:

- The sediment removal efficiencies are based on the U.S. Department of Agriculture's RUSLE2 ("Revised Universal Soil Loss Equation 2") model for slope profiles using a 100-foot long denuded slopes.
- Sediment removal was defined as the annual sediment delivered at the downstream end of the 50-foot natural buffer (tons/yr/acre) divided by the annual yield from denuded area (tons/yr/acre).
- As perimeter controls are also required by the CGP, sediment removal is in part a function of the reduction due to a perimeter control (i.e., silt fence) located between the disturbed portion of the site and the upstream edge of the natural buffer and flow traveling through a 50-foot buffer of undisturbed natural vegetation.
- It was assumed that construction sites have a relatively uniform slope without topographic features that accelerate the concentration for erosive flows.

Using Tables G-8 through G-15 (see Attachment 1 of this Appendix), you can determine the sediment removal efficiency of a 50-foot buffer for your geographic area by matching the vegetative cover type that best describes your buffer area and the type of soils that predominate at your site. For example, if your site is located in Massachusetts (Table G-9), and your buffer vegetation corresponds most closely with that of tall fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 81 percent.

In this step, you should choose the vegetation type in the tables that most closely matches the vegetation that would exist naturally in the buffer area on your site regardless of the condition of the buffer. However, because you are not required to plant any additional vegetation in the buffer area, in determining what controls are necessary to meet this sediment removal equivalency in Step 2 below, you will be able to take credit for this area as a fully vegetated "natural buffer."

Similarly, if a portion of the buffer area adjacent to the water of the U.S. is owned by another party and is not under your control, you can treat the area of land not under your control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring.

> *For example, if your earth-disturbances occur within 50 feet of a water of the U.S., but the 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10 foot area adjacent to the stream as having the equivalent soil and vegetation type that predominates in the 40 foot area under your control. You would then make the same assumption in Step 2 for purposes of determining the equivalent sediment removal.*

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables G-8 through G-15. This calculation must be documented in your SWPPP.

<u>Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer</u>

Once you determine the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you must next select stormwater controls that will provide an equivalent sediment load reduction. These controls can include the installation of a single control, such as a sediment pond or additional perimeter controls, or a combination of stormwater controls. Whichever control(s) you select, you must demonstrate in your SWPPP that the controls will provide at a minimum the same sediment removal capabilities as a 50-foot natural buffer (Step 1). You may take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency, because these were included in calculating the buffer removal efficiencies in Tables G-8 through G-15. (Note: You are reminded that the controls must be kept in effective operating condition until you complete final stabilization on the disturbed portions of the site discharging to the water of the U.S.)

- It was assumed that vegetation has been removed from the disturbed portion of the site and a combination of cuts and fills have resulted in a smooth soil surface with limited retention of near-surface root mass.

To represent the influence of soil, EPA analyzed 11 general soil texture classifications in its evaluation of buffer performance. To represent different types of buffer vegetation, EPA evaluated 4 or more common vegetative types for each state/territory covered under the permit. For each vegetation type evaluated, EPA considered only permanent, non-grazed, and non-harvested vegetation, on the assumption that a natural buffer adjacent to the water of the U.S. will typically be undisturbed. EPA also evaluated slope steepness and found that sediment removal efficiencies present in Tables G-8 through G-15 are achievable for slopes that are less than nine percent.

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as a 50-foot buffer, you should use a model or other type of calculation. As mentioned above, there are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models. A couple of examples are provided in Attachment 3 to help illustrate how this determination could be made.

If you retain a buffer of less than 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 50 foot buffer and the removal efficiency of the narrower buffer. For example, if you retain a 30 foot buffer, you can account for the sediment removal provided by the 30 foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20 feet of buffer that is not being provided. To do this, you would plug the width of the buffer that is retained into RUSLE or another model, along with other stormwater controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

As described in Step 1 above, you can take credit for the area you retained as a "natural buffer" as being fully vegetated, regardless of the condition of the buffer area.

> *For example, if your earth-disturbances occur 30 feet from a water of the U.S., but the 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10-foot area as a natural buffer, regardless of the activities that are taking place in the area. Therefore, you can assume (for purposes of your equivalency calculation) that your site is providing the sediment removal equivalent of a 30-foot buffer, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided.*

<u>Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer</u>

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves the expected sediment removal efficiency of a 50-foot buffer at your site. The final step is to document in your SWPPP the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer.

EPA will consider your documentation to be sufficient if it generally meets the following:

- For Step 1, refer to the table in Attachment 1 that you used to derive your estimated 50-foot buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables G-8 through G-15. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.
- For Step 2, (1) Specify the model you used to estimate sediment load reductions from your site; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1.

If you choose compliance alternative 3, you must also include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

G.3 SMALL RESIDENTIAL LOT COMPLIANCE ALTERNATIVES

EPA has developed two additional compliance alternatives applicable only to "small residential lots" that are unable to provide and maintain a 50 foot buffer.

> A small residential lot is a lot or grouping of lots being developed for residential purposes that will disturb less than 1 acre of land, but that is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

The following steps describe how a small residential lot operator would achieve compliance with one these 2 alternatives.

G.3.1 Small Residential Lot Compliance Alternative Eligibility

In order to be eligible for the small residential lot compliance alternatives, the following conditions must be met:

a. The lot or grouping of lots meets the definition of "small residential lot"; and

b. The operator must follow the guidance for providing and maintaining a natural buffer in Part G.2.3 of this Appendix, including:

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

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

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

G.3.2 Small Residential Lot Compliance Alternatives

You must next choose from one of two small residential lot compliance alternatives and implement the stormwater control practices associated with that alternative.

Note: The compliance alternatives provided below are not mandatory. Operators of small residential lots can alternatively choose to comply with the any of the options that are available to other sites in Part 2.2.1.a and G.2.1 of this Appendix.

Small Residential Lot Compliance Alternative 1

Alternative 1 is a straightforward tiered-technology approach that specifies the controls that a small residential lot must implement based on the buffer width retained. To meet the requirements of small residential lot compliance alternative 1, you must implement the controls specified in Table G–1 based on the buffer width to be retained. See footnote 3, below, for a description of the controls you must implement.

For example, if you are an operator of a small residential lot that will be retaining a 35-foot buffer and you choose Small Residential Lot Compliance Alternative 1, you must implement double perimeter controls between earth disturbances and the water of the U.S.

In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with small residential lot compliance alternative 1.

Table G-1 Alternative 1 Requirements[2]

Retain 50-foot Buffer	Retain <50 and >30 foot Buffer	**Retain ≤ 30 foot Buffer**
No Additional Requirements	Double Perimeter Controls	Double Perimeter Controls and 7-Day Site Stabilization

Small Residential Lot Compliance Alternative 2

Alternative 2 specifies the controls that a builder of a small residential lot must implement based on both the buffer width retained and the site's sediment discharge risk. By incorporating the sediment risk, this approach may result in the implementation of controls that are more appropriate for the site's specific conditions.

Step 1 **– Determine Your Site's Sediment Risk** Level

To meet the requirements of Alternative 2, you must first determine your site's sediment discharge "risk level" based on the site's slope, location, and soil type. To help you to determine your site's sediment risk level, EPA developed five different tables for different slope conditions. You should select the table that most closely corresponds to your site's average slope.

For example, if your site's average slope is 7 percent, you should use Table G–4 to determine your site's sediment risk.

After you determine which table applies to your site, you must then use the table to determine the "risk level" (e.g., "low", "moderate", or "high") that corresponds to your site's location and predominant soil type.[3]

For example, based on Table G-3, a site located in New Hampshire with a 4 percent average slope and with predominately sandy clay loam soils would fall into the "moderate" risk level.

Table G-2 Risk Levels for Sites with Average Slopes **of ≤** 3 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High

[2] Description of Additional Controls Applicable to Small Residential Lot Compliance Alternatives 1 and 2:

- No Additional Requirements: If you implement a buffer of 50 feet or greater, then you are not subject to any additional requirements. Note that you are required to install perimeter controls between the disturbed portions of your site and the buffer in accordance with Part 2.2.3.
- Double Perimeter Control: In addition to the reduced buffer width retained on your site, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart.
- Double Perimeter Control and 7-Day Site Stabilization: In addition to the reduced buffer width retained on your site and the perimeter control implemented in accordance with Part 2.2.3, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.14 within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.

[3] One source for determining your site's predominant soil type is the USDA's Web Soil Survey located at http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx.

Virgin Islands	Low	Moderate	Low	Moderate	Moderate
American Samoa	Moderate	Moderate	Moderate	Moderate	High
Massachusetts and New Hampshire	Low	Moderate	Low	Low	Moderate
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Low
Washington D.C.	Low	Moderate	Low	Low	Moderate

Table G-3 Risk Levels for Sites with Average Slopes **of > 3 Percent and ≤ 6 Percent**

Soil Type / **Location**	**Clay**	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	Moderate	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Low	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

Table G-4 Risk Levels for Sites with Average Slopes of > 6 **Percent and ≤** 9 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	High	Moderate	High	High
Puerto Rico	Moderate	High	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

Table G-5 Risk Levels for Sites with Average Slopes of > 9 Percent and **≤ 15 Percent**

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	Moderate	High	Moderate	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Moderate	Low	Moderate	Moderate
Washington D.C.	Moderate	High	Moderate	Moderate	High

Table G-6 Risk Levels for Sites with Average Slopes of > 15 Percent

Soil Type / Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	High	High	High	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	High	High	Moderate	High	High
Idaho	Low	Low	Low	Low	Moderate
New Mexico	Moderate	Moderate	Moderate	Moderate	High
Washington D.C.	High	High	Moderate	High	High

Step 2 – Determine Which Additional Controls Apply

Once you determine your site's "risk level", you must next determine the additional controls you need to implement on your site, based on the width of buffer you plan to retain. Table G-7 specifies the requirements that apply based on the "risk level" and buffer width retained. See footnote 3, above, for a description of the additional controls that are required.

For example, if you are the operator of a small residential lot that falls into the "moderate" risk level, and you decide to retain a 20-foot buffer, using Table G-7 you would determine that you need to implement double perimeter controls to achieve compliance with small residential lot compliance alternative 2.

You must also document in your SWPPP your compliance with small residential lot compliance alternative 2.

Table G - 7. Alternative 2 Requirements[2]

Risk Level Based on Estimated Soil Erosion	**Retain ≥ 50'** Buffer	**Retain <50' and >30' Buffer**	Retain **≤30' and >10' Buffer**	**Retain ≤ 10'** Buffer
Low Risk	No Additional Requirements	No Additional Requirements	Double Perimeter Control	Double Perimeter Control
Moderate Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization

High Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control and 7-Day Site Stabilization	Double Perimeter Control and 7-Day Site Stabilization

ATTACHMENT 1

Sediment Removal Efficiency Tables[4]

EPA recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore in the tables below, EPA has limited the removal efficiencies to a maximum of 90%. Efficiencies that were calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

Table G-8 Estimated 50-foot Buffer Performance in Idaho*

	Estimated % Sediment Removal				
Type of Buffer Vegetation**	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue Grass	42	52	44	48	85
Medium-density Weeds	28	30	28	26	60
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	25	26	24	24	55
Northern Mixed Prairie Grass	28	30	28	26	50
Northern Range Cold Desert Shrubs	28	28	24	26	50

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G-9 Estimated 50-foot Buffer Performance in Massachusetts and New Hampshire*

	Estimated % Sediment Removal				
Type of Buffer Vegetation**	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Warm-season Grass (i.e., Switchgrass, Lemongrass)	79	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	78	90	90	90	90
Tall Fescue Grass	76	90	81	89	90
Medium-density Weeds	66	76	60	72	66

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

[4] The buffer performances were calculated based on a denuded slope upgradient of a 50-foot buffer and a perimeter controls, as perimeter controls are a standard requirement (see Part 2.2.3).

Table G-10 Estimated 50-foot Buffer Performance in New Mexico*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue grass	71	85	80	86	90
Medium-density Weeds	56	73	55	66	78
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	53	70	51	62	67
Southern Mixed Prairie Grass	53	71	52	63	50
Southern Range Cold Desert Shrubs	56	73	55	65	53

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G-11 Estimated 50-foot Buffer Performance in Washington, DC*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	81	90	90	90	90
Tall Fescue Grass	79	90	83	89	90
Medium-density Weeds	71	79	66	75	74

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G-12 Estimated 50-foot Buffer Performance in American Samoa*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	82	90	90	90	83
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	85
Dense Grass	82	90	90	90	83
Tall Fescue Grass	82	89	82	89	79
Medium-density Weeds	70	73	62	75	59

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G-13 Estimated 50-foot Buffer Performance in CNMI and Guam*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	80	90	90	90	89
Warm-season Grass (i.e., Switchgrass, Lemongrass)	80	90	90	90	90
Dense Grass	79	90	90	90	89
Tall Fescue Grass	76	90	80	88	87
Medium-density Weeds	63	73	53	68	61

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G-14 Estimated 50-foot Buffer Performance in Puerto Rico*

	Estimated % Sediment Removal				
Type of Buffer Vegetation**	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	83	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	83	90	90	90	90
Dense Grass	83	90	90	90	90
Tall Fescue Grass	82	90	84	90	89
Medium-density Weeds	72	78	65	76	64

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

Table G-15 Estimated 50-foot Buffer Performance in Virgin Islands*

Type of Buffer Vegetation**	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	85	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	86	90	90	90	90
Dense Grass	85	90	90	90	90
Tall Fescue Grass	85	90	88	90	89
Medium-density Weeds	75	77	71	78	63

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

ATTACHMENT 2

Using the Sediment Removal Efficiency Tables – Questions and Answers

- *What if my specific buffer vegetation is not represented in Tables G-8 through G-15?* Tables G - 8 through G - 15 provide a wide range of factors affecting buffer performance; however, there are likely instances where the specific buffer vegetation type on your site is not listed. If you do not see a description of the type of vegetation present at your site, you should choose the vegetation type that most closely matches the vegetation type on your site. You can contact your local Cooperative Extension Service Office (http://nifa.usda.gov/partners-and-extension-map) for assistance in determining the vegetation type in Tables G-8 through G-15 that most closely matches your site-specific vegetation.
- *What if there is high variability in local soils?* EPA recognizes that there may be a number of different soil type(s) on any given construction site. General soil information can be obtained from USDA soil survey reports (http://websoilsurvey.nrcs.usda.gov) or from individual site assessments performed by a certified soil expert. Tables G-8 through G-15 present eleven generic soil texture classes, grouping individual textures where EPA has determined that performance is similar. If your site contains different soil texture classes, you should use the soil type that best approximates the predominant soil type at your site.
- *What if my site slope is greater than 9 percent after final grade is reached?* As indicated in the buffer performance tables, the estimated sediment removal efficiencies are associated with disturbed slopes of up to 9 percent grade. Where your graded site has an average slope of greater than 9 percent, you should calculate a site-specific buffer performance.
- *How do I calculate my own estimates for sediment reduction at my specific site?* If you determine that it is necessary to calculate your own sediment removal efficiency using site-specific conditions (e.g., slopes at your site are greater than 9 percent), you can use a range of available models that are available to facilitate this calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other equivalent models.
- *What is my estimated buffer performance if my site location is not represented by Tables G-8 through G-15?* If your site is located in an area not represented by Tables G-8 through G-15, you should use the table that most closely approximates conditions at your site. You may instead choose to conduct a site-specific calculation of the buffer performance.
- *What if only a portion of my site drains to the buffer area?* If only a portion of your site drains to a water of the U.S., where that water is within 50 feet of your earth disturbances, you are only required to meet the equivalency requirement for the stormwater flows corresponding to those portions of the site. See Example 2 below for an example of how this is expected to work.

ATTACHMENT 3

Examples of How to Use the Sediment Removal Efficiency Tables

Example 1. Comparatively Wet Location (7.5 acre site located in Massachusetts)

The operator of a 7.5-acre construction site in Massachusetts has determined that it is infeasible to establish a buffer of any size on the site, and is now required to select and install controls that will achieve an equivalent sediment load reduction as that estimated in G-9 for their site conditions. The first step is to identify what percentage of eroded sediment is estimated to be retained from a 50-foot buffer. For this example, it is assumed that the site has a relatively uniform gentle slope (3 percent), so Table G-9 can be used to estimate the 50-foot buffer sediment load reduction. If the site's buffer vegetation is best typified by cool-season dense grass and the underlying soil is of a type best described as loamy sand, the 50-foot buffer is projected to capture 90 percent of eroded sediment from the construction site.

The second step is to determine what sediment controls can be selected and installed in combination with the perimeter controls already required to be implemented at the site (see Part 2.2.3), which will achieve the 90 percent sediment removal efficiency from Table G-9. For this example, using the RUSLE2 profile model, it was determined that installing a pair of shallow-sloped diversion ditches to convey runoff to a well-designed and maintained sediment basin provides 99 percent sediment removal. Because the estimated sediment reduction is greater than the required 90 percent that a 50-foot buffer provides, the operator will have met the buffer requirements. See Error! Reference source not found.. The operator could also choose a different set of controls, as long as they achieve at least a 90 percent sediment removal efficiency.

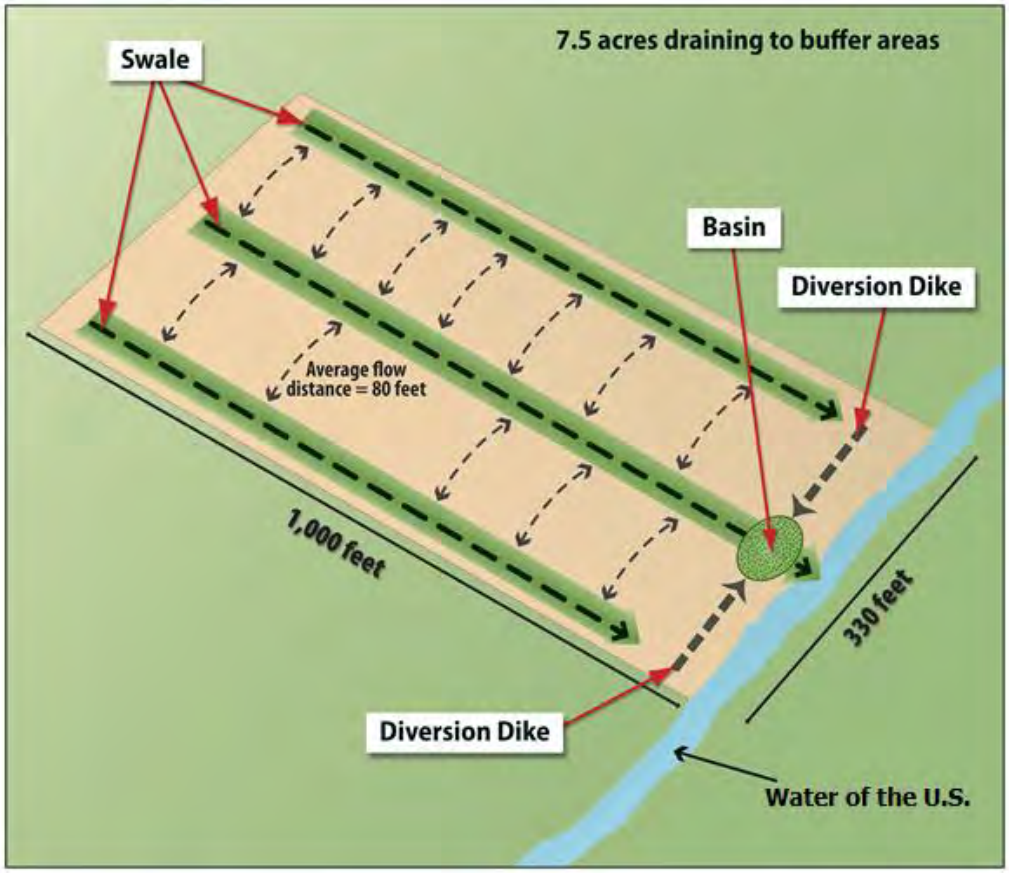


Figure G-5 Example 1 – Equivalent Sediment Load Reductions at a 7.5 ac Site in MA.

Example 2. Arid Location With Pre-existing Disturbances in the Natural Buffer (6.5 acre site located in New Mexico)

An operator of a site in New Mexico determines that it is not feasible to provide a 50-foot buffer, but a 28-foot buffer can be provided. Because the operator will provide a buffer that is less than 50 feet, the operator must determine which controls, in combination with the 28-foot buffer, achieve a sediment load reduction equivalent to the 50-foot buffer. In this example, the project will disturb 6.5 acres of land, but only 1.5 acres of the total disturbed area drains to the buffer area. Within the 28-foot buffer area is a preexisting concrete walkway. Similar to Example 1, the equivalence analysis starts with Step 1in Part G.2.4 of this Appendix with a review of the New Mexico buffer performance (Table G-10). The operator determines that the predominate vegetation type in the buffer area is prairie grass, the soil type is similar to silt, and the site is of a uniform, shallow slope (e.g., 3 percent grade). Although the operator will take credit for the disturbance caused by the concrete walkway as a natural buffer in Step 2, here the operator can treat the entire buffer area as being naturally vegetated with prairie grass. Based on this information, the operator refers to Table G-10 to estimate that the 50-foot buffer would retain 50 percent of eroded soil.

The second step is to determine, based on the 50 percent sediment removal efficiency found in Table G - 10, what sediment controls, in combination with the 28-foot buffer area, can be implemented to reduce sediment loads by 50 percent or more. The operator does not have to account the reduction in buffer function caused by the preexisting walkway, and can take credit for the entire 28-foot buffer being fully vegetated in the analysis. For this example, using the RUSLE2 profile model, the operator determined that installing a fiber roll barrier between the

silt fence (already required by Part 2.2.3) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See Error! Reference source not found.. Note that this operator is subject to the requirement in Part G.2.3 of this Appendix to ensure that discharges through the silt fence, fiber roll barrier, and 28-foot buffer do not cause erosion within the buffer. The estimated sediment reduction is greater than the required 50 percent; therefore the operator will have met the buffer alternative requirement.

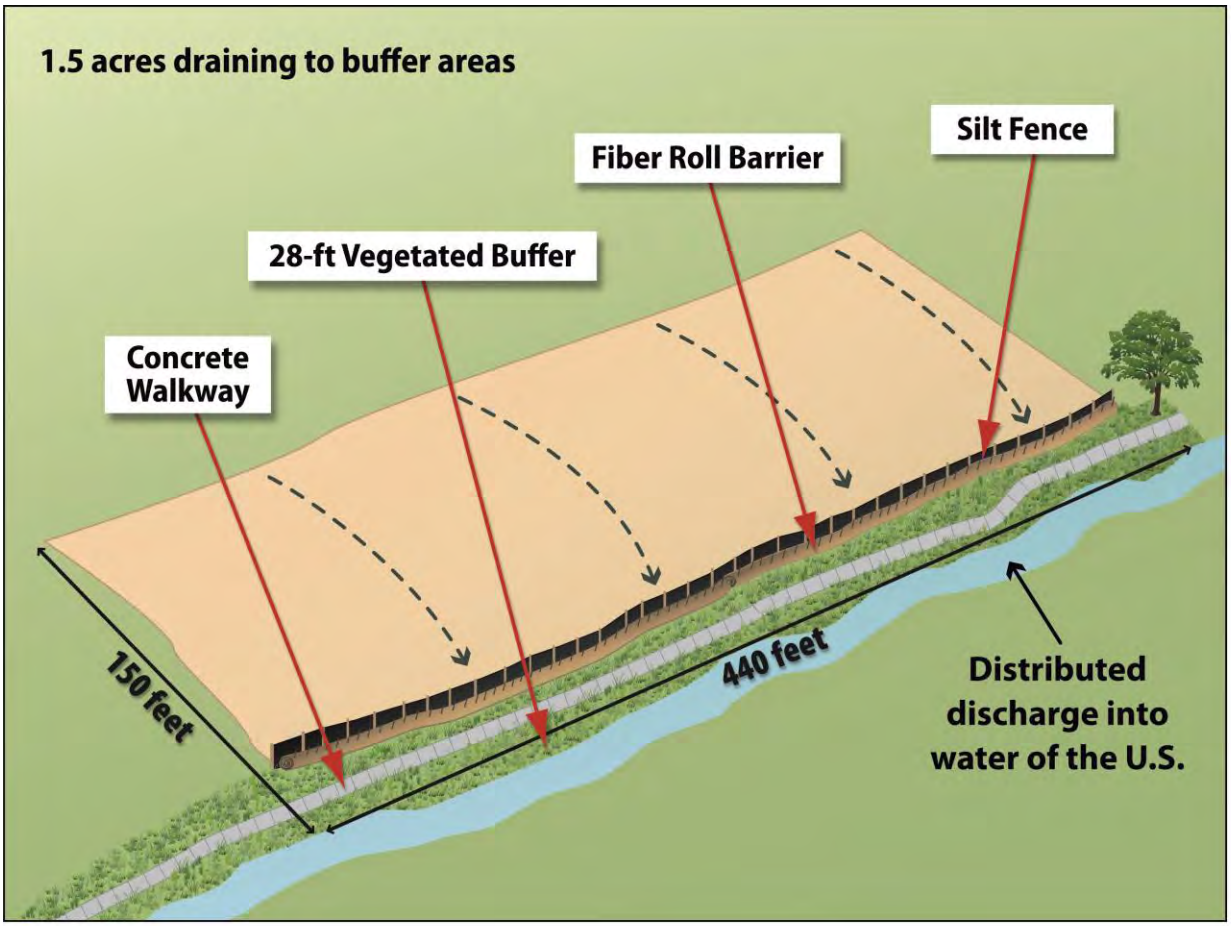


Figure G-6 Example 2 – Equivalent Sediment Load Reductions at a 6.5 ac Site in NM.

Appendix H – 2-Year, 24-Hour Storm Frequencies

Part 2.2.12 of the permit indicates that if you install a sediment basin, one of the design requirements is to provide storage for either (1) the calculated volume of runoff from a 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained. This appendix is intended to provide a guide to permittees to determine the volume of precipitation associated with their local 2-year, 24-hour storm event.

The permittee should start out by determining their local 2-year, 24-hour storm volume. The rainfall frequency atlases, technical papers, and the Precipitation Frequency Data Server (PFDS) developed by the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS) serve as national standards for rainfall intensity at specified frequencies and durations in the United States. Table H-1 identifies methods for determining precipitation frequency based on permit area. EPA notes that permittees may also use alternative peer-reviewed data sources not listed in Table H - 1 to determine the 2-year, 24-hour storm for their site.

Table H -1 – Method to Determine Precipitation Frequency Based on Permit Area

PERMIT AREA	METHOD TO DETERMINE PRECIPITATION FREQUENCY
District of Columbia	PFDS; NOAA Atlas 14, Vol. 2
Idaho	NOAA Atlas 2, Vol. 5; Technical Paper 40
Massachusetts	Technical Paper 40
New Hampshire	Technical Paper 40
New Mexico	PFDS; Technical Paper 40
Selected Pacific Islands	PFDS; Technical Paper 40
Puerto Rico and the U.S Virgin Islands	PFDS; Technical Paper 40
Other	PFDS; Technical Paper 40; NOAA Atlas 2 or 14

How to Determine Your Local 2-year, 24-hour Storm Size

Projects located in the District of Columbia, Massachusetts, New Hampshire, New Mexico, Puerto Rico, U.S. Virgin Islands, or Pacific Islands can use the PFDS at http://hdsc.nws.noaa.gov/hdsc/pfds/index.html or the appropriate NOAA's Atlas 14 Volume at http://www.nws.noaa.gov/oh/hdsc/currentpf.htm to determine their precipitation frequency.

The PFDS is an easy to use, point-and-click interface to official U.S. precipitation frequency estimates and intensities. The opening PFDS screen is a clickable map of the United States. Upon clicking on a state, a state-specific interface appears. From this page the user selects the following:

- A location: Either via clicking on the map or manually entering a longitude/latitude coordinate;
- Data type: precipitation depth or precipitation intensity
- Units: english or metric; and
- Time series type: partial duration or annual maximum.

Additionally, PFDS also serves as a tool for providing references and other information for other current precipitation frequency standards that are not yet updated.

Projects located in Idaho can use the NOAA Atlas 2, Vol. 5 to determine their precipitation frequency. NOTE: Precipitation Frequencies on the NOAA Atlas 2, Vol. 5 are in tenths of an inch and will have to be converted to inches to determine precipitation frequency. NOAA Atlas 2, Vol. 5 can be accessed at http://www.nws.noaa.gov/oh/hdsc/PF_documents/Atlas2_Volume5.pdf. (See also attached map of NOAA Atlas 2, Vol. 5)

Projects located in areas not covered by the PFDS or NOAA Atlases will need to use TP-40 to identify the precipitation frequency. TP-40 provides a map of the continental U.S. for the 2-year, 24-hour rainfall. TP40 can be accessed at http://www.nws.noaa.gov/oh/hdsc/PF_documents/TechnicalPaper_No40.pdf. (See also attached map of TP-40)

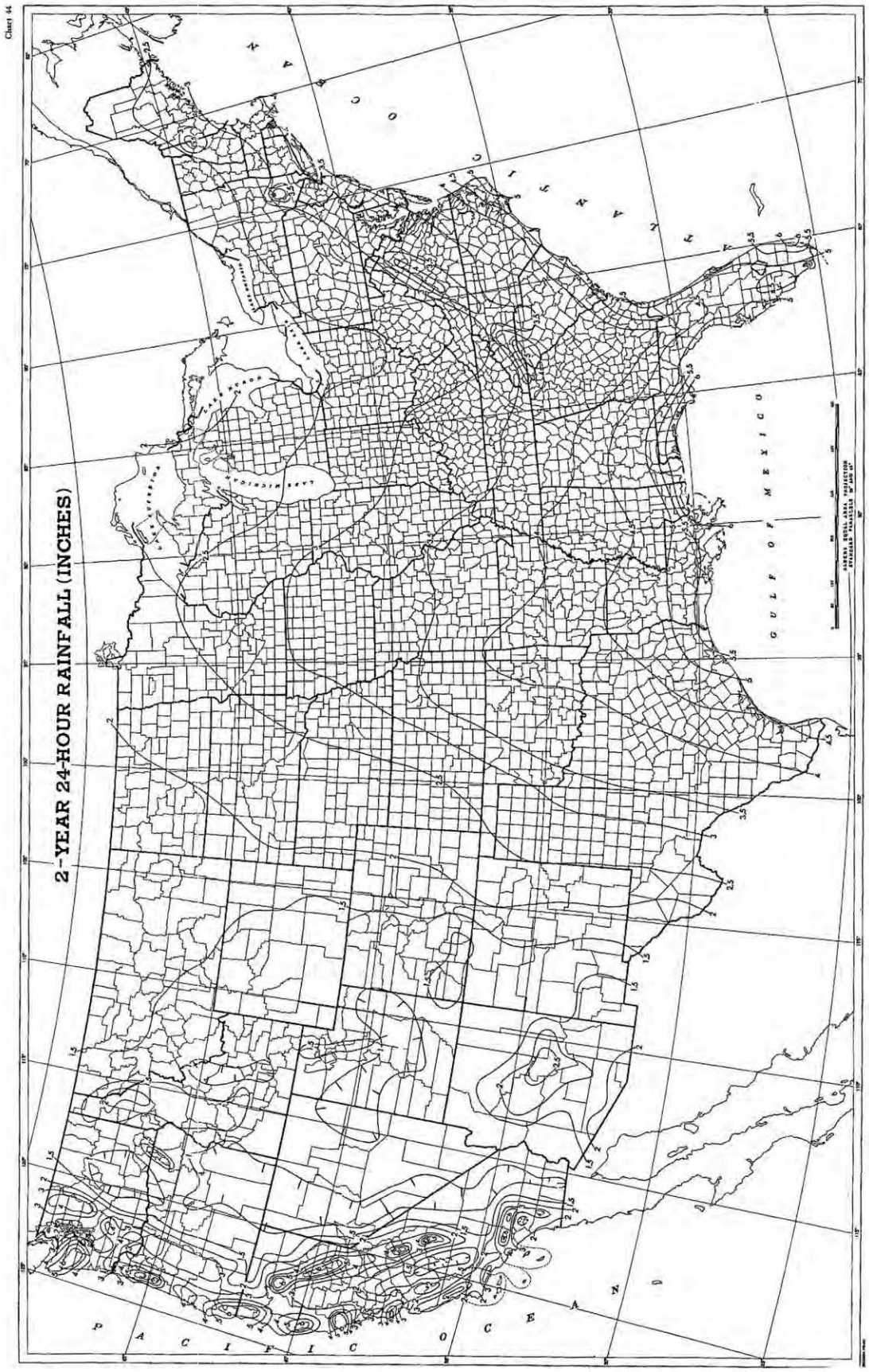
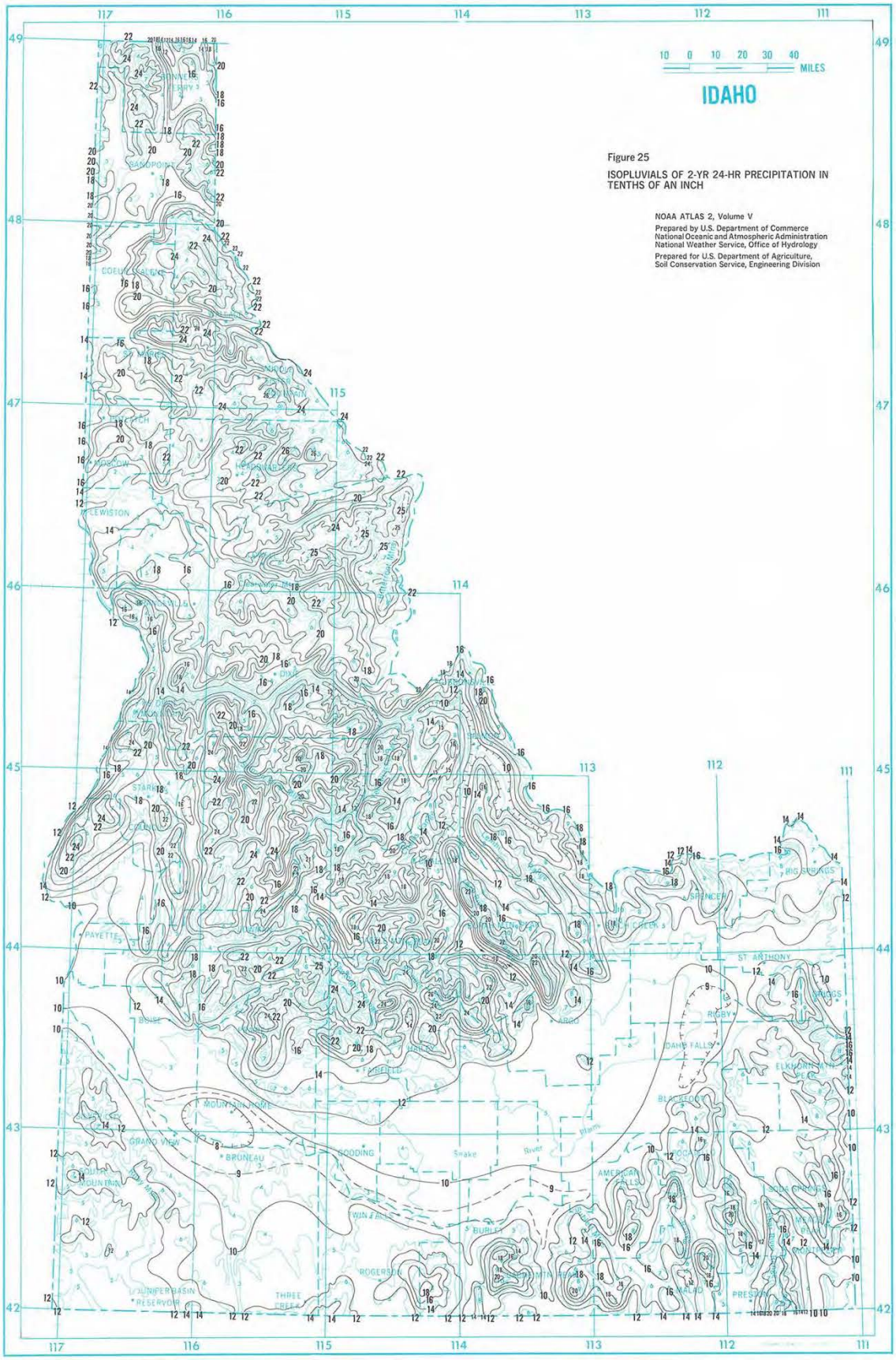


Chart 44
2-YEAR 24-HOUR RAINFALL (INCHES)
GULF OF MEXICO
PACIFIC OCEAN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MILES
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Figure 25
ISOPLUVIALS OF 2-YR 24-HR PRECIPITATION IN TENTHS OF AN INCH
NOAA ATLAS 2, Volume V
Prepared by U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Weather Service, Office of Hydrology
Prepared for U.S. Department of Agriculture,
Soil Conservation Service, Engineering Division

Appendix I - Standard Permit Conditions

Standard permit conditions in Appendix I are consistent with the general permit provisions required under 40 CFR 122.41.

I.1 Duty To Comply.

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

I.1.1 You must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.

I.1.2 Penalties for Violations of Permit Conditions: The Director will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (61 FR 252, December 31, 1996, pp. 69359-69366, as corrected in 62 FR 54, March 20, 1997, pp.13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every 4 years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties following were adjusted for inflation starting in 1996.

I.1.2.1 *Criminal Penalties.*

a. *Negligent Violations*. The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than $2,500 nor more than $25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation or by imprisonment of not more than two years, or both.

b. *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment of not more than 6 years, or both.

c. *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than $250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not

more than $1,000,000 and can fined up to $2,000,000 for second or subsequent convictions.

d. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

I.1.2.2 *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amount authorized by Section 309(d) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

I.1.2.3 *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows

a. *Class I Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note), as amended (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

b. *Class II Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note), as amended, (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

I.2 Duty to Reapply.

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once EPA issues it.

I.3 Need to Halt or Reduce Activity Not a Defense.

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

I.4 Duty to Mitigate.

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

I.5 Proper Operation and Maintenance.

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

I.6 Permit Actions.

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

I.7 Property Rights.

This permit does not convey any property rights of any sort, or any exclusive privileges.

I.8 Duty to Provide Information.

You must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information that EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit.

I.9 Inspection and Entry.

You must allow EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

I.9.1 Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

I.9.2 Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

I.9.3 Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

I.9.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

I.10 Monitoring and Records.

I.10.1 Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

I.10.2 You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of EPA at any time.

I.10.3 Records of monitoring information must include:

I.10.3.1 The date, exact place, and time of sampling or measurements;

I.10.3.2 The individual(s) who performed the sampling or measurements;

I.10.3.3 The date(s) analyses were performed

I.10.3.4 The individual(s) who performed the analyses;

I.10.3.5 The analytical techniques or methods used; and

I.10.3.6 The results of such analyses.

I.10.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

I.10.5 The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

I.11 Signatory Requirements.

I.11.1 All applications, including NOIs, must be signed as follows:

I.11.1.1 For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

I.11.1.2 For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

I.11.1.3 For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

I.11.2 Your SWPPP, including changes to your SWPPP, inspection reports, and any other compliance documentation required under this permit, must be signed by a person described in Appendix I, Subsection I.11.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

I.11.2.1 The authorization is made in writing by a person described in Appendix I, Subsection I.11.1;

I.11.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant

manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

I.11.2.3 The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

I.11.3 Changes to Authorization. If an authorization under this permit is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI must be submitted to EPA. See Table 1 in Part 1.4.2 of the permit. However, if the only change that is occurring is a change in contact information or a change in the facility's address, the operator need only make a modification to the existing NOI submitted for authorization.

I.11.4 Any person signing documents in accordance with Appendix I, Subsections I.11.1 or I.11.2 above must include the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I.11.5 For persons signing NOIs electronically, in addition to meeting other applicable requirements in Appendix I, Subsection I.11, such signatures must meet the same signature, authentication, and identity-proofing standards set forth at 40 CFR § 3.2000(b) for electronic reports (including robust second-factor authentication).

I.11.6 The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

I.12 Reporting Requirements.

I.12.1 Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

I.12.1.1 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

I.12.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

I.12.2 Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

I.12.3 Transfers. This permit is not transferable to any person except after notice to EPA. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination pursuant to Part 8. The new owner or operator must submit a Notice of Intent in accordance with Part 1.7 and Table 1. See also requirements in Appendix I, Subsections I.11.1 and I.11.2.

I.12.4 Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.

I.12.4.1 Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.

I.12.4.2 If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.

I.12.5 Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

I.12.6 Twenty-four hour reporting. In addition to reports required elsewhere in this permit:

I.12.6.1 You must report any noncompliance which may endanger health or the environment directly to the EPA Regional Office (see contacts at https://www2.epa.gov/national-pollutant-discharge-elimination-system-npdes/contact-us-stormwater#regional). Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

I.12.6.2 The following shall be included as information which must be reported within 24 hours under this paragraph.

a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR 122.41(m)(3)(ii))

b. Any upset which exceeds any effluent limitation in the permit

c. Violation of a maximum daily discharge limit for any numeric effluent limitation. (See 40 CFR 122.44(g).)

I.12.6.3 EPA may waive the written report on a case-by-case basis for reports under Appendix I, Subsection I.12.6.2 if the oral report has been received within 24 hours.

I.12.7 Other noncompliance. You must report all instances of noncompliance not reported under Appendix I, Subsections I.12.4, I.12.5, and I.12.6, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix I, Subsection I.12.6.

I.12.8 Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

I.13 Bypass.

I.13.1 Definitions.

I.13.1.1 Bypass means the intentional diversion of waste streams from any portion of a treatment facility See 40 CFR 122.41(m)(1)(i).

I.13.1.2 Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41(m)(1)(ii).

I.13.2 Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix I, Subsections I.13.3 and I.13.4. See 40 CFR 122.41(m)(2).

I.13.3 Notice.

I.13.3.1 Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR 122.41(m)(3)(i).

I.13.3.2 Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix I, Subsection I.12.6 (24-hour notice). See 40 CFR 122.41(m)(3)(ii).

I.13.4 Prohibition of bypass. See 40 CFR 122.41(m)(4).

I.13.4.1 Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. You submitted notices as required under Appendix I, Subsection I.13.3.

I.13.4.2 EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix I, Subsection I.13.4.1.

I.14 Upset.

I.14.1 Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

I.14.2 Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix I, Subsection I.14.3 are met. No determination made during

administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).

I.14.3 Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

I.14.3.1 An upset occurred and that you can identify the cause(s) of the upset;

I.14.3.2 The permitted facility was at the time being properly operated; and

I.14.3.3 You submitted notice of the upset as required in Appendix I, Subsection I.12.6.2.b (24 hour notice).

I.14.3.4 You complied with any remedial measures required under Appendix I, Subsection I.4.

I.14.4 Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof. See 40 CFR 122.41(n)(4).

I.15 Retention of Records.

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

I.16 Reopener Clause.

I.16.1 Procedures for modification or revocation. Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

I.16.2 Water quality protection. If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.

I.16.3 Timing of permit modification. EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

I.17 Severability.

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. EPA's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, EPA will advise the regulated community as to the effect of such invalidation.

Appendix J - Notice of Intent (NOI) Form and Instructions

Part 1.4.1 requires you to use the NPDES eReporting Tool, or "NeT" system, to prepare and submit your NOI electronically. However, if the EPA Regional Office grants you a waiver to use a paper NOI form, and you elect to use it, you must complete and submit the following form.

NPDES FORM 3510-9	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT FOR THE 2017 NPDES CONSTRUCTION GENERAL PERMIT	Form Approved. OMB No. 2040-0004

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section III of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section II of this form. Submission of this NOI also constitutes notice that the operator identified in Section III of this form meets the eligibility requirements of Part 1.1 CGP for the project identified in Section IV of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOI Form

Have you been granted a waiver from electronic reporting from the Regional Office *? ☐ YES ☐ NO

If yes, check which waiver you have been granted, , the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

Waiver granted: ☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.

☐ The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver: _____

Date approval obtained: __ / __ / ____

* Note: You are required to obtain approval from the applicable Regional Office prior to using this paper NOI form. If you have not obtained a waiver, you must file this form electronically using the NPDES eReporting Tool (NeT).

II. Permit Information

NPDES ID (EPA Use Only): _____

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

III. Operator Information

Operator Information

Operator Name: _____

Are you requesting coverage under this NOI as a "federal operator" as defined in Appendix A? ☐ YES ☐ NO

Mailing Address:

Street: _____

City: _____ State: __ ZIP Code: ____ - ____

County or Similar Government Division: _____

Phone: ___ - ___ - ____ Ext. ____

E-mail: _____

Operator Point of Contact Information:

First Name, Middle Initial, Last Name: _____ __ _____

Title: _____

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

First Name, Middle Initial, Last Name: _____ __ _____

Organization: _____

Phone: ___ - ___ - ____ Ext. ____

E-mail: _____

IV. Project/Site Information

Project/Site Name: _____

Project/Site Address:

Street/Location: _____

City: _____ State: __ ZIP Code: _____ - ____

County or Similar Government Subdivision: _____

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

Latitude/Longitude (Use decimal degrees and specify method):

Latitude: __ __. __ __ __ __° N (decimal degrees) Longitude: __ __ __. __ __ __ __° W (decimal degrees)

Latitude/Longitude Data Source: ☐ Map ☐ GPS ☐ Other_____ Horizontal Reference Datum: ☐ NAD 27 ☐ NAD 83 ☐ WGS 84

Is your project/site located in Indian country lands, or located on a property of religious or cultural significance to an Indian tribe? ☐ YES ☐ NO

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

_____

Estimated Project Start Date: __ / __ / ____ Estimated Project Completion Date: __ / __ / ____

Estimated Area to be Disturbed (to the nearest quarter acre): ____ . __

Type of Construction Site (check all that apply): ☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

☐ Institutional ☐ Highway or Road ☐ Utility ☐ Other _____

Will there be demolition of any structure built or renovated before January 1, 1980? ☐ YES ☐ NO

If yes, do any of the structures being demolished have at least 10,000 square feet of floor space? ☐ YES ☐ NO

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

Have earth-disturbing activities commenced on your project/site? ☐ YES ☐ NO

If yes, is your project an "emergency-related project" (see Appendix A)? ☐ YES ☐ NO

Have stormwater discharges from your project/site been covered previously under an NPDES permit? ☐ YES ☐ NO

If yes, provide the NPDES ID (if you had coverage under EPA's 2012 CGP or the NPDES permit number if you had coverage under an EPA individual permit: _____

V. Discharge Information

By indicating "Yes" below, I confirm that I understand that the CGP only authorizes the allowable stormwater discharges in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, state, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Stormwater Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must be covered under another NPDES permit.
☐ YES

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ YES ☐ NO

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

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

Point of Discharge ID	For each point of discharge, provide the following receiving water information:		
	Provide the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	If a TMDL been completed for this receiving waterbody, providing the following information:
			TMDL Name and ID: Pollutant(s) for which there is a TMDL:
			TMDL Name and ID: Pollutant(s) for which there is a TMDL:
			TMDL Name and ID: Pollutant(s) for which there is a TMDL:
			TMDL Name and ID: Pollutant(s) for which there is a TMDL:

			TMDL Name and ID: Pollutant(s) for which there is a TMDL:
			TMDL Name and ID: Pollutant(s) for which there is a TMDL:

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

☐ YES ☐ NO

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

VI. Chemical Treatment Information

Will you use polymers, flocculants, or other treatment chemicals at your construction site? ☐ YES ☐ NO

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

If yes, have you been authorized to use cationic treatment chemicals by your applicable EPA Regional Office in advance of filing your NOI*? ☐ YES ☐ NO

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

Please indicate the treatment chemicals that you will use: _____

_____

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

VII. Stormwater Pollution Prevention Plan (SWPPP) Information

Has the SWPPP been prepared in advance of filing this NOI, as required? ☐ YES ☐ NO

SWPPP Contact Information:

First Name, Middle Initial Last Name: _____ _____

Professional Title: _____

Phone: ___ - ___ - ____ Ext. ____

E-mail: _____

VIII. Endangered Species Protection

Using the instructions in Appendix D of the CGP, under which criterion listed below are you eligible for coverage under this permit? Check only 1 box, include the required information and provide a sound basis for supporting the criterion selected. You must consider Endangered Species Act listed threatened or endangered species (ESA-listed) and/or designated critical habitat(s) under the jurisdiction of both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and select the most conservative criterion that applies.

☐ A No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of this permit, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit. *[Basis statement content: A basis statement supporting the selection of this criterion should identify the USFWS and NMFS information sources used. Attaching aerial image(s) of the site to this NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under* ***this criterion. Please Note: NMFS' jurisdiction includes ESA****-listed marine and estuarine species that spawn in inland rivers.]*

☐ B Eligibility requirements met by another operator under the 2017 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2017 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2017CGP operator's notification of authorization under this permit. If your certification is based on another 2017 CGP operator's certification under criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in criterion C in your NOI form. *[Basis statement content: A basis statement supporting the selection of this criterion should identify the eligibility criterion of the other CGP NOI, the authorization date, and confirmation that the authorization is effective.]*

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

☐ C Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with this NOI. *[Basis statement content: A basis statement supporting the selection of this criterion should identify the information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.]*

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

_____

_____

Distance between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed):

_____

_____

☐ D Coordination with USFWS and/or NMFS has successfully concluded. Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written concurrence from USFWS and/or NMFS that your site's discharges and discharge-related activities are not likely to adversely affect listed species and/or critical habitat. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI. *[Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies participated in coordination, the field office/regional office(s) providing that coordination, and the date that coordination concluded.]*

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

☐ biological opinion from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or

☐ written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and this NOI. *[Basis statement content: A basis statement supporting the selection of this criterion should identify the federal action agencie(s) involved, the field office/regional office(s) providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS number), and the date the consultation was completed.]*

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

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

Provide a brief summary of the basis for criterion selection listed above *[the necessary content for a supportive basis statement is provided under the criterion you selected.].*

_____

_____

IX. Historic Preservation

Are you installing any stormwater controls as described in Appendix E that require subsurface earth disturbance? (Appendix E, Step 1) ☐ YES ☐ NO

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

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

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

If yes, describe the nature of their response:

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

_____

X. Certification Information

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

First Name, Middle Initial, Last Name: _____ _____ _____

Title: _____

Signature: _____ Date: __ / __ / ____

Email: _____

Instructions for Completing EPA Form 3510-9

Notice of Intent for the 2017 NPDES Construction General Permit

NPDES Form Date (2/17) This Form Replaces Form 3510-9 (02/12) Form Approved OMB No. 2040-0004

Who Must File an NOI Form

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.; the Act), federal law prohibits stormwater discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) permit. Operators of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must obtain coverage under an NPDES general permit. For coverage under the 2017 CGP, each person, firm, public organization, or any other entity that meets either of the following criteria must file a Notice of Intent form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with the permit conditions. If you have questions about whether you need a NPDES stormwater permit, or if you need information to determine whether EPA or your state agency is the permitting authority, contact your EPA Regional Office.

Completing the Form

Obtain and read a copy of the 2017 CGP, viewable at https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp. To complete this form, type or print uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, telephone EPA's NOI Processing Center at (866) 352-7755. Please submit the original document with signature in ink - do not send a photocopied signature.

Section I. Approval to Use Paper NOI Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOI form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

See https://www.epa.gov/npdes/contact-us-stormwater#regional

for a list of EPA Regional Office contacts.

Section II. Permit Number

Provide the master permit number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible master permit numbers)

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this NOI. Refer to Appendix A of the permit for the definition of "operator".

Indicate whether you are seeking coverage under this permit as a "federal operator" as defined in Appendix A.

Also provide a point of contact, the operator's mailing address, county, telephone number, and e-mail address (to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the full name, organization, phone number, and email address of the NOI preparer.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, state, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

Provide the latitude and longitude of your facility in decimal degrees format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and web-based siting tools, among others. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. For linear construction sites, the measurement should be taken midpoint of the site. If known, enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers.

Indicate whether the project is in Indian country lands or located on a property of religious or cultural significance to an Indian tribe, and if so, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 10/06/2012). Indicate to the nearest quarter acre the estimated area to be disturbed.

Indicate the type of construction site, if demolition is occurring, and if so, if the structure has at least 10,000 square feet of floor space. Indicate whether the pre-development land use of the site was used for agriculture Appendix A defines "agricultural land" as cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

Indicate whether earth-disturbing activities have already commenced on your project/site. If earth-disturbing activities have commenced on your site because stormwater discharges from the site have been previously covered under a NPDES permit, you must provide the 2012 CGP NPDES ID or the NPDES permit number if coverage was under an individual permit.

Section V. Discharge Information

You must confirm that you understand that the CGP only authorizes the allowable stormwater discharges listed in Part 1.2.1 and the allowable non-stormwater discharges listed in Part 1.2.2.

Any discharges not expressly authorized under the CGP are not covered by the CGP or the permit shield provision of the CWA Section 402(k) and they cannot become authorized or shielded by disclosure to EPA, state, or local authorities via the NOI to be covered by the permit or by any other means (e.g., in the SWPPP or during an inspection). If any discharges requiring NPDES permit coverage other than the allowable stormwater and non-stormwater discharges listed in Parts 1.2.1 and 1.2.2 will be discharged, they must either be eliminated or covered under another NPDES permit.

Indicate whether discharges from the site will enter into a municipal separate storm sewer system (MS4), as defined in Appendix A.

Also, indicate whether any waters of the U.S. exist within 50 feet from your site. Note that if "yes", you are required to comply with the requirement in Part 2.2.1 of the permit to provide natural buffers or equivalent erosion and sediment controls.

For each unique point of discharge you list, you must specify the name of the first water of the U.S. that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to. You must specify whether any waters of the U.S. that you discharge to are listed as "impaired" as defined in Appendix A, and the pollutants for which the water is impaired. You must identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to.

Indicate whether discharges from the site will enter into a water of the U.S. that is designated as a Tier 2, Tier 2.5, or Tier 3 water. A list of Tier 2, 2.5, and 3 waters is provided as Appendix F. If the answer is "yes", name all waters designated as Tier 2, Tier 2.5, or Tier 3 to which the site will discharge.

Section VI. Chemical Treatment Information

Indicate whether the site will use polymers, flocculants, or other treatment chemicals. Indicate whether the site will employ cationic treatment chemicals. If the answer is "yes" to either question, indicate which chemical(s) you will use. Note that you are not eligible for coverage under this permit to use cationic treatment chemicals unless you notify your applicable EPA Regional Office in advance and the EPA office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. If you have been authorized to use cationic treatment chemicals by your applicable EPA Regional Office, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. Examples of cationic treatment chemicals include, but are not limited to, cationic polyacrylamide (C-PAM), PolyDADMAC (POLYDIALLYLDIMETHYLAMMONIUM CHLORIDE), and chitosan.

Section VII. Stormwater Pollution Prevention Plan (SWPPP) Information

All sites eligible for coverage under this permit are required to prepare a SWPPP in advance of filing the NOI, in accordance with Part 7. Indicate whether the SWPPP has been prepared in advance of filing the NOI.

Indicate the street, city, state, and ZIP code where the SWPPP can be found. Indicate the contact information (name, organization, phone, and email) for the person who developed the SWPPP for this project.

Section VIII. Endangered Species Information

Using the instructions in Appendix D, indicate under which criterion (i.e., A, B, C, D, E, or F) of the permit the applicant is eligible with regard to protection of ESA-listed endangered and threatened species and designated critical habitat. A description of the basis for the criterion selected must also be provided.

If criterion B is selected, provide the NPDES Number for the other operator who had previously certified their eligibility for the CGP under criterion A, C, D, E, or F. The Tracking Number was assigned when the operator received coverage under this permit, and is included in the notice of authorization.

If criterion C is selected, you must attach copies of your site map. See Part 7.2.4 of the permit for information about what is required to be in your site map. You must also specify the federally-listed species and/or federally-designated critical habitat that are located in the "action area" of the project, and provide the distance between the construction site and any listed endangered species and/or their designated critical habitat.

If criterion D, E, or F is selected, attach copies of any communications between you and the U.S. Fish and Wildlife Service and National Marine Fisheries Service and identify the participating agencies and Field Offices/Regional Offices you worked with in the basis statement of this NOI.

Section IX. Historic Preservation

Use the instructions in Appendix E to complete the questions on the NOI form regarding historic preservation.

Section X. Certification Information

The NOI must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA). Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered eligible for permit coverage.

Modifying Your NOI

If you have been granted a waiver from your Regional Office from electronic reporting, and if after submitting your NOI you need to correct or update any fields on this NOI form, you may do so by indicating changes on this same form. Paperwork Reduction Act Notice

Public reporting burden for this NOI is estimated to average 3.7 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch 2136, U.S. Environmental Protection, Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB control number on any correspondence. Do not send the completed form to this address.

Submitting Your Form

Submit your NOI form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:
Stormwater Notice Processing Center
Mail Code 4203M, ATTN: 2017 CGP
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
William Jefferson Clinton East Building - Room 7420
ATTN: 2017 CGP
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting

Appendix K - Notice of Termination (NOT) Form and Instructions

Part 8.3 requires you to use the NPDES eReporting Tool, or "NeT" system, to prepare and submit your NOT electronically. However, if you are given a waiver by the EPA Regional Office to use a paper NOT form, and you elect to use it, you must complete and submit the following form.

NPDES FORM 3510-13	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF TERMINATION (NOT) FOR THE 2017 NPDES CONSTRUCTION GENERAL PERMIT	Form Approved. OMB No. 2040-0004

Submission of this Notice of Termination constitutes notice that the operator identified in Section III of this form is no longer authorized discharge pursuant to the NPDES Construction General Permit (CGP) from the site identified in Section IV of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOT Form

Have you been granted a waiver from electronic reporting from the Regional Office *? ☐ YES ☐ NO

If yes, check which waiver you have been granted, the name of the EPA Regional Office staff person who granted the waiver, and the date of approval:

Waiver granted:

☐ The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.

☐ The owner/operator has issues regarding available computer access or computer capability.

Name of EPA staff person that granted the waiver:

Date approval obtained: / /

* Note: You must have been given approval by the Regional Office prior to using this paper NOT form. If you have not obtained a waiver, you must file this form electronically using the NDPES eReporting Tool (NeT).

II. Permit Information

NPDES ID:

Reason for Termination (Check only one):

☐ You have completed all construction activities at your site, and you have met all other requirements in Part 8.2.1.

☐ Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.

☐ You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

III. Operator Information

Operator Name:

Mailing Address:

Street:

City: State: ZIP Code: -

County or Similar Government Division:

Phone: - - Ext.

E-mail:

IV. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City: State: ZIP Code: -

County or Similar Government Division:

V. Certification Information

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

First Name, Middle Initial, Last Name:

Title:

Signature: _____ Date: __ / __ / ____

Email:

Instructions for Completing EPA Form 3510-13

Notice of Termination for the 2017 NPDES Construction General Permit

NPDES Form Date (2/17) This Form Replaces Form 3510-13 (02/12) Form Approved OMB No. 2040-0004

Who May File an NOT Form

Permittees who are presently covered under the EPA-issued 2017 Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activity may submit an NOT form when: (1) earth-disturbing activities at the site are completed and the conditions in Parts 8.2.1.a through 8.2.1.b are met; or (2) the permittee has transferred all areas under its control to another operator, and that operator has submitted and obtained coverage under this permit; or (3) the permittee has obtained coverage under a different NPDES permit for the same discharges.

Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to https://www.epa.gov/npdes/stormwater-discharges-construction-activities#cgp or telephone EPA's NOI Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Approval to Use Paper NOT Form

You must indicate whether you have been granted a waiver from electronic reporting from the EPA Regional Office. Note that you are not authorized to use this paper NOT form unless the EPA Regional Office has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the EPA staff person who granted the waiver, and the date that approval was provided.

Seehttps://www.epa.gov/npdes/contact-us-stormwater#regional for a list of EPA Regional Office contacts.

Section II. Permit Information

Enter the existing NPDES ID assigned to the project . If you do not know the permit tracking number, or contact EPA's NOI Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one.

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this NOT and is covered by the NPDES ID identified in Section II. Enter the complete mailing address, telephone number, and email address of the operator.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, state, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

Section V. Certification Information

The NOT, must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this NOT is estimated to average 0.5 hours per notice, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB number on any correspondence. Do not send the completed form to this address.

Submitting Your Form:

Submit your NOT form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:
Stormwater Notice Processing Center
Mail Code 4203M, ATTN: 2017 CGP
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:
Stormwater Notice Processing Center
William Jefferson Clinton East Building - Room 7420
ATTN: 2017 CGP
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:
https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting

Appendix L – Suggested Format for Request for Chemical Treatment

If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, Part 1.1.9 requires you to notify your applicable EPA Regional Office in advance of submitting your NOI. The EPA Regional Office will authorize coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to an exceedance of water quality standards. To notify your EPA Regional Office, you may use following form.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
SUGGESTED FORMAT FOR NOTIFYING EPA ABOUT PROPOSED USE OF CATIONIC TREATMENT CHEMICALS
UNDER THE 2017 NPDES CONSTRUCTION GENERAL PERMIT

Under Part 1.1.9 of the 2017 CGP, if you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your Notice of Intent (NOI) until you notify your applicable EPA Regional Office in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. You may use this suggested form to notify your EPA Regional Office about your proposed use of cationic treatment chemicals.

I. Operator Information

Operator Name:

Mailing Address:

Street:

City: State: ZIP Code: -

Phone: - - Ext.

E-mail:

II. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City: State: ZIP Code: -

County or Similar Government Subdivision:

Site contact name (if different from operator):

Site contact phone (if different from operator): - -

Name(s) of receiving waterbodies:

II. Map

Attach a map that illustrates the entire site including all of the below items. Include this map in your Stormwater Pollution Prevention Plan (SWPPP):
- All receiving waterbodies
- All proposed location(s) of chemical treatment system(s)
- All proposed point(s) of discharge to receiving waterbodies
- All soil types within areas to be disturbed
- All area of earth disturbance
- Sufficient indication of topography to indicate where stormwater flows

Attach a schematic drawing of the proposed treatment system(s). Include all components of the treatment train, sample points, and pipe configurations. In addition to sufficient holding capacity upstream of treatment, the system must have the capacity to hold water for testing and to re-treat water that does not meet water quality standards.

IV. Responsible Personnel

Treatment System Operator or Company Name (if subcontracted out):

Street/Location:

City: State: Zip Code: -

Responsible personnel. List personnel who will be responsible for operating the chemical treatment systems and application of the chemicals. Cite the training that the personnel have received in operation and maintenance of the treatment system(s) and use of the specific chemical(s) proposed.

V. Proposed Treatment

Check proposed treatment system.

- ☐ Chitosan enhanced sand filtration with discharge to infiltration (ground water)
- ☐ Chitosan enhanced sand filtration with discharge to temporary holding ponds (batch).
- ☐ Chitosan enhanced sand filtration with discharge to surface waters (flow-through).
- ☐ Other (describe below and submit documentation that the proposed system and chemical(s) demonstrate the ability to remove turbidity and produce non-toxic effluent/ discharge)

Check proposed cationic chemical(s) to be used:

- ☐ FlocClear™ (2% chitosan acetate solution)
- ☐ StormKlear™ LiquiFloc™ (1% chitosan acetate solution).
- ☐ ChitoVanTM (1% chitosan acetate solution).
- ☐ StormKlearTM LiquiFlocTM (3% Chitosan acetate solution)
- ☐ Other

Estimated Treatment Period Start Date: / / Estimated Treatment Period End Date: / /

Describe sampling and recordkeeping schedule. Attach additional sheets as needed:

Explain why you have selected this proposed treatment system and chemicals. Include an explanation of why the use of cationic treatment chemicals is necessary at the site. Reference how the soil types on your site influenced your choices. Describe or provide an illustration of how the site of the discharge will be stabilized and why the discharge location will not cause erosion of the discharge water's bank or bed (please note that a permit from the Corps and state agencies may be necessary to place rock in the water body for this stabilization). Attach as many additional sheets as needed for a full explanation. If you have a report from a chemical treatment contractor describing their recommended approach you may attach that.

VI. Certification Information

I have documented and hereby certify that the following information is correct and has been documented in the SWPPP for this project:

- The SWPPP includes a complete site-specific description of the chemical treatment system herein proposed for use, including specifications, design, and Material Safety Data Sheets for all chemicals to be used.
- The controls to be used on the site are compatible with the safe and effective use of cationic chemical treatment.
- I verified through jar tests that the site soil is conducive to chemical treatment.
- I verified that the chemical treatment system operators for this project received training.
- I read, understand, and will follow all conditions and design criteria in the applicable use designation(s).
- If the discharge is to tribal waters, I notified the appropriate tribal government of the intent to use chemical treatment on a site located within that jurisdiction.
- I will keep the use level designation, operation and maintenance manual, and training certificate on site prior to and during use of chemical treatment.
- A licensed engineer designed the system for this project including system sizing, pond sizing, and flow requirements.
- I verify that the discharge will not adversely affect downstream conveyance systems or stream channels (e.g. cause erosion).

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

Authorized Official First Name, Middle Initial, Last Name:

Title:

Signature:

Date: / /

Email:

Instructions for Submitting This Form:

Submit your this form to your applicable EPA Regional Office. Contact information can be found at: https://www.epa.gov/npdes/contact-us-stormwater#regional

Appendix C

NOI and EPA Authorization Email
(To be filed prior to construction)

Appendix D

SWPPP Inspection Form

SWPPP Inspection Report

General Information			
Project Name			
NPDES Tracking No.		**Location**	Tournament Wharf, McKay's Wharf, Brown's Wharf Newburyport, MA
Date of Inspection		**Start/End Time**	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Info.			
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:**			

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1	Catch Basin Filter Bag	❑Yes ❑No	❑Yes ❑No	
2	Silt Soxx	❑Yes ❑No	❑Yes ❑No	
3	Check Dams	❑Yes ❑No	❑Yes ❑No	
4	Diversion Swales	❑Yes ❑No	❑Yes ❑No	
5	Sedimentation Basins	❑Yes ❑No	❑Yes ❑No	
6	Storm Inlet Sed. Trap	❑Yes ❑No	❑Yes ❑No	
7	Construction Entrance	❑Yes ❑No	❑Yes ❑No	
8	Street Sweeping	❑Yes ❑No	❑Yes ❑No	
9	Slope Stabilization	❑Yes ❑No	❑Yes ❑No	
10				

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		❑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 E

Corrective Action Log

Corrective Action Log

Project Name: Waterfront West Development, Newburyport, MA
SWPPP Contact:

Inspection Date	Inspector Name(s)	Description of BMP Deficiency	Corrective Action Needed (including planned date/responsible person)	Date Action Taken/ Responsible person

Appendix F

SWPPP Amendment Log

Appendix F – SWPPP Amendment Log

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]

Appendix G

Subcontractor Certifications / Agreements Form

Appendix G – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

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

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

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

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

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

_____

_____

Signature: _____

Title: _____

Date: _____

Appendix H

Grading and Stabilization Activities Log

Appendix H – Grading and Stabilization Activities Log

Date Grading Activity Initiated	**Description of Grading Activity**	**Description of Stabilization Measure and Location**	**Date Grading Activity Ceased** (Indicate Temporary or Permanent)	**Date When Stabilization Measures Initiated**

Appendix I

SWPPP Training Log

Appendix I – SWPPP Training Log

Stormwater Pollution Prevention Training Log

Project Name:

Project Location:

Instructor's Name(s):

Instructor's Title(s):

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

- ❑ **Sediment and Erosion Controls**
- ❑ **Emergency Procedures**
- ❑ **Stabilization Controls**
- ❑ **Inspections/Corrective Actions**
- ❑ **Pollution Prevention Measures**

Specific Training Objective:_____

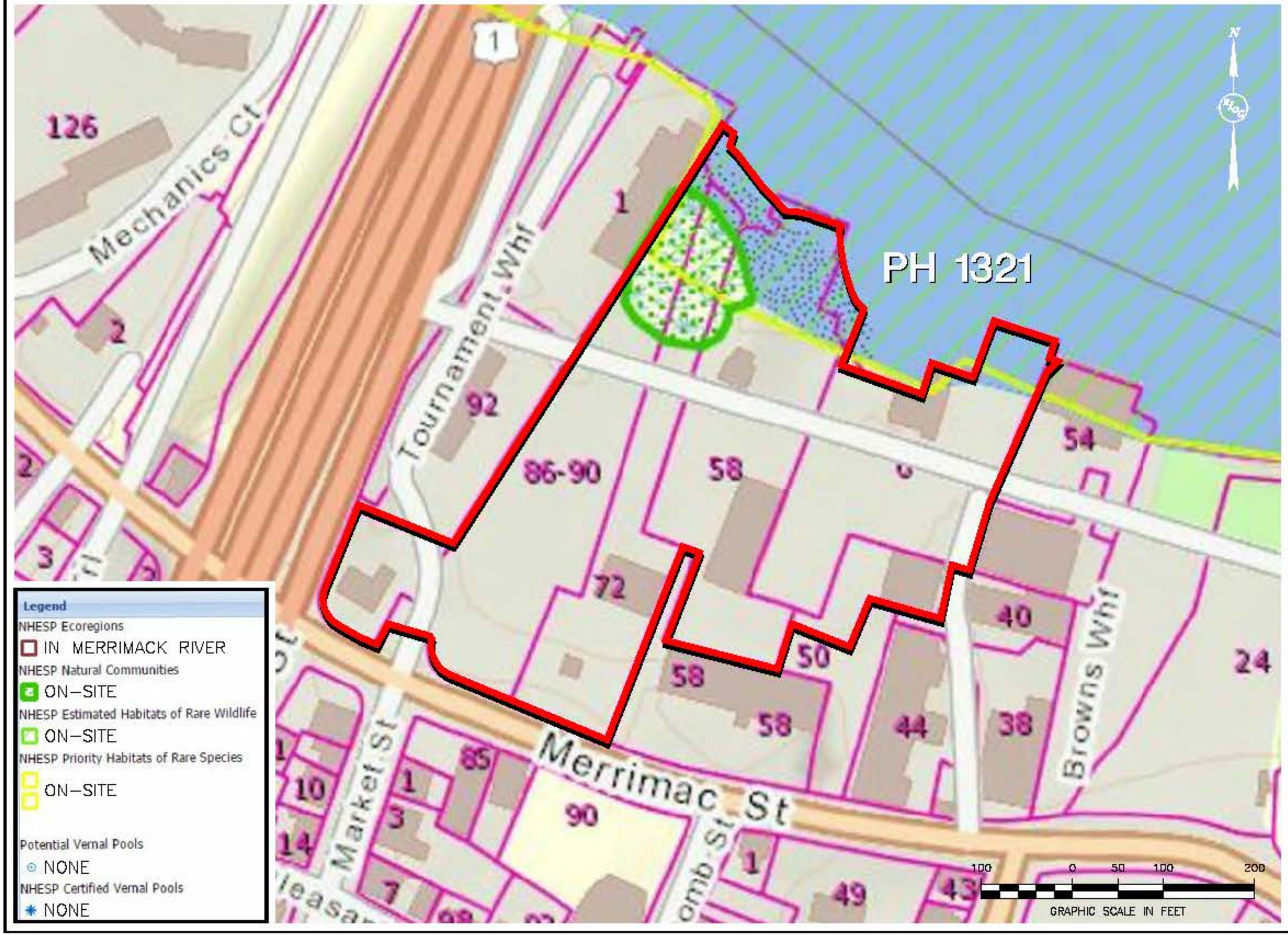
_____

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		

Appendix J

Endangered Species Documentation



Designed by:	BMS
Drawn by:	KPM
Checked by:	SPC
Scale:	1"=100'
Date:	03/10/2017

Prepared For:

NEW ENGLAND DEVELOPMENT

Prepared By:

RJO'CONNELL & ASSOCIATES, INC.
CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS

Project Name:

WATERFRONT WEST
NEWBURYPORT, MA

Drawing Name:

NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM MAP

Drawing No.:

FIG-X

Project No.: 16025

Appendix K

Historic Preservation Documentation

APPENDIX A
MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Waterfront West Development

Location / Address: Tournament Wharf, McKay's Wharf, Brown's Wharf, Merrimac Street

City / Town: Newburyport, MA

Project Proponent

Name: New England Development

Address: One Wells Avenue

City/Town/Zip/Telephone: Newton, MA 02459 Phone: (617) 965-8700

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name	Type of License or funding (specify)
US EPA	NPDES General Permit for Discharges from Construction Activities

Project Description (narrative):

Redevelopment of existing riverfront site which will demolish the existing structures on the property and construct a mixed use development, incorporating a combination of retail, commercial and residential uses.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

Yes, seven existing buildings are proposed to be demolished. 1. Vicki's Nails; 2. brick storage bldg; 3. Paul's Auto Service & The Yacht Shop; 4. Windward Yacht Yard; 5. Windward Yacht Club; 6. Plum Island Coffee Roasters & Boat Camp; 7. Plum Island Kayak

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

No

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

The project includes the construction of seven new buildings.

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify. No

What is the total acreage of the project area?

Woodland	0	acres	Productive Resources:		
Wetland	0	acres	Agriculture	0	acres
Floodplain	5.75	acres	Forestry	0	acres
Open space	0.40	acres	Mining/Extraction	0	acres
Developed	6.40	acres	Total Project Acreage	6.4	acres

What is the acreage of the proposed new construction? 6.40 acres

What is the present land use of the project area?

Commercial, retail, auto and boat repair and sales, Marina uses

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: _____ Date: _____

Name: _____

Address: RJ O'Connell & Associates, Inc. 80 Montvale Ave, Suite 201

City/Town/Zip: Stoneham, MA 02180

Telephone: 781-279-0180

REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.