

**BEST MANAGEMENT PRACTICE PLAN
CONSTRUCTION OF SOIL CAP**

**OXFORD LAKE RECREATION COMPLEX
Oxford, Alabama**

November 14, 2002

Prepared for:

SOLUTIA INC.
702 Clydesdale Avenue
Anniston, Alabama 36201-5390

Prepared by:

ROUX ASSOCIATES, INC.
1222 Forest Parkway, Suite 190
West Deptford, New Jersey 08066

OXFORD LAKE RECREATION COMPLEX
CONSTRUCTION OF SOIL CAP
Best Management Practices Plan

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1.0 INTRODUCTION

1.1 Background

Solutia Inc. (Solutia) intends to construct an approximate 1.8 acre soil cap at the Oxford Lake Recreation Complex (complex) in Oxford, Alabama. The existing surficial soils in this area contain polychlorinated biphenyls (PCBs). The soil cap will serve as a barrier between the underlying soils and human contact. The construction activity will consist of limited clearing and grading of the construction area, installation of a geotextile separation fabric, installation and compaction of a 9-inch soil cap and installation and seeding of 3 inches of topsoil. The total area of construction is approximately 1.8 acres, and the construction duration will be approximately four weeks. Prior construction activities completed at the complex have included restoration of the softball fields, construction of two parking lots and construction of tennis courts.

1.2 NPDES Permit Authority

The National Pollutant Discharge Elimination System (NPDES) is a national program for issuing, modeling, revoking, etc. permits under Sections 307, 318, 402, and 405 of the Clean Water Act of 1990. Under this program, the state of Alabama is authorized to implement a state run program. This program requires the Owner of a facility to submit a Notice of Intent (NOI) when five or more acres of land are disturbed through construction activities. In addition, the owner is required to develop a Best Management Practices (BMP) plan and, if applicable, a Spill Prevention, Control, and Countermeasures (SPCC) plan. These plans are to be fully developed and implemented upon submitting the NOI.

Solutia filed a NOI to renew permit coverage for NPDES General Permit ALG610000, Authorization to Discharge ALR105784. A copy of this permit is included as Appendix A. The activities included in the original permit, restoration of the softball fields, were subsequently expanded to include construction of an adjacent parking lot and again for construction of tennis courts with an adjacent parking lot. The activities addressed herein include construction of a soil cap at the complex.

OXFORD LAKE RECREATION COMPLEX
CONSTRUCTION OF SOIL CAP
Best Management Practices Plan

The NPDES General Permit requires Solutia to prepare and implement a BMP Plan describing practices to prevent/minimize the discharge of all sources of pollution in stormwater runoff to State waters. The BMP Plan details the structural and non-structural practices that will be implemented and maintained to prevent/minimize the discharge of all sources of pollution (i.e., sediment, trash, garbage, debris, oil & grease, chemicals materials, etc.) to State waters in stormwater runoff. This plan also addresses applicable BMPs as provided in the Alabama Non-Point Source Management Program Document and the United States Environmental Protection Agency (USEPA) Stormwater Pollution Prevention for Construction Activities document.

The NPDES General Permit also requires Solutia to prepare, implement and maintain a Spill Prevention Control and Countermeasures (SPCC) Plan for all on-site fuel or chemical storage tanks if the volume requirements are met. The SPCC Plan contains the overall measures that will be undertaken to prevent and control possible releases of pollutants. The SPCC Plan previously prepared and submitted for prior construction activities at the complex will be followed during cap construction and is incorporated herein for reference.

1.3 Purpose

This document presents the BMP Plan for construction of a soil cap at the Oxford Lake Recreation Complex. The purpose of this BMP Plan is to detail the site stormwater management and erosion and sedimentation controls that will be implemented to prevent/minimize the discharge of construction-related pollutants to State waters in stormwater runoff during the construction activities at the Oxford Lakes property.

1.4 Scope Of Work

The principal elements of work associated with the cap construction include:

- general preparation of the work area;
- construction of erosion control measures;
- establishment of temporary facilities and roads;
- clearing of the work area;
- placement of a geotextile fabric;

- placement and compaction of 9 inches of soil;
- placement of 3 inches of topsoil;
- seeding and site restoration; and
- post-construction cleanup.

1.5 Approach And Overview

The BMP Plan for the Oxford Lakes Project was developed using USEPA and ADEM guidance documents and engineering judgment. The erosion and sedimentation control practices identified in this plan are intended to be supportive of the stormwater management practices. The stormwater management practices provide for installation of stormwater retention structures to prevent flooding and damage to downstream facilities resulting from site runoff. To assure that the site construction activity includes limiting erosion and sedimentation, this BMP Plan has been prepared in accordance with the following five guidance items:

1. Minimize Land Disturbance. To the extent possible and practical, the areal extent and duration of exposure of construction-disturbed areas will be minimized. Clearing of natural vegetation will be limited to areas of the site to be developed at a given time. To the extent possible and practical, natural vegetation will be retained and protected.
2. Forward Planning. Planning for construction activities will consider site topography and soils, and the potential effects on erosion and sedimentation. Areas of steep, erodable slopes and erodable soils will not be disturbed without instituting proper engineering controls to minimize these concerns.
3. Stabilization of Disturbed Areas. Construction-disturbed areas will be stabilized as soon as is practical. Temporary or permanent vegetation, and mulch, or a combination of these measures, will be employed as quickly as possible and practical after the land is disturbed. Temporary vegetation and mulches may be used on areas where it is not practical to establish permanent vegetation. These temporary measures will be employed immediately after rough grading is completed if a delay is anticipated in developing finished grade.

4. Sediment Capture. Sediment barriers and related structures will be installed to filter or trap sediment on the site. It is recognized, however, that the most effective method of controlling sediment is to control erosion at its source. Sedimentation retention structures will be placed to retain sediment when erosion control methods are not practical, or have failed due to some unforeseen factor.

5. Decrease Peak Storm Velocities. Stormwater runoff velocity is not expected to increase as no impervious areas or steep slopes will be created. Temporary check dams will be installed along drainage ditches and small tributaries of Snow Creek/Choccolocco Creek during construction to slow the runoff traveling through the construction site.

1.6 Mechanism For Plan Revisions

The BMP Plan and all accompanying records, reports, and changes will be retained for the duration of the project plus 3 years. This BMP Plan will be reviewed and amended, at a minimum, when the following occurs:

- applicable ADEM or federal regulations are revised;

- the NPDES General Permit for the construction site is revised;

- the BMP Plan fails in an emergency or does not comply with the NPDES General Permit involving stormwater and construction activities;

- there is a change in discharge design, operation, maintenance, or other circumstances, that materially increases the potential for sediment or erosion on the site; or that changes the response necessary, in an emergency; and/or

- as may otherwise be required by ADEM.

1.7 Certifications

The NPDES permit requires that the BMP plan be prepared and certified by a qualified, credentialed professional. A copy of the certification for this BMP plan is included as Appendix B.

In addition, an Inspection Certification Report is required with the following submittals relating to the NPDES permit:

- inspection report completed within 14 days of commencement of disturbance activities, if initial disturbance commences later than ninety (90) days after authorization;
- annual report summarizing inspection and sampling information;
- noncompliance notification form;
- request to terminate coverage under the NPDES permit; and
- all other forms and reports related to the NPDES permit.

The same certification form will be used for all of the above-referenced submittals and is also included in Appendix B.

1.8 ADEM Access

The BMP Plan will be retained on-site at the project offices and/or on-site trailers and will be available to ADEM personnel upon request or in the case of an unplanned stormwater discharge from the site associated with the construction activity. Solutia will allow ADEM or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

- enter upon the premises of the site and have access to the records that must be kept under the conditions of this plan;
- be able to copy at reasonable times, any records that must be kept under the condition of this plan; and/or
- inspect at reasonable times any facilities, equipment, or structures.

2.0 SITE DESCRIPTION

The Oxford Lakes Recreation Complex is located in Calhoun County, in northeastern Alabama, at the southwestern end of town just north of Interstate Highway 20. It is bounded on the south by Interstate Highway 20, on the west by Snow Creek, on the north by vacant woodland and residential areas and on the east by open land. The previously restored softball fields and adjacent parking lot are located east of the proposed construction area. The previously constructed tennis courts and adjacent parking lot are located north of the proposed construction area on the other side of Recreation Drive.

The site is generally flat with a slight slope towards the south where there is a drainage ditch that flows westerly toward Snow Creek, which then flows southerly toward Choccolocco Creek. A hydrology study was not performed for this site. However, because the soils are well drained and permit moderate infiltration and the site is relatively flat, excessive runoff rates are not expected during rainfall events. The majority of stormwater runoff will enter Snow Creek via stormwater drainage ditches located between the proposed cap area and the parking lot and the ditch along the southern boundary of the site. A very small amount of stormwater runoff from the site will flow to the ditches located north and west of the proposed cap area. Note that prior to flow into the ditch, runoff will pass through a series of erosion and sediment controls.

3.0 BEST MANAGEMENT PRACTICES

The most effective method to prevent pollution of surface water is to implement Best Management Practices (BMPs). BMPs are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution of waters. BMPs include treatment requirements, operation procedures, and practices to control site runoff.

BMPs typically are divided into two levels: baseline and advanced. Baseline BMPs are general practices that apply to most industrial sites, independent of the types of materials used, processes employed, products manufactured, or site location. Baseline BMPs are relatively simple, and cost-effective practices that emphasize prevention of pollution rather than treatment of pollutants. Advanced BMPs may be required where baseline BMPs do not provide adequate control of stormwater pollution sources. The need for advanced BMPs are not anticipated for this project.

The USEPA has defined seven baseline BMPs to limit and control sediment and erosion. These baseline BMPs will be employed during the capping project. The following lists the seven baseline BMPs.

- Minimize clearing of vegetation;
- Minimize the time that soil is exposed;
- Prevent runoff from flowing across disturbed areas (divert the flow to vegetated areas);
- Stabilize disturbed soils as soon as possible;
- Reduce the velocity of runoff flowing across the site;
- Provide drainage ways for the increased runoff (e.g. use grassy swales); and
- Remove sediment from stormwater runoff before it leaves the site.

Selecting the best set of sediment and erosion prevention measures for the site depends upon the construction activities and other site-specific conditions (soil type, topography, climate, and season). Erosion can be controlled by stabilizing the site and/or by installation of structural

methods of control. The incremental steps used to complete the project will be to install any necessary baseline BMPs prior to starting any construction activities and then apply advanced BMPs if the baseline BMPs do not sufficiently prevent erosion and sedimentation from the construction site. Erosion control measures will be installed based on the surrounding construction activity, so appropriate measures are used in each area of the site.

In addition to using baseline BMPs, good housekeeping measures, maintenance/inspection procedures, employee training, record keeping, internal reporting procedures, and inspection and reporting requirements will be used during this construction project.

3.1 Good Housekeeping

Good housekeeping is important on any construction project to minimize accidents and to ensure high quality work. The Construction Manager at the site has full responsibility and accountability for meeting good housekeeping requirements.

The "good housekeeping" practices listed below will be followed during the Project.

- All erosion and sediment control measures will be kept in place, will be adequate for the erosion/sediment control of concern, and will be properly constructed and maintained;
- Clearing operations will be confined within the limits shown on the plans;
- The vegetation outside of the clearing area will be protected;
- Controls will be installed to minimize sediment transported from the site onto public rights-of-way by vehicular traffic;
- The sediment basins, sediment barriers and related devices will be those which are effective in retaining sediment on the site;
- The appropriate vegetation will be established as needed on all specified areas, this includes temporary vegetation;

- Work progress will be in accordance with the proposed schedule;
- The contractor will follow the plan and construction sequence;
- As may be necessary, temporary stream channel crossings will be installed and maintained;
- To the extent possible and practical, topsoil will be salvaged and stored;
- No severe fire hazards will exist that could result in brush or grass fires;
- There will be no excessive sediment leaving the site for any reason;
- All materials stored on-site will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure; and
- Information sessions on good housekeeping practices will be incorporated into the employee meetings.

3.2 Maintenance/Inspection Procedures

The following inspection and maintenance practices will be used to maintain erosion and sediment controls on-site during construction activities.

- All control measures will be inspected once per week.
- All measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of report.
- Silt fence will be inspected for depth of sediment, tears, to see if the fabric is securely attached to the fence posts, and to see that the fence posts are firmly in the ground.

- Any constructed sedimentation trap will be inspected for depth of sediment, and built-up sediment will be removed when it reaches one half of the design depth. Sedimentation control structures will be inspected for erosion, piping and risk of displacement after each significant precipitation event and will be repaired immediately.
- Diversion and containment dikes will be inspected and any breaches promptly repaired.
- Temporary and permanent seeding and planting will be inspected periodically by the Construction Manager for bare spots, washouts, and healthy growth. These spots will be repaired as necessary.
- Maintenance inspection reports will be prepared using the form included in Appendix C.
- The Construction Manager will select individuals who will be responsible for inspections, maintenance and repair activities, and filling out the inspection and maintenance report.
- Personnel selected for inspection and maintenance responsibilities will receive training. They will be trained in all the inspection and maintenance practices necessary for keeping the erosion and sediment controls used on-site in good working order. The Construction Manager or the Project Engineer will train these persons.

All monitoring forms will be maintained onsite, and copies of these forms will be forwarded to ADEM on a yearly basis.

3.3 Employee Training

An effective training and education effort for all site personnel will be maintained. The Construction Manager or the Project Engineer will hold the training sessions. The program will address the following:

- briefings to all field personnel regarding the scope and importance of erosion and sedimentation control; and

- training for the personnel authorized to perform the inspections and administrative duties of the erosion and sediment control program.

The briefings to all employees will address the following areas:

- sedimentation and erosion prevention - a review of the purposes and goal of the BMP Plan, potential sources of sediment and erosion at the site, BMPs employed at the site, and the role of field personnel in sediment and erosion prevention,
- pollution control laws and regulations pertaining to sediment release; and
- the high priority all Contractors and Solutia give to sedimentation and erosion prevention on this project.

3.4 Record Keeping And Reporting

Maintaining records for all inspections is an important element of the BMP Plan. Documentation of all inspections, whether routine or detailed, will be viewed as a good preventive maintenance technique. Analysis of inspection records allows for early detection of any potential problems.

Keeping a log of all maintenance activities, such as the cleaning of catch basins or repairing erosion on a berm or dike, will enable the effectiveness of the BMP program, equipment, and operation to be evaluated. BMP Plan-related record keeping will be handled in conjunction with the SPCC Plan-related record keeping.

The following will be used to accurately document and report inspection results:

- inspection form (Appendix C);
- field notebooks;
- daily reports;
- photographs; and
- drawing/sketches and maps.

All inspection forms will be maintained at the site in a separate three-ring binder in the Construction Manager's office. This book will be available for review by appropriate personnel by request.

Solutia will be provided copies of the erosion and sediment control inspection reports. These reports will be provided within one calendar week following each inspection. Original records of inspections, and maintenance activities will be retained by the Construction Manager throughout the project. At the completion of the project, original records will be transferred to Solutia, with copies retained by the Contractor. Solutia will maintain the records for at least three years after coverage under the Facility NPDES Construction permit expires.

3.5 Discharge Monitoring, Inspection, And Reporting Requirements

The Alabama NPDES General Permit for construction requires certain monitoring, inspection and record keeping. These requirements can be found in the NPDES General Permit under Part I. Inspection and Maintenance Report Forms to be filled out during the inspection are included in Appendix C, and include the following information:

- site name;
- site location;
- NPDES permit number;
- weekly rainfall summary;
- sampling information; and
- inspection results such as deficiencies and planned corrective actions.

Forms/reports are also required to be submitted if a noncompliant release has occurred or is anticipated. The same form will be used for noncompliant releases and anticipated noncompliance and is included in Appendix D.

These worksheets and report forms will be filed and submitted to ADEM as specified in the NPDES General Permit, Part I. These forms shall be completed by the owner or his designee and submitted to ADEM.

4.0 SITE STORMWATER MANAGEMENT CONTROLS

Site stormwater controls used during the first phase of the work will be adopted at the Project site. All controls used will be designed and properly installed such that minimal sediment enters the drainage ditch or Snow Creek.

4.1 General Considerations

The new cover will be graded to drain to the existing surface water drainage ditch to the south. As no impervious surface or steep slopes will be created, it is not anticipated that the soil cap will have a notable hydraulic effect on the existing drainage swale.

4.2 Cleaning of Stormwater Control Devices

All control devices must be cleaned of debris as needed to reliably convey the design stormwater flow. This work must be completed in concert with other work discussed as a part of this task.

4.3 Sedimentation Prevention

Silt fence and haybales will be installed around the perimeter of the construction area to prevent sediment from leaving the site. The primary entry point for sediment are the drainage ditches located to the east and to the south of the proposed cap area leading to Snow Creek. A very small amount of stormwater runoff will flow to the ditches located north and west of the proposed cap area. Controls will be centered on protecting this water body from receiving sediment via stormwater runoff from the construction site.

5.0 SITE EROSION AND SEDIMENTATION CONTROLS

5.1 Overview

There are two erosion and sedimentation controls that will be implemented during the cap construction project. These include general controls and construction-specific controls. The general controls consist of both stabilization and structural practices and are described in Section 5.2 in greater detail. The construction-specific controls applicable to the project are summarized in Section 5.3.

5.2 Description Of General Erosion And Sedimentation Controls

The USEPA defines two types of sediment and erosion control practices: stabilization practices and structural practices. Stabilization practices are those practices that preserve existing vegetation or revegetating disturbed soil as soon as possible after construction. Structural practices are used in sediment and erosion control to divert stormwater flow away from exposed areas, convey runoff, prevent sediments from moving off-site, and can also reduce the erosive forces of runoff waters. These controls are used as either permanent or temporary controls.

5.2.1 Stabilization Practices

Preserving existing vegetation or revegetating disturbed soil as soon as possible after construction is the most effective way to control erosion. A vegetation cover reduces erosion potential by shielding the soil surface from direct erosive impact of raindrops, improving the water storage porosity of the soil, reducing runoff velocity and physically holding the soil in place with plant roots. Vegetative cover can be grass, trees, shrubs, bark, mulch, or straw. Grasses are the most common type of cover used for re-vegetation.

Vegetative and other site stabilization practices can be either temporary (provide a cover for exposed or disturbed areas for short periods of time) or permanent controls. Stabilization measures will be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

Vegetative erosion control practices which will be utilized during the project are listed below.

- **Preservation of natural vegetation** - A practical effort to preserve already stabilized areas and to provide natural buffer zones will be made.
- **Mulching** - Materials such as hay or straw will be placed as needed on the soil surface as a temporary soil stabilization measure during seeding activities. Straw mulch will be placed on all areas after seeding.
- **Temporary seeding** - Growth of a short-term vegetative cover will be used on disturbed site areas that may be subject to erosion. The temporary seeding will be applied no later than 14 days from the last construction activity in that area. All temporary seeding will be completed in accordance with Alabama Department of Transportation (ALDOT) seeding recommendations.
- **Permanent seeding and planting** - Disturbed portions of the site where construction activities permanently cease will be stabilized with permanent, vegetative cover no later than 14 days after the last construction activity. Low-maintenance local plant species will be used. All other erosion control practices and surface runoff control measures will be installed before planting. All permanent seeding will be completed in accordance with ALDOT seeding recommendations.
- **Dust Control on Disturbed Areas** - Dust control on disturbed portions of the site where construction activities are ongoing will be in accordance with the separate Dust Control Plan (DCP) developed for the project.

5.2.2 Structural Practices

Structural sediment and erosion controls can be used to:

- divert stormwater flows away from exposed areas;
- convey runoff;
- prevent sediments from moving off-site; and

- reduce the erosive forces of runoff waters.

As implemented to support construction, the controls will be temporary measures. The structural controls which may be utilized during project include:

- **Channel Stabilization** - Open channels may be constructed to convey/divert water at the site. These channels will be stabilized and provide adequate capacity for transferring water.
- **Construction Entrance/Exit** - Stone stabilized pads may be established at any point where traffic will be leaving a construction site to a public right-of-way, street, alley, sidewalk or parking area. The purpose will be to reduce or eliminate the transport of soil from the construction area onto public rights-of-way by motor vehicles or by runoff.
- **Diversion** - Diversions will be utilized as necessary to reduce slope lengths, intercept storm runoff, and divert it to a stable outlet at a non-erosive velocity. Diversions will be developed as a ridge of compacted soil, constructed above, across or below a slope.
- **Storm Drain Inlet or Outlet Protection** - Rip rapped channel sections may be placed below storm drain outlets to reduce the velocity of flow before entering receiving channels.
- **Interceptor Dikes and Swales** - Ridges of compacted soil and excavated depressions, can be established to keep upslope runoff from crossing unprotected areas with a high risk of erosion.
- **Sedimentation Barrier - Filter Fence** - Also called a silt fence or sediment barrier, this temporary sedimentation control measure consists of posts with filter fabric stretched across the posts. The lower edge of the fence is trenched in place and covered by backfill. The filter fence should be used for drainage areas of 1 acre or less with runoff velocities of 0.5 feet per second or less and will be placed perpendicular to the direction of flow. Silt fencing should be used on all side-slope and down-slope boundaries of the construction area. Silt fences should not be used in streams or swales. It is recognized

that silt fencing requires frequent inspection, especially after each rainfall. The sediment collected behind the fence will be removed and properly disposed when it is one-third to one-half the free standing height of the fence.

- **Sedimentation Barrier - Straw Bale** - Straw bales placed end to end (with no gaps in between) and staked into place can be used to prevent sediment from leaving the site by trapping the sediment in the barrier while allowing surface water to pass through. Installed perpendicular to the flow lines, straw bales can also be used to decrease the velocity of sheet flow or channel flows of low-to-moderate levels. The bales will be inspected and repaired immediately after each rainfall, or daily if there is prolonged rainfall. Damaged straw bales will be immediately replaced. Trapped sediments will be removed and properly disposed on a regular basis, or after each storm.

5.3 Construction-Specific Controls

The construction-specific controls include the following:

Task 1: Off-Site Vehicle Tracking

A stabilized construction entrance will be provided to help reduce vehicle tracking of sediments off-site. All construction equipment entering work zones will stay within the designated zones until properly cleaned. Haul vehicles bringing in fill will only be contacting soil areas already cleaned. At the conclusion of all work, construction equipment will again be thoroughly cleaned before leaving the site.

Task 2: Excavation and Restoration of Disturbed Areas

Excavation of soils is not anticipated during this project except for minor regrading of existing soils prior to cap installation. Silt fence will be placed around the periphery of the construction area during this activity.

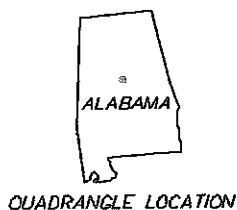
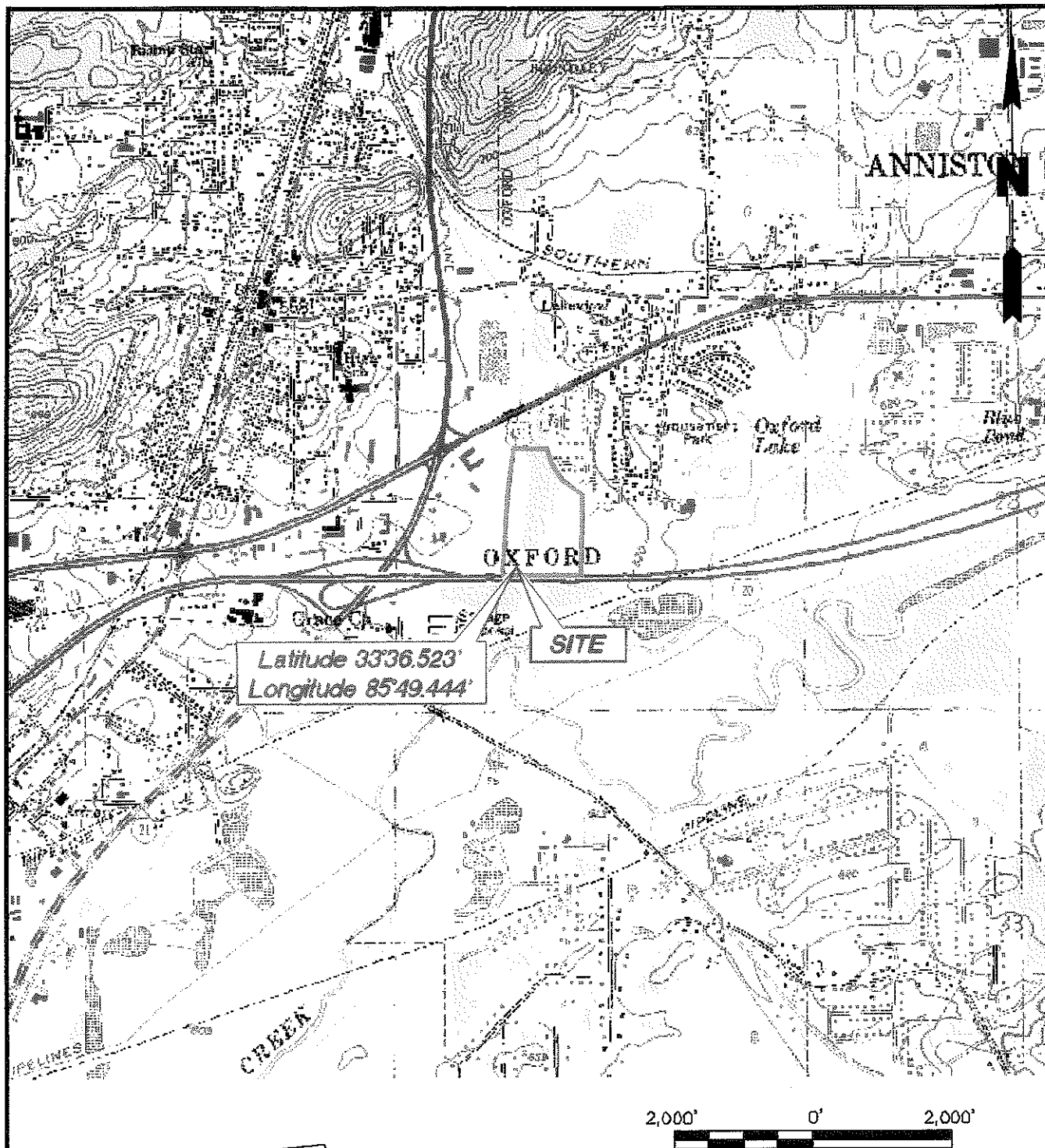
The erosion and sedimentation controls to be implemented during the Project are to be determined by the contractor and approved by Solutia's site engineer. As required by project plans, the following controls will be implemented:

1. Cover Installation. The cap will consist of a geotextile fabric overlain by 9 inches (minimum) of clean, compacted fill. An additional 3 inches of topsoil will be placed and seeded. During placement of the soil layers, silt fence will be installed around the perimeter of the construction area. Hay bales will be installed approximately every 200 feet in the drainage ditches to prevent excessive migration of sediment
2. Temporary Road. A temporary road for trucks to import materials from off-site sources to on-site staging areas will be installed if necessary. The appropriate erosion and sedimentation controls will be installed to minimize soil movement and allow drainage to flow toward the drainage ditch.
3. Inspection Point. A stormwater inspection point will be established at the discharge to the drainage ditch to ensure that stormwater runoff is not contaminated with sediment.

OXFORD LAKE RECREATION COMPLEX
CONSTRUCTION OF SOIL CAP
Best Management Practices Plan

6.0 REFERENCES

- Alabama Nonpoint Source Management Program Document*, as amended, Alabama Department of Environmental Management, Water Division - Mining & Nonpoint Source Section, in accordance with Section 319 of the Federal Clean Water Act, as amended.
- Best Management Practices Plan, Construction of Tennis Courts and Parking Lot* by Roux Associates Inc., March 2002.
- Stormwater Management for Construction Activities - Developing Pollution Prevention Plans and Best Management Practices*, United States Environmental Protection Agency, Office of Water, 1993.
- EPA Stormwater Pollution Prevention for Construction Activities*, United States Environmental Protection Agency, Office of Wastewater Enforcement and Compliance, as amended.
- NPDES General Permit ALG61000 – Authorization to Discharge ALR105784*, prepared by ADEM, January 12, 2001.
- Dust Control Plan Oxford Lake Softball Complex Parking Area, Anniston, Alabama*, prepared by Golder Associates, Inc., April 2001.
- Spill Prevention, Control and Countermeasures Plan Oxford Lake Softball Complex Parking Area*, prepared by Golder Associates, Inc. April 2001.



SOURCE

1.) U.S.G.S. CALHOUN, ALABAMA 7.5 MINUTES SERIES QUADRANGLE.

True:

SITE LOCATION MAP

OXFORD LAKE RECREATION COMPLEX
OXFORD, ALABAMA

Prepared For:

SOLUTIA INC.

ROUX
ROUX ASSOCIATES, INC.
Environmental Consulting
& Management

Compiled by: RHJ

Prepared by: JSC

Project Mgr: RHJ

File No: 06654002

Date: 10/30/02

Scale: AS SHOWN

Office: NJ

Project: 066541

FIGURE

1

APPENDIX A
NPDES GENERAL PERMIT

ADEM



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

POST OFFICE BOX 301463 ♦ 1400 COLISEUM BLVD. 36110-2059

MONTGOMERY, ALABAMA 36130-1463

WWW.ADEM.STATE.AL.US

(334) 271-7700

JAMES W. WARR
DIRECTOR

DON SIEGELMAN
GOVERNOR

January 12, 2001

DENNIS CARVER
SOLUTIA INC
575 MARYVILLE CENTRE DRIVE
ST LOUIS MO 63141

RE: AUTHORIZATION TO DISCHARGE
Authorization Expiration: July 31, 2002
NPDES General Permit ALG610000
Construction & Land Disturbance

ALR105784
Oxford Lake Softball Complex
Calhoun County

Dear Mr. Carver:

Based on information contained in your Notice of Intent (NOI), coverage under the above-referenced National Pollutant Discharge Elimination System (NPDES) General Stormwater Permit is granted effective the date of this letter. A copy of the Permit for coverage of your discharges is enclosed.


The regulations for construction currently require an operator to obtain permit coverage for all land disturbance activities and associated areas that exceed five acres or disturbance activities less than five acres that are part of, adjacent to, or associated with a larger common plan of development or sale that may eventually exceed five acres. Please be advised that the permittee, operator, owner, developer, home builder(s), property owners association, etc., separately or collectively, must retain coverage for subdivision developments or other phased developments until all disturbance activity, including individual home construction, is substantially complete.

Coverage under this permit does not authorize the discharge of any pollutant or wastewater not specifically identified in the permit and in the NOI which resulted in the granting of coverage. Those waters receiving discharges are also identified in the NOI. Should a need for the authorization of an additional discharge(s) under this permit occur, pursuant to Part II, F., 2., a. of the permit you must notify the Department in writing at least 15 days prior to the commencement of the additional discharge(s). Self-monitoring and inspections required by Part I of this permit should begin the first full month following commencement of activity authorized under this permit and continue until a release is granted in writing by the Department. Inspection, monitoring, and noncompliance reports which are also required should be submitted on the forms provided by the Department as part of the enclosed permit.

Compliance with all provisions of the permit is required including, but not limited to, the full implementation and regular maintenance of effective Best Management Practices (BMPs) to the maximum extent practicable, the performance of any site inspections or monitoring, the submittal of any reports, and the preparation and implementation of any plans required by the permit. Please be advised that a facility status report must be submitted to the Department on at least an annual basis.

Please review the attached permit carefully. If you have any questions concerning this authorization, please contact Ms. Celia Porter, Permits/Compliance Unit, by e-mail at mnp@adem.state.al.us or by phone at 334-394-4301.

Sincerely,


Steven O. Jenkins, Chief
Field Operations Division

cp/mjt
Enclosure

pc: Permits & Services



Printed on Recycled Paper

Birmingham
10 Vulcan Road
Birmingham, Alabama 35209-4702
(205) 942-6168
(205) 941-1603 [Fax]

Decatur
2708 6th Avenue, SE, Suite B
Decatur, Alabama 35603-1508
(256) 353-1713
(256) 340-9359 [Fax]

Mobile
2204 Perimeter Road
Mobile, Alabama 36615-1131
(334) 450-3400
(334) 479-2593 [Fax]

Mobile - Coastal
4171 Commanders Drive
Mobile, Alabama 36615-1421
(334) 432-6533
(334) 432-6598 [Fax]

or an equivalent at easily accessible location(s) to identify the permitted site. If this sign is used, please make copies to post, and keep this original in your files.
PLEASE PRINT CLEARLY USING BLUE OR BLACK INK. COMPLETE ALL BLANKS/ENTRIES.

ADEM NPDES General Permit #:

ALG610000

ADEM Authorization #:

ALR10

Facility Name:

PERMITTEE:

CONTACT:

PHONE #

ADDRESS:

City

State:

Zip:

ADEM

ALABAMA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED: STORMWATER AND WASTEWATER DISCHARGES FROM
CONSTRUCTION, EXCAVATION, RECLAMATION, LAND
CLEARING, OTHER LAND DISTURBANCE ACTIVITIES, AND
ASSOCIATED AREAS

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALG610000

RECEIVING WATERS: ALL WATERS OF THE STATE

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22-A-1 to 22-22-A-16, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the discharges covered by this permit are hereby authorized to discharge into the above receiving waters.

ISSUANCE DATE: July 15, 1997

EFFECTIVE DATE: August 1, 1997

EXPIRATION DATE: July 31, 2002


Alabama Department of Environmental Management

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PART I

A. DISCHARGE MONITORING REQUIREMENTS

1. General Requirements

- a. The purpose of obtaining and analyzing representative samples is to ensure that effective Best Management Practices (BMPs) are properly designed, implemented and consistently maintained utilizing good engineering practices to prevent/minimize to the maximum extent practicable discharges of pollutants in stormwater runoff to provide for the protection of water quality.
- b. Representative samples of discharges from the facility, after treatment but prior to discharge shall be obtained and analyzed by a qualified credentialed professional or a person under the direct supervision of a qualified credentialed professional, at the direction of the permittee as often as is necessary to determine if, and ensure that, effective BMPs have been fully implemented and maintained, pollutant discharges have been prevented/minimized to the maximum extent practicable, and discharges do not result in a contravention of applicable State water quality standards for the receiving stream(s) or other waters impacted or affected by the permittee. Collection of samples should be evenly distributed over the site to the extent possible with special consideration given to areas with the greatest potential for impact such as the largest disturbed area draining to one point, cut/fill slopes, embankments, etc. Common parameters to analyze to determine the effectiveness of BMP implementation and maintenance include, but are not limited to:

<u>Effluent Characteristic</u>	<u>Units</u>	<u>Effluent Characteristic</u>	<u>Units</u>
pH	s.u.	BOD ₅	mg/l
TSS	mg/l	COD	mg/l
SS	ml/l	O&G	mg/l
Fe	mg/l	Mn	mg/l
Flow	cfs or mgd		

- c. As discussed in b. above, since this permit does not contain a mandatory scheduled sampling standard, it is acceptable to the Department and possible to achieve and maintain strict compliance with permit conditions without conducting any sampling provided a qualified credentialed professional determines and notes on the inspection report that sampling is not necessary to evaluate the effectiveness of BMP implementation to ensure compliance with this permit. It remains the responsibility of the permittee to know and effectively evaluate the quality of the stormwater being discharged. Lack of knowledge regarding stormwater discharge quality shall not constitute a valid defense with regard to deficiencies in BMP implementation and maintenance, or negative impacts to water quality.
- d. Monitoring for Oil & Grease (O&G) need not be conducted if fuel storage tanks are not left onsite, if storage tanks have secondary containment, or until petroleum products (tar, paints, etc.) are used in the construction process. Monitoring for COD and BOD₅ need not be conducted if chemical storage tanks are not left onsite or until chemicals (herbicides, fertilizers, tar, paints, etc.) are used onsite.
- e. Stormwater discharge flow can be determined by direct measurement, calculation, or by best professional judgment of a qualified credentialed professional using good engineering practices.

2. Precipitation Measurement

Precipitation shall be measured and recorded in tenths of inches using continuous recorders or daily readings of an onsite rain gauge or an offsite rain gauge located in close proximity to the facility.

3. Receiving Stream Turbidity Monitoring And Limitations

- a. The permittee shall inspect and sample as necessary the upstream and downstream turbidity of all affected watercourse(s) to ensure protection of water quality. Pursuant to ADEM Admin. Code R. 335-6-10, discharges or activities which for any reason cause substantial visible contrast or interfere with the beneficial use(s) of state waters or that cause instream turbidity to exceed background or upstream turbidity by more than 50 n.t.u. after reasonable opportunity for mixing has been afforded may be violations of this permit and may result in an enforcement action against the permittee. As discussed in Part I.A., 1., b. & c., since this permit does not contain a mandatory scheduled sampling standard, it is acceptable to the Department and possible to achieve and maintain strict compliance with permit conditions without conducting any instream turbidity sampling provided a qualified credentialed professional determines and notes on the inspection report that instream sampling is not necessary to evaluate the effectiveness of BMP implementation to ensure compliance with this permit. It remains the responsibility of the permittee to know and effectively evaluate the effect of the stormwater being discharged on instream turbidity. Lack of knowledge or understanding regarding instream turbidity levels or water quality standards shall not constitute a valid defense with regard to deficiencies in BMP implementation and maintenance, or negative impacts to water quality.
- b. Background or upstream turbidity for discharges to municipal separate storm sewer systems (MS4) or where the construction site is the headwater of the receiving stream shall be determined from offsite drainage entering the site and/or from drainage areas near the site which do not receive discharges from or are impacted by the facility or a similar type facility.

4. Representative Sampling Requirements

Samples and measurements taken for purposes of determining compliance with this permit shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this permit.

5. Test Procedures

Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h). If more than one method for analysis of a substance is approved for use, a method having a detection limit lower than the permit limit shall be used. If the detection limit of all methods is higher than the permit limit the method having the lowest detection limit shall be used and a report of less than detection limit shall constitute compliance, however should EPA approve a method with a lower detection limit during the term of this permit the permittee shall use the newly approved method. The permittee shall request and obtain approval in writing from the Director or his designee prior to using a procedure when an EPA approved test procedure for analysis of a pollutant does not exist.

6. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. If used, flow measurement devices shall be calibrated at least once every 12 months.

B. INSPECTION REQUIREMENTS

1. General Requirements

- a. Regular, comprehensive site inspections shall be conducted to ensure that effective Best Management Practices (BMPs) are properly designed, implemented and consistently maintained (i.e. repair, replace, add to, improve, implement more effective practice, etc.) utilizing good engineering practices to prevent/minimize to the maximum extent practicable discharges of pollutants in stormwater runoff to provide for the protection of water quality.
- b. Comprehensive inspections of the construction site, including affected ditches and other stormwater conveyances, perennial and intermittent streams, stream banks, and flood plains, shall be performed by a qualified credentialed professional or a person under the direct supervision of a qualified credentialed professional, at the direction of the permittee as often as necessary to determine if, and ensure that, effective BMPs have been fully implemented and maintained, pollutant discharges have been prevented/minimized to the maximum extent practicable, and discharges do not result in a contravention of applicable State water quality standards for the receiving stream(s) or other waters impacted or affected by the permittee. The person performing the inspection shall evaluate and note on the inspection report if the BMPs being implemented are adequate and if additional or improved control measures are needed. If it is determined that the BMP plan is inadequate, the plan shall be revised and the revisions fully implemented within seven calendar days following the inspection unless an alternate scheduled is approved in writing by the Department.

2. Inspection Schedule

Complete and comprehensive inspections shall be performed:

- a. A minimum of once a month with monthly inspections a minimum of two weeks apart.
- b. Except as provided in c. below, within 72 hours after any precipitation of .75 inches or greater in any 24 hour period since the last inspection.
- c. In the case of a linear project (i.e. energy or resource transmission right-of-way (ROW), highway, etc.) exceeding ten miles in length, beginning within 72 hours and completed no later than five days after any precipitation of .75 inches or greater in any 24 hour period since the last inspection.
- d. Pursuant to Part I,B.,1.,b. above.
- e. Inspections performed pursuant to Part I,B.,2.,b. or Part I,B.,2., c. can satisfy the monthly inspection requirement in Part I,B.,2.,a. provided at least two weeks has elapsed since the monthly inspection for the previous month.

C. DISCHARGE AND INSPECTION REPORTING AND RECORD KEEPING REQUIREMENTS

1. Reporting of Inspection And Monitoring Requirements

- a. An Inspection Certification Report provided with this permit shall be submitted to the Department:

- (1) Within fourteen (14) days of commencement of disturbance activities authorized by this permit if initial disturbance commences later than ninety (90) days after authorization.
 - (2) With a report summarizing all inspection and sampling information once every twelve (12) months after authorization, with reports submitted a minimum of four months apart, regardless of the status of the facility until construction is finished, reclamation of disturbed areas is complete, and the authorization is terminated by the Department.
 - (3) With any Noncompliance Notification Form submitted pursuant to Part I.,C.,2. of this permit.
 - (4) With a request by the permittee to terminate coverage under this permit after completion of all disturbance, reclamation and revegetation activities. Documentation summarizing all inspection and sampling information and that appropriate actions have been and will be taken to ensure future survival and maintenance of permanent vegetative cover must be included with this request.
- b. Results of all inspections and monitoring shall be summarized on an appropriate form approved by the Department, and shall be available for inspection no later than 30 days following the date of the inspection or monitoring. Reports must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit.
- c. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules and regulations, shall be signed by a "responsible official" of the permittee as defined in ADEM Admin. Code R. 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Admin. Code R. 335-6-6-.09 and shall bear 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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering 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."*
- d. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules, shall be addressed to:

Director
Alabama Department of Environmental Management

Attention: Permits/Compliance Unit
Mining & Nonpoint Source Section
Field Operations Division

PO Box 301463
Montgomery, Alabama 36130-1463

1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059

2. **Noncompliance Notification**

- a. If for any reason, the permittee's discharge (1) threatens human health or welfare, fish or aquatic life, or water quality standards, (2) does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), (3) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4), (4) exceeds any permit condition or discharge limitation for an effluent characteristic as a result of an unanticipated bypass and/or upset, (5) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision), (6) if the permittee is not fully implementing or complying with the BMP plan required by Part II.B.2. of this permit, the permittee shall report the occurrence and circumstances of such discharge to the Director with a written report as provided in Part I.,C.,2.,c. no later than five (5) days after becoming aware of the occurrence of such discharge.
- b. If for any reason, the permittee's discharge does not comply with any limitation or condition of this permit, the permittee shall submit to the Director or his designee a written report as provided in Part I.,C.,2.,c. below, such report shall be submitted no later than five (5) days after becoming aware of the occurrence of such noncompliance.
- c. Any written report required to be submitted to the Director or his designee by Part I.,C.,2.,a. or b. shall be submitted using a copy of the Noncompliance Notification Form provided with this permit and shall include the following information:
 - (1) A description of the discharge and cause of noncompliance;
 - (2) The period of noncompliance, including dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (3) A description of the steps taken and/or being taken to reduce or eliminate the non-complying discharge and to prevent its recurrence.

3. **Recording of Results**

For each inspection, measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The facility name and location, source location, date, time and exact place of sampling;
- b. The name(s) of person(s) who performed the inspection or obtained the samples or measurements;
- c. The dates and times the inspection or the analyses were performed;
- d. The name(s) of the person(s) who performed the inspection or analyses;
- e. The analytical techniques or methods used, including source of method and method number; and
- f. The results of all analyses.
- g. Any deficiencies noted during the inspection, any corrective action or mitigation needed to correct the deficiencies, and a proposed compliance schedule not to exceed 5 days for temporary, nonstructural

BMP implementation, 15 days for implementation of structural controls, or a Department approved alternate schedule.

4. Records Retention and Production

- a. The permittee shall retain records of all inspections and monitoring information, including all certification reports, noncompliance reports, calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the above reports or the Notice of Intent (NOI) for coverage under this permit, for a period of at least three years after the sample measurement, report or NOI. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director or his designee, the permittee shall provide the Director or his designee with a copy of any record required to be retained by this paragraph. Copies of these records shall not be submitted to the Department unless requested.
- b. All records required to be kept in Part I.C., 4., a. shall be kept at the permitted facility and shall be available for inspection. If it is not feasible to keep the records at the facility due to site conditions, the records may be kept at a remote project office or an alternate location acceptable to the Department provided that the records are readily available for inspection. Copies of records shall be provided to the Department upon request in a timely manner.

5. Suspension Of Monitoring And Inspection Requirements For Phased Projects

The permittee may request and be granted a suspension of applicable monitoring and inspection requirements for phased projects or developments such as transmission ROWs or subdivisions provided:

- a. The Department is notified in writing at least fifteen (15) days prior to the requested suspension.
- b. The permittee certifies in the request that all disturbance has been graded, stabilized, and fully vegetated or otherwise permanently covered, and that appropriate steps will be taken to by the permittee to ensure that these measures remain effective until the authorization is properly terminated.
- c. The Department is notified at least fifteen (15) days prior to resumption of disturbance or commencement of the next phase of development and the permittee complies with all terms and conditions of this authorization immediately upon commencement of additional disturbance.

D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

The permittee shall give the Director or his designee written advance notice of any planned changes or other circumstances regarding a facility which may result in noncompliance with permit requirements.

2. Termination of Discharge

The permittee shall notify the Director or his designee, in writing, when all discharges authorized by this permit have permanently ceased, construction or disturbance activities have ceased, reclamation or cover of disturbed areas is complete, or water quality remediation is achieved, and requesting termination of coverage under this permit. This notification shall serve as sufficient cause for instituting procedures for termination of the permittee's authority to discharge under this General Permit. The permittee must continue to comply with all

terms and conditions of the permit until approval to terminate permit coverage (See Part II, A..3.) is granted in writing by the Department.

3. Updating Information

- a. The permittee shall inform the Director or his designee of any change in the permittee's mailing address or telephone number or in the permittee's designation of a facility contact or officer having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's Rules and the terms and conditions of this permit, in writing, no later than ten (10) days after such change. Upon request of the Director or his designee, the permittee shall furnish the Director or his designee with an update of any information provided in the Notice of Intent.
- b. If the permittee becomes aware that it failed to submit any relevant facts in the Notice of Intent; or submitted incorrect information in the Notice of Intent; or in any report to the Director or his designee, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

4. Duty to Provide Information

- a. The permittee shall furnish to the Director or his designee, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for, suspending, or revoking the permittee's authorization to discharge under this General Permit, in whole or in part, or to determine compliance with this permit or to determine if the permittee should be required to apply for an individual NPDES permit.
- b. The permittee shall furnish to the Director or his designee, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for modifying or terminating this permit or authorization to discharge under this permit.
- c. The permittee shall furnish to the Director or his designee upon request, within a reasonable time, available information (name, phone number, address, and site location) which identifies offsite sources of material or natural resources (mineral, ore, or other material such as iron, coal, coke, dirt, chert, shale, clay, sand, gravel, bauxite, rock, stone, etc.) used in its operation or stored at the facility.

5. New or Increased Discharges

If there is an increase in disturbed area or an increase in pollution potential of the storm water runoff the permittee must notify the Director or his designee in writing. The Director may at his discretion determine under Part II..F. of this permit what action if any will be taken.

E. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with all terms, conditions, requirements, and limitations of this permit prior to or concurrent with commencement of any activity authorized under this permit.

PART II

A. REQUIREMENTS FOR COVERAGE UNDER THIS GENERAL PERMIT

1. Notice of Intent

In order to assure coverage at the earliest time, any person wishing to be permitted to discharge under this General Permit should submit a complete and correct Notice of Intent (NOI) using forms approved by the Department to be covered by this General Permit at least fifteen (15) days prior to the desired date of coverage. Activities covered by this General Permit are not authorized until the permittee receives the Director's formal acknowledgment of the Notice of Intent and approval of coverage of the discharge. The Director's acknowledgment shall include a copy of this General Permit and the appropriate reporting forms.

2. Content of Notice of Intent

- a. Approved NOI forms can be obtained from the Department upon request. Use of computer generated forms by the applicant is acceptable provided the forms match the Department approved forms in format and content.
- b. The NOI shall include a description of the activities for which coverage of discharges of stormwater or wastewater is desired which shall be in sufficient detail to allow the Director or his designee to determine that the wastewater or storm water discharge is included in the category permitted by this General Permit.
- c. The NOI shall include the latitude and longitude of the discharge points for each wastewater or stormwater discharge and the name of the waterbody receiving each wastewater or stormwater discharge for which coverage under this General Permit is desired.
- d. The NOI shall include a contact person, address and phone number for the facility or activity to be covered under this General Permit;
 - (1) A Notice of Intent shall be signed by a person meeting the requirements for signatories to permit application under ADEM Admin. Code R. 335-6-6-.09 and the person signing the Notice of Intent shall make the certification required for submission of documents under ADEM Admin. Code R. 335-6-6-09.
 - (2) Signatories to reports, discharge monitoring reports and any other submissions required by this General Permit shall be signed in accordance with the requirements of ADEM Admin. Code R. 335-6-6-.09.
- e. The NOI shall include other information as required by the Director or his designee.

3. Description of Coverage Requirements

This permit is designed to provide coverage for construction or other land disturbance activity regardless of size. Federal regulations (40 CFR 122) and Department regulations regarding discharges of stormwater in effect on the issuance date of this General Permit, require an operator/owner to apply for and obtain a National Pollutant Discharge Elimination System (NPDES) Individual or General Permit prior to conducting any non-exempt construction or land disturbance that exceeds five acres or is part of a common plan for development or sale

which might eventually exceed five acres. This includes requiring permit coverage for disturbance activities less than five acres that are part of, adjacent to, or associated with a larger common plan of development or sale that may eventually exceed five acres. Federal regulations currently provide permit exemptions for certain nonpoint source agricultural and silvicultural practices. Operators may have to obtain permit coverage for smaller sites or implement additional management measures if mandated by implementation of Phase II of the federal stormwater rules. The permittee, operator, owner, developer, home builder(s), property owners association, etc., separately or collectively, must retain coverage for the site, including subdivision developments or other phased developments, until all disturbance activity, including individual home construction, is substantially complete. Coverage must be retained until all disturbed areas have been reclaimed, water quality remediation has been achieved, or permit coverage has been obtained by another operator(s). The regulated disturbance includes associated areas utilized for support activities such as vehicle parking, equipment or supply storage areas, material stockpiles, temporary office areas, access roads, etc. and pre-construction activities performed in advance or in support of construction such as logging, clearing, dewatering, etc.

B. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

2. Best Management Practices

- a. (1) The permittee shall prepare and implement a comprehensive Best Management Practices (BMP) Plan prepared and certified by a qualified credentialed professional describing structural and non-structural practices which will be implemented and maintained to prevent/minimize the discharge of all sources of pollution (i.e. sediment, trash, garbage, debris, oil & grease, chemicals, materials etc.) to State waters in stormwater runoff. The BMP Plan should consist of a combination of pre-construction planning and management, and continuing documentation of new/updated management efforts implemented to respond to changing site conditions as the project progresses. Pre-construction planning should consider site soil types, steepness and stability of slopes, precipitation patterns, survival of temporary vegetative cover, site specific effective erosion control, site specific effective sediment control, etc. The Plan must be updated as necessary to address any deficiencies.
- (2) The BMP Plan must be designed to address the following goals: (1) pre-construction gathering and analysis of information to plan and conduct the construction activity in such a manner to prevent or avoid potential discharges or problems; (2) to divert upslope water around the site; (3) to limit the exposure of disturbed areas to precipitation to the shortest amount of time possible; (4) to minimize the amount of surface area that is disturbed (project phasing); (5) to immediately correct any deficiencies in BMP implementation and maintenance; (6) to remove sediment, nutrients, and other pollutants from the stormwater before it properly cleanup sediment deposited offsite and responsibly remediate to maximum extent practicable.

- (3) Documentation of any BMP Plan revisions or additions should include, as appropriate, updated site maps, history of the location and the description of BMPs implemented, information or analysis supporting the use of a specific BMP for each situation, analysis of BMP deficiencies, and other information deemed appropriate by the permittee such as inspection reports, project diaries, etc. This BMP Plan as updated/amended shall become a part of this permit and all requirements of the BMP Plan shall become requirements of this permit. Pursuant to Part I.C.4., a copy of the plan must be kept onsite or at an alternate location acceptable to the Department.
- b. The BMP plan, at a minimum, must address implementation and maintenance of effective, applicable BMPs utilizing good engineering practices as provided in:
 - (1) The Alabama Nonpoint Source Management Program document, as amended, as adopted by the Department and approved by EPA.
 - (2) The Storm Water Management For Construction Activities - Developing Pollution Prevention Plans And Best Management Practices document, as amended, as adopted by the EPA.
 - (3) Other appropriate BMP manuals or documents reviewed and specifically accepted by the Department.
- c. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet State water quality requirements.
- d. The permittee must implement measures to ensure permanent revegetation or cover of all disturbed areas.
- e. The applicant shall implement, as necessary, a system for the collection, storage, treatment and disposal of sewage and other putrescible wastes.
- f. All construction debris (e.g. brick, plastic, re-bar, wood waste, shingles, etc.) and worker debris (e.g. trash, garbage, etc.) must be immediately removed and disposed of in an approved manner. No rubbish, trash, garbage, refuse, or other such materials shall be discharged into waters of the State of Alabama. The permittee shall perform regular cleanup and proper disposal of floating or submerged trash and garbage resulting from activities authorized by this permit.
- g. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering any waterbody.
- h. All materials used as fill for construction purposes must be non-toxic, non-acid forming and free of solid waste or other debris unless approved by the Department.
- i. Acquisition of Water, Wastewater, and other Fluids and Dewatering and Pre-Disturbance Discharges

The permittee shall prepare and implement appropriate Best Management Practices that addresses water, wastewater, and other fluids acquisition operations and dewatering and pre-disturbance discharges that is or may be associated with the permittee's operations authorized under this permit. These BMPs should be based on best available technology and must specifically identify the exact location of each acquisition and each dewatering or pre-disturbance discharge site and specify the method of withdrawal or dewatering. This includes pump priming discharges, pump dewatering of existing ponded or impounded water, dewatering of groundwater, removal of natural obstructions or earthen structures to

drain existing ponded or impounded water prior to construction, etc. Protection and preservation of all surface waters at the fluids acquisition and dewatering sites or other waters which might be impacted should be discussed, including (but not limited to) rivers, perennial and intermittent streams, lakes or impoundments, ponded areas, old treatment lagoons and sedimentation basins, dry hollows, subsurface wells, and all areas adjacent to waters of the State that are disturbed during water acquisition or dewatering. When implemented, these BMPs shall become a part of this permit and all requirements of the BMPs shall become requirements of this permit.

3. Spill Prevention, Control, and Management

The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan as a separate document or as part of the BMP Plan required in Part II,B.,2. above for all onsite fuel, chemical, or pollutant storage tanks. The permittee shall implement appropriate structural and/or non-structural spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. The plan must be consistent with the requirements of 40 CFR 112 for tanks which meet or exceed the applicable size thresholds. In most situations this would require construction of a containment system if the cumulative storage capacity of fuel or chemicals at the facility is greater than 1320 gallons or if any single container has a capacity greater than 660 gallons. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided. The applicant shall maintain onsite or have readily available sufficient oil & grease absorbing material and flotation booms to contain and clean-up fuel or chemical spills and leaks. Soil contaminated by paint or chemical spills, oil spills, etc. must be immediately cleaned up, remediated, or be removed and disposed of in an approved manner.

C. OTHER RESPONSIBILITIES

1. Duty to Mitigate Adverse Impacts

The permittee shall notify the Department and promptly take all reasonable steps to mitigate and minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with any limitation or requirement of this permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as necessary to determine the nature and impact of the non-complying discharge, removal of sediment deposited offsite, and responsible removal and/or remediation of sediment, debris, or other pollutants deposited in or allowed to enter any stream or stormwater conveyance structure.

2. Right of Entry and Inspection

The permittee shall allow the Director, or an authorized representative, upon the presentation of proper identification to:

- a. enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
- b. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

- d. sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

3. Facility Identification

The permittee shall clearly display prior to commencement of any regulated activity until authorization is terminated by the Department, the name of the permittee, "ADEM NPDES ALR" followed by the six digit NPDES authorization number, facility or project name, and other descriptive information deemed appropriate by the permittee at an easily accessible location(s) to adequately identify the site. The permittee shall repair or replace the sign(s) as necessary upon becoming aware that the identification is missing or is unreadable due to age, vandalism, theft, weather, or other reasons.

D. BYPASS AND UPSET

1. Bypass

- a. Any bypass is prohibited except as provided in b. and c. below:
- b. A bypass is not prohibited if:
 - (1) It does not cause any discharge limitation specified in Part I.,A. of this permit to be exceeded; and
 - (2) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; or
- c. A bypass is not prohibited and need not meet the requirements and limitations of this permit if:
 - (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There are 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
 - (3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass.
- d. The permittee has the burden of establishing that each of the conditions of Part II,D.,1.,b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in Part II,D.,1.,a. and an exemption, where applicable, from the discharge limitations specified in Part I.,A. of this permit.

2. Upset

- a. A discharge which results from an upset need not meet the requirements and limitations of this permit if:
 - (1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and

- (2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director or his designee with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.
- b. The permittee has the burden of establishing that each of the conditions of Part II.D.2.a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Part I.,A. of this permit.

E. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES

1. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for: enforcement action; termination, or suspension of authorization under this permit; denial of a permit renewal application; a requirement that permittee submit an application for an individual NPDES permit.
- b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.
- c. The discharge of a pollutant from a source not specifically identified in the Notice of Intent to be covered under this General Permit and not specifically included in the description of any source in this permit is not authorized and shall constitute noncompliance with this permit.
- d. The permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this permit or to minimize or prevent any adverse impact of any permit violation.
- e. Liability and responsibility for compliance with the permittee's duties under this permit are not delegable by contract or otherwise. The permittee shall ensure that any agent, contractor, subcontractor or other person employed by, under contract, or paid a salary by the permittee complies with this permit. Any violations resulting from the actions of such person shall be considered violations of this permit and may subject the permittee to enforcement action.

2. Removed Substances

Solids, sludges, or any other pollutant or other waste removed in the course of treatment or control of storm waters shall be disposed of in a manner that complies with all applicable Department Rules.

3. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility or BMP including but not limited to the loss or failure of the primary source of power of any monitoring/sampling equipment, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Part I.,A. of this permit, or any other terms or conditions of

this permit, cease, reduce, or otherwise control construction or other activities until treatment is restored or appropriate BMPs have been repaired.

4. Compliance With Statutes and Rules

- a. This permit has been issued under ADEM Admin. Code R. 335-6-6. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of these rules may be obtained for a reasonable charge from the Office of General Counsel, Alabama Department of Environmental Management, 1751 Congressman Dickinson Drive, Montgomery, AL 36130. Copies of rules and other helpful information may be obtained free of charge from the Department's Internet web site as they are made available.
- b. This permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

F. PERMIT TRANSFER, MODIFICATION, REVOCATION, TERMINATION, AND REISSUANCE

1. Duty to Reapply or Notify of Intent to Cease Discharge or Construction Activity

- a. The permittee authorized to discharge under this General Permit, who wishes to continue to discharge upon the expiration of this permit, shall submit a Notice of Intent to be covered by the reissued General Permit. Such Notice of Intent shall include information required by the initial Notice of Intent and shall be submitted at least 60 days prior to the expiration date of this General Permit.
- b. Failure of the permittee to submit a Notice of Intent for reauthorization under this permit at least 60 days prior to the permit's expiration will void the automatic continuation of the authorization to discharge under this permit as provided by ADEM Admin. Code R. 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, permittees who failed to meet the 60 day submittal deadline will be discharging without a permit after the expiration date of the permit.

2. Change in Discharge

- a. The permittee shall give notice to the Director or his designee at least 15 days in advance of any facility expansion, increase in disturbed acreage, new disturbance not identified in the NOI, construction change, or other action that could result in:
 - (1) the discharge of additional or different pollutants in the storm water,
 - (2) the increase in the quantity of storm water such that existing permit limitations would be exceeded,
 - (3) or that could result in an additional discharge source or receiving stream.

This requirement applies to pollutants that are or that are not subject to terms and conditions in this permit. No new or increased discharge may begin until the Director or his designee has reviewed the information and taken appropriate action to authorize the discharge under this General Permit, or until such time as an appropriate action has been taken to authorize the discharge under a new General Permit or an individual permit.

- b. The permittee shall notify the Director or his designee as soon as it is known or there is reason to believe:
- (1) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
 - (a) one hundred micrograms per liter;
 - (b) two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dini-trophenol; and one milligram per liter for antimony;
 - (c) five times the maximum concentration value reported for that pollutant in the permit application; or
 - (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
 - (a) five hundred micrograms per liter;
 - (b) one milligram per liter for antimony;
 - (c) ten times the maximum concentration value reported for that pollutant in the permit application.

3. Transfer of Permit

Authorization to discharge under this General Permit may not be transferred. Any person wishing to assume responsibility from another that is authorized under this General Permit must submit a Notice of Intent and obtain a separate authorization to discharge under this permit.

4. Modification, Revocation and Reissuance, and Termination of Permits

- a. During the term of this General Permit the Director may, for cause, and subject to the public notice procedure of ADEM Admin. Code R. 335-6-6-.21, modify or revoke and reissue this General Permit, or revoke it entirely and require all those authorized under it to apply for individual NPDES permits. The causes for this action include but are not limited to the causes listed below:
- (1) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
 - (2) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;
 - (3) Upon the failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;

- (4) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology based treatment requirements appropriate to the discharge under 40 CFR 125.3;
 - (5) To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions;
 - (6) If the permit limitations are found not to be protective of State water quality standards; or
 - (7) For any applicable cause set forth in ADEM Admin. Code R. 335-6-6-.17.
 - b. Subject to the public notice procedures of ADEM Admin. Code R. 335-6-6-.21., the Director may terminate this General Permit during its term for any of the causes for modification listed in Part II, F., 4., a.
 - c. The Director may terminate authorization to discharge under this General Permit for cause. Cause shall include but not be limited to:
 - (1) Noncompliance with the permit;
 - (2) Noncompliance with Department Rules;
 - (3) A finding that this General Permit does not control the wastewater or storm water discharge sufficiently to protect water quality or comply with treatment based limits applicable to the discharge.
 - d. If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance of this General Permit under ADEM Admin. Code R. 335-6-6-.23 (7), or termination and issuance of an individual permit under ADEM Admin. Code R. 335-6-6-.23 (9) the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned change, anticipated noncompliance or application for an individual permit, does not stay any permit condition.
5. **Issuance by the Director of an Individual NPDES Permit to a Person Eligible for Coverage or Covered by This General Permit.**
- a. The Director may require any person, otherwise eligible for coverage under this General Permit, to apply for an individual NPDES permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and directions, a statement informing the person that coverage under this General Permit was not available and that an application for coverage under an individual must be submitted for the proposed discharge, or a statement informing the person that upon issuance of the individual permit, coverage by this General Permit shall automatically terminate. Reasons for this requirement may be:
 - (1) noncompliance with the General Permit;
 - (2) noncompliance with Department Rules;
 - (3) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the wastewater or stormwater being discharged;

- (4) effluent guidelines are promulgated for a point source(s) covered by the General Permit;
- (5) a water quality management plan applicable to the wastewater being discharged under this General Permit;
- (6) circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this General Permit or either a temporary reduction or permanent reduction or elimination of the authorized discharge is necessary;
- (7) standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by this General Permit;
- (8) the discharge(s) is a significant contributor of pollutants. In making this decision the Director may consider:
 - (i) the location of the waters with respect to waters of the State,
 - (ii) the size of the discharger,
 - (iii) the quantity and nature of the pollutants discharged to waters of the State, and
 - (iv) the water use classification or designation of the receiving water(s).
- (9) A determination that the water of the State receiving the discharge is not meeting applicable State water quality standards.

6. Request for an Individual NPDES Permit by a Person Covered Under This General Permit.

- a. Any person covered by this General Permit may apply for termination of coverage by applying for an individual NPDES permit.
- b. A permit application submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in accordance with the rules found in ADEM Admin. Code R. 335-6-6 applicable to individual permits.
- c. Any person may petition the Director to withdraw authority from a discharger to discharge under this General Permit. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The permittee and the petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered. Upon request, the Department will make available to the permittee applicable procedures to appeal the Director's decision.

7. Request for Permit Action Does Not Stay Any Permit Requirement

The filing of a request by the permittee for any permit action such as termination, or application for individual permit or any other action, does not stay any permit term or condition.

G. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), for a toxic pollutant discharged by the permittee and such standard or prohibition is more stringent than any discharge limitation on the pollutant if specified in Part I..A. of this permit, or controls a pollutant not limited in Part I..A. of this permit, this permit shall be modified to conform to the toxic pollutant effluent standard or prohibition and the permittee shall be notified of such modification. If this permit has not been modified to conform to the toxic pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the permittee shall attain compliance with the requirements of the standard or prohibition within the time period required by the standard or prohibition and shall continue to comply with the standard or prohibition until this permit is modified or reissued.

H. DISCHARGE OF WASTEWATER GENERATED BY OTHERS

The discharge of wastewater or stormwater, generated by any process, facility, or by any other means not under the operational control of the permittee or not identified in the application for this permit or not identified specifically in the description of a source in this permit is not authorized by this permit unless specifically approved by the Department.

PART III

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by the AWPCA.

2. False Statements

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 noncompliance shall, upon conviction, be subject to penalties as provided by the AWPCA.

3. Permit Enforcement

- a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of the permit are enforceable under state and federal law and as described under ADEM Admin. Code R. 335-6-6-.18.
- b. Any person required to have a NPDES Permit pursuant to ADEM Admin. Code R. 335-6-6 and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates applicable orders of the Department or any applicable rule or standard of the Department, is subject to any one or combination of the following enforcement actions under applicable state statutes:
 - (1) An administrative order requiring abatement, compliance, mitigation, cessation, clean-up, and/or penalties;
 - (2) An action for damages;
 - (3) An action for injunctive relief; or
 - (4) An action for penalties.

4. Relief From Liability

Except as provided in Part II,D.,1. (Bypass) and Part II,D.,2. (Upset), nothing in this permit shall be construed to relieve the permittee of civil or criminal liability under the AWPCA or FWPCA for noncompliance with any term or condition of this permit.

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the FWPCA, 33 U.S.C. Section 1321.

C. PROPERTY AND OTHER RIGHTS

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the State or of the United States.

D. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, Section 22-22-9(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

E. COMPLIANCE WITH WATER QUALITY STANDARDS

1. The permittee may be required by the Director to apply for an individual permit, if the Director determines that discharge under this General Permit causes a violation of State water quality standard(s) or stream use classification.
2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from sources identified in the NOI or in Part I..A. of this permit cause or contribute to a condition in contravention of State water quality standards, the Department may require that the permittee take abatement action in an emergency situation, may modify the permit pursuant to the Department's Rules, may require the permittee to take timely non-emergency abatement action, may require the permittee to apply for an individual permit pursuant to the Department's Rules, or may require any combination of the actions specified above.
3. If the Department determines, on the basis of a notice provided pursuant to this permit or any investigation, inspection or sampling, that a modification of this permit is necessary to assure maintenance of State water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification.

F. GROUNDWATER

Unless specifically authorized by this permit or the Department, the discharge of pollutants to groundwater is not authorized. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem and the Director may require that the permittee undertake measures to abate any such discharge and/or contamination.

G. SEVERABILITY

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

H. COASTAL ZONE MANAGEMENT

1. Excepting those activities described in Part III.H.2. below, this permit is conditionally certified consistent with the Alabama Coastal Area Management Plan (ACAMP) contingent upon continued compliance with the ACAMP.
2. The conditional certification in Part III.H.1. above does not obviate the need for a permittee to apply for and/or otherwise obtain Coastal Use Permits and certifications required by ADEM Admin. Code R. 335-8. Of particular note is the need to obtain a Coastal Use Permit for Commercial and Residential Developments that are or will be greater than 5 acres in size.

I. ACTIVITIES NOT AUTHORIZED BY THIS PERMIT

1. Discharges from surface mining, mineral & ore raw material or product recovery and processing as described in ADEM Admin. Code R. 335-6-9 are not authorized by this permit unless specifically authorized by the Department on an individual basis.
2. Discharge(s) from landfill activities as described in ADEM Admin. Code R. 335-13 are not authorized by this permit.
3. Discharge(s) of process or produced waters is prohibited unless specifically approved by the Department on an individual basis.
4. Relocation, diversion, or other alteration of a water of the State is not authorized by this permit unless specifically approved by the Department.

J. DEFINITIONS

1. Authorization - means vested with the privilege or right of discharging wastewater or storm water under the terms of this General Permit.
2. AWPCA - means the Alabama Water Pollution Control Act.
3. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
4. Best Management Practices (BMPs) - means implementation and continued maintenance of appropriate structural and non-structural practices and management strategies to prevent and minimize the introduction of pollutants to stormwater and to treat stormwater to remove pollutants prior to discharge.
5. Construction - means any land disturbance associated with or the result of building, excavation, digging, land clearing, grubbing, placement of fill, grading, blasting, reclamation, or other activity which in any way disturbs, changes, or modifies the ground surface, ground profile or topography, or materials stored or processed above ground, including right-of-ways (ROWs) and associated areas, but excluding mining.
6. Daily discharge - means the discharge of a pollutant measured during any consecutive 24 hour period in accordance with the sample type and analytical methodology specified by the discharge permit.
7. Daily maximum - means the highest value of any individual sample result obtained during a day.

8. Daily minimum - means the lowest value of any individual sample result obtained during a day.
9. Day - means any consecutive 24-hour period.
10. Department - means the Alabama Department of Environmental Management.
11. Director - means the Director of the Department.
12. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other waste into waters of the State". Code of Alabama 1975, Section 22-22-1(b)(9).
13. Discharge monitoring report (DMR) - means the form approved by the Director or his designee to accomplish reporting requirements of an NPDES permit.
14. EPA - means the United States Environmental Protection Agency.
15. FWPCA - means the Federal Water Pollution Control Act.
16. Notice of Intent - means forms and additional information that is required by ADEM Admin. Code R. 335-6-6-.23 and applicable permit fees.
17. Permit application - means forms and additional information that is required by ADEM Admin. Code R. 335-6-6-.08 and applicable permit fees.
18. Point source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, . . . from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
19. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Part I.,A. of this permit.
20. Qualified Credentialed Professional - means a professional engineer (PE), or a Certified Professional In Erosion And Sediment Control (CPESC) as determined by the Soil and Water Conservation Society (SWCS) and the International Erosion Control Association (IECA). Other registered or certified professionals such as a landscape architect, registered land surveyor, registered geologist, registered forester, Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), Certified Professional Soil Scientist (CPSS) as determined by ARCPACS, etc. that can, upon request by the Department, document the necessary education, training, and professional certification, registration, or credential acceptable to the Department and can demonstrate proven experience are considered a qualified credentialed professional. The permittee or credentialed professional should contact the Department with any questions or comments regarding designation as a qualified credentialed professional. The qualified credentialed professional must be in good standing with the authority granting the registration. The qualified credentialed professional must be familiar with current industry standards for erosion and sediment controls and must be able to inspect and assure that nonstructural BMPs or other pollution control devices (silt fences, erosion control fabric, rock check devices, etc.) and erosion control efforts (grading, mulching, seeding, growth management, etc.) or management strategies have been properly implemented and regularly maintained according to good engineering practices and the requirements of this permit. Pursuant to ADEM Admin. Code R. 335-6-3 a professional engineer (PE) registered in the state of Alabama must certify the design and construction of structural practices such as SPCC plan containment structures, dam construction, etc.

21. Stormwater - means, for the purposes of this permit, precipitation which comes into contact with any area or activity associated with any construction, land clearing, other land disturbing activities, and associated areas whether discharged to surface or ground waters or retained onsite.
22. Surface mining - means an area, on or beneath land, used or disturbed in activity related to the extraction, removal, processing, transportation, or recovery of any mineral, ore or mineral/ore product (i.e. coal, clay, rock, sand & gravel, etc.) from natural or artificial deposits, including active mining and reclamation.
23. 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.
24. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the reasonable control of the permittee. 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.
25. Wastewater - means for the purpose of this permit stormwater or properly treated standard construction related process water (washdown water, cement mixer water, etc.) associated with any activities or discharges authorized by this permit.
26. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
27. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

ADEM FIELD OPERATIONS DIVISION - NPDES GENERAL PERMIT
ALG610000 AND ALG490000 NONCOMPLIANCE NOTIFICATION REPORT

RESPOND WITH "N/A" AS APPROPRIATE. FORMS WITH INCOMPLETE OR INCORRECT ANSWERS, OR MISSING SIGNATURES WILL BE RETURNED AND MAY RESULT IN APPROPRIATE COMPLIANCE ACTION BY THE DEPARTMENT. IF SPACE IS INSUFFICIENT, CONTINUE ON AN ATTACHED SHEET(S) AS NECESSARY. PLEASE TYPE OR PRINT IN INK.

Company Name		Facility/Project Name	
Authorization ALR	County	Facility Contact and Title	
Facility Latitude & Longitude (deg,min,sec)		Facility Street Address or Location Description	
Township(s), Range(s), Section(s)		City	State Zip
Phone Number	Fax Number		E-Mail Address

DESCRIPTION OF NONCOMPLIANCE OR NONCOMPLIANT DISCHARGE:

INSPECTION CERTIFICATION REPORT(S) , ANY PHOTOGRAPHS, AND ANY SAMPLING RESULTS ARE ATTACHED. IF NOT, PLEASE EXPLAIN:

CAUSE OF NONCOMPLIANCE:

PERIOD OF NONCOMPLIANCE: (Include exact date(s) and time(s) or, if not corrected, the anticipated time the noncompliance is expected to continue):

DESCRIPTION OF STEPS TAKEN AND/OR BEING TAKEN (PROPOSED COMPLIANCE SCHEDULE) TO REDUCE OR ELIMINATE THE NONCOMPLYING DISCHARGE AND TO PREVENT ITS RECURRENCE:

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

Name of Qualified Credentialed Professional	Signature	Date
Name & Title of Permittee Responsible Official	Signature	Date

Complete this form, attach additional information as necessary, and send report to the Department as required by the permit.
Field Operations Division, ADEM, PO Box 301463, Montgomery, Alabama 36130-1463, Ph: (334) 394-4311, Fax: (334) 394-4326

ADEM FIELD OPERATIONS DIVISION - NPDES GENERAL PERMIT
ALG610000 AND ALG490000 INSPECTION REPORT AND BMP CERTIFICATION

RESPOND WITH "N/A" AS APPROPRIATE. FORMS WITH INCOMPLETE OR INCORRECT ANSWERS, OR MISSING SIGNATURES WILL BE RETURNED AND MAY RESULT IN APPROPRIATE COMPLIANCE ACTION BY THE DEPARTMENT. IF SPACE IS INSUFFICIENT, CONTINUE ON AN ATTACHED SHEET(S) AS NECESSARY. PLEASE TYPE OR PRINT IN INK.

Company Name		Facility/Project Name	
Authorization ALR	County	Facility Contact and Title	
Facility Latitude & Longitude (deg,min,sec)		Facility Street Address <u>or</u> Location Description	
Township(s), Range(s), Section(s)		City	State Zip
Phone Number	Fax Number	E-Mail Address	

List name of current ultimate receiving water(s) (indicate if through MS4) and the number of disturbed acres which drain through each treatment system or BMP:

Receiving Water	Disturbed Acres	Receiving Water	Disturbed Acres
_____	_____	_____	_____

☐ Appropriate Discharge and/or Instream Sampling Data Attached.

☐ Based on this site evaluation which I or personnel under my direct supervision conducted, discharge and/or instream sampling is not necessary to properly evaluate the effectiveness of BMP implementation to ensure compliance with this permit. I understand that it is the responsibility of the permittee to know and effectively evaluate the quality of the stormwater being discharged. Lack of knowledge regarding stormwater discharge or instream water quality shall not constitute a valid defense with regard to deficiencies in BMP implementation and maintenance, or negative impacts to water quality.

INSPECTION RESULTS: (Describe current activities, deficiencies, proposed corrective action(s) and compliance schedule, etc.)

"Based upon the inspection of (date & time) _____ which I or personnel under my direct supervision (list: _____) conducted, I certify that effective structural and non-structural BMPs have been fully implemented and regularly maintained to the maximum extent practicable for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff, **except for those deficiencies noted above**, in accordance with the facility's BMP plan, good sediment, erosion, and other pollution control practices, EPA's Storm Water Management For Construction Activities - Developing Pollution Prevention Plans And Best Management Practices document, as amended, and with requirements of the above referenced NPDES permit and ADEM rules. I certify that discharges have been tested or evaluated for the presence of non-stormwater and non-authorized process wastewaters.

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

Name of Qualified Credentialed Professional	Signature	Date
Name & Title of Permittee Responsible Official	Signature	Date

Complete this form, attach additional information as necessary, and send report to the Department as required by the permit.
Field Operations Division, ADEM, PO Box 301463, Montgomery, Alabama 36130-1463, Ph: (334) 394-4311, Fax: (334) 394-4326

ADEM FIELD OPERATIONS DIVISION - NPDES GENERAL PERMIT

* ALG610000 AND ALG490000 AUTHORIZATION TERMINATION REQUEST AND CERTIFICATION

RESPOND WITH "N/A" AS APPROPRIATE. FORMS WITH INCOMPLETE OR INCORRECT ANSWERS, OR MISSING SIGNATURES WILL BE RETURNED AND MAY RESULT IN APPROPRIATE COMPLIANCE ACTION BY THE DEPARTMENT. IF SPACE IS INSUFFICIENT, CONTINUE ON AN ATTACHED SHEET(S) AS NECESSARY. PLEASE TYPE OR PRINT IN INK.

Company Name		Facility/Project Name	
Authorization ALR	County	Facility Contact and Title	
Facility Latitude & Longitude (deg,min,sec)		Facility Street Address or Location Description	
Township(s), Range(s), Section(s)		City	State Zip
Phone Number	Fax Number	Email Address	

INSPECTION CERTIFICATION REPORT(S), ANY PHOTOGRAPHS, AND ANY SAMPLING RESULTS NOT PREVIOUSLY SUBMITTED ARE ATTACHED. IF NOT, PLEASE EXPLAIN:

- ☐ All regulated activity authorized by this permit at this facility has been completed, construction/industrial effects removed, solid waste/debris properly disposed, all disturbed areas have been fully reclaimed, suitably stabilized, or perennial vegetative cover established, and stormwater discharges do not represent a significant adverse impact to water quality.
- ☐ Permittee no longer has operational control of the facility or legal responsibility for the site, this permit only provides coverage for a part of a phased project or a part of a larger common plan of development or sale. In order for this termination request to be granted, the Name, Phone Number, and Address of the other responsible party(s) must be listed:

"I understand that discharging pollutants in storm water associated with regulated activity to waters of the State that is not authorized by an NPDES permit is a violation of State law. I also understand that the submittal of this request for termination does not release the permittee from liability for any violations of this permit or ADEM rules until formal termination of the authorization is granted in writing by the Department.

I understand that the permittee, operator, owner, developer, home builder(s), property owners association, etc., separately or collectively, must retain coverage for subdivision developments or other phased developments until all disturbance activity, including individual home construction, is substantially complete. Coverage for mines or borrow pits must be retained until all disturbance activity is reclaimed or protection of water quality is assured.

I understand that should an inspection or complaint reveal significant noncompliance with the General Permit, an environmental problem related to the discharge of stormwater from the site or that incorrect information has inadvertently been provided, implementation of remedial measures may be required, to include resubmittal of the NOI and subsequent issuance of coverage under the General Permit in order to correct any deficiencies, comply with federal stormwater permitting requirements, and provide for the protection of water quality.

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

Name of Qualified Credentialed Professional	Signature	Date
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Name & Title of Permittee Responsible Official	Signature	Date
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Complete this form, attach additional information as necessary, and send report to the Department as required by the permit.
Field Operations Division, ADEM, PO Box 301463, Montgomery, Alabama 36130-1463, Ph: (334) 394-4311, Fax: (334) 394-4326

APPENDIX B
CERTIFICATION FORMS

**BMP CERTIFICATION FORM
OXFORD LAKE RECREATION COMPLEX
CONSTRUCTION OF SOIL CAP**

I certify under penalty of law that a comprehensive BMP Plan for the prevention and minimization of all source of pollution in stormwater and authorized related process wastewater runoff has been prepared under my supervision for this facility utilizing effective BMPs from documents #1, #2, and other acceptable documents as indicated below. The BMP plan addresses implementation and maintenance of applicable effective BMPs utilizing good sediment, erosion, and other pollution control practices as provided in:

1. The storm water Management For Construction Activities – Developing Pollution Prevention Plans and Best Management Practices documents, as amended, as adopted by the USEPA.
2. The Alabama Nonpoint Source Management Program Document, as amended, as adopted by the ADEM and approved by the USEPA.
3. Other listed appropriate BMP manuals, plans, or documents reviewed and specifically accepted by the department (See Section 6.0 of BMP Plan).

_____ William B. Silverstein, P.E. Principal Engineer Roux Associates, Inc. (Certificate No. CA-1675-E) 1222 Forest Parkway Suite 190 West Deptford, New Jersey 08066	Registration/Certification Alabama No. 25035
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**OXFORD LAKE RECREATION COMPLEX
CONSTRUCTION OF SOIL CAP
INSPECTION CERTIFICATION REPORT**

Company Name: _____

Facility Street Address: _____

Facility Contact/Title: _____

Phone Number: _____ **Fax Number:** _____ **E-Mail:** _____

NPDES Permit Number: _____ **County:** _____

Latitude: _____ **Longitude:** _____

Township, Range Section(to nearest ¼ section): _____

Nearest Named Receiving Stream: _____

Disturbed Area Draining to Receiving Stream (acres): _____

☐ Appropriate Discharge and/or Instream Sampling Data Attached.

☐ Based on this site evaluation which I or personnel under my direct supervision conducted, discharge and/or instream sampling is not necessary to properly evaluate the effectiveness of BMP implementation to ensure compliance with this permit. I understand that it is the responsibility of the permittee to know and effectively evaluate the quality of the stormwater being discharged. Lack of knowledge regarding stormwater discharge or instream water quality shall not constitute a valid defense with regard to deficiencies in BMP implementation and maintenance, or negative impacts to water quality.

Inspection Results: Current activities (Deficiencies corrective actions, including compliance schedule)

Based upon the inspection of (Date and Time) _____
which I or personnel under my direct supervision (list: _____
) conducted, I certify that all structural and non-structural BMPs have been implemented and maintained, except for those deficiencies noted above, in accordance with the plan filed with the Department, good engineering practices, and with provisions and requirements of the above referenced NPDES permit and ADEM regulations.

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

Name of Responsible Official

Signature

Date

Title

ROUX ASSOCIATES INC

SO06654J03.3

APPENDIX C
INSPECTION AND MAINTENANCE REPORT FORM

**OXFORD LAKE RECREATION COMPLEX
CONSTRUCTION OF SOIL CAP
INSPECTION AND MAINTENANCE REPORT**

Site Name: _____

Site location (City, County, State): _____

NPDES Permit Number: ALR _____

Weekly Rainfall Summary

Day	SUN	MON	TUE	WED	THU	FRI	SAT
Date							
Rainfall							

Sampling Information

Sample Type:

Location:

Analysis:

Inspection Results

Deficiencies or Required Maintenance:

Planned Corrective Action:

Corrective Action Schedule:

Other Comments:

Signature

Date

APPENDIX D

NON-COMPLIANCE NOTIFICATION REPORT

**OXFORD LAKE RECREATION COMPLEX
CONSTRUCTION OF SOIL CAP
NON-COMPLIANCE NOTIFICATION**

Company Name: _____

Facility Street Address: _____

Facility Contact/Title: _____

Phone Number: _____ **Fax Number:** _____ **E-Mail:** _____

NPDES Permit Number: _____ **County:** _____

Latitude: _____ **Longitude:** _____

Township, Range Section: _____

(to nearest ¼ section)

Nearest Named Receiving Stream: _____

Disturbed Area Draining to Receiving Stream (acres): _____

DESCRIPTION OF NONCOMPLIANCE OR NONCOMPLIANT DISCHARGE:

INSPECTION CERTIFICATION REPORT(S), ANY PHOTOGRAPHS, AND ANY SAMPLING RESULTS ARE ATTACHED. IF NOT, PLEASE EXPLAIN:

CAUSE OF NONCOMPLIANCE:

PERIOD OF NONCOMPLIANCE: (Include exact date(s) and time(s) or, if not corrected, the anticipated time the noncompliance is expected to continue):

DESCRIPTION OF STEPS TAKEN AND/OR BEING TAKEN (PROPOSED COMPLIANCE SCHEDULE) TO REDUCE OR ELIMINATE THE NONCOMPLYING DISCHARGE AND TO PREVENT ITS RECURRENCE:

**OXFORD LAKE RECREATION COMPLEX
CONSTRUCTION OF SOIL CAP
NON-COMPLIANCE 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 gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Name of Responsible Official

Signature

Date

Title