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Alabama's Construction
Stormwater Regulatory Update
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- Overview of Construction General Permit
- Notice of Intent (NOI)
- Proposed Changes to the Permit
- Changes to the NOI
- Fee Increase



Construction General Permit

- The GP authorizes discharges from construction activities that result in land disturbance equal to or greater than 1 acre or activities less than 1 acre which are part of a larger common plan of development or sale.
- Permit Coverage is not required for discharges associated with minor land disturbing activities:
 - Home gardening
 - Repairs
 - Maintenance Work
 - Fences



Construction General Permit

- To Obtain Coverage
 - Submit NOI *prior* to land disturbance
 - For *all* construction sites – Construction may not commence until a site specific Construction Best Management Practices Plan (CBMPP) has been prepared and certified by a Qualified Credentialed Professional (QCP)
 - For non-priority construction sites coverage is granted upon the Department's receipt of a timely NOI meeting the requirements of the GP



Construction General Permit (cont')

- Items required to be submitted with the NOI:
 - Application fee
 - Topo Map
 - For Priority Construction Sites – a site specific CBMPP
- Items required to be submitted with a modification:
 - Updated NOI
 - Application fee
 - Topo Map
 - For Priority Construction Sites – an updated site specific CBMPP
 - Transfers must also include a Transfer Agreement Form (ADEM Form 466)



Permit Coverage (cont')

- Priority Construction Sites
 - *303d Waters Impaired due to:*
 - *Turbidity*
 - *Siltation*
 - *Sedimentation*
 - *TMDLs for:*
 - *Turbidity*
 - *Siltation*
 - *Sedimentation*
 - *Outstanding Alabama Waters (OAW)*
 - *Waters with Special Designations*
 - *Treasured Alabama Lake*
 - *Outstanding National Resource Water (ONRW)*



Permit Coverage (cont')

- *Priority Construction Sites are authorized to discharge thirty days from the Department's receipt of a complete and technically adequate NOI and CBMPP, unless otherwise notified by the Department*
- *Priority Construction sites disturbing 10+ acres at one time are required to conduct turbidity monitoring*
 - *Monitoring Requirements*
 - *Sample Locations*
 - *Just prior to discharge or where storm water runoff leaves the site and after final treatment*
 - *Nearest accessible point upstream*
 - *Nearest accessible location downstream of the mixing zone*
 - *Samples must be taken by a QCI/QCP concurrent with the site inspection*
 - *Can be analyzed in the field with a turbidity meter or in a lab*



Paper NOI and eNOI

- Submit NOI prior to land disturbance
 - Paper
 - Electronic
- Electronic Notice of Intent (eNOI)
 - <https://app.adem.alabama.gov/eNOI/>
 - Will be required in next permit



Permit Re-Issuance

- Permit Expires March 31, 2016
- **Part II.B. – Continuation of the Expired General Permit**

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the ADEM Administrative Code Chapter 335-6-6 and remain in force and effect if the permittee submits an updated NOI meeting the requirements of Part II.C. before the expiration of this permit. Any Permittee that was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time the Permittee must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge;



Proposed Changes to CGP

- E-Reporting Rule finalized October 22, 2015
 - Requiring use of eNOI
 - Issuance/Re-issuance
 - Modifications/Transfers
 - Terminations
- Provide Natural Buffers adjacent to all streams
 - Minimum 25 foot Buffer
 - Applies to New Construction (sites not previously permitted)
 - Natural Buffer around surface waters
 - Alternative compliance measures



Proposed Changes to CGP (cont.)

- Pollution Prevention modified to allow for the use of:
 - Polymers
 - Flocculants
 - Other Treatment Chemicals
- Provided that they are only applied where the treated stormwater is directed to a sediment control device prior to discharge.
- CBMPP must include list of products being used on site
- CBMPP must include the Material Safety Data Sheet (MSDS)
- CBMPP must include areas where the products are being used



Proposed Changes to CGP (cont.)

- Requirement for Pre-Construction Observation Inspection
 - Complete and comprehensive inspection of:
 - All proposed disturbed areas
 - All affected ditches and other stormwater conveyances, as well as all proposed outfalls, receiving waters and stream banks
 - To be conducted and documented by the Qualified Credentialed Professional (QCP)
 - To be conducted prior the placement of any BMPs or land disturbing activities
- Removed the requirement for topographic map showing the pre-construction contours



Proposed Changes to CGP (cont.)

- Turbidity Monitoring Requirement Removed
 - EPA promulgated The Construction and Development Effluent Guidelines and Standards (40 CFR Part 450) in 2009 and it was amended in 2014 and 2015.
 - EPA had previously stayed the numeric turbidity limitation and monitoring requirements due to problems with the data used to develop these limitations.
 - EPA withdrew these requirements in the 2014 final rule.



Notice of Intent

- Changes to the Notice of Intent
 - Added fields on NOI to comply with EPA's NPDES Electronic Reporting Rule (Federal Register Vol. 80 No. 24)
 - Primary SIC and NAICS Codes
 - Facility Contact e-mail address
 - Facility Contact company name
 - Project Commencement and Completion Dates
 - Will flocculants or other chemical stabilization products be used on site?



Fee Increase

- Fee Increase on Public Notice from September 27, 2015 through November 12, 2015
- Fee Increase voted on and approved by EMC at the December 18, 2015 meeting
- Fees increase goes into effect February 4, 2016
- Fee for Construction Stormwater General Permit:
 - Issuance/Re-issuance \$1,385
 - Modification/Transfer \$800



Contact Information

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