Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED: STORMWATER DISCHARGES FROM REGULATED SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALR040059

RECEIVING WATERS: ALL WATERS OF THE STATE OF ALABAMA

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, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE: August 25, 2026

EFFECTIVE DATE: October 1, 2026

EXPIRATION DATE: September 30, 2031

Chief, Water Division
Alabama Department of Environmental Management

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PART I: COVERAGE UNDER THIS GENERAL PERMIT

A. PERMIT COVERAGE

This permit covers urban areas with a population of at least 50,000 designated as a Phase II Municipal Separate Storm Sewer System (MS4) within the State of Alabama.

B. AUTHORIZED DISCHARGES

1. This permit authorizes discharges of storm water from small MS4s, as defined in 40 CFR Part 122.26(b)(16). An entity may discharge under the terms and conditions of this general permit if the entity:

    a. Owns or operates a small MS4 within the permit area described in Part I.A.;

    b. Is not a “large” or “medium” MS4 as described in 40 CFR Part 122.26(b)(4) or (7);

    c. Submits a Notice of Intent (NOI) in accordance with Part II of this General Permit; and

    d. Either:

        i. Is located fully or partially within urban areas with a population of at least 50,000 as determined by the latest Decennial Census by the Bureau of Census, or

        ii. Is designated for permit authorization by the Department pursuant to 40 CFR Part 122.32(a)(2).

2. This permit authorizes the following non-storm water discharges provided that they do not cause or contribute to a violation of water quality standards and that they have been determined not to be substantial contributors of pollutants to a particular small MS4 applying for coverage under this permit and that is implementing the Storm Water Management Program (SWMP) set forth in this permit:

    a. Water line flushing

    b. Landscape irrigation

    c. Diverted stream flows

    d. Uncontaminated ground water infiltration

    e. Uncontaminated pumped groundwater

    f. Discharges from potable water sources

    g. Foundation drains

    h. Air conditioning condensate

    i. Irrigation water (not consisting of treated, or untreated, wastewater)

    j. Rising ground water

    k. Springs

    l. Water from crawl space pumps

    m. Footing drains

    n. Lawn watering runoff

    o. Individual residential car washing, to include charitable carwashes

    p. Residual street wash water

    q. Discharge or flows from firefighting activities (including fire hydrant flushing)

    r. Flows from riparian habitats and wetlands

s. Dechlorinated swimming pool discharges, and

t. Discharges authorized and in compliance with a separate NPDES permit.

C. PROHIBITED DISCHARGES

The following discharges are not authorized by this permit:

1. Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are:

   a. In compliance with a separate NPDES permit; or

   b. Determined by the Department not to be a significant contributor of pollutants to waters of the State;

2. Storm water discharges associated with industrial activity as defined in 40 CFR Part 122.26(b)(14)(i)-(ix) and (xi);

3. Storm water discharges associated with construction activity as defined in 40 CFR Part 122.26(b)(14)(x) or 40 CFR 122.26(b)(15) and subject to Alabama Department of Environmental Management (ADEM) Code r. 335-6-12;

4. Storm water discharges currently covered under another NPDES permit;

5. Discharges to territorial seas, contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR Part 125, Subpart M;

6. Discharges that would cause or contribute to instream exceedances of water quality standards; The Permittee's Storm Water Management Program Plan (SWMPP) must include a description of the Best Management Practices (BMPs) that will be used to ensure that this will not occur. The Department may require corrective action or an application for an individual permit or alternative general permit if an MS4 is determined to cause an instream exceedance of water quality standards;

7. Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been approved or developed by EPA unless the discharge is consistent with the TMDL; This eligibility condition applies at the time a NOI is submitted for coverage. If conditions change after permit coverage, the Permittee may remain covered by the permit provided they comply with the applicable requirements of Part V. The Permittee must incorporate any limitations, conditions and requirements applicable to their discharges, including monitoring frequency and reporting required, into the SWMPP in order to be eligible for permit coverage. For discharges not eligible for coverage under this permit, an individual or other applicable general NPDES permit must be received prior to discharging;

8. This permit does not relieve entities that cause illicit discharges, including spills, of oils or hazardous substances, from responsibilities and liabilities under State and federal law and regulations pertaining to those discharges.

9. The discharge of sanitary wastewater through cross connections or other illicit discharges through the MS4 is prohibited.

D. OBTAINING AUTHORIZATION

1. To be authorized to discharge storm water from small MS4s, the discharger must submit a Notice of Intent (NOI) and a description of the SWMP in accordance with the deadlines presented in Part II of this permit.

2. The discharger must submit the information required in Part II of this permit on the latest version of the NOI form. The NOI must be signed and dated in accordance with Part VII of this permit.

3. No discharge under the general permit may commence until the discharger receives the Department's acknowledgement of the NOI and approval of the coverage of the discharge by the general permit. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI.

4. Where the operator changes, or where a new operator is added after submittal of an NOI under Part II of this permit, a new NOI must be submitted in accordance with Part II within thirty (30) days of the change or addition.

5. For areas extended within the MS4 by the latest census or annexed into the MS4 area after coverage is received under this general permit, the first annual report submitted after the annexation must include the updates to the SWMP, as appropriate.

E. IMPLEMENTATION

1. This permit requires implementation of the MS4 program under the State and federal NPDES Regulations. MS4s shall modify their programs if and when water quality considerations warrant greater attention or prescriptiveness in specific components of the municipal program.

2. If a small MS4 operator implements the minimum control measures in 40 CFR 122.34(b) and the discharges are determined to cause or contribute to non-attainment of an applicable water quality standard as evidenced by the State of Alabama's 303(d) list or an EPA-approved or developed TMDL, the operator must tailor its BMPs within the scope of the six minimum control measures to address the pollutants of concern to the maximum extent practicable (MEP) and implement permit requirements outlined in Part IV.D. and Part V of this permit.

3. Existing MS4s, unless otherwise stated within this permit, shall implement each of the minimum control measures outlined in Part III.B. of this permit immediately upon the effective date of coverage. Newly designated MS4s, unless otherwise stated in this permit, shall implement the minimum control measures outlined in Part III.B. of this permit within 365 days of the effective date of coverage. However, for newly designated MS4s, where new or revised ordinances are required to implement any of the minimum control measures, such ordinances shall be enacted within 730 days from the effective date of coverage.

PART II: NOTICE OF INTENT (NOI) REQUIREMENTS

A. DEADLINES OF APPLICATIONS

1. If the Permittee is automatically designated under 40 CFR Part 122.32(a)(1) or designated by the Department, then to request reissuance, the Permittee is required to submit a NOI or an application for an individual permit and a description of the SWMP at least 90 days before the expiration of this permit.

2. If a small MS4 is designated by the Department after the date of permit issuance, then a NOI or an application for an individual permit and a description of the SWMP is required to be submitted within 180 days upon notification. Within six months of initial issuance, the operator of the regulated small MS4 shall submit a SWMPP to the Department for review. A SWMPP shall be submitted electronically as described in Part II.D of this permit.

3. Submission of a NOI is not prohibited after the dates provided in Part II.A.1-2. If a NOI is submitted after the dates provided in Part II.A.1-2., the authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.

4. Within six months after the date of reissuance of coverage under this permit, all operators of regulated small MS4s shall submit a revised SWMPP to the Department for review.

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 Code r. 335-6-6 and remain in force and effect if the Permittee re-applies for coverage as required under Part II of this permit. Any Permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. 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; or

2. Issuance of an individual permit for the Permittee's discharges; or

3. A formal permit decision by the Department not to reissue this general permit, at which time the Permittee must seek coverage under an alternative general permit or an individual permit.

C. CONTENTS OF THE NOI

The Notice of Intent must be signed in accordance with Part VII.G of this permit and must include the following information:

1. The correct fee pursuant to ADEM Admin. Code R.335-1, Fee Schedule D.

2. Information on the Permittee:

   a. The name of the regulated entity, specifying the designated storm water contact person and responsible official, mailing address, telephone number and email address; and

   b. An indication of whether the discharger is a federal, State, county, municipal or other public entity.

3. Information on the MS4:

   a. The name of the MS4's organization, county, city, or town and the latitude/longitude of the center or the MS4 location;

   b. The name of the major receiving water(s) and an indication of whether any of the receiving waters are included on the latest 303(d) list, included in an EPA-approved and/or EPA developed TMDL or otherwise designated by the Department as being impaired. If discharges are to 303(d) or TMDL waters, a certification that the SWMPP complies with the requirements of Part V;

c. If the MS4 is relying on another governmental entity, regulated under the storm water regulations (40 CFR Part 122.26 & 122.32) to satisfy one or more of these permit obligations (see Part III), the identity of that entity(ies) and the elements(s) they will be implementing. The Permittee remains responsible for compliance if the other entity fails to fully perform the permit obligation, and may be subject to enforcement action if neither the Permittee nor the other entity fully performs the permit obligation; and

d. Must include if the MS4 is relying on the Department for enforcement of erosion and sediment controls on qualifying construction sites in accordance with Part III.B.3.b.

4. Include a brief summary of the BMPs for the minimum control measures in Part III of this permit (i.e. a brief summary of the MS4's SWMPP), a timeframe for implementing new or additional BMPs, and the person or persons responsible for implementing or coordinating the SWMPP.

D. WHERE TO SUBMIT THE NOI

The Permittee must complete and submit its NOI or individual application electronically, and a description of the SWMP as allowed under Part II.A., signed in accordance with the signatory requirements of Part VII of this permit, to the Department via the Alabama Environmental Permitting and Compliance System (AEPACS) unless the Permittee submits in writing a waiver from electronic reporting and the Department grants the waiver from electronic reporting pursuant to ADEM Admin. Code r. 335-6-1-.04(6). The AEPACS can be accessed at the following link: https://adem.alabama.gov/AEPACS. Permit requests for initial issuance and modifications of the existing permit shall all be submitted through the AEPACS.

Requests for waivers from electronic reporting shall be addressed to:

Alabama Department of Environmental Management
Water Division
Storm Water Management Branch
Post Office Box 301463
Montgomery, Alabama 36130-1463

PART III: STORM WATER POLLUTION PREVENTION AND MANAGEMENT PROGRAM

A. STORM WATER MANAGEMENT PROGRAM (SWMP)

1. The Permittee is required to develop, revise, implement, maintain and enforce a SWMP which shall include controls necessary to reduce the discharge of pollutants from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Parts 122.30-122.37. These requirements shall be met by the development and implementation of a SWMPP which addresses the BMPs, control techniques and systems, design and engineering methods, public participation and education, monitoring, and other appropriate provisions designed to reduce the discharge of pollutants from the MS4 to the MEP.

2. The Permittee shall provide and maintain adequate finance, staff, equipment, and support capabilities necessary to implement the SWMPP and comply with the requirements of this permit.

3. The SWMPP must address the minimum storm water control measures referenced in Part III.B. to include the following:

   a. A map of the Permittee's MS4 urban areas with a population of at least 50,000;

   b. The BMPs that will be implemented for each control measure. Low impact development (LID)/green infrastructure (GI) shall be considered and actively encouraged where feasible. Information on LID/GI is available on the following websites: http://www.adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf and https://epa.gov/nps/urban-runoff-low-impact-development;

   c. The measurable goals for each of the minimum controls outlined in Part III.B.;

   d. The proposed schedule—including interim milestones, as appropriate, inspections, and the frequency of actions needed to fully implement each minimum control; and

   e. The person and/or persons responsible for implementing or coordination the BMPs for each separate minimum control measure.

4. Unless otherwise specified in this permit, the Permittee shall be in compliance with the conditions of this permit by the effective date of coverage.

B. MINIMUM STORM WATER CONTROL MEASURES

1. Public Education and Public Involvement on Storm Water Impacts

   a. The Permittee must develop and implement a public education and outreach program to inform the public about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff to the MEP. The Permittee shall continuously implement this program in the areas served by the MS4. The Permittee shall also comply, at a minimum, with applicable State and local public notice requirements when implementing a public involvement/participation program.

      i. Each year, the Permittee shall implement a minimum of four BMPs;

         (1) Two BMPs emphasizing public education, and;

         (2) Two BMPs emphasizing public involvement.

   b. The Permittee shall include within the SWMPP the following information:

      i. Annually, seek and consider public input in the development, revision, and implementation of the SWMPP, that may include, but is not limited to publishing in local newspaper, posting on the Permittee's website, etc.;

      ii. Address in its public education program, the targeted pollutant sources to include, at a minimum the land development community (i.e., construction contractors/developers);

iii. Specifically address the reduction of litter, floatables and debris from entering the MS4, that may include, but is not limited to:

(1) Establishing a program to support volunteer groups for labeling storm drain inlets and catch basins with “no dumping” message; post and

(2) Posting signs referencing local codes that prohibit littering and illegal dumping at selected designated public access points to open channels, creeks, and other relevant waterbodies;

iv. Inform and involve individuals and households about the steps they can take to reduce storm water pollution;

v. Plans to inform and involve individuals and groups on how to participate in the storm water program (with activities that may include, but not limited to, local stream and lake restoration activities, storm water stenciling, advisory councils, watershed associations, committees, participation on rate structures, stewardship programs and environmental related activities, outreach on LID/GI). The target audiences and subject areas for the education program that are likely to have significant storm water impacts should include, but is not limited to, the following:

(1) General Public

(a) General impacts litter has on water bodies, how trash is delivered to streams via the MS4 and ways to reduce the litter;

(b) General impacts of storm water flows into surface water from impervious surface; and

(c) Source control BMPs in areas of pet waste, vehicle maintenance, landscaping and rain water reuse.

(2) General Public, Businesses, Including Home-Based and Mobile Businesses

(a) BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials; and

(b) Impacts of illicit discharges and how to report them.

(3) Homeowners, Landscapers, Home Owners Associations and Property Managers

(a) Yard care techniques that protect water quality;

(b) BMPs for use and storage of pesticides and fertilizers;

(c) BMPs for carpet cleaning and auto repair and maintenance;

(d) Runoff reduction techniques, which may include but not limited to site design, pervious paving, retention of forests, mature trees, and maintenance required for LID/GI; and

(e) Storm water pond maintenance.

(4) Engineers, Contractors, Developers, Review Staff and Land Use Planners

(a) Technical standards for construction site sediment and erosion control;

(b) Storm water treatment and flow control BMPs;

(c) Impacts of increased storm water flows into receiving water bodies; and

(d) Run-off reduction techniques and LID/GI practices that may include, but not limited to, site design, pervious pavement, alternative parking lot design, retention of forests and mature trees to assist in storm water treatment and flow control BMPS, and maintenance required for LID/GI.

vi. Evaluate the effectiveness of the public education and public involvement program. If the Permittee determines any portion of the program (including BMPs) to be ineffective, then the Permittee shall update the SWMPP to address the ineffectiveness.

c. The Permittee shall report each year in the annual report the following information:

i. A description of the method used to seek and consider input from the public in the development, revision, and implementation of the SWMPP;

ii. A description of the activities used to involve groups and/or individuals in the development, revision, and implementation of the SWMPP;

iii. A description of the targeted pollutant sources the public education and public involvement program addressed;

iv. A description of the individuals and groups targeted and how many groups and/or individuals participated in the programs;

v. A description of the activities used to address the reduction of litter, floatables and debris from entering the MS4 as required in Part III.B.1.b.iii.;

vi. A description of the communication mechanism(s) or advertisement(s) used to inform individuals, households, public and/or groups as well as the quantity that were distributed (i.e. number of printed brochures, copies of newspapers, workshops, public service announcements, etc.); and

vii. Results of the evaluation of the public education and public involvement program as required in Part III.B.1.b.vi.

d. The Permittee shall make their SWMPP and their annual reports required under this permit available to the public when requested. The current SWMPP and the latest annual report should be posted on the Permittee's website, if available, and within 30 days of submittal of the SWMPP to the Department.

2. Illicit Discharge Detection and Elimination (IDDE) Program

a. The Permittee shall implement an ongoing program to detect and eliminate illicit discharges into the MS4, to the maximum extent practicable. The program shall include, at a minimum, the following:

i. An initial map shall be provided in the SWMPP with updates provided each year in the annual report as required by Part III.B.2.b.ii. The map shall include, at a minimum:

(1) The latitude/longitude of all known outfalls;

(2) The names of all waters of the State that receive discharges from these outfalls; and,

(3) Structural BMPs owned, operated, or maintained by the Permittee, if applicable.

ii. To the extent allowable under State law, an ordinance or other regulatory mechanism that effectively prohibits non-storm water discharges to the MS4. The ordinance or other regulatory mechanism shall be reviewed annually and updated as necessary and shall:

(1) Include escalating enforcement procedures and actions; and

(2) Require the removal of illicit discharges and the immediate cessation of improper disposal practices upon identification of responsible parties. Where the removal of illicit discharge within ten (10) working days is not possible, the ordinance shall require an expeditious schedule for removal of the discharge. In the interim, the ordinance shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.

iii. A dry weather screening program designed to detect and address non-storm water discharges to the MS4. This program must address, at a minimum, the following:

(1) A dry weather screening of fifteen percent (15%) of the outfalls once per year with all (100 percent) screened at least once per five years. Priority areas, as described by the Permittee in the SWMPP, will be dry weather screened on a more frequent schedule as outlined in the SWMPP. If any indication of a suspected illicit discharge, from an unidentified source, is observed during the dry weather screening, then the Permittee shall follow the screening protocol outlined in the SWMPP as required by Part III.B.2.a.iv. through vi.

(2) Procedures for tracing the source of a suspect illicit discharge as outlined in the SWMPP. At a minimum, these procedures will be followed to investigate portions of the MS4 that, based on the results of the field screening or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm water.

(3) Procedures for eliminating an illicit discharge as outlined in the SWMPP;

(4) Procedures to notify ADEM of a suspect illicit discharge entering the Permittee's MS4 from an adjacent MS4 as outlined in the SWMPP;

(5) A mechanism for the public to report illicit discharges discovered within the Permittee's MS4 and procedures for appropriate investigation of such reports;

iv. A training program for appropriate personnel to be trained on identification, reporting, and corrective action of illicit discharges, at a minimum of at least once per five years;

v. Address the following categories of non-storm discharges or flows (i.e., illicit discharges) only if the Permittee or the Department identifies them as significant contributors of pollutants to the small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering run-off, individual residential car washing, flows from riparian habitats and wetlands, discharge or flows from firefighting activities (to include fire hydrant flushing); dechlorinated swimming pool discharges, and residual street wash water, discharge authorized by and in compliance with a separate NPDES permit; and

vi. The Permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the Permittees) to be significant sources of pollutants to the municipal separate storm sewer system, because of either the nature of the discharges or conditions established for allowing these discharges to the MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to impaired waterbodies, BMPs on the wash water, etc.). The Permittee must document in the SWMPP any local controls or conditions placed on the discharges. The Permittee must include a provision prohibiting any individual non-storm water discharge that is determined to contribute significant amounts of pollutants to the MS4.

b. The Permittee shall report each year in the annual report the following information:

i. Provide a list with documentation of outfalls observed in the annual reporting year to demonstrate that 100% of outfalls are screened at least once per five years during the dry weather screening;

ii. Updated MS4 map(s) as required by Part III.B.2.a.i. unless there are no changes to the map that was previously submitted. When there are no changes to the map, the annual report must state this;

iii. Copies of, or a link to, the IDDE ordinance or other regulatory mechanism as required by Part III.B.2.a.ii. When there are no changes to the ordinance or other regulatory mechanism, the annual report should state this;

iv. Date(s) of training conducted for appropriate personnel; and

v. The number of illicit discharges investigated, the screening results, and the summary of corrective actions taken to include dates and timeframe of response.

3. Construction Site Storm Water Runoff Control

a. The Permittee must develop/revise, implement and enforce an ongoing program to reduce, to the maximum extent practicable, the pollutants in any storm water runoff to the MS4 from qualifying construction sites. The program shall include the following at a minimum:

i. Specific procedures for construction site plan (including erosion prevention and sediment controls) review and approval: The MS4 procedures must include an evaluation of plan completeness and overall BMP effectiveness;

ii. To the extent allowable under State law, an ordinance or other regulatory mechanism to require erosion and sediment controls, enforcement mechanism(s) to ensure compliance, and to provide all other authorities needed to implement the requirements of Part III.B.3 of this permit. The ordinance or other regulatory mechanism shall be reviewed annually and updated as necessary;

iii. A training program for MS4 site inspection staff in the identification of appropriate construction BMPs (example: QCI training in accordance with ADEM Admin Code. R. 335-6-12 or the Alabama Construction Site General Permit). Applicable MS4 site inspection staff shall be trained at least once per year;

iv. A construction site inspection form to include at least the items listed in Parts III.B.3.d.i.

v. Maintain an inventory of qualifying construction sites containing relevant contact information for each construction site (i.e., tracking number and construction site contact name, address, phone number, etc.), the size of the construction site, whether the construction site has submitted for permit coverage under ADEM's Construction General Permit ALR100000, and the date the MS4 Permittee approved the site construction plan. The MS4 Permittee must make the inventory available upon the Department's request.

vi. Procedures for the inspection of qualifying construction sites to verify the use of appropriate erosion and sediment control practices that are consistent with the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook"). The frequency and prioritization of inspection activities shall be documented in the SWMPP. Inspection of construction sites to verify use and proper maintenance of appropriate BMPs shall be performed in accordance with the frequency specified in the table below:

Site	Inspection Frequency
Priority Construction Sites (defined in Part VII.W.)	At a minimum, inspections must occur monthly.
Other sites determined by the Permittee or Permitting Authority to be a significant threat to water quality.*	
All qualifying construction sites not meeting the criteria specified above.	At a minimum, inspections must occur every three months.

*In evaluating the threat to water quality, the following factors must be considered, if applicable:

- Soil erosion potential;
- Site slope;
- Project size and type;
- Sensitivity of receiving waterbodies including 303d or TMDL status;
- Proximity to receiving waterbodies;
- Non-storm water discharges;
- Past record of non-compliance by the operators of the construction site; and
- Other factors deemed relevant to the MS4.

vii. For qualifying construction sites determined to have ineffective BMPs, a follow-up inspection shall be conducted to ensure deficiencies noted in prior inspections are corrected and appropriately documented as outlined in Part III.B.3.d.i.

viii. Procedures, as outlined in the SWMPP, to notify ADEM of construction sites that do not have a NPDES permit or ineffective BMPs that are discovered during the periodic inspections. The notification must provide, at a minimum, the specific location of the construction project, the name and contact information from the owner or operator, and a summary of the site deficiencies; and

ix. A mechanism for the public to report complaints regarding discharges from qualifying construction sites.

b. ADEM implements a State-wide NPDES construction storm water regulatory program. As provided by 40 CFR Part 122.35(b), the Permittee may rely on ADEM for the setting of standards for appropriate erosion controls and sediment controls for qualifying construction sites and for enforcement of such controls, and must document this in its SWMPP. If the Permittee elects not to rely on ADEM's program, then the Permittee must include the following, at a minimum, in its SWMPP:

i. Requirements for construction site operators to implement appropriate erosion and sediment control BMPs consistent with the Alabama Handbook for Erosion Control, Sediment Control, And Stormwater Management on Construction Sites and Urban Areas published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook");

ii. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

iii. Development and implementation of an enforcement strategy that includes escalating enforcement remedies to respond to issues of non-compliance;

iv. An enforcement tracking system designed to record instances of non-compliance and the MS4's responding actions. The enforcement case documentation should include:

(1) Name of owner/operator

(2) Location of construction project or industrial facility

(3) Description of violations

(4) Required schedule for returning to compliance

(5) Description of enforcement response used, including escalated responses if repeat violation occur or violations are not resolved in a timely manner;

(6) Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violation, etc.);

(7) Any referrals to different departments or agencies; and

(8) Date violation was resolved

v. The Permittee must keep records of all inspections (i.e. inspection reports) and employee training required by Part III.B.3.a.

c. The Permittee shall include within the SWMPP the following information:

i. Procedures for site plan reviews as required by Part III.B.3.a.i;

ii. A copy or link of the ordinance or other regulatory mechanism required by Part III.B.3.a.ii.;

iii. Plans for the training of MS4 site inspection staff as required by Part III.B.3.a.iii; and

iv. A copy of the construction site inspection form meeting the requirements of Part III.B.3.a.iv.

d. The Permittee shall maintain the following information and make it available upon request:

   i. Documentation of all inspections conducted of qualifying construction sites as required by Part III.B.3.a.vi. and vii. The inspection documentation shall include, at a minimum, the following:

      (1) Facility type;

      (2) Inspection date;

      (3) Name and signature of inspector;

      (4) Location of construction project;

      (5) Owner/operator information (name, address, phone number, email);

      (6) Description of the storm water BMP condition that may include, but not limited to, the quality of vegetation and soils, inlet and outlet channels and structures, embankments, slopes and safety benches, spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures; and

      (7) Photographic documentation of any issues, concerns, and/or corrective actions.

   ii. Documentation of referrals of noncompliant construction sites and/or enforcement actions taken at construction sites to include, at a minimum, the following:

      (1) Name of owner/operator

      (2) Location of construction project;

      (3) Description of violation;

      (4) Required schedule for returning to compliance;

      (5) Description of enforcement response used, including escalated responses if repeat violations occur; and

      (6) Accompanying documentation of enforcement responses (e.g. notices of non-compliance, notices of violations, etc.).

   iii. Records of public complaints including:

      (1) Date, time and description of the complaint;

      (2) Location of subject construction sites; and

      (3) Identification of any actions taken (e.g. inspections, enforcement, corrections). Identifying information must be sufficient to cross-reference inspection and enforcement records.

e. The Permittee shall report each year in the annual report the following information:

   i. A description of any completed or planned revisions to the ordinance or regulatory mechanism required by Part III.B.3.a.ii. and the most recent copy, or a link to the ordinance; and

   ii. List of all active qualifying construction sites within the MS4 to include the following summary:

      (1) Number of construction site inspections;

      (2) Number of non-compliant construction site referrals and/or enforcement actions and description of violations;

      (3) Number of construction site runoff complaints received; and

   iii. Number of MS4 staff/inspectors trained. Include copies of certifications or attendance records for those MS4 staff/inspectors.

4. Post-Construction Storm Water Management in New Development and Redevelopment

a. Post-construction storm water management refers to the activities that take place after construction occurs, and includes structural and non-structural controls including low-impact development and green infrastructure practices to obtain permanent storm water management over the life of the property's use. These post construction controls should be considered during the initial site development planning phase.

i. The Permittee must develop/revise, implement, and enforce a program to address storm water runoff from qualifying new development and redevelopment projects, to the MEP. This program shall ensure that controls are in place to prevent or minimize water quality impacts. Specifically, the Permittee shall:

(1) Develop/revise and outline in the SWMPP procedures for the site-plan review and approval process and a required re-approval process when changes to post-construction controls are required; and

(2) Develop/revise and outline in the SWMPP procedures for a post-construction process to demonstrate and document that post-construction storm water measures have been installed per design specifications, which includes enforceable procedures for bringing noncompliant projects into compliance.

ii. The Permittee must develop and implement strategies which may include a combination of structural and/or non-structural BMPs designed to ensure, to the maximum extent practicable, that the post construction runoff mimics pre-construction hydrology. A design rainfall event with an intensity up to that of a 2yr-24hr storm event shall be the basis for the design and implementation of post- construction BMPs.

iii. Encourage and educate landowners and developers to incorporate the use of LID/GI where feasible. Information on LID/GI is available on the following websites: http://www.adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf; http://epa.gov/nps/lid. The Permittee shall include a narrative description in the SWMPP as to the means that will be taken to implement the requirement to encourage landowners and developers to incorporate the use of LID/GI;

iv. To the extent allowable under State law, the Permittee must develop and institute the use of an ordinance or other regulatory mechanism to address post-construction runoff from qualifying new development and redevelopment projects. The ordinance or other regulatory mechanism shall be reviewed annually and updated as necessary;

v. The Permittee must require adequate long-term operation and maintenance of BMPs, to include one or more of the following, as applicable:

(1) The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or

(2) Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or

(3) Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control management practices; and/or

(4) Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.

vi. The Permittee shall perform or require the performance of post-construction inspections, at a minimum of once per year, to confirm that post-construction BMP's are functioning as designed. The Permittee shall include an inspection schedule, to include inspection frequency, within the SWMPP. The Permittee shall document or require documentation of the post-construction inspection. Such documentation shall include, at a minimum:

(1) Facility type;

(2) Inspection date;

(3) Name and signature of inspector;

(4) Site location;

(5) Owner information (name, address, phone number, fax, and email);

(6) Description of the storm water BMP condition that may include the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures;

(7) Photographic documentation of all critical storm water BMP components;

(8) Specific maintenance items or violations that need to be corrected by the owner/operator of the storm water control or BMP; and

(9) Maintenance agreements for long-term BMP operation and maintenance.

vii. The Permittee shall maintain or require the developer/owner/operator to keep records of post-construction inspections, maintenance activities and make them available to the Department upon request and require corrective actions to poorly functioning or inadequately maintained post-construction BMP's.

b. The Permittee shall report each year in the annual report the following information:

i. Copies of, or link to, the ordinance or other regulatory mechanism required by Part III.B.4.a.iv.;

ii. A list of the post-construction structural controls installed and inspected during the permit year. The list shall include which post-construction structural controls installed are considered LID/GI, if applicable;

iii. Updated inventory of post-construction structural controls including those owned by the Permittee;

iv. Number of inspections performed on post-construction structural controls; and,

v. Summary of enforcement actions, if applicable.

5. Pollution Prevention/Good Housekeeping for Municipal Operations

a. The Permittee shall develop, implement, and maintain a program that will prevent or reduce the discharge of pollutants in storm water run-off from municipal operations to the MEP. The program elements shall include, at a minimum, the following:

i. An inventory (to include name and location) of all municipal facilities. Evaluate and list which municipal facilities have the potential to discharge pollutants via storm water runoff;

ii. Strategies for the implementation of BMPs to reduce litter, floatables and debris from entering the MS4 and evaluate those BMPs annually to determine their effectiveness. If a BMP is determined to be ineffective or infeasible, then an alternate BMP must be implemented. The Permittee shall also develop a plan to remove litter, floatable and debris material from the MS4, including proper disposal of waste removed from the system;

iii. Standard Operating Procedures (SOPs) detailing good housekeeping practices to be employed at municipal facilities (that have the potential to discharge pollutants via stormwater runoff) and during municipal operations that may include, but not limited to, the following:

(1) Equipment washing;

(2) Street sweeping;

(3) Maintenance of municipal roads including public streets, roads, and highways, including but not limited to unpaved roads, owned, operated, or under the responsibility of the Permittee;

(4) Storage, use, and disposal of chemicals, Pesticide, Herbicide and Fertilizers (PHFs) and waste materials;

(5) Vegetation control, cutting, removal, and disposal of the cuttings;

(6) Vehicle fleets/equipment maintenance and repair;

(7) External Building maintenance; and

(8) Materials storage facilities and storage yards.

iv. A program for inspecting municipal facilities for good housekeeping practices, including BMPs. The program shall include checklists and procedures for correcting noted deficiencies;

v. A training program for municipal facility staff in good housekeeping practices as outlined in the SOP developed pursuant to Part III.B.5.a.iii; and

b. The Permittee shall include within the SWMPP the following information:

i. The inventory of municipal facilities required by Part III.B.5.a.i;

ii. Evaluate and include a discussion of how effectiveness is measured for Part III.B.5.a.ii;

iii. Schedule for developing the SOP of good housekeeping practices required by Part III.B.5.a.iii;

iv. An inspection plan and schedule to include inspection frequency, checklists, and any other materials needed to comply with Part III.B.5.a.iv; and

v. A description of the training program and training schedule to include training frequency required by Part III.B.5.a.v.

c. The Permittee shall report each year in the annual report the following information:

i. Any updates to the municipal facility inventory;

ii. An estimated amount of floatable material collected from the MS4;

iii. Any updates to the inspection plan;

iv. The number of inspections conducted; and

v. Any updates to the SOP of good housekeeping practices.

d. The Permittee shall maintain the following information and make it available upon request:

i. Records of inspections and corrective actions, if any; and

ii. Training records including the dates of each training activities and names of personnel in attendance.

PART IV: SPECIAL CONDITIONS

A. RESPONSIBILITIES OF THE PERMITTEE

1. If the Permittee is relying on another entity to satisfy one or more requirements of this permit, then the Permittee must note that fact in the SWMPP. The Permittee remains responsible for compliance with all requirements of this permit, except as provided by Part III.B.3.b, and reliance on another entity will not be a defense or justification for non-compliance if the entity fails to implement the permit requirements.

2. If the Permittee is relying on the Department for the enforcement of erosion and sediment controls on qualifying construction sites and has included that information in the SWMPP as required by Part III.B.3.b., the Permittee is not responsible for implementing the requirements of Part III.B.3.b of this permit as long as the Department receives notification of non-compliant qualifying constructions sites from the Permittee as required by Part III.B.3.a.viii.

B. SWMPP PLAN REVIEW AND MODIFICATION

1. The Permittee shall submit a SWMPP and/or revised SWMPP to the Department as required by Part II.A of the permit. The Permittee shall implement plans to seek and consider public input in the development, revision and implementation of this SWMPP, as required by Part III.B.1.b.i. Thereafter, the Permittee shall perform an annual review of the current SWMPP and must revise the SWMPP, as necessary, to maintain compliance with the permit. Any revisions to the SWMPP shall be submitted to the Department at the time a revision is made for the Department review and the Permittee's website shall be updated, if applicable, with the revised version of the SWMPP. Revisions made to the SWMPP may include, but are not limited to, the replacement of ineffective or infeasible BMPs or the addition of components, controls and requirements; and

2. The Permittee shall implement the SWMPP on all new areas added to their MS4 (or for which they become responsible for implementation of storm water management) that are within the urban area with a population of at least 50,000 as soon as practicable, but not later than one (1) year from addition of the new areas. Implementation of the program in any new area shall consider the plans of the SWMPP of the previous MS4 ownership, if any.

C. DISCHARGE COMPLIANCE WITH WATER QUALITY STANDARDS

This general permit requires, at a minimum, that the Permittee develop, implement and enforce a Storm Water Management Program designed to reduce the discharge of pollutants to the MEP. Full implementation of BMPs, using all known, available, and reasonable methods of prevention, control and treatment to prevent and control storm water pollution from entering waters of the State of Alabama is considered an acceptable effort to reduce pollutants from the municipal storm drain system to be the MEP.

D. IMPAIRED WATERS AND TOTAL MAXIMUM DAILY LOADS (TMDLS)

1. The Permittee must determine whether the discharge from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest §303(d) list or designated by the Department as impaired;

2. If the Permittee's MS4 discharges to a waterbody included on the latest §303(d) or designated by the Department as impaired, it must demonstrate the discharges, as controlled by the Permittee, do not cause or contribute to the impairment to the MEP. The SWMPP must detail the BMPs that are being utilized to control discharges of pollutants associated with the impairment to the MEP. If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within six (6) months following the publication of the latest final §303(d) list, Department designation, or the effective date of this permit, submit a revised SWMPP detailing new or modified BMPs. The SWMPP must be revised as directed by the Department and the new or modified BMPs must be implemented within one year from the publication of the latest final §303(d) list or Department designation.

3. Permittees discharging from MS4s into waters with EPA-Approved TMDLs and/or EPA-Established TMDLs;

   a. The Permittee must determine whether its MS4 discharges to a waterbody for which a TMDL has been established or approved by EPA. If an MS4 discharges into a water body with an EPA approved or

established TMDL, then the SWMPP must include BMPs targeted to show alignment with the assumptions and requirements of the TMDL. The specific allocations of the TMDL for an MS4 should not be interpreted strictly as a numeric permit limit, but as an effort to implement BMPs to demonstrate reductions of the impairment to the MEP. If additional BMPs are necessary to meet the requirements of the TMDL, the SWMPP must include a schedule for installation and/or implementation of such BMPs. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

b. If, during this permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which an MS4 discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the MS4.

   i. If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. The specific allocations of the TMDL for an MS4 should not be interpreted strictly as a numeric permit limit, but as an effort to implement BMPs to demonstrate reductions of the impairment to the MEP. If existing BMPs are not sufficient, the Permittee must, within six (6) months following the approval or establishment of the TMDL by EPA, submit a revised SWMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within one year, unless an alternate date is approved by the Department, from the establishment or approval of the TMDL by EPA. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

E. REQUIRING AN INDIVIDUAL PERMIT

The Department may require any person authorized by this permit to apply for and/or obtain an individual NPDES permit. When the Department requires application for an individual NPDES permit, the Department will notify the Permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application from and a statement setting a deadline for the Permittee to file the application.

PART V: MONITORING AND REPORTING

A. MONITORING REQUIREMENTS

1. If there are no §303(d) listed or TMDL waters located within the Permittee's MS4 area, no monitoring shall be required. The SWMPP shall include a determination stating if monitoring is required.

2. If a waterbody within the MS4 jurisdiction is listed on the latest final §303(d) list, or otherwise designated impaired by the Department, or for which a TMDL is approved or established by EPA, during this permit cycle, then the Permittee must implement a monitoring program, within 6 months, to include monitoring that addresses the impairment or TMDL. A monitoring plan shall be included with the SWMPP and any revisions to the monitoring program shall be documented in the SWMPP and Annual Report.

3. Proposed monitoring locations, and monitoring frequency shall be described in the monitoring plan with actual locations described in the annual report;

4. The Permittee must include in the monitoring program any parameters attributed with the latest final §303(d) list or otherwise designated by the Department as impaired or are included in an EPA-approved or EPA-established TMDL.

5. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved 40 CFR Part 136 does not exist, then a Department approved alternative method may be used.

6. If the Permittee is unable to collect samples due to adverse conditions, the Permittee must submit a description of why samples could not be collected, including available documentation of the event. An adverse climatic condition which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

B. REPORTING OF MONITORING RESULTS

Monitoring results must be reported with the subsequent Annual Report and shall include the following monitoring information:

1. The date, latitude/longitude of location, and time of sampling;

2. The name(s) of the individual(s) who performed the sampling;

3. The date(s) analysis were performed;

4. The name(s) of individuals who performed the analysis;

5. The analytical techniques or methods used;

6. The results of such analysis; and

7. Evaluation of the monitoring data.

PART VI: ANNUAL REPORTING REQUIREMENTS

A. Annual Report Submittal

1. The Permittee shall submit to the Department an annual report and all associated information and documents via the AEPACS system no later than June 30th of each year. The AEPACS system can be accessed at the following link: https://adem.alabama.gov/AEPACS. The reporting period for the annual report shall cover the previous April 1st to March 31st. If an entity comes under coverage for the first time after the issuance of this permit, then the first annual report should cover the time coverage begins until March 31st of subsequent year.

2. The Permittee shall sign and certify the annual report in accordance with Part VII.G. If the Responsible Official has designated a Duly Authorized Representative in accordance with Part VII.G. to sign the annual report, then include a copy of the written designation with the annual report.

B. Annual Report Contents

The annual report shall include the following information, at a minimum, and in addition to those requirements referenced in Part III-V:

1. A list of contacts and responsible parties (e.g.: agency, name, phone number, address, & email address) who had input to and are responsible for the preparation of the annual report;

2. Overall evaluation of the SWMP developments and progress for the following:

    a. Major accomplishments;

    b. Overall program strengths/weaknesses;

    c. Future direction of the program;

    d. Overall determination of the effectiveness of the SWMPP taking into account water quality/watershed improvements;

    e. Measureable goals that were not performed and reasons why the goals were not accomplished; and

    f. If monitoring is required, evaluation of the monitoring data.

3. Narrative report of all minimum storm water control measures referenced in Part III.B of this permit. The activities shall be discussed as follows:

    a. Minimum control measures completed and in progress;

    b. Assessment of the controls; and

    c. Discussion of proposed revisions, if any, to BMPs or any identified measurable goals that apply to the minimum storm water control measures.

4. Summary table of the storm water controls that are planned/scheduled for the next reporting cycle;

5. Results of information collected and analyzed, if any, during the reporting period, including any monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP.

6. Notice of reliance on another entity to satisfy some of the permit obligations;

7. Results of the evaluation to determine whether discharges from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest §303(d) list (or designated by the Department as impaired) or for which a TMDL has been established or approved by EPA; and

8. If monitoring is required, all monitoring results collected during the reporting period in accordance with Part V, if applicable. The monitoring results shall be submitted in a format acceptable to the Department.

PART VII: STANDARD AND GENERAL PERMIT CONDITIONS

A. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

B. Duty to Reapply

Please refer to Part II of this permit.

C. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The Permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information

The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for issuing, modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The Permittee shall also furnish to the Director upon request, copies of records required to be kept by the permit.

F. Other Information

If the Permittee becomes aware that they have failed to submit any relevant facts in the Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the Department, the Permittee must promptly submit such facts or information.

G. Signatory Requirements

All Notices of Intent, reports, certifications, or information submitted to the Department, or that this permit requires be maintained by the Permittee shall be signed and certified as follows:

1. Notice of Intent.

All Notices of Intent shall be signed by a responsible official as set forth in ADEM Admin. Code r. 335-6-6-.09.

2. Reports and other information.

All reports required by the permit and other information requested by the Department or authorized representative of the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. Signed authorization. The authorization is made in writing by a person described above and submitted to the Department.

b. Authorization with specified responsibility. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matters for the regulated entity.

3. Changes to authorization.

If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of Part VII.G.2.b. above must be submitted to the Department prior to or together with any reports or information, and to be signed by an authorized representative.

4. Certification.

Any person signing documents under Part VII.G.1-2. above shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering 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."

H. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor it does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

I. PROPER OPERATION AND MAINTENANCE

The Permittee must at all time properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the MS4 to achieve compliance with the conditions of this permit and with the conditions of the SWMPP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the Permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

J. RIGHT OF ENTRY AND INSPECTION

The Permittee must allow the Department or an authorized representative upon the presentation of credentials and other documents as may be required by law, to do any of the following:

1. Enter premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

K. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. The Permittee's filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

L. PERMIT TRANSFERS

This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the CWA.

M. Anticipated Noncompliance

The Permittee must give advance notice to the Department of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

N. Compliance with Statutes and Rules

1. The permit is 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.

2. 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.

O. 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 be affected thereby.

P. Bypass Prohibition

Bypass as defined in 40 CFR 122.41(m) is prohibited and enforcement action may be taken against a regulated entity for a bypass; unless:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during the normal periods of equipment downtime. This condition is not satisfied if the regulated entity should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.

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.

The Permittee has the burden of establishing that each of the conditions of Part VII.P. have been met to qualify for an exception to the general prohibition against bypassing and an exemption, where applicable, from the discharge specified in this permit.

Q. Upset Conditions

An upset as defined in 40 CFR 122.41(n) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a regulated entity shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and the Permittee can identify the specific cause(s) of the upset;

2. The Permittee's facility was being properly operated at the time of the upset; and

3. The Permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.

The Permittee has the burden of establishing that each of the conditions of Part VII.Q. of this permit have been met to qualify for an exemption from the discharge specified in this permit.

R. Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to ADEM Admin. Code r. 335-6-6-.17.

S. RE-OPENER CLAUSE

If there is evidence indicating potential or realized impacts on water quality due to storm water discharge covered by this permit, the regulated entity may be required to obtain an individual permit or an alternative general permit or the permit may be modified to include different limitations and/or requirements.

T. RETENTION OF RECORDS

1. The Permittee shall retain the Storm Water Management Program developed in accordance with Part III-V of this permit until at least five years after coverage under this permit terminates.

2. The Permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of reports required by this permit, and records of all data used to complete the application of this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended at the request of the Director at any time.

U. MONITORING METHODS

1. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

V. ADDITIONAL MONITORING BY THE PERMITTEE

If the Permittee monitors more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the monitoring report. Such increased monitoring frequency shall also be indicated on the monitoring report.

W. DEFINITIONS

1. Alabama Handbook means the latest edition of the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, Alabama Soil and Water Conservation Committee (ASWCC) published at the time permit is effective.

2. AWPCA means Code of Alabama 1975, Title 22, the Alabama Water Pollution Control Act, as amended.

3. Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

4. Control Measure as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.

5. CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

6. Department means the Alabama Department of Environmental Management or an authorized representative.

7. Discharge when used without a qualifier, refers to “discharge of a pollutant” as defined as ADEM Admin. Code r. 335-6-6-.02(n).

8. Green Infrastructure refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspirate (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated.

9. Hydrology refers to the physical characteristics of storm water discharge, including the magnitude, duration, frequency, and timing of discharge.

10. Illicit Connection means any man-made conveyance connecting an illicit discharge directly to municipal separate storm sewer.

11. Illicit Discharge is defined at 40 CFR Part 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.

12. Indian Country as defined in 18 USC 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

13. Infiltration means water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

14. Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

15. Large municipal separate storm sewer system means all municipal separate storm sewers that are either:

    a. Located in an incorporated place with a population of 250,000 or more as determined by the 1990 Decennial Census by the Bureau of the Census; or

    b. Located in counties listed in Appendix H of 40 CFR Part 122, except municipal storm sewers that are located in the incorporated places, townships or towns within such counties; or

    c. Owned or operated by a municipality other than those described in Part VII.W.15.a. or b. and that are designated by the Director as part of the large or medium municipal separate storm sewer system; or

    d. The Director may designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in Part VII.W.15.a., b. or c.).

16. Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product.

17. Medium municipal separate storm sewer system means all municipal separate storm sewers that are either:

    a. Located in an incorporated place with a population of 100,000 or more but less than 250,000 as determined by the 1990 Decennial Census; or

    b. Located in counties listed in Appendix I of 40 CFR Part 122, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or

    c. Owned or operated by a municipality other than those described in Parts VII.W.17.a. and b. and that are designated by the Director as part of the large or medium municipal separate storm sewer system; or

    d. The Director may designate as a medium municipal separate storm sewer system, municipal storm sewers located within the boundaries of a region defined by a stormwater management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems as described in Parts VII.W.17.a., b. or c.

18. Maximum Extent Practicable (MEP) means the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR Part 122.34.

19. MS4 is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a large, medium, or small municipal separate storm sewer system. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.

20. Municipal Separate Storm Sewer is defined at 40 CFR Part 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in ADEM Admin. Code r. 335-6-6-.02(pp).

21. NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.

22. Permittee means a person to whom a permit has been issued.

23. Point Source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

24. Priority construction site means any qualifying construction site in an MS4 that discharges to a waterbody which is listed on the most recently EPA approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation, or sedimentation, and any waterbody assigned specific water quality criteria, such as Outstanding Alabama Water use classification, in accordance with ADEM Admin. Code r. 335-6-10-.09 and any waterbody assigned a special designation in accordance with ADEM Admin. Code r. 335-6-10-.10.

25. Qualifying Construction Site means any construction activity that results in a total land disturbance of one or more acres and activities that disturb less than one acre but are part of a larger common plan of development or sale that would disturb one or more acres. Qualifying construction sites do not include land disturbance conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.

26. Qualifying New Development and Redevelopment means any site that results from the disturbance of one acre or more of land or the disturbance of less than one acre of land if part of a larger common plan of development or sale that is greater than one acre. Qualifying new development and redevelopment does not include land disturbances conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.

27. Small municipal separate storm sewer system is defined at 40 CFR Part 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to water of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

28. Storm water is defined at 40 CFR Part 122.26(b) (13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

29. Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

30. Total Maximum Daily Load (TMDL) means the calculated maximum permissible pollutant loading to a waterbody at which water quality standards can be maintained. The sum of wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background for any given pollutant.