

Town of Harwich

Comprehensive Stormwater and Illicit Discharge Regulations

Local Stormwater Permit Application

A. General Information

1. Project Location:

Street Address	Assessors Map and Parcel(s)	Deed Reference
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2. Applicant: William Marsh

a. First Name	b. Last Name
---------------	--------------

c. Organization

d. Legal Mailing Address

h. Phone Number	i. Fax Number	j. Email Address
-----------------	---------------	------------------

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name	b. Last Name
---------------	--------------

c. Organization

d. Legal Mailing Address

h. Phone Number	i. Fax Number	j. Email address
-----------------	---------------	------------------

4. Representative (if any):

a. First Name	b. Last Name
---------------	--------------

c. Company

d. Legal Mailing Address

h. Phone Number	i. Fax Number	j. Email address
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5. Total Fee Paid:

a. Total Fee Paid (per the Local Stormwater Permit fee schedule)

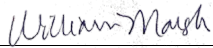
6. General Project Description (include the land disturbance, existing and proposed impervious areas):

The subject property consists of 8.64 acres. Five (5) building lots are proposed that will total 2.19 acres. Two (2) open space lots will total 5.26 acres. The proposed subdivision road will be 830 feet long and total 1.19 acres.

Town of Harwich
Comprehensive Stormwater and Illicit Discharge Regulations
Local Stormwater Permit Application

B. Signatures and Notifications

I hereby certify under the penalties of perjury that the foregoing Stormwater Management Permit Application and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Stormwater Authority will place notification of this application in a local newspaper and notify abutters in accordance with the Town of Harwich Comprehensive Stormwater and Illicit Discharge Regulations.



Signature of Applicant

Signature of Property Owner (if different)



Signature of Representative (if any)

Date_____

Town of Harwich
Comprehensive Stormwater and Illicit Discharge Regulations
Local Stormwater Permit

Application Fee Schedule

Area of Land Disturbance	Permit Application Fee
≥ 1 acre and < 2 acres	\$300.00
≥ 2 acres and < 3 acres	\$600.00
≥ 3 acres and < 4 acres	\$900.00
≥ 4 acres	TBD*

* Fee amount to be determined based on Engineering Peer Review Fee.

**TURTLE RUN
SUBDIVISION OFF
ROUTE 39
HARWICH, MA
STORM WATER REPORT**

FOR COMPLIANCE WITH THE MASSACHUSETTS STORMWATER POLICY

April 6, 2022

**PREPARED FOR
EASTWARD HOMES BUSINESS TRUST**

**Prepared By: Clark Engineering LLC
David A. Clark, P.E.
156 Crowell Road
Suite B
Chatham, MA 02633
Phone: 508-945-5454
Fax: 508-945-5458**

Background

Turtle Run is a proposed residential subdivision comprised of 5 lots situated on 8.6 acres of land in East Harwich, MA.

Untreated stormwater generated within the Turtle Run subdivision has the potential to impact a source of municipal drinking water and nearby wetland resource areas. Since the project seeks to create more than 4 building lots stormwater controls that meet the standards of the Massachusetts Stormwater Policy shall be required.

The property is within the zone of contribution to a municipal well and is underlaid with soil that has a rapid infiltration rate. Stormwater generated on the site would be discharged to an area considered a "Sensitive Area" pursuant to the Massachusetts Stormwater Policy.

The following report documents compliance with the Massachusetts Stormwater Policy and follows the procedures outlined in the Massachusetts Stormwater Handbook, Volume 3, Chapter 1; Documenting Compliance.

LID Measures

No LID credits are being requested. Credits are not possible because the project site, the Subdivision Rules and Regulations and the Zoning By-Law do not permit design credits to be used.

Credit 1. Environmentally Sensitive Development

In order to be eligible for this Credit, a residential project is required to have less than 1 dwelling per acre. All of the lots are about 1/2 acre and therefore do not qualify for this credit.

Credit 2. Rooftop Runoff Directed to Qualifying Pervious Area

There may be opportunities to direct roof runoff to Qualifying Pervious Areas for at least 4 of the 5 lots. No development plans for individual lots have been prepared at this time.

Credit 3. Roadway, Driveway or Parking Lot Runoff Directed to Qualifying Pervious Area.

The roadway cannot be directed towards a Qualifying Pervious Area. A majority of the length of the road parallels a fresh water pond where the slope is greater than 5% which does not meet the Qualifying Pervious Area requirements. The Subdivision Rules and Regulations require a 3-inch (in.) asphalt berm to keep runoff within the paved roadway. This shoulder prevents the use of grass swales to direct runoff to infiltration areas.

Standard 1 No New Untreated Discharges

No new untreated discharges are proposed.

All storm water generated from new impervious surfaces shall be directed towards new stormwater BMPs.

Standard 2 Peak Rate Attenuation

Existing stormwater runoff leaving the site generally sheet flows down into Hidden Pond.

The area is predominantly second and third growth forest land with a healthy canopy and understory. For the HydroCad™ analysis of predevelopment, a runoff coefficient of 30 has been used.

The predevelopment site consists of one discharge point, being Hidden Pond. No distinct channels were observed to break the site into smaller watersheds.

The attached predevelopment HydroCad™ output depicts that negligible runoff occurs from the 2 yr. and 10 yr. storm events and a very small runoff from the 25 yr. storm event. Runoff can be expected from the 100 year storm event. Since no runoff is directed to a coastal embayment, post construction on-site controls shall be required to attenuate the 100 year storm event.

PREDEVELOPMENT HydroCad™ RESULTS

Drainage Area	2 Yr. Storm (cfs)	10 Yr. Storm (cfs)	25 Yr. Storm (cfs)	100 Yr. Storm (cfs)
	0.00	0.00	0.05	0.57

Pursuant to the Town of Harwich Subdivision Rules and Regulations, it is required that the 25 yr. storm event be captured and infiltrated on site.

The number of analysis points where runoff could enter Hidden Pond have been assumed to coincide with each roadway drainage area.

The proposed roadway has been divided up into four (4) post development drainage areas and a typical residential lot drainage area. Runoff from each drainage area within the roadway shall be directed to standard deep sump catch basins and then to subsurface infiltration basins (leaching catch basins). The following is summation of the HydroCad™ outputs for each drainage area prior to routing to infiltration BMPs.

POSTDEVELOPMENT TR55 RESULTS

Drainage Area	2 Yr. Storm (cfs)	10 Yr. Storm (cfs)	25 Yr. Storm (cfs)	100 Yr. Storm (cfs)
1	0.10	0.49	0.87	1.75
2	0.17	0.72	1.24	2.46
3	0.09	0.56	1.04	2.18
4	0.00	0.00	0.03	0.41

Design Assumptions

Deep observation test pits were excavated in the locations of the infiltration areas. Soils were found to be coarse sand identified in the Barnstable County Soil Survey as Carver Series.

Standard Title 5 percolation tests were performed at all locations of proposed infiltration structures. The tests were performed in the parent material C substratum. A Title 5 infiltration rate of less than 2 minutes per inch was observed in all tests. This is equivalent to an infiltration

rate of 30 inches per hour. For design purposes, the maximum rate of 8.27 inches per hour as required by the Stormwater Handbook shall be used.

The Stormwater Handbook also requires that only bottom area be considered. This along with the 8.27 inches per hour infiltration rate produces an extremely conservative infiltration design for the 25 yr. storm event.

The infiltration basins consist of standard 6 ft. diameter, 750 gallon or 1,000 gallon precast concrete leach pits. Various configurations have been selected depending on the size of the areas of contribution and available areas for disposal. The configurations are all based upon a 6 ft. diameter structure with $\frac{3}{4}$ " to 1 $\frac{1}{2}$ " double washed stone placed evenly around the structure. 2 to 4 precast structures have been selected for each configuration.

The corresponding effective capacities are as follows:

No. of Pits (Depth)	Bottom Area (sf.)	Sidewall Area (sf.)	Volume (cf)*
2 (4 ft.)	294	256	494
3 (4 ft.)	434	336	724
4 (4 ft.)	574	416	1089

*A void ratio of 0.35 is presumed for the placed stone aggregate.

Town of Harwich Zoning Regulations limit the amount of site coverage to 40% of the lot. Since the lots are approximately 19,000 sf. in size, each has the potential to have up to 7,600 sf. of impervious surfaces.

For design purposes, only the residential driveways and the roadway shall be included in the calculations of impervious area within each roadway drainage area. Up to 1,500 sf. of driveway per building lot is included in the design. In addition, it is presumed that each lot will create 10,000 sf. of lawn and all remaining areas that do not include building and hardscape will remain natural woods or more substantial landscape cover.

It is a condition of this design that when each lot is subsequently developed, the homeowner/developer shall be required to provide additional stormwater controls for the dwelling and exterior hardscape features such as patios, swimming pools and decks. It is recommended that the Planning Board adopt such conditions as necessary to ensure future compliance. A separate drainage calculation for a reasonable development of a single building lot is included in Appendix 2.

Drainage Calculations

HydroCad™ stormwater modeling software was used for determining depth of runoff, peak rates of runoff, infiltration sizing and detention area design for each drainage area.

The Planning Board Rules and Regulations require that the 25-year, 24-hour storm event be infiltrated.

Appendix 1 details the drainage calculations for each drainage area. The results show that stormwater controls for each drainage area have the capacity to infiltrate the 25 yr – 24 hr. storm event.

Rainfall events greater than the 25 yr. storm event will fill the infiltration systems beyond capacity and the excess flow will travel downstream within the roadway gutter to stormwater controls designed to capture and contain up to a 100 yr. storm event.

Overflow from each system will pond within detention areas created at each infiltration point. The areas have been sized to contain the entire excess flow from the 100 yr. storm event. The total volume of runoff is expected to flood the depression to depths not to exceed 1.0 ft. The bottom of the detention areas is assumed to be impervious.

Conclusion

Each of the post development drainage areas that receive runoff from disturbed areas have been designed to infiltrate up to a 25 yr. storm event. No increase in runoff shall occur from the 2 yr., 10 yr. or 25 yr. storm event.

Excess runoff from the 100 yr. storm event shall be contained within man-made detention areas along the shoulders of Turtle Run and within the cul de sac.

Standard 3 Recharge

Runoff from all new impervious surfaces is directed to stormwater BMPs that have been designed to capture and infiltrate a 25 year storm event which is far greater than the amount required by Standard 3.

Drainage Area	Storage Capacity (cf)	Total Impervious Area (sf)	Water Quality/Recharge Volume (cf)
1	1,482	9,131	760
2	2,178	11,234	936
3	1,448	10,751	896

Conclusion

Each of the infiltration structures have been designed to capture and infiltrate 1 in. of runoff from impervious areas.

All runoff is contained within the site.

Standard 4 Water Quality

Long Term Pollution Prevention Plan

A Long Term Pollution Prevention Plan has been prepared for this development. A homeowner's association shall be created. The association shall be responsible for implementation of the Long Term Pollution Prevention Plan.

Required Water Quality Volume

As stated above, the stormwater BMPs have been designed to capture and infiltrate a 25 year storm event which is greater than the Water Quality Volume required by Standard 4

TSS Removal

Deep sump catch basins shall be used as a pretreatment BMP prior to routing of stormwater to leaching catch basins and then ultimately to groundwater.

The removal efficiency of a deep sump catch basin is 25%
The removal efficiency of a leaching catch basin is 80%

The combined efficiency is $25\% + (100\% - 25\%) \times 80\% = 85\%$

Standard 5

Land Uses with Higher Potential Pollutant Loads

The project is not considered a Land Use with a Higher Potential Pollutant Load

Standard 6

Critical Areas

The project is located within rapid infiltration rate soils and DEP approved zones of contribution to municipal wells. Therefore, the area is considered a Critical Area.

Standard 7

Redevelopment

This is not considered a Redevelopment Project.

Standard 8

Construction Period Pollution Prevention and Erosion and Sedimentation Control

A Construction Stormwater Pollution Prevention Plan (SWPPP) shall be prepared for this project by the project owner and construction general contractor. An Erosion Control Plan has been prepared for this project and are part of the construction documents.

Standard 9

Post Construction Stormwater Controls Operation & Maintenance Plan

A Post Construction Stormwater Controls Operation & Maintenance Plan has been prepared for this project.

Standard 10

Illicit Discharges

Statement: No materials other than stormwater shall be discharged to the stormwater controls. Homeowners shall be made aware of the existence of the stormwater BMPs through a Homeowner's Association and restrictive Covenant that prohibits any activity that could damage the treatment BMPs or the environment including but not limited to disposal of pesticides, paints and solvents, motor oil and yard waste.

APPENDIX 1

DRAINAGE CALCULATIONS

PREDEVELOPMENT DRAINAGE CALCULATIONS

POSTDEVELOPMENT DRAINAGE CALCULATIONS

DRAINAGE AREA 1

HydroCad™ input variables:

Total area of contribution:	23,200 sf.	0.532 Ac.
Area of pavement <u>no</u> driveways	9,200 sf.	0.211 Ac.
Areas of roadway shoulders, side slopes And undisturbed forest	14,000 sf.	0.321 Ac.
Composite Curve Number 58		

Infiltration System:

3 sets of 3 - 6ft. x 4 ft. precast pits w/ 4 ft. of stone in trench configuration

Results: HydroCad™

25 Yr. – 24 Hr. Storm	No overflow; Maximum Depth within Infiltration Basin 2.1'; Time to Exfiltrate after end of storm 0.5 hrs.
100 Yr. – 24 Hr. Storm	Excess discharge of 830 cf occurs. Excess directed to low point on the west side of Turtle Run. Time to Exfiltrate after end of storm 0.5 hrs.

DRAINAGE AREA 2

HydroCad™ input variables:

Total area of contribution:	31,400 sf.	0.721 Ac.
Area of roadway pavement	7,800 sf.	0.179 Ac.
Area of driveways lots 1 and 5	3,000 sf.	0.069 Ac.
Areas of roadway shoulders, side slopes And undisturbed forest	20,600 sf.	0.473 Ac.

Composite Curve Number 59

Infiltration System:

2 sets of 4 - 6ft. x 4 ft. precast pits w/ 4 ft. of stone in trench configuration

Results:

25 Yr. – 24 Hr. Storm	No overflow; Maximum Depth within Infiltration Basin 1.9'; Time to Exfiltrate after end of storm 0.5 hrs.
100 Yr. – 24 Hr. Storm	Excess discharge of 915 cf occurs. Excess directed to low point on the west side of Turtle Run. Time to Exfiltrate after end of storm 0.5 hrs.

DRAINAGE AREA 3

HydroCad™ input variables:

Total area of contribution:	34,300 sf.	0.788 Ac.
Area of pavement including driveways from lot 4	8,322 sf.	0.191 Ac.
Areas of lawn from lot 4 And roadway shoulders & side slopes	16,540 sf.	0.380 Ac.
Remaining forest or significant landscape Groundcover	9,438 sf.	0.217 Ac.

Composite Curve Number 51

Infiltration System:

3- 6ft. x 6 ft. precast pits w/ 4 ft. of stone in trench configuration

Results:

25 Yr. – 24 Hr. Storm	No overflow; Maximum Depth within Infiltration Basin 2.9'; Time to Exfiltrate 2.2 hrs.
100 Yr. – 24 Hr. Storm	Excess discharge of 2,744 cf occurs. Excess directed to Detention Area in center of cul de sac.

DRAINAGE AREA 4 Undisturbed remaining watershed to Hidden Pond

HydroCad™ input variables:

Remaining forest or significant landscape Groundcover	223,250 sf.	5.125 Ac.
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Curve Number 30

Results:

100 Yr. – 24 Hr. Storm	0.41 cfs < 0.57 cfs predevelopment conditions
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Typical Lot Development

HydroCad™ input variables:

Total area of contribution of just impervious surfaces less driveway
8,000 sf. 0.1836 Ac.

Composite Curve Number 98

Infiltration System:

4- 6ft. x 6 ft. precast pits w/ 4 ft. of stone in trench configuration

Results:

25 Yr. – 24 Hr. Storm	No overflow; Maximum Depth within Infiltration Basin 2.5'; Time to Exfiltrate 1.7 hrs.
-----------------------	--

100 Yr. – 24 Hr. Storm	No excess discharge occurs.
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It is recommended that the project be conditioned to include a requirement that a minimum of 4- 6x6 leaching catch basins with 4 ft. of stone each be installed to control runoff from each dwelling or additional stormwater calculations be submitted with individual building permit applications to document compliance that no increase in runoff occurs.

Construction Stormwater Pollution Prevention Plan Template

To be covered under the U.S. Environmental Protection Agency's (EPA) Construction General Permit (CGP), all construction operators are required to develop a "Stormwater Pollution Prevention Plan" (or "SWPPP") prior to submitting a Notice of Intent (NOI) for permit coverage. EPA created this SWPPP Template to help you develop a SWPPP that is compliant with the minimum requirements of Part 7 of [EPA's 2022 Construction General Permit](#) ("2022 CGP"), and is customizable to your specific project and site.

Instructions for Using the SWPPP Template

Each section of the SWPPP Template includes instructions and space for your project and site information. Read the instructions for each section before you complete that section. Specific instructions on what information to include is indicated in each text field in [blue text](#). Click on the blue text and the instructions will disappear once you start typing. The SWPPP Template is an editable document file so that you can easily add tables and additional text and delete unneeded or non-applicable fields. Note that some sections may require only a brief description while others may require several pages of explanation.

The following tips for using this template will help ensure that you meet the minimum permit requirements:

- Read the [2022 CGP](#) thoroughly before you begin preparation of your SWPPP to ensure that you have a working understanding of the permit's underlying requirements. You will also need to consult Part 9 of the permit to determine if your State or Tribe has included additional requirements that affect you.
- Complete the SWPPP prior to submitting your NOI for permit coverage. This is required in Parts 1.4 and 7.1.
- If you prepared a SWPPP under a previous version of EPA's CGP, you must update your SWPPP to ensure that the 2022 CGP requirements are addressed prior to submitting your NOI.
- If there is more than one construction operator for your project, consider coordinating development of your SWPPP with the other operators.
- Once EPA has provided your site with coverage under the CGP, include your NOI, your authorization email, and a copy of the CGP as attachments to the SWPPP. See Appendices B and C of the SWPPP Template.

While EPA has made every effort to ensure the accuracy of all instructions contained in the SWPPP Template, it is the permit, not the template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between the SWPPP Template and any corresponding provision of the 2022 CGP, you must abide by the requirements in the permit. EPA welcomes comments on the SWPPP Template at any time and will consider those comments in any future revision of this document. You may contact EPA for CGP-related inquiries at cgp@epa.gov.

Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

TURTLE RUN SUBDIVISION
OFF ROUTE 39
EAST HARWICH, MA 02645
508-237-1020

SWPPP Prepared For:

EASTWARD COMPANIES BUSINESS TRUST
155 CROWELL ROAD
CHATHAM, MA 02633
508-945-2300
508-945-2374

SWPPP Prepared By:

CLARK ENGINEERING LLC
DAVID A. CLARK, P.E.
156 CROWELL ROAD, UNIT B
CHATHAM, MA 02633
508-945-5454
508-945-5458

SWPPP Preparation Date:

April 19, 2022

Estimated Project Dates:

Project Start Date: 07/31/2022

Project Completion Date: 01/31/2023

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SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Operator(s):

EASTWARD COMPANIES BUSINESS TRUST
155 CROWELL ROAD
CHATHAM, MA 02633
508-945-2300
508-945-2374

Subcontractor(s):

BARROWS EXCAVATING
Bryan Barrows
243 Queen Anne Road
Harwich, MA 02645
508-430-2663
508-400-6347

Excavation Contractor

Emergency 24-Hour Contact:

EASTWARD COMPANIES BUSINESS TRUST
155 CROWELL ROAD
CHATHAM, MA 02633
508-945-2300
508-945-2374

1.2 Stormwater Team

Stormwater Team		
Name and/or position, and contact	Responsibilities	I Have Read the CGP and Understand the Applicable Requirements
EASTWARD COMPANIES BUSINESS TRUST Don Poyant 155 CROWELL ROAD CHATHAM, MA 02633 508-945-2300 508-945-2374	Project Manager	<input checked="" type="checkbox"/> Yes Date: 4/20/2021
Bryan Barrows Barrows Excavating 243 Queen Anne Road Harwich, MA 02645 508-430-2663 508-400-6347	Excavation Contractor	<input checked="" type="checkbox"/> Yes Date: 4/20/2021
David A. Clark, P.E. Clark Engineering LLC 156 Crowell Road, Unit B Chatham, MA 02633 508-945-5454 774-353-6957	SWPPP Preparer	<input checked="" type="checkbox"/> Yes Date: 4/2/2021

Stormwater Team Members Who Conduct Inspections Pursuant to CGP Part 4

Name and/or Position and Contact	Training(s) Received	Date Training(s) Completed	If Training is a Non-EPA Training, Confirm that it Satisfies the Minimum Elements of CGP Part 6.3.b
EASTWARD COMPANIES BUSINESS TRUST Don Poyant 155 CROWELL ROAD CHATHAM, MA 02633 508-945-2300 508-945-2374	15 Years experience in construction management	N/A	<input type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Bryan Barrows Barrows Excavating 243 Queen Anne Road Harwich, MA 02645 508-430-2663 508-400-6347	20 Years experience in construction management	N/A	<input type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
David A. Clark, P.E. Clark Engineering LLC 156 Crowell Road, Unit B Chatham, MA 02633 508-945-5454 774-353-6957	Professional Civil Engineer	N/A	<input type="checkbox"/> Principles and practices of erosion and sediment control and pollution prevention practices at construction sites <input type="checkbox"/> Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites <input type="checkbox"/> Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4

[Insert or delete rows as necessary.]

SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1 Project/Site Information

Project Name and Address

Project/Site Name: Turtle Run Subdivision
Project Street/Location: off Route 39
City: Harwich
State: MA
ZIP Code: 02645
County: Barnstable

Business days and hours for the project: Monday thru Saturday, 7:00 am to 6:00 pm

Project Latitude/Longitude

Latitude: 41.69444° N Longitude: - 70.04583 ° W
(decimal degrees) (decimal degrees)

Latitude/longitude data source:

☒ Map ☐ GPS ☐ Other (please specify): _____

Horizontal Reference Datum:

☐ NAD 27 ☒ NAD 83 ☐ WGS 84

Additional Project Information

Are you requesting permit coverage as a "federal operator" as defined in [Appendix A](#) of the 2017 CGP? ☐ Yes ☒ No

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

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

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

2.2 Discharge Information

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

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? ☐ Yes ☒ No

Stormwater Pollution Prevention Plan (SWPPP)
TURTLE RUN SUBDIVISION

For each point of discharge, provide a point of discharge ID (a unique 3-digit ID, e.g., 001, 002), the name of the first receiving water that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to, and the following receiving water information, if applicable:

Point of Discharge ID	Name of receiving water that receives stormwater discharge:	Is the receiving water impaired (on the CWA 303(d) list)?	If yes, list the pollutants that are causing the impairment:	Has a TMDL been completed for this receiving waterbody?	If yes, list TMDL Name and ID:	Pollutant(s) for which there is a TMDL:	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?	If yes, specify which Tier (2, 2.5, or 3)?
D1A	N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
D2A	N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
D3A	N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

[Include additional rows or delete as necessary.]

2.3 Nature of the Construction Activities

General Description of Project

Provide a general description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition:

5 lot residential subdivision including construction of 900 linear foot access road.

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency (e.g., *mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services*), information substantiating its occurrence (e.g., *State disaster declaration or similar State or local declaration*), and a description of the construction necessary to reestablish affected public services:

N/A

Business days and hours for the project: Monday through Friday 7:00 am to 6:00 pm

Size of Construction Site

Size of Property	8.6 Acres
Total Area Expected to be Disturbed by Construction Activities	1.2 Acres for road construction.
Maximum Area Expected to be Disturbed at Any One Time, Including On-site and Off-site Construction Support Areas	1.2 Acres

[Repeat as necessary for individual project phases.]

Type of Construction Site (check all that apply):

- ☐ Single-Family Residential
 ☐ Multi-Family Residential
 ☐ Commercial
 ☐ Industrial
☐ Institutional
☒ Highway or Road
☐ Utility
☐ Other _____

Will you be discharging dewatering water from your site? ☐ Yes ☒ No

If yes, will you be discharging dewatering water from a current or former Federal or State remediation site? ☐ Yes ☐ No

Pollutant-Generating Activities

List and describe all pollutant-generating activities and indicate for each activity the associated pollutants or pollutant constituents that could be discharged in stormwater from your construction site. Take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed during construction.

Stormwater Pollution Prevention Plan (SWPPP)
TURTLE RUN SUBDIVISION

Pollutant-Generating Activity (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations)	Pollutants or Pollutant Constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels)
Clearing and Grading	Suspended Solids / Sediment / Fuels
Drainage Structure Installation	Concrete Washout
Paving Operations	Solvents / Fuels

Construction Support Activities *(only provide if applicable)*

Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas):

Temporary stockpiling of top and subsoils for reuse. 5,000 sf. of additional land area to be cleared on a house construction lot. Area to be determined at time of construction.

Contact information for construction support activity:

Bryan Barrows
Barrows Excavating
243 Queen Anne Road
Harwich, MA 02645

508-430-2663
508-400-6347

2.4 Sequence and Estimated Dates of Construction Activities

Phase I

Road Construction	
Estimated Start Date of Construction Activities for this Phase	7/1/2022
Estimated End Date of Construction Activities for this Phase	11/30/2023
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	10/1/2022
Estimated Date(s) when Stormwater Controls will be Removed	N/A

2.5 Authorized Non-Stormwater Discharges

List of Authorized Non-Stormwater Discharges Present at the Site

Authorized Non-Stormwater Discharge	Will or May Occur at Your Site?
Discharges from emergency fire-fighting activities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Fire hydrant flushings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Landscape irrigation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Water used to wash vehicles and equipment	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Water used to control dust	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Potable water including uncontaminated water line flushings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
External building washdown (soaps/solvents are not used and external surfaces do not contain hazardous substances)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Pavement wash waters	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Uncontaminated air conditioning or compressor condensate	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Uncontaminated, non-turbid discharges of ground water or spring water	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Foundation or footing drains	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Uncontaminated construction dewatering water	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2.6 Site Maps

1. Facility Location (Town of Harwich Assessor's Map)
2. UIC Area Plan 300 scale
3. Subdivision Drawings, Cover Sheet and Sheets 1 thru 9 of 9
 0. Cover Sheet
 1. Definitive Subdivision Plan
 2. Topography Plan
 3. Road Plan View
 4. Road Profile Plan
 5. Drainage and Paving Details
 6. Water and Sewer Details
 7. Erosion Control Site Plan
 8. Erosion Control Details
 9. Erosion Control Detention Area Plan

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 Endangered Species Protection

Eligibility Criterion

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

- ☒ **Criterion A:** No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix D of the CGP, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of the CGP. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*
- ☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D (Note: reliance on State resources is not acceptable; see CGP Appendix D).

Documentation:

3.2 Historic Property Screening Process

Appendix E, Step 1

Do you plan on installing any stormwater controls that require subsurface earth disturbance, including, but not limited to, any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

- ☐ Dike
- ☐ Berm
- ☒ Catch Basin
- ☐ Pond
- ☐ Constructed Site Drainage Feature (e.g., ditch, trench, perimeter drain, swale, etc.)
- ☒ Culvert
- ☐ Channel
- ☒ Other type of ground-disturbing stormwater control: Subsurface Stormwater Infiltration Basins

Appendix E, Step 2

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

- If yes, no further documentation is required for Section 3.2 of the Template and you may provide the prior documentation in your SWPPP.
- If no, proceed to Appendix E, Step 3.

Appendix E, Step 3

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

- If yes, provide documentation of the basis for your determination.
- If no, proceed to Appendix E, Step 4.

Appendix E, Steps 4 and 5

If you answered no in Step 3, did the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other Tribal representative (whichever applies) respond to you within 15 calendar days to indicate their views as to the likelihood that historic properties are potentially present on your site and may be impacted by the installation of stormwater controls that require subsurface earth disturbance? ☐ YES ☒ NO

- If yes, describe the nature of their response:

- ☐ Written indication that no historic properties will be affected by the installation of stormwater controls.
 - ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions.
 - ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls.
 - ☐ Other:
- If no, no further documentation is required for Section 3.2 of the Template.

3.3 *Safe Drinking Water Act Underground Injection Control Requirements*

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

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



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: DCLARKENG

Transaction ID: 1355053

Document: BRP W506

Size of File: 113.88K

Status of Transaction: In Process

Date and Time Created: 4/18/2022 10:27:38 AM

Note: This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.

Massachusetts Department of Environmental Protection

eDEP Transaction Copy

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Transaction ID:

Document:

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1355053

4/18/2022:10:27:38 AM

113.88K

DCLARKENG

BRP WS06

In Process

Transaction Number: 1355053; Submitted On: 4/4/2022 3:07:25 PM

Fee Amount: \$110

Massachusetts Department of Environmental Protection

Bureau of Resource Protection Drinking

Water Program

BRP WS 06 a,b,c

UIC Registration

Certain types of modifications of existing registrations shall require payment. This system is not currently equipped to assess those

fees. Therefore, the applicant should be aware that subsequent to submitting this application, MassDEP may contact you to inform

you that a fee is due. The most common situation requiring a fee is when additional wells are added after the initial UIC registration

application was submitted and approved by MassDEP.

A. General Question

A1. What well type do you wish to register at this time?

Well Category: Stormwater Well Type: SDNHPP

A2. Are there any well additives? Yes No

A6. Does the well construction or closure activity involve a drilled well? Yes No

A7. Is the registration a result of the closure or conversion activity of a previously unregistered well? Yes No

A8. Is the facility serviced by the well for 4 residential units or fewer? Yes No

B. Facility Information:

Facility Name: TURTLE RUN SUBDIVISION

Address: ORLEANS ROAD

City/Town: HARWICH State: MA ZIP Code: 026450000

Company: EASTWARD COMPANIES BUSINESS TRUST NAICS/SIC Code #: 1521

Phone #: 5089452300 Email: dpoyant@eastwardco.com PWS ID #:

Mailing Address: 155 CROWELL ROAD

City/Town: CHATHAM State: MA ZIP Code: 026330000

Does your facility have a EPA Hazardous Waste ID #?

Yes No

Do tenants located on your facility have EPA Hazardous Waste ID #s?

Yes No

C. Status of Activity(ies) Being Registered:

Current status of proposed discharge activity:

Designed, but not yet constructed/modified

Proposed activity partially completed or completed

Proposed activity completed and active

Is the applicant requesting a waiver of the 30 day waiting period?

Yes No

D. Owner/Operator Information:

Owner Info:

First Name: **EASTWARD COMPANIES** Last Name: **BUSINESS TRUST**

Address: **155 CROWELL ROAD**

City/Town: **CHATHAM** State: **MA** ZIP Code: **026330000**

Email: **dpoyant@eastwardco.com**

Owner's Legal Contact:

First Name: **DONALD** Last Name: **POYANT**

Phone #: **5089452300** Fax #:

Email: **dpoyant@eastwardco.com**

Operator Info:

First Name: **EASTWARD COMPANIES** Last Name: **BUSINESS TRUST**

Address: **155 CROWELL ROAD**

City/Town: **CHATHAM** State: **MA** ZIP Code: **026330000**

Email:

Operator's Legal Contact:

First Name: **DONALD** Last Name: **POYANT**

Phone #: **5089452300** Fax #:

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First Name: **DONALD** Last Name: **POYANT**

Phone #: **5089452300** Fax #:

Email: **dpoyant@eastwardco.com**

Operator Info:

First Name: **EASTWARD COMPANIES** Last Name: **BUSINESS TRUST**

Address: **155 CROWELL ROAD**

City/Town: **CHATHAM** State: **MA** ZIP Code: **026330000**

Email:

Operator's Legal Contact:

First Name: **DONALD** Last Name: **POYANT**

Phone #: **5089452300** Fax #:

Email: **dpoyant@eastwardco.com**

Ownership Type:

Private Public

Industrial Local

Commercial Regional

Nonprofit

State

Residential Federal

E. Designer:

First Name: **DAVID** Last Name: **CLARK**

Company Name: **CLARK ENGINEERING**

LLC Phone #: **5089455454**

Engineer License # (if

applicable): **41725** National 3rd party or manufacturer approval and ID number:

LSP # (if applicable): Email: **david@clarkeng.net**

F. Installer:

First Name: **BRYAN** Last Name: **BARROWS**

Company Name: **BARROWS EXCAVATING LLC** Phone #: **5084006347**

National 3rd party or manufacturer approval and ID number:

Email: **btbexcavating@gmail.com**

G. Preparer Information:

Stormwater Pollution Prevention Plan (SWPPP)
TURTLE RUN SUBDIVISION

First Name: DAVID Last Name: CLARK
Address: CLARK ENGINEERING LLC 156 CROWELL RD, UNIT B
City/Town: CHATHAM State: MA ZIP Code: 026330000
Phone #: 5089455454
Email: capeclark@comcast.net

MA Engineer

License # (if

applicable):

41725 LSP # (if applicable):

H. Registered Well Driller (if applicable):

Section H is not available due to applicant responding 'No' to Question A6 in Section A.

I. Site Information:

Water Supply: Public Private Sewer: Public Private

Are there any other current or proposed discharges on site?:

Yes No

Check any of the following that apply to this site:

a. Bureau of Waste Site Cleanup Priority Site If yes, File Number

b. Bureau of Waste Site Cleanup Waiver Site If yes, File Number

c. Superfund Site If yes, Federal ID #

If the site is currently being regulated by the Bureau of Waste Site Cleanup, check any of the following that apply:

Incident Response Short Term Measure Activity and use limitations

Confirm that the applicant has checked that the site does not have any activity restrictions with respect to limiting discharges on the

site:

Restrictions No Restrictions

Only enter the location of wells that will be used for the following well type:

Location of Well, Latitude & Longitude are no longer optional data:

Well

Identification

Number:

Latitude: Longitude:

D1A 41.69505

N (e.g. 42.355767) Enter number, e.g. 42.355767

70.84578

W (Do not enter ()

sign in front of value, e.g.

Page 2 / 4

site:

Restrictions No Restrictions

Only enter the location of wells that will be used for the following well type:

Location of Well, Latitude & Longitude are no longer optional data:

Well

Identification

Number:

Latitude: Longitude:

D1A 41.69505

N (e.g. 42.355767) Enter number, e.g. 42.355767

70.84578

W (Do not enter ()

sign in front of value, e.g.

71.060996) Enter number, e.g. 71.060996

D1B 41.69495

N (e.g. 42.355767) Enter number, e.g. 42.355767

70.04578

W (Do not enter ()

sign in front of value, e.g.

71.060996) Enter number, e.g. 71.060996

D1C 41.69487

N (e.g. 42.355767) Enter number, e.g. 42.355767

Stormwater Pollution Prevention Plan (SWPPP)
TURTLE RUN SUBDIVISION

70.04580

W (Do not enter ()

sign in front of value, e.g.

71.060996) Enter number, e.g. 71.060996

D2A 41.69398

N (e.g. 42.355767) Enter number, e.g. 42.355767

70.04583

W (Do not enter ()

sign in front of value, e.g.

71.060996) Enter number, e.g. 71.060996

D2B 41.69385

N (e.g. 42.355767) Enter number, e.g. 42.355767

70.04583

W (Do not enter ()

sign in front of value, e.g.

71.060996) Enter number, e.g. 71.060996

D3A 41.69318

N (e.g. 42.355767) Enter number, e.g. 42.355767

70.04544

W (Do not enter ()

sign in front of value, e.g.

71.060996) Enter number, e.g. 71.060996

D3B 41.69311

N (e.g. 42.355767) Enter number, e.g. 42.355767

70.04544

W (Do not enter ()

sign in front of value, e.g.

71.060996) Enter number, e.g. 71.060996

Identify the method used for locating the latitude/longitude coordinates for the UIC Class V well(s):

a. Type :

Approximate location of point of UIC Class V well(s)

Approximate center of drainfield(s)

Approximate location of center of wellfield(s)

Approximate center of facility(ies)

Approximate center of area where discharges are located

b. Accuracy:

Estimated horizontal accuracy is less than +/-100

feet

Estimated horizontal accuracy is less than +/-500

feet

Estimated horizontal accuracy is less than +/-1000

feet

Provide a narrative description of the site and the feature to be permitted. As an example: "The site is on the west side of Main

Street, the third building north of High Street. The disposal field lies 100 feet off the southwest corner of the building."

THE FACILITY CONSISTS OF 8.5 ACRES OF UNDEVELOPED LAND. WITHIN THE PERIMETER OF THE PROPERTY THERE IS A SMALL FRESHWATER POND AND ABUTTING BORDERING VEGETATED WETLAND

THAT COMPRISES 1.5 ACRES OF THE TOTAL. THE OWNER IS PROPOSING TO CONSTRUCT 5 SINGLE FAMILY

DWELLINGS WHICH WILL BE ACCESSED BY A 900 FT. LONG, 20 FT. WIDE PAVED ROADWAY. THREE SEPARATE STORMWATER CONTROL AREAS HAVE BEEN ESTABLISHED TO CAPTURE, TREAT AND DISPOSE

OF STORMWATER RUNOFF. EACH SUBAREA LIES IMMEDIATELY ADJACENT TO THE PAVED ROADWAY.

See instructions for BRP WS06a,b,c registration form for more details regarding the necessary attachments. Include the following:

Topographic or Orthophoto Map

Design sheets

MSDS sheets

Site Plan (to scale)
Existing analytical data
Narrative Statement
Equipment Specification Sheets
Attach Well Completion Report (required for existing drilled wells)
Cross sectional diagram depicting all underground components of the UIC system
Other information (see instructions)

J. Injection Well Information (include information for wells being registered for closure):

Registration: Individual Area (multiple wells with same well codes)

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Site Plan (to scale)
Existing analytical data
Narrative Statement
Equipment Specification Sheets
Attach Well Completion Report (required for existing drilled wells)
Cross sectional diagram depicting all underground components of the UIC system
Other information (see instructions)

J. Injection Well Information (include information for wells being registered for closure):

Registration: Individual Area (multiple wells with same well codes)

Number of Wells: 7 Maximum Well

Depth: 10

UIC Well(s) Construction Date (for existing wells):

Well Construction (check all that apply):

Drywell Drilled Well Septic Tank Dug Well

Improved

Sinkhole Drainfield/Leachfield Trench Drain Dustwater onto the ground

Horizontal (only applies to certain ground source heat pump wells)

Other (Describe: 100 characters max)

PRECAST CONCRETE INFILTRATION BASINS WITH 4 FT. OF WASHED AGGREGATE SURROUNDING EACH BASIN.

Source of injection fluid and Potential contaminant:

Maximum total rate of injection (gallons per minute):

250

Average discharge rate (gallons per day):

540

Number of entry points to existing system

0

Total Number of entry points for proposed system (include new wells and remaining existing wells):

7

Distance to nearest wetland or water body (feet);

enter N/A if distance is greater than 200 feet

120

Distance to nearest septic system (feet);

enter N/A if distance is greater than 200 feet

50

Distance to nearest building foundation (existing or proposed)

(feet);

enter N/A if distance is greater than 25 feet

50

Distance to nearest property line (feet);

enter N/A if distance is greater than 25 feet

10

List any treatment devices, process equipment, or heat pumps in place or proposed prior to the injection point (attach specification

sheets and include treatment devices in a cross section):

DEEP SUMP CATCH BASIN

Depth to water table (feet):

20

Depth to bedrock (feet):

Stormwater Pollution Prevention Plan (SWPPP)
TURTLE RUN SUBDIVISION

450

Soil type(s) at side e.

g., fill, sandy till, gravel, sand:

SAND

Distance to nearest private drinking water well (existing or proposed) (feet);

enter N/A if distance is greater than 1,250 feet

N/A

Distance to nearest Public Water Supply (feet);

enter N/A if distance is greater than 2,500 feet

2400

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SECTION 4: EROSION AND SEDIMENT CONTROLS AND DEWATERING PRACTICES

4.1 Natural Buffers or Equivalent Sediment Controls

Buffer Compliance Alternatives

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

Check the compliance alternative that you have chosen:

- ☐ (i) I will provide and maintain a 50-foot undisturbed natural buffer.
- ☐ (ii) I will provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.
- ☐ (iii) It is infeasible to provide and maintain an undisturbed natural buffer of any size, therefore I will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.
- ☐ I qualify for one of the exceptions in Part 2.2.1.b. (If you have checked this box, provide information on the applicable buffer exception that applies, below.)

4.2 Perimeter Controls

General

- Erosion and sediment controls shall be installed and maintained in accordance with the erosion and sediment controls specified in project plans. No discharges are proposed directly to waters of the United States. All stormwater runoff generated on-site shall be directed to temporary detention basins designed to capture and treat the 100 yr – 24 hr storm event prior to infiltration.

Specific Perimeter Controls

Staked Siltation Barrier	
Description: Geotextile siltation barrier to be installed with a shallow berm along the entire southerly perimeter of the work site.	
Installation	6/30/2022
Maintenance Requirements	Siltation barrier to be inspected every 7 days.
Design Specifications	See Subdivision Drawings 7&8

4.3 Sediment Track-Out

General

- Prior to any earth work activity, a construction entrance, including trap rock, shall be constructed to prevent tracking of soil material on to Route 137.

Specific Track-Out Controls

Gravel Construction Entrance	
Description: Gravel Construction Entrance	
Installation	06/30/2022

Maintenance Requirements	The gravel construction entrance shall be inspected every 14 days. The gravel shall be inspected for signs of clogging. When clogging in excess of 50% of the design capacity is estimated, the gravel shall be replaced.
Design Specifications	See Subdivision Drawings 7&8

4.4 Stockpiled Sediment or Soil

General

- Stockpile areas shall be encircled with sediment control siltation barrier. The barrier shall be installed prior to the placement of any stockpile material.

Specific Stockpile Controls

Stockpile Siltation Barrier	
Description: Geotextile siltation barrier to be installed with a shallow berm around each stock pile	
Installation	7/21/2022
Maintenance Requirements	Siltation barrier to be inspected every 14 days. If sediment is found to build up faster than expected, a catchment berm shall be constructed between the silt fence and stockpile.
Design Specifications	None

4.5 Minimize Dust

General

- Dust control shall be achieved with the use of a water truck that will be available for wetting surfaces prone to dust generation.

Specific Dust Controls

On site well	
Description: A tanker truck shall be available to wet down exposed surfaces on an as needed basis.	
Installation	Existing
Maintenance Requirements	No maintenance is required.
Design Specifications	None required.

4.6 Minimize Steep Slope Disturbances

General

- Disturbance of steep slopes is required for the project. Side slopes in excess of 1:2 will be created when the road is rough graded. The toe of the slopes shall be graded so as to direct stormwater runoff to temporary detention basins designed to capture and retain a 100 yr – 24 hr storm event.
- The side slopes shall be loamed and seeded as soon as practicable and covered with a erosion control bio-degradable mat.

Specific Steep Slope Controls

Erosion control mat	
Description: Erosion control mat	
Installation	8/1/2022
Maintenance Requirements	2 weeks after the installation of the mats, they shall be inspected to make sure they are stable and secure. Loose matting shall be re-stapled. Missing matting shall be replaced. Bare patches of loose subsoil shall be re-loaded and seeded.
Design Specifications	See Subdivision Drawings 7&8

4.7 Topsoil

General

- All topsoil stripped out for road construction shall be stockpiled for re-use on site. Stockpile areas shall be encircled with sediment control barriers.

Specific Topsoil Controls

Topsoil Stockpile Area	
Description: Topsoil Stockpile Area	
Installation	07/21/ 2022
Maintenance Requirements	The siltation barrier shall be inspected on a weekly basis for signs of sediment build up. If sediment is found to build up faster than expected, a catchment berm shall be constructed between the silt fence and stockpile.
Design Specifications	None required

4.8 Soil Compaction

General

- The entire site is comprised of Carver Sand deposits that a very unlikely to be compacted by vehicle and machinery movement. No provisions are required to minimize soil compaction.

4.9 Storm Drain Inlets

General

- Storm drain inlet filters shall be installed within Municipal stormwater inlets adjacent to the property. Although no discharges are proposed to these inlets, inlet filters shall be installed as a precautionary measure.
- On-site stormwater inlets shall be fitted with inlet filters as soon as they are installed and shall remain in place until such time as all disturbed areas are fully revegetated.

Specific Storm Drain Inlet Controls

Stormwater Inlet Filter	
Description: Stormwater Inlet Filter	
Installation	6/30/2022
Maintenance Requirements	The inlet filters shall be inspected every 14 days. The filters shall be inspected for signs of sediment buildup and shall be cleaned or replaced when 50% of the volume has been achieved.

Design Specifications	To be coordinated with Town of Harwich DPW
------------------------------	--

4.10 Stormwater Conveyance Channels

General

- Stormwater conveyance channels include roadway shoulders that are to be directed to temporary stormwater detention basins.
- Temporary stormwater detention basins shall include a gravel forebay to trap larger suspended solids.

Specific Conveyance Channel Controls

Roadway shoulder conveyance channel	
Description: Roadway shoulder conveyance channel	
Installation	08/01/2022
Maintenance Requirements	Straw wattle check dams shall be inspected every 14 days. The dams shall be inspected for signs of sediment buildup and shall be cleaned or replaced when 50% of the height has been filled.
Design Specifications	See Subdivision Drawing 7&8

4.11 Sediment Basins

General

- Three temporary sediment basins are proposed. The basins shall be constructed prior to construction of the roadway base aggregate course.

Specific Sediment Basin Controls

Temporary Stormwater Sediment Basins	
Description: Temporary Stormwater Sediment Basins	
Installation	8/6/2022
Maintenance Requirements	Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.
Design Specifications	See Subdivision Drawings 7, 8 &9

4.12 Chemical Treatment

N/A

4.13 Dewatering Practices

N/A

4.14 Other Stormwater Controls

N/A

4.15 Site Stabilization

Total Amount of Land Disturbance Occurring at Any One Time

- ☒ Five Acres or less
☐ More than Five Acres

Loaming and Seeding	
<input checked="" type="checkbox"/> Vegetative <input type="checkbox"/> Non-Vegetative <input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Permanent	
Description: <ul style="list-style-type: none"> Areas of roadway sides lopes where no further disturbance is proposed, i.e. utility installation, shall be permanently stabilized by loaming, seeding and the placement of erosion control fabric. All areas not subject to utility installation shall be stabilized within 14 days of completion of grading. 	
Installation	10/1/2022
Completion	10/16/2022
Maintenance Requirements	All areas to be inspected on a weekly basis to determine extent of emerging vegetative cover. Bare spots shall be reseeded as needed until 70% cover is achieved.
Design Specifications	All areas to be loamed with a minimum of 6" of native screened loam. Starter fertilizer may be required to be mixed in prior to seeding. Native conservation grass mixture such as "Harmony" seed mix by Colonial Seed Co. shall be applied per vendor specifications.

Temporary Stabilization	
<input type="checkbox"/> Vegetative <input checked="" type="checkbox"/> Non-Vegetative <input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
Description: <ul style="list-style-type: none"> Temporary erosion control fabric shall be installed on all roadway side slopes where utility installation is delayed more than 14 days. Such fabric shall be installed on slopes greater than 6:1. Temporary erosion control straw flocking shall be using on areas where the slope is less than 6:1. Straw shall be evenly dispersed over bare areas. Erosion control fabric may be used instead. Bare areas shall be stabilized within 14 days of completion of grading and excavation operations. 	
Installation	Within 14 days of cessation of grading and excavation activities.
Maintenance Requirements	Erosion control fabric shall be inspected every 7 days. Loose or missing fabric shall be replaced within 3 days. Similar maintenance shall be required for the straw flocking
Design Specifications	See Subdivision Drawing 8

SECTION 5: POLLUTION PREVENTION CONTROLS

5.1 Potential Sources of Pollution

Construction Site Pollutants

Pollutant-Generating Activity	Pollutants or Pollutant Constituents (that could be discharged if exposed to stormwater)	Location on Site (or reference SWPPP site map where this is shown)
Clearing and grading	Suspended Solids	Entire site
Machinery refueling	Petrochemicals	Construction Entrance
Machinery leaks	Petrochemicals	Entire site
Paving Operation	Petrochemicals	Within Roadway
Concrete Placement	Suspended Solids	Within Roadway, building foundations
Landscaping including loaming and seeding	Suspended Solids Fertilizers	Entire site

5.2 Spill Prevention and Response

All machinery fueling operations shall occur within the construction entrance portion of the site. Fueling shall occur between the machinery and either a fuel truck or a truck mounted fuel container equipped with an on-board pump. Fuel shall not be transferred using plastic fuel cans.

Fuel shall not be stored on-site except that which is contained within a truck mounted fuel container.

At all times during fueling operations, spill response equipment shall be on hand. Equipment shall include oil absorbent pads, dry clean oil absorbent media and disposal bags. If a spill occurs onto soil surfaces, the area shall be immediately cordoned off and the affected area removed. Contaminated soil shall be stored within plastic lined 55 gallon steel drums until such time as it can be disposed of at a licensed hazardous facility.

5.3 Fueling and Maintenance of Equipment or Vehicles

- All equipment shall be kept in good operating condition free from leaks. No on-site servicing of equipment shall be allowed except for routine greasing and fueling.

Specific Pollution Prevention Practices

Spill Response	
Description: Spill response	
Installation	At all fueling lubrication activities
Maintenance Requirements	Have adequate spill response equipment on hand such as dry clean oil absorbent media, oil absorbent pads, drip pans and disposal containers.
Design Specifications	N/A

5.4 Washing of Equipment and Vehicles

General

- N/A Vehicle and equipment washing will not be allowed on site.

5.5 Storage, Handling, and Disposal of Building Products, Materials, and Wastes

5.5.1 Building Materials and Building Products

Building construction is not proposed at this time.

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

General

- No pesticides, herbicides, insecticides are required for the project.
- Fertilizers shall not be stored on the site. Unused fertilizers shall be removed from the site. Spent fertilizer containers shall be disposed of in sealed refuse containers.
- Landscape materials including mulch shall be stockpiled in areas away from contact with stormwater runoff and away from stormwater controls. Mulch stockpiles shall be inspected weekly for signs of erosion. If found to be eroding the piles shall be encircled with siltation fence or removed.

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

General

- No diesel fuel, oil, hydraulic fluids or other petroleum products shall be stored on site.
- All such fluids shall be made available from vendor vehicles brought to the site.
-

5.5.4 Hazardous or Toxic Waste

General

- Separate hazardous or toxic waste from construction and domestic waste

- Store waste in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion, and which are labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state or local requirements;
- Store all outside containers within appropriately-sized secondary containment (e.g., *spill berms, decks, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., *storing chemicals in a covered area, having a spill kit available on site*);
- Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal, state and local requirements;
- Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
- Follow all other federal, state and local requirements regarding hazardous or toxic waste.

5.5.5 Construction and Domestic Waste

General

- Provide waste containers (e.g., *dumpster, trash receptacle*) of sufficient size and number to contain construction and domestic wastes
- Keep waste container lids closed when not in use and close lids at the end of the business day for those containers that are actively used throughout the day. For waste containers that do not have lids, provide either
 - (1) cover (e.g., *a tarp, plastic sheeting, temporary roof*) to minimize exposure of wastes to precipitation, or
 - (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., *secondary containment*)
- On business days, clean up and dispose of waste in designated waste containers; and
- Clean up immediately if containers overflow.

5.5.6 Sanitary Waste

General

- On-site portable sanitary facilities shall be provided and shall be positioned so that they are secure and will not be tipped or knocked over, and located away from waters of the U.S. and stormwater inlets or conveyances.

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

General

- Wash water shall be directed into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing or precipitation
- Washout or cleanout wastes shall be handled as follows:
 - Liquid wastes shall not be dumped in storm sewers or waters of the U.S.
 - Dispose of liquid wastes in accordance with applicable requirements, and
 - Remove and dispose of Hardened concrete waste shall be transferred to a concrete waste reuse facility
- Washout and cleanout activities shall be located as far away as possible from waters of the U.S. and stormwater inlets or conveyances.

5.7 Fertilizers

General

- Fertilizers shall be applied at a rate and in amounts consistent with manufacturer's specifications.
- Fertilizers shall be applied at the appropriate time of year and timed to coincide as closely as possible to the period of maximum vegetation uptake and growth
- Applying fertilizers before heavy rains shall be avoided
- Fertilizers shall not be applied to frozen ground
- Fertilizers shall not be applied to stormwater conveyance channels
- Fertilizer application shall follow all federal, state and local requirements.

SECTION 6: INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Site Inspection Schedule

Select the inspection frequency(ies) that applies, based on CGP Parts 4.2, 4.3, or 4.4

Standard Frequency:
<input type="checkbox"/> Every 7 calendar days <input checked="" type="checkbox"/> Every 14 calendar days and within 24 hours of either: <ul style="list-style-type: none"> ▪ A storm event that produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), or ▪ A storm event that produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days (you conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event)), or ▪ A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

Dewatering Inspection Schedule

N/A

Rain Gauge Location

Rain gauge to be used is located at the Chatham Municipal Airport located 4,800 ft from the project site. Precipitation information is updated multiple times an hour and is available on-line at: https://www.wunderground.com/personal-weather-station/dashboard?ID=KMACHATH5&cm_ven=localwx_pwsdash

Inspection Report Forms

See Appendix D

6.2 *Corrective Action*

Personnel Responsible for Corrective Actions

Bryan Barrows
Barrows Excavating
243 Queen Anne Road
Harwich, MA 02645

508-430-2663
508-400-6347

Corrective Action Forms

See Appendix E

6.3 *Delegation of Authority*

Duly Authorized Representative(s) or Position(s):

Don Poyant
EASTWARD COMPANIES BUSINESS TRUST
155 CROWELL ROAD
CHATHAM, MA 02633
508-945-2300
508-945-2374

SECTION 7: TURBIDITY BENCHMARK MONITORING FOR DEWATERING DISCHARGES

N/A

SECTION 8: CERTIFICATION AND NOTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: DONALD L. POTANT Title: CFO
Signature: Donald L. Potant Date: 4/27/22

[Repeat as needed for multiple construction operators at the site.]

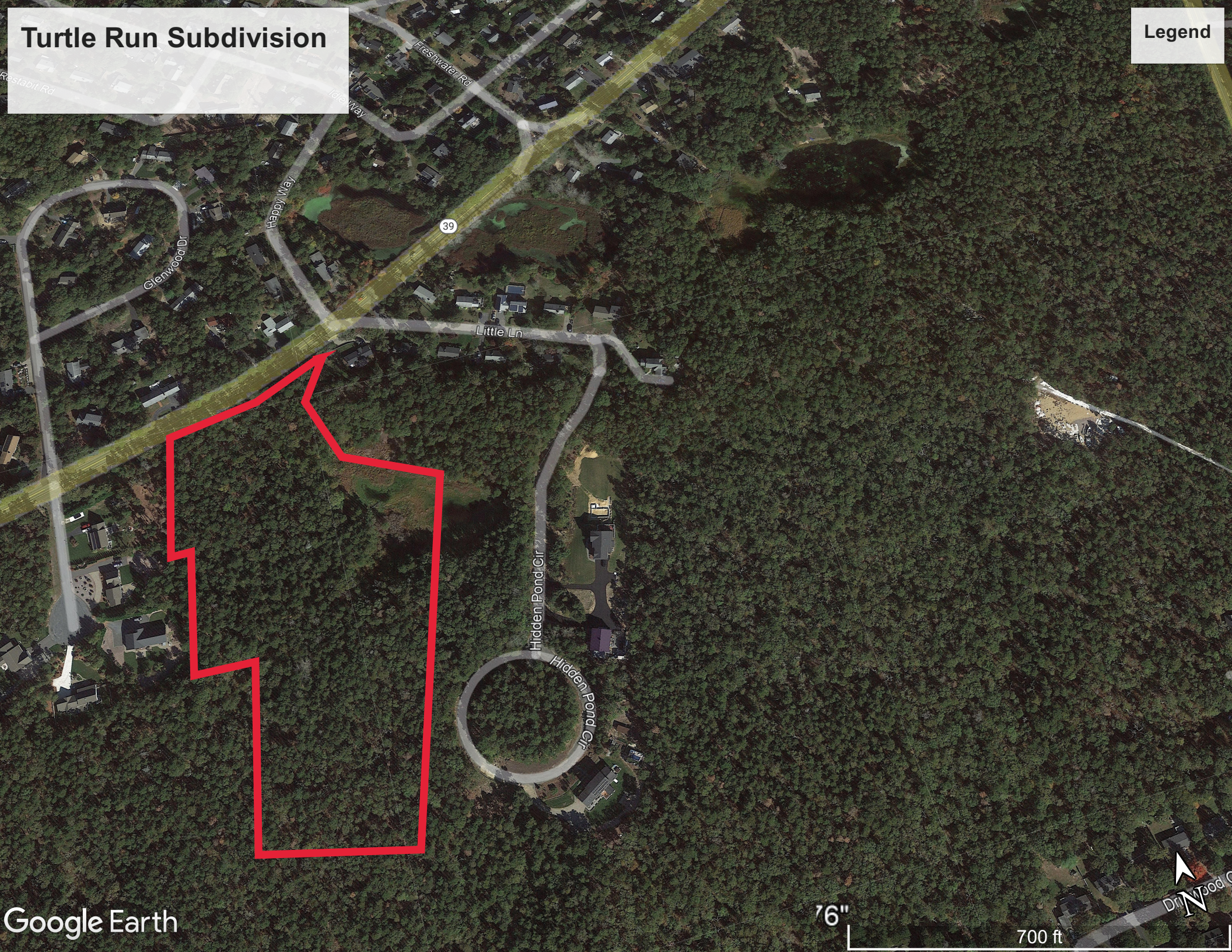
Stormwater Pollution Prevention Plan (SWPPP)
TURTLE RUN SUBDIVISION

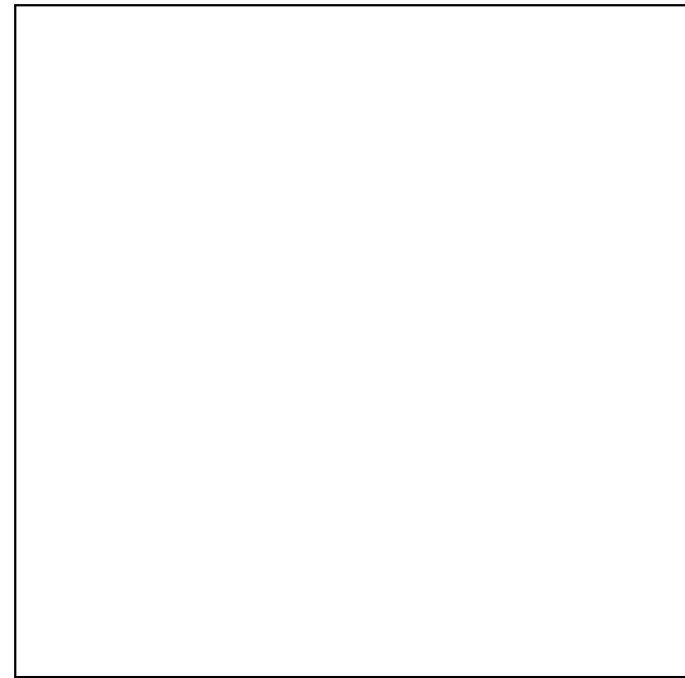
Appendix A – Site Maps

Appendix A – Site Maps

Turtle Run Subdivision

Legend

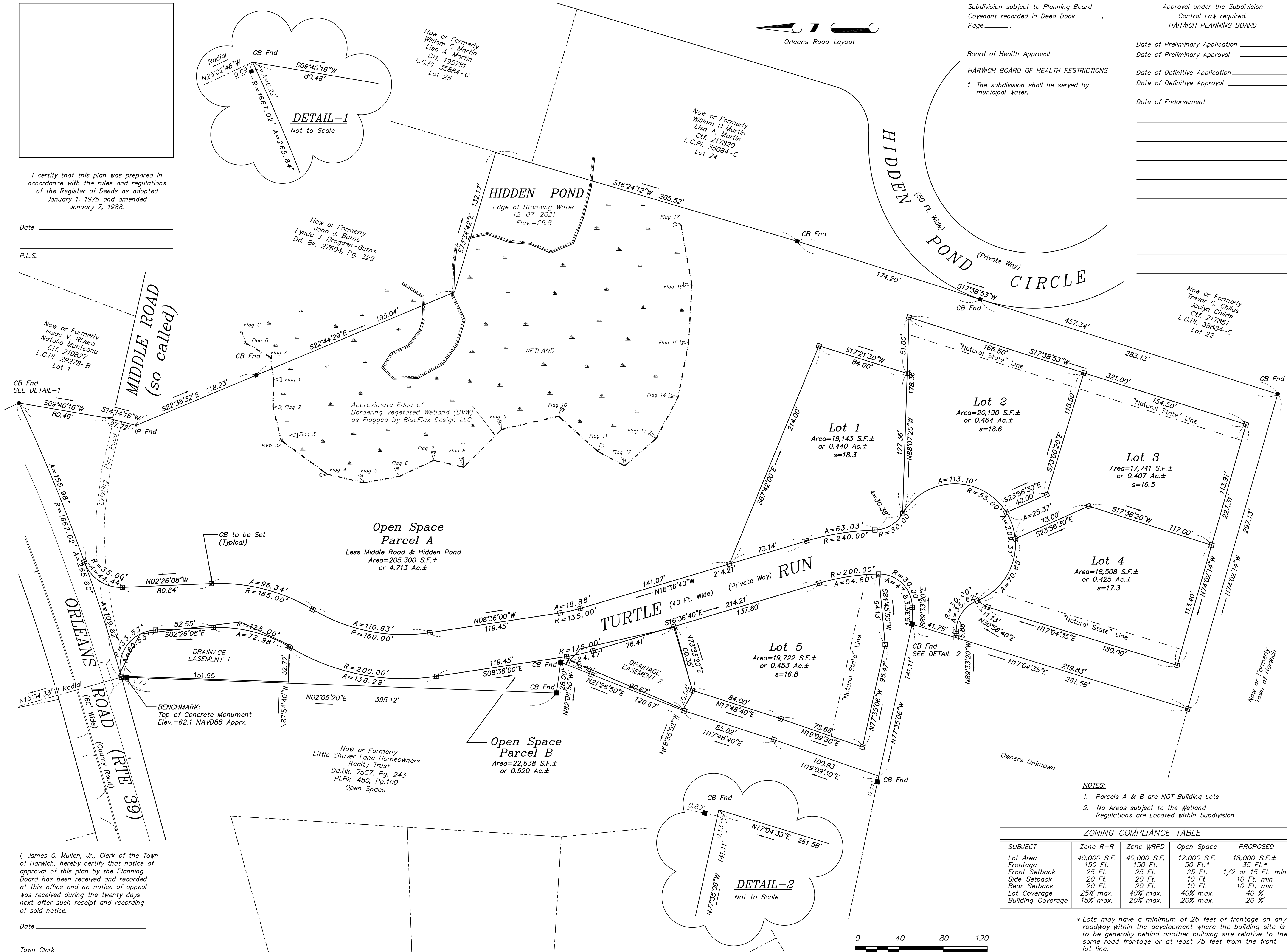




I certify that this plan was prepared in accordance with the rules and regulations of the Register of Deeds as adopted January 1, 1976 and amended January 7, 1988.

Date _____

P.L.S.



I, James G. Mullen, Jr., Clerk of the Town of Harwich, hereby certify that notice of approval of this plan by the Planning Board has been received and recorded at this office and no notice of appeal was received during the twenty days next after such receipt and recording of said notice.

Date _____

Town Clerk

Subdivision subject to Planning Board
Covenant recorded in Deed Book _____,
Page _____.

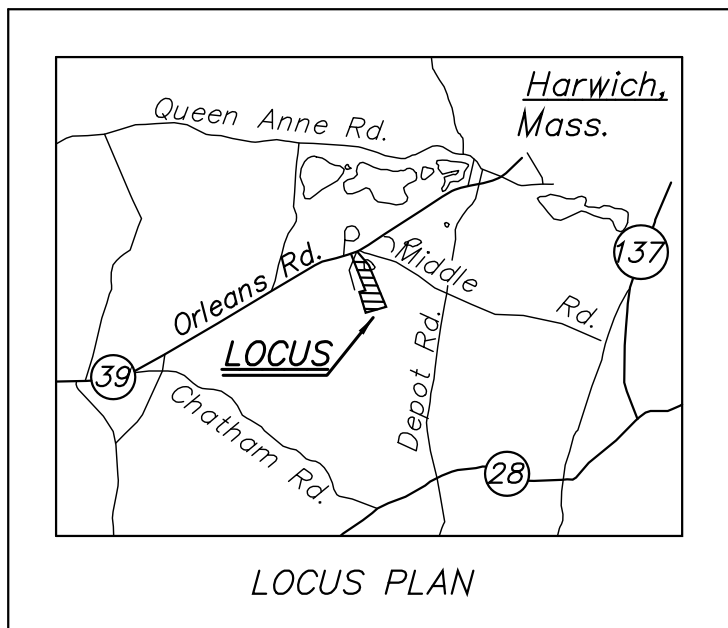
Approval under the Subdivision
Control Law required.
HARWICH PLANNING BOARD

Board of Health Approval

HARWICH BOARD OF HEALTH RESTRICTIONS

1. The subdivision shall be served by
municipal water.

Date of Preliminary Application _____
Date of Preliminary Approval _____
Date of Definitive Application _____
Date of Definitive Approval _____
Date of Endorsement _____



Assessors' Map 63, Parcel C2

OWNER OF RECORD:

Eastward Companies Business Trust
Eastward MBT, LLC, Trustee
155 Crowell Road
Chatham, MA 02633
Deed Book 34692, Page 11
Plan Book 604 Page 59

LEGEND

- CB ... Concrete Monument Found
- CB ... Concrete Monument to be Set

LOCUS PARCEL C

Hidden Pond Area 9,721 S.F.±
Wetland Area 58,324 S.F.±
Upland Area 308,555 S.F.±
TOTAL AREA 376,600 S.F.±
or 8.64 Ac.±

Middle Road Area 1,100 S.F.±
Parcels A & B (Open Space) 227,938 S.F.±
or 5.23 Ac.±

DIVISION PLAN

Parcel C3 Orleans-Harwich Rd., (Rte 39)
East Harwich, MA

Prepared For
**EASTWARD COMPANIES
BUSINESS TRUST**
Owner/Applicant

CLARK ENGINEERING LLC

156 Crowell Road Suite B, Chatham, MA. 02633
Tel.: (508) 945-5454; Fax.: (508) 945-5458

OUTERMOST LAND SURVEY, INC.

46 Main Street, Brewster, MA 02631
Tel.: (508) 255-0477

Rev. #	Description of Revision	Date

Date: 04-08-2022
Scale: 1" = 40'

Drawing No.: 0010-190.0F
Sheet No.: 1

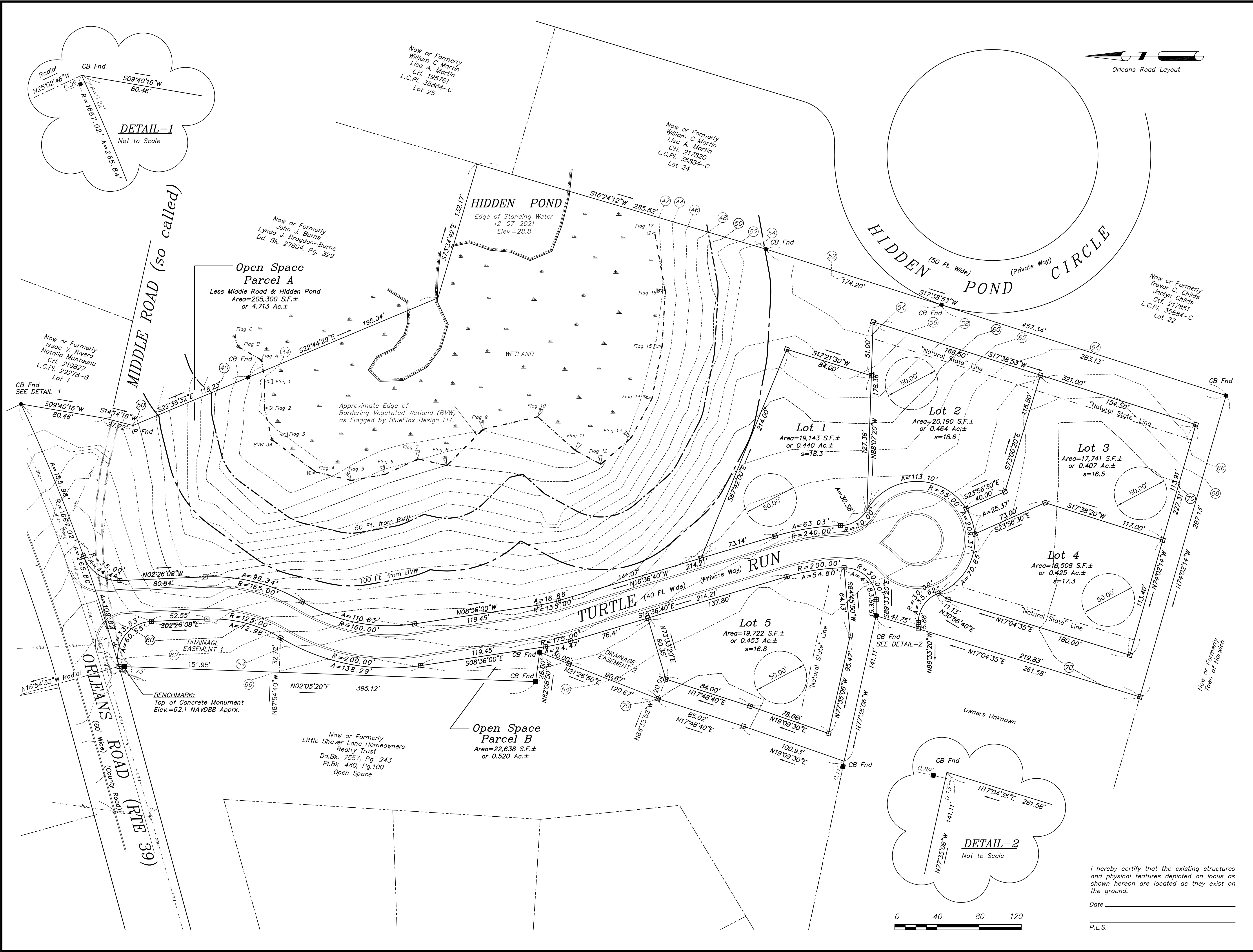
NOTES:

1. Parcels A & B are NOT Building Lots
2. No Areas subject to the Wetland Regulations are Located within Subdivision

ZONING COMPLIANCE TABLE

SUBJECT	Zone R-R	Zone WRPD	Open Space	PROPOSED
Lot Area	40,000 S.F.	40,000 S.F.	12,000 S.F.	18,000 S.F.±
Frontage	150 Ft.	150 Ft.	50 Ft.*	35 Ft.*
Front Setback	25 Ft.	25 Ft.	25 Ft.	1/2 or 15 Ft. min
Side Setback	20 Ft.	20 Ft.	10 Ft.	10 Ft. min
Rear Setback	20 Ft.	20 Ft.	10 Ft.	10 Ft. min
Lot Coverage	25% max.	40% max.	40% max.	40 %
Building Coverage	15% max.	20% max.	20% max.	20 %

* Lots may have a minimum of 25 feet of frontage on any roadway within the development where the building site is to be generally behind another building site relative to the same road frontage or at least 75 feet from the front lot line.



LEGEND

■ CB ... Concrete Monument Found
□ CB ... Concrete Monument to be Set

LOCUS PARCEL C

Hidden Pond Area	9,721 S.F.±
Wetland Area	58,324 S.F.±
Upland Area	308,555 S.F.±
TOTAL AREA	376,600 S.F.±
or	8.64 Ac.±

Middle Road Area 1,100 S.F.±
Parcels A & B (Open Space) 227,938 S.F.±
or 5.23 Ac.±

TOPOGRAPHY PLAN
Turtle Run Subdivision, East Harwich, MA

Prepared For
**EASTWARD COMPANIES
BUSINESS TRUST**
Owner/Applicant

CLARK ENGINEERING LLC
156 Crowell Road Suite B, Chatham, MA 02633
Tel.: (508) 945-5454; Fax.: (508) 945-5458

OUTERMOST LAND SURVEY, INC.
46 Main Street, Brewster, MA 02631
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Rev. #	Description of Revision	Date

Date: 04-08-2022	Drawing No.: 0010-190.0F
Scale: 1" = 40'	Sheet No.: 2 of 9

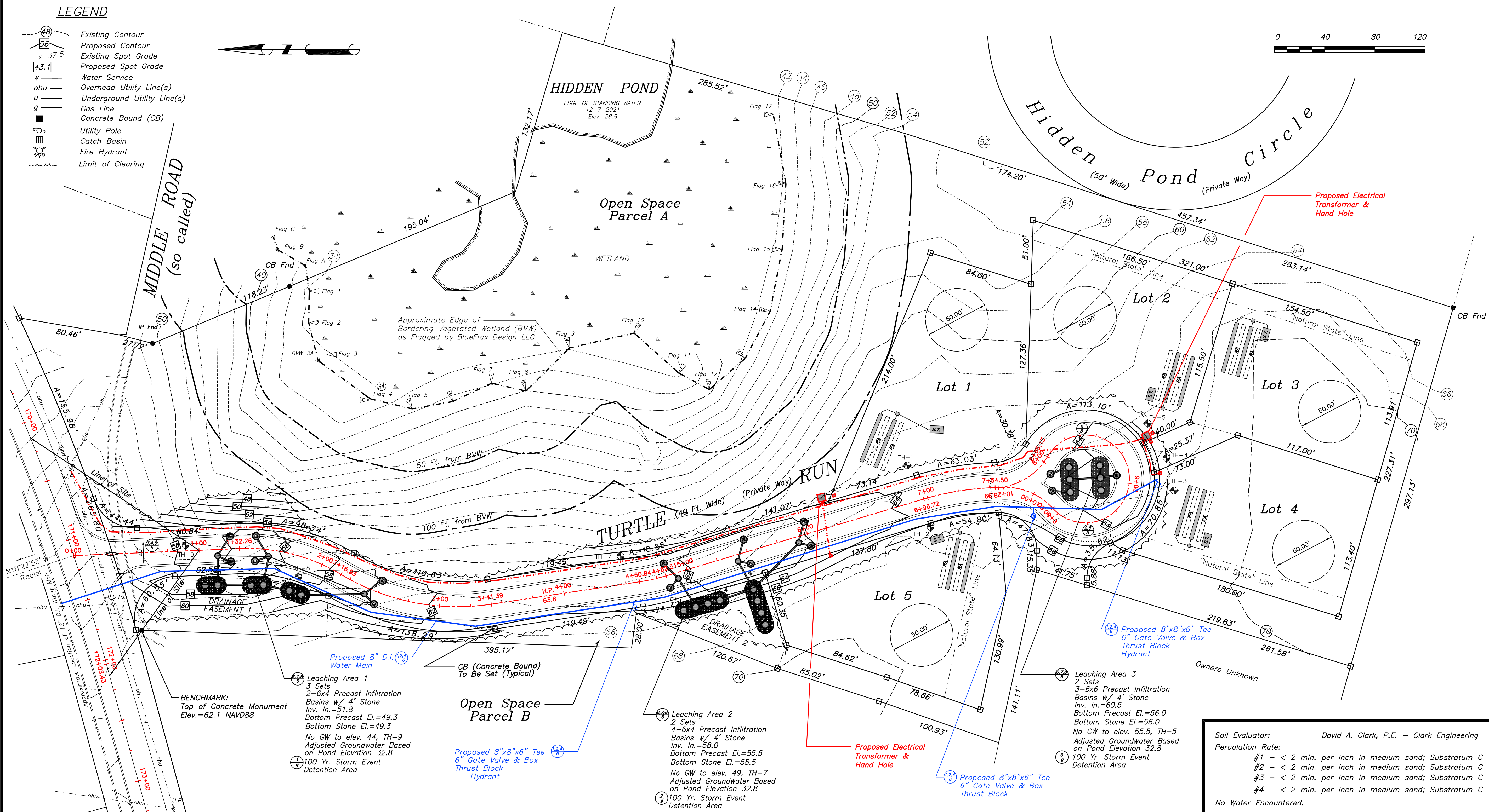
I hereby certify that the existing structures and physical features depicted on locus as shown hereon are located as they exist on the ground.

Date _____

P.L.S. _____

LEGEND

- Existing Contour
- Proposed Contour
- Existing Spot Grade
- Proposed Spot Grade
- Water Service
- Overhead Utility Line(s)
- Underground Utility Line(s)
- Gas Line
- Concrete Bound (CB)
- Utility Pole
- Catch Basin
- Fire Hydrant
- Limit of Clearing



CENTERLINE/CONSTRUCTION BASELINE

STATION	LINE BEARING	DISTANCE
0+00	L1 S 02°26'08" E	132.26'
	CURVE ARC LENGTH	RADIUS
1+32.26	C1 84.66' RIGHT	145.00'
2+16.93	C2 124.46' LEFT	180.00'
	LINE BEARING	DISTANCE
3+41.39	L2 S 08°36'00" E	119.45'
	CURVE ARC LENGTH	RADIUS
4+60.84	C3 21.67' LEFT	155.00'
	LINE BEARING	DISTANCE
4+82.51	L3 S 16°36'40" E	214.21'
	CURVE ARC LENGTH	RADIUS
6+96.72	C4 57.78' RIGHT	220.00'
7+54.50	C5 72.33' LEFT	524.70'
8+26.83	CENTER OF CUL DE SAC	

Soil Evaluator: David A. Clark, P.E. - Clark Engineering
Percolation Rate:
#1 - < 2 min. per inch in medium sand; Substratum C
#2 - < 2 min. per inch in medium sand; Substratum C
#3 - < 2 min. per inch in medium sand; Substratum C
#4 - < 2 min. per inch in medium sand; Substratum C
No Water Encountered.

T.H.#1	T.H.#2	T.H.#3	T.H.#4	T.H.#5	T.H.#6	T.H.#7	T.H.#8	T.H.#9
Date of Test 01-06-22	Date of Test 01-06-22	Date of Test 01-06-22	Date of Test 01-06-22	Date of Test 01-06-22	Date of Test 01-06-22	Date of Test 01-06-22	Date of Test 01-06-22	Date of Test 01-06-22
Existing Grade	Existing Grade	Existing Grade	Existing Grade	Existing Grade	Existing Grade	Existing Grade	Existing Grade	Existing Grade
Depth 0	Depth 0	Depth 0	Depth 0	Depth 0	Depth 0	Depth 0	Depth 0	Depth 0
04"	03"	04"	05"	02"	03"	04"	03"	04"
08"	13"	09"	09"	10"	12"	10"	08"	11"
24"	33"	32"	32"	26"	36"	28"	32"	38"
120"	120"	132"	144"	132"	120"	120"	120"	120"

ROAD PLAN VIEW

Orleans-Harwich Rd.(Rte 39) East Harwich, MA

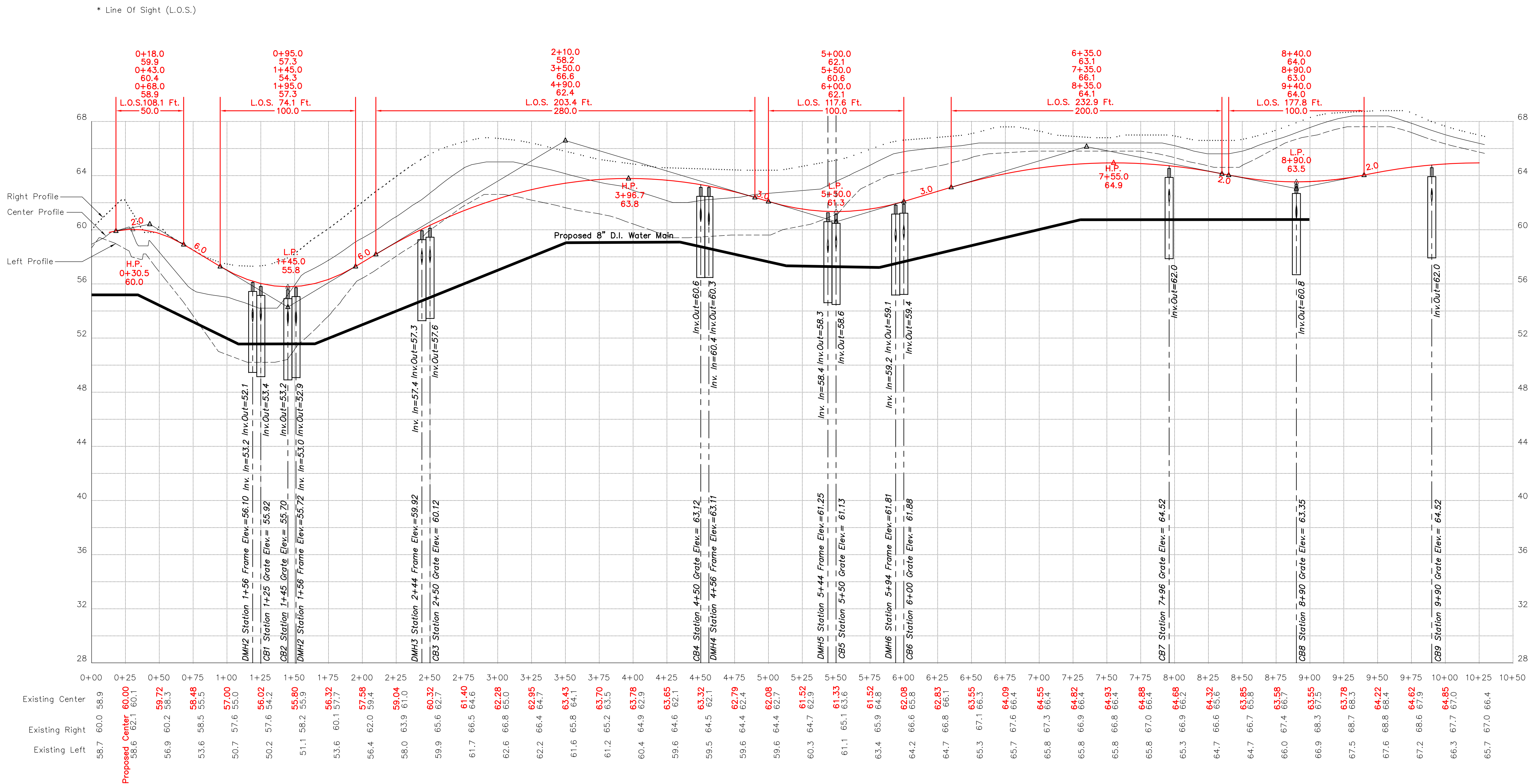
Prepared For
**EASTWARD COMPANIES
BUSINESS TRUST**
Applicant

CLARK ENGINEERING LLC

156 Crowell Road Suite B, Chatham, MA. 02633
Tel.: (508) 945-5454; Fax.: (508) 945-5458

Rev. #	Description of Revision	Date

Date: 04-08-2022
Scale: 1" = 40'
Drawing No.: 0010-190.0F
Sheet No.: 3 of 9



1 TURTLE RUN PROFILE PLAN
HORIZONTAL SCALE 1" = 40'
VERTICAL SCALE 1" = 4'

ROAD PROFILE PLAN
Turtle Run Subdivision, East Harwich, MA

Prepared For
**EASTWARD COMPANIES
BUSINESS TRUST**
Applicant

CLARK ENGINEERING LLC
156 Crowell Road Suite B, Chatham, MA. 02633
Tel.: (508) 945-5454; Fax.: (508) 945-5458

Rev. #	Description of Revision	Date

Date: 04-08-2022
Scale: SEE PLAN
Drawing No.: 0010-190.0F
Sheet No.: 4 of 9

Appendix B – Copy of 2022 CGP

**National Pollutant Discharge Elimination System (NPDES)
Construction General Permit (CGP) for Stormwater Discharges from
Construction Activities**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on 12:00 am, February 17, 2022.

This permit and the authorization to discharge expire at 11:59pm, February 16, 2027.

Signed and issued this 18 day of January 2022

DEBORAH SZARO Digitally signed by
DEBORAH SZARO
Date: 2022.01.18
08:31:14 -05'00'

Deborah Szaro,
Acting Regional Administrator, EPA Region 1.

Signed and issued this 18 day of January 2022

JAVIER LAUREANO Digitally signed by
JAVIER LAUREANO
Date: 2022.01.18
11:21:16 -05'00'

Javier Laureano,
Director, Water Division, EPA Region 2.

Signed and issued this 18 day of January 2022

CARMEN GUERRERO PEREZ Digitally signed by
CARMEN GUERRERO PEREZ
Date: 2022.01.18 10:19:51
-04'00'

Carmen Guerrero-Perez,
Director, Caribbean Environmental Protection
Division, EPA Region 2.

Signed and issued this 18 day of January 2022

CATHERINE LIBERTZ Digitally signed by
CATHERINE LIBERTZ
Date: 2022.01.18
12:05:24 -05'00'

Catherine A. Libertz,
Director, Water Division, EPA Region 3.

Signed and issued this 18 day of January 2022

JEANEANNE GETTLE Digitally signed by
JEANEANNE GETTLE
Date: 2022.01.18
13:09:48 -05'00'

Jeaneanne Gettle,
Director, Water Division, EPA Region 4.

Signed and issued this 18 day of January 2022

 Digitally signed by
TERA FONG
Date: 2022.01.18
13:03:49 -06'00'

Tera Fong,
Director, Water Division, EPA Region 5.

Signed and issued this 18 day of January 2022

CHARLES MAGUIRE Digitally signed by
CHARLES MAGUIRE
DN: c=US, o=U.S. Government,
ou=Environmental Protection Agency,
cn=CHARLES MAGUIRE,
0.9.2342.19200300.100.1.1#68001003650036
Date: 2022.01.18 14:06:55 -06'00'

Charles W. Maguire,
Director, Water Division, EPA Region 6.

Signed and issued this 18 day of January 2022

JEFFERY ROBICHAUD Digitally signed by
JEFFERY ROBICHAUD
Date: 2022.01.18
14:41:37 -06'00'

Jeffery Robichaud,
Director, Water Division, EPA Region 7.

Signed and issued this 18 day of January 2022

DARCY OCONNOR Digitally signed by
DARCY OCONNOR
Date: 2022.01.18
14:00:05 -07'00'

Darcy O'Connor,
Director, Water Division, EPA Region 8.

Signed and issued this 18 day of January 2022

TOMAS TORRES Digitally signed by
TOMAS TORRES
Date: 2022.01.18
13:30:16 -08'00'

Tomás Torres,
Director, Water Division, EPA Region 9.

Signed and issued this 18 day of January 2022

DANIEL OPALSKI Digitally signed by
DANIEL OPALSKI
Date: 2022.01.18
15:10:20 -08'00'

Daniel D. Opalski,
Director, Water Division, EPA Region 10.

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1 HOW TO OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT (CGP)

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

1.1 ELIGIBILITY CONDITIONS

1.1.1 You are an “operator” of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an “operator” is any party associated with a construction project that meets either of the following two criteria:

- a.** The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- b.** The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.¹ Subcontractors generally are not considered operators for the purposes of this permit.

1.1.2 Your site’s construction activities:

- a.** Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (as defined in Appendix A) that will ultimately disturb one or more acres of land; or
- b.** Have been designated by EPA as needing permit coverage under 40 CFR § 122.26(a)(1)(v) or 40 CFR § 122.26(b)(15)(ii);

1.1.3 Your site is located in an area where EPA is the permitting authority and where coverage under this permit is available (see Appendix B);

1.1.4 Discharges from your site are not:

- a.** Already covered by a different NPDES permit for the same discharge; or
- b.** In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.^{2, 3}

1.1.5 You can demonstrate you meet one of the criteria in the Endangered Species Protection section of the Notice of Intent (NOI) that you submit for coverage under this permit, per Part 1.4, with respect to the protection of Federally listed endangered or threatened species and Federally designated critical habitat under the Endangered Species Act

¹ If the operator of a “construction support activity” (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

² Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2017 CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

³ Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4a or 1.1.4b, above, EPA may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

(ESA). If the EPA Regional Office grants you a waiver from electronic reporting per Part 1.4.2, you must complete the ESA worksheet in Appendix D to demonstrate you meet one of the criteria and submit it with your paper NOI (Appendix I).

- 1.1.6** You have completed the screening process in Appendix E relating to the protection of historic properties; and
- 1.1.7** You have complied with all requirements in Part 9 imposed by the applicable State, Indian Tribe, or Territory in which your construction activities and/or discharge will occur.
- 1.1.8** For “new sources” (as defined in Appendix A) only:
 - a.** EPA has not, prior to authorization under this permit, determined that discharges from your site will not meet applicable water quality standards. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that meet applicable water quality standards.
 - b.** Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water⁴ will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.
- 1.1.9** If you plan to add “cationic treatment chemicals” (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your NOI until you notify your applicable EPA Regional Office (see Appendix J) in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards.

⁴ Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first receiving water to which you discharge is identified by a State, Tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first receiving water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. The current list of Tier 2, Tier 2.5, and Tier 3 waters located in the areas eligible for coverage under this permit can be found at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>. You can also use EPA's Discharge Mapping Tool (<https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools>) to assist you in identifying whether any receiving waters to which you discharge are listed as impaired (and the pollutant for which it is impaired) and whether an approved total maximum daily load (TMDL) exists for that waterbody.

1.2 TYPES OF DISCHARGES AUTHORIZED⁵

- 1.2.1** The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):
- a.** Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i);
 - b.** Stormwater discharges designated by EPA as needing a permit under 40 CFR § 122.26(a)(1)(v) or § 122.26(b)(15)(ii);
 - c.** Stormwater discharges from on or off-site construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
 - i.** The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
 - ii.** The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;
 - iii.** The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and
 - iv.** Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas; and
 - d.** Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.
- 1.2.2** The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:
- a.** Discharges from emergency fire-fighting activities;
 - b.** Fire hydrant flushings;
 - c.** Landscape irrigation;
 - d.** Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
 - e.** Water used to control dust;
 - f.** Potable water including uncontaminated water line flushings;

⁵ See "Discharge" as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA Section 402(k) by disclosure to EPA, State, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

- g.** External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));
 - h.** Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any receiving water, storm drain inlet, or constructed or natural site drainage features, unless the feature is connected to a sediment basin, sediment trap, or similarly effective control;
 - i.** Uncontaminated air conditioning or compressor condensate;
 - j.** Uncontaminated, non-turbid discharges of ground water or spring water;
 - k.** Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and
 - l.** Uncontaminated construction dewatering water⁶ discharged in accordance with Part 2.4.
- 1.2.3** Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

1.3 PROHIBITED DISCHARGES⁷

The discharges listed in this Part are prohibited outright or authorized only under the identified conditions. To prevent the discharges in Parts 1.3.1 through 1.3.5, operators must comply with the applicable pollution prevention requirements in Part 2.3 or ensure the discharge is authorized by another NPDES permit consistent with Part 1.2.3 for commingled discharges.

- 1.3.1** Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;
- 1.3.2** Wastewater from washout and/or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
- 1.3.3** Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- 1.3.4** Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and
- 1.3.5** Toxic or hazardous substances from a spill or other release.

⁶ EPA notes that operators may need to comply with additional procedures to verify that the dewatering discharge is uncontaminated. Operators should review Part 9 to determine if any of these requirements apply to their discharge and should ensure that they have complied with any State, Tribal, or local dewatering requirements that apply.

⁷ EPA includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All “operators” (as defined in Appendix A) associated with your construction site who meet the Part 1.1 eligibility conditions, and who seek coverage under this permit, must submit to EPA a complete and accurate NOI in accordance with the deadlines in Table 1 prior to commencement of construction activities (as defined in Appendix A).

Exception: If you are conducting construction activities in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency pursuant to Part 7.2.3i.

1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 before submitting your NOI for coverage under this permit.

1.4.2 How to Submit Your NOI

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOI for coverage under the 2022 CGP unless you received a waiver from your applicable EPA Regional Office.

To access NeT, go to <https://cdx.epa.gov/cdx>.

Waivers from electronic reporting may be granted based on one of the following conditions:

- a. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or
- b. If you have limitations regarding available computer access or computer capability.

If the EPA Regional Office grants you approval to use a paper NOI, and you elect to use it, you must complete the form in Appendix H.

1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

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

Type of Operator	NOI Submittal Deadline⁸	Permit Authorization Date⁹
Operator of a new site (i.e., a site where construction activities commence on or after February 17, 2022)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site (i.e., a site with 2017 CGP coverage where construction activities commenced prior to February 17, 2022)	No later than May 18, 2022.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied. Provided you submit your NOI no later than May 18, 2022, your authorization under the 2017 CGP is automatically continued until you have been granted coverage under this permit or an alternative NPDES permit, or coverage is otherwise terminated.
New operator of a permitted site (i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site")	At least 14 calendar days before the date the transfer to the new operator will take place.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an "emergency-related project" (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

⁸ If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

⁹ Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix H.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

The following modifications to an NOI form will result in a 14-day review process:

- Changes to the name of the operator;
- Changes to the project or site name;
- Changes to the estimated area to be disturbed;
- Changes to the name of the receiving water¹⁰, or additions to the applicable receiving waters;
- Changes to eligibility information related to endangered species protection or historic preservation;
- Changes to information provided related to the use of chemical treatment at your site; and
- Changes to answers provided regarding the demolition of structures over 10,000 square feet of floor space built or renovated before January 1, 1980.

During the 14-day review process, you may continue to operate based on the information provided in your original NOI, but you must wait until the review period has ended before you may commence or continue activities on any portion of your site that would be affected by any of the above modifications, unless EPA notifies you that the authorization is delayed or denied.

1.4.5 Your Official End Date of Permit Coverage

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

- a. You terminate permit coverage consistent with Part 8; or
- b. You receive permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2027; or
- c. You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so it is visible from the public road that is nearest to the active part of the construction

¹⁰ As defined in Appendix A, a "receiving water" is "a "Water of the United States" as defined in 40 CFR § 122.2 into which the regulated stormwater discharges.

site, and it must use a font large enough to be readily viewed from a public right-of-way.¹¹ At a minimum, the notice must include:

- a. The NPDES ID (i.e., permit tracking number assigned to your NOI and the EPA webpage where a copy of the NOI can be found (<https://permitsearch.epa.gov/epermit-search/ui/search>));
- b. A contact name and phone number for obtaining additional construction site information;
- c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [include the appropriate CGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>];" and
- d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving water, contact the EPA through the following website: <https://www.epa.gov/enforcement/report-environmental-violations>."

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.¹²

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2, 2.3, and 2.4 to minimize the discharge of pollutants in stormwater from construction activities.¹³ To meet this requirement, you must:

2.1.1 Account for the following factors in designing your stormwater controls:

- a. The expected amount, frequency, intensity, and duration of precipitation;¹⁴
- b. The nature of stormwater runoff (i.e., flow) and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and
- c. The soil type and range of soil particle sizes expected to be present on the site.

¹¹ If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

¹² For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for installation/implementation. See Part 7.2.6.

¹³ The permit does not recommend or endorse specific products or vendors.

¹⁴ Stormwater controls must be designed using the most recent data available to account for recent precipitation patterns and trends.

If your site is exposed to or has previously experienced major storms, such as hurricanes, storm surge, extreme/heavy precipitation, and flood events, you should also include consideration of and contingencies for whether implementing structural improvements, enhanced/resilient stormwater controls, and other mitigation measures may help minimize impacts from stormwater discharges from such major storm events.

2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.¹⁵

2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.

- a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.¹⁶
- b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

2.1.4 Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

- a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.¹⁷
- b. If at any time you find that a stormwater control needs routine maintenance (i.e., minor repairs or other upkeep performed to ensure the site's stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control), you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why the repair or other upkeep to be performed should still be considered routine maintenance in your inspection report under Part 4.7.1c and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.
- c. If you must repeatedly (i.e., three (3) or more times) make the same routine maintenance fixes to the same control at the same location, even if the fix can be completed by the close of the next business day, you must either:
 - i. Complete work to fix any subsequent repeat occurrences of this same problem under the corrective action procedures in Part 5, including keeping any records

¹⁵ Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2, 2.3, and 2.4.

¹⁶ Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

¹⁷ Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

of the condition and how it was corrected under Part 5.4; or

- ii. Document in your inspection report under Part 4.7.1c why the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under this Part.¹⁸
- d. If at any time you find that a stormwater control needs a significant repair or that a new or replacement control is needed, you must comply with the corrective action deadlines for completing such work in in Part 5.2.1c.

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls for discharges to any receiving waters that is located within 50 feet of the site's earth disturbances.

- a. **Compliance Alternatives.** For any discharges to receiving waters located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:
 - i. Provide and maintain a 50-foot undisturbed natural buffer; or
 - ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
 - iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

See Appendix F, Part F.2 for additional conditions applicable to each compliance alternative.

- b. **Exceptions.** See Appendix F, Part F.2 for exceptions to the compliance alternatives.

2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infiltration would be inadvisable due to the underlying geology (e.g., karst topography) and ground water contamination concerns, or infeasible due to site conditions.¹⁹

¹⁸ Such documentation could include, for example, that minor repairs completed within the required timeframe are all that is necessary to ensure that the stormwater control continues to operate as designed and installed and that the stormwater control remains appropriate for the flow reaching it.

¹⁹ Operators should consider whether factors such as specific contaminant concerns from the construction site, the underlying soils or geology, hydrology, depth to the ground water table, or proximity to source water or wellhead protection area(s) make the site unsuitable for infiltrating construction stormwater. Site conditions that may be of particular concern include proximity to: a current or future drinking water aquifer; a drinking water well or spring (including private/household wells); highly conductive geology such as karst; known pollutant hot spots, such as hazardous waste sites, landfills, gas stations, brownfields; an on-site sewage system or underground storage tank; or soils that do not allow for infiltration. Operators may find it helpful to consult EPA's [Drinking Water Mapping Application to Protect Source Waters \(DWMAPS\)](#). DWMAPS is an online mapping tool that can be used to locate drinking water providers, potential sources of contamination, polluted waterways, and information on protection initiatives in the site area.

2.2.3 Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.²⁰

- a. The perimeter control must be installed upgradient of any natural buffers established under Part 2.2.1, unless the control is being implemented pursuant to Part 2.2.1 a.ii-iii;
- b. To prevent stormwater from circumventing the edge of the perimeter control, install the perimeter control on the contour of the slope and extend both ends of the control up slope (e.g., at 45 degrees) forming a crescent rather than a straight line;
- c. After installation, to ensure that perimeter controls continue to work effectively:
 - i. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control; and
 - ii. After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.
- d. **Exception.** For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4 Minimize sediment track-out.

- a. Restrict vehicle use to properly designated exit points;
- b. Use appropriate stabilization techniques²¹ at all points that exit onto paved roads;
 - i. **Exception:** Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls²² are implemented to minimize sediment track-out;
- c. Implement additional track-out controls²³ as necessary to ensure that sediment removal occurs prior to vehicle exit; and
- d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out

²⁰ Examples of perimeter controls include filter berms; different types of silt fence such as wire-backed silt fence, super silt fence, or multi-layer geotextile silt fence; compost filter socks; gravel barriers; and temporary diversion dikes.

²¹ Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

²² Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., *karst areas*; *steep slopes*).

²³ Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.²⁴

2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:²⁵

- a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any constructed or natural site drainage features, storm drain inlets, and areas where stormwater flow is concentrated;
- b. Install a sediment barrier along all downgradient perimeter areas of stockpiled soil or land clearing debris piles;²⁶
- c. For piles that will be unused for 14 or more days, provide cover²⁷ or appropriate temporary stabilization (consistent with Part 2.2.14);
- d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

2.2.6 Minimize dust. On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

2.2.7 Minimize steep slope disturbances. Minimize the disturbance of “steep slopes” (as defined in Appendix A).²⁸

2.2.8 Preserve native topsoil, unless infeasible.²⁹

2.2.9 Minimize soil compaction.³⁰ In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

²⁴ Fine grains that remain visible (e.g., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

²⁵ The requirements in Part 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.3.3a for the requirements that apply to these types of materials.

²⁶ Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

²⁷ Examples of cover include tarps, blown straw and hydroseeding.

²⁸ Where disturbance to steep slopes cannot be avoided, operators should consider implementing controls suitable for steep slope disturbances that are effective at minimizing erosion and sediment discharge (e.g., preservation of existing vegetation, hydraulic mulch, geotextiles and mats, compost blankets, earth dikes or drainage swales, terraces, velocity dissipation devices). To identify slopes and soil types that are of comparatively higher risk for sediment discharge in areas of the country where the CGP is in effect, operators can use the tables in Appendix F (see Tables F-2 thru F-6).

²⁹ Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case it may not be feasible to preserve topsoil.

³⁰ Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

- a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and
- b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.10 Protect storm drain inlets.

- a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater from your site to a receiving water, provided you have authority to access the storm drain inlet.³¹ Inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin, sediment trap, or similarly effective control; and
- b. Clean, or remove and replace, the inlet protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.11 Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.³²

2.2.12 If you install a sediment basin or similar impoundment:

- a. Situate the basin or impoundment outside of any receiving water, and any natural buffers established under Part 2.2.1;
- b. Design the basin or impoundment to avoid collecting water from wetlands;
- c. Design the basin or impoundment to provide storage for either:
 - i. The calculated volume of runoff from a 2-year, 24-hour storm;³³ or
 - ii. 3,600 cubic feet per acre drained.
- d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;³⁴
- e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

³¹ Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

³² Examples of stormwater controls that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of a constructed site drainage feature and at the outfall to slow down stormwater.

³³ Operators may refer to <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates> for guidance on determining the volume of precipitation associated with their site's local 2-year, 24-hour storm event.

³⁴ The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

- f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

2.2.13 If using treatment chemicals (e.g., polymers, flocculants, coagulants):

- a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals.** Chemicals may only be applied where treated stormwater is directed to a sediment control (e.g., *sediment basin, perimeter control*) before discharge.
- b. **Select appropriate treatment chemicals.** Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated (i.e., *the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area*).
- c. **Minimize discharge risk from stored chemicals.** Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., *spill berms, dikes, spill containment pallets*), or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means (e.g., *storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill*).
- d. **Comply with State/local requirements.** Comply with applicable State and local requirements regarding the use of treatment chemicals.
- e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.
- f. **Ensure proper training.** Ensure all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training prior to beginning application of treatment chemicals. Among other things, the training must cover proper dosing requirements.
- g. **Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as conditioned by your authorization to ensure the use of such chemicals will not result in discharges that do not meet water quality standards.

2.2.14 Stabilize exposed portions of the site.

Implement and maintain stabilization measures (e.g., *seeding protected by erosion controls until vegetation is established*,³⁵ *sodding, mulching, erosion control blankets, hydromulch, gravel*) that minimize erosion from any areas of exposed soil on the site in accordance with Part.

³⁵ If you will be evaluating the use of some type of erosion control netting to the site as part of your site stabilization, EPA encourages you to consider employing products that have been shown to minimize

a. Stabilization Deadlines:³⁶**Table 2 Deadlines for Initiating and Completing Site Stabilization.**

Total Amount of Land Disturbance Occurring At Any One Time ³⁷	Deadline
i. Five acres or less (≤ 5.0) Note: this includes sites disturbing more than five acres (>5.0) total over the course of a project, but that limit disturbance at any one time (i.e., phase the disturbance) to five acres or less (≤ 5.0)	<ul style="list-style-type: none"> Initiate the installation of stabilization measures immediately³⁸ in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;³⁹ and Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days

impacts on wildlife. For instance, the U.S. Fish & Wildlife Service provides recommendations on the type of netting practices that are considered "wildlife friendly," including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, as well as those products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. Other recommendations include removing the netting product when it is no longer needed. See https://www.fws.gov/midwest/eastlansing/library/pdf/WildlifeFriendlyErosionControlProducts_revised.pdf for further information. There also may be State, Tribal, or local requirements about using wildlife friendly erosion control products.

³⁶ EPA may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

³⁷ Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to "free up" land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

³⁸ The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

³⁹ The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

Total Amount of Land Disturbance Occurring At Any One Time ³⁷	Deadline
	after stabilization has been initiated. ⁴⁰
ii. More than five acres (>5.0)	<ul style="list-style-type: none"> Initiate the installation of stabilization measures immediately⁴¹ in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;⁴² and Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.⁴³

b. Exceptions:

- i. **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). If it is the seasonally dry period (as defined in Appendix A)⁴⁴ or a period in which drought is occurring, and vegetative stabilization measures are being used:
 - (a) Immediately initiate and, within 14 calendar days of temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;
 - (b) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and
 - (c) If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.
- ii. **Unforeseen circumstances.** Operators that are affected by unforeseen circumstances⁴⁵ that delay the initiation and/or completion of vegetative stabilization:

⁴⁰ If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed, including the application of any non-vegetative protective cover (e.g., mulch, erosion control blanket), if applicable. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

⁴¹ See footnote 38.

⁴² See footnote 39.

⁴³ See footnote 40.

⁴⁴ The term "seasonally dry period" as defined in Appendix A refers to a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA's Seasonally Dry Period Locator Tool at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates> and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area.

⁴⁵ Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

- (a) Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;
- (b) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and
- (c) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.

iii. Discharges to a sediment- or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes. Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.

c. Final Stabilization Criteria (for any areas not covered by permanent structures):

- i. Establish uniform, perennial vegetation (*i.e., evenly distributed, without large bare areas*) to provide 70 percent or more of the vegetative cover native to local undisturbed areas; and/or
- ii. Implement permanent non-vegetative stabilization measures⁴⁶ to provide effective cover of any areas of exposed soil.

iii. Exceptions:

- (a) **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the vegetative cover native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied to provide cover for at least three years without active maintenance.
- (b) **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** The Part 2.2.14c final stabilization criteria do not apply.
- (c) **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (*e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials*).

2.3 POLLUTION PREVENTION REQUIREMENTS⁴⁷

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

⁴⁶ Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

⁴⁷ Under this permit, you are not required to minimize exposure for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

2.3.1 For equipment and vehicle fueling and maintenance:

- a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;⁴⁸
- b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;
- c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
- d. Use drip pans and absorbents under or around leaky vehicles;
- e. Dispose of or recycle oil and oily wastes in accordance with other Federal, State, Tribal, or local requirements; and
- f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2 For equipment and vehicle washing:

- a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;⁴⁹
- b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and
- c. For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

2.3.3 For storage, handling, and disposal of building products, materials, and wastes:⁵⁰

- a. *For building materials and building products,⁵¹ provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these products to*

⁴⁸ Examples of effective means include:

- Locating activities away from receiving waters, storm drain inlets, and constructed or natural site drainage feature so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (e.g., *spill berms, dikes, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

⁴⁹ Examples of effective means include locating activities away from receiving waters and storm drain inlets or constructed or natural site drainage features and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

⁵⁰ Compliance with the requirements of this permit does not relieve compliance requirements with respect to Federal, State, or local laws and regulations governing the storage, handling, and disposal of solid, hazardous, or toxic wastes and materials.

⁵¹ Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

Exception: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

- b.** *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*
 - i.** In storage areas, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and
 - ii.** Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).
- c.** *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:*

The following requirements apply to the storage and handling of chemicals on your site. If you are already implementing controls as part of an SPCC or other spill prevention plan that meet or exceed the requirements of this Part, you may continue to do so and be considered in compliance with these provisions provided you reference the applicable parts of the SPCC or other plans in your SWPPP as required in Part 7.2.6b.viii.

 - i.** If any chemical container has a storage capacity of less than 55 gallons:
 - (a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;
 - (b) If stored outside, use a spill containment pallet or similar device to capture small leaks or spills; and
 - (c) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill.
 - ii.** If any chemical container has a storage capacity of 55 gallons or more:
 - (a) The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;
 - (b) Store containers a minimum of 50 feet from receiving waters, constructed or natural site drainage features, and storm drain inlets. If infeasible due to site constraints, store containers as far away from these features as the site permits. If site constraints prevent you from storing containers 50 feet away from receiving waters or the other features identified, you must document in your SWPPP the specific reasons why the 50-foot setback is infeasible, and how you will store containers as far away as the site permits;
 - (c) Provide either (1) cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double-wall, above-ground storage tank); and
 - (d) Have a spill kit available on site that is in good working condition (i.e., not

damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill. Additional secondary containment measures are listed at 40 CFR § 112.7(c)(1).

- iii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
- d. *For hazardous or toxic wastes:*⁵²
 - i. Separate hazardous or toxic waste from construction and domestic waste;
 - ii. Store waste in sealed containers, constructed of suitable materials to prevent leakage and corrosion, and labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable Federal, State, Tribal, or local requirements;
 - iii. Store all outside containers within appropriately-sized secondary containment (e.g., *spill berms, dikes, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., *storing chemicals in a covered area, having a spill kit available on site*);
 - iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with Federal, State, Tribal, and local requirements;
 - v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
 - vi. Follow all other Federal, State, Tribal, and local requirements regarding hazardous or toxic waste.
- e. *For construction and domestic wastes:*⁵³
 - i. Provide waste containers (e.g., *dumpster, trash receptacle*) of sufficient size and number to contain construction and domestic wastes;
 - (a) For waste containers with lids, keep waste container lids closed when not in use, and close lids at the end of the business day and during storm events. For waste containers without lids, provide either (1) cover (e.g., *a tarp, plastic sheeting, temporary roof*) to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., *secondary containment*);
 - (b) On business days, clean up and dispose of waste in designated waste

⁵² Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

⁵³ Examples of construction and domestic wastes include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or discarded materials.

containers; and

- (c) Clean up immediately if containers overflow, and if there is litter elsewhere on the site from escaped trash.
- ii. Waste containers are not required for the waste remnant or unused portions of construction materials or final products that are covered by the exception in Part 2.2.3a provided that:
 - (a) These wastes are stored separately from other construction or domestic wastes addressed by Part 2.3.3e.i (i.e., wastes not covered by the exception in Part 2.3.3a). If the wastes are mixed, they must be stored in waste containers as required in Part 2.3.3e.i; and
 - (b) These wastes are stored in designated areas of the site, the wastes are described in the SWPPP (see Part 7.2.6b.ix), and identified in the site plan (see Part 7.2.4i).
- f. *For sanitary waste, position portable toilets so they are secure and will not be tipped or knocked over, and are located away from receiving waters, storm drain inlets, and constructed or natural site drainage features.*

2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

- a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so no overflows can occur due to inadequate sizing or precipitation;
- b. Handle washout or cleanout wastes as follows:
 - i. For liquid wastes:
 - (a) Do not dump liquid wastes or allow them to enter into constructed or natural site drainage features, storm inlets, or receiving waters;
 - (b) Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground;
 - (c) Comply with applicable State, Tribal, or local requirements for disposal
 - ii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3e; and
- c. Locate any washout or cleanout activities as far away as possible from receiving waters, constructed or natural site drainage features, and storm drain inlets, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

2.3.5 For the application of fertilizers:

- a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6b.x;
- b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

- c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;
- d. Never apply to frozen ground;
- e. Never apply to constructed or natural site drainage features; and
- f. Follow all other Federal, State, Tribal, and local requirements regarding fertilizer application.

2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR part 110, 40 CFR part 117, and 40 CFR part 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, Tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants from dewatering⁵⁴ operations.

- 2.4.1** Route dewatering water through a sediment control (e.g., sediment trap or basin, pumped water filter bag) designed to prevent discharges with visual turbidity;⁵⁵
- 2.4.2** Do not discharge visible floating solids or foam;
- 2.4.3** The discharge must not cause the formation of a visible sheen on the water surface, or visible oily deposits on the bottom or shoreline of the receiving water. Use an oil-water separator or suitable filtration device (such as a cartridge filter) designed to remove oil, grease, or other products if dewatering water is found to or expected to contain these materials;
- 2.4.4** To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge.⁵⁶ You are prohibited from using receiving waters as part of the treatment area;
- 2.4.5** To prevent dewatering-related erosion and related sediment discharges:
 - a. Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to discharge from dewatering controls;

⁵⁴ "Dewatering" is defined in Appendix A as "the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation."

⁵⁵ For the purposes of this permit, visual turbidity is present where there is a sediment plume in the discharge or the discharge appears cloudy, or opaque, or has a visible contrast that can be identified by an observer.

⁵⁶ See footnote 19.

- b. Do not place dewatering controls, such as pumped water filter bags, on steep slopes (as defined in Appendix A); and
 - c. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11.
- 2.4.6** For backwash water, either haul it away for disposal or return it to the beginning of the treatment process;
- 2.4.7** Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications; and
- 2.4.8** Comply with dewatering-specific inspection requirements in Part 4.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional State or Tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

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

3.2 WATER QUALITY-BASED CONDITIONS FOR SITES DISCHARGING TO CERTAIN IMPAIRED AND HIGH QUALITY RECEIVING WATERS

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes,⁵⁷ you must comply with the inspection frequency specified in Part 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14b.iii.⁵⁸

⁵⁷ Refer to Appendix A for definitions of "impaired water" and "Tier 2," "Tier 2.5," and "Tier 3" waters. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available at <https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools>. For assistance in determining whether your site discharges to a Tier 2, 2.5, or 3 water, refer to the list of such waters at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>.

⁵⁸ If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional controls are necessary for your discharge to be controlled as necessary to meet water quality standards. These controls might include those necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL. In addition, EPA may require you to apply for and obtain coverage under an individual NPDES permit.

In addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, and/or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

- a. Implement controls⁵⁹ to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and
- b. Ensure that disposal of such materials is performed in compliance with applicable State, Federal, and local laws.

3.3 TURBIDITY BENCHMARK MONITORING FOR SITES DISCHARGING DEWATERING WATER TO PROTECT THE WATER QUALITY OF SENSITIVE WATERS

For sites discharging dewatering water to “sensitive waters” (i.e., receiving waters listed as impaired for sediment or a sediment-related parameter (as defined in Appendix A), or receiving waters designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes) you are required to comply with the benchmark monitoring requirements in this Part and document the procedures you will use at your site in your SWPPP pursuant to Part 7.2.8. A summary of these requirements is included in Table 1.

EPA notes that the benchmark threshold is not an effluent limitation, rather it is an indicator that the dewatering controls may not be working to protect water quality, which the operator must investigate and correct as appropriate. A benchmark exceedance is not a permit violation. However, if a benchmark exceedance triggers corrective action in Part 5.1.5a, failure to conduct any required action is a permit violation.

Where there are multiple operators associated with the same site, the operators may coordinate with one another to carry out the monitoring requirements of this Part in order to avoid duplicating efforts. Such coordinating arrangements must be described in the SWPPP consistent with Part 7.2.8. Regardless of how the operators divide the

accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

⁵⁹ Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, and using tools that minimize dust and heat (<212°F). For additional information, refer to Part 2.3.3 of the CGP Fact Sheet.

responsibilities for monitoring and reporting, each operator remains responsible for compliance with these requirements.⁶⁰

3.3.1 Turbidity monitoring requirements⁶¹

- a. Sampling frequency.** You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.
- b. Sampling location.** Samples must be taken at all points where dewatering water is discharged. Samples must be taken after the dewatering water has been treated by installed treatment devices pursuant to Parts 2.4.1 and 2.4.3 and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.
- c. Representative samples.** Samples taken must be representative of the dewatering discharge for any given day as required in Appendix G (standard permit conditions), Part G.10.2.
- d. Test methods.** Samples must be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with a Part 136-approved method (e.g., methods 180.1 and 2130). You are required to use the meter, and conduct a calibration verification prior to each day's use, consistent with the manufacturer's instructions.

3.3.2 Turbidity benchmark

- a.** The benchmark threshold for turbidity for this permit is 50 NTUs (referred to elsewhere in this permit as the "standard 50 NTU benchmark") unless EPA has authorized the use of an alternate benchmark in accordance with Part 3.3.2b.
- b. Request for alternate benchmark threshold.**
 - i.** At any time prior to or during your coverage under this permit, you may request that EPA approve a benchmark for your site that is higher than 50 NTUs if you have information demonstrating the higher number is the same as your receiving water's water quality standard for turbidity. Unless EPA approves an alternate benchmark, you will be required to use the standard 50 NTU benchmark. To request approval of an alternate benchmark, you must submit the following information to your applicable EPA Regional Office (see Appendix K):
 - (a) The current turbidity water quality standard that applies to your receiving

⁶⁰ For instance, if Operator A relies on Operator B to meet the Part 3.3.1 turbidity monitoring requirements, the Part 3.3.4 reporting and recordkeeping requirements, and the Part 5.2.2 corrective action provisions when applicable, Operator A does not have to duplicate these same functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for complying with these permit requirements if Operator B fails to take actions that were necessary for Operator A to comply with the permit. See also footnote 83. EPA notes that both Operator A and B are required to submit turbidity monitoring reports as required under Part 3.3.4, however, Operator A's report does not need to include the data collected by Operator B as long as Operator B submits the required data and Operator A's report indicates that it is relying on Operator B to report the data. See Part 3.3.4a.

⁶¹ Operators may find it useful to consult EPA's *Monitoring and Inspection Guide for Construction Dewatering*, available at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>, which provides guidelines on how to correctly monitor for turbidity, determine if the weekly average exceeds the benchmark, and, if so, how to proceed with corrective action.

water and the source/citation.⁶²

- (b) If the applicable turbidity water quality standard requires information on natural or background turbidity levels (e.g., "no more than 10 NTU above natural turbidity levels") to determine the specific standard for the receiving water, include available data that can be used to establish the natural turbidity levels of your receiving water (including literature studies or Federal, State, Tribal, or local government data). Data must be representative of the natural turbidity levels of your specific receiving water. Identify the source(s) of all data provided, including if the data are from samples you collected of the receiving water.

- ii. EPA will inform you of its decision on whether to approve the requested alternate benchmark within 30 days. EPA may approve your request, request additional time (e.g., if additional information is needed to substantiate the data you provided), or deny your request. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTUs and take any required corrective actions if an exceedance occurs.

3.3.3 Comparison of turbidity samples to benchmark. Compare the weekly average⁶³ of your turbidity monitoring results to the standard 50 NTU benchmark, or alternate benchmark if approved by EPA.

- a. If the weekly average of your turbidity monitoring results exceeds the standard benchmark (or your approved alternate benchmark), you are required to conduct follow-up corrective action in accordance with Part 5.2.2 and document any corrective action taken in your corrective action log in accordance with Part 5.4.
- b. For averaging purposes, a "monitoring week" starts with a Monday and ends on Sunday. Once a new monitoring week starts, you will need to calculate a new average for that week of turbidity monitoring results.⁶⁴ A weekly average may consist of one or more turbidity monitoring results.
- c. Although you are not required to collect and analyze more than one turbidity sample per day from your dewatering discharge, if you do collect and analyze more than one sample on any given day, you must include any additional results in the

⁶² For instance, if your site is located in Washington, DC, and you are discharging to a Class B water, for which the water quality standard is that turbidity may not increase above ambient levels by more than 20 percent, you would reference "Water Quality Standards for the District of Columbia, Chapter 11, Section 1104.8."

⁶³ A "weekly average" is defined as the sum of all of the turbidity samples taken during a "monitoring week" divided by the number of samples measured during that week. Average values should be calculated to the nearest whole number.

⁶⁴ For example, if turbidity samples from your dewatering discharge in week 1 result in values of 30 NTU on Tuesday, 40 NTU on Wednesday, and 45 NTU on Thursday, your weekly average turbidity value would be 38.33 NTU $((30+40+45) \div 3 = 38 \text{ NTU})$. If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 28.75 NTU $((45+30+25+15) \div 4 = 29 \text{ NTU})$. By comparison, if your samples on consecutive days from Friday to Monday were 60 NTU, 45 NTU, 40 NTU, and 43 NTU, respectively, and there are no other dewatering discharges for the remainder of the week, you would calculate one weekly average for the Friday to Sunday to be 48 NTU $((60+45+40) \div 3 = 48 \text{ NTU})$, and a separate weekly average for the one Monday to be 43 NTU $(43 \div 1 = 43 \text{ NTU})$.

calculation of your weekly average (i.e., add all individual results for that monitoring week and divide by the total number of samples).⁶⁵

- d. If you are conducting turbidity monitoring for more than one dewatering discharge point, you must calculate a weekly average turbidity value for each discharge point and compare each to the turbidity benchmark.

3.3.4 Reporting and recordkeeping.

- a. You must submit reports of your weekly average turbidity data to EPA no later than 30 days following the end of each monitoring quarter. If there are monitoring weeks in which there was no dewatering discharge, or if there is a monitoring quarter with no dewatering discharge, indicate this in your turbidity monitoring report. If another operator associated with your same site is conducting turbidity monitoring on your behalf pursuant to Part 3.3, indicate this in your turbidity monitoring report.
- b. For the purposes of this permit, the following monitoring quarters and reporting deadlines apply:

Table 3. Monitoring Quarters and Deadlines for Reporting Turbidity Benchmark Monitoring Data.

Monitoring Quarter #	Months	Reporting Deadline (no later than 30 days after end of the monitoring quarter)
1	January 1 – March 31	April 30
2	April 1 – June 30	July 30
3	July 1 – September 30	October 30
4	October 1 – December 31	January 30

- c. You must use EPA's NPDES eReporting Tool (NeT) to electronically submit your quarterly turbidity data, unless, consistent with Part 1.4.2, you received a waiver from your applicable EPA Regional Office. If the EPA Regional Office grants you approval to use a paper turbidity monitoring report form, and you elect to use it, you must complete the form in Appendix K. If EPA approves of your request to use an alternate turbidity benchmark pursuant to Part 3.3.2b, EPA will substitute the alternate benchmark in your NeT account.
- d. For each day in which you are required to monitor, you must record the monitoring information required by Appendix G, Parts G.10.2 and G.10.3 and retain all such information for a period of at least three years from the date this permit expires or from the date your authorization is terminated.

⁶⁵ For example, if during a monitoring week you take two turbidity samples on Tuesday with a value of 30 NTU and 35 NTU, three samples on Wednesday with a value of 40 NTU, 45 NTU, and 48 NTU, and one sample on Thursday with a value of 45 NTU, your weekly average turbidity value for this week would be 41 NTU $((30+35+40+45+48+45) \div 6 = 41 \text{ NTU})$.

Table 4. Summary of Turbidity Benchmark Monitoring Requirements.

Applicability	Sampling Requirement	Turbidity Benchmark	Corrective Action	Reporting
Sites discharging dewatering water to a sediment-impaired water or to a water designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.	Collect at least one turbidity sample per day, from each discharge point, on any day there is a dewatering discharge. Use turbidity sampling procedures specified in Part 3.3.1.	Compare the weekly average of your turbidity monitoring results to the 50 NTU benchmark (or alternate benchmark if approved by EPA).	If the weekly average of turbidity monitoring results exceeds the 50 NTU turbidity benchmark (or alternate benchmark if approved by EPA), you are required to take follow-up corrective action in accordance with Part 5.2.2.	Report all weekly average turbidity monitoring results on a quarterly basis via NeT-CGP (unless use of the paper monitoring form in Appendix K is approved by EPA) no later than 30 days following the end of each monitoring quarter.

4 INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR CONDUCTING SITE AND DEWATERING INSPECTIONS

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that any person conducting inspections pursuant to this Part is a "qualified person." A qualified person is someone who has completed the training required by Part 6.3.

4.2 FREQUENCY OF INSPECTIONS.⁶⁶

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sediment or nutrient-impaired or high quality waters, or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1 At least once every seven (7) calendar days; or

4.2.2 Once every 14 calendar days *and* within 24 hours⁶⁷ of the occurrence of:

- a.** A storm event that produces 0.25 inches or more of rain within a 24-hour period.
 - i.** If a storm event produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.25 inches of rain or more has fallen.

⁶⁶ Inspections are only required during the site's normal working hours.

⁶⁷ For the purposes of the inspection requirements in this Part, conducting an inspection "within 24 hours" means that once either of the two conditions in Parts 4.2.2a or 4.2.2b are met you have 24 hours from that time to conduct an inspection. For clarification, the 24 hours is counted as a continuous passage of time, and not counted by business hours (e.g., 3 business days of 8 hours each). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

- ii. If a storm event produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event).⁶⁸
 - b. A discharge caused by snowmelt from a storm event that produces 3.25 inches⁶⁹ or more of snow within a 24-hour period. You are required to conduct one inspection once the discharge of snowmelt from a 3.25-inch or more snow accumulation occurs. Additional snowmelt inspections are only required if following the discharge from the first snowmelt, there is a discharge from a separate storm event that produces 3.25 inches or more of snow.
- 4.2.3** To determine whether a storm event meets either of the thresholds in Parts 4.2.2a or 4.2.2b:
- a. For rain, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any 24-hour period during which there is 0.25 inches or more of rainfall, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.
 - b. For snow, you must either take measurements of snowfall at your site,⁷⁰ or rely on similar information from a local weather forecasting provider that is representative of your location.

4.3 INCREASE IN INSPECTION FREQUENCY FOR CERTAIN SITES.

The increased inspection frequencies established in this Part take the place of the Part 4.2 inspection frequencies for the portion of the site affected.

- 4.3.1 For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2),** you must conduct an once every seven (7) calendar days *and* within 24 hours of the occurrence of a storm event that produces 0.25 inches or more of rain within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

⁶⁸ For example, if 0.30 inches of rain falls on Day 1, 0.25 inches of rain falls on Day 2, and 0.10 inches of rain fall on Day 3, you would be required to conduct a first inspection within 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.

⁶⁹ This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See <https://www.nssl.noaa.gov/education/svrwx101/winter/faq/>.

⁷⁰ For snowfall measurements, EPA suggests use of NOAA's National Weather Service guidelines at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

Refer to Parts 4.2.3a and 4.2.3b for the requirements to determine if a storm event produces enough rain or snow to trigger the inspection requirement.

- 4.3.2 For sites discharging dewatering water,** you must conduct an inspection in accordance with Part 4.6.3 during the discharge once per day on which the discharge occurs. The Part 4.2 inspection frequency still applies to all other portions of the site, unless the site is affected by either the increased frequency in Part 4.3.1 or the reduced frequency in Part 4.4.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized areas.

- a.** You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month until permit coverage is terminated consistent with Part 8 in any area of your site where the stabilization steps in Part 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.
- b. Exception.** For “linear construction sites” (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in Part 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If “wash-out” of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a. Inspections must continue until final stabilization is visually confirmed following a storm event that produces 0.25 inches of rain or more within a 24-hour period.

- 4.4.2 Arid, semi-arid, or drought-stricken areas** (as defined in Appendix A). If it is the seasonally dry period⁷¹ or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. Follow the procedures in Part 4.2.3a and 4.2.3b, accordingly, to determine if a storm event occurs that produces 0.25 inches or more of rain or 3.25 inches or more of snow within a 24-hour period. For any 24-hour period during which there is 0.25 inches or more of rainfall, or 3.25 inches or more of snow, you must record the total rainfall or snow measured for that day in accordance with Part 4.7.1d.

⁷¹ See footnote 44.

4.4.3 Frozen conditions:

- a.** If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:
 - i.** Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages.⁷² If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;
 - ii.** Land disturbances have been suspended; and
 - iii.** All disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.
- b.** If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:
 - i.** Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and
 - ii.** Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

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

4.5 AREAS THAT MUST BE INSPECTED

During your site inspection, you must at a minimum inspect the following areas of your site:

- 4.5.1** All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;
- 4.5.2** All stormwater controls, including pollution prevention controls, installed at the site to comply with this permit;⁷³
- 4.5.3** Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;
- 4.5.4** All areas where stormwater typically flows within the site, including constructed or natural site drainage features designed to divert, convey, and/or treat stormwater;
- 4.5.5** All areas where construction dewatering is taking place, including controls to treat the dewatering discharge and any channelized flow of water to and from those controls;

⁷² Use data sets that include the most recent data available to account for recent precipitation patterns and trends.

⁷³ This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

4.5.6 All points of discharge from the site; and

4.5.7 All locations where stabilization measures have been implemented.

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

4.6 REQUIREMENTS FOR INSPECTIONS

4.6.1 During each site inspection, you must at a minimum:

- a.** Check whether all stormwater controls (*i.e., erosion and sediment controls and pollution prevention controls*) are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges.
- b.** Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site.
- c.** Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3.
- d.** Check for signs of visible erosion and sedimentation (*i.e., sediment deposits*) that have occurred and are attributable to your discharge at points of discharge and, if applicable, on the banks of any receiving waters flowing within or immediately adjacent to the site;
- e.** Check for signs of sediment deposition that are visible from your site and attributable to your discharge (e.g., sand bars with no vegetation growing on top in receiving waters or in other constructed or natural site drainage features, or the buildup of sediment deposits on nearby streets, curbs, or open conveyance channels).
- f.** Identify any incidents of noncompliance observed.

4.6.2 If a discharge is occurring during your inspection:

- a.** Identify all discharge points at the site; and
- b.** Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants. Check also for signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

4.6.3 For dewatering inspections conducted pursuant to Parts 4.3.2, record the following in a report within 24 hours of completing the inspection:

- a.** The inspection date;
- b.** Names and titles of personnel making the inspection;
- c.** Approximate times that the dewatering discharge began and ended on the day of inspection;⁷⁴
- d.** Estimates of the rate (in gallons per day) of discharge on the day of inspection;

⁷⁴ If the dewatering discharge is a continuous discharge that continues after normal business hours, indicate that the discharge is continuous.

- e. Whether or not any of the following indications of pollutant discharge were observed at the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features or storm drain inlets:⁷⁵
 - i. a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; and/or
 - ii. a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water; and
- f. Photographs of (1) the dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; (2) the dewatering control(s); and (3) the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.

You must also comply with the Part 4.7.2, 4.7.3, and 4.7.4 requirements for signing the reports, keeping them available on site, and retaining copies.

4.6.4 Based on the results of your inspection:

- a. Complete any necessary maintenance repairs or replacements under Part 2.1.4 or under Part 5, whichever applies; and
- b. Modify your SWPPP site map in accordance with Part 7.4.1 to reflect changes to your stormwater controls that are no longer accurately reflected on the current site map.

4.7 INSPECTION REPORT

4.7.1 You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report (except for dewatering inspection reports, which are covered in Part 4.6.3) must include the following:

- a. The inspection date;
- b. Names and titles of personnel making the inspection;
- c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any problems found during your inspection that make it necessary to perform routine maintenance pursuant to Part 2.1.4b or corrective action pursuant to Part 5. Include also any documentation as to why the corrective action procedures under Part 5 are unnecessary to fix a problem that repeatedly occurs as described in Part 2.1.4c;
- d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of a storm event that produced rainfall measuring 0.25 inches or more within a 24-hour period, you must include the applicable rain gauge or weather station readings that triggered the inspection. Similarly, if you conducted an inspection because of a snowmelt discharge from a storm event that produced 3.25 inches or more of snow within a 24-hour period, you must include any measurements taken of snowfall at your site, or weather station information you relied on; and

⁷⁵ If the operator observes any of these indicators of pollutant discharge, corrective action is required consistent with Parts 5.1.5b and 5.2.2.

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

4.7.2 Each inspection report must be signed by the operator's signatory in accordance with Appendix G, Part G.11 of this permit.

4.7.3 You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.⁷⁶

4.7.4 You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

4.8 INSPECTIONS BY EPA

You must allow EPA, or an authorized representative of EPA, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls, that are not on site, to comply with this permit, you must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.

4.8.1 Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

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

4.8.3 Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4.8.4 Sample or monitor for the purpose of ensuring compliance.

5 CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

You must take corrective action to address any of the following conditions identified at your site:

5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4); or

5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

⁷⁶ Inspection reports may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact Sheet discussion related to Part 4.7.3.

5.1.3 Your discharges are not meeting applicable water quality standards;

5.1.4 A prohibited discharge has occurred (see Part 1.3); or

5.1.5 During discharge from site dewatering activities:

- a.** The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2b); or
- b.** You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3e.

5.2 CORRECTIVE ACTION DEADLINES

5.2.1 If responding to any of the Part 5.1.1, 5.1.2, 5.1.3, or 5.1.4 triggering conditions, you must:

- a.** Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events; and
- b.** When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day; or
- c.** When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.

5.2.2 If responding to either of the Part 5.1.5 triggering conditions related to site dewatering activities, you must:

- a.** Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a solution, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition⁷⁷ taking safety considerations into account;
- b.** Determine whether the dewatering controls are operating effectively and whether they are causing the conditions; and
- c.** Make any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

⁷⁷ For instance, if the weekly average of your turbidity monitoring results or a single sample is extremely high (e.g., a single turbidity sample results in 355 NTUs or higher), you should take action to safely shut off the discharge so that you can evaluate the cause of the high turbidity. Note: A single turbidity sample of 355 NTUs or higher means that the weekly average turbidity value will exceed 50 NTU regardless of the turbidity values the other days during the week.

When you have completed these steps and made any changes deemed necessary, you may resume discharging from your dewatering activities.

5.3 CORRECTIVE ACTION REQUIRED BY EPA

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.

5.4 CORRECTIVE ACTION LOG

5.4.1 For each corrective action taken in accordance with this Part, you must record the following in a corrective action log:

- a.** Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- b.** Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

5.4.2 Each entry into the corrective action log, consisting of the information required by both Parts 5.4.1a and 5.4.1b, must be signed by the operator's signatory in accordance with Appendix G, Part G.11.2 of this permit.

5.4.3 You must keep a copy of the corrective action log at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.⁷⁸

5.4.4 You must retain the corrective action log for at least three (3) years from the date that your permit coverage expires or is terminated.

6 STORMWATER TEAM FORMATION/STAFF TRAINING REQUIREMENTS

6.1 STORMWATER TEAM

Each operator, or group of multiple operators, must assemble a "stormwater team" that will be responsible for carrying out activities necessary to comply with this permit. The stormwater team must include the following people:

- a.** Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- b.** Personnel responsible for the application and storage of treatment chemicals (if applicable);
- c.** Personnel who are responsible for conducting inspections as required in Part 4.1; and
- d.** Personnel who are responsible for taking corrective actions as required in Part 5.

Members of the stormwater team must be identified in the SWPPP pursuant to Part 7.2.2.

⁷⁸ The corrective action log may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of corrective action log records, refer to the Fact Sheet discussion related to Part 4.7.3.

6.2 GENERAL TRAINING REQUIREMENTS FOR STORMWATER TEAM MEMBERS

Prior to the commencement of construction activities, you must ensure that all persons⁷⁹ assigned to the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements, including the following related to the scope of their job duties:

- a.** The permit requirements and deadlines associated with installation, maintenance, and removal of stormwater controls, as well as site stabilization;
- b.** The location of all stormwater controls on the site required by this permit and how they are to be maintained;
- c.** The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- d.** When and how to conduct inspections, record applicable findings, and take corrective actions. Specific training requirements for persons conducting site inspections are included in Part 6.3.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers (unless the subcontractors or outside service providers are responsible for conducting the inspections required in Part 4, in which case you must provide such documentation consistent with Part 7.2.2), but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

6.3 TRAINING REQUIREMENTS FOR PERSONS CONDUCTING INSPECTIONS

For projects that receive coverage under this permit on or after February 17, 2023, to be considered a qualified person under Part 4.1 for conducting inspections under Part 4, you must, at a minimum, either:

- a.** Have completed the EPA construction inspection course developed for this permit and have passed the exam; or
- b.** Hold a current valid construction inspection certification or license from a program that, at a minimum, covers the following:⁸⁰
 - i.** Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;
 - ii.** Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and
 - iii.** Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4.

⁷⁹ If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

⁸⁰ If one of the following topics (e.g., installation and maintenance of pollution prevention practices) is not covered by the non-EPA training program, you may consider supplementing the training with the analogous module of the EPA course (e.g., Module 4) that covers the missing topic.

For projects that receive coverage under this permit prior to February 17, 2023, any personnel conducting site inspections pursuant to Part 4 on your site must, at a minimum, be a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.⁸¹

6.4 STORMWATER TEAM'S ACCESS TO PERMIT DOCUMENTS

Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.^{82, 83, 84} The SWPPP must be kept up-to-date throughout coverage under this permit.

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

7.2 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

7.2.1 All Site Operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

⁸¹ If you receive coverage for a project prior to February 17, 2023, and construction activities for the same project will continue after February 17, 2023, the personnel conducting inspections do not need to take the additional training specified in Parts 6.3a and 6.3b for inspections conducted on the project site. If the same operator obtains coverage for a different project on or after February 17, 2023, personnel conducting inspections would be required to meet the requirements for a qualified person by completing the training in either Part 6.3a or Part 6.3b.

⁸² The SWPPP does not establish the effluent limits and/or other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

⁸³ Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them such that both operators are in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to take actions necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not cause a violation or compromise any other operators' controls and/or any shared controls. See also footnote 60.

⁸⁴ There are a number of commercially available products to assist operators in developing the SWPPP, as well as companies that can be hired to help develop a site-specific SWPPP. The permit does not state which are recommended, nor does EPA endorse any specific products or vendors. Where operators choose to rely on these products or services, the choice of which ones to use to comply with the requirements of this Part is a decision for the operator alone.

- 7.2.2 Stormwater Team.** Identify the personnel (by name and position) that you have made part of the stormwater team pursuant to Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections.

Include verification that each member of the stormwater team has received the training required by Part 6.2. Include documentation that members of the stormwater team responsible for conducting inspections pursuant to Part 4 have received the training required by Part 6.3. If personnel on your team elect to complete the EPA inspector training program pursuant to Part 6.3a, you must include copies of the certificate showing that the relevant personnel have completed the training and passed the exam. If personnel on your team elect to complete a non-EPA inspector training program pursuant to Part 6.3b, you must include documentation showing that these persons have successfully completed the program and their certification or license is still current. You must also confirm that the non-EPA inspector training program satisfies the minimum elements for such programs in Part 6.3b.

- 7.2.3 Nature of Construction Activities.** Include the following:

- a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;
- b. The size of the property (in acres or length in miles if a linear construction site);
- c. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
- d. A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c);
- e. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;
- f. A description and projected schedule for the following:⁸⁵
 - i. Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
 - ii. Temporary or permanent cessation of construction activities in each portion of the site;
 - iii. Temporary or final stabilization of exposed areas for each portion of the site; and
 - iv. Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

⁸⁵ If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

- g.** A list and description of all pollutant-generating activities⁸⁶ on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., *sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;
- h.** Business days and hours for the project;
- i.** If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency (e.g., *mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services*), information substantiating its occurrence (e.g., *State disaster declaration or similar State or local declaration*), and a description of the construction necessary to reestablish affected public services.

7.2.4 Site Map. Include a legible map, or series of maps, showing the following features of the site:

- a.** Boundaries of the property;
- b.** Locations where construction activities will occur, including:
 - i.** Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;
 - ii.** Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));
 - iii.** Locations where sediment, soil, or other construction materials will be stockpiled;
 - iv.** Any receiving water crossings;
 - v.** Designated points where vehicles will exit onto paved roads;
 - vi.** Locations of structures and other impervious surfaces upon completion of construction; and
 - vii.** Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).
- c.** Locations of any receiving waters within the site and all receiving waters within one mile downstream of the site's discharge point(s). Also identify if any of these receiving waters are listed as impaired or are identified as a Tier 2, Tier 2.5, or Tier 3 water;
- d.** Any areas of Federally listed critical habitat within the action area of the site as defined in Appendix A;
- e.** Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);
- f.** Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;

⁸⁶ Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering activities.

- g.** Stormwater and authorized non-stormwater discharge locations, including:
 - i.** Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets, including a notation of whether the inlet conveys stormwater to a sediment basin, sediment trap, or similarly effective control;⁸⁷
 - ii.** Locations where stormwater or authorized non-stormwater will be discharged directly to receiving waters (i.e., not via a storm drain inlet); and
 - iii.** Locations where turbidity benchmark monitoring will take place to comply with Part 3.3, if applicable to your site.
- h.** Locations of all potential pollutant-generating activities identified in Part 7.2.3g;
- i.** Designated areas where construction wastes that are covered by the exception in Part 2.3.3e.ii because they are not pollutant-generating will be stored;
- j.** Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and
- k.** Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

7.2.5 Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

7.2.6 Description of Stormwater Controls.

- a.** For each of the Part 2.2 erosion and sediment control requirements, Part 2.3 pollution prevention requirements, and Part 2.4 construction dewatering requirements, as applicable to your site, you must include the following:
 - i.** A description of the specific control(s) to be implemented to meet these requirements;
 - ii.** The design specifications for controls described in Part 7.2.6a.i (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);⁸⁸
 - iii.** Routine stormwater control maintenance specifications; and
 - iv.** The projected schedule for stormwater control installation/implementation.
- b.** You must also include any of the following additional information as applicable.
 - i. Natural buffers and/or equivalent sediment controls** (see Part 2.2.1 and Appendix F). You must include the following:
 - (a) The compliance alternative to be implemented;
 - (b) If complying with alternative 2, the width of natural buffer retained;

⁸⁷ The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

⁸⁸ Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

- (c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;
- (d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;
- (e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and
- (f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a receiving water.

- ii. **Perimeter controls for a "linear construction site"** (see Part 2.2.3d). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3c.i requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.

- iii. **Sediment track-out controls** (see Parts 2.2.4b and 2.2.4c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.
- iv. **Inlet protection measures** (see Part 2.2.10a). Where inlet protection measures are not required because the storm drain inlets to which your site discharges are conveyed to a sediment basin, sediment trap, or similarly effective control, include a short description of the control that receives the stormwater flow from the site.
- v. **Sediment basins** (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.
- vi. **Treatment chemicals** (see Part 2.2.13), you must include the following:
 - (a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;
 - (b) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;
 - (c) If the applicable EPA Regional Office authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic

treatment chemicals will not lead to a discharge that does not meet water quality standards;

- (d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;
- (e) Information from any applicable Safety Data Sheet (SDS);
- (f) Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;
- (g) A description of how chemicals will be stored consistent with Part 2.2.13c;
- (h) References to applicable State or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and
- (i) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

vii. Stabilization measures (see Part 2.2.14). You must include the following:

- (a) The specific vegetative and/or non-vegetative practices that will be used;
- (b) The stabilization deadline that will be met in accordance with Part 2.2.14;
- (c) If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period (as defined in Appendix A)⁸⁹ and the schedule you will follow for initiating and completing vegetative stabilization; and
- (d) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

viii. Spill prevention and response procedures (see Parts 1.3.5, 2.3.3c, 2.3.3d, and 2.3.6). You must include the following:

- (a) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and
- (b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302, occurs

⁸⁹ See footnote 44.

during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of SPCC plans developed for the construction activity under Section 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.⁹⁰

ix. Waste management procedures (see Part 2.3.3). Describe the procedures you will follow for handling, storing, and disposing of all wastes generated at your site consistent with all applicable Federal, State, Tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste. You must also include the following additional information:

- (a) If site constraints prevent you from storing chemical containers 50 feet away from receiving waters or the other site drainage features as required in Part 2.3.3c.ii(b), document in your SWPPP the specific reasons why the 50-foot setback is not feasible, and how you will store containers as far away as the site permits; and
- (b) If there are construction wastes that are subject to the exception in Part 2.3.3e.ii, describe the specific wastes that will be stored on your site.

x. Application of fertilizers (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.2.7 Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit, accordingly. Also include:

- a.** The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;
- b.** If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;
- c.** If you will be reducing your inspection frequency in accordance with Part 4.4.1b, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;
- d.** If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and
- e.** Any maintenance or inspection checklists or other forms that will be used.

7.2.8 Procedures for Turbidity Benchmark Monitoring from Dewatering Discharges (if applicable). If you are required to comply with the Part 3.3 turbidity benchmark

⁹⁰ Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

monitoring requirements, describe the procedures you will follow to collect and evaluate samples, report results to EPA and keep records of monitoring information, and take corrective action when necessary. Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter. Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities. If EPA has approved of an alternate turbidity benchmark pursuant to Part 3.3.2b, include any data and other documentation you relied on to request use of the specific alternative benchmark.

7.2.9 Compliance with Other Requirements.

- a. Threatened and Endangered Species Protection.** Include documentation required in the Endangered Species Protection section of the NOI in NeT, or the ESA worksheet in Appendix D, supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.
- b. Historic Properties.** Include documentation required in Appendix E supporting your eligibility with regard to the protection of historic properties.
- c. Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.** If you are using any of the following stormwater controls at your site, document any contact you have had with the applicable State agency⁹¹ or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR § 144 -147. Such controls would generally be considered Class V UIC wells:
 - i.** Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);
 - ii.** Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and
 - iii.** Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

7.2.10 SWPPP Certification. Your signatory must sign and date your SWPPP in accordance with Appendix G, Part G.11.

7.2.11 Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

- a.** A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;
- b.** A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (i.e., *permit tracking number*);

⁹¹ For State UIC program contacts, refer to the following EPA website: <https://www.epa.gov/uic>.

- c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a State, Tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).⁹²

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.⁹³

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

7.4 SWPPP MODIFICATIONS

- 7.4.1** You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

- a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;
- b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
- c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;
- d. Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:
 - i. A copy of any correspondence describing such measures and requirements; and

⁹² The SWPPP may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of the SWPPP, refer to the Fact Sheet discussion related to Part 4.7.3.

⁹³ Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

- ii. A description of the controls that will be used to meet such requirements.
 - e. To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the stormwater controls implemented at the site; and
 - f. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.
- 7.4.2** You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.9 above) and a brief summary of all changes.
- 7.4.3** All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix G, Part G.11.b.
- 7.4.4** Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

8 HOW TO TERMINATE COVERAGE

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1 MINIMUM INFORMATION REQUIRED IN NOT

- 8.1.1** NPDES ID (i.e., *permit tracking number*) provided by EPA when you received coverage under this permit;
- 8.1.2** Basis for submission of the NOT (see Part 8.2);
- 8.1.3** Operator contact information;
- 8.1.4** Name of site and address (or a description of location if no street address is available); and
- 8.1.5** NOT certification.

8.2 CONDITIONS FOR TERMINATING CGP COVERAGE

You may terminate CGP coverage only if one or more of the conditions in Parts 8.2.1, 8.2.2, or 8.2.3 has occurred. Until your termination is effective consistent with Part 8.5, you must continue to comply with the conditions of this permit.

- 8.2.1** You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met all of the following requirements:
 - a. For any areas that (1) were disturbed during construction, (2) are not covered by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.14c.

To document that you have met these stabilization requirements, you must take either ground or aerial photographs that show your site's compliance with the Part 2.2.14 stabilization requirements and submit them with your NOT. If any portion of your

site is covered by one of the exceptions in Part 2.2.14c.iii, indicate which exception applies and include a supplementary explanation with your photographs that provides the necessary context for why this portion of the site is in compliance with the final stabilization criteria even though it appears to be unstabilized. You are not required to take photographs of every distinct part of your site that is being stabilized, however, the conditions of the site portrayed in any photographs that are submitted must be substantially similar⁹⁴ to those of the areas that are not photographed. You must also comply with the following related to these photographs:

- i. Take photographs both before and after the site has met the final stabilization criteria in Part 2.2.14c;
 - ii. All photographs must be clear and in focus, and in the original format and resolution; and
 - iii. Include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).
- b. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long-term use following your termination of permit coverage;
 - c. You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable (as defined in Appendix A); and
 - d. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long-term use following your termination of permit coverage; or
- 8.2.2** You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or
- 8.2.3** Coverage under an individual or alternative general NPDES permit has been obtained.

8.3 HOW TO SUBMIT YOUR NOT

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit an NOT for the 2022 CGP.

To access NeT, go to <https://cdx.epa.gov/cdx>.

Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix I.

⁹⁴ Stabilization conditions that are substantially similar would include areas that are using the same type of stabilization measures and that have similar slopes, soils, and topography, and have achieved the same level of stabilization.

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit an NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to EPA.

9 PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES

The provisions in this Part provide additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the State or Tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific States, Indian country, and areas in certain States with Federal Facilities or areas subject to construction projects by Federal Operators. States, Indian country, and other areas not included in this Part do not have any additions to the applicable conditions of this permit.

9.1 EPA REGION 1**9.1.1 NHR100000 State of New Hampshire**

- a.** Should the permit coverage for an individual applicant be insufficient to achieve water quality standards, the New Hampshire Department of Environmental Services (NHDES) may prepare additional 401 certification conditions for that applicant. Any additional 401 certification conditions will follow all required NHDES public participation requirements.
- b.** If you disturb 100,000 square feet or more of contiguous area, you must also comply with RSA 485-A:17 and Env-Wq 1500, and, unless exempt, apply for an Alteration of Terrain (AoT) permit from NHDES. This requirement also applies to a lower disturbance threshold of 50,000 square feet or more when construction occurs within the protected shoreline under the Shoreland Water Quality Protection Act (see RSA 483-B and Env-Wq 1400). A permit application must also be filed if your project disturbs an area of greater than 2,500 square feet, is within 50 feet of any surface water, and has a flow path of 50 feet or longer disturbing a grade of 25 percent or greater. Project sites with disturbances smaller than those discussed above, that have the potential to adversely affect state surface waters, are subject to the conditions of an AoT General Permit by Rule (Env-Wq 1503.03).
- c.** You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-stormwater discharge under this permit (see Part 1.2.2 of the Construction General Permit or CGP). In the absence of information demonstrating otherwise, the water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the groundwater dewatering location. Information on groundwater contamination can be generated over the Internet via the NHDES web site <http://des.nh.gov/> by using the One Stop Data Mapper. For a toxic substance included in the New Hampshire surface water quality standards, see Env-Wq 1703.21 (see <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wg>

1700.pdf). If it is determined that the groundwater to be dewatered is near a remediation or other waste site, you must apply for the Remediation General Permit (see <https://www3.epa.gov/region1/npdes/rgp.html>)

- d. As a minimum, you must treat any uncontaminated excavation "dewatering" discharges and "stormwater" discharges, as those terms are defined in Appendix A of the CGP, as necessary, to remove suspended solids and turbidity so that the surface waters receiving the construction discharges⁹⁵ meet New Hampshire surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (i.e., plumes or visual turbidity)⁹⁶ (Env-Wq 1703.03(c)(1)b).
- i. For all Construction Activities covered under this CGP, the following shall apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances:
 - Unless otherwise specified, site inspection requirements shall comply with Part 4 of the CGP. As a minimum site inspection frequency shall be in accordance with Part 4.2.2 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency). Monitoring of the receiving water for visible turbidity and benthic sediment deposits shall be conducted each site inspection and results reported in the Inspection Report required in Part 4.7 of the CGP. Should visible turbidity or benthic sediment deposits attributable or partly attributable to your construction activities be present in the receiving water, the "Corrective Actions" specified in Part 5 shall be immediately implemented to correct the water quality standard violations. In addition, daily monitoring (including photographs) of the receiving water shall be conducted until there is no visible turbidity or benthic deposits. Inspection Reports required in Part 4.7 of the CGP shall include, but not be limited to, the distance downstream and the percent of the river width⁹⁷ where visible turbidity was observed, and the period of time that the visible turbidity persisted. A copy of the Inspection Report(s) shall be made available to NHDES within 24 hours of receiving a written request from NHDES.
- ii. For Construction Activities, disturbing 5 acres or more of land at any one time (excluding areas that have been completely stabilized in accordance with the final stabilization criteria specified in Part 2.2.14.c of the CGP), the following shall

⁹⁵ Construction Discharges include uncontaminated "dewatering" and "stormwater" discharges as those terms are defined in Appendix A of the CGP. Controlled construction discharges are construction discharges where the rate of flow can be regulated such as from a construction settling basin or NHDES approved flocculation system.

⁹⁶ For the definition of visual turbidity, see the definition for "Non-Turbid" in Appendix A of the CGP, which states the following: "Non-Turbid" - a discharge that is free from visual turbidity. For the purposes of this permit, visual turbidity refers to a sediment plume or other cloudiness in the water caused by sediment that can be identified by an observer." *[EPA interprets the text of this footnote as intending to reference the Appendix A definitions of "visual turbidity" and "non-turbid" in the final permit.]*

⁹⁷ The distance downstream and the percent of river width where visible turbidity (i.e., plume) is observed is required to determine the extent of the river affected and to determine if there was a "zone of passage" (i.e., a portion of the receiving water where there was no visible turbidity where mobile organisms could pass without being adversely impacted). The percent of river width affected is equal 100 multiplied by the width of the plume (in feet) divided by the width of the receiving water (in feet).

apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances.

Item 9.1.1.d.i) above shall apply to all construction discharges and the minimum site inspection frequency shall comply with Part 4.3.1 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency).

With regards to controlled construction discharges, if there is no visible turbidity (i.e., plumes) or benthic deposits, and, in the absence of information demonstrating otherwise, turbidity measurements of less than or equal to 50 nephelometric turbidity units (NTU) in the controlled construction discharges at the outlet prior to mixing with the receiving surface waters, shall be presumed to meet New Hampshire surface water quality standards for the parameters listed above. As a minimum, the controlled construction discharges must be sampled at each site inspection.

If any controlled construction discharge exceeds 50 NTU, or if visible turbidity or benthic sediment deposits attributable or partly attributable to any construction discharge are observed in the receiving water, then the "Corrective Actions" specified in Part 5 of the CGP shall be immediately implemented.

In addition, should such violation occur, and, in order to determine compliance with surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (Env-Wq 1703.03(c)(1)b)), turbidity monitoring shall be immediately implemented as specified below:

Turbidity samples of the receiving water shall be immediately taken in the receiving water upstream and beyond the influence of the construction activity, and, unless a mixing zone⁹⁸ is approved by NHDES, no more than 75 feet downstream of each controlled construction discharge that exceeded 50 NTU and no more than 75 feet downstream of each construction discharge that caused visible turbidity.

Downstream samples shall be taken at locations in the receiving water that are most likely influenced by the discharge (e.g., if visible turbidity (i.e., a plume) is present, the sample shall be taken in the plume). Samples shall be collected a minimum of 2 times per day during the daylight hours at times when construction activities are most likely to cause turbidity in the receiving water and shall continue until the turbidity water quality standards are met in the receiving water (i.e., the difference between the upstream and downstream turbidity level is no greater than 10 NTU).

⁹⁸ Permittees may request a distance greater than 75 feet downstream of a construction discharge for determining compliance with turbidity standards in Class B surface waters, by submitting a mixing zone request to NHDES that complies with Env-Wq 1707.02. If a mixing zone is approved, NHDES is required to include conditions to ensure that the criteria on which the approval is based are met (Env-Wq 1707.03).

If water quality standards are not met during daylight hours on any day, sampling shall resume the next day and continue no fewer than 2 times per day until water quality standards are met. The date, time, location and results of turbidity measurements, as well as a summary identifying the cause of the violations, corrective actions that were implemented, the period of time that the receiving water exceeded turbidity standards and the distance downstream and the percent of the river width where visible turbidity was observed, and the period of time that the visible turbidity persisted, shall be recorded and included in the Inspection Report required in Part 4.7 of the CGP. Turbidity measurements shall be conducted via a field meter in accordance with the requirements for turbidity specified in Table 1B in 40 CFR 136.3 (see 40 CFR § 136.3 Identification of test procedures - Code of Federal Regulations [ecfr.io](https://www.ecfr.io)). Field meters shall be calibrated every day sampling is conducted and prior to the first sample.

- e. Construction site owners and operators are encouraged to consider opportunities for post- construction groundwater recharge using infiltration best management practices (BMPs) during site design and preparation of the SWPPP in order to assure compliance with Env-Wq 1703.03 and Env-Wq 1703.11. If your construction site is in a town that is required to obtain coverage under the NPDES General Permit for discharges from Municipal Separate Storm Sewer Systems (MS4) you may be required to use such practices. The SWPPP must include a description of any on-site infiltration that will be installed as a post-construction stormwater management measure or reasons for not employing such measures such as 1) The facility is located in a wellhead protection area as defined in RSA 485- C:2; or 2) The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-DW 901; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 1507.04, including all land uses or activities considered to be a "High-load Area" (see Env-Wq 1502.30). For design considerations for infiltration measures see Env-Wq 1508.06. Note that there may be additional local requirements that fall under the NH MS4 permittee's Authorization to Discharge Permit for those regulated areas.
- f. Appendix F of the CGP contains information regarding Tier 2, or high quality waters in the various states. **[EPA notes that this information has now been moved to <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>]** Although there is no official list of tier 2 waters for New Hampshire, it can be assumed that all New Hampshire surface waters are tier 2 for turbidity unless 1) the surface water that you are proposing to discharge into is listed as impaired for turbidity in the states listing of impaired waters (see <https://nhdes-surface-water-quality-assessment-site-nhdes.hub.arcgis.com/>) or 2) sampling upstream of the proposed discharge location shows turbidity values greater than 10 NTU (Env-Wq 1703.11). A single grab sample collected during dry weather (no precipitation within 48 hours) is acceptable.
- g. To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 1700 and Env-Wq 302, the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown below in 9.1.1.h.

- i. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Part 1.2.2 of the CGP).
- ii. Records of sampling and analysis required for construction dewatering and stormwater discharges (see 9.1.1.d above).
- h. All required or requested documents must be sent to: NH Department of Environmental Services, Watershed Management Bureau, P.O. Box 95 Concord, NH 03302-0095.

9.1.2 MAR100000 Commonwealth of Massachusetts (except Indian country)

- a. All discharges covered by the Construction General Permit shall comply with the provisions pursuant to 314 CMR 3.00, 314 CMR 4.00, 314 CMR 9.00, including applicable construction stormwater standards and 310 CMR 10.00.
- b. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees are prohibited from discharging dewatering water under the CGP from sites that are designated as Superfund/CERCLA or RCRA, and must make accommodations to dispose of the dewatering discharges appropriately, such as coverage under the Remediation General Permit (RGP).
- c. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants seeking coverage under the 2022 CGP that propose to carry out construction activities near Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit to MassDEP for review:
 - i. a copy of the Stormwater Pollution Prevention Plan (SWPPP),
 - ii. a copy of the EPA NOI, and
 - iii. MassDEP's Stormwater BMP Checklist.

For purposes of this review, the permittee shall submit these documents to MassDEP at the same time they are submitted to EPA. Instructions on how to submit these documents to MassDEP and where to find the MassDEP Stormwater BMP Checklist and obtain authorization to discharge can be found here: <https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent>.

- d. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, applicants that propose to dewater under the 2022 CGP and plan to discharge to certain waters as described below, shall determine that any dewatering discharges are not contaminated by testing the proposed discharge as described below as part of the application for WM15 authorization. Unless otherwise specified, testing described in this section should be conducted using the methods in 40 CFR 136.
 - i. Applicants for sites that plan to discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall test one sample of the proposed dewatering discharge water for pH, E. Coli (for discharges to freshwater), fecal coliform (for

discharges to salt water), Enterococci (for discharges to salt water), total suspended solids, oil and grease, total nitrogen, total phosphorus, and all parameters with numeric criteria listed in the Massachusetts Surface Water Quality Standards at 314 CMR 4.05(e). Results shall be reported to MassDEP as part of the WM15 application. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

- ii. Applicants for sites that propose to discharge to Public Water Supplies (314 CMR 4.06(1)(d)1) shall also test one sample of the proposed dewatering discharge water for per- and polyfluoroalkyl substances (PFAS), as outlined in the table below. Results shall be reported to MassDEP as part of the WM15 application. If any PFAS compounds are detected, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required.

PFAS Testing Parameters for Discharges to Public Drinking Water Supplies⁹⁹	
Perfluorohexanesulfonic acid (PFHxS), grab	Report ng/L
Perfluoroheptanoic acid (PFHpA), grab	Report ng/L
Perfluorononanoic acid (PFNA), grab	Report ng/L
Perfluorooctanesulfonic acid (PFOS), grab	Report ng/L
Perfluorooctanoic acid (PFOA), grab	Report ng/L
Perfluorodecanoic acid (PFDA), grab	Report ng/L

- iii. Applicants for sites that propose to discharge to an impaired water as identified in the most recent final Massachusetts Integrated List of Waters, shall test one sample of the proposed dewatering discharge water for the parameter(s) for which the waterbody is impaired. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit and shall apply for RGP coverage if required.
- iv. For dewatering discharges to all other waters, if any pollutants are known or believed present in the proposed dewatering discharge water, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required. For the purposes of this condition, a pollutant is "known present" if measured above the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and "believed present" if a pollutant has not been measured in an environmental sample but will be added or generated prior to discharge, such as through a treatment process. Consequently, a pollutant is "known absent" if measured as non-detect relative to the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and "believed absent" if a pollutant has not been measured in an environmental sample but will not be added or generated prior to discharge and is not a parameter that applies to the applicable activity category for a site. If any pollutants are known or believed present in the

⁹⁹ PFAS testing shall follow established EPA methods 537 or 537.1 for drinking water until EPA Method 3512 for non-potable water becomes available.

proposed dewatering discharge water, the applicant shall test one sample of the proposed dewatering discharge water for the pollutants known or believed to be present. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

- e. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants that propose to dewater under the 2022 CGP and discharge to Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit the SWPPP and associated documents to MassDEP to review. MassDEP shall complete review within 30 days of receipt.
- f. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees that have been authorized to dewater under the 2022 CGP and that discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall carry out daily benchmark monitoring for turbidity¹⁰⁰ for the duration of dewatering. Permittees shall compare the weekly average of the turbidity monitoring results with the established benchmark turbidity value of 25 Nephelometric Turbidity Units (NTU). If a permittee's weekly average turbidity results exceed the benchmark, the operator shall conduct follow-up corrective action to determine the source of the problem and to make any necessary repairs or upgrades to the dewatering controls to lower the turbidity levels. The permittee shall document any corrective action taken in its corrective action log. Furthermore, permittees at these sites shall carry out inspections at higher frequency, specifically, daily inspections of the dewatering discharge treatment for the duration of the discharge. The permittee shall inspect the site for sediment plume or whether a hydrocarbon sheen is visible at the point of discharge, estimate the flow rate at the point of discharge, and inspect the site downstream to assess whether sedimentation is attributable to the dewatering discharges.
- g. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees shall store materials outside the Base Flood Elevation¹⁰¹ when feasible to prevent displacing runoff and erosion.
- h. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to maintain surface waters free from nutrients in concentrations that would cause or contribute to impairment of existing or designated uses under 314 CMR 4.05(5)(c), all applicants who apply for coverage under the 2022 CGP shall follow guidelines on fertilizer application, including use of fertilizer containing no phosphorus, in accordance with 330 CMR 31.00 Plant Nutrient Application Requirements for

¹⁰⁰ Applicants shall follow EPA Method 180.1 to monitor for turbidity

¹⁰¹ Base Flood Elevation (BFE) is the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE. (Source: <https://www.fema.gov/node/404233>).

Agricultural Land and Non-Agricultural Turf and Lawns. Further, fertilizer shall never be applied to a site when a rain event greater than 0.5 inches is forecast in the next 48 hours.

- i. Pursuant to 314 CMR 3.11 (2)(a), all applicants who apply for coverage under the 2022 CGP and elect to carry out site inspections every 14 days shall also inspect sites within 24 hours of 0.25 inches of precipitation events or greater over 24 hours, or within 24 hours of a discharge that occurred due to snowmelt from 3.25 inches or greater of snow accumulation.¹⁰² During the high flow periods in spring (i.e., months of April to June), inspection frequency shall be increased to once per week for all sites.
 - i. To determine whether 3.25 inches or greater of snow accumulation has occurred at a site, snowfall measurements can be taken at the site,¹⁰³ or the operator can rely on similar information from a local weather forecast.
- j. Implementing structural improvements, enhanced/resilient pollution prevention measures, and other mitigation measures can help to minimize impacts from stormwater discharges from major storm events such as hurricanes, storm surge, extreme/heavy precipitation,¹⁰⁴ and flood events. Pursuant to 314 CMR 3.11 (2)(a), if such stormwater control measures are already in place due to existing requirements mandated by other state, local or federal agencies, the SWPPP shall include a brief description of the controls and a reference to the existing requirement(s). If the site may be exposed to or has previously experienced such major storm events¹⁰⁵, additional stormwater control measures that may be considered, and implemented as necessary, include, but are not limited to:
 - i. Reinforce materials storage structures to withstand flooding and additional exertion of force;
 - ii. Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE) level or securing with non-corrosive device;
 - iii. When a delivery of exposed materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or store materials as appropriate (refer to emergency procedures);

¹⁰² This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See <https://www.nssl.noaa.gov/education/svrwx101/winter/faq/>.

¹⁰³ NOAA's National Weather Service has guidelines on snowfall measurements at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

¹⁰⁴ Heavy precipitation refers to instances during which the amount of rain or snow experienced in a location substantially exceeds what is normal. What constitutes a period of heavy precipitation varies according to location and season. Heavy precipitation does not necessarily mean the total amount of precipitation at a location has increased—just that precipitation is occurring in more intense or more frequent events.

¹⁰⁵ To determine if your facility is susceptible to an increased frequency of major storm events that could impact the discharge of pollutants in stormwater, you may reference FEMA, NOAA, or USGS flood map products at https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news_science_products=0#qt-news_science_products.

- iv. Temporarily store materials and waste above the Base Flood Elevation **[EPA notes that it has deleted a footnote reference to the term “Base Flood Elevation” since the same footnote is already included in Part 9.1.2.g, above.]** level;
 - v. Temporarily reduce or eliminate outdoor storage;
 - vi. Temporarily relocate any mobile vehicles and equipment to higher ground;
 - vii. Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning and identify emergency contacts for staff and contractors; and
 - viii. Conduct staff training for implementing your emergency procedures at regular intervals.
- k. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees who seek coverage under the 2022 CGP and anticipate to carry out dust control shall limit their dust control methodology to using water only and specifically avoid using other techniques, such as solutions containing calcium chloride.
 - l. If MassDEP requests a copy of the Stormwater Pollution Prevention Plan (SWPPP) for any construction site at any time, the permittee shall submit the SWPPP to MassDEP within 14 days of such a request. MassDEP may conduct an inspection of any site covered by this permit to ensure compliance with state law requirements, including state water quality standards.

9.1.3 MTR10F000 Areas in the State of Vermont located at a federal facility

- a. Earth disturbance at any one time is limited to five acres.
- b. All areas of earth disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. Temporary stabilization is not required if precipitation is not forecast and work is to continue in the next 24-hours or if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of two feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption, and the exemption applies only to the excavated area itself.
- c. Site inspections on active construction sites shall be conducted daily during the period from October 15 through April 15.
- d. The use of chemical treatments (e.g. polymers, flocculants, and coagulants) for the settling and/or removal of sediment from stormwater runoff associated with construction and construction-related activities requires prior written approval and an approved site and project-specific plan, from the Vermont Agency of Natural Resources. In addition, the use of cationic polymers is prohibited unless approved by the Vermont Agency of Natural Resources under a site and project-specific plan.
- e. Any applicant under EPA's CGP shall allow authorized Vermont Agency of Natural Resources representatives, at reasonable times and upon presentation of credentials, to enter upon the project site for purposes of inspecting the project and determining

compliance with this Certification.

- f. The Vermont Agency of Natural Resources may reopen and alter or amend the conditions of this Certification over the life of the EPA 2022 Construction General Permit when such action is necessary to assure compliance with the VWQS.

9.2 EPA REGION 2

9.2.1 NYR10I000 Indian country within the State of New York

a. Saint Regis Mohawk Tribe

- i. Any Responsible-Person/Decision-Maker required under the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must concurrently submit an electronic copy of the NOI to the SRMT Environmental Division, Water Resource Program Manager. Additionally, an electronic copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be electronically provided to the following addresses:

Mr. Tieman W. Smith

Water Resources Program Manager Saint Regis Mohawk Tribe

449 Frogtown Road

Akwesasne, NY 13655 Tiernan.Smith@srmt-nsn.gov 518.358.2272 ext. 5073

- ii. Any Responsible-Person/Decision-Maker that is required as part of the CGP to prepare a Discharge Management Plan (OMP) or Storm Water Management Plan (SWMP) and/or Storm Water Pollution Prevention Plan (SWPPP) must submit an electronic copy of the DMP, SWMP and/or SWPPP to the SRMT Environment Division, Water Resources Program Manager 10 business days prior to the start of construction of any work to be conducted under the CGP. The applicable documents must be provided to the electronic address listed above.
- iii. Any Responsible-Person/Decision-Maker that is required under the CGP to submit an annual report to EPA must submit an electronic copy of the annual report concurrently to the SRMT Water Resource Program. Additionally, any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident must likewise be routed to the SRMT Water Resources Program at the above electronic address.
- iv. An "Authorization to Proceed Letter" with site-specific mitigation requirements may be sent out to the permittee when a review of the NOI and OMP, SWMP and /or SWPPP on a case-by-case basis, is completed by the SRMT Environment Division, Water Resource Program. This approval will allow the application to proceed if all mitigation requirements are met.

b. Seneca Nation

- i. Under Part 1.1.5 of the CGP, the Seneca Nation requests that an applicant must demonstrate that they meet the eligibility criteria listed in Appendix D (certify in your Notice of Intent (NOI) that you meet one of the eligibility criteria [Criterion A-F]) as well as species and critical habitats that are listed under the Seneca Nation's "Fishing and Conservation Laws" and the "Seneca Nation of Indians Comprehensive Conservation Law".

- ii. The Tribal Historic Preservation Office (THPO) was established in 2000 after the Seneca Nation received a recognition letter from the National Park Service (NPS); therefore under Part 1.1.6 of the CGP (Appendix E) and prior to submitting a Notice of Intent (NOI) operators must complete the Nation's THPO, Project Review Form (<https://sni.org/media/246603/sni-thpo-project-review-form.pdf>) and submit the completed form with associated information to the Tribal Historic Preservation Officer at 90 Ohi:yo' Way, Salamanca, NY 14779. Federal agencies engaging in construction activities must provide for construction review by a certified construction reviewer in accordance with 7 Del. C. §§4010 & 4013 and 7 DE Admin. Code 5101, subsection 6.1.6.
- iii. Under Part 1.2 of the CGP, discharges must also follow the Section 13 of the Guide for Construction (Seneca Nation of Indians Source Water Code) and respectively, Council Resolution, dated April 13, 2013 (CN: R-04-13-13-11) to ensure that the health, safety and welfare of the citizens of the Seneca Nation, and all other within the Lands and Territories of the Seneca Nation of Indians, and to facilitate the adequate provisions of water through the elimination or prevention of ground water contamination in the vicinity of wells that supply drinking water for the Nation. The area is known as the Source Water Protection Area (SWPA) and specified activities are regulated within this SWPA, as cited in Section 13 of the Guide for Construction and Section VI, of CN: R-04-13-13-11.
- iv. Under Part 1.4, any operator who seeks coverage of the CGP, and is required to submit a notice of intent NOI and Notice of Termination (NOT) (as necessary) to the EPA for coverage, under Part 1.4.2 must also submit a copy of the NOI to the Seneca Nation's Environmental Protection Department (EPD) within three business days of submittal to the EPA, (address shown below). Respectively, a copy of the NOT (as described under Part 8.3 of the CGP), which certifies that you have met the requirements of Part 8, must be provided within three business days after electronic confirmation is received from the EPA that the NOT has been accepted. In addition to a NOI and NOT, the Seneca Nation (Environmental Protection Department [EPD]) would require an Environmental Impact Assessment (EA) (Long Form), as shown in Section 2 of the Seneca Nation of Indians Laws, Ordinances & Policies (Guide for Construction), to be completed and submitted to the EPD prior to any project to determine whether the impacts from a project would create significant and detrimental effects to the Nation's lands, water (violate WQS), and environment. The NOI, NOT, and EA must be submitted electronically to epd@sni.org and provided to the following address:
 Seneca Nation
 Environmental Protection Department (EPD) Attn: Director of EPD
 12837 Route 438
 Irving, NY 14081
- v. Under Part 3.0 of the CGP, discharges must be controlled as necessary to meet applicable WQS. The Seneca Nation is working actively towards finalizing and implementing the; therefore, the EPD would require an applicant to submit or grant access to the permit to obtain information on the impact of effluents on receiving waters, including the capability of receiving waters to support future designated uses and achieve the WQS of the Nation; and to advise prospective dischargers of discharge requirements, and coordinate with the appropriate

permitting agencies. As stated in the Decision Document, under Section 303(c) of the CWA, 33 U.S.C. § 1313(c), states develop, review, and revise (as appropriate) water quality standards for surface waters of the United States. At a minimum, such standards are to include designated water uses, water quality criteria to protect such uses, and an antidegradation policy. 40 C.F.R. § 131.6. In addition, under Section 401 of the CWA states may grant, condition, or deny "certification" for federally permitted or licensed activities that may result in a discharge to the waters of the United States 33 U.S.C. § 1341.

- vi. Under Part 7.2.8(a)(b)(c) and for Part 9 of the CGP, the following Sections of the Seneca Nation's Guide for Construction shall be considered, in conjunction with the CGP:
 - (a) Section 1. Executive Order - To Establish a Policy for Governing Access to Nation Territories and Facilities by Officials of Foreign Government, dated March 31, 2011
 - (b) Section 3. Natural Resources Committee, Sand and Gravel Law (CN: R-06-24-05-08)
 - (c) Section 4. Fishing and Conservation Laws - Part 1.1.5 of the CGP
 - (d) Section 5. Seneca Nation of Indians Comprehensive Conservation Law, adopted January 14, 2012
 - (e) Section 9. Food is Our Medicine (FIOM) Program/Native Planting Policy (CN: R-03-08-14-14)
 - (f) Section 10. Forestry Management Plan (CN: R-08-14-10-23)
 - (g) Section 11. Timber Ordinance #411-092, dated May 8, 1982
 - (h) Section 14. Flood Damage Prevention Local Law, dated September 27, 1988
 - (i) Section 16. Utilities Ordinance No. 87-100
 - (j) Authorizing Emergency Action and Contingency Plan to Restrain Pollution of Nations Waters, (Council Resolution: R-03-01-18-10), dated March 10, 2018
Seneca Nation of Indians Permit Application for Construction within Waterways Permit, Form NR98-01.00

9.3 EPA REGION 3

9.3.1 DCR100000 District of Columbia

- a. Discharges authorized by this permit shall comply with the District of Columbia Water Pollution Control Act of 1984, as amended (DC Official Code § 8-103.01 and § 8-103.06, et seq.) to ensure that District of Columbia waters, waters in adjacent and downstream states, and the beneficial uses of these waters will not be harmed or degraded by the discharges.
- b. Discharges authorized by this permit must comply with §§ 1104.1 and 1104.8 of Chapter 11 and the provisions of Chapter 19 of Title 21 of District of Columbia Municipal Regulations in order to attain and maintain designated uses of the District of Columbia waters.

- c. The permittee shall comply with the District of Columbia Stormwater Management and Soil Erosion and Sediment Control regulations in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations.
- d. The permittee shall comply with the District of Columbia Flood Management Control regulations in Chapter 31 of Title 20 of the District of Columbia Municipal Regulations.
- e. The permittee shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002, during the review and approval of the permittee's DOEE Erosion and Sediment Control Plan in accordance with the provisions of Chapter 542 of Title 21 of the District of Columbia Municipal Regulations.
- f. Upon request, the permittee shall submit all inspection and monitoring reports as required by this permit and 40 CFR § 122.41 to the Associate Director, Inspection and Enforcement Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2226, or by email at Joshua.Rodriguez@dc.gov.
- g. In the event the permittee intends to discharge dewatering water, groundwater, or groundwater comingled with stormwater from a known contaminated site, the permittee shall contact the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2600, or by email at MS4DischargeAuthorization@dc.gov to request authorization to discharge dewatering water, groundwater, or groundwater comingled with stormwater to the District's Municipal Separate Storm Sewer System (MS4) or to a surface water body pursuant to §§ 8-103.02, 8-103.06, and 8-103.07 of the District of Columbia Water Pollution Control Act of 1984, as amended.

9.3.2 DER10F000 Areas in the State of Delaware located at a federal facility (as defined in Appendix A)

- a. Federal agencies must submit a sediment and stormwater management plan (SSMP) and receive Department approval prior to undertaking any land clearing, soil movement or construction activity unless conducting an exempt activity.
- b. Federal construction activities are required to have a third-party Certified Construction Reviewer (CCR) perform weekly reviews to ensure the adequacy of construction activities pursuant to the approved SSMP and regulations. Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.
- c. Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.
- d. A current copy of the SSMP must be maintained at the construction site.
- e. Unless authorized by the Department, not more than 20 acres may be disturbed at any one time.

9.4 EPA REGION 4

No additional conditions

9.5 EPA REGION 5

9.5.1 MIR10I000 Indian country within the State of Minnesota

a. Fond du Lac Reservation

- i. New dischargers wishing to discharge to an Outstanding Reservation Resource Water (ORRW)¹⁰⁶ must obtain an individual permit from EPA for storm water discharges from large and small construction activities.
- ii. A copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Office of Water Protection at least fifteen (15) days in advance of sending the Notice of Intent to EPA. The SWPPP can be submitted electronically to richardgitar@FDLREZ.com or by hardcopy sent to:
 Fond du Lac Reservation
 Office of Water Protection
 1720 Big Lake Road
 Cloquet, MN 55720
- iii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA. [The condition helps the Office of Water Protection keep track of when a project is about to start and when it has ended. FDL Water Quality Certification Ordinance, Section 204 (a) (2)].
- iv. If the project will entail a discharge to any watercourse or open water body, the turbidity limit shall NOT exceed 10% of natural background within the receiving water(s) as determined by Office of Water Protection staff. For such discharges, turbidity sampling must take place within 24 hours of a ½-inch or greater rainfall event. The results of the sampling must be reported to the Office of Water Protection within 7 days of the sample collection. All sample reporting must include the date and time, location (GPS: UTM/Zone 15), and NTU. CGP applicants are encouraged to work with the Office of Water Protection in determining the most appropriate location(s) for sampling. [This condition helps both the Office of Water Protection and the project proponent in knowing whether or not their erosion control efforts are effective. FDL Water Quality Certification, Section 204 (b) (1)].
- v. Receiving waters with open water must be sampled for turbidity prior to any authorized discharge as determined by Office of Water Protection staff. This requirement only applies to receiving waters which no ambient turbidity data exists. [This condition allows the Office of Water Protection to obtain a baseline turbidity sample in which to compare to other samples. FDL Water Quality Certification Ordinance, Section 204 (b) (2)].
- vi. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance #12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac

¹⁰⁶ Although additional waters may be designated in the future, currently Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake are designated as ORRWs.

Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm water fisheries, cold water fisheries, subsistence fishing (netting), primary contact recreation, secondary contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, commercial and wetlands. It also includes the designated uses of wetlands including, but not limited to, baseflow discharge, cultural opportunities, flood flow attenuation, groundwater recharge, indigenous floral and fauna) diversity and abundance, nutrient cycling, organic carbon export/cycling, protection of downstream water quality, recreation, resilience against climactic effects, sediment/shoreline stabilization, surface water storage, wild rice, and water dependent wildlife. [In addition to listing the designated uses of waters of the Fond du Lac Reservation, this condition also limits the project proponent to discharges that will not violate our Water Quality Standards. FDL Water Quality Certification Ordinance, Section 204 (a) (7)).

- vii.** Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Fond du Lac Reservation. All spills must be reported to the appropriate emergency management Agency (National Response Center AND the State Duty Officer), and measures shall be taken immediately to prevent the pollution of waters of the Fond du Lac Reservation, including groundwater. The Fond du Lac Office of Water Protection must also be notified immediately of any spill regardless of size. [This condition helps protect water quality and also reminds project proponents of their responsibility in reporting spill events. FDL Water Quality Certification Ordinance, Section 204 (b) (3)).
- viii.** All seed mixes, whether used for temporary stabilization or permanent seeding, shall NOT contain any annual ryegrass (*Lolium* species). Wild rye (*Elymus* species) or Oats (*Avena* species) may be used as a replacement in seed mixes. [This condition prevents the use of annual ryegrass on the Reservation. Annual ryegrass is allelopathic, which means it produces biochemical in its roots that inhibit the growth of native plants. If used in seed mixes, annual ryegrass could contribute to erosion, especially on slopes. However, the condition also specifies substitute grasses that germinate almost as fast as annual ryegrass for use as a cover crop to help prevent erosion. FDL Water Quality Certification Ordinance, Section 204 (t) (1)).
- ix.** To prevent the introduction of invasive species, ALL contractors and subcontractors MUST disclose information stating prior equipment location(s) and ALL known invasive species potentially being transported from said location(s). All equipment MUST undergo a high pressure wash (including any equipment mats) BEFORE ENTERING the Fond du Lac Reservation. Personal equipment such as work boots, gloves, vest, etc. MUST be clean of debris, dirt and plant and animal material BEFORE ENTERING the Fond du Lac Reservation. Equipment being transported from known infested areas MUST undergo a high pressure wash as soon as possible after leaving the infested site and again BEFORE ENTERING the Fond du Lac Reservation, to avoid transport of invasive species into areas surrounding the Reservation. Written certification of equipment cleaning MUST be provided to the Fond du Lac Office of Water Protection. Upon arrival, ALL contractor and subcontractor equipment will be inspected by appointed Fond du Lac staff. If equipment is deemed unsatisfactory, the equipment MUST

undergo a high pressure washing until the equipment is cleared by the inspector, until such time, minimal travel will be allowed through the Reservation. The contractor shall be held responsible for the control of any invasive species introduced as a result of their project. [This condition requires the project proponent to prevent the inadvertent introduction of invasive species by taking an active role in cleaning all vehicles, equipment, and equipment mats before entering the Reservation. This condition has been placed in certifications since 2012, due to the introduction of Wild Parsnip in 2011 from a pipeline contractor. It is much easier to prevent the introduction of an invasive species than it is to eradicate it once it has been introduced. Many invasive plant species form monocultures, preventing native plants from growing. This situation often leads to cases of erosion, which in turn effects water quality. FOL Water Quality Certification Ordinance, Section 204 (g) (1)].

- x. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors. [This condition ensures that the information contained in the certification, especially the conditions, is readily available onsite for reference. FOL Water Quality Certification Ordinance, Section 204 (a) (9)].

b. The Grand Portage Band of Lake Superior Chippewa

- i. The CGP authorization is for construction activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The CGP regulates stormwater discharges associated with construction sites of one acre or more in size. Only those activities specifically authorized by the CGP are authorized by this certification (the "Certification").
- ii. All construction stormwater discharges authorized by the CGP must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance).
- iii. All appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation. All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.
- iv. The 2022 CGP requires inspections and monitoring reports of the construction site stormwater discharges by a qualified person. Monitoring and inspection reports must comply with the minimum requirements contained in the 2022 CGP. The monitoring plan must be prepared and incorporated into the Storm Water Pollution Prevention Plan (the "SWPP"). A copy of the SWPP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The SWPP should be sent to:

Grand Portage Environmental Resources Board
P.O. Box 428
Grand Portage, MN 55605

Copies of the Notice of Intent and Notice of Termination required under the General Permit must be submitted to the Board at the address above at the same time they are submitted to the EPA.

- v. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards. The burden is on the applicant to demonstrate compliance with the Water Quality Standards, the Water Resources Ordinance, and Applicable Federal Standards whether or not the application is ultimately eligible for the CGP.
 - vi. CGP discharges must not cause nuisance conditions as defined in Grand Portage Water Quality Standards.
 - vii. The Board retains full authority to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions. Nothing herein affects the scope or applicability of other controlling tribal or federal requirements, including but not limited to impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, 54 U.S.C. §§ 300101 et seq.
 - viii. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.
- c. Leech Lake Band of Ojibwe**
- i. The water quality standards that apply to the construction site are the standards at the time the operator submits its Notice of Intent (NOI) to EPA and the LLBO WRP (see conditions # 2 and # 3).
 - ii. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the LLBO WRP at least 30 days in advance of sending the NOI for the project to EPA. See attached LLBO 401 Water Quality Certification Ordinance. Section 304(a)(1). The SWPPP should be submitted electronically to Jeff.Harper@llojibwe.net and by hardcopy sent to:
Leech Lake Band of Ojibwe
ATTN: Water Resources Program - 401 Cert
Division of Resource Management
190 Sailstar Drive NW
Cass Lake, Minnesota 56633
 - iii. Copies of the NOI and the Notice of Termination (NOT) must be submitted to the LLBO WRP at the same time they are submitted to EPA. See attached LLBO 401 Water Quality Certification Ordinance, Section 304(a)(2). The NOI and NOT should be submitted electronically to Jeff.Harper@llojibwe.net and sent by hardcopy to the address cited in condition # 2.
 - iv. Any and all other conditions listed in Section 304 of the attached LLBO 401 Water Quality Certification Ordinance shall be observed unless the LLBO WRP deems that certain conditions therein are not applicable to the project in need of a permit under this certification.
 - v. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors.

- vi. Upon consideration of the NOI, if the LLBO WRP finds that the discharge will not be controlled as necessary to meet applicable water quality standards, the LLBO WRP may insist, consistent with Part 3.1 of the CGP, that additional controls are installed to meet applicable water quality standards, or recommend to EPA that the operator obtain coverage under an individual permit.

9.5.2 WIR10I000 Indian country within the State of Wisconsin

a. Bad River Band of Lake Superior Tribe of Chippewa Indians

- i. Only those activities specifically authorized by the CGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such.
- ii. All projects which are eligible for coverage under the CGP and are located within the exterior boundaries of the Bad River Reservation shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS). The Tribe's WQS can be viewed at: http://www.badriver-nsn.gov/wp-content/uploads/2020/01/NRD_WaterQualityStandards_2011.pdf
- iii. Operators are not eligible to obtain authorization under the CGP for all new discharges to an Outstanding Tribal Resource Water (OTRW or Tier 3 water). OTRWs, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River. OTRWs can be viewed at: <https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>
- iv. An operator proposing to discharge to an Outstanding Resource Water (ORW or Tier 2.5 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ORWs, or Tier 2.5 waters, include the following: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweiler River, Tyler Forks, Bell Creek, and Vaughn Creek. ORWs can be viewed at: <https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>. The antidegradation demonstration materials described in provision E.4.iii., and included on the antidegradation demonstration template found at: <https://www.badriver-nsn.gov/natural-resources/projectreviews/>, must be submitted to the following address:
 Bad River Tribe's Natural Resources Department
 Attn: Water Regulatory Specialist
 P.O. Box 39 Odanah, WI 54861
 WaterReg@badriver-nsn.gov
- v. An operator proposing to discharge to an Exceptional Resource Water (ERW or Tier 2 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ERWs, or Tier 2 waters, include the following: any surface water within the exterior boundaries of the Reservation that is not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water). ERWs can be viewed at:

<https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>. The antidegradation demonstration materials described in provision E.4.ii., and included on the antidegradation demonstration template found at: <https://www.badriver-nsn.gov/natural-resources/projectreviews/>, must be submitted to the following address:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

- vi.** Projects utilizing cationic treatment chemicals within the Bad River Reservation boundaries are not eligible for coverage under the CGP.
- vii.** A discharge to a surface water within the Bad River Reservation boundaries shall not cause or contribute to an exceedance of the turbidity criterion included in the Tribe's WQS, which states: Turbidity shall not exceed 5 NTU over natural background turbidity when the background turbidity is 50 NTU or less, or turbidity shall not increase more than 10% when the background turbidity is more than 50 NTU.
- viii.** All projects which are eligible for coverage under the CGP within the exterior boundaries of the Bad River Reservation must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances, including the erosion and sedimentation control, natural buffer, and stabilization requirements. Questions regarding Chapter 323 and requests for permit applications can be directed to the Wetlands Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or wetlands@badriver-nsn.gov.
- ix.** An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must notify the Tribe prior to the commencing earth-disturbing activities. The operator must submit a copy of the Notice of Intent (NOI) to the following addresses at the same time it is submitted to the U.S. EPA:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

Bad River Tribe's Natural Resources Department
Attn: Tribal Historic Preservation Officer (THPO)
P.O. Box 39 Odanah, WI 54861
THPO@badriver-nsn.gov

The operator must also submit a copy of the Notice of Termination (NOT) to the above addresses at the same time it is submitted to the U.S. EPA. Photographs showing the current site conditions must be included as part of the NOT to document the stabilization requirements have been met.

- x.** The THPO must be provided 30 days to comment on the project.

- xi.** The operator must obtain THPO concurrence in writing. This written concurrence will outline measures to be taken to prevent or mitigate effects to historic properties. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800. A best practice for an operator is to consult with the THPO during the planning stages of an undertaking.
- xii.** An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the following address at the same time as submitting the NOI:
 - Bad River Tribe's Natural Resources Department
 - Attn: Water Regulatory Specialist
 - P.O. Box 39 Odanah, WI 54861
 - WaterReg@badriver-nsn.gov
- xiii.** Any corrective action reports that are required under the CGP must be submitted to the following address within one (1) working day of the report completion:
 - Bad River Tribe's Natural Resources Department
 - P.O. Box 39 Odanah, WI 54861
 - WaterReg@badriver-nsn.gov
- xiv.** An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copies of the inspection reports (including photographs) to the following address within 24 hours of completing any site inspection required:
 - Bad River Tribe's Natural Resources Department Attn: Water Regulatory Specialist
 - P.O. Box 39 Odanah, WI 54861
 - WaterReg@badriver-nsn.gov
- xv.** An operator shall be responsible for meeting any additional permit requirements imposed by the U.S. EPA necessary to comply with the Tribe's antidegradation policies if the discharge point is located upstream of waters designated by the Tribe.

9.6 EPA REGION 6

9.6.1 NMR100000 State of New Mexico, except Indian country

- a.** In Outstanding National Resource Waters (ONRWs) in New Mexico, no degradation is permitted except in limited, specifically defined instances. Therefore, Operators are not eligible to obtain authorization under this general permit for stormwater discharges to waters classified as ONRWs listed in Paragraph D of 20.6.4.9 New Mexico Administrative Code (NMAC), also referred to as "Tier 3 waters" as defined in Appendix A of this permit. Exception: When construction activities are in response to a public emergency (e.g., wildfire, extreme flooding, etc.) and the related work requires immediate authorization to avoid a threat to public health or safety.
 - i.** Operators who conduct construction activities in response to a public emergency to mitigate an immediate threat to public health or safety shall

adhere to the requirements in 20.6.4.8(A)(3)(c) NMAC, including notifying the New Mexico Environment Department (NMED) within seven days of initiation of the emergency action and providing NMED with a summary of the action taken within 30 days of initiation of the emergency action.

- ii. For all other scenarios, Operators with proposed discharges to ONRWs in New Mexico shall obtain coverage from EPA under an NPDES Individual Permit and will comply with the additional standards and regulations related to discharges to ONRWs in 20.6.4.8(A) NMAC. Additional information is available from:
 - New Mexico Environment Department Surface Water Quality Bureau
 - P.O. Box 5469
 - Santa Fe, NM 87502-5469 Telephone: 505-827-0187
 - <https://www.env.nm.gov/surface-water-quality/wqs/>
 - <https://gis.web.env.nm.gov/oem/?map=swqb>
- b. If construction dewatering activities are anticipated at a construction site and non-stormwater discharges of groundwater, subsurface water, spring water, and/or other dewatering water are anticipated, the Operators/Permittees must complete the following steps:
 - 1. Review the state's Ground Water Quality Bureau Mapper (<https://gis.web.env.nm.gov/GWQB/>) and Petroleum Storage Tank Bureau Mapper (<https://gis.web.env.nm.gov/GWQB/>).

Check if the following sources are located within the noted distance from the anticipated construction dewatering activity. At a minimum, a list of the following potential sources of contaminants and pollutants at the noted distance is to be kept in the SWPPP.

Source of Potential Contamination or Pollutants*	Constituents likely to be required for testing*
Within 0.5 mile of an open Leaking Underground Storage Tank (LUST) site	BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions**
Within 0.5 mile of an open Voluntary Remediation site	All applicable parameters or pollutants listed in 20.6.4.13, 20.6.4.52, 20.6.4.54, 20.6.4.97 thru 20.6.4.99, 20.6.4.101 through 20.6.4.899, and 20.6.4.900 NMAC (or an alternate list approved by the NMED-SWQB)*
Within 0.5 mile of an open RCRA Corrective Action Site	
Within 0.5 mile of an open Abatement Site	
Within 0.5 mile of an open Brownfield Site	
Within 1.0 mile or more of a Superfund site or National Priorities List (NPL) site with associated groundwater contamination.	
Construction activity contaminants and/or natural water pollutants	Additional parameters depending on site activities and conditions (Contact NMED-SWQB for an alternate list)*

*For further assistance determining whether dewatering may encounter contaminated sources, please contact the NMED Ground Water Quality Bureau at 505-827-2965 or NMED Surface Water Quality Bureau (SWQB) at 505-827-0187.

** EPA approved sufficiently sensitive methods must be used. For known PCB sources and analysis, EPA Method 1668C must be used (see <https://www.epa.gov/cwa-methods>).

- If dewatering activities are anticipated, information on the flow rate and potential to encounter contaminated groundwater, subsurface water, spring water, or dewatering water must be provided directly to NMED at the following address:

NMED Surface Water Quality Bureau
Program Manager, Point Source Regulation
Section PO Box 5469, Santa Fe, NM 87502

Please call the SWQB to obtain the appropriate email address (505-827-0187).

- In addition, the Operator/Permittee must characterize the quality of the groundwater and subsurface water, spring water, or dewatering water being considered for discharge according to the table above and including dissolved hardness and pH. Considering the contaminant sources listed in the table above, water quality data may already be available. For further assistance, contact the

NMED Surface Water Quality Bureau (505-827-0187), Ground Water Quality Bureau (505-827- 2965), Petroleum Storage Tank Bureau (505-476-4397), or Hazardous Waste Bureau (505-476- 6000).

- i. The Operator/Permittee must submit recent analytical test results (i.e., within the past 5 years) according to the table above, and including dissolved hardness and pH, to the EPA Region 6 Stormwater Permit Contact and the NMED Surface Water Quality Bureau (see contact information in #2 above). If the test data exceed applicable water quality standards, then the groundwater, subsurface water, spring water, or dewatering water cannot be discharged into surface waters under this general permit. Operators/Permittees may submit an NPDES Individual Permit application to treat and discharge to waters of the U.S. or find alternative disposal measures. No discharges to surface waters are allowed until authorized.
 - ii. If the discharge has the potential to affect groundwater (e.g., land application), the Operator/Permittee must submit an NOI to the NMED Ground Water Quality Bureau (see 20.6.2.1201 NMAC – Notice of Intent to Discharge).
4. The Operator/Permittee must document any findings and all correspondence with NMED and EPA in the SWPPP.
- c.** Operators who intend to obtain authorization under this permit for new and existing storm water discharges from construction sites must satisfy the following condition:
- i. The SWPPP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion and sediment control best management practices (BMPs) and/or other controls that are designed to prevent to the maximum extent practicable an increase in the sediment yield and flow velocity from pre-construction, pre-development conditions to assure that applicable standards in 20.6.4 NMAC, including the antidegradation policy, and TMDL waste load allocations (WLAs) are met. This requirement applies to discharges both during construction and after construction operations have been completed. The SWPPP must identify and document the rationale for selecting these BMPs and/or other controls. The SWPPP must also describe design specifications, construction specifications, maintenance schedules (including a long-term maintenance plan), criteria for inspections, and expected performance and longevity of these BMPs. For sites greater than 5 acres in size, BMP selection must be made based on the use of appropriate soil loss prediction models (i.e. SEDCAD, RUSLE, SEDIMOT, MULTISED, etc.) OR equivalent generally accepted (by professional erosion control specialists) soil loss prediction tools.
 - ii. For all sites, the Operator(s) must demonstrate, and include documentation in the SWPPP, that implementation of the site-specific practices will ensure that the applicable standards and TMDL WLAs are met, and will result in sediment yields and flow velocities that, to the maximum extent practicable, will not be greater than the sediment yield levels and flow velocities from preconstruction, pre-development conditions.
 - iii. All SWPPPs must be prepared in accordance with good engineering practices by qualified (e.g., CPESC certified, engineers with appropriate training) erosion control specialists familiar with the use of soil loss prediction models and design of erosion and sediment control systems based on these models (or equivalent soil

loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP. The Operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP.

NMED supports the use of EPA's small residential lot template if a site qualifies to use it as explained in the permit, as long as it is consistent with the above requirements. NMED's requirement does not preclude small residential sites from using the template, but it may require an additional short paragraph to justify the selection of specific BMPs for the site.

- d. Operators must notify NMED when discharges of toxic or hazardous substances or oil from a spill or other release occurs - see Emergency Spill Notification Requirements, Part 2.3.6 of the permit. For emergencies, Operators can call 505-827-9329 at any time. For non-emergencies, Operators can call 866-428-6535 (voice mail 24-hours per day) or 505-476-6000 during business hours from 8am-5pm, Monday through Friday. Operators can also call the NMED Surface Water Quality Bureau directly at 505-827-0187.
- e. Operators of small construction activities (i.e., 1-5 acres) are not eligible to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on Item C.3 of Appendix C (Equivalent Analysis Waiver) in the State of New Mexico.

9.6.2 NMR10I000 Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.

a. Nambe Pueblo

- i. The operator must provide a copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Nambe Pueblo Governor's Office at the same time it is provided to the US Environmental Protection Agency. The NOI and NOT should be provided to the following address:
Office of the Governor Nambe Pueblo
ISA NPI02 WEST
Nambe Pueblo, New Mexico 87506
- ii. The operator must provide a copy of the Storm Water Pollution Prevention Plan (SWPPP) to Nambe Pueblo at the same time it is submitted to the EPA, either by email to governor@nambepueblo.org or mailed to the above address.
- iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Nambe Pueblo Department of Environmental and Natural Resources or Nam be Governor.

b. Ohkay Owingeh Tribe

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Ohkay Owingeh Office of Environmental Affairs, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Naomi L. Archuleta - Environmental Programs Manager Ohkay Owingeh
Office of Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
naomi.archuleta@ohkay.org

Noah Kaniatobe - Environmental Specialist Ohkay Owingeh, Office of
Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
noah.kaniatohe@ohkay.org

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) to Ohkay Owingeh Office of Environmental Affairs at the same time that the NOI is submitted to the tribe (see contact information listed above).
- iii. Following each incident where the operator takes a corrective action the operator must provide the corrective action log to the Ohkay Owingeh Office of Environmental Affairs.
- iv. The operator must notify Ohkay Owingeh Office of Environmental Affairs within 24 hours, in the event of an emergency spill in addition to the notification requirements at Part 2.3.6 of the CGP. Please contact: Ohkay Owingeh Tribal Police Department at 505.852.2757.

Please contact:
Ohkay Owingeh
Tribal Police Department
505.852.2757

c. Pueblo of Isleta

- i. All operators obtaining permit coverage under the EPA CGP must submit a copy of the certified Notice of Intent (NOI) to the Pueblo of Isleta at the same time it is submitted to EPA for projects occurring within the exterior boundaries of the Pueblo of Isleta. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The Notices must be provided to the following address:
Water Quality Control Officer Pueblo of Isleta
Environment Department PO Box 1270
Isleta NM 87022
505-869-7565
WQCO@isletapueblo.com
- ii. The operator must notify the Pueblo of Isleta's Dispatch at 505-869-3030 as soon as possible and the Pueblo of Isleta Water Quality Control Officer within 10 hours, in the event of a spill of hazardous or toxic substances or if health or the

environment become endangered in addition to the notification requirements at Part 2.3.6 and at I.12.6.1 of the CGP.

- iii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Isleta Water Quality Control Officer at the above address, 30 days prior to submitting the certified NOI to EPA. If the electronic file is too large to send through e-mail, a zip file or flash drive may be submitted.
- iv. All operators obtaining permit coverage under the EPA CGP must give 2 days advance notice to the Pueblo of Isleta Water Quality Control Officer of any planned changes in the permitted activity which may result in noncompliance with permit requirements.
- v. All operators obtaining permit coverage under the EPA CGP must post a sign or other notice of permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road or tribal road that is nearest to the active part of the construction site. The sign must be maintained on-site from the time construction activities begin until final stabilization is met.
- vi. Erosion and sediment controls shall be designed to retain sediment on-site and project-generated waste materials that have the potential to discharge pollutants shall not be placed on open soil or on a surface that is not stabilized. Volumes of sediment over five (5) cubic yards must be removed from the active construction site; additionally, if sediment is placed for disposal within the exterior boundaries of the Pueblo of Isleta, disposal must be within a tribally approved sediment disposal site.

d. Pueblo of Laguna

- i. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Laguna's Environmental & Natural Resources Department (ENRD) within three business days of submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after the EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be electronically submitted to info.environmental@pol-nsn.gov.
- ii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Laguna's ENRD 14 days prior to the submittal of the NOI (see contact information listed above).
- iii. The operator must provide copies of corrective actions logs and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Laguna ENRD (see contact information above).
- iv. In addition to the notification requirements of Part 2.3.6 of the CPG **[EPA interprets this intending to refer to the CGP]**, the operator must notify the Pueblo of Laguna ENRD at 505-552-7512 in the event of an emergency spill as soon as possible.

e. Pueblo of Sandia. The following conditions apply only to discharges on the Pueblo of Sandia Reservation:

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Sandia Environment Department concurrently with submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided concurrently with submittal to the EPA. The NOI and NOT must be provided electronically to the following addresses:
Electronic Addresses:
Amy Rosebrough (Water Quality Manager): rosebrough@sanidapueblo.nsn.us
Greg Kaufman (Environment Director): gkaufman@sandiapueblo.nsn.us
 - ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Sandia Environment Department at least 14 days prior to submittal of the NOI to the Pueblo (see contact information listed above).
 - iii. If requested by the Pueblo of Sandia Environment Department, the permittee must provide additional information necessary on a case-by-case basis to assure compliance with the Pueblo of Sandia Water Quality Standards and/or applicable Federal Standards.
 - iv. An "Authorization to Proceed Letter" with site specific mitigation requirements may be sent out to the permittee when a review of the NOI and SWPPP, on a case-by-case basis, is completed by the Pueblo of Sandia Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.
 - v. The Pueblo of Sandia will not allow Small Construction Waivers (Appendix C) to be granted for any small construction activities.
 - vi. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Sandia Environment Department upon request. An inspection report and corrective action log must be submitted to the Pueblo within 3 days of any inspection that results in corrective action (see contact information listed above).
 - vii. The operator must notify the Pueblo of Sandia within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the COP (see contact information listed above).
 - viii. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements for site stabilization have been met and any temporary erosion control structures have been removed. A short letter stating that the NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to the EPA.
- f. Pueblo of Santa Ana. The following conditions apply only to discharges on the Pueblo of Santa Ana Reservation:**
- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo's Department of Natural Resources within three business days of submittal to EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be

provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Regular U.S. Delivery Mail:

Pueblo of Santa Ana

Department of Natural Resources Water Resources Division

Attn: Andrew Sweetman 02 Dove Rd

Santa Ana Pueblo, NM 87004

Electronically:

Andrew Sweetman

Water Resources Division Manager Andrew.Sweetman@santaana-nsn.gov

Tammy Montoya Hydrologist

Tammy.Montoya@santaana-nsn.gov

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo's Department of Natural Resources at the same time that the NOI is submitted to the tribe (see contact information listed above).
- iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Pueblo's Department of Natural Resources.
- iv. The operator must notify the Pueblo's Department of Natural Resources within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP.

g. Pueblo of Taos

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Taos Pueblo Environmental Office and Taos Pueblo Governor's Office within three business days of submittal to EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following addresses:

Honorable Governor of Taos Pueblo PO Box 1846

Taos, New Mexico 87571

Taos Pueblo Environmental Office PO Box 1846

Taos, New Mexico 87571

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Taos Pueblo Environmental Office when the NOI is submitted to the tribe. Electronic copy of SWPPP downloaded on flash drive may be sent to the above address for the Taos Pueblo Environmental Office.
- iii. The operator must provide a copy of the corrective action log following each corrective action undertaken and modifications made to the SWPPP as a result of

a corrective action to the Taos Pueblo Environmental Office at address listed above.

h. Pueblo of Tesuque.

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Tesuque Department of Environment and Natural Resources (DENR) and the Pueblo's Governor within three business days of submittal to EPA. Additionally, a copy of any NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Governor Mark Mitchell Pueblo of Tesuque
20 TP 828
Santa Fe, NM 87506 governor@pueblooftesuque.org

Sage Mountain.flower Pueblo of Tesuque
Department of Environment and Natural Resources Director
20 TP 828

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to Pueblo of Tesuque DENR and the Pueblo's Governor at the same time that the NOI is submitted to the EPA (see contact information listed above).
- iii. The operator must provide a copy of the corrective action log, and any modifications made to the SWPPP as a result of inspection findings, or upon request by the Pueblo of Tesuque DENR.
- iv. The operator must notify the Pueblo of Tesuque DENR within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP (see contact information listed above).

i. Santa Clara Indian Pueblo.

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA. Additionally, a copy of the NOI modifications and the Notice of Termination (NOT), must be provided at the same time after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT shall be provided to the following address in electronic format:

Dino Chavarria,
Santa Clara Pueblo
Office of Environmental Affairs
dinoc@santaclarapueblo.org

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA (see contact information listed above).

- iii. The operator must notify the Santa Clara Pueblo Office of Environmental Affairs at the address above within 24 hours, in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP

9.6.3 OKR10I000 Indian country within the State of Oklahoma, except areas of Indian country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA).

a. Pawnee Nation. The following conditions apply only to discharges within Pawnee Indian country:

- i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pawnee Nation at the same time it is submitted to the Environmental Protection Agency to the following address:
Pawnee Nation Department of Environmental Conservation and Safety
P.O. Box 470
Pawnee, OK 74058
Or email to dnrs@pawneenation.org
- ii. An electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Pawnee Nation Department of Environmental Conservation and Safety at the same time the NOI is submitted.
- iii. The operator must provide access to the site for inspections and for copies of inspection reports, copy of the corrective action log and modifications, made to the SWPPP because of inspection findings, upon request by the Pawnee Nation DECS.
- iv. The Pawnee Nation Department of Environmental Conservation and Safety must be notified at 918.762.3655 immediately upon discovery of any noncompliance with any provision of the permit conditions.

9.6.4 OKR10F000 Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, or the Oklahoma Department of Agriculture and Forestry including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).

- a. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Certification is denied for any on-going activities such as sand and gravel mining or any other mineral mining.
- b. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including, but not limited to, concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.

- c. Dewatering discharges into sediment or nutrient-impaired waters, and waters identified as Tier 2, Tier 2.5, or Tier 3 (OAC 785:46-13) shall be controlled to meet water quality standards for turbidity in those waters as follows:
 - i. Cool Water Aquatic Community/Trout Fisheries: 10 NTUs (OAC 785: 45-5-12(f)(7)(A)(i))
 - ii. Lakes: 25 NTUs (OAC 785: 45-5-12(f)(7)(A)(ii))
 - iii. In waters where background turbidity exceeds these values, turbidity from dewatering discharges should be restricted to not exceed ambient levels (OAC 785: 45-5-12(f)(7)(B))

9.7 EPA REGION 7

No additional conditions.

9.8 EPA REGION 8

9.8.1 MTR10I000 Indian country within the State of Montana

a. Blackfeet Nation.

- i. The Applicant and applicants for projects authorized under the NWP should obtain all other permits, licenses, and certifications that may be required by federal, state, or tribal authority. Primary relevant tribal permit will be ALPO (Ordinance 117). Others may apply. It is the applicant's responsibility to know the tribal and local ordinances and complete all necessary permissions before they can commence work.
- ii. If a project is unable to meet the enclosed conditions, or if certification is denied for an applicable NWP, the Applicant may request an individual certification from Blackfeet. An individual certification request must follow the requirements outlined in 40 CFR 121.5 of EPA's CWA § 401 Certification Rule, effective September 11, 2020.
- iii. Copies of this certification should be kept on the job site and readily available for reference.
- iv. If the project is constructed and/or operated in a manner not consistent with the applicable NWP, general conditions, or regional conditions, the permittee may be in violation of this certification.
- v. Blackfeet and EPA representatives may inspect the authorized activity and any mitigation areas to determine compliance with the terms and conditions of the NWP.
- vi. This NWP Reissuance does not reduce Tribal authority under any other rule.
- vii. The project, including any stream relocations and restoration, must be built as shown and as otherwise described in the application, the construction plans, cross sections, mitigation plans and other supporting documents submitted to this office. Impacts to aquatic systems and restoration efforts will be monitored by an appropriate aquatic resource professional to ensure that disturbed areas are restored to at least their original condition.
- viii. All existing water uses will be fully maintained during and after the completion of the project. (If applicable)

- ix.** Where practicable, perform all in-channel and wetland work during periods of low flow or drawn—down or when dry
- x.** Equipment staging areas must be located out of all delineated wetlands
- xi.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during and immediately after construction, and all exposed soil and other fills, as well as any work below the ordinary high-water mark or in a wetland, must be permanently stabilized as soon as possible
- xii.** Materials such as piling, culverts, sandbags, fabric, mats, timbers used for temporary facilities in wetlands or below the high- water mark of Waters of the US must be free from oil, gas, excess dirt, loose paint and other pollutants.
- xiii.** Equipment staging areas in wetlands or in stream or river channels must be placed on mats, or other measures must be taken to minimize soil disturbance and compaction.
- xiv.** Clearing of riparian or wetland vegetation for the sole purpose of constructing work bridges, detours, staging areas or other temporary facilities must be limited to the absolute minimum necessary. When temporary impacts to native riparian or wetland vegetation are unavoidable, it must be mowed or cut above ground with the topsoil and root mass left intact.
- xv.** Remove all temporary fills and structures in the entirety when they are no longer needed. Restore affected areas to the appropriate original and planned contours where possible. Re-vegetate disturbed areas with appropriate native species when native species are impacted.
- xvi.** Construction methods and best management practices (BMPs) must minimize aquatic resource impacts to the maximum extent possible. Any BMPs described in the Joint Application must be followed. BMPs should include installation and maintenance of sediment control measures; separation, storage and reuse of any topsoil; and recovery of all disturbed areas where possible. All best management practices must in place prior to the onset of construction or as soon as practicable during the construction process.
- xvii.** Best available technology and/or best management practices must be utilized to protect existing water uses and maintain turbidity and sedimentation at the lowest practical level.
- xviii.** Applicant/contractor should manage disturbed streambank topsoil in a manner that optimizes plant establishment for the site.
- xix.** When operating equipment or otherwise undertaking construction in wetlands and water bodies the following conditions apply:
 - (a) Work should be done in dry conditions if possible.
 - (b) All equipment is to be inspected for oil, gas, diesel, anti-freeze, hydraulic fluid or other petroleum leaks. All such leaks will be properly repaired and equipment cleaned prior to being allowed on the project site. Leaks that occur after the equipment is moved to the project site will be fixed the same day or the next day or removed from the project area. The equipment is not allowed to continue operation once a leak is discovered.

- (c) All equipment is to be inspected and cleaned before and after use to minimize the spread or introduction of invasive or undesirable species.
 - (d) Construction equipment shall not operate below the existing water surface except as follows:
 - Impacts from construction should be minimized through the use of best management practices submitted in the permit application.
 - Essential work below the waterline shall be done in a manner to minimize impacts to aquatic system and water quality.
 - (e) Containment booms and/or absorbent material must be available onsite. Any spills of petroleum products must be reported to the Army Corps, Blackfeet Nation BEO Office and the US EPA within 24 hours.
- xx.** Upland, riparian and in-stream vegetation should be protected except where its removal is necessary for completion of work. Revegetation should be completed as soon as possible. Applicant/contractor should revegetate disturbed soil in a manner that optimizes plant establishment for the site. Revegetation must include topsoil replacement, planting, seeding, fertilization, liming and weed-free mulching as necessary. Applicant must use native plant material and soils where appropriate and feasible. This certification does not allow for the introduction of non-native flora and fauna. All disturbed surface areas must be restored to pre-construction contours and elevation.
- xxi.** Spoils piles should not be placed or stored within the delineated wetlands or streams unless protected by a temporary structure designed to divert and handle high flows that can be anticipated during permit activity. Spoils piles should be placed on landscaping fabric or some other material to separate spoils material and allow retrieval of spoils material with minimal impact.
- xxii.** Impacts to wetlands shall not exceed 4.92 acres.
- xxiii.** Any unexpected and additional impacts to waters of the US should be reported to the
- xxiv.** Army Corps, Blackfeet Environmental Office Water Quality Coordinator and the US EPA.
- xxv.** All instream and stream channel reconstruction work must be completed before the stream is diverted into the new channel.
- xxvi.** Any temporary crossings, bridge supports, cofferdams, or other structures that are necessary during permit activity should be designed to handle high flows that can be anticipated during permit activity. All temporary structures should be completely removed from the water body at the conclusion of the permitted activity and the area restored to a natural function and appearance.
- xxvii.** The certification does not authorize any unconfined discharge of liquid cement into the waters of the United States. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the water body.
- xxviii.** BMPs shall include application of certified weed-free straw or hay across all disturbed wetland areas that are temporarily impacted; installation and maintenance of sediment control measures during construction and if necessary, after construction is completed; use of heavy mud mats if necessary; separation,

storage and reuse of all streambank topsoil and wetland topsoil, as appropriate; and recovery of all disturbed wetland and streambank areas where possible. All conditions set by the Blackfeet Tribe and US Army Corps must be followed.

- xxix.** All applicants, including federal agencies, must notify EPA and the Blackfeet Environmental Office of the use of all NWPs for which certification has been granted prior to commencing work on the project. Notifications must include:
- (a) project location (lat. Long., exact point on map);
 - (b) NWP that will be used and the specific activity that will be authorized under the NWP;
 - (c) amount of permanent and temporary fills;
 - (d) a short summary of the proposed activity, and all other federal, state, tribal or local permits or licenses required for the project;
 - (e) complete contact information of both the applicant and contractor (name, name of the company or property if applicable, telephone, mobile, and email); and,
 - (f) Summary of best management practices that will be used.
 - (g) A summary of communications with the affected Tribe's water quality staff regarding the project, including any concerns or issues.
 - (h) Notify Blackfeet and EPA at least 7 days before the completion of construction and operations begin.
- xxx.** Point source discharges may not occur: (1) in fens, bogs or other peatlands; (2) within 100 feet of the point of discharge of a known natural spring source; or (3) hanging gardens.
- xxxi.** Except as specified in the application, no debris, silt, sand, cement, concrete, oil or petroleum, organic material, or other construction related materials or wastes shall be allowed to enter into or be stored where it may enter into waters of the U.S.
- xxxii.** Silt fences, straw wattles, and other techniques shall be employed as appropriate to protect waters of the U.S. from sedimentation and other pollutants.
- xxxiii.** Water used in dust suppression shall not contain contaminants that could violate water quality standards.
- xxxiv.** Erosion control matting that is either biodegradable blankets or loose-weave mesh must be used to the maximum extent practicable.
- xxxv.** All equipment used in waters of the U.S. must be inspected for fluid leaks and invasive species prior to use on a project. All fluid leaks shall be repaired and cleaned prior to use or when discovered, or if the fluid leak can't be repaired, the equipment shall not be used on site. Equipment used in waters with the possibility of aquatic nuisance species infestation must be thoroughly cleaned and effectively decontaminated before they are used on the project.

- xxxvi.** Vegetation should be protected except where its removal is necessary for completion of the work. Locations disturbed by construction activities should be revegetated with appropriate native vegetation in a manner that optimizes plant establishment for the specific site.
- xxxvii.** Revegetation may include topsoil replacement, planting, seeding, fertilization, liming, and weed-free mulching, as necessary. Where practical, stockpile weed- seed-free topsoil and replace it on disturbed areas. All revegetation materials, including plants and plant seed shall be on site or scheduled for delivery prior to or upon completion of the earth moving activities.
- xxxviii.** Activities may not result in any unconfined discharge of liquid cement into waters of the U.S. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the waterbody.
- xxxix.** Activities that may result in a point source discharge shall occur during seasonal low flow or no flow periods to the extent practicable.
- xl.** The placement of material (discharge) for the construction of new dams is not certified, except for stream restoration projects.
- xli.** Any decision-maker that is required under 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Blackfeet Environmental Office at least 30 days before construction starts for review and approval. Any modifications to the SWPPP should be submitted to the Blackfeet Environmental Office.
- xlili.** Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Blackfeet Environmental Office within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address Gerald Wagner, Blackfeet Environmental Office Director.
62 Hospital Drive, Browning, MT 59417
beo.director@gmail.com

b. Fort Peck Tribes.

- i.** Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Fort Peck Tribes Office of Environmental Protection within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address:
Martina Wilson, Office of Environmental Protection Director
501 Medicine Bear Rd Poplar, MT 59255
martinawilson@fortpecktribes.net
- ii.** Any Decision-maker that is required under Part 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Fort Peck Tribes Office of Environmental Protection at least 30 days before construction starts for review and approval. Any modifications to the

SWPPP should be submitted to the Fort Peck Tribes Office of Environmental Protection.

- iii. Any Decision-maker that is required under Part 8.0 of the CGP to submit a weekly, bi-weekly, and/or annual report to EPA, must submit an electronic copy of the annual report to the Fort Peck Tribes Office of Environmental Protection within three business days after submittal to EPA.

9.9 EPA REGION 9

9.9.1 CAR10I000 Indian country within the State of California

a. Morongo Band of Mission Indians

- i. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted (either mailed or electronically) to the MEPD no less than thirty (30) days before commencing construction activities:
 Morongo Band of Mission Indians
 Environmental Protection Department
 12700 Pumarra Road
 Banning, CA 92220
 Email: epd@morongo-nsn.gov
- ii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the MEPD at the same time they are submitted to EPA.
- iii. Operators of an "emergency-related project" must submit notice to the MEPD within twenty- four (24) hours after commencing construction activities.
- iv. Spills, leaks, or unpermitted discharges must be reported to the MEPD within twenty-four (24) hours of the incident, in addition to the reporting requirements of the CGP.
- v. Projects utilizing cationic treatment chemicals (as defined in Appendix A of the CGP) within the Morongo Reservation are not eligible for coverage under this certification of the CGP.
- vi. Facilities covered under the CGP will be subject to compliance inspections by MEPD staff, including compliance with final site stabilization criteria prior to submitting an NOI **[EPA assumes this intended to refer to an NOT]**.

9.9.2 GUR100000 Island of Guam

- a. For purposes of this Order, the term "Project Proponent" shall mean U.S. Environmental Protection Agency, and its agents, assignees, and contractors.
- b. For purposes of this Order, the permit "Operator" shall mean any party associated with a construction project that meets either of the following two criteria:
 - i. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner of the site); or
 - ii. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project).

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

- c. The Project Proponent shall enforce the proposed 2022 CGP and ensure that the Operator complies with the conditions of the permit at all times.¹⁰⁷ (40 CFR §121.11(c))
- d. All submittals required by this Order shall be sent to the Guam Environmental Protection Agency Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #2021- 04 and include the COP Permit Number, certifying representative's name, title, mailing address and phone number. (§51060)(4) 2017 GWQS)
- e. A copy of the Operator's signed Stormwater Pollution Prevention Plan (SWPPP) and signed Notice of Intent (NOI) and Notice of Termination (NOT) submitted to EPA for review and approval, shall concurrently be submitted to Guam EPA, consistent with condition A4. Coordination with Guam EPA is encouraged when the receiving water(s) for the proposed discharge is/are being identified. (§10105.B.5.d.) GSESCR; (§51060)(4) 2017 GWQS)
- f. The Operator must comply with the conditions and requirements set forth in 22 GAR 10, Guam Soil Erosion and Sediment Control Regulations (GSESCR).
- g. Before submitting the NOT to EPA, Operators shall comply with GSESCR regulations at §10105.B10. (Stabilization of Affected Areas) and §10107.B. (Final Inspection and Approval)
- h. All operators/owners shall comply with the general design criteria for best management practices (BMPs) acceptable for meeting the Construction and Post-construction stormwater criteria in the 2006 CNMI and Guam Stormwater Management Manual. (E.O. 2012-02)
- i. Operating reports and monitoring and analytical data (e.g. Discharge Monitoring Reports (DMRs), follow-up monitoring reports, Exceedance Reports for Numerical Effluent Limits, etc.) submitted to EPA shall be concurrently submitted to Guam EPA, consistent with condition A4. §51060)(4) 2017 GWQS
- j. The Operators who install a sediment basin or similar impoundment shall maintain the storage capacity of five thousand cubic feet {5,000 cu. ft.) per acre of project area tributary to the basin. (§10105.B.5.i.) GSESCR
- k. (1) This Order does not authorize EPA to qualify Rainfall Erosivity Waivers to stormwater discharges associated with small construction activities (i.e. 1-5 acres). Operators are required to apply for an NOI for those projects eligible for coverage under the proposed 2022 CGP. An Erosion and Sediment Control Plan is required for every site that would be covered by the proposed 2022 CGP. (22 GAR §10104) The average annual rainfall for Guam and the CNMI exceeds 100 inches per year in many locations. These climatic conditions combined with the region's unique limestone, volcanic geologic formations, sensitive water resources and significant land

¹⁰⁷ By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

development forces make stormwater discharges a very significant environmental and economic issue. (2006 CNMJ/Guam Stormwater Management Manual) E.O. 2012-02

(2) This Order does not authorize EPA to approve a Sediment TMDL Waiver for the Ugum River. Operators of construction activities eligible for a TMDL Waiver in lieu of coverage under the proposed 2022 CGP, shall submit a complete and accurate waiver certification as described in C.2., Appendix C - (Small Construction Waivers) to Guam EPA per condition A4., prior to notifying EPA of its intention to obtain a waiver. §51060)(4) 2017 GWQS

- l.** The Project Proponent shall submit to Guam EPA a signed Statement of Understanding of Water Quality Certification Conditions.¹⁰⁸ (see Attachment A for an example) per condition A4. §51060)(4) 2017 GWQS
- m.** The Operator shall comply with applicable provisions of the Guam Pesticides Act of 2007 (10 GCA Chapter 50) and implementing regulations at Title 22 GAR Chapter 15 for any use and application of pesticides.
- n.** Point source discharge(s) to waterbodies under the jurisdiction of Guam EPA must be consistent with the antidegradation policy in 22 GAR §510I(b).
- o.** The operator shall carry out construction activities in such a manner that will not violate Guam Water Quality Standards (GWQS). Proposed 2022 CGP discharges are prohibited as follows:
 - i.** In Marine Waters, Category M-1 Excellent 22 GAR Chapter 5 §5102(b)(I); and
 - ii.** In Surface Waters, Category S-1 High 22 GAR Chapter 5 §5102(c)(I)
- p.** In addition to complying with construction dewatering requirements in Part 2.4 and site inspection requirements for all areas where construction dewatering is taking place in Part 4 of the proposed 2022 CGP, Operators shall comply with all dewatering conditions and requirements set forth in 22 GAR 7, Water Resources Development and Operating Regulations, to include securing Guam EPA permits prior to any dewatering activities.
- q.** The Operator shall develop and implement a Spill Prevention and Containment Plan.
- r.** The Operator shall have adequate and appropriate spill response materials on hand to respond to emergency release of oil, petroleum or any other material into waters of the territory.
- s.** Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Operator shall immediately take the following actions:
 - i.** Cease operations at the location of the violation or spill.
 - ii.** Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - iii.** Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:

¹⁰⁸ By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

- (a) Guam's Emergency 911 system
 - (b) Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751
 - (c) US Coast Guard Sector Guam (671) 355-4824
 - (d) National Response Center 1-800-424-8802
- iv.** Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
- f.** Compliance with this condition does not relieve the Operator from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- u.** Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.
- v.** This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator.
- w.** The Operator shall be required to adhere to the current Guam Coral Spawning Moratorium dates for both hard and soft corals where in-water activities and/or construction activity in close proximity with marine waters may impair water quality. These dates can be obtained from the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources, or the NOAA NMFS Pacific Islands Regional Office Habitat Conservation Division.
- x.** The Operator shall provide notice to Guam EPA consistent with Condition A4:
- (a) Immediately upon discovery of noncompliance with the provisions of this Order.
- y.** A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the Operator addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §47111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

9.10 EPA REGION 10

9.10.1 IDR10I000 Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)

a. Shoshone-Bannock Tribes

- i.** Copies of the following information must be sent to the SBT-WRD:
 - (a) Notice of Intent (NOI)

The Notice of Intent shall be forwarded to the SBT-WRD within thirty (30) days of receipt of submitting NOI to the USEPA.

Shoshone-Bannock Tribes Water Resources Department
 PO Box 306 Pima Drive
 Fort Hall, ID 83203 Phone: (208) 239-4582
 Fax: (208) 239-4592
 Or Email ctanaka@sbtribes.com

- b. If requested by the SBT-WRD, the permittee must submit a copy of the SWPPP to SBT-WRD within fourteen (14) days of the request.

9.10.2 ORR10I000 Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)

a. Confederated Tribes of Coos, Lower Umpqua, and Siuslaw

- i. No activities allowed under the CGP shall result in the degradation of any Tribal waters or affect resident aquatic communities or resident or migratory wildlife species at any life stage.
- ii. The operator shall be responsible for achieving compliance with CTCLUSI Water Quality Standards and all other tribal codes, regulations, and laws as they exist at the time that the permit is submitted.
- iii. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTCLUSI Water Quality Program before, or at the same time as, it is submitted to EPA.
- iv. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTCLUSI Water Quality Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.
- v. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTCLUSI Water Quality Program at the same time it is reported to EPA.
- vi. The THPO will be provided 30 days to comment on the APE as defined in the permit application.
- vii. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the THPO (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_O.htm) and documented according to Oregon Reporting Standards (Reporting_Guidelines.pdf) (oregon.gov). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.
- viii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

b. Confederated Tribes of the Umatilla Indian Reservation

- i. The operator shall be responsible for achieving compliance with the

Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Water Quality Standards.

- ii. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTUIR Water Resources Program at the address below, at the same time it is submitted to EPA.
- iii. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTUIR Water Resources Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.
- iv. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTUIR Water Resources Program at the same time it is reported to EPA.

Confederated Tribes of the Umatilla Indian Reservation
Water Resources Program
46411 Timíne Way
Pendleton, OR 97801
(541) 429-7200

- v. The THPO will be provided 30 days to comment on the APE as defined in the permit application.
- vi. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the Tribal Historic Preservation Office (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_0.htm) and documented according to Oregon Reporting Standards (Reporting_Guidelines.pdf (oregon.gov)). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.
- vii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

9.10.3 WAR10F000 Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator

- a. For purposes of this Order, the term "Project Proponent" shall mean those that are seeking coverage under this permit, and its agents, assignees and contractors.
- b. The Federal Agency shall mean the US Environmental Protection Agency. The Federal Agency shall enforce the permit and ensure that the Project Proponent complies with the conditions of the permits at all times.
- c. Failure of any person or entity to comply with this Certification may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Certification.
- d. The Certification conditions within this Order must be incorporated into EPA's final NPDES permit. Per 40 CFR 121.10(a), all certification conditions herein that satisfy the

requirements of 40 CFR 121.7(d) must be incorporated into the permit. Per 40 CFR 121.10(b), the permit must clearly identify all certification conditions.

- e. This Certification does not authorize exceedances of water quality standards established in chapter 173-201A WAC.
- f. Discharges from construction activity must not cause or contribute to violations of the Water Quality Standards for Surface Water of the State of Washington (chapter 173-201A WAC), Ground Water Quality Standards (chapter 173-200 WAC), Sediment Management Standards (chapter 173-204 WAC), and standards in the EPA's Revision of certain Federal water quality criteria applicable to Washington (40 CFR 131.45). Discharges that do not comply with these standards are prohibited.
- g. Prior to discharge of stormwater and non-stormwater to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate Best Management Practices (BMPs) installed and maintained in accordance with the SWPPP and the terms and conditions of the permit.
 - i. BMPs must be consistent with:
 - (a) The Stormwater Management Manual for Western Washington (most current approved edition at the time this permit was issued), for sites west of the crest of the Cascade Mountains; or
 - (b) The Stormwater Management Manual for Eastern Washington (most current approved edition at the time this permit was issued), for sites east of the crest of the Cascade Mountains; or
 - (c) Revisions to either manual, or other stormwater management guidance documents or manuals which provide equivalent level of pollution prevention, that are approved by Ecology and incorporated into this permit in accordance with the permit modification requirements of WAC 173-226-230. (For purposes of this section, the stormwater manuals listed in Appendix 10 of the Phase I Municipal Stormwater Permit are approved by Ecology); or
 - (d) Documentation in the SWPPP that the BMPs selected provided an equivalent level of pollution prevention, compared to the applicable stormwater management manuals, including:
 - The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) that support the performance claims for the BMPs being selected.
 - An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.

The Stormwater Management Manuals for Eastern and Western Washington can be found at: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>.

- ii. An adequate SWPPP must include a narrative and drawings. All BMPs must be clearly referenced in the narrative and marked on the drawings. The SWPPP

narrative must include documentation to explain and justify the pollution prevention decisions made for the project. Documentation must include:

- (a) Information about existing site conditions (topography, drainage, soils, vegetation, etc.).
- (b) Potential erosion problem areas.
- (c) The 13 elements of a SWPPP, including BMPs used to address each element. Unless site conditions render the element unnecessary and the exemption is clearly justified in the SWPPP, the 13 elements are as follows:
 - Preserve Vegetation/Mark Clearing Limits
 - Establish Construction Access
 - Control Flow Rates
 - Install Sediment Controls
 - Stabilize Soils
 - Protect Slopes
 - Protect Drain Inlets
 - Stabilize Channels and Outlets
 - Control Pollutants
 - Control Dewatering
 - Maintain BMPs
 - Manage the Project
 - Protect Low Impact Development (LID) BMPs

h. Discharges of stormwater and authorized non-stormwater must be monitored for turbidity (or transparency) and, in the event of significant concrete work or engineered soils, pH must also be monitored. As applicable based on project specifics, monitoring, benchmarks, and reporting requirements contained in Condition S.4. (pp.10-16) of the Washington State Construction Stormwater General Permit, effective January 1, 2021, shall apply.

i. Discharges to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, phosphorus, or pH must comply with the following numeric effluent limits:

Parameter identified in 303(d) listing	Parameter Sampled	Unit	Analytical Method	Numeric Effluent Limit
<ul style="list-style-type: none"> • Turbidity • Fine Sediment • Phosphorus 	Turbidity	NTU	SM2130	25 NTUs at the point where the stormwater is discharged from the site.
High pH	pH	su	pH meter	In the range of 6.5 – 8.5

All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current EPA-approved listing of impaired waters that exists on the

effective date of the permit, or the date when the operator's complete permit application is received by EPA, whichever is later.

The EPA approved WQ Assessment can be found at: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>

- j.** Discharges to a waterbody that is subject to a Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus must be consistent with the TMDL.
 - i.** Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements established by the applicable TMDL.
 - ii.** Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with this permit will be assumed to be consistent with the approved TMDL.
 - iii.** Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with this permit will be assumed to be consistent with the approved TMDL.
 - iv.** Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus which has been completed and approved by EPA as of the effective date of the permit, or prior to the date of the operator's complete application for permit coverage is received by EPA, whichever is later.

- k.** Discharges to waters of the state from the following activities are prohibited:
 - i.** Concrete wastewater.
 - ii.** Wastewater from washout and clean-up of stucco, paint, form release oils, curing compounds and other construction materials.
 - iii.** Process wastewater as defined by 40 Code of Federal Regulations (CFR) 122.2.
 - iv.** Slurry materials and waste from shaft drilling, including process wastewater from shaft drilling for construction of building, road, and bridge foundations unless managed to prevent discharge to surface water.
 - v.** Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
 - vi.** Soaps or solvents used in vehicle and equipment washing.
 - vii.** Wheel wash wastewater, unless managed to prevent discharge to surface water.
 - viii.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed according to appropriate controls described within the permit.
- l.** This Certification is valid until the expiration date including any administrative extension or termination date of the NPDES 2022 Construction General Permit. (40 CFR § 122.46)

- m.** The Federal Agency shall enforce and the Project Proponent must comply with all the reporting and notification conditions of the NPDES 2022 Construction General Permit in order to comply with this Order and the certification conditions herein (40 CFR § 121.11).
- n.** You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

CONTACT INFORMATION

Please direct all questions about this Order to:

Noel Tamboer
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600
(360) 701-6171
noel.tamboer@ecy.wa.gov

9.10.4 WAR10I000 Indian country within the State of Washington

a. Lummi Nation

- i. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies. Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtain a land use permit from the Lummi Planning Department as provided in Title 15 of the Lummi Code of Laws and regulations adopted thereunder.
- ii. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm Water Pollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.
- iii. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi
- iv. Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210 together with supplements and amendments thereto).
- v. Each operator shall submit a signed copy of the Notice of Intent (NOI) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOI from the EPA and the associated NPDES tracking number provided by the EPA within 7 calendar days of receipt from the EPA.
- vi. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT.
- vii. Storm Water Pollution Prevention Plans, Notice of Intent, Notice of Termination and associated correspondence with the EPA shall be submitted to:
Lummi Natural Resources Department
ATTN: Water Resources Manager 2665 Kwina Road
Bellingham, WA 98226-9298

b. Port Gamble S'Klallam Tribe

- i. No discharge from the project site shall cause exceedances of Port Gamble S'Klallam Surface Water Quality Standards narrative or numeric criteria in Tribal waters. This includes activities outside of Tribal lands that occur upstream of Tribal waters.
 - (a) If any exceedance of these water quality standards occurred, the Natural Resources Department shall be notified immediately.
 - The Department shall additionally be provided a complete draft of the proposed corrective action within a reasonable timeframe and its approval will be required before any corrective action may be taken.
- ii. Operators performing activities under the CGP that may affect Tribal waters will require a permit and shall submit their plans to the Port Gamble S'Klallam Natural Resources Department for review.
 - The Department has the right to require conditions outside of this Water Quality Certification prior to permit approval.

- iii. No activities allowed under the CGP shall result in the degradation of any Tribal waters or change in designated uses.
- iv. No activities allowed under the CGP shall affect resident aquatic communities or resident/migratory wildlife species at any life stage.
 - Biological assessment methods used to determine the effect of an activity allowed under the CGP shall be approved by the PGST Natural Resources Department.
- v. No activities allowed under the CGP shall be conducted within wetland and stream buffer zones, nor shall said activities affect in any way wetland or stream buffers, as defined by *PGST Law and Order Code 24.08.01(c)*.
- vi. Concentrations for substances listed within the table in *Water Quality Standards for Surface Waters* sec. 7(7) shall not be exceeded by activities allowed under the CGP.

c. Spokane Tribe of Indians

- i. Pursuant to Tribal Law and Order Code (TLOC) Chapter 30 each operator shall be responsible for achieving compliance with the Surface Water Quality Standards of the Spokane Tribe. The operator shall notify the Spokane Tribe, Water Control Board (WCB) of any spills of hazardous material and;
 - ii. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the WCB at the same time it is submitted to EPA.
 - iii. The permittee shall allow the Tribal Water Control Board or its designee to inspect and sample at the construction site as needed.
 - iv. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the WCB at the same time it is submitted to EPA
- The correspondence address for the Spokane Tribe Water Control Board is:

Water Control Board c/o Brian Crossley PO Box 480
 Wellpinit WA 99040
 (509) 626-4409
 crossley@spokanetribe.com

d. Swinomish Tribe

- i. Owners and operators seeking coverage under this permit must submit a copy of the Notice of Intent (NOI) to the DEP at the same time the NOI is submitted to EPA.
- ii. Owners and operators must also submit to the DEP changes in NOI and/or Notices of Termination at the same time they are submitted to EPA.
- iii. Owners and operators seeking coverage under this permit must also submit a Stormwater Pollution Prevention Plan to the DEP for review and approval by DEP prior to beginning any discharge activities.

e. Tulalip Tribes

- i. Submission of NOI: Copies of the Notice of Intent (NOI), Certification shall be submitted to the Tribe's Natural Resources Department to notify the Tribes of the

pending project and in order for the Tribes to review the projects potential impacts to endangered or threatened species.

- ii. Submission of SWPPP: A copy of the Stormwater Pollution Plans (SWPPPs) shall be submitted to the Tribe's Natural Resources Department along with the NOI during the 30 day waiting period.
- iii. Submission of Monitoring Data and Reports: The results of any monitoring required by this permit and reports must be sent to the Tribe's Natural Resources Department,
- iv. The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.
- v. including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).
- vi. Authorization to Inspect: The Tribe's Natural Resources Department may conduct an inspection of any facility covered by this permit to ensure compliance with tribal water quality standards. The Department may enforce its certification conditions.
- vii. Submission of Inspection Reports: Inspection reports must be sent to the Tribe's Natural Resources Department, including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).
- viii. Permits on-site: A copy of the permit shall be kept on the job site and readily available for reference by the construction supervisor, construction managers and foreman, and Tribal inspectors.
- ix. Project Management: The applicant shall ensure that project managers, construction managers and foreman, and other responsible parties have read and understand conditions of the permit, this certification, and other relevant documents, to avoid violations or noncompliance with this certification.
- x. Emergency Spill Notification Requirements: In the event of a spill or the contractor shall immediately take action to stop the violation and correct the problem, and immediately report spill to the Tulalip Tribes Police Department (425) 508-1565. Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the terms and conditions of this certification or the resulting liability from failure to comply.
- xi. Discharges to CERCLA Sites: This permit does not authorize direct stormwater discharges to certain sites undergoing remedial cleanup actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) unless first approved by the appropriate EPA Regional office. In the case of the Tulalip Landfill site (WAD980639256), the Tulalip Tribes also requests notification by the facility and consultation with EPA prior to discharge. Contaminants at this site may include but are not limited to: dioxins, furans, arsenic, copper, lead, zinc, 4- methyl-phenol, Hex-CB, HPAHs, PCBs, PCE, cadmium, mercury, and LPAHs.
- xii. Discharge-related Activities that have Potential to Cause an Adverse Effect on Historic Properties: Installation of stormwater controls that involve subsurface disturbances may potentially have an adverse impact on historic properties.

- xiii.** Procedures detailed in the permit shall be completed. Richard Young, of the Tulalip Tribe's Cultural Resources Department shall be contacted prior to initiating discharge-related activities that may have an impact on historic properties. His contact information is (360) 716-2652, ryoung@tulaliptribes-nsn.gov.
- xiv.** Invalidation: This certification will cease to be valid if the project is constructed and/or operated in a manner not consistent with the project description contained in
- xv.** the permit. This certification will also cease to be valid and the applicant must reapply with an updated application if information contained in the permit is voided by subsequent submittals.
- xvi.** Modification: Nothing in this certification waives the Tulalip Tribes of Washington's authority to issue modifications to this certification if additional impacts due to operational changes are identified, or if additional conditions are necessary to protect water quality or further protect the Tribal Communities interest.
- xvii.** incorporation by reference: This certification does not exempt the applicant from compliance with other statutes and codes administered by the Tribes, county, state and federal agencies.
- xviii.** Compliance with Tribe's 1996 Water Quality Standards: Each permittee shall be responsible for controlling discharges and achieving compliance with the Tribe's Water Quality Standards.
- xix.** Compliant with Tulalip Tribes Tidelands Management Policy: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Tidelands Management Policy. (Tulalip Tribal Code Title 8 Chapter 8.30).
- xx.** Compliant with Tulalip Tribes Environmental Infractions: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Environmental Infractions. (Tulalip Tribal Code Title 8 Chapter 8.20).
- xxi.** Where to Submit information and for further Coordination: All requested documents should be sent to the: Tulalip Tribes Natural Resources Environmental Department c/o Kurt Nelson and Valerie Streeter, 6704 Marine Drive, Tulalip, Washington 98271. For further 401 Certification coordination with the Tulalip Tribes Natural Resources Department, please contact Mr. Kurt Nelson (360) 716-4617 knelson@tulaliptribes-nsn.gov. 6406 Marine Dr., Tulalip WA 98271.

f. Makah Tribe

- i.** The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Makah Tribe's Water Quality Standards if the discharge point is located within the Makah's U&A treaty reserved areas.
- ii.** Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Makah Fisheries Management, Water Quality Department at the address listed below at the same time it is submitted to the EPA.
Makah Water Quality
Makah Fisheries Management (MFM)
ray.colby@makah.com

PO Box 115
Neah bay, WA 98357

- iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to the Tribe's Habitat programs for their review.
 - iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Assistant Fisheries Director, ray.colby@makah.com.
 - v. The permittee shall submit all Stormwater Pollution Prevention plan (SWPP) to MFM for review and approval prior to beginning any activities resulting in a discharge to Makah tribal waters.
 - vi. The permittee shall notify Ray Colby, ray.colby@makah.com (360) 645-3150 prior to conducting inspections at construction sites generating stormwater discharges to tribal waters.
 - vii. The operator shall treat dewatering discharges with controls necessary to minimize discharges of pollutants to surface waters, or ground waters, and from stormwater runoff onsite from excavations, trenches, foundations, or storage areas. To the extent feasible, at all points where dewatering is discharged, comply with the velocity dissipation using check dams, sediment traps, and grouted outlets.
- g. Puyallup Tribe of Indians**
- i. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Puyallup Tribe's antidegradation procedures.
 - ii. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Char Naylor, Tribal Water Quality Manager at the following e-mail address: (char.naylor@puyalluptribe-nsn.gov) at the same time it is submitted to EPA.
 - iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to Char Naylor, Tribal Water Quality Manager/Assistant Fisheries Director (char.naylor@puyalluptribe-nsn.gov) for review.
 - iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Char Naylor at the email address listed above.
 - v. The permittee shall submit all stormwater pollution prevention plans to Char Naylor for review and approval prior to beginning any activities resulting in a discharge to Puyallup tribal waters.
 - vi. The permittee shall contact Brandon Reynon (Brandon.reynon@puyalluptribe-nsn.gov), Tribe's Historic Preservation Officer or Jennifer Keating (Jennifer.keating@puyalluptribe-nsn.gov), Tribe's Assistant Historic Preservation Officer regarding historic properties and cultural resources.
 - vii. To minimize the discharge of pollutants to groundwater or surface waters from stormwater that is removed from excavations, trenches, foundations, vaults, or

other storage areas, treat dewatering discharges with controls necessary to minimize discharges of pollutants. Examples of appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, and filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. At all points where dewatering water is discharged, utilize velocity dissipation controls. Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

- viii.** The permittee shall provide and maintain natural buffers to the maximum extent possible (and/or equivalent erosion and sediment controls) when tribal waters are located within 100 feet of the boundaries. If infeasible to provide and maintain an undisturbed 100 foot natural buffer, erosion and sediment controls to achieve the sediment load reduction equivalent to a 100-foot undisturbed natural buffer shall be required.

Appendix A - Definitions and Acronyms

1. Definitions

"Action Area" – all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of the threatened and endangered species protection eligibility requirements, the following areas are included in the definition of action area:

- The areas on the construction site where stormwater discharges originate and flow toward the point of discharge into the receiving waters. This includes:
 - areas on the construction site where excavation, site development, or other ground disturbance activities occur, and
 - areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls.
- The areas in the vicinity of the construction site where stormwater discharges flow from the construction site to one or more points of discharge into receiving waters. (Example: Where stormwater flows into an off-site ditch, swale, or gully that leads to receiving waters.
- The extent of the receiving water potentially affected by stormwater discharges from your construction site through alteration of water chemistry, turbidity, temperature, or bank structure (i.e., erosive flow), regardless of whether the construction site is adjacent to the receiving water.

"Agricultural Land" - cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

"Antidegradation Policy" or "Antidegradation Requirements" - the water quality standards regulation that requires States and Tribes to establish a three-tiered antidegradation program:

1. Tier 1 maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the water quality standards as a designated use. Tier 1 requirements are applicable to all surface waters.
2. Tier 2 maintains and protects "high quality" waters -- waterbodies where existing conditions are better than necessary to support CWA § 101(a)(2) "fishable/swimmable" uses. Water quality can be lowered in such waters. However, State and Tribal Tier 2 programs identify procedures that must be followed and questions that must be answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.
3. Tier 3 maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically.

Decisions regarding which water bodies qualify to be ONRWs are made by States and authorized Indian Tribes.

"Arid Areas" – areas with an average annual rainfall of 0 to 10 inches. For assistance in determining average annual rainfall in specific locations, refer to the NOAA National Mapping webpage (<https://www.ncdc.noaa.gov/cag/national/mapping>), the PRISM Climate Group's Time Series Values for individual locations (<https://prism.oregonstate.edu/explorer/>), or EPA's US EPA EnviroAtlas (<https://www.epa.gov/enviroatlas>).

"Bank" (e.g., stream bank or river bank) – the rising ground bordering the channel of a water of the U.S.

"Biodegradable" – capable of decomposing under ambient soil conditions into naturally occurring materials over a period of time (e.g., one year).

"Bluff" – a steep headland, promontory, riverbank, or cliff.

"Borrow Areas" – the areas where materials are dug for use as fill, either onsite or off-site.

"Business day" – for the purposes of this permit, a business day is a calendar day on which construction activities will take place.

"Bypass" – the intentional diversion of waste streams from any portion of a treatment facility. See 40 CFR 122.41(m)(1)(i).

"Cationic Treatment Chemical" – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in stormwater discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

"Commencement of Construction Activities" – the initial disturbance of soils (or 'breaking ground') associated with clearing, grading, or excavating activities or other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site).

"Common Plan of Development or Sale" – A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

"Construction Activities" – earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. Some of the types of pollutants that are typically found at construction sites are:

- sediment;
- nutrients;
- heavy metals;
- pesticides and herbicides;
- oil and grease;
- bacteria and viruses;
- trash, debris, and solids;

- treatment polymers; and
- any other toxic chemicals.

"Construction and Development Effluent Limitations and New Source Performance Standards" (C&D Rule) – as published in 40 CFR § 450, the regulation requiring effluent limitations guidelines (ELGs) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

"Construction Site" or "Site" – the land or water area where construction activities will occur and where stormwater controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

"Construction Support Activity" – a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

"Construction Waste" – discarded material (such as packaging materials; scrap construction materials; masonry products; timber, steel, pipe, and electrical cuttings; plastics; and styrofoam).

"Conveyance Channel" – a temporary or permanent waterway designed and installed to safely convey stormwater flow within and out of a construction site.

"Critical Habitat" – as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

"CWA" – the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

"Dewatering" – the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation. Examples can include, but are not limited to:

- Surface area dewatering: water pumped from disturbed surface areas (e.g., trenches, sumps, excavation pits, or other excavations associated with construction where sediment-laden ground water or surface water/storm inflow must be removed) or from sediment basins or similar impoundments for maintenance or decommissioning purposes.
- Ground water dewatering: water discharged from well development, well pump tests, or pumping of ground water from a construction area. Common methods of ground water dewatering from a construction area include sumps and wells, generally described as follows:
 - Sumps: lowers ground water levels near the construction area. Dewatering using sumps consists of pumping ground water out of a lower collection point(s) typically gravity-fed by local ground water.
 - Wells: drilled wells, including bored/augured, driven, or jetted, which use vacuum or pumping to lower the ground water at greater depths than sumps. The two most common types of wells used for dewatering ground water are:

- Wellpoints: small-diameter shallow wells which are connected via a header pipe. A pump creates a vacuum in the header pipe.
- Deep Wells: larger-diameter holes, drilled relatively deep (typically greater than 10 feet), pumped by submersible electric pumps.

"Dewatering Water" – as used in this permit, water discharged from dewatering operations.

"Discharge" – when used without qualification, means the "discharge of a pollutant."

"Discharge of a Pollutant" – any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. See 40 CFR 122.2.

"Discharge Point" – for the purposes of this permit, the location where collected and concentrated stormwater flows or dewatering water are discharged from the construction site.

"Discharge-Related Activity" – activities that cause, contribute to, or result in stormwater and allowable non-stormwater point source discharges, and measures such as the siting, construction, and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged.

"Discharge to an Impaired Water" – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by a State, Tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water quality standard and (1) requires development of a total maximum daily load (TMDL) (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the stormwater discharge from the storm sewer system.

"Domestic Waste" – for the purposes of this permit, typical household trash, garbage or rubbish items generated by construction activities.

"Drainageway" – an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

"Drought-Stricken Area" – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See http://www.cpc.ncep.noaa.gov/products/expert_assessment/sdo_summary.php.

"Earth-Disturbing Activity" – actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grading, site preparation (e.g., excavating, grubbing, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

"Earth-Disturbing Activities Conducted Prior to Active Mining Activities" – Consists of two classes of earth-disturbing (i.e., clearing, grading and excavation) activities:

- a. activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining

activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

b. construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads.

Note: only earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining (see (b) above) are considered to be "construction" and therefore stormwater discharges from these activities are eligible for coverage under this permit. See Part 1.2.1.b. The activities described in (a) above are not considered to be "construction" and therefore stormwater discharges associated with this activity are not eligible for coverage under this permit.

"Effective Operating Condition" – for the purposes of this permit, a stormwater control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

"Effluent Limitations" – for the purposes of this permit, any of the Part 2 or Part 3 requirements.

"Effluent Limitations Guideline" (ELG) – defined in 40 CFR § 122.2 as a regulation published by the Administrator under section 304(b) of the CWA to adopt or revise effluent limitations.

"Eligible" – for the purposes of this permit, refers to stormwater and allowable non-stormwater discharges that are authorized for coverage under this general permit.

"Emergency-Related Project" – a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

"Endangered Species" – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

"Excursion" – a measured value that exceeds a specified limit.

"Existing Site" – a site where construction activities commenced prior to February 16, 2017.

"Exit Points" – any points of egress from the construction site to be used by vehicles and equipment during construction activities.

"Exposed Soils" – for the purposes of this permit, soils that as a result of earth-disturbing activities are left open to the elements.

"Federal Facility" – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the Federal government.

"Federal Operator" – an entity that meets the definition of "Operator" in this permit and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of the Federal government of the United States, or another entity, such as a private contractor, performing construction activity for any such department, agency, or instrumentality.

"Final Stabilization" – on areas not covered by permanent structures, either (1) uniform, perennial vegetation (e.g., *evenly distributed, without large bare areas*) has been established, or for arid or semi-arid areas, will be established that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas, and/or (2) permanent non-

vegetative stabilization measures (e.g., riprap, gravel, gabions, and geotextiles) have been implemented to provide effective cover for exposed portions of the site

“General Contractor” – for the purposes of this permit, the primary individual or company solely accountable to perform a contract. The general contractor typically supervises activities, coordinates the use of subcontractors, and is authorized to direct workers at a site to carry out activities required by the permit.

“Hazardous Substances” or “Hazardous or Toxic Waste” – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR §261.2.

“Historic Property” – as defined in the National Historic Preservation Act regulations, means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register criteria.

“Impaired Water” – a water identified by the State, Tribe, or EPA as not meeting an applicable water quality standard and (1) requires development of a TMDL (pursuant to section 303(d) of the CWA; or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1).

“Impervious Surface” – for the purpose of this permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

“Indian Country” or “Indian Country Lands” – defined at 40 CFR §122.2 as:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a State; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

“Infeasible” – for the purpose of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with State water rights law.

“Install” or “Installation” – when used in connection with stormwater controls, to connect or set in position stormwater controls to make them operational.

“Jar test” – a test designed to simulate full-scale coagulation/flocculation/sedimentation water treatment processes by taking into account the possible conditions.

“Landward” – positioned or located away from a waterbody, and towards the land.

“Large Construction Activity” – defined at 40 CFR § 122.26(b)(14)(x) and incorporated here by reference. Large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does

not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Linear Construction Site" – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

"Minimize" – to reduce and/or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

"Mining Activity" – for the purposes of this permit, includes mining-related construction activities defined at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15)(i), and active mining activities defined at 40 CFR 122.26(b)(14)(iii). Both of these sub categories of activities include earth-disturbing activities, with the latter also including such activities as: extraction, removal or recovery, and beneficiation of mined material from the earth; removal of overburden and waste rock to expose mineable material; and site reclamation and closure activities.

"Mining Operations" – for the purposes of this permit, mining operations are grouped into two distinct categories, with distinct effluent limits and requirements applicable to each: 1) earth-disturbing activities conducted prior to active mining activities; and 2) active mining activities, which includes reclamation.

"Municipal Separate Storm Sewer System" or "MS4" – defined at 40 CFR §122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian Tribe or an authorized Indian Tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

"National Pollutant Discharge Elimination System" (NPDES) – defined at 40 CFR §122.2 as the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA. The term includes an 'approved program.'

"Native Topsoil" – the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

"Natural Buffer" – for the purposes of this permit, an area of undisturbed natural cover surrounding waters of the United States within which construction activities are restricted. Natural cover includes the vegetation, exposed rock, or barren ground that exists prior to commencement of earth-disturbing activities.

"Natural Vegetation" – vegetation that occurs spontaneously without regular management, maintenance, or species introductions or removals, and that generally has a strong component of native species.

"New Operator of a Permitted Site" – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site".

"New Site" – a site where construction activities commenced on or after February 16, 2017.

"New Source" – for the purposes of this permit, a construction project that commenced construction activities after February 1, 2010.

"New Source Performance Standards (NSPS)" – for the purposes of this permit, NSPS are technology-based standards that apply to construction sites that are new sources under 40 CFR 450.24.

"Non-Stormwater Discharges" – discharges that do not originate from storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

"Non-Turbid" – a discharge that is free from visual turbidity.

"Notice of Intent" (NOI) – the form (electronic or paper) required for authorization of coverage under the Construction General Permit.

"Notice of Termination" (NOT) – the form (electronic or paper) required for terminating coverage under the Construction General Permit.

"NPDES eReporting Tool" (NeT) – EPA's online system for submitting electronic Construction General Permit forms.

"Operational" – for the purposes of this permit, stormwater controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

"Operator" – for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

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

This definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of stormwater associated with construction activity. Subcontractors generally are not considered operators for the purposes of this permit.

"Ordinary High Water Mark" – the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris.

"Permitting Authority" – for the purposes of this permit, EPA, a Regional Administrator of EPA, or an authorized representative.

"Point(s) of Discharge" – see "Discharge Point."

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

"Pollutant" – defined at 40 CFR § 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

"Pollution Prevention Controls" – stormwater controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

"Polymers" – for the purposes of this permit, coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

"Prohibited Discharges" – discharges that are not allowed under this permit, including:

1. Wastewater from washout of concrete;
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
4. Soaps or solvents used in vehicle and equipment washing;
5. Toxic or hazardous substances from a spill or other release; and
6. Waste, garbage, floatable debris, construction debris, and sanitary waste.

"Provisionally Covered Under this Permit" – for the purposes of this permit, EPA provides temporary coverage under this permit for emergency-related projects prior to receipt of a complete and accurate NOI. Discharges from earth-disturbing activities associated with the emergency-related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

"Qualified Person" – a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

"Receiving Water" – a "Water of the United States" as defined in 40 CFR § 122.2 into which the regulated stormwater discharges.

"Run-On" – sources of stormwater that drain from land located upslope or upstream from the regulated site in question.

"Seasonally Dry Period" – a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA's Seasonally Dry Period Locator and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area, located at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>.

"Sediment-Related parameter" – for the purposes of this permit, a pollutant parameter that is closely related to sediment such as turbidity, total suspended solids (TSS), total suspended sediment, transparency, sedimentation, and siltation.

"Semi-Arid Areas" – areas with an average annual rainfall of 10 to 20 inches. For assistance in determining average annual rainfall in specific locations, refer to the NOAA National Mapping webpage (<https://www.ncdc.noaa.gov/cag/national/mapping>), the PRISM Climate Group's Time Series Values for individual locations (<https://prism.oregonstate.edu/explorer/>), or EPA's US EPA EnviroAtlas (<https://www.epa.gov/enviroatlas>).

"Shared Control" - for the purposes of this permit, a stormwater control, such as a sediment basin or pond, used by two or more operators that is installed and maintained for the purpose of minimizing and controlling pollutant discharges from a construction site with multiple operators associated with a common plan of development or sale. Any operators that are contributing stormwater from their construction activities to a shared control are considered to rely upon a shared control.

"Small Construction Activity" – defined at 40 CFR § 122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Small Residential Lot" – for the purpose of this permit, a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

"Snowmelt" – the conversion of snow into overland stormwater and ground water flow as a result of warmer temperatures.

"Spill" – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

"Stabilization" – the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

"Steep Slopes" – where a State, Tribe, local government, or industry technical manual (e.g., stormwater BMP manual) has defined what is to be considered a "steep slope", this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

"Storm Sewer System" – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) designed or used for collecting or conveying stormwater.

"Stormwater" – stormwater runoff, snowmelt runoff, and surface runoff and drainage.

"Stormwater Control" - refers to any best management practice or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

"Stormwater Discharge Associated with Construction Activity" – as used in this permit, a discharge of pollutants in stormwater to waters of the United States from areas where earth-disturbing activities (e.g., clearing, grubbing, grading, or excavation) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow area,

concrete truck chute washdown, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

“Stormwater Inlet” – a structure placed below grade to conduct water used to collect stormwater runoff for conveyance purposes.

“Stormwater Team” – the group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individuals on the “Stormwater Team” must be identified in the SWPPP.

“Storm Event” – a precipitation event that results in a measurable amount of precipitation.

“Storm Sewer” – a system of pipes (separate from sanitary sewers) that carries stormwater runoff from buildings and land surfaces.

“Subcontractor” – for the purposes of this permit, an individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

“SWPPP” (Stormwater Pollution Prevention Plan) – a site-specific, written document that, among other things: (1) identifies potential sources of stormwater pollution at the construction site; (2) describes stormwater controls to reduce or eliminate pollutants in stormwater discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

“Temporary Stabilization” – a condition where exposed soils or disturbed areas are provided temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved or until further construction activities take place to re-disturb this area.

“Thawing Conditions” – for the purposes of this permit, thawing conditions are expected based on the historical likelihood of two or more days with daytime temperatures greater than 32°F. This date can be determined by looking at historical weather data. Note: the estimation of thawing conditions is for planning purposes only. During construction the permittee will be required to conduct site inspections based upon actual conditions (i.e., if thawing conditions occur sooner than expected, the permittee will be required to conduct inspections at the regular frequency).

“Threatened Species” – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

“Tier 2 Waters” – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(2), those waters that are characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

“Tier 2.5 Waters” – for antidegradation purposes, those waters designated by States or Tribes as requiring a level of protection equal to and above that given to Tier 2 waters, but less than that given Tier 3 waters. Some States have special requirements for these waters.

“Tier 3 Waters” – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Tier 3 waters are identified by States as having high quality waters constituting an Outstanding National Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

“Total Maximum Daily Load” or “TMDL” – the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources,

tributaries, or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measure.

"Toxic Waste" – see "Hazardous Substances."

"Treatment Chemicals" – polymers, flocculants, or other chemicals used to reduce turbidity in stormwater.

"Turbidity" – a condition of water quality characterized by the presence of suspended solids and/or organic material.

"Uncontaminated Discharge" – in the context of authorized non-stormwater discharges, a discharge that meets applicable water quality standards.

"Upland" – the dry land area above and 'landward' of the ordinary high water mark.

"Upset" – Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

"Visual Turbidity" – for the purposes of this permit, visual turbidity is present when there is a sediment plume in the discharge or the discharge appears cloudy, opaque, or has a visible contrast that can be visually identified by an observer.

"Water-Dependent Structures" – structures or facilities that are required to be located directly adjacent to a waterbody or wetland, such as a marina, pier, boat ramp, etc.

"Water Quality Standards" – defined in 40 CFR § 131.3, and are provisions of State (including Tribal) or Federal law which consist of a designated use or uses for the waters of the United States, water quality criteria for such waters based upon such uses, and an antidegradation policy to protect high-quality waters. Water quality standards protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

"Waters of the United States" – see definition at 40 CFR 122.2.

"Wetland" – those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. On-site evaluations are typically required to confirm the presence and boundaries of wetlands.

2. Acronyms

ACHP – Advisory Council on Historic Preservation

BMP – Best Management Practice

CBI – Confidential Business Information

CGP – Construction General Permit

CFR – Code of Federal Regulations

CWA – Clean Water Act

CZMA – Coastal Zone Management Act

ECHO – EPA Enforcement and Compliance History Online

ELG – Effluent Limitations Guideline

EPA – United States Environmental Protection Agency
ESA – Endangered Species Act
FR – Federal Register
MS4 – Municipal Separate Storm Sewer System
MSGP – Multi-Sector General Permit
NEPA – National Environmental Policy Act
NeT – NPDES eReporting Tool
NTU - Nephelometric turbidity units
NHPA – National Historic Preservation Act
NMFS – United States National Marine Fisheries Service
NPDES – National Pollutant Discharge Elimination System
NOI – Notice of Intent
NOT – Notice of Termination
NPDES – National Pollutant Discharge Elimination System
NRC – National Response Center
NRCS – National Resources Conservation Service
NSPS – New Source Performance Standards
ONRW – Outstanding National Resource Water
PAM – Polyacrylamide
POTW – Publicly Owned Treatment Works
RUSLE – Revised Universal Soil Loss Equation
SDS – Safety Data Sheet
SHPO – State Historic Preservation Office
SPCC – Spill Prevention Control and Countermeasure
SWPPP – Stormwater Pollution Prevention Plan
THPO – Tribal Historic Preservation Office
TMDL – Total Maximum Daily Load
TSS – Total Suspended Solids
UIC – Underground Injection Control
USDA – United States Department of Agriculture
USFWS – United States Fish and Wildlife Service
USGS – United States Geological Survey
WQS – Water Quality Standard

Appendix B - Permit Areas Eligible for Coverage and EPA Regional Addresses

Permit coverage for stormwater discharges from construction activity occurring within the following areas is provided by legally separate and distinctly numbered permits. For assistance in determining whether your construction activities are located within Indian country, refer to the Bureau of Indian Affairs' digital map of the land areas of Federally-recognized Tribes at <https://biamaps.doi.gov/indianlands/#>.

B.1 EPA Region 1

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 1:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
CTR10I000	Indian country within the State of Connecticut
MAR100000	Commonwealth of Massachusetts (except Indian country)
MAR10I000	Indian country within the State of Massachusetts
NHR100000	State of New Hampshire
RIR10I000	Indian country within the State of Rhode Island
VTR10F000	Areas in the State of Vermont located at a Federal Facility (as defined in Appendix A)
1R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 1 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 1 Address:

U.S. EPA Region 1
Office of Ecosystem Protection
Stormwater and Construction Permits Section
5 Post Office Square, Suite 100
(OEP 06-1)
Boston, MA 02109-3912

B.2 EPA Region 2

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 2:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
NYR10I000	Indian country within the State of New York
PRR100000	Commonwealth of Puerto Rico
02R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 2 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 2 Address:*For Puerto Rico:*

U.S. EPA Region 2
Caribbean Environmental Protection Division
NPDES Stormwater Program
City View Plaza II – Suite 7000
48 Rd. 165 Km 1.2
Guaynabo, PR 00968-8069

For New York:

U.S. EPA Region 2
NPDES Stormwater Program
290 Broadway, 24th Floor
New York, NY 10007-1866

B.3 EPA Region 3

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 3:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
DCR100000	District of Columbia
DER10F000	Areas in the State of Delaware located at a Federal Facility (as defined in Appendix A)
VAR10I000	Indian country within the State of Virginia
03R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 3 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 3 Address:

U.S. EPA Region 3
Office of NPDES Permits and Enforcement
NPDES Permits Branch, Mailcode 3WP41
1650 Arch Street
Philadelphia, PA 19103

B.4 EPA Region 4

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 4:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
ALR10I000	Indian country within the State of Alabama
FLR10I00E	Indian country within the State of Florida
MSR10I000	Indian country within the State of Mississippi
NCR10I000	Indian country within the State of North Carolina
04R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country (except Catawba lands in South Carolina)

For stormwater discharges in EPA Region 4 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 4 Address:

U.S. EPA Region 4
 Water Protection Division
 NPDES Stormwater Program
 Atlanta Federal Center
 61 Forsyth Street SW
 Atlanta, GA 30303-3104

B.5 EPA Region 5

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 5:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
MIR10I000	Indian country within the State of Michigan, except the L'Anse Reservation of the Keweenaw Bay Indian Community
MNR10I000	Indian country within the State of Minnesota, except sites located in the Fond du Lac Reservation discharging to Outstanding Reservation Resources Waters (ORRWs) ¹
WIR10I000	Indian country within the State of Wisconsin, except sites located in the Bad River Band of Lake Superior Tribe of Chippewa Indians discharging to Outstanding Tribal Resource Waters (OTRWs) or Tier 3 waters ²
05R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

¹ The Tribe has identified Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake as ORRWs.

² The Tribe has identified the following as OTRWs or Tier 3 waters: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River.

For stormwater discharges in EPA Region 5 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 5 Address:

U.S. EPA Region 5
NPDES Program Branch
77 W. Jackson Blvd.
Mail Code WN16J
Chicago, IL 60604-3507

B.6 EPA Region 6

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 6:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
LAR10I000	Indian country within the State of Louisiana
NMR100000	State of New Mexico, except Indian country
NMR10I000	Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.
OKR10I000	Indian country within the State of Oklahoma, except areas of Indian country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA).
OKR10F000	Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, or the Oklahoma Department of Agriculture and Forestry including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
TXR10I000	Indian country within the State of Texas
06R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 6 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 6 Address:

U.S. EPA Region 6
NPDES Stormwater Program (WQ-PP)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

B.7 EPA Region 7

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 7:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
IAR10I000	Indian country within the State of Iowa
KSR10I000	Indian country within the State of Kansas
NER10I000	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)
07R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 7 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 7 Address:

U.S. EPA Region 7
NPDES Stormwater Program
11201 Renner Blvd
Lenexa, KS 66219

B.8 EPA Region 8

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 8:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
COR10F000	Areas in the State of Colorado located at a Federal Facility (as defined in Appendix A), except those located on Indian country
COR10I000	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR10I000	Indian country within the State of Montana
NDR10I000	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10000I listed below)
SDR10I000	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10000I listed above)
UTR10I000	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYR10I000	Indian country within the State of Wyoming
08R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 8 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 8 Address:

EPA Region 8 Storm Water Program
Mailcode: 8P-W-WW
1595 Wynkoop Street
Denver, CO 80202-1129

B.9 EPA Region 9

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 9:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
ASR100000	Island of American Samoa
AZR101000	Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
CAR101000	Indian country within the State of California
GUR100000	Island of Guam
JAR100000	Johnston Atoll
MPR100000	Commonwealth of the Northern Mariana Islands
MWR100000	Midway Island and Wake Island
NVR100001	Indian country within the State of Nevada, as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah
09R101000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 9 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 9 Address:

U.S. EPA Region 9
Water Division
NPDES Stormwater Program (WTR-2-3)
75 Hawthorne Street
San Francisco, CA 94105-3901

B.10 EPA Region 10

The permit offers coverage for stormwater discharges from construction activity from the following areas in EPA Region 10:

Permit No.	Areas of Coverage/Where EPA is Permitting Authority
AKR10I000	Indian country lands as defined in 18 U.S.C. 1151 within the State of Alaska
AKR10F000	Denali National Park and Preserve
IDR10I000	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
ORR10I000	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
WAR10F000	Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator
WAR10I000	Indian country within the State of Washington
010R10I000	All areas of Indian country not identified above that are not already covered by an EPA-approved permitting program with authorization to issue permits in Indian country

For stormwater discharges in EPA Region 10 outside the areas of coverage identified above, please contact your State NPDES permitting authority to obtain coverage under a State-issued NPDES permit.

EPA Region 10 Address:

U.S. EPA Region 10
NPDES Stormwater Program
1200 6th Avenue (OWW-191)
Seattle, WA 98101-3140

Appendix C - Small Construction Waivers and Instructions

These waivers are only available to stormwater discharges associated with small construction activities (i.e., 1-5 acres). As the operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. Each operator, otherwise needing permit coverage, must notify EPA of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

C.1 Rainfall Erosivity Waiver

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. The operator must certify to EPA that construction activity will occur only when the rainfall erosivity factor is less than five. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the CGP have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to EPA prior to commencing construction activities.

Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.

EPA has developed an online rainfall erosivity calculator to help small construction sites determine potential eligibility for the rainfall erosivity waiver. You can access the calculator from EPA's website at: <https://www.epa.gov/npdes/rainfall-erosivity-factor-calculator-small-construction-sites>. The R factor can easily be calculated by using the construction site latitude/longitude or address and estimated start and end dates of construction. This calculator may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver. Use this online calculator or the Construction Rainfall Erosivity Waiver Fact Sheet (<https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf>) to assist in determining the R Factor for your small construction site.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you can submit a rainfall erosivity waiver electronically via EPA's NPDES eReporting Tool (NeT) (<https://www.epa.gov/npdes/stormwater-discharges-construction-activities#ereporting>), unless you received a waiver from your EPA Regional Office (see Part 1.4.1 of the CGP for information about receiving a waiver from electronic reporting).

Note: If the R factor is five or greater, you do not qualify for the rainfall erosivity waiver, and must obtain coverage under an NPDES permit (e.g., the CGP), unless you qualify for the Water Quality Waiver as described in section B below.

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five, you must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of your records. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is five or above, you must obtain NPDES permit coverage.

C.2 TMDL Waiver

This waiver is available if EPA has established or approved a TMDL that addresses the pollutant(s) of concern for the impaired water and has determined that controls on stormwater discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any waterbody that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by EPA is available from EPA online at <https://www.epa.gov/tmdl> and from State and Tribal water quality agencies.

If you are the operator of the construction activity and eligible for a waiver based on compliance with an EPA-established or approved TMDL, you must provide the following information in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection G.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the TMDL.

C.3 Equivalent Analysis Waiver

This waiver is available for discharges to non-impaired waters only. The operator can develop an equivalent analysis that determines allocations for his/her small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);

2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbody(s) that would be receiving stormwater discharges from your construction project;
5. Your equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection G.11, that certifies that the construction activity will take place and that the stormwater discharges will occur, within the drainage area addressed by the equivalent analysis.

C.4 Waiver Deadlines and Submissions

1. Waiver certifications must be submitted prior to commencement of construction activities.
2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until EPA approves your request. As such, you may not commence construction activities until receipt of approval from EPA.
3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. The Agency reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of stormwater associated with small construction activity, provided you qualify for the waiver. Any discharge of stormwater associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. As mentioned above, EPA reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. EPA may notify any operator covered by a waiver that they must obtain NPDES permit coverage. EPA may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition EPA to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the applicable EPA Regional Office address specified in Appendix B.

Appendix D - Eligibility Worksheet Relating to Threatened and Endangered Species Protection

D.1 Introduction

This appendix provides a printable worksheet that can be helpful in selecting and documenting your eligibility criteria with respect to the protection of Federally listed threatened or endangered species and Federally designated "critical habitat" under the Endangered Species Act (ESA) [hereinafter "ESA-listed species and designated critical habitat(s)"] from discharges and discharge-related activities authorized under this permit. This is important because Section 9 of the ESA prohibits all persons and agencies from "taking" threatened and endangered species (16 U.S.C. § 1532(19)).

While coordination between you and the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) (together, referred to as the "Services") may not be required in all cases, EPA encourages you to coordinate with the Services, to document that coordination, and to do so early in the planning process prior to submitting your NOI.

D.2 Certifying ESA Eligibility Criterion for the CGP

To be eligible for coverage under the CGP, you must certify that you meet one of the criteria listed in this worksheet (Section D.5), which is then submitted with your NOI for coverage under this permit. If you do not meet one of the ESA eligibility criteria outlined in the worksheet below, you are not eligible for coverage under this permit. These criteria ensure that coverage is available only for discharges and discharge-related activities that (1) avoid or eliminate any short- or long-term adverse effects to ESA-listed species and designated critical habitat(s), or (2) may result in any short- or long-term adverse effects that result in incidental take addressed under the incidental take statement of a biological opinion or permit for take issued under Section 10 of the ESA.

As part of your determination of eligibility, EPA has developed a worksheet that assists operators in arriving at the correct criterion. The following requirements apply to the completion of the worksheet depending on how you are submitting your NOI for permit coverage:

1. If the EPA Regional Office grants you a waiver from electronic reporting, in accordance with Part 1.1.5 of the CGP, you must complete the worksheet in section D.4 of this appendix to provide all information as required on your NOI that supports the eligibility criterion you qualify under per Part 1.1.5 of the permit. **You must submit the worksheet with your NOI. If you do not submit the worksheet with your NOI, your NOI will be considered incomplete.**
2. If you do not have a waiver from electronic reporting, you must **complete your eligibility criteria selection outlined in the Endangered Species Protection section of the NOI in the NPDES eReporting Tool (NeT-CGP)** and provide all information as required on your NOI that supports the eligibility criterion you qualify under per Part 1.1.5 of the permit. The printable worksheet in this appendix may be helpful to you in preparing to submit your NOI, but you do not have to use it.

D.3 What to Expect Once you Submit your NOI

After you submit your NOI and before your NOI is authorized, EPA may notify you if any additional controls are necessary to ensure your discharges are not likely to result in any short- or long-term adverse effects on ESA-listed species and critical habitat.

The Services have the opportunity, within 14 days of submission of the NOI, to advise EPA whether either agency believes the planned discharges meet the selected eligibility criterion; whether the eligibility criterion could be met with additional conditions; or whether the eligibility criterion is not met. With respect to ESA issues, EPA recognizes the Services' expertise and will carefully consider their conclusion(s) in identifying eligibility for authorization, either with or without additional conditions. In the event EPA has placed a hold on your NOI based on NMFS or USFWS' recommendation, EPA will notify you as to whether your discharges are authorized or whether an individual permit will be required. If you do not hear from EPA within 14 days, you may assume that your discharge is authorized without further conditions.

D.4 Worksheet Instructions

Follow the instructions within the worksheet below to determine which criterion you are eligible for coverage under this permit. Check only 1 criterion, answer the required questions, and include the required information.

Please keep the following in mind as you complete the worksheet:

- The worksheet requires that you answer questions in a sequential order so that you can select the correct eligibility criterion. The worksheet does not go through each criterion alphabetically, but rather is organized in a way that allows you to eliminate those criteria that do not apply to your site. For instance, Step 1 of the worksheet requires you to determine whether criterion B, E, or F applies first, in that order, before proceeding to determining whether criterion A applies in Step 2.
- You must consider ESA-listed species and/or designated critical habitat(s) under the jurisdiction of both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and select the criterion that best applies to your site. You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting one of the eligibility criteria in this section to remain eligible for coverage under this permit.
- When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the "action area" of your construction activity, as identified by the USFWS IPaC and/or the NOAA website resources on page D-10 through D-11 of this appendix. Please Note: *NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.* The definition of "action area," which is contained in Appendix A, is repeated below for convenience.

"Action Area" – all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. See 50 CFR part 402. For the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included in the definition of action area:

- **The areas on the construction site** where stormwater discharges originate and flow toward the point of discharge into the receiving waters. This includes:
 - areas on the construction site where excavation, site development, or other ground disturbance activities occur, and
 - areas where stormwater controls will be constructed and operated, including any areas where stormwater flows to and from the stormwater controls.
- **The areas in the vicinity of the construction site** where stormwater discharges flow from the construction site to one or more points of discharge into receiving waters. (Example: Where stormwater flows into an off-site ditch, swale, or gully that leads to receiving waters.)
- **The extent of the receiving water** potentially affected by stormwater discharges from your construction site through alteration of water chemistry, turbidity, temperature, or bank structure (i.e., erosive flow), regardless of whether the construction site is adjacent to the receiving water.

D.5 Worksheet**Step 1 – Determine if You Meet the Eligibility Requirements of Criterion B, E, or F****Instructions**



- First determine whether you are eligible under Criterion B by reviewing the eligibility requirements below.
- If you determine that your facility does not meet Criterion B (e.g., due to difference in action area described, lack of analysis of appropriate effects, new listings or designation of critical habitat), proceed to check if you meet the requirements for Criterion E or F.

Criterion B Eligibility Requirements

If your discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility under the current 2022 CGP that included your action area (e.g., a general contractor or developer may have completed and filed an NOI for the entire action area with the necessary ESA certifications (Criterion A, C, D, E, or F)), you may be eligible under Criterion B. In order to be eligible for coverage, you must confirm that **all** three of the following are true (**check all that apply**):

- ☐ I have confirmed that the other operator's certification of eligibility accounted for my action area and that the eligibility certification was valid.
- ☐ There has been no lapse of NPDES permit coverage in the other operator's certification.
- ☐ I will comply with all measures that formed the basis of the other operator's valid certification of eligibility.

Instructions

- **If all three of the above are true, you may check Criterion B below and answer questions B1-B5, and if applicable, B6-B7.** 
- **If any of the above are not true** (for example, if there are any listed species in your action area that were not addressed in the other operator's certification, you are not eligible under Criterion B), **you may not select Criterion B and must proceed to check if you meet the requirements for Criterion E or F.** 

B Eligibility requirements met by another operator under the 2022 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the

that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include below the NPDES ID from the other 2022 CGP operator's notification of authorization under this permit and list any measures that you must comply with). If your certification is based on another 2022 CGP operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C.

B1. Provide the NPDES ID from the other CGP operator's NOI authorized under this permit:

B2. Identify the eligibility criterion of the other CGP operator's NOI? (check only one)

☐ A ☐ C ☐ D ☐ E ☐ F

B3. Provide the authorization date of the other CGP operator's NOI (MM/DD/YYYY):

___ / ___ / _____

By certifying eligibility under Criterion B, you must comply with any terms and conditions imposed under the eligibility requirements of the criterion for which the other operator has established eligibility (either Criterion A, C, D, E, or F) to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat. *Note: If you are unable to meet these eligibility requirements, then you may either establish eligibility under one of the other criteria, or you may consider applying to EPA for an individual permit.*

B4. List any measures that formed the basis of the other operator's valid certification of eligibility that you will comply with (or enter "N/A" if none exist):

B5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion B, including any of the terms and conditions, as well as the other operator's basis for establishing eligibility. Yes ☐

If your certification is based on another operator's certification under Criterion C, you must provide the following:

B6. What Federally listed species and/or designated habitat are located in your "action area"? (attached separate sheet if necessary)

B7. What is the distance between your site and the listed species or designated critical habitat (in miles)? _____

Instructions

- If you selected Criterion B above and answered questions B1-B5, and if applicable, B6-B7, you are done with this worksheet. If you are *not* filing electronically, you must submit this worksheet with your NOI.
- If you are not eligible under Criterion B, proceed to check if you meet the requirements for Criterion E or F.



Criterion E Eligibility Requirements

If consultation under ESA section 7 has concluded, you may be eligible for coverage under Criterion E. In order to be eligible for coverage under Criterion E, **you must confirm that both of the following are true (check all that apply):**

☐ A consultation between a Federal agency and USFWS and/or the NMFS under section 7 of the ESA has concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate Federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your construction activity's discharges and discharge-related activities on all ESA-listed threatened or endangered species and all designated critical habitat under the jurisdiction of each Service, as appropriate, in your action area. The result of this consultation must be either:

- i. A biological opinion currently in effect that determined that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is likely to adversely affect, but is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges¹ and discharge-related activities on all the listed species and designated

¹ Effects of discharge include, but are not limited to, the analysis of the hydrological, chemical, and biological effects of the discharge on listed species, their prey, and their habitat, as well as critical habitat, where designated. For example, the

critical habitat in your action area under the jurisdiction of each Service, as appropriate. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;

- ii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a determination that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from USFWS and/or NMFS as part of this worksheet.

☐ The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing, critical habitat designation, or new information), the Federal action agency has reinitiated the consultation and the result of the consultation is consistent with the statements above. Include any reinitiation documentation from the Services or consulting Federal agency with your NOI.

Instructions

- **If both of the above are true, you may check Criterion E below and answer questions E1-E6.**



- For more information on section 7 consultation, see 50 CFR part 402. If you receive a "jeopardy opinion," you may continue to work with USFWS and/or NMFS and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.
- Note that most consultations are accomplished through informal consultation. When conducting informal ESA section 7 consultation as a non-Federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify the Services of your intention and agreement to conduct consultation as a non-Federal representative.
- Consultation may also occur in the context of another Federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation).
- Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, a Federal operator may, if they wish, initiate consultation with the Services at Step Four. Non-Federal operators may seek technical assistance from the Services at Step 5.
- Whether ESA section 7 consultation must be performed with either USFWS, NMFS, or both Services depends on the listed species that may be affected by the operator's stormwater discharges. In general, NMFS has jurisdiction over marine, estuarine, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

- **If not, proceed to check if you meet the requirements for Criterion F.**



effects analysis would have evaluated whether the various pollutants in the discharge (e.g., TSS, metals) would adversely affect listed species through exposure to the pollutants, or to their prey or habitat. Effects that look only at short-term effects unrelated to the stormwater discharge effects to listed species are not sufficient for these purposes.

☐ **E ESA Section 7 consultation has successfully concluded.** Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, **Indicate the result of the consultation:**

☐ Biological opinion and/or conference opinion and incidental take statement currently in effect currently in effect from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of ESA-listed species, nor the destruction or adverse modification of critical habitat;

Or

☐ Written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

E1. Identify the federal action agency or agencies involved:

E2. Identify the Service(s) field or regional offices providing the consultation:

E3. Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

E4. What is the date the consultation was completed? (MM/DD/YYYY) __ / __ / ____

E5. Check to confirm that correspondence with USFWS and/or NMFS documenting the Biological Opinion, conference opinion (IPaC or ECO tracking number) or concurrence is attached. Yes ☐

E6. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion E, including copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion E above and answered questions E1-E6, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion E, proceed to check if you meet the requirements for Criterion F.

**Criterion F Eligibility Requirements**

If your construction activities are the subject of a permit under ESA section 10, and this authorization addresses the effects of your site's discharges and discharge-related activities on ESA-listed species and designated critical habitat in your action area, you may be eligible for coverage under Criterion F. In order to be eligible for coverage under Criterion F, **you must confirm that the following is true:**

- ☐ A permit or permits issued under section 10 of the ESA specifically address the effects of your facility's discharges and discharge-related activities (if applicable) on all federally-listed species and designated critical habitat in your action area.

Note: You must follow USFWS and/or NMFS procedures when applying for an ESA section 10 permit (see 50 CFR § 17.22(b)(1) for USFWS and § 222.22 for NMFS). Application instructions for section 10 permits can be obtained from <http://www.fws.gov> and <http://www.nmfs.noaa.gov> or by contacting the appropriate Service office.

Instructions

- **If the above is true, you may check Criterion F below and answer questions F1-F6.**
- If you are not eligible under criterion F, proceed to Step 2.



- ☐ **F Issuance of section 10 permit.** Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

F1. Which Service provided the section 10 permit? (check all that apply)

USFWS ☐ NMFS ☐

F2. Identify the field or regional offices providing the permit(s):

F3. Identify any tracking numbers associated with the consultation (e.g., IPaC number, ECO number):

F4. What is the date the permit(s) was granted? (MM/DD/YYYY) ____ / ____ / ____
(2nd permit date, if applicable: ____ / ____ / ____)

F5. Check to confirm that correspondence with USFWS and/or NMFS and a copy of the section 10 permit or relevant tracking number(s) (IPaC and/or ECO number) is attached. Yes ☐

F6. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion F, including a copy of the section 10 permit and copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion F above and answered questions F1-F6, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**
- If you are not eligible under Criterion F, proceed to Step 2.



Step 2 – Determine if Listed Threatened or Endangered Species or their Designated Critical Habitat(s) are Likely to Occur in your Site's Action Area

Instructions

- **First, determine the extent of your action area.** You must determine whether species listed as either threatened or endangered, or their critical habitat(s) are located in your site's action area (i.e., all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action, including areas beyond the footprint of the site that are likely to be affected by stormwater discharges, discharge-related activities, and authorized non-stormwater discharges).

You must consider the following in determining the action area for your site, and **confirm that all the following are true:**

- ☐ In determining my "action area", I have considered that discharges of pollutants from the project site can expand the action area well beyond the footprint of my site and the discharge point(s). I have taken into account the controls I will be implementing to minimize pollutants and the receiving waterbody characteristics (e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the

discharges. I confirm that all receiving waterbodies that could receive pollutants from my site are included in my action area.

☐ In determining my "action area", I have considered that discharge-related activities must also be accounted for in determining my action area. I understand that discharge-related activities are any activities that cause, contribute to, or result in stormwater and authorized non-stormwater point source discharges, and measures such as the siting, construction, timing,² and operation of stormwater controls to control, reduce, or prevent pollutants from being discharged. I understand that any new or modified stormwater controls that will have noise or other similar effects, and any disturbances associated with construction of controls, are part of my action area.

If you have any questions about determining the extent of your action area, you may contact EPA or the Services for assistance. <https://www.epa.gov/npdes/contact-us-stormwater#regional>

Instructions

- **Next, you must identify, to the best of your ability, any species listed as either threatened or endangered, or their critical habitat(s), that are located in your site's action area (see definitions of these terms in Appendix A).** You must follow the instructions on the <https://www.epa.gov/npdes/construction-general-permit-threatened-and-endangered-species> to obtain lists of any ESA-protected species and/or critical habitat that are expected to exist in your county, township, or the receiving water for your discharge.
- If ESA-protected resources occur within your action area, keep a copy of the species and critical habitat list(s) from the Service(s) with your SWPPP and use the list(s) to complete your NOI. For USFWS species, attach to this worksheet the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, attach to this worksheet the full printout of the report from your query of the mapping resource you used (either the National or Greater Atlantic Region Mapper). The printed report from NMFS mappers will include a map of your query.

² Timing considerations could be related to, for example, a time of the year where a migratory bird species is present in the action area and the operator might want to consider that in terms of their construction sequencing; there are other times of the year where this consideration might not be relevant.

Instructions


- After completing Step 2 above, if there are no listed species and no critical habitat areas in your action area, you may be eligible for criterion A.

Criterion A Eligibility Requirements

In order to be eligible for coverage under criterion A, you must confirm that all the following are true (**check all that apply**):

- ☐ I confirm that I have used the species location resources of **BOTH** NMFS and USFWS to identify any ESA-listed species within my action area.
- ☐ I have confirmed there to be no ESA-listed species and no critical habitat in my action area.

Instructions

- If all of the above are true, you may check criterion A below and answer questions A1-A5. 
- If any of the above is not true, you may not select criterion A and must proceed to Step 3 to determine if you can become eligible under criterion C.

Note: For existing dischargers that have previously obtained coverage under criterion A, you must verify whether ESA-protected species and/or critical habitat are expected to exist in your action area, as described above. Please note that if you now find that your action area overlaps with ESA-protected species or critical habitat, you must proceed to Step 3.

- ☐ **A No ESA-listed species and/or designated critical habitat present in action area**. You certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit.. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

A1. USFWS information sources used (reliance on State resources is not acceptable):

Note: If your Official Species List from USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species List in your NOI in the basis statement for Criterion A. If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to verify no USFWS species or critical habitat were present in your action area.



A2. NMFS information sources used (reliance on State resources is not acceptable):

A3. I confirm that aerial image(s) of the site is attached. Yes ☐

A4. I confirm that a printout of the species' list(s) showing no ESA-listed species or critical habitat in my action area is attached. Yes ☐

A5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion A. For USFWS species, include the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, include the full printout from the appropriate NMFS website resources on page X with the correct Region selected. Yes ☐

Instructions

- **If you selected Criterion A above and answered questions A1-A5, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.** 
 - **If listed species and/or critical habitat may exist in your action area, you must do one or more of the following:** 
 - **Conduct visual inspections.** This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal stormwater collection systems.
 - **Conduct a formal biological survey.** In some cases, particularly for larger construction sites with extensive stormwater discharges, biological surveys may be an appropriate way to assess whether species are located in the action area and whether there are likely to be short- or long-term adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms.
 - **If required, conduct an environmental assessment under the National Environmental Policy Act (NEPA).** Some construction activities might require review under NEPA for specific reasons, such as Federal funding or other Federal involvement in the project. Note: Coverage under the CGP does not trigger such a review for individual projects/sites. EPA has complied with NEPA in the issuance of the CGP.
- and**
- **Follow the instructions in Steps 3 – 5 below, as applicable.** Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

Step 3 – Assess if the Construction Activity’s Discharges or Discharge-Related Activities Are Likely to Result in Short- or Long-Term Adverse Effects to Listed Threatened or Endangered Species or Designated Critical Habitat

Instructions

- If in Step 2 you identified that listed species and/or designated critical habitat could exist in your action area, **you must next assess whether your discharges or discharge-related activities are likely to result in short- or long-term adverse effects to ESA-listed threatened or endangered species or designated critical habitat.**

Potential short- or long-term adverse effects from discharges and discharge-related activities include:

- **Hydrological.** Stormwater discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity, or pH. These effects will vary with the amount of stormwater discharged and the volume and condition of the receiving water. Where a stormwater discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- **Habitat.** Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of stormwater controls, may result in adverse effects to listed species or their habitat. Stormwater may drain or inundate listed species habitat.
- **Toxicity.** In some cases, pollutants in construction stormwater may have toxic effects on listed species. For example: Stormwater discharges from construction on or adjacent to agricultural property may contain pesticides. Stormwater discharges from projects involving pavement and roofing could include tar and asphalt.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to result in short- or long-term adverse effects to listed species or critical habitat, or one of the Services has already raised concerns to you, you should contact the appropriate Services office for assistance.

Instructions

- **If any short- or long-term adverse effects to listed threatened or endangered species or their critical habitat are not likely, then you may check Criterion C below and answer questions C1-C8.** 
- **If any short- or long-term adverse effects to listed threatened or endangered species or their critical habitat are likely, you must follow Step 4 below.** You may still be eligible for Criterion C if you are able to install and implement appropriate measures to avoid the likelihood of adverse effects. 

Criterion C Eligibility Requirements

☐ **C** **Discharges not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat.** ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, you must indicate below 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in this Appendix; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how short- or long-term adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with your NOI.

C1. I confirm that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in my evaluation. Yes ☐

C2. Provide the USFWS information resources and expertise used to arrive at this criterion selection:

C3. Provide the NMFS information resources and expertise used to arrive at this criterion selection:

C4. What ESA-listed species and/or designated critical habitat are located in your "action area?" (or attach a printout of the species' list(s))

C5. What is the distance between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "on site" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed)? _____

C6. Provide the rationale describing specifically how any short- or long-term adverse effects to ESA-listed species will be avoided from the discharge and discharge-related activities.

C7. I confirm that a site map from my SWPPP showing the upland and in-water extent of my "action area" is attached. Yes ☐

C8. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion C. Yes ☐

Instructions

- If you selected Criterion C above and answered questions C1-C8, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.
- If not, please proceed to step 4.





Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects

Instructions

If you make a preliminary decision in Step 3 that short- or long-term adverse effects from your construction activity's discharges or discharge-related activities are likely to occur, you can still receive coverage under eligibility Criterion C of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of short- or long-term adverse effects prior to applying for CGP coverage.



These measures may involve relatively simple changes to construction activities such as re-routing a stormwater discharge to bypass an area where species are located, relocating stormwater controls, or by modifying the "footprint" of the construction activity. If you are unable to ascertain which measures to implement to avoid the likelihood of short- or long-term adverse effects, you must coordinate with USFWS and/or NMFS, in which case you would not be eligible for coverage under eligibility Criterion C, but may instead be eligible for coverage under eligibility criterion D (described in more detail in Step 5).

- **If you are able to install and implement appropriate measures to avoid the likelihood of short- or long-term adverse effects, then you may go back and check eligibility Criterion C above and answer questions C1-C8 above, and C9-C10 below.** The measures you adopt to avoid or eliminate short- or long-term adverse effects must be implemented for the duration of the construction project and your coverage under the CGP. 
- **If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects,** you must follow the procedures in Step 5. 

C9. I confirm that I have or will install and implement appropriate measures to avoid the likelihood of any short- or long-term adverse effects to ESA-listed threatened or endangered species or their critical habitat. Yes ☐


C10. Provide a description of the measures installed/to be installed and implemented to avoid likelihood of any short- or long-term adverse effects.

Instructions

- **If you selected Criterion C above and answered questions C1-C10, you are done with this worksheet. If you are not filing your NOI electronically, you must submit this worksheet with your NOI.** 
- If you are not eligible for Criterion C, please proceed to step 5. 

Step 5 - Determine if the Eligibility Requirements of Criterion D Can Be Met

Instructions

- If in Step 4 you cannot ascertain which measures to implement to avoid the likelihood of short- or long-term adverse effects, you must contact USFWS and/or NMFS. You may still be eligible for CGP coverage if likely adverse effects can be addressed through meeting criterion D.
- If you meet the requirements of criterion D, **then you may check criterion D below and answer questions D1-D5.** 

Criterion D Eligibility Requirements

D Coordination with USFWS and/or NMFS has successfully concluded. Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written confirmation from USFWS and/or NMFS that the effects of your site's discharges and discharge-related activities are not likely to result in short- or long-term adverse effects for ESA-listed species and/or designated critical habitat in your action area. By certifying eligibility under this criterion, you agree to comply with any conditions you must meet for your site's discharges and discharge-related activities to not likely result in any short- or long-term adverse effects. You must include copies of the correspondence with the participating agencies in your SWPPP and your NOI.

D1. Which Service participated in coordination? (check all that apply) USFWS ☐ NMFS ☐

D2. Identify the field and/or regional office(s) that provided the coordination?

D3. What is the date the coordination concluded? (MM/DD/YYYY) ____ / ____ / ____

D4. Check to confirm that correspondence with USFWS and/or NMFS documenting concurrence is attached. Yes ☐

D5. Check to confirm you have provided documentation in your SWPPP supporting your eligibility under Criterion D, including copies of the correspondence between yourself and the Services. Yes ☐

Instructions

- **If you selected Criterion D above and answered questions D1-D5, you are done with this worksheet. If you are not filing electronically, you must submit this worksheet with your NOI.**

**Paperwork Reduction Act Notice**

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Appendix E – Historic Property Screening Process

Background

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of Federal “undertakings”, such as the issuance of this permit, on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. To address any issues relating to historic properties in connection with the issuance of this permit, EPA developed the screening process in this appendix that enables construction operators to appropriately consider the potential impacts, if any, of their installation of stormwater controls on historic properties and to determine whether actions can be taken, if applicable, to mitigate any such impacts. Although the coverages of individual construction sites under this permit do not constitute separate Federal undertakings, the screening process in this appendix provides an appropriate site-specific means of addressing historic property issues in connection with EPA’s issuance of the permit.

Key Terms

Historic property- prehistoric or historic districts, sites, buildings, structures, or objects that are included in or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and remains that are related to and located within such properties

SHPO – The State Historic Preservation Officer for a particular State

THPO or Tribal representative – The Tribal Historic Preservation Officer for a particular Tribe or, if there is no THPO, the representative designated by such Tribe for NHPA purposes

Instructions for All Construction Operators

You are required to follow the screening process in this appendix to determine if your installation of stormwater controls on your site has the potential to cause effects to historic properties, and whether or not you need to contact your SHPO, THPO, or other Tribal representative for further information. **You may not submit your NOI until you have completed this screening process.** The following four steps describe how applicants can meet the historic property requirements under this permit:

Step 1 *Are you installing any stormwater controls that require subsurface earth disturbance?*¹

The first step of the screening process is to determine if you will install stormwater controls that cause subsurface earth disturbance. The installation of the following types of stormwater controls require subsurface earth disturbance:²

- Dikes
- Berms
- Catch Basins
- Ponds
- Ditches
- Trenches
- Culverts
- Channels

¹ You are only required to consider earth-disturbing activities related to the installation of stormwater controls in the NHPA screening process. You are not required to consider other earth-disturbing activities at the site. If you are installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, your stormwater controls have the potential to have an effect on historic properties. If this is the case, then you must proceed to Step 2.

² This list is not intended to be exhaustive. Other stormwater controls that are not on this list may involve earth-disturbing activities and must also be examined for the potential to affect historic properties.

- Perimeter Drains
- Swales

If you are not installing one of the above stormwater controls or another type of control that requires subsurface earth disturbance, then you may indicate this on your NOI, and no further screening is necessary. During the 14-day waiting period after submitting your NOI, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional controls to address adverse effects to historic properties are necessary.

Step 2 *Have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances precluded the existence of historic properties?*

If you are installing a stormwater control that requires subsurface earth disturbance, you must next determine if no historic properties exist on your site based on prior professional cultural resource surveys or other evaluations, or if the existence of historic properties has been precluded because of prior earth disturbances.

If prior to your project it has already been determined that no historic properties exist at your site based on available information, including information that may be provided by your applicable SHPO, THPO, or other Tribal representative, then you may indicate this on your NOI, and no further screening steps are necessary. Similarly, if prior earth disturbances have eliminated the possibility that historic properties exist on your site, you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any additional measures to address adverse effects to historic properties are necessary.

If neither of these circumstances exists for your project, you must proceed to Step 3.

Step 3 *If you are installing any stormwater controls that require subsurface earth disturbance, you must determine if these activities will have an effect on historic properties.*

If your answer to the question in Step 2 is "no", then you must assess whether your earth-disturbing activities related to the installation of stormwater controls will have an effect on historic properties. This assessment may be based on historical sources, knowledge of the area, an assessment of the types of earth-disturbing activities you are engaging in, considerations of any controls and/or management practices you will adopt to ensure that your stormwater control-related earth-disturbing activities will not have an effect on historic properties, and any other relevant factors. If you determine based on this assessment that earth disturbances related to the installation of your stormwater controls will have no effect on historic properties, you may indicate this on your NOI, and document the basis for your determination in your SWPPP, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any further processes are necessary including any additional measures to address adverse effects to historic properties are necessary.

If none of the circumstances in Steps 1 - 3 exist for your project, you must proceed to Step 4.

Step 4: *If you are installing any stormwater controls that require subsurface earth disturbance and you have not satisfied the conditions in Steps 1 - 3, you must contact and consult with the appropriate historic preservation authorities.*

Where you are installing stormwater controls that require subsurface earth disturbance, and you cannot determine in Step 3 that these activities will have no effect on historic properties, then you must contact the relevant SHPO, THPO, or other Tribal representative to request their views as to the likelihood that historic properties are potentially present on your site and may be impacted by the installation of these controls.

Note: Addresses for SHPOs may be found at <https://ncshpo.org/directory/>, and addresses for THPOs may be found at https://grantsdev.cr.nps.gov/THPO_Review/index.cfm. If a Tribe does not have a THPO, you should contact the appropriate Tribal government office designated by the Tribe for this purpose.

You must submit the following minimum information in order to properly initiate your request for information:

1. Project name (i.e., the name or title most commonly associated with your project);
2. A narrative description of the project;
3. Name, address, phone and fax number, and email address (if available) of the operator;
4. Most recent U.S. Geological Survey (USGS) map section (7.5 minute quadrangle) showing actual project location and boundaries clearly indicated; and
5. Sections of the SWPPP site map (see Part 7.2.4) that show locations where stormwater controls that will cause subsurface earth disturbance will be installed (see Step 1).

Without submitting this minimum information, you will not have been considered to have properly initiated your request. You will need to provide the SHPO, THPO, or other Tribal representative **a minimum of 15 calendar days** after they receive these materials to respond to your request for information about your project.

If you do not receive a response within 15 calendar days after receipt by the SHPO, THPO, or other Tribal representative of your request, then you may indicate this on your NOI, and no further screening steps are necessary. Or, if the applicable SHPO, THPO, or other Tribal representative responds to your request with an indication that no historic properties will be affected by the installation of stormwater controls at your site, then you may indicate this on your NOI, and no further screening steps are necessary. After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, or other Tribal representative may request that EPA hold up authorization based on concerns about potential adverse effects to historic properties. EPA will evaluate any such request and notify you if any further processes are necessary including any additional measures to address adverse effects to historic properties are necessary.

If within 15 calendar days of receipt of your request the applicable SHPO, THPO, or other Tribal representative responds with a request for additional information or for further consultation regarding appropriate measures for treatment or mitigation of effects on historic properties caused by the installation of stormwater controls on your site, you must comply with this request and proceed to Step 5.

Step 5: Consultation with applicable consulting parties.

If, following your discussions with the appropriate historic preservation authorities in Step 4, the applicable SHPO, THPO, Tribal representative, or any other consulting party requests additional information or further consultation, you must respond with such information or consult to determine impacts to historic properties that may be caused by the installation of stormwater controls on your site and appropriate measures for treatment or mitigation of such impacts. If as a result of your discussions with the applicable SHPO, THPO, Tribal representative, or any other

consulting party, you enter into, and comply with, a written agreement regarding treatment and/or mitigation of impacts on your site, then you may indicate this on your NOI, and no further screening steps are necessary.

If, however, agreement on an appropriate treatment or mitigation plan cannot be reached between you and the SHPO, THPO, Tribal representative, or any other consulting party within 30 days of your response to the SHPO, THPO, Tribal representative, or any other consulting party's request for additional information or further consultation, you may submit your NOI, but you must indicate that you have not negotiated measures to avoid or mitigate such effects. You must also include in your SWPPP the following documentation:

1. Copies of any written correspondence between you and the SHPO, THPO, Tribal representative, or any other consulting party; and
2. A description of any significant remaining disagreements as to mitigation measures between you and the SHPO, THPO, Tribal representative, or any other consulting party.

After submitting your NOI, and during the 14-day waiting period, the SHPO, THPO, ACHP, Tribal representative, or any other consulting party may request that EPA place a hold on authorization based upon concerns regarding potential adverse effects to historic properties. EPA, in coordination with the ACHP, will evaluate any such request and notify you if any further processes are necessary including any additional measures to address adverse effects to historic properties are necessary.

Appendix F – Buffer Requirements.

The purpose of this appendix is to assist you in complying with the requirements in Part 2.2.1 of the permit regarding the establishment of natural buffers and/or equivalent sediment controls. This appendix is organized as follows:

F.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS 2

F.2 COMPLIANCE ALTERNATIVES AND EXCEPTIONS..... 3

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F.1 SITES THAT ARE REQUIRED TO PROVIDE AND MAINTAIN NATURAL BUFFERS AND/OR EQUIVALENT EROSION AND SEDIMENT CONTROLS

The requirement in Part 2.2.1 to provide and maintain natural buffers and/or equivalent erosion and sediment controls applies for any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances. If the receiving water is not located within 50 feet of earth-disturbing activities, Part 2.2.1 does not apply. See Figure F – 1.

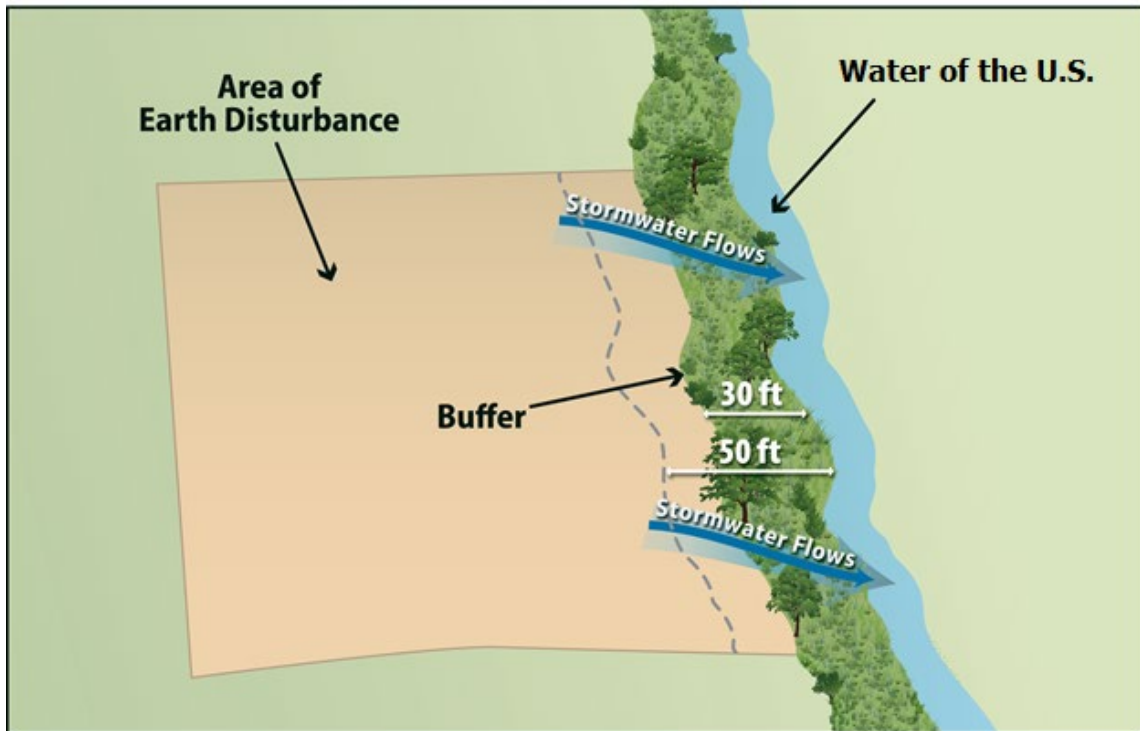


Figure F-1 Example of earth-disturbing activities within 50 feet of a water of the U.S.

F.2 COMPLIANCE ALTERNATIVES AND EXCEPTIONS

F.2.1 Compliance Alternatives

If Part 2.2.1 applies to your site, you have three compliance alternatives from which you can choose, unless you qualify for any of the exceptions (see below and Part 2.2.1.a):

1. Provide and maintain a 50-foot undisturbed natural buffer; or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
3. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

The compliance alternative selected must be maintained throughout the duration of permit coverage.

See Part F.2.2 below for exceptions to the compliance alternatives.

See Part F.2.3 for requirements applicable to providing and maintaining natural buffers under compliance alternatives 1 and 2 above.

See Part F.2.4 for requirements applicable to providing erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer under compliance alternatives 2 and 3 above.

F.2.2 Exceptions to the Compliance Alternatives

The following exceptions apply to the requirement to implement one of the Part 2.2.1.a compliance alternatives (see also Part 2.2.1.b):

- The following disturbances are exempt from the requirements Part 2.2.1 and this Appendix¹:
 - Construction approved under a CWA Section 404 permit; or
 - Construction of a water-dependent structure or water access areas (*e.g., pier, boat ramp, trail*).
- If there is no discharge of stormwater to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix. This includes situations where you have implemented controls measures, such as a berm or other barrier, that will prevent such discharges.
- Where no natural buffer exists due to preexisting development disturbances (*e.g., structures, impervious surfaces*) that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in Part 2.2.1 and this Appendix.

Where some natural buffer exists but portions of the area within 50 feet of the receiving water are occupied by preexisting development disturbances, you are

¹ This exemption does not apply, however, to disturbances within 50 feet of a receiving water that are adjacent to the disturbances listed here (*i.e., construction permitted under CWA Section 404, or construction of a water-dependent structure or water access area*) and that are covered by this permit.

required to comply with the requirements in Part 2.2.1 and this Appendix. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3, you are not expected to compensate for the reduction in buffer function that would have resulted from the area covered by these preexisting disturbances. Clarity about how to implement the compliance alternatives for these situations is provided in F.2.3 and F.2.4 below.

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

- For "linear construction sites" (see Appendix A), you are not required to comply with this requirement if site constraints (*e.g., limited right-of-way*) make it infeasible to implement one of the Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of any waters of the U.S. and/or you provide supplemental erosion and sediment controls to treat stormwater discharges from earth disturbances within 50 feet of the receiving water. You must also document in your SWPPP your rationale for why it is infeasible for you to implement one of the Part 2.2.1.a compliance alternatives, and describe any buffer width retained and supplemental erosion and sediment controls installed.
- For "small residential lot" construction (*i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre*), you have the option of complying with one of the "small residential lot" compliance alternatives in Part F.3 of this appendix.

Note that you must document in your SWPPP if any disturbances related to any of the above exceptions occurs within the buffer area on your site.

F.2.3 Requirements for Providing and Maintaining Natural Buffers

This part of the appendix applies to you if you choose compliance alternative 1 (50-foot buffer), compliance alternative 2 (a buffer of < 50 feet supplemented by additional erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), or if you are providing a buffer in compliance with one of the "small residential lot" compliance alternatives in Part F.3.

Buffer Width Measurement

Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:

1. The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figures F – 2 and F - 3. You may find that specifically measuring these points is challenging if the flow path of the receiving water changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, EPA suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals

from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

Additionally, note that if earth-disturbing activities will take place on both sides of a receiving water that flows through your site, to the extent that you are establishing a buffer around this water, it must be established on both sides. For example, if you choose compliance alternative 1, and your project calls for disturbances on both sides of a small stream, you would need to retain the full 50 feet of buffer on both sides of the water. However, if your construction activities will only occur on one side of the stream, you would only need to retain the 50-foot buffer on the side of the stream where the earth-disturbance will occur.

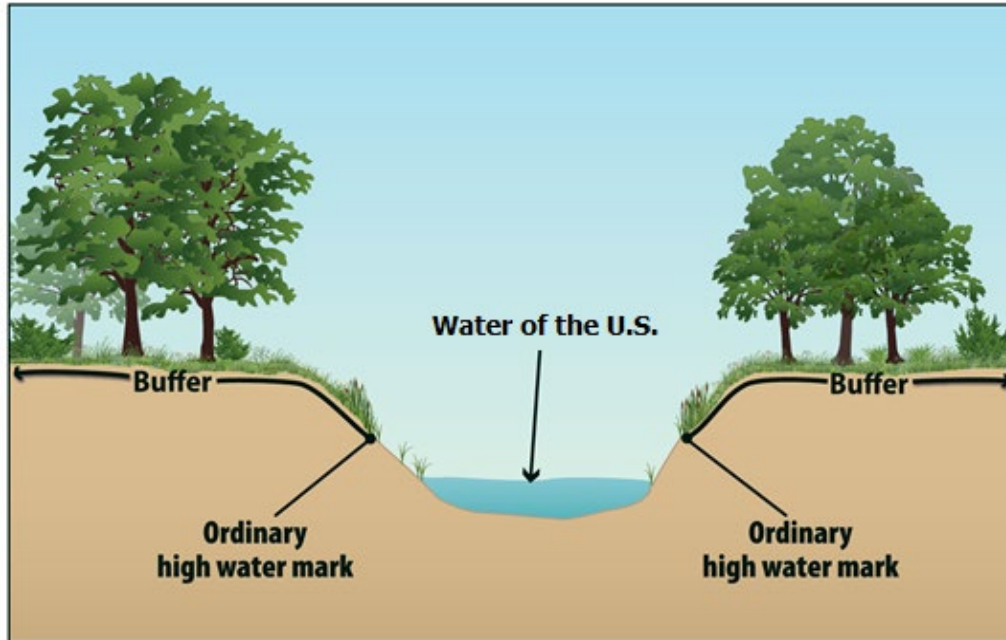


Figure F-2 Buffer measurement from the ordinary high water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

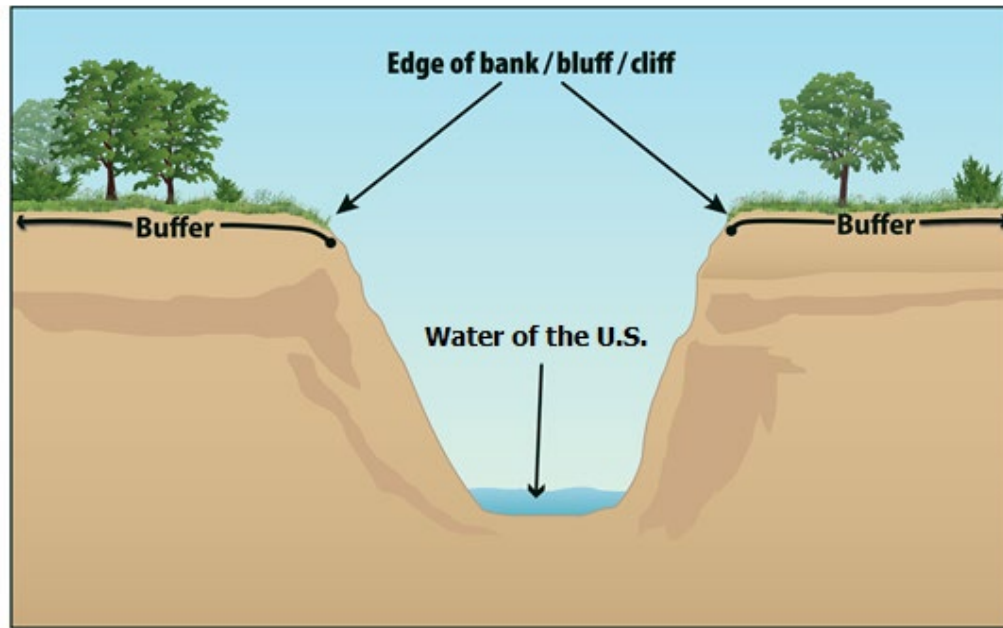


Figure F-3 Buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.

Limits to Disturbance Within the Buffer

You are considered to be in compliance with the requirement to provide and maintain a natural buffer if you retain and protect from construction activities the natural buffer that existed prior to the commencement of construction. If the buffer area contains no vegetation prior to the commencement of construction (e.g., sand or rocky surface), you are not required to plant vegetation. As noted above, any preexisting structures or impervious surfaces may occur in the natural buffer provided you retain and protect from disturbance the buffer areas outside of the preexisting disturbance.

To ensure that the water quality protection benefits of the buffer are retained during construction, you are prohibited from conducting any earth-disturbing activities within the buffer during permit coverage. In furtherance of this requirement, **prior to commencing earth-disturbing activities on your site, you must delineate, and clearly mark off, with flags, tape, or a similar marking device, the buffer area on your site.** The purpose of this requirement is to make the buffer area clearly visible to the people working on your site so that unintended disturbances are avoided.

While you are not required to enhance the quality of the vegetation that already exists within the buffer, you are encouraged to do so where such improvements will enhance the water quality protection benefits of the buffer. (Note that any disturbances within the buffer related to buffer enhancement are permitted and do not constitute construction disturbances.) For instance, you may want to target plantings where limited vegetation exists, or replace existing vegetation where invasive or noxious plant species (see <http://plants.usda.gov/java/noxiousDriver>) have taken over. In the case of invasive or noxious species, you may want to remove and replace them with a diversity of native trees, shrubs, and herbaceous plants that are well-adapted to the climatic, soil, and hydrologic conditions on the site. You are also encouraged to limit the removal of naturally deposited leaf litter, woody debris, and other biomass, as this material contributes to the ability of the buffer to retain water and filter pollutants.

If a portion of the buffer area adjacent to the receiving water is owned by another party and is not under your control, you are only required to retain and protect from construction activities the portion of the buffer area that is under your control. For example, if you comply with compliance alternative 1 (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the receiving water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you must only retain and protect from construction activities the 40-foot buffer area that occurs adjacent to the property on which your construction activities are taking place. EPA would consider you to be in compliance with this requirement regardless of the activities that are taking place in the 10-foot area that is owned by a different party than the land on which your construction activities are taking place that you have no control over.

Discharges to the Buffer

You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls (for example, you must comply with the Part 2.2.3 requirement to install sediment controls along any perimeter areas of the site that will receive pollutant discharges), **and if necessary to prevent erosion caused by stormwater flows within the buffer, you must use velocity dissipation devices.** The purpose of this requirement is to decrease the rate of stormwater flow and encourage infiltration so that the pollutant filtering functions of the buffer will be achieved. To comply with this requirement, construction operators typically will use devices that physically dissipate stormwater flows so that the discharge entering the buffer is spread out and slowed down.

SWPPP Documentation

You are required to document in your SWPPP the natural buffer width that is retained. For example, if you are complying with alternative 1, you must specify in your SWPPP that you are providing a 50-foot buffer. Or, if you will be complying with alternative 2, you must document the reduced width of the buffer you will be retaining (and you must also describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as required in Part F.2.4 below). Note that you must also show any buffers on your site map in your SWPPP consistent with Part 7.2.4.j. Additionally, if any disturbances related to the exceptions in Part F.2.2 occur within the buffer area, you must document this in the SWPPP.

F.2.4 Guidance for Providing the Equivalent Sediment Reduction as a 50-foot Buffer

This part of the appendix applies to you if you choose compliance alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot buffer) or compliance alternative 3 (implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot buffer).

Determine Whether it is Feasible to Provide a Reduced Buffer

EPA recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (see F.2.2), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas.

Therefore, you should choose compliance alternative 2 if it is feasible for you to retain some natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Part F.2.3, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should choose alternative 3.

Design Controls That Provide Equivalent Sediment Reduction as 50-foot Buffer

You must next determine what additional controls must be implemented on your site that, alone or in combination with any retained natural buffer, achieve a reduction in sediment equivalent to that achieved by a 50-foot buffer.

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 50-foot buffer for discharges through that area. You would not be required to provide additional treatment of stormwater discharges that flow through 50 feet or more of natural buffer. See Figure F-4.

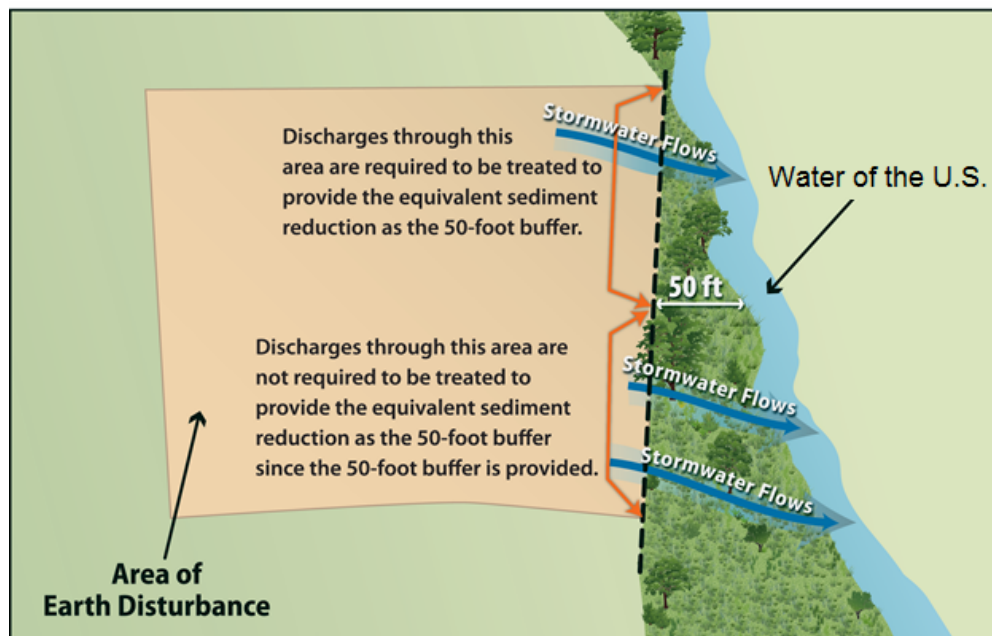


Figure F-4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 50-feet.

Steps to help you meet compliance alternative 2 and 3 requirements are provided below.

Step 1 - Estimate the Sediment Reduction from the 50-foot Buffer

In order to design controls that match the sediment removal efficiency of a 50-foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of erosion and sediment controls used to reduce the discharge of sediment prior to the buffer. EPA has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the CGP. See

Attachment 1 of this Appendix, Tables F-8 through F-15. Note: buffer performance values in Tables F-8 through F-15 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 50-foot buffers at disturbed sites of fixed proportions and slopes.²

Using Tables F-8 through F-15 (see Attachment 1 of this Appendix), you can determine the sediment removal efficiency of a 50-foot buffer for your geographic area by matching the vegetative cover type that best describes your buffer area and the type of soils that predominate at your site. For example, if your site is located in Massachusetts (Table F-9), and your buffer vegetation corresponds most closely with that of tall fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 81 percent.

In this step, you should choose the vegetation type in the tables that most closely matches the vegetation that would exist naturally in the buffer area on your site regardless of the condition of the buffer. However, because you are not required to plant any additional vegetation in the buffer area, in determining what controls are necessary to meet this sediment removal equivalency in Step 2 below, you will be able to take credit for this area as a fully vegetated "natural buffer."

Similarly, if a portion of the buffer area adjacent to the receiving water is owned by another party and is not under your control, you can treat the area of land not under your control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring.

For example, if your earth-disturbances occur within 50 feet of a receiving water, but the 10 feet of land immediately adjacent to the receiving water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10 foot area adjacent to the stream as having the equivalent soil and vegetation type that predominates in

² EPA used the following when developing the buffer performance tables:

- The sediment removal efficiencies are based on the U.S. Department of Agriculture's RUSLE2 ("Revised Universal Soil Loss Equation 2") model for slope profiles using a 100-foot long denuded slopes.
- Sediment removal was defined as the annual sediment delivered at the downstream end of the 50-foot natural buffer (tons/yr/acre) divided by the annual yield from denuded area (tons/yr/acre).
- As perimeter controls are also required by the CGP, sediment removal is in part a function of the reduction due to a perimeter control (i.e., silt fence) located between the disturbed portion of the site and the upstream edge of the natural buffer and flow traveling through a 50-foot buffer of undisturbed natural vegetation.
- It was assumed that construction sites have a relatively uniform slope without topographic features that accelerate the concentration for erosive flows.
- It was assumed that vegetation has been removed from the disturbed portion of the site and a combination of cuts and fills have resulted in a smooth soil surface with limited retention of near-surface root mass.

To represent the influence of soil, EPA analyzed 11 general soil texture classifications in its evaluation of buffer performance. To represent different types of buffer vegetation, EPA evaluated 4 or more common vegetative types for each State/Territory covered under the permit. For each vegetation type evaluated, EPA considered only permanent, non-grazed, and non-harvested vegetation, on the assumption that a natural buffer adjacent to the receiving water will typically be undisturbed. EPA also evaluated slope steepness and found that sediment removal efficiencies present in Tables G-8 through G-15 are achievable for slopes that are less than nine percent.

the 40 foot area under your control. You would then make the same assumption in Step 2 for purposes of determining the equivalent sediment removal.

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Tables F-8 through F-15. This calculation must be documented in your SWPPP.

Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer

Once you determine the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you must next select stormwater controls that will provide an equivalent sediment load reduction. These controls can include the installation of a single control, such as a sediment pond or additional perimeter controls, or a combination of stormwater controls. Whichever control(s) you select, you must demonstrate in your SWPPP that the controls will provide at a minimum the same sediment removal capabilities as a 50-foot natural buffer (Step 1). You may take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency, because these were included in calculating the buffer removal efficiencies in Tables F-8 through F-15. (Note: You are reminded that the controls must be kept in effective operating condition until you complete final stabilization on the disturbed portions of the site discharging to the receiving water)

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as a 50-foot buffer, you should use a model or other type of calculation. As mentioned above, there are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models. A couple of examples are provided in Attachment 3 to help illustrate how this determination could be made.

If you retain a buffer of less than 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 50 foot buffer and the removal efficiency of the narrower buffer. For example, if you retain a 30 foot buffer, you can account for the sediment removal provided by the 30 foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20 feet of buffer that is not being provided. To do this, you would plug the width of the buffer that is retained into RUSLE or another model, along with other stormwater controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

As described in Step 1 above, you can take credit for the area you retained as a "natural buffer" as being fully vegetated, regardless of the condition of the buffer area.

For example, if your earth-disturbances occur 30 feet from a receiving water, but the 10 feet of land immediately adjacent to the receiving water is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10-foot area as a natural buffer, regardless of the activities that are taking place in the area. Therefore, you can assume (for purposes of your equivalency calculation) that your site is providing the sediment removal equivalent of a 30-foot buffer, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided.

Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves the expected sediment removal efficiency of a 50-foot buffer at your site. The final step is to document in your SWPPP the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer.

EPA will consider your documentation to be sufficient if it generally meets the following:

- For Step 1, refer to the table in Attachment 1 that you used to derive your estimated 50-foot buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your site, which you used to select the sediment load reduction value in Tables F-8 through F-15. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.
- For Step 2, (1) Specify the model you used to estimate sediment load reductions from your site; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1.

If you choose compliance alternative 3, you must also include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

F.3 SMALL RESIDENTIAL LOT COMPLIANCE ALTERNATIVES

EPA has developed two additional compliance alternatives applicable only to “small residential lots” that are unable to provide and maintain a 50 foot buffer.

A **small residential lot** is a lot or grouping of lots being developed for residential purposes that will disturb less than 1 acre of land, but that is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

The following steps describe how a small residential lot operator would achieve compliance with one these 2 alternatives.

F.3.1 Small Residential Lot Compliance Alternative Eligibility

In order to be eligible for the small residential lot compliance alternatives, the following conditions must be met:

- a. The lot or grouping of lots meets the definition of “small residential lot”; and
- b. The operator must follow the guidance for providing and maintaining a natural buffer in Part F.2.3 of this Appendix, including:
 - i. Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site’s erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by stormwater within the buffer;
 - ii. Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and
 - iii. Delineate, and clearly mark off, with flags, tape, or other similar marking device, all natural buffer areas.

F.3.2 Small Residential Lot Compliance Alternatives

You must next choose from one of two small residential lot compliance alternatives and implement the stormwater control practices associated with that alternative.

Note: The compliance alternatives provided below are not mandatory. Operators of small residential lots can alternatively choose to comply with the any of the options that are available to other sites in Part 2.2.1.a and F.2.1 of this Appendix.

Small Residential Lot Compliance Alternative 1

Alternative 1 is a straightforward tiered-technology approach that specifies the controls that a small residential lot must implement based on the buffer width retained. To meet the requirements of small residential lot compliance alternative 1, you must implement the controls specified in Table F–1 based on the buffer width to be retained. See footnote 3, below, for a description of the controls you must implement.

For example, if you are an operator of a small residential lot that will be retaining a 35-foot buffer and you choose Small Residential Lot Compliance Alternative 1, you must implement double perimeter controls between earth disturbances and the receiving water

In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with small residential lot compliance alternative 1.

Table F-1 Alternative 1 Requirements³

Retain 50-foot Buffer	Retain <50 and >30 foot Buffer	Retain ≤ 30 foot Buffer
No Additional Requirements	Double Perimeter Controls	Double Perimeter Controls and 7-Day Site Stabilization

Small Residential Lot Compliance Alternative 2

Alternative 2 specifies the controls that a builder of a small residential lot must implement based on both the buffer width retained and the site's sediment discharge risk. By incorporating the sediment risk, this approach may result in the implementation of controls that are more appropriate for the site's specific conditions.

Step 1 – Determine Your Site's Sediment Risk Level

To meet the requirements of Alternative 2, you must first determine your site's sediment discharge "risk level" based on the site's slope, location, and soil type. To help you to determine your site's sediment risk level, EPA developed five different tables for different slope conditions. You should select the table that most closely corresponds to your site's average slope.

For example, if your site's average slope is 7 percent, you should use Table G-4 to determine your site's sediment risk.

After you determine which table applies to your site, you must then use the table to determine the "risk level" (e.g., "low", "moderate", or "high") that corresponds to your site's location and predominant soil type.⁴

For example, based on Table F-3, a site located in New Hampshire with a 4 percent average slope and with predominately sandy clay loam soils would fall into the "moderate" risk level.

³ Description of Additional Controls Applicable to Small Residential Lot Compliance Alternatives 1 and 2:

- **No Additional Requirements:** If you implement a buffer of 50 feet or greater, then you are not subject to any additional requirements. Note that you are required to install perimeter controls between the disturbed portions of your site and the buffer in accordance with Part 2.2.3.
- **Double Perimeter Control:** In addition to the reduced buffer width retained on your site, you must provide a double row of perimeter controls between the disturbed portion of your site and the receiving water spaced a minimum of 5 feet apart.
- **Double Perimeter Control and 7-Day Site Stabilization:** In addition to the reduced buffer width retained on your site and the perimeter control implemented in accordance with Part 2.2.3, you must provide a double row of perimeter controls between the disturbed portion of your site and the receiving water spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.14 within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.

⁴ One source for determining your site's predominant soil type is the USDA's Web Soil Survey located at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

Table F-2 Risk Levels for Sites with Average Slopes of ≤ 3 Percent

Soil Type Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Low	Moderate	Low	Moderate	Moderate
American Samoa	Moderate	Moderate	Moderate	Moderate	High
Massachusetts and New Hampshire	Low	Moderate	Low	Low	Moderate
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Low
Washington D.C.	Low	Moderate	Low	Low	Moderate

Table F-3 Risk Levels for Sites with Average Slopes of > 3 Percent and ≤ 6 Percent

Soil Type Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	Moderate	Moderate	Moderate	High
Puerto Rico	Moderate	Moderate	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	Moderate	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Low	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

Table F-4 Risk Levels for Sites with Average Slopes of > 6 Percent and ≤ 9 Percent

Soil Type Location	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	Moderate	High	Moderate	High	High
Puerto Rico	Moderate	High	Moderate	Moderate	High
Virgin Islands	Moderate	Moderate	Moderate	Moderate	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Low	Low	Low	Moderate
Washington D.C.	Moderate	Moderate	Moderate	Moderate	High

Table F-5 Risk Levels for Sites with Average Slopes of > 9 Percent and ≤ 15 Percent

Soil Type Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	Moderate	High	Moderate	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	Moderate	Moderate	Moderate	Moderate	High
Idaho	Low	Low	Low	Low	Low
New Mexico	Low	Moderate	Low	Moderate	Moderate
Washington D.C.	Moderate	High	Moderate	Moderate	High

Table F-6 Risk Levels for Sites with Average Slopes of > 15 Percent

Soil Type Location	Clay	Silty Clay Loam or Clay- Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
CNMI / Guam	High	High	High	High	High
Puerto Rico	High	High	High	High	High
Virgin Islands	High	High	High	High	High
American Samoa	High	High	High	High	High
Massachusetts and New Hampshire	High	High	Moderate	High	High
Idaho	Low	Low	Low	Low	Moderate
New Mexico	Moderate	Moderate	Moderate	Moderate	High
Washington D.C.	High	High	Moderate	High	High

Step 2 – Determine Which Additional Controls Apply

Once you determine your site's "risk level", you must next determine the additional controls you need to implement on your site, based on the width of buffer you plan to retain. Table F-7 specifies the requirements that apply based on the "risk level" and buffer width retained. See footnote 3, above, for a description of the additional controls that are required.

For example, if you are the operator of a small residential lot that falls into the "moderate" risk level, and you decide to retain a 20-foot buffer, using Table F-7 you would determine that you need to implement double perimeter controls to achieve compliance with small residential lot compliance alternative 2.

You must also document in your SWPPP your compliance with small residential lot compliance alternative 2.

Table F-7. Alternative 2 Requirements²

Risk Level Based on Estimated Soil Erosion	Retain \geq 50' Buffer	Retain $<$50' and $>$30' Buffer	Retain \leq30' and $>$10' Buffer	Retain \leq 10' Buffer
Low Risk	No Additional Requirements	No Additional Requirements	Double Perimeter Control	Double Perimeter Control
Moderate Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control	Double Perimeter Control and 7- Day Site Stabilization
High Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control and 7- Day Site Stabilization	Double Perimeter Control and 7- Day Site Stabilization

ATTACHMENT 1

Sediment Removal Efficiency Tables⁵

EPA recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore in the tables below, EPA has limited the removal efficiencies to a maximum of 90%. Efficiencies that were calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

Table F-8 Estimated 50-foot Buffer Performance in Idaho*

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue Grass	42	52	44	48	85
Medium-density Weeds	28	30	28	26	60
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	25	26	24	24	55
Northern Mixed Prairie Grass	28	30	28	26	50
Northern Range Cold Desert Shrubs	28	28	24	26	50

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

Table F-9 Estimated 50-foot Buffer Performance in Massachusetts and New Hampshire*

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Warm-season Grass (i.e., Switchgrass, Lemongrass)	79	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Brome grass, Timothy)	78	90	90	90	90
Tall Fescue Grass	76	90	81	89	90
Medium-density Weeds	66	76	60	72	66

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

⁵ The buffer performances were calculated based on a denuded slope upgradient of a 50-foot buffer and a perimeter controls, as perimeter controls are a standard requirement (see Part 2.2.3).

Table F-10 Estimated 50-foot Buffer Performance in New Mexico*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue grass	71	85	80	86	90
Medium-density Weeds	56	73	55	66	78
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	53	70	51	62	67
Southern Mixed Prairie Grass	53	71	52	63	50
Southern Range Cold Desert Shrubs	56	73	55	65	53

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

Table F-11 Estimated 50-foot Buffer Performance in Washington, DC*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	90
Cool-season Dense Grass (Kentucky Bluegrass, Smooth Bromegrass, Timothy)	81	90	90	90	90
Tall Fescue Grass	79	90	83	89	90
Medium-density Weeds	71	79	66	75	74

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

Table F-12 Estimated 50-foot Buffer Performance in American Samoa*

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	82	90	90	90	83
Warm-season Grass (i.e., Switchgrass, Lemongrass)	82	90	90	90	85
Dense Grass	82	90	90	90	83
Tall Fescue Grass	82	89	82	89	79
Medium-density Weeds	70	73	62	75	59

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

Table F-13 Estimated 50-foot Buffer Performance in CNMI and Guam*

Type of Buffer Vegetation **	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	80	90	90	90	89
Warm-season Grass (i.e., Switchgrass, Lemongrass)	80	90	90	90	90
Dense Grass	79	90	90	90	89
Tall Fescue Grass	76	90	80	88	87
Medium-density Weeds	63	73	53	68	61

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

Table F-14 Estimated 50-foot Buffer Performance in Puerto Rico*

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	83	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	83	90	90	90	90
Dense Grass	83	90	90	90	90
Tall Fescue Grass	82	90	84	90	89
Medium-density Weeds	72	78	65	76	64

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

Table F-15 Estimated 50-foot Buffer Performance in Virgin Islands*

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Bahiagrass (Permanent cover)	85	90	90	90	90
Warm-season Grass (i.e., Switchgrass, Lemongrass)	86	90	90	90	90
Dense Grass	85	90	90	90	90
Tall Fescue Grass	85	90	88	90	89
Medium-density Weeds	75	77	71	78	63

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

ATTACHMENT 2Using the Sediment Removal Efficiency Tables – Questions and Answers

- *What if my specific buffer vegetation is not represented in Tables F-8 through F-15?* Tables F-8 through F-15 provide a wide range of factors affecting buffer performance; however, there are likely instances where the specific buffer vegetation type on your site is not listed. If you do not see a description of the type of vegetation present at your site, you should choose the vegetation type that most closely matches the vegetation type on your site. You can contact your local Cooperative Extension Service Office (<http://nifa.usda.gov/partners-and-extension-map>) for assistance in determining the vegetation type in Tables F-8 through F-15 that most closely matches your site-specific vegetation.
- *What if there is high variability in local soils?* EPA recognizes that there may be a number of different soil type(s) on any given construction site. General soil information can be obtained from USDA soil survey reports (<http://websoilsurvey.nrcs.usda.gov>) or from individual site assessments performed by a certified soil expert. Tables F-8 through F-15 present eleven generic soil texture classes, grouping individual textures where EPA has determined that performance is similar. If your site contains different soil texture classes, you should use the soil type that best approximates the predominant soil type at your site.
- *What if my site slope is greater than 9 percent after final grade is reached?* As indicated in the buffer performance tables, the estimated sediment removal efficiencies are associated with disturbed slopes of up to 9 percent grade. Where your graded site has an average slope of greater than 9 percent, you should calculate a site-specific buffer performance.
- *How do I calculate my own estimates for sediment reduction at my specific site?* If you determine that it is necessary to calculate your own sediment removal efficiency using site-specific conditions (e.g., slopes at your site are greater than 9 percent), you can use a range of available models that are available to facilitate this calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other equivalent models.
- *What is my estimated buffer performance if my site location is not represented by Tables F-8 through F-15?* If your site is located in an area not represented by Tables F-8 through F-15, you should use the table that most closely approximates conditions at your site. You may instead choose to conduct a site-specific calculation of the buffer performance.
- *What if only a portion of my site drains to the buffer area?* If only a portion of your site drains to a receiving water, where that water is within 50 feet of your earth disturbances, you are only required to meet the equivalency requirement for the stormwater flows corresponding to those portions of the site. See Example 2 below for an example of how this is expected to work.

ATTACHMENT 3Examples of How to Use the Sediment Removal Efficiency Tables*Example 1. Comparatively Wet Location (7.5 acre site located in Massachusetts)*

The operator of a 7.5-acre construction site in Massachusetts has determined that it is infeasible to establish a buffer of any size on the site, and is now required to select and install controls that will achieve an equivalent sediment load reduction as that estimated in F-9 for their site conditions. The first step is to identify what percentage of eroded sediment is estimated to be retained from a 50-foot buffer. For this example, it is assumed that the site has a relatively uniform gentle slope (3 percent), so Table F-9 can be used to estimate the 50-foot buffer sediment load reduction. If the site's buffer vegetation is best typified by cool-season dense grass and the underlying soil is of a type best described as loamy sand, the 50-foot buffer is projected to capture 90 percent of eroded sediment from the construction site.

The second step is to determine what sediment controls can be selected and installed in combination with the perimeter controls already required to be implemented at the site (see Part 2.2.3), which will achieve the 90 percent sediment removal efficiency from Table F-9. For this example, using the RUSLE2 profile model, it was determined that installing a pair of shallow-sloped diversion ditches to convey runoff to a well-designed and maintained sediment basin provides 99 percent sediment removal. Because the estimated sediment reduction is greater than the required 90 percent that a 50-foot buffer provides, the operator will have met the buffer requirements. See Figure F-5. The operator could also choose a different set of controls, as long as they achieve at least a 90 percent sediment removal efficiency.

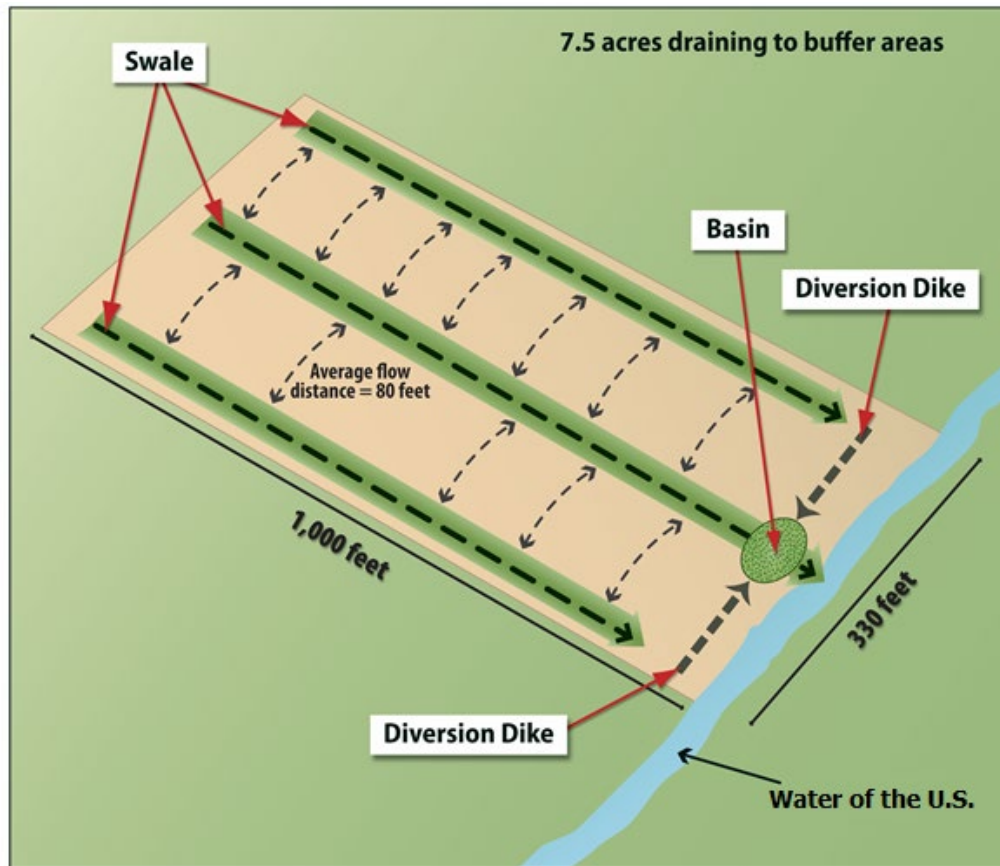


Figure F-5 Example 1 – Equivalent Sediment Load Reductions at a 7.5 ac Site in MA.

Example 2. Arid Location With Pre-existing Disturbances in the Natural Buffer (6.5 acre site located in New Mexico)

An operator of a site in New Mexico determines that it is not feasible to provide a 50-foot buffer, but a 28-foot buffer can be provided. Because the operator will provide a buffer that is less than 50 feet, the operator must determine which controls, in combination with the 28-foot buffer, achieve a sediment load reduction equivalent to the 50-foot buffer. In this example, the project will disturb 6.5 acres of land, but only 1.5 acres of the total disturbed area drains to the buffer area. Within the 28-foot buffer area is a preexisting concrete walkway. Similar to Example 1, the equivalence analysis starts with Step 1 in Part F.2.4 of this Appendix with a review of the New Mexico buffer performance (Table F-10). The operator determines that the predominate vegetation type in the buffer area is prairie grass, the soil type is similar to silt, and the site is of a uniform, shallow slope (e.g., 3 percent grade). Although the operator will take credit for the disturbance caused by the concrete walkway as a natural buffer in Step 2, here the operator can treat the entire buffer area as being naturally vegetated with prairie grass. Based on this information, the operator refers to Table F-10 to estimate that the 50-foot buffer would retain 50 percent of eroded soil.

The second step is to determine, based on the 50 percent sediment removal efficiency found in Table F-10, what sediment controls, in combination with the 28-foot buffer area, can be implemented to reduce sediment loads by 50 percent or more. The operator does not have to account the reduction in buffer function caused by the preexisting walkway, and can take credit for the entire 28-foot buffer being fully vegetated in the analysis. For this example, using the RUSLE2 profile model, the operator determined that installing a fiber roll barrier between the

silt fence (already required by Part 2.2.3) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See Figure F-6. Note that this operator is subject to the requirement in Part F.2.3 of this Appendix to ensure that discharges through the silt fence, fiber roll barrier, and 28-foot buffer do not cause erosion within the buffer. The estimated sediment reduction is greater than the required 50 percent; therefore the operator will have met the buffer alternative requirement.

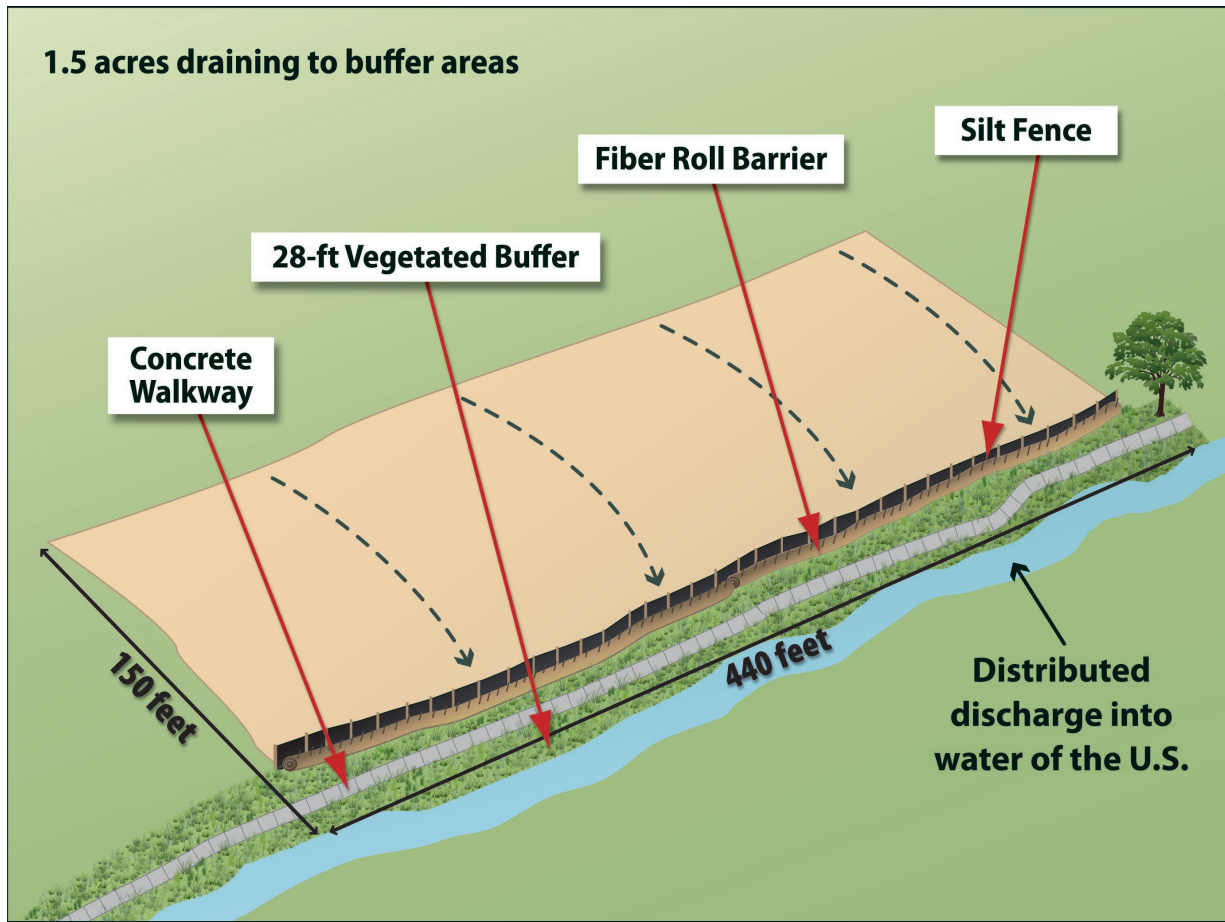


Figure F-6 Example 2 – Equivalent Sediment Load Reductions at a 6.5 ac Site in NM.

Appendix G - Standard Permit Conditions

Standard permit conditions in Appendix G are consistent with the general permit provisions required under 40 CFR 122.41.

G.1 Duty To Comply.

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

G.1.1 You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards, even if the permit has not yet been modified to incorporate the requirement.

G.1.2 Penalties for Violations of Permit Conditions: EPA and other federal agencies are required to adjust their maximum and minimum statutory civil penalty amounts through rulemaking by January 15 each year to account for inflation. EPA's annual rulemaking adjustments, codified in 40 C.F.R. § 19.4, are mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note). As such, the civil penalty amounts below may change in the future due to inflation. See 40 C.F.R. § 19.4 for the most up-to-date civil penalty amounts.

G.1.2.1 Criminal Penalties.

- a. *Negligent Violations.* The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to criminal penalties of not less than \$2,500 nor more than \$25,000 per day of violation, or imprisonment of not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation or by imprisonment of not more than two years, or both.
- b. *Knowing Violations.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.
- c. *Knowing Endangerment.* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he or she is placing another person in imminent danger of death or serious bodily injury shall upon conviction be subject to a fine of not more than \$250,000 or by imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- d. *False Statement.* The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. The Act further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

G.1.2.2 *Civil Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed the maximum amount authorized by Section 309(d) of the Act, as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

G.1.2.3 *Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

- a. *Class I Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.
- b. *Class II Penalty.* Not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note), and codified at 40 CFR § 19.4.

G.2 Duty to Reapply.

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain authorization as required by the new permit once EPA issues it.

G.3 Need to Halt or Reduce Activity Not a Defense.

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

G.4 Duty to Mitigate.

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

G.5 Proper Operation and Maintenance.

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the

operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

G.6 Permit Actions.

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

G.7 Property Rights.

This permit does not convey any property rights of any sort, or any exclusive privileges.

G.8 Duty to Provide Information.

You must furnish to EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), within a reasonable time, any information that EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit.

G.9 Inspection and Entry.

You must allow EPA or an authorized representative (including an authorized contractor acting as a representative of EPA), upon presentation of credentials and other documents as may be required by law, to:

- G.9.1** Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- G.9.2** Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- G.9.3** Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- G.9.4** Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

G.10 Monitoring and Records.

- G.10.1** Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.
- G.10.2** You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date the permit expires or the date the permittee's authorization is terminated. This period may be extended by request of EPA at any time.
- G.10.3** Records of monitoring information must include:
 - G.10.3.1 The date, exact place, and time of sampling or measurements;
 - G.10.3.2 The individual(s) who performed the sampling or measurements;
 - G.10.3.3 The date(s) analyses were performed

G.10.3.4 The individual(s) who performed the analyses;

G.10.3.5 The analytical techniques or methods used; and

G.10.3.6 The results of such analyses.

G.10.4 Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

G.10.5 The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

G.11 Signatory Requirements.

G.11.1 All applications, including NOIs and NOTs, must be signed as follows:

G.11.1.1 For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

G.11.1.2 For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

G.11.1.3 For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

G.11.2 Your SWPPP (including changes to your SWPPP inspection reports), corrective action log, turbidity monitoring report, site inspection and dewatering inspection reports, and any other compliance documentation required under this permit, must be signed by a person described in Appendix G, Subsection G.11.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

G.11.2.1 The authorization is made in writing by a person described in Appendix G, Subsection G.11.1;

G.11.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental

matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

G.11.2.3 The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

G.11.3 Changes to Authorization. If an authorization under this permit is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI must be submitted to EPA. See Table 1 in Part 1.4.3 of the permit. However, if the only change that is occurring is a change in contact information or a change in the facility's address, the operator need only make a modification to the existing NOI submitted for authorization.

G.11.4 Any person signing documents in accordance with Appendix G, Subsections G.11.1 or G.11.2 above must include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G.11.5 For persons signing NOIs electronically, in addition to meeting other applicable requirements in Appendix G, Subsection G.11, such signatures must meet the same signature, authentication, and identity-proofing standards set forth at 40 CFR § 3.2000(b) for electronic reports (including robust second-factor authentication).

G.11.6 The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

G.12 Reporting Requirements.

G.12.1 Planned changes. You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

G.12.1.1 The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

G.12.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

G.12.2 Anticipated noncompliance. You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

G.12.3 Transfers. This permit is not transferable to any person except after notice to EPA. Where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination pursuant to Part 8. The new

owner or operator must submit a Notice of Intent in accordance with Part 1.4 and Table 1. See also requirements in Appendix G, Subsections G.11.1 and G.11.2.

G.12.4 Monitoring reports. Monitoring results must be reported at the intervals specified elsewhere in this permit.

G.12.4.1 Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.

G.12.4.2 If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.

G.12.5 Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

G.12.6 Twenty-four hour reporting. In addition to reports required elsewhere in this permit:

G.12.6.1 You must report any noncompliance which may endanger health or the environment directly to the EPA Regional Office (see contacts at <https://www2.epa.gov/national-pollutant-discharge-elimination-system-npdes/contact-us-stormwater#regional>). Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

G.12.6.2 The following shall be included as information which must be reported within 24 hours under this paragraph.

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit.
(See 40 CFR 122.41(m)(3)(ii))
- b. Any upset which exceeds any effluent limitation in the permit
- c. Violation of a maximum daily discharge limit for any numeric effluent limitation.
(See 40 CFR 122.44(g).)

G.12.6.3 EPA may waive the written report on a case-by-case basis for reports under Appendix G, Subsection G.12.6.2 if the oral report has been received within 24 hours.

G.12.7 Other noncompliance. You must report all instances of noncompliance not reported under Appendix G, Subsections G.12.4, G.12.5, and G.12.6, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix G, Subsection G.12.6.

G.12.8 Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

G.13 Bypass.

G.13.1 Definitions.

G.13.1.1 Bypass means the intentional diversion of waste streams from any portion of a treatment facility See 40 CFR 122.41 (m)(1)(i).

G.13.1.2 Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. See 40 CFR 122.41 (m)(1)(ii).

G.13.2 Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix G, Subsections G.13.3 and G.13.4. See 40 CFR 122.41 (m)(2).

G.13.3 Notice.

G.13.3.1 Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass. See 40 CFR 122.41 (m)(3)(i).

G.13.3.2 Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix G, Subsection G.12.6 (24-hour notice). See 40 CFR 122.41 (m)(3)(ii).

G.13.4 Prohibition of bypass. See 40 CFR 122.41 (m)(4).

G.13.4.1 Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. You submitted notices as required under Appendix G, Subsection G.13.3.

G.13.4.2 EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix G, Subsection G.13.4.1.

G.14 Upset.

G.14.1 Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41 (n)(1).

G.14.2 Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix G, Subsection G.14.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. See 40 CFR 122.41 (n)(2).

G.14.3 Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

G.14.3.1 An upset occurred and that you can identify the cause(s) of the upset;

G.14.3.2 The permitted facility was at the time being properly operated; and

G.14.3.3 You submitted notice of the upset as required in Appendix G, Subsection G.12.6.2.b (24 hour notice).

G.14.3.4 You complied with any remedial measures required under Appendix G, Subsection G.4.

G.14.4 Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, have the burden of proof. See 40 CFR 122.41(n)(4).

G.15 Retention of Records.

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

G.16 Reopener Clause.

G.16.1 Procedures for modification or revocation. Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

G.16.2 Water quality protection. If there is evidence indicating that the stormwater discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit, or the permit may be modified to include different limitations and/or requirements.

G.16.3 Timing of permit modification. EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines that may be promulgated in the course of the current permit cycle.

G.17 Severability.

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. EPA's intent is that the permit is to remain in effect to the extent possible; in the event that any part of this permit is invalidated, EPA will advise the regulated community as to the effect of such invalidation.

Appendix G – subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

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

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

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

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

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

Signature: _____

Title: _____

Date: _____

Appendix H – Grading and Stabilization Activities Log

[illegible]

Appendix I –Training Documentation

Appendix J – *Sample* Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the EPA's Construction General Permit (CGP), at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

(name of person or position)
(company)
(address)
(city, State, zip)
(phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix G of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix G.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>

In Reply Refer To:
Project Code: 2022-0008319
Project Name: Turtle Run Subdivision

February 16, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)).

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/eo-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

Project Summary

Project Code: 2022-0008319

Event Code: None

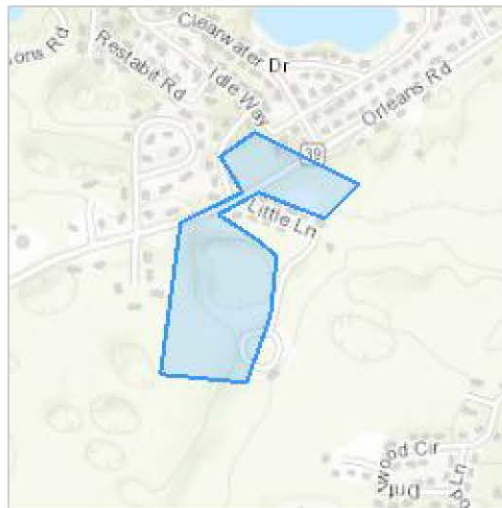
Project Name: Turtle Run Subdivision

Project Type: New Constr - Above Ground

Project Description: Proposed 5 lot residential subdivision

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@41.694073149999994,-70.04508233912269,14z>



Counties: Barnstable County, Massachusetts

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Sandplain Gerardia <i>Agalinis acuta</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8128	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

IPaC User Contact Information

Name: David Clark
Address: 156 Crowell Road, Unit B
City: Chatham
State: MA
Zip: 02633
Email: david@clarkeng.net
Phone: 5089455454



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

MASS.GOV/MASSWILDLIFE

January 10, 2022

Eastward MBT, LLC, Trustee ECBT
Eastward Companies
155 Cromwell Road
Chatham MA 02633

RE: Applicant: Eastward Companies
 Project Location: 0 Route 39/ Orleans Road Assessors Map 63, Parcel C3, Harwich
 Project Description: 5-lot open space subdivision
 NHESP File No.: **21-40663**

Dear Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received the MESA Project Review Checklist, site plan titled "Open Space Preliminary Division Plan," (dated 10/20/2021), and other required materials for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

The MESA is administered by the Division, and prohibits the Take of state-listed species. The Take of state-listed species is defined as "in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat" of state-listed species (321 CMR 10.02).

The Division has determined that this Project, as currently proposed, will occur **within** the actual habitat of the Eastern Box Turtle (*Terrapene carolina*), a species state-listed as Special Concern. This species and their habitats are protected in accordance with the MESA.

Based on the information provided and the information contained in our database, the Division finds that a portion of this project, as currently proposed, **must be conditioned in order to avoid a prohibited Take of state-listed species (321 CMR 10.18(2)(a))**. To avoid a prohibited Take of state-listed species, the following condition must be met:

- **Turtle Protection Measures:** Prior to the start of Work, the Applicant shall submit an Eastern Box Turtle Protection Plan to the Division for review and written approval. Said Turtle Protection plan shall detail procedures for protecting state-listed turtles during construction, and be prepared and implemented by a qualified biologist pre-approved by the Division. Please note that any searches for state-listed turtles associated with the Turtle Protection Plan must occur during the turtle active season (April 15 – October 15), unless otherwise approved by the Division. The Division is

MASSWILDLIFE

available for consultation on the development of the plan and for information regarding qualified biologists.

Provided the above-noted condition is fully implemented and there are no changes to the project plans, this project will not result in a Take of state-listed species. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Lauren Glorioso, Endangered Species Review Biologist, at lauren.glorioso@mass.gov.

Sincerely,

A handwritten signature in black ink, reading "Everose Schlüter". The signature is fluid and cursive, with the first name "Everose" and last name "Schlüter" clearly distinguishable.

Everose Schlüter, Ph.D.
Assistant Director

cc: Susan Ladue, Eastward Companies



Eastern Box Turtle Protection Plan
for Eastward Companies
0 Rt 39/Orleans Road Assessors May 63, Parcel C3 Harwich MA
NHESP File No. 21-40663

Project Description:

The proposed 5-lot open space subdivision project area is located to the southeast of Route 39 in Harwich, MA, west of Hidden Pond Circle and south of Little Lane. Hidden Pond and its associated BVW and buffer zones are located to the east of the proposed roadway layout and to the north of the proposed subdivision development. The proposed roadway and residential development is located outside of the 100' buffer zones to the pond and its associated bordering vegetated wetland. However, the entire project area is mapped as both Priority Habitat of Rare Species and Estimated Habitat of Rare Wildlife. Eastern box turtle has been identified as the species of concern in this area.

Each of the proposed construction areas (roadway layout and residential lot 1 and 5, and each of the individual residential lots 2-4) will be governed by individual plans. This plan is specific to the protection of eastern box turtles during the construction of the proposed roadway layout and residential lot 1 and 5 in spring through fall 2022.

Pre-construction turtle barrier fencing installation and site sweeps:

Prior to nesting season 2022 (May 15) a turtle barrier will be installed around the perimeter of the project, following the proposed Limit of Work line shown on the site plan prepared by Clark Engineering Plan Sheet 7 (Erosion Control Site Plan) dated April 8, 2022. This barrier will be installed using methods that will minimize the amount of disturbance, either by hand or with a 2-man trencher.

The turtle barrier/fencing will consist of synthetic fabric silt fencing supported by wooden posts located at 10' intervals. Silt fencing will be taut, with additional wooden posts added as necessary to maintain the integrity of the fencing. This fencing will be approximately 2 to 2.5 feet high (above ground), and will be trenched 6 inches into the ground to prevent turtles from accessing the construction area under the fencing. A "gate" area will remain untrenched to allow crew and equipment access into the area, but will be closed and secured when not being used by weighting the bottom of the silt fencing.

The approved turtle biologist will supervise the barrier installation and/or inspect the installation immediately upon completion of installation.

Once the turtle barrier installation is complete and approved the area will be "swept" over four consecutive days to locate and remove any turtles that may have been trapped within the limit of work. If any eastern box turtles are found they will be re-located by the approved biologist to safe a location within an appropriate area on the property that is outside of the limit of work. Once these site sweeps have occurred a report will be submitted to NHESP indicating the dates of the pre-work search, the individuals conducting the search, the number of hours searched, presence or absence of turtles, and information on any turtles found. At this point the contractor will be given permission to start work.



Construction Staff Education:

After the turtle barrier is installed, and prior to construction commencement, the approved turtle biologist will hold a meeting with the contractor to familiarize the contractor with the requirements of this protection plan. The meeting will include sufficient details to educate the contractor and personnel on the requirements for protection of the turtles, including laminated information sheets outlining the basic biology of the eastern box turtle, visual aids to identify eastern box turtles and proper procedures to follow if an eastern box turtle is encountered within the construction area. During the meeting, the turtle biologist will provide a brief educational session presenting the information in the information sheet, and when and where eastern box turtles are most likely to be encountered on site relative to time of year so that site personnel can actively identify an eastern box turtle if encountered during daily construction activity. Copies of the information sheet will be posted in conspicuous locations on-site and made available as reference for the contractor's personnel. The information sheets will remain where posted for the entirety of the proposed work and will be replaced as necessary.

On-site Monitoring and Reporting:

During construction, routine morning sweeps will be performed within the construction area by contractor staff educated in turtle identification and protection during the turtle's active period (Mid-March through October 30).

If turtles are encountered within the limit of work (turtle barrier) the turtle biologist approved to handle the turtles will be contacted immediately. The turtle will be removed by the approved biologist to a safe location outside of the limit of work on the property, and a report will be prepared and submitted to NHESP within 7 days of the occurrence.

Daily inspections of the barrier will be completed by construction staff to ensure that the silt fence is maintained in good condition. Bi-weekly inspections of the silt fence/turtle barrier will be conducted by the approved turtle biologist, and monthly monitoring reports including dated colored photographs of the silt fence and project area will be submitted to NHESP.

At the end of the active turtle season a report will be submitted to NHESP certifying compliance with the terms and conditions of this protection plan.

If the barrier remains in place over the winter (November 1 – early March) the approved biologist will conduct an early season inspection of the barrier and will certify that any repairs or alterations necessary are completed prior to the eastern box turtle's active season.

Post- Construction/Removal of Barriers

Following the completion of construction activities and site stabilization the silt fencing will be removed to allow for free movement of all wildlife, including eastern box turtle, across the site.



BlueFlax
fine landscape design with nature in mind

P.O. Box 391
Harwich Port, MA 02646
774-408-7718
info@blueflaxdesign.com

Appendix L – Historic Properties Documentation

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS. 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Turtle Run

Location / Address: 0 Route 39/Orleans Road

City / Town: Harwich, MA

Project Proponent

Name: Eastward Homes Business Trust

Address: 155 Crowell Road

City/Town/Zip/Telephone: Chatham, MA 02633 508-945-2300

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name

EPA

MESA/NHESP

Type of License or funding (specify)

Stormwater Permit

Determination Letter

Project Description (narrative):

This project involves the development of the subject lot into 5 building lots and a subdivision road serving the 5 lots. All proposed work will be done outside of the 100' setback to the pond/wetland edge. 5 new homes (and associated site work) will be built on the 5 building lots. The subject property totals 8.64 acres. The building lots and road will total 3.09 acres and the proposed protected open space will total approximately 5.55 acres.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition. No

Does the project include rehabilitation of any existing buildings? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation. No

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

The project includes the installation of a subdivision road and construction of 5 new homes with driveways and associated site work on each building lot.

Proposed subdivision plan attached.

950 CMR: OFFICE OF THE SECRETARY OF THE COMMONWEALTH

APPENDIX A (continued)

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify. **No**

What is the total acreage of the project area?

Woodland	7.086	acres
Wetland	1.555	acres
Floodplain	0	acres
Open space	5.555	acres
Developed	3.09	acres

Productive Resources:		
Agriculture	0	acres
Forestry	0	acres
Mining/Extraction	0	acres
Total Project Acreage	0	acres

What is the acreage of the proposed new construction? 3.09 acres
road and building lots

What is the present land use of the project area?

Vacant, wooded land.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

See attached USGS map.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form: *Susan B. Ladue* Date: 2/18/22

Name: Susan B. Ladue, Regulatory Specialist, Eastward Companies

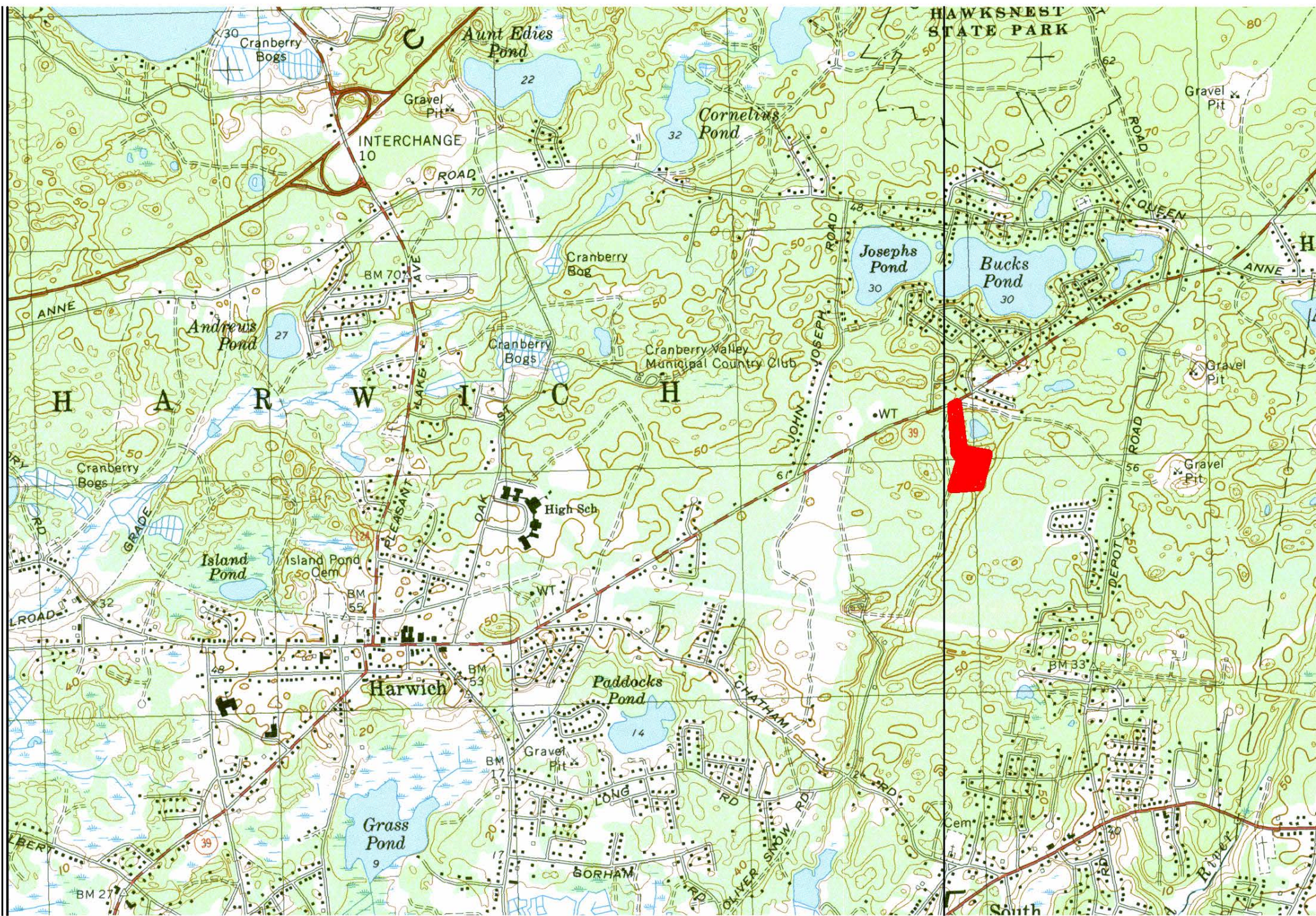
Address: 155 Crowell Road

City/Town/Zip: Chatham, MA 02633

Telephone: 508-326-3684 sladue@eastwardco.com

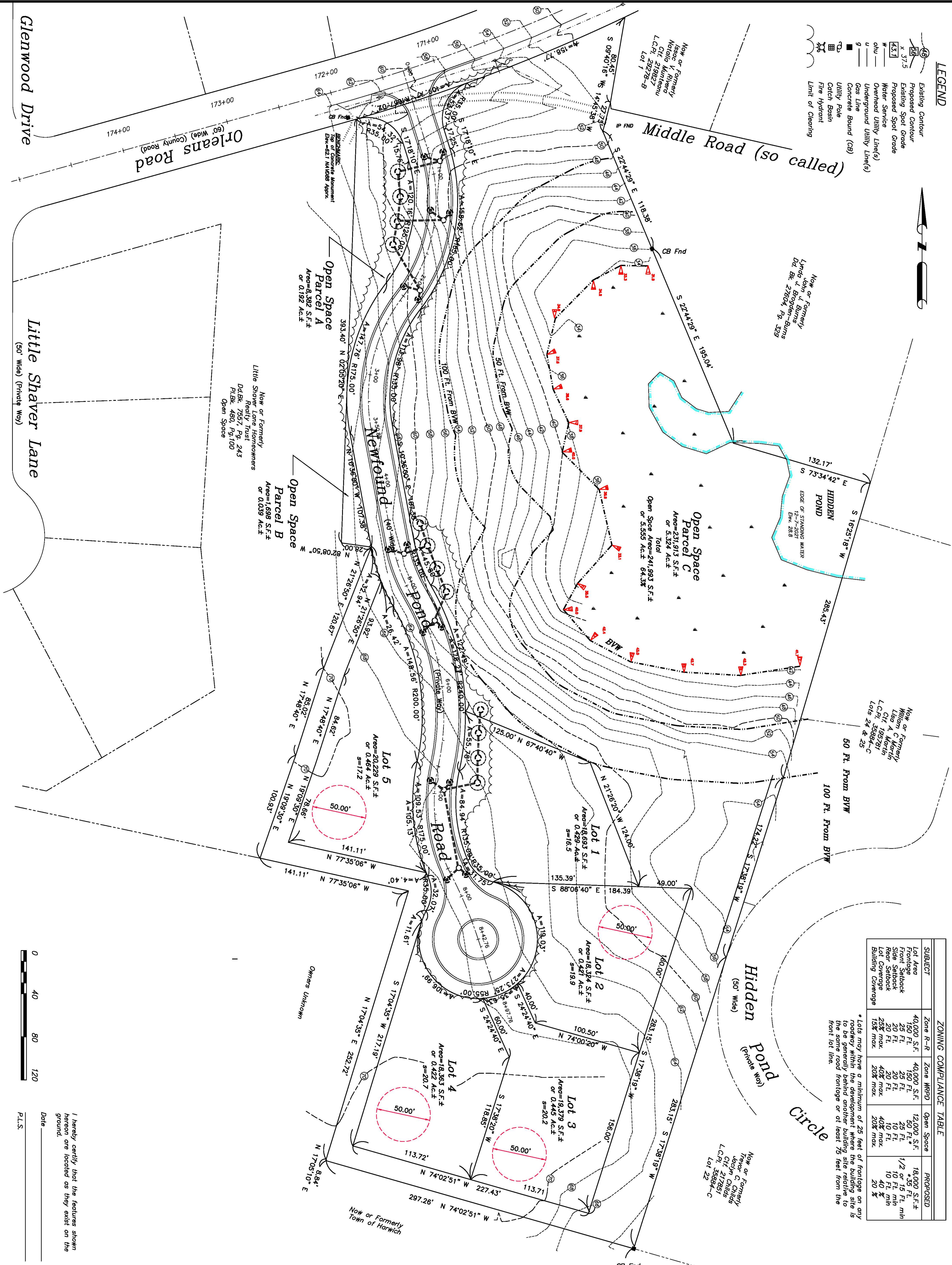
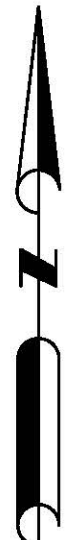
REGULATORY AUTHORITY

950 CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St. 1988, c. 254.



LEGEND

- Existing Contour
- Proposed Contour
- Existing Spot Grade
- Proposed Spot Grade
- Water Service
- Overhead Utility Line(s)
- Underground Utility Line(s)
- Gas Line
- Concrete Bound (CB)
- Utility Pole
- Catch Basin
- Fire Hydrant
- Limit of Clearing



ZONING COMPLIANCE TABLE				
SUBJECT	Zone R-R	Zone WRPD	Open Space	PROPOSED
Lot Area	40,000 S.F.	40,000 S.F.	12,000 S.F.	18,000 S.F.±
Frontage	150 Ft.	150 Ft.	25 Ft.	45.55 Ft. min
Front setback	25 Ft.	25 Ft.	20 Ft.	10 Ft. min
Side setback	20 Ft.	20 Ft.	10 Ft.	10 Ft. min
Rear setback	20 Ft.	20 Ft.	10 Ft.	10 Ft. min
Lot Coverage	25% max.	40% max.	40% max.	40 %
Building Coverage	15% max.	20% max.	20% max.	20 %

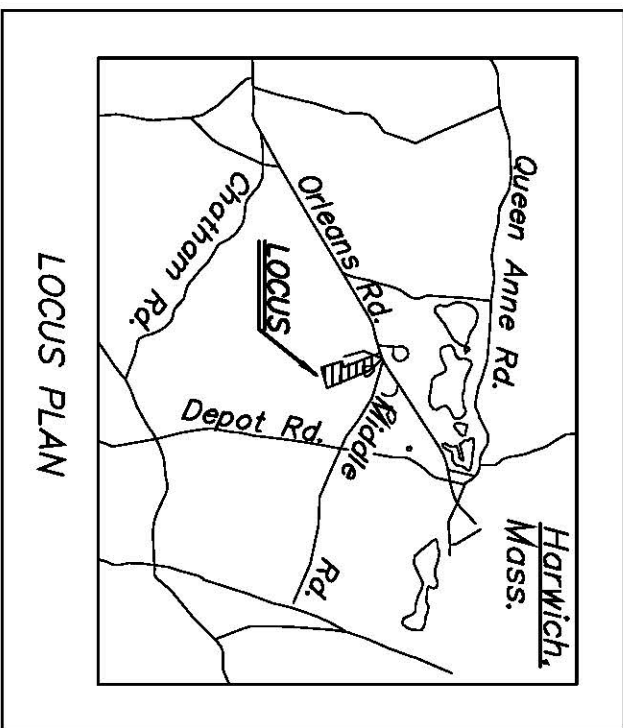
* Lots may have a minimum of 25 feet of frontage on any roadway within the development where the building site is the same road frontage or at least 75 feet from the front lot line.



I hereby certify that the features shown hereon are located as they exist on the ground.

Date _____

P.L.S.



Assessors' Maps 63 & C3

OWNER OF RECORD:

Robert D. Fratus, Jr.
P.O. Box 873
Brewster, MA 02631

Deed Book 31815, Page 234
Plan Book 604 Page 59

OWNER OF RECORD:

Eastward Homes Business Trust
155 Crowell Road
Chatham, MA 02633

Upland Area=308,684 S.F.±
or 7.086 Ac.± 82.0%

Wetland Area=67,741 S.F.±
or 1.555 Ac.± 18.0%

Total Area=376,425 S.F.±
or 8.642 Ac.±

OPEN SPACE
PRELIMINARY DIVISION PLAN
Orleans-Haverhill Rd.(Rte 39) East Haverhill, MA

Prepared For
**EASTWARD HOMES
BUSINESS TRUST**
Applicant

CLARK ENGINEERING LLC
156 Crowell Road Suite B, Chatham, MA. 02633
Tel.: (508) 945-5454; Fax.: (508) 945-5458

OUTERMOST LAND SURVEY, INC.

46 Main Street, Brewster, MA 02631
Tel.: (508) 255-0477

Rev. #	Description of Revision	Date
1	Added wetland flags w/ elevations and Edge of Standing Water	01-14-22

Date: 10-20-2021 Drawing No.: 00100190C
Scale: 1" = 40' Sheet No.: 1 of 1

From: Susan Ladue <sladue@eastwardco.com>
Sent: Wednesday, February 23, 2022 11:29 AM
To: mhc@sec.state.ma.us
Cc: David Clark
Subject: 0 Route 39 - Harwich - MHC Project Filing
Attachments: 0 Route 39 - Harwich - MHC Project Notification Form.pdf; 0 Route 39 - Harwich - USGS Map.pdf; 0 Route 39 - Harwich - Preliminary Subdivision Plan.pdf

To Whom It May Concern:

As part of our EPA stormwater permit application filing for the new 5-lot residential subdivision that we'll be developing in Harwich, we have attached the follow items for pre-review by Massachusetts Historical Commission:

1. MHC Notification Form
2. USGS Map
3. Preliminary Subdivision Plan

Hard copies of these items will also be mailed to MHC. Please let me know if additional information or a filing fee is required.

Thanks very much!

Susan Ladue
Regulatory Specialist
Eastward Companies
155 Crowell Road
Chatham, MA 02633
508-326-3684
sladue@eastwardco.com

From: Susan Ladue <sladue@eastwardco.com>
Sent: Wednesday, February 23, 2022 11:33 AM
To: THPO@wampanoagtribe.net
Cc: David Clark
Subject: 0 Route 39 - Harwich - EPA/MHC Project Filings
Attachments: 0 Route 39 - Harwich - MHC Project Notification Form.pdf; 0 Route 39 - Harwich - USGS Map.pdf; 0 Route 39 - Harwich - Preliminary Subdivision Plan.pdf

Good Morning, Ms. Washington!

As part of our EPA stormwater permit application filing for the new 5-lot residential subdivision that we'll be developing in Harwich, we have sent the attached items for pre-review by Massachusetts Historical Commission and also request that your office review these items for comment:

1. MHC Notification Form
2. USGS Map
3. Preliminary Subdivision Plan

Hard copies of these items will also be mailed to your office. Please let me know if additional information or a filing fee is needed.

Thanks very much!

Susan Ladue
Regulatory Specialist
Eastward Companies
155 Crowell Road
Chatham, MA 02633
508-326-3684
sladue@eastwardco.com

Appendix M – Rainfall Gauge Recording

Use the table below to record the rainfall gauge readings at the beginning and end of each work day. An example table follows.

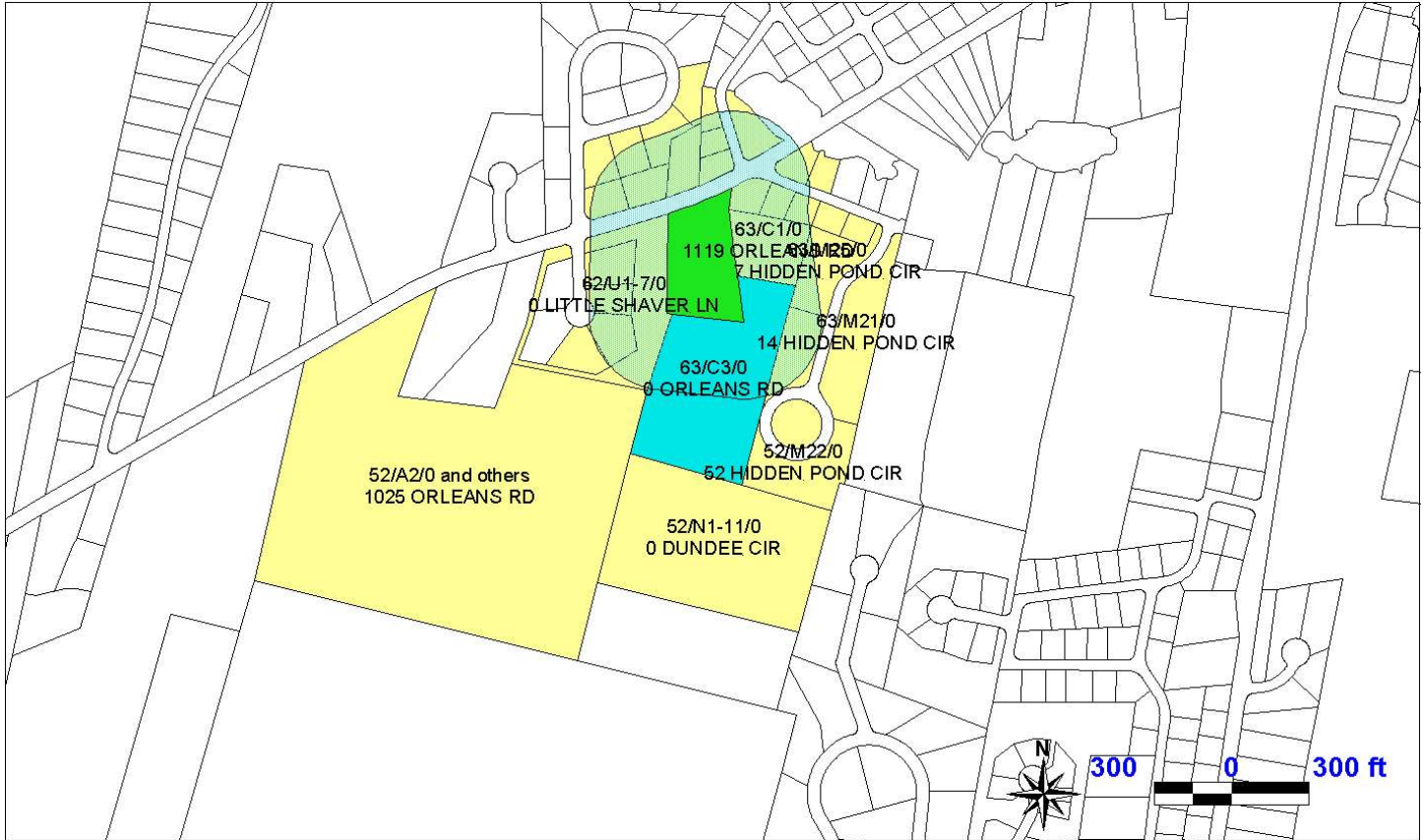
Month/Year			Month/Year			Month/Year		
Day	Start time	End time	Day	Start time	End time	Day	Start time	End time
1			1			1		
2			2			2		
3			3			3		
4			4			4		
5			5			5		
6			6			6		
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30			30			30		
31			31			31		

Appendix N – Turbidity Monitoring Sampling Documentation



TOWN OF HARWICH, MA
BOARD OF ASSESSORS
732 Main Street, Harwich, MA 02645

Abutters List Within 300 feet of Parcel



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
28902	52-A2-0-R	CLARK STEVEN T	1025 ORLEANS RD	106 MILL HILL RD	SOUTH CHATHAM	MA	02569
28903	52-A3-0-R	CLARK STEVEN T	1021 ORLEANS RD	106 MILL HILL RD	SOUTH CHATHAM	MA	02569
28904	52-A4-0-R	DARMAN GARY TR FREEMAN ELLIS FAMILY REALTY TR	0 ORLEANS RD	25 RECREATION PARK DRIVE #204	HINGHAM	MA	02043
20898	52-M22-0-R	CHILDS C TREVOR & CHILDS JACLYN	52 HIDDEN POND CIR	43 UNION PARK UNIT 1	BOSTON	MA	02118
4918	52-N1-11-0-E	HARWICH TOWN OF - SELECTMEN	0 DUNDEE CIR	732 MAIN ST	HARWICH	MA	02645
5512	62-U1-3-0-R	MEYER DOUGLAS C TRS ET AL MEYER CHRISTINE R TRS	12 LITTLE SHAVER LN	12 LITTLE SHAVER LN	HARWICH	MA	02645-2254
5513	62-U1-4-0-R	RADONIC MARIANA & RAYA JAVIER GARCIA	11 LITTLE SHAVER LN	11 LITTLE SHAVER LN	HARWICH	MA	02645
5514	62-U1-5-0-R	PFLEGER SHARON H TRS ET AL PFLEGER RONALD R TRS	7 LITTLE SHAVER LN	7 LITTLE SHAVER LN	HARWICH	MA	02645
5516	62-U1-6-0-R	KEANE DANIEL & KEANE SHARON	3 LITTLE SHAVER LN	3 LITTLE SHAVER LN	HARWICH	MA	02645
19067	62-U1-7-0-R	RAYA JAVIER GARCIA TR LITTLE SHAVER LANE HOMEOWNERS	0 LITTLE SHAVER LN	11 LITTLE SHAVER LN	HARWICH	MA	02645
5537	62-W2-9-0-R	DEVLIN JOSEPH E, JENNIFER J ABBOTT PETER C, BEVERLY J	48 GLENWOOD DR	48 GLENWOOD DR	HARWICH	MA	02645
5538	62-W2-10-0-R	GALLAGHER WILLIAM C & RIZZOTTO-GALLAGHER MELISSA	56 GLENWOOD DR	50 POINT ALLERTON AVE	HULL	MA	02045
5539	62-W2-11-0-R	THIBEAULT STEVEN E THIBEAULT CARLA	1112 ORLEANS RD	1112 ORLEANS RD	HARWICH	MA	02645
5540	62-W2-12-0-R	CARETTI ANN M	3 GLENWOOD DR	3 GLENWOOD DR	HARWICH	MA	02645
5541	62-W2-13-0-R	BOYER DAVID L & BOYER FRANCES M	9 GLENWOOD DR	9 GLENWOOD DR	E HARWICH	MA	02645

Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
5542	62-W2-14-0-R	THYNG NANCY A TR NANCY A THYNG LIVING TRUST	60 GLENWOOD DR	5 HAPPY WAY	HARWICH	MA	02645
5452	63-A42-0-R	OCONNELL WILLIAM C JR & OCONNELL DENISE A	6 HAPPY WAY	126 RICHMOND AVE	WORCESTER	MA	01602
5459	63-A43-0-R	STROILI KENNETH J	2 HAPPY WAY	185 HAMILTON AVE	GREENWICH	CT	06830
5460	63-A44-0-R	NUNES PAMELA J ET AL NUNES MARY ELLEN	1120 ORLEANS RD	1120 ORLEANS RD	HARWICH	MA	02645
5463	63-A45-0-R	THYNG DAVID E TR ET AL THYNG NANCY A TR ET AL	5 HAPPY WAY	5 HAPPY WAY	HARWICH	MA	02645
5642	63-C1-0-R	BURNS JOHN J & BROGDEN-BURNS LYNDA J	1119 ORLEANS RD	9 LITTLE LN	E HARWICH	MA	02645
25218	63-C3-0-R	EASTWARD MBT LLC	0 ORLEANS RD	155 CROWELL RD	CHATHAM	MA	02633
20897	63-M21-0-R	MARTIN WILLIAM C & MARTIN LISA A	14 HIDDEN POND CIR	14 HIDDEN POND CIR	HARWICH	MA	02645
20900	63-M23-0-R	CHILDS C TREVOR & CHILDS JACYLN	0 HIDDEN POND CIR	43 UNION PARK UNIT #1	BOSTON	MA	02118
20899	63-M24-0-R	MARTIN WILLIAM C & MARTIN LISA A	23 HIDDEN POND CIR	14 HIDDEN POND CIR	HARWICH	MA	02645
20901	63-M25-0-R	MARTIN WILLIAM C & MARTIN LISA A	7 HIDDEN POND CIR	48 PARTRIDGE LN	HARWICH	MA	02645
5719	63-P1-2-0-R	HILL PETER S & HILL RITA M	15 LITTLE LN	15 LITTLE LN	HARWICH	MA	02645
5732	63-P2-3-0-R	BURNS JOHN J & BROGDEN-BURNS LYNDA J	9 LITTLE LN	9 LITTLE LN	HARWICH	MA	02645
5734	63-P2-4-0-R	MULLANE MICHAEL	13 LITTLE LN	13 LITTLE LN	HARWICH	MA	02645
5736	63-P2-5-0-R	DIAMOND PAUL R TR DIAMOND FAMILY REVOCABLE TRUST	6 LITTLE LN	5 VAN ORDEN AVE	SUFFERN	NY	10901
9554	63-P2-6-0-R	PERRY DAVID J	10 LITTLE LN	1 BRATTLE DR APT #5	ARLINGTON	MA	02474
5751	63-P2-8-0-R	RIVERA ISSAC V ET AL MUNTEANU NATALIA	1 LITTLE LN	321 OAKLAND RD	HYANNIS	MA	02601
5753	63-P2-9-0-R	BURNS JOHN J & BROGDEN-BURNS LYNDA J	5 LITTLE LN	9 LITTLE LN	HARWICH	MA	02645
5766	63-W3-0-R	MORRISSEY JOHN A	1114 ORLEANS RD	1114 ORLEANS RD	HARWICH	MA	02645