

ALDOT NPDES Permitting Instructions for Construction

The Clean Water Act and Federal regulations require construction site operators to obtain NPDES permit coverage for regulated land disturbances and associated discharges of stormwater runoff to State Waters.

Effective April 1, 2011, ADEM established General NPDES Permit No. ALR100000 for discharges associated with regulated construction activity that will result in land disturbance equal to or greater than one acre or from construction activities involving less than one acre and which are part of a common plan of development or sale equal to or greater than one acre.

All ALDOT projects must have a Notice of Intent (NOI) submitted in accordance with the permit requirements. Previously permitted projects covered under a Notice of Registration (NOR) will also be required to register under a NOI before the time of expiration.

All ALDOT projects covered under the permit must implement and maintain effective erosion and sediment controls in accordance with a Construction Best Management Practices Plan (CBMPP) prepared and certified by a Qualified Credentialed Professional (QCP). For priority construction sites, which include any site that discharges to (1) a waterbody which is listed on the most recently EPA approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, (2) any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation, or sedimentation, (3) any waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code r. 335-6-10-.09, and (4) any waterbody assigned a special designation in accordance with ADEM Admin. Code r. 335-6-10-.10, the CBMPP must be submitted to ADEM for review along with the NOI.

A QCP or Qualified Credentialed Inspector (QCI) conducts regular inspections of regulated construction activities to ensure effective erosion and sediment controls are being maintained. In certain circumstances, the QCI or QCP must also monitor construction site discharges for turbidity.

Please refer to the guidance supplied in the following pages when obtaining and renewing all ALDOT stormwater permits.

ALDOT NPDES Permitting Process for Construction Discharge

All ALDOT construction projects that require NPDES permit coverage shall refer to the instructions below for guidance on how to obtain and maintain permit coverage. A copy of all correspondence sent from ADEM to the Division pertaining to the permitting of a construction project should be forwarded to the Design Bureau Stormwater Section.

INITIATION OF PERMIT COVERAGE:

All ALDOT permit requests shall be submitted through the Design Bureau Stormwater Section to ADEM twelve (12) weeks prior to the proposed letting date.

All permit submittals shall include a CPMS generated **Project Data Form, NOI, technically adequate CBMPP, and a USGS Topographical Map** showing all discharge and monitoring points. Once all information has been compiled, a preliminary copy of the Project Data Form, CBMPP, and USGS Topographical Map should be submitted for review before obtaining signatures on the NOI.

After ensuring a complete and accurate permit submittal, the Design Bureau's Stormwater section will request that an invoice be run and submit the stormwater permit application to ADEM.

The CBMPP binder is physically passed from the Designer to the Division Stormwater Coordinator, then to project staff prior to the preconstruction meeting.

Project Data Form:

ALDOT has developed a Stormwater Management System that is incorporated into the CPMS system used to manage all ALDOT projects. Project information should be entered into the system through CPMS or the ALDOT Stormwater Permit Website, <https://cpmsweb.dot.state.al.us/stormwater3/apploder.aspx>. User guides for entering information into the system can be found under ALDOT's Design Bureau Stormwater Guidance website, <http://www.dot.state.al.us/dsweb/Stormwater/ALDOTStormwaterGuidance.htm>. First time web services users should contact Design Stormwater Section to setup a username and password. Once all pertinent information has been entered into the system a Project Data Form can be printed from the "Project Data Form" tab in CPMS or the "Project Information" tab from the website.

Notice of Intent (NOI):

A NOI can only be created by ALDOT personnel once all pertinent information has been entered into the system. Once all information has been entered and approved by ALDOT Design Bureau's Stormwater Section, the NOI should be printed by the Division Stormwater Coordinator and signed by the appropriate individuals. Signatures for the NOI's QCP Certification should mirror the Design Component QCP for the CBMPP before letting (Initial Registrations) and the Operational Component QCP after letting (Renewal Registrations). For Modifications, the NOI's QCP signature may include either the

Design Component QCP or the Operational Component QCP. The respective Division Engineer should sign as the NOI's Operator – Responsible Official (RO).

Construction Best Management Practices Plan (CBMPP):

All stormwater permit submittals require a CBMPP to remain on file with the Design Bureau's Stormwater Section. If the project is a priority project as defined later under the Priority Construction Sites Section, the CBMPP will be sent to ADEM as part of the permit application. A CBMPP template specifically developed for ALDOT projects can be downloaded from the Design Bureau's Stormwater website, <http://www.dot.state.al.us/dsweb/Stormwater/cbmpp.htm>. An electronic copy of the CBMPP should be submitted for the initial registration. Upon renewal the CBMPP should be updated to include the Operational Component if work has begun. If the project is defined as a priority construction site, then the CBMPP will need to be submitted to ADEM and the following guidance will apply:

- "Site Specific BMPs" should be shown for all the outfalls in a schematic and explained in a narrative. If there are Erosion & Sediment Control Plan Sheets, then a narrative explaining the site specific BMPs should be added to Section III in the CBMPP.
- Discharges into waters listed with an EPA Approved TMDL for a construction related pollutant of concern (POC), i.e., siltation, sediment, or turbidity will require the use of "site specific BMPs" to meet the specific percent load reductions for the POC. A list of all TMDLs and their percent load reduction(s) can be found on the ADEM website, <http://adem.alabama.gov/programs/water/approvedTMDLs.htm>. A list of the percent load reduction achieved by common BMPs and guidance on BMP treatment train design can be found in the ADEM BMP Evaluation Guidance found on the Design Bureau's Stormwater Guidance website, <http://www.dot.state.al.us/dsweb/Stormwater/ALDOTStormwaterGuidance.htm>. Documentation will be required if other resources are used to provide the percent load reductions for the site specific BMPs. The "*Project Specific Best Management Practices*" should be included in Section III of the CBMPP. If applicable, include a narrative describing the BMP treatment train approach. If there are no erosion and sediment control sheets, include schematics to show where the BMPs will be placed at each discharge point and a narrative describing the BMPs to be implemented during the different phases or stages.
- Verify that the project specific BMPs will be implemented and maintained in accordance with the Alabama Handbook. ALDOT has included a statement in the Design Component QCP Certification for the CBMPP that "the CBMPP and any BMPs shall meet or exceed the technical standards and guidelines of The Alabama Handbook (for those BMPs listed in the handbook) and current industry standards (for those BMPs that are not listed in the handbook)." This statement may also be included as part of the site specific BMP narrative.
- If a project will be disturbing soils in areas indicated by either the 303(d) list or the Final TMDL list of having a source of contaminated sediments listed as Priority organics (PCBs), Metals (Mercury), Pesticides (DDT), and other contaminated sediments, then additional measures, which may include sampling for the POCs and Site Specific BMPs may be required by ADEM.

Topographic Map:

For the initial registration, include (2) colored USGS TOPO / Quad maps showing the discharge/monitoring points named in accordance with Section 2.5 of the Construction Bureau's Manual. The representative monitoring/sampling points, which will be relative to the discharge points, will be determined later by the Division Stormwater Coordinator. The USGS TOPO/Quad maps should include the project boundaries and the begin and end of the project. In areas where there is a new alignment, the horizontal alignment file should also be shown on the map.

RENEWAL OF PERMIT COVERAGE:

Once a project has been let for construction, the Division Stormwater Coordinator is responsible for monitoring permit coverage expiration dates so that proper coverage is maintained throughout the life of the project. All submittals should be submitted through the Design Bureau's Stormwater Section to ensure consistency.

Projects permitted under a Notice of Intent (NOI) will be covered until the expiration date, March 31, 2016. At this time, no guidance is given for renewing NOI permits.

Projects permitted under a Notice of Registration (NOR) cannot be renewed under the existing NOR. In order to continue coverage, the following items should be submitted to the Design Bureau Stormwater Section 60 days prior to the expiration of the NOR by either the Division Stormwater Coordinator or the design lead. Preliminary copies, without signatures, will be accepted for review for accuracy and completeness.

- Inspection Report and BMP Certification (Form 500) for all renewals of the NOR¹
- New NOI form printed from CPMS¹
- Updated USGS topographical map showing all discharge and monitoring points
- Updated electronic copy of the Operational Component for the CBMPP^{1,2}
- An updated Design Component using the newest ALDOT CBMPP template available on the website will need to be submitted for all Priority Construction Projects.

¹The Division Stormwater Coordinator should sign the Form 500 and the NOI as the QCP and the Division Engineer should sign as the RO.

²Section III of the CBMPP should only be updated when submitting a renewal for Priority Construction Projects.

Projects that are currently under construction that do not require monitoring as described under the priority projects guidance shall be exempted from the discharge point naming criteria described in Section 2.5 of the Construction Manual.

After ensuring a complete and accurate permit renewal submittal, the Design Bureau's Stormwater section will request that an invoice be run and submit the stormwater permit application to ADEM.

MODIFICATION OF PERMIT COVERAGE:

Modifications to the permit are sometimes required if the scope or practices on site change from what was described in the initial permit. The Division Stormwater Coordinator is responsible for verifying the accuracy of the NOI and CBMPP as depicting project conditions. The Division SWC should notify the Design Bureau's Stormwater section and provide a copy of the appropriate forms and /or maps where modifications were made.

After ensuring a complete and accurate permit modification submittal, the Design Bureau's Stormwater section will request that an invoice be run and submit the stormwater permit application to ADEM.

TERMINATION OF PERMIT COVERAGE:

Upon completion of a project the Division Stormwater Coordinator should ensure that permit coverage is terminated in accordance with established guidelines. Permit coverage termination requests should be submitted by the Division Stormwater Coordinator to the ALDOT Design Bureau's Stormwater Permit Engineer. The Design Bureau's Stormwater Section will submit the termination application for the stormwater permit to ADEM and handle all correspondence to ensure consistency between projects. If correspondence with ADEM concerning a stormwater permit is necessary by ALDOT personnel or consultants outside of the Design Bureau's Stormwater Section, please ensure the Stormwater Permit Engineer is forwarded or copied.

All termination submittals for NORs should include an Inspection Report and BMP Certification Form 500, photographs showing final stabilization and the Termination Request Form 499. All termination submittals for NOIs should include a Termination Request form for the General Permit Number 100000. These forms can be found on Design Bureau's Stormwater Guidance website, <http://www.dot.state.al.us/dsweb/Stormwater/ALDOTStormwaterGuidance.htm>. The Division Stormwater Coordinator should sign both Form 499 and Form 500 as the QCP and the Division Engineer should sign as the RO.

After ensuring a complete and accurate permit termination submittal, the Design Bureau's Stormwater section will request that an invoice be run and submit the stormwater permit application to ADEM.

PRIORITY CONSTRUCTION SITES:

Any construction project that discharges to or crosses a waterbody considered as any of the following classifications or within ADEM's associated buffer zone for said waterbody shall be considered a priority construction project.

- Any waterbody listed on the most recently EPA approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation
- Any waterbody for which a Total Maximum Daily Load (TMDL) has been finalized or approved by EPA for turbidity, siltation, or sedimentation
- Any waterbody assigned the Outstanding Alabama Water (OAW) use classification in accordance with ADEM Admin. Code r. 335-6-10-.09

- Any waterbody assigned a special designation (such as the Outstanding National Resource Water (ONRW) or Treasured Alabama Lake (TAL) designation) in accordance with ADEM Admin. Code r. 335-6-10-.10
- Any discharge point that lies within one-half of a mile upstream or one-quarter of a mile downstream of a public drinking water intake.

Several tools intended to aid in the determination priority projects can be found on ALDOT Design Bureau's Maps of Priority Waters website, <http://www.dot.state.al.us/dsweb/Stormwater/MapsOfPriorityWaters.htm>.

ADEM may determine that additional areas should be included as Priority Construction Sites in watersheds of Priority Construction Site water bodies where no buffer zone exists. ADEM will determine if these are Priority Construction Sites on a case-by-case basis.

MAINTENANCE OF PERMIT COVERAGE:

Maintenance of the permit coverage falls on many individuals throughout the project life. The following key duties are designated below to ensure the permit is maintained fully and duties are not overlooked.

- The Design Bureau is responsible for providing project designs and details that promote general compliance with permit requirements during preconstruction.
- The Construction Bureau is responsible for the creation and communication of policies and procedures that promote general compliance with permit coverage requirements during construction.
- Division Construction offices are responsible for ensuring that requirements of the permit coverage are adhered to. These requirements include construction practices as well as inspection and reporting duties.
- Project's office staff and contractors are responsible for specific compliance with ALDOT contract documents to include internal guidance and policy documents, which should reflect and promote compliance with permit coverage requirements.
- The Operational Component of the CBMPP is maintained by project staff with assistance from the Division Stormwater Coordinator. The Division Stormwater Coordinator should keep a copy of the CBMPP and all records associated with the permit for (3) years after the completion of the project.