



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT INDIVIDUAL PERMIT

PERMITTEE: Alabama Department of Transportation (ALDOT)

DISCHARGE AUTHORIZED: Storm Water Discharges from Alabama Department of Transportation's Municipal Separate Storm Sewer System (MS4s)

AREA OF COVERAGE: The Areas of the State within MS4 Phase I and Phase II Areas

PERMIT NUMBER: ALS000006

RECEIVING WATERS: The Waters of the State within MS4 Phase I and Phase II Areas

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE: SEPTEMBER 30, 2019

EFFECTIVE DATE: OCTOBER 1, 2019

EXPIRATION DATE: SEPTEMBER 30, 2024

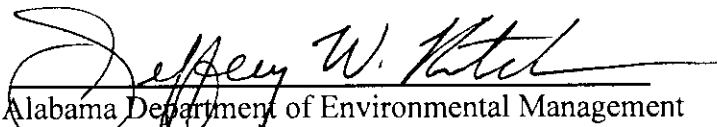

Alabama Department of Environmental Management

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PART I Applicability

A. *Permit Area*

This Permit applies to the municipal separate storm sewer system (MS4) which is owned, operated and/or maintained by the Alabama Department of Transportation (ALDOT) that is located within the areas of the State covered by a MS4 Phase I or MS4 Phase II NPDES Permit.

B. *Authorized Discharges*

1. This permit authorizes the discharge of storm water runoff to waters of the State of Alabama from those portions of the MS4 owned and operated by the Permittee. Discharge of pollutants shall achieve the maximum extent practicable (MEP) standards from Section §402(p)(3)(B) of the Clean Water Act, shall not cause, nor contribute to, violations of Alabama Water Quality Standards, and shall be in compliance with Total Maximum Daily Loads (TMDLs) where applicable.
2. This permit authorizes the non-storm water discharges found within 40 CFR 122.26 (d)(2)(iv)(B)(1) provided that they do not cause or contribute to a violation of water quality standards and provided that they have been determined not to be substantial contributor pollutants by the Permittee or the Department.

C. *Prohibited Discharges*

The following discharges are not authorized by this permit:

1. Discharges that are mixed with sources of non-storm water, unless such non-storm water discharges are in compliance with a separate NPDES permit or where those dischargers have been determined not to represent significant sources of pollution, as identified by, and in compliance with, Part I.B.2.;
2. Discharges that would cause or contribute to instream exceedances or water quality standards;
3. Discharges of any pollutant into any water for which a total maximum daily load (TMDL) has been approved or developed by EPA unless the discharge is consistent with the TMDL;
4. Discharges of materials resulting from a spill, except emergency discharges required to prevent imminent threat to human health or to prevent severe property damage, provided reasonable and prudent measures have been taken to minimize the impact of the discharges; and
5. Discharges of sanitary wastewater through cross connections or other illicit discharges.

PART II Storm Water Management Program (SWMP)

A. *Storm Water Management Program Plan (SWMPP)*

1. The Permittee is required to develop, implement, maintain, and enforce a storm water management program (SWMP) which shall include controls necessary to reduce the discharge of pollutants from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26. The SWMP must include best management practices (BMPs), control techniques and systems, design and engineering methods, public participation and education,

and other appropriate provisions designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable.

2. The Permittee must revise the storm water management program plan (SWMP) to describe in detail the measures for implementation and maintenance of the SWMP. The SWMP must address the storm water program elements reference in Part II.B. to include the following, at a minimum:
 - a. Maps of ALDOT property within the Phase I or Phase II MS4 Areas;
 - b. The BMPs that will be implemented for each control measure Low impact development (LID)/Green infrastructure (GI) shall be considered where feasible;
 - c. The measureable goals for each of the program elements outlined in Part II.B.;
 - d. The proposed schedule—including interim milestones, as appropriate, and the frequency of actions needed to fully implement each program element; and
 - e. The person and/or persons responsible for implementing or coordinating the BMPs for each separate program element.
3. Once the SWMP is acknowledged by ADEM, activities and associated schedules outlined by the SWMP or updates to the SWMP are conditions of this permit.
4. Unless otherwise specified in this permit, the Permittee shall be in compliance with the conditions of this permit by the effective date.

B. Storm Water Program Elements and Requirements

1. Structural Controls

- a. For Permittee owned/maintained and responsible for structural controls used to convey storm water runoff, then the structural control shall be operated in a manner to reduce the discharge of pollutants, to the maximum extent practicable;
- b. For Permittee owned/maintained structural controls, the Permittee shall include in the SWMP and implement the following:
 1. Maintain a map of the structural controls;
 2. Inspect existing and newly constructed structural controls once every two years;
 3. Develop/Maintain/Revise the standard operating procedure (SOP) or inspection checklist for structural control inspection and maintenance procedures;
 4. Stabilize and re-vegetate eroded areas as needed;
 5. Remove floatables, litter, sediment and debris, in structural controls, as needed.
- c. The Permittee shall maintain an inventory of structural controls and maintain a tracking system for inspections and maintenance of the control structures; and
- d. The Permittee shall report each year in the annual report the following information:
 1. A description of the measurable goals of the program and progress towards these goals; and
 2. The maintenance activities on structural controls, to include in detail what maintenance was performed and the frequency

2. Public Education and Public Involvement on Storm Water Impacts

- a. The Permittee must implement a public education and outreach program to inform the public about the impacts from storm water discharges on water bodies and the steps

that the public can take to reduce pollutants in storm water runoff. The Permittee shall continuously implement this program in the areas served by the MS4.

- b. The Permittee shall include within the SWMPP the following information:
 - 1. Plans to seek and consider public input in the revision and implementation of the SWMPP;
 - 2. Identify targeted pollutant sources the Permittee's public education program is intended to address;
 - 3. Inform and involve the public about the steps that can be taken to reduce storm water pollution to ALDOT property to include specifically, the reduction of litter, floatables and debris from entering ALDOT's MS4;
 - 4. Inform and involve the public on ways to become involved in ALDOT's stormwater program. The target audiences and subject areas for the education program that are likely to have significant storm water impacts should include, but is not limited to, the following:

- a. For General Public:

- i. Potential impacts of pollution on streams and lakes adjacent to ALDOT property;
- ii. Materials educating motorists about possible environmental impacts due to vehicle maintenance, illegal and/or improper disposal of wastes, and other transportation-related activities;
- iii. A mechanism to encourage and promote citizen reporting of illegal spillage, dumping, or other disposal of materials onto ALDOT property; and
- iv. Source control BMPs and environmental stewardship actions and opportunities in the areas of litter control/pick-up.

- b. For ALDOT Contractors:

A program to provide construction storm water related educational materials that promote environmental and regulatory awareness; resources; and training opportunities to engineers, contractors, utility companies, developers, and property owners prior to the commencement of construction activities on ALDOT property.

- c. For ALDOT Employees:

A training program for employees on how storm water may impact the design of highways (i.e., those that design drainage systems), maintenance of highways and right-of-ways, preparation of contracts, selection of contractors, and review of contractor work, and employees working at ALDOT garages, regional maintenance facilities, or other appropriate locations.

- c. The Permittee shall report each year in the annual report the following information:
 - 1. A description of the progress towards the measurable goals outlined in the SWMPP;
 - 2. A description of the activities used to involve groups and/or individuals in the development of the SWMPP;
 - 3. A description of the individuals and groups targeted for each program element and how many groups and/or individuals participated; and
 - 4. A description of the communication mediums used and the number of materials that were distributed, training sessions conducted, or outreach events held.

- d. The current SWMPP and latest annual report shall be posted on the Permittee's website.

3. Illicit Discharge Detection and Elimination (IDDE)

- a. The Permittee must implement and enforce a program to detect and address illicit discharges and illegal dumping to the MS4. The program shall include, at a minimum, the following:
 1. The initial and annual update of an MS4 map. An initial map shall be provided in the SWMPP with updates provided each year in the annual report. The map shall include, at a minimum:
 - a. The latitude/longitude of all known major outfalls;
 - b. The names of all waters of the State within the MS4 area that receive discharges from these major outfalls; and
 2. To the extent allowed by State law, policies and procedures to prohibit the discharge of non-storm water to the MS4 as outlined in the SWMPP;
 3. Training of appropriate ALDOT personnel in the identification and reporting procedures of illicit discharges shall be conducted at a minimum of once per calendar year;
 4. A dry weather screening program designed to detect and address non-storm water discharges to the MS4. This program must address, at a minimum, dry weather screening of all major outfalls at least once per five years. Priority areas will be dry weather screened on a frequency outlined in the SWMPP. If any flow, from an unidentified source, is observed during the dry weather screening of a major outfall, then the Permittee shall follow the sampling protocol outlined in the Permittee's SWMPP.
 5. Procedures for tracing the source of a suspect illicit discharge as outlined in the SWMPP;
 6. Design and implementation of an indicator monitoring strategy to evaluate suspect illicit discharges as outlined in the SWMPP;
 7. Procedures to notify ADEM of a suspect illicit discharge entering the Permittee's MS4 from an adjacent MS4 as outlined in the SWMPP; and
 8. A mechanism for the public to report illicit discharges discovered within ALDOT's MS4 boundaries as outlined in the SWMPP.
- b. The Permittee shall report each year in the annual report the following information:
 1. A description of the progress towards these measurable goals outlined in the SWMPP;
 2. A list of outfalls observed during the dry weather screening of the current year;
 3. Description of the program for training ALDOT personnel regarding the identification and the reporting of illicit discharges;
 4. Updated MS4 map(s); and
 5. The number of illicit discharges reported or discovered and summary of actions taken to include dates and timeframe of response.

4. Construction Site Storm Water Runoff Control

- a. The Permittee shall further develop/revise, implement and enforce an ongoing program to reduce, to the MEP, the pollutants in any storm water runoff to the MS4 from ALDOT construction sites. The program must provide for effective erosion and sediment controls during all phases of construction activities on all disturbed areas of ALDOT construction sites, as defined in Part V.Z., to minimize the discharge of

sediment and other pollutants to the MS4. The program shall include the following, at a minimum:

1. Procedures to require all ALDOT construction sites to obtain coverage under ADEM NPDES General Permit ALR100000 or other applicable NPDES permits;
2. Contract specifications and permits that require, with consequences for non-compliance as described in the SWMPP, erosion and sediment controls on ALDOT construction sites;
3. Internal policies to ensure proper permit coverage of ALDOT-contracted construction-related activities associated with ALDOT properties;
4. A mechanism for the public to report concerns regarding pollution discharges from ALDOT construction sites;
5. Inspection of sites to verify use and proper maintenance of appropriate BMPs. Inspections of construction sites shall be performed in accordance with the frequency specified in the table below:

Site	Inspection Frequency
Priority Construction Sites (Defined in Part V.Z.)	At a minimum, inspections must occur monthly
Other sites determined by the Permittee or Permitting Authority to be a significant threat to water quality*	
All construction sites not meeting the criteria specified above.	At a minimum, inspections must occur every two months
<p>*In evaluating the threat to water quality, the following factors shall be considered: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-storm water discharges; past record of non-compliance by the operators of the construction site; and other factors deemed relevant to the MS4.</p>	

6. Training for the ALDOT site inspection staff in the identification of appropriate construction best management practices (Example: QCI training in accordance with ADEM Admin Code. r. 335-6-12 or the ADEM NPDES General Permit ALR10000)
7. Referral of unresolved, unauthorized construction activity within ALDOT property to ADEM within, at a minimum, thirty (30) days of discovery. In making such referrals, the Permittee must include, at a minimum, the following:
 - a. Construction project location, ;
 - b. Name of owner/operator; if known;
 - c. Estimated construction project size;
 - d. Records of communication with the owner and/or operator regarding the violation, including inspections, warning letters or notice of violations, and any response from the owner/operator, if available.
8. Ensure that site plan reviews and erosion and sediment controls selected meet or exceed the technical standards of the version of the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook") in effect at the time of project letting and are appropriate for site conditions. The plan review process shall also consider potential water quality impacts;

- b. The Permittee shall include within the SWMPP the following information:
 - 1. Policies or procedures to require proper NPDES permitting of ALDOT construction sites required by Part II.B.4.a.1;
 - 2. A description of the contract specifications and permits required by Part II.B.4.a.2;
 - 3. A site inspection plan meeting the requirements of Part II.B.4.a.5;
 - 4. Plans for the training of ALDOT site inspection staff as required by Part II.B.4.a.6; and
 - 5. Referral procedures required by Part II.B.4.a.7.
- c. The Permittee shall report each year in the annual report the following information:
 - 1. A description of the progress towards the measurable goals outlined in the SWMPP; and
 - 2. List of all ALDOT Construction Sites within the MS4 boundaries.
- d. The Permittee shall maintain the following information and make it available upon request:
 - 1. Submitted public concerns regarding ALDOT construction sites, including the measures taken to address the concern; and
 - 2. Educational and Training Records for ALDOT personnel.

5. Post-Construction Storm Water Management for New Development and Re-Development

- a. The Permittee must develop/revise, implement, and enforce a program to address storm water runoff from the MS4 from new development and/or re-development of ALDOT support facilities and transportation facilities that disturb one acre or greater. The program must require that controls are in place that will prevent or minimize, to the MEP, water quality impacts after construction is completed. The program shall, at a minimum, contain the following elements:
 - 1. To the MEP, the Permittee must implement systems of appropriate structural and/or non-structural BMPs designed to reduce the discharge of pollutants, which may include, but is not limited to, the following:
 - a. Minimize the amount of impervious surfaces at ALDOT support facilities;
 - b. Provide vegetated buffers along waterways, and reduce discharges to surface waters from impervious surfaces such as parking lots;
 - c. Implement policies to protect trees, native soils and other vegetation; and
 - d. Minimize topsoil stripping and compacted soils where feasible.
 - 2. Develop/revise and implement best management practices to ensure, to the MEP, that post-development runoff mimics the predevelopment hydrology of the site. The basis for design to meet this requirement shall be the 95th percentile rainfall event.
 - 3. Develop/revise and implement the LID/Green Infrastructure standards operating procedure (SOP) for ALDOT transportation and support facilities;
 - 4. Implement, where appropriate, the LID/Green Infrastructure techniques on all ALDOT transportation facilities and support facilities, as outlined in the SOP required by Part II.5.a.3;

5. Require through an ALDOT policy or other mechanism the proper use and long-term management of post-construction BMPs at all ALDOT support facilities and transportation facilities; and
 6. Ensure the proper operation and maintenance of structural BMPs that are owned, operated, and maintained by the Permittee through the implementation of a structural BMP inspection schedule of every two years.
- b. The Permittee shall include within the SWMPP the following information:
 1. General procedures for complying with Part 5.a.1 and 5.a.2 including methodologies for calculating the 95th percentile storm event for each new ALDOT support facility and transportation facility;
 2. ALDOT's LID/green infrastructure SOP;
 3. Procedures to require compliance with ALDOT post-construction policies;
 4. Procedures and frequencies for inspection of post construction BMPs; and
 5. Procedures to require adequate long-term operation and maintenance of post-construction BMPs.
 - c. The Permittee shall report each year in the annual report the following information:
 1. A list of the systems of post-construction BMPs in place on ALDOT construction sites developed after April 2015;
 2. The number of inspections performed on systems of post-construction BMPs; and
 3. The maintenance activities performed on systems of post-construction BMPs.
 - d. The Permittee shall maintain the following information and make it available upon request:
 1. The post-construction BMP system inspection reports. These site inspection reports shall include, as applicable for each system:
 - a. Type(s) of measure(s) in the system;
 - b. Inspection date;
 - c. Name and signature of inspector;
 - d. Description of system location;
 - e. Description and photographic documentation of the system's condition; and
 - f. Description of maintenance needed.

6. Pollution Prevention/Good Housekeeping for ALDOT Support Facilities

- a. The Permittee shall implement and maintain a program that will prevent or reduce the discharge of pollutants attributed to storm water run-off from ALDOT support facilities to the MEP. The program elements shall include, at a minimum, the following:
 1. The Permittee must develop/revise and maintain an inventory of ALDOT support facilities that have the potential to discharge pollutants via storm water runoff;
 2. The Permittee must implement a program for inspecting ALDOT support facilities for good housekeeping practices at a minimum of annually. The program shall include checklists and procedures for correcting noted deficiencies;

3. The Permittee shall implement SOPs detailing good housekeeping practices to be employed at ALDOT support facilities to include, but not limited to, the following:
 - a. Equipment washing;
 - b. Storage and disposal of chemicals and waste materials;
 - c. Herbicide spraying/fertilizer application and material storage: ALDOT will obtain coverage and maintain compliance with ADEM NPDES Pesticide General Permit ALG870000 or other applicable NPDES permits;
 - d. Vegetation control, cutting, removal, and disposal of the cuttings; and
 - e. Vehicle/equipment maintenance and repair;
 4. The Permittee shall implement a training program for ALDOT support facility staff in good housekeeping practices as outlined in the SOPs required in Part II.B.6.a.3;
 5. Develop and implement a short and long term strategy and program for the removal of trash in the permitted area in such a manner to quantify the amount of trash/litter removed and/or the amount of work performed (i.e. road miles) in the removal of trash/litter per year, which shall be included in the annual report. These strategies shall be included in the Permittee's SWMPP and shall be updated as necessary. This program shall address the following, at a minimum:
 - a. Direct removal of trash from the MS4;
 - b. Direct removal of trash prior to entry to the MS4;
 - c. Prevention through disposal alternatives; and
 - d. Prevention through waste reduction practices, and/or initiatives.
 6. Ensure that trash receptacles, or similar trash capturing devices are provided and maintained in areas identified as high trash generated areas within the MS4;
 7. The Permittee shall implement a program to prevent, contain, and respond to spills from ALDOT support facilities that may discharge into the MS4. The Permittee must, at a minimum:
 - a. Identify reported spill locations, locations for inspections, and chronic problem areas;
 - b. Inspect and track reported or discovered spills (to include follow-up inspections);
 - c. Implement a spill prevention/spill response plan and procedures;
 - d. Provide training of appropriate personnel in spill prevention and response procedures;
 - e. Promptly report any discovered spills to the appropriate authority.
 8. The Permittee shall maintain transportation facilities in a manner to reduce pollutants to the MEP, including pollutants related to deicing or sanding activities.
- b. The Permittee shall include within the SWMPP the following information:
1. The inventory of ALDOT support facilities required by Part II.B.6.a.1;
 2. An inspection plan and schedule, including checklists and any other materials needed to comply with Part II.B.6.a.2;
 3. A copy of the SOPs of good housekeeping practices required by Part II.B.6.a.3;
 4. A description of the training program and training schedule required by Part II.B.6.a.4;

5. The short and long term strategies and programs for the removal of trash in the permitted area as required by Part II.B.6.a.5; and
 6. The spill prevention/spill response plan and procedures required by Part II.B.6.a.7.
- c. The Permittee shall report each year in the annual report the following information:
1. Any updates to the ALDOT support facility inventory;
 2. Any updates to the inspection plan;
 3. Any updates to the SOP of good housekeeping practices
 4. The amount for trash/litter removed and/or work performed (i.e. road miles) in the removal of trash/litter from the MS4 as a result of Part II.B.6.a.5; and
 5. Any updates on the spill prevention/spill response plan
- d. The Permittee shall maintain the following information and make it available upon request:
1. Records of inspections and corrective actions, if any; and
 2. Training records including the dates of each training activities and names of personnel in attendance.

C. *SWMPP Plan Review and Modification*

1. The Permittee shall submit to the Department a revised Storm Water Management Program Plan (SWMPP) within nine months of the effective date of this permit. The Permittee shall implement plans to seek and consider public input in the development, revision and implementation of this SWMPP, as required by Part II.B.2.b.1. Thereafter, the Permittee shall perform an annual review of the current SWMPP and must modify the SWMPP, as necessary, to maintain compliance with the permit. Any modifications to the SWMPP shall be submitted to the Department at the time a modification is made. Modifications made to the SWMPP may include, but are not limited to, the replacement of ineffective or infeasible BMPs or the addition of components, controls and requirements;
2. The Permittee shall implement the SWMPP on all new ALDOT MS4 areas that may be added to the MS4 program, to include but not limited to, annexed areas within MS4 municipalities, new MS4 municipalities, counties and/or non-traditional MS4s as soon as practicable, but not later than one (1) year from ALDOT's receiving official, written notification from ADEM or a municipality in question regarding the addition of the new areas.

D. *Impaired Waters and Total Maximum Daily Loads (TMDLs)*

1. This permit does not authorize new sources or new discharges of pollutants of concern to impaired waters unless consistent with an EPA-established and/or an EPA-approved Total Maximum Daily Load (TMDL) and applicable State law or unless determined not to cause or contribute to the impairment. Impaired waters are those that do not meet applicable water quality standards and are identified on the State of Alabama's §303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired or contribute to the listed impairment;
2. The Permittee must determine whether the discharge from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest §303(d) list or designated by the Department as impaired;
3. If the Permittee's MS4 discharges to a waterbody included on the latest §303(d) or designated by the Department as impaired, it must demonstrate the discharges, as controlled by the Permittee, do not cause or contribute to the impairment. The

SWMPP must detail the BMPs that are being utilized to control discharges of pollutants associated with the impairment. If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within six (6) months following the publication of the latest final §303(d) list, Department designation, or the effective date of this permit, submit a revised SWMPP detailing new or modified BMPs. The SWMPP must be revised as directed by the Department and the new or modified BMPs must be implemented within one year from the publication of the latest final §303(d) list or Department designation.

4. Permittees discharging from MS4s into waters with EPA-Approved TMDLs and/or EPA-Established TMDLs
 - a. The Permittee must determine whether its MS4 discharges to a waterbody for which a total maximum daily load (TMDL) has been established or approved by EPA. If an MS4 discharges into a water body with an EPA approved or established TMDL, then the SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If additional BMPs will be necessary to meet the requirements of the TMDL, the SWMPP must include a schedule for installation and/or implementation of such BMPs. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.
 - b. If, during this permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which an MS4 discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the MS4.
 - a. If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If existing BMPs are not sufficient, the Permittee must, within six (6) months following the approval or establishment of the TMDL by EPA, submit a revised SWMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within one year, unless an alternate date is approved by the Department, from the establishment or approval of the TMDL by EPA. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

E. Responsibilities of the Permittee

If the Permittee is relying on another entity to satisfy one or more requirements of this permit, then the Permittee must note that fact in the SWMPP. The Permittee remains responsible for

compliance with the permit and reliance on another entity will not be a defense or justification for non-compliance if the entity fails to implement the permit requirements.

F. Policy Enforcement Authority

1. To the extent allowed by State law, the Permittee must review and revise its relevant policies, or adopt any new policies that provide it with adequate ability to identify and address pollutant discharges into and from its MS4, and to implement and enforce its SWPPP. To be considered adequate, this policy must, at a minimum, authorize the Permittee to:
 - a. Reduce, to the maximum extent practicable, non-storm water discharges from the MS4 unless such storm water discharges are in compliance with a separate NPDES permit, or determined by the Department not to be a significant contributor of pollutants to waters of the State; and
 - b. Enter into interagency agreements with other entities to reduce the discharge of pollutants from the MS4 to the maximum extent practicable.

PART III Monitoring and Reporting

A. Monitoring

1. The Permittee must evaluate program compliance, the appropriateness of systems of storm water BMPs, and progress toward achieving identified goals. If a discharge originates from ALDOT property and enters an impaired water or a water for which a TMDL has been approved or established by EPA, then the Permittee must follow the monitoring requirements given in Part II.D.
2. The Permittee must submit an initial monitoring plan with the SWMPP and modified monitoring plans as a component of the Annual Report. The monitoring plan shall include:
 - a. A map showing the location of impaired waters to include EPA-approved and/or EPA-established TMDLs, the monitoring locations, and all major outfalls located on these waters and/or one linear mile upstream of these waters;
 - b. The sample type, frequency, and any seasonal considerations; and
 - c. An implementation schedule to start monitoring for each pollutant of concern.
3. Analysis of samples taken for the purpose of monitoring must be conducted according to test procedures approved by EPA under 40 CFR Part 136. When an EPA-approved test procedure for analysis of a pollutant does not exist, the Director or his or her designee shall approve the procedure used.
4. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The name(s) of the individual(s) who performed the analyses;
 - d. The analytical techniques or methods used; and
 - e. The results of analyses.
5. The Permittee must coordinate with other Phase I and Phase II MS4 permittees, as necessary. Data from monitoring performed by the Permittee shall be made available for other MS4 permittees upon a reasonable request.

6. For State water where the Permittee can demonstrate that it is not a contributor of the pollutant of concern due to the nature of its practices and activities, then it may omit monitoring for that pollutant of concern on that State water. In such cases, the monitoring plan must include the demonstration basis and any supporting materials or data.

B. Reporting

Each Annual Report will include an assessment of the data for each pollutant of concern, and an assessment of the effectiveness of the BMPs employed, to determine what, if any, additional adaptive BMP measures may be necessary to return the water to compliance with State water quality standards.

PART IV Annual Reporting Requirements

A. General Requirements

1. The Permittee shall submit to the Department an annual report no later than January 31st of each year this permit is in effect. The annual report shall cover the previous fiscal year (October 1 through September 30).
2. On or after December 21, 2020, all annual reports shall be submitted to the Department electronically in a prescribed manner acceptable to the Department.
3. The Permittee shall sign and certify the annual report in accordance with Part V.M.
4. The annual report shall include the following information, at a minimum, and in addition to those requirements referenced in Part II. and Part III:
 - a. A list of contacts and responsible parties (e.g.: agency, name, phone number, address, & email address) who had input to and are responsible for the preparation of the annual report.
 - b. An overall evaluation of the storm water management program developments and progress for the following:
 1. Major findings such as water quality improvements or degradation;
 2. Major accomplishments;
 3. Overall program strengths/weaknesses;
 4. Future direction of the program;
 5. The Permittee(s) will make an overall determination of the effectiveness of the SWMPP taking into account water quality/watershed improvements; and
 6. Required actions that were not performed, and reasons why the actions were not accomplished
 - c. The annual report will include a narrative report of all program elements referenced in Part II.B of this permit. The activities concerning a program element shall be discussed as follows:
 1. Objective of program element;
 2. Program element activities completed and in progress;
 3. General discussion of element. Explanation for all element activities that have not been fully implemented or completed. Results of activities shall be summarized and discussed (e.g.: maintenance caused by inspection, pollutants detected by monitoring, investigations as a result of dry weather

- screening, number and nature of enforcement item(s), education activities/participation);
 - 4. Status of program element with compliance, implementation, and augmentation schedules described in Part II of the permit;
 - 5. Assessment of controls; and
 - 6. Discussion of proposed element revisions.
- d. Provide the status of the implementation and proposed changes to the SWMPP to include assessment of controls and specific improvements or degradation to water quality;
 - e. Provide a summary of inspections and enforcement actions for regulatory program; and;
 - f. Implementation status of the public education programs.

B. *Monitoring Section*

- a. The annual report shall contain a monitoring section which discusses the progress and results of the monitoring programs required under Part III of the permit.
 - 1. Status of implementation of the monitoring program;
 - 2. Map(s) showing the monitoring station locations, latitude/longitude, and narrative site descriptions, including watershed sizes for particular monitoring station locations;
 - 3. Raw data, results, methods of evaluating the data, graphical summaries of the data, and an explanation/discussion of the data for each component of the monitoring program;
 - 4. An analysis of the results of each monitoring program component;
 - 5. A comparison of the reporting year's data to the previous year's data; and
 - 6. All monitoring reports and supporting data shall be submitted in hardcopy and/or electronically to the Department concurrently with the submission of the Annual Report.

PART V Standard and General Permit Conditions

A. *Certification and Signature of Reports*

All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with Part V.M. of this permit.

B. *Submittals*

All documents required to be submitted to the Department by this permit, shall be addressed to:

Alabama Department of Environmental Management
Stormwater Management Branch, Water Division
Post Office Box 301463

Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

Alabama Department of Environmental Management
Stormwater Management Branch, Water Division
1400 Coliseum Blvd
Montgomery, Alabama 36110-2059

C. *Retention of Records*

The Permittee shall retain the storm water quality management program developed in accordance with Part II of this permit until at least five years after coverage under this permit terminates. The Permittee shall retain all records of all monitoring information, copies of all reports required by this permit, and records required by this permit, and records of all other data required by or used to demonstrate compliance with this permit, until at least three years after coverage under this permit terminates. This period may be explicitly modified by alternative provisions of this permit or extended by request of the Director at any time.

D. *Duty to Comply*

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

E. *Civil and Criminal Liability*

1. Tampering

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

2. False Statements

Any person knowingly makes any false statement, representation, or certification in any record or other documentation submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance, shall, upon conviction, be punished as provided by AWPCA

3. Relief from Liability

Nothing in this permit shall be construed to relieve the Permittee(s) of civil and criminal liability under AWPCA or FWPCA for non-compliance with any term or condition of this permit.

F. *Duty to Reapply*

1. If the Permittee intends to continue an activity regulated by this permit beyond the expiration of this permit, the Permittee(s) must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit.

2. Failure of the Permittee to apply for re-issuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code, Rule 335-6-6.06, and should the permit not be re-issued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

G. *Need to Halt or Reduce an Activity Not a Defense*

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

H. *Duty to Mitigate*

The Permittee shall 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.

I. *Bypass*

The term "Bypass" is defined in ADEM Admin. Code r. 335-6-6-.12 (m) and addresses bypass not exceeding limitations, notice, and prohibition of bypass.

J. *Upset*

The term "Upset" is defined in ADEM Admin. Code r. 335-6-6-.12 (n) and addresses effect of an upset, conditions necessary for demonstration of an upset, and burden of proof.

K. *Duty to Provide Information*

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

L. *Other Information*

If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

M. *Signatory Requirements*

All reports and forms to be submitted by this permit, AWPCA and the Department's rules and regulations, shall be signed by a "responsible official" of the Permittee, as defined in ADEM Administrative Code, Rule 335-6-6-.09, or a "duly authorized representative" of such official, as defined by ADEM Administrative Code, Rule 335-6-6-.09, and shall bear the following certification:

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

N. *Oil and Hazardous Substance Liability*

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

O. Property and Other Rights

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

P. Severability

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

Q. Compliance with Statutes and Rules

This permit is issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter that are applicable to this permit are hereby made a part of this permit.

This permit does not authorize the non-compliance with or violation of any laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws.

R. Proper Operations and Maintenance

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a Permittee only when necessary to achieve compliance with conditions of the permit.

S. Monitoring Records

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

T. Monitoring Methods

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

U. Right of Entry and Inspection

The Permittee shall allow the Director or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon any of the permittee's premises where a regulated facility or activity or point source is located or in which any records must be maintained under conditions of this permit;
2. Have access to and copy, at reasonable times, any records required to be maintained by the terms and conditions of this permit;

3. Inspect, at reasonable times, any point source, any monitoring equipment or practices being maintained to comply with this permit, or any treatment or control or systems being maintained to comply with this permit; and
4. Sample or monitor, at reasonable times, for the purposes of determining permit compliance or as otherwise authorized by AWPCA, any substances or parameters at any location.

V. *Additional Monitoring by the Permittee*

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

W. *Permit Modification and Revocation*

1. This permit may be modified or revoked or reissued, in whole or in part, during its term for cause including but not limited to, the following:
 - a. If cause for termination under Part V.W.3., of this permit exists, the Director may choose to revoke or re-issue this permit instead of terminating the permit;
 - b. If a request to transfer this permit has been received, the Director may decide to revoke and re-issue or to modify the permit; or
 - c. If modification or revocation and re-issuance is requested by the Permittee and cause exists, the Director may grant the request.
2. This permit may be modified during its term for cause, including but not limited to:
 - a. If cause for termination under Part V.W.3., of this permit exists, the Director may choose to modify this permit instead of terminating this permit;
 - b. The Director has received new information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
 - c. Errors in calculation of discharge limitation or typographical or clerical errors were made;
 - d. To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or judicial decision after the permit was issued;
 - e. To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, permit may be modified to change compliance schedules;
 - f. To incorporate an applicable Section 307(a) of FWPCA toxic effluent standard or prohibition;
 - g. When required by the re-opener conditions in this permit;
 - h. Upon failure of the state to notify, as required by Section 402(b)(3) of FWPCA, another state whose water may be affected by a discharge permitted by this permit;

- i. When required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions;
 - j. When requested by the Permittee and the Director determines that the modification has cause and will not result in a violation of federal or state law, rules, or regulations;
 - k. To add a new Permittee who is the owner or operator of a portion of the MS4; or
 - l. To change portions of the Storm Water Quality Management Program that is considered permit conditions.
- 3. This permit may be terminated during its term for cause, including but not limited to, the following:
 - a. Violation of any term or condition of this permit;
 - b. The Permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance or the Permittee's misrepresentation of any relevant facts at any time;
 - c. Materially false or inaccurate statements or information in the permit application or the permit;
 - d. The Permittee's discharge threatens human life or welfare or the maintenance or water quality standards; or
 - e. Any other cause allowed by ADEM Administrative Code, Rule 335-6-6.
- 4. This permit may be suspended during its term for cause, including but not limited to, the reasons for termination listed above.
- 5. The filing of a request by the Permittee for modification, suspension or revocation of this permit, in whole or in part, does not stay any permit term condition.

X. *Modification of Storm Water Management Program*

Only those portions of the Storm Water Management Program specifically required as permit conditions shall be subject to modification requirements of 40 CFR 124.5. Replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the ineffective or infeasible BMP shall be considered a minor modification to the SWMPP and not modification to the Permit.

Y. *Changes in Monitoring Outfalls*

This permit is issued on a system-wide basis in accordance with CWA §402(p)(3)(i) and authorizes discharges from all portions of the MS4. Since all outfalls are authorized, changes in monitoring outfalls, other than those with specific numeric effluent limitations, shall be considered minor modifications to the permit and will be made in accordance with the procedures at 40 CFR 122.63.

Z. *Definitions*

- 1. "ALDOT" Construction Site" means any construction activity required to be covered under General Permit ALR100000 that is conducted on ALDOT property. Construction activity may

be performed by ALDOT forces, forces contracted by ALDOT for ALDOT, or permitted by ALDOT to be performed by others. Construction activities may be associated with ALDOT transportation facilities or ALDOT support facilities. "New ALDOT Constructive Site" refers to construction activities initiated after the effective date of this permit.

2. "Alabama Handbook" means the most current edition of the Alabama Handbook for Erosion Control, Sediment Control, And Stormwater Management on Construction Sites and Urban Areas, Alabama Soil and Water Conservation Committee (ASWCC) published at the time permit is effective.
3. "ALDOT Property" is real estate or right of way owned by ALDOT serving as either a transportation facility or support facility within the MS4 boundaries.
4. "AWPCA" means Code of Alabama 1975, Title 22, the Alabama Water Pollution Control Act, as amended.
5. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of water of the State of Alabama. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.
6. "Control Measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
7. "CWA" or "The Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
8. "Department" means the Alabama Department of Environmental Management or an authorized representative.
9. "Discharge", when used without a qualifier, refers to "discharge of a pollutant" as defined as ADEM Administrative Code 335-6-6-.02(m).
10. "Green Infrastructure" refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated.
11. "Hydrology" refers to the physical characteristics of storm water discharge, including the magnitude, duration, frequency, and timing of discharge.
12. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit.
13. "Infiltration" means the entry and movement of precipitation or storm water into or through the soil. Infiltration does not include, and is distinguished from, inflow.
14. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

15. "Large" municipal separate storm sewer system means all municipal separate storm sewers that are located in an incorporated place with a population of 250,000 or more as determined by the latest decennial census.
16. "Low Impact Development" (LID) is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product.
17. "Major outfall" is defined as follows for ALDOT support facilities: the outlet end of a pipe (or closed conveyance) system draining ALDOT owned property used as support facilities with a cross-sectional area equal to or greater than 0.79 square feet (e.g., if a single circular pipe system, an inside diameter of 12 inches or greater) discharging into a Water of the State; or a single conveyance other than a pipe, such as an open channel ditch, which is associated with a support facility drainage area of more than 2 acres.
18. "Major outfall" is defined as follows for ALDOT transportation facilities: the outlet end of a pipe (or closed conveyance) system draining ALDOT owned property used as transportation facilities with a cross-sectional area equal to or greater than 7.07 square feet (e.g., if a single circular pipe system, an inside diameter of 36 inches or greater) discharging into a Water of the State; outlet end of a single conveyance other than a pipe, such as an open channel ditch, which is associated with a drainage area of more than 50 acres to a Water of the State. For the purpose of this permit, outfalls of the "double barrel" type, whose combined cross-sectional area is greater than 7.07 square feet, equivalent to a single circular pipe outfall with an inside diameter of 36 inches or greater, are also considered major outfalls.
19. "Maintenance" refers to the upkeep and repair activities to existing roads, bridges, or other facilities or structures, including but not limited to, pavement repair, pavement preservation, repaving, painting, bridge repair, guardrail and barrier maintenance and repair, traffic impact device maintenance and repair, vegetation maintenance, and other work in order to keep the facility in its intended design condition and to prevent disrepair or failure.
20. "MEP" is an acronym for "Maximum Extent Practicable," the technology-based discharge standards and controls necessary for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). These standards and controls may consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from a MS4 as described in the storm water management system.
21. "Medium" municipal separate storm sewer system means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 100,000 or more but less than 250,000 as determined by the latest decennial census.
22. "MS4" is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a large, medium, or small municipal separate storm sewer system. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.
23. "Municipal Separate Storm System" is defined at 40 CFR Part 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated

and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in ADEM Administrative Code r. 335-6-6-.02(nn).

24. "New Development" describes the creation of a new public transportation facility or a new support facility built on or after April 1, 2015 that causes a ground disturbance of more than one acre. Work required to provide access to or from an existing public transportation facility such as turn lanes, cross-overs, auxiliary lanes, acceleration and deceleration lanes does not constitute new development.
25. "Nonstructural BMPs" include those practices that employ vegetation and topographical manipulations to provide passive treatment.
26. "Permittee" means each individual co-applicant for an NPDES permit who is only responsible for permit conditions relating to the discharge that they own or operate.
27. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
28. "Redevelopment," with respect to transportation facilities built on or after April 1, 2015, describes non-maintenance work performed to or on an existing public transportation facility which provides for an increased number of thru lanes of travel unless the work can be accommodated without increasing the width of the existing pavement. Widening of an existing road that does not result in an additional thru lane does not constitute redevelopment. Work required to provide access to or from an existing public transportation facility such as turn lanes, cross-overs, acceleration and deceleration lanes does not constitute redevelopment. With respect to support facilities built on or after April 1, 2015, redevelopment describes non-maintenance work performed to or on an existing support facility that causes a ground disturbance of more than one acre.
29. "Structural BMPs" include those practices constructed with rigid walls and/or weirs and piped drainage that utilize active or passive treatment and/or mechanical systems for the purpose of treating storm water runoff from ALDOT property.
30. "Support Facility" is any ALDOT owned or managed building, structure, property, or grounds utilized for the support of ALDOT operations (central, division, and district office buildings and grounds, tunnel complex buildings and grounds, etc). Unless otherwise indicated, these facilities are ones located within MS4 boundaries.
31. "Transportation Facility" is any ALDOT owned roadway or right-of-way used for the movement of people and goods (roads, bridges, tunnels, rest areas, welcome centers, airport, etc). Unless otherwise indicated, these facilities are ones located within MS4 boundaries.