



ALABAMA DEPARTMENT OF TRANSPORTATION

Local Transportation Bureau

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Kay Ivey
Governor

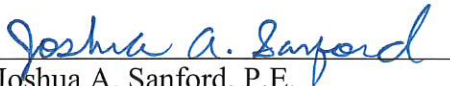
John R. Cooper
Transportation Director

April 15, 2022

MEMORANDUM FY 2022-06

To: All County Engineers
All Mayors

From: Mr. Bradley B. Lindsey, P.E.
State Local Transportation Engineer

By: 
Joshua A. Sanford, P.E.
Asst. State Local Trans. Engineer - Design

RE: **National Pollutant Discharge Elimination System (NPDES) Permit Exemption for Minor Widening and Resurfacing Projects**

The Alabama Department of Environmental Management (ADEM) has authorized an exemption for guardrail, shoulder, and minor improvements associated with roadway pavement resurfacing even if 1 acre or greater will be disturbed. This exemption is covered in the NPDES General Permit, ALRI00000, Part 1.C(e). Projects that qualify for this exemption will not be required to apply for a stormwater permit unless an inspection reveals that stormwater discharges associated with land activities results in water quality concerns and/or a water of the state has been impacted adversely. Although a permit is not required unless these events occur while the project is under construction, a Construction Best Management Practices Plan (CBMPP) must be made available through Office Engineer for projects let through state services prior to bidding. Please see attached the revised NPDES Certification, Notification of Project Exemption Example Letter, ADEM NPDES General Permit (page 2 of 26), and updated ALDOT Environmental Project Notes – October 2021. These updates are effectively immediately and will be reflected in the **Procedural Guidelines for LPA Projects** when it is approved later this year.

Please feel free to contact me at sanforda@dot.state.al.us or (334) 242-6719 if you have any questions or comments concerning this matter.

BBL/JAS
Attachments
CC: All Area Local Transportation Engineers
PC: File

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) PERMIT CERTIFICATION

LPA LETTERHEAD

State Local Transportation Engineer
Alabama Department of Transportation
Montgomery, AL 36110-2060

Dear Sir:

Re: Project No. _____
Sponsor No. _____
Town/City (If Applicable) _____
County _____

This is to advise you that:

() A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT will be required from the ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM) covering stormwater run-off from construction, excavation, land clearing, or other land disturbance activities and associated areas for the above referenced project. The LPA, under authority of the LPA governing body, will be responsible for acquiring this permit prior to the project pre-construction meeting or initiation of any construction activities by county forces.

() There is no construction or other land disturbance activity being performed that will require a NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT covering stormwater run-off or any other State or Federal laws or regulations which will require a permit for the above referenced project. The total disturbance area, including equipment staging outside of the project limits, is less than 1 acre.

() ADEM has authorized an exemption for guardrail, shoulder, and minor improvements associated with roadway pavement resurfacing even if 1 acre or greater will be disturbed. It has been determined that all discharge associated with this project's activities are exempt discharges as specified in NPDES General Permit, ALR100000, Part 1.C(e). No NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT will be required from ADEM at this time. See the attached letter where ADEM has been notified of this project's exemption.

() This project will require a Corps of Engineers' Nationwide 404 permit. This project consists of a road crossing and involves a filled area of no more than 1/10 acres (0.04 hectares). There is no roadway fill in special aquatic sites, including wetlands. This project meets the conditions covered in the Department of Defense Regulation 33 CFR Part 330 - NATIONWIDE PERMITS and as approved in the Categorical Exclusion for the above referenced project.

() This project will require a Corps of Engineers' 404 permit to cover a road crossing fill consisting of more than 1/10 acres or the roadway fill occurs in special aquatic sites, including wetlands.

() This project will not require a Corps of Engineers' Nationwide 404 permit.

CERTIFIED BY:

LPA Representative Date _____

Chairman, County Commission/
Mayor/City Clerk Date _____

CONCURRED

Area Local Transportation Engineer Date _____

NOTIFICATION OF PROJECT EXEMPTION

LPA LETTERHEAD

(Date) _____

Chief, Water Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110-2059

Dear Sir:

RE: Project No. _____
Sponsor No. _____
Town/City (If Applicable) _____
County _____

The above referenced project involves resurfacing with minor improvements. The existing pavement will be widened by paving shoulders 2' each side to provide enhanced safety. Excess material from widening will be placed along the existing graded shoulder that remains and/or the existing front slope or removed and disposed of in accordance with ALDOT Standard Specifications to ensure compliance with ADEM regulations. The project may also include minor drainage and guardrail improvements to accommodate the additional shoulder widening in some areas.

Our agency has determined that all discharges associated with the activities described above are "exempt discharges," as specified in NPDES General Permit, ALR100000, Part 1.C(e). Based on this determination this agency will not seek coverage under said permit for this project. This agency will implement and inspect best management practices throughout the life of the project regarding any minor land disturbance activities to ensure stormwater discharges do not result in water quality concerns and/or adversely affect state waters. Should an inspection reveal that stormwater discharges associated with the minor land disturbance activities has resulted in water quality concerns and/or a water of the state has been impacted adversely, NPDES permit coverage will be obtained.

If you have any questions, concerns, or need any further information regarding this activity, please feel free to contact _____ by email at _____ or by phone at _____.

Sincerely,

LPA Representative

Cc: File

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED: DISCHARGES FROM CONSTRUCTION ACTIVITIES THAT RESULT IN A TOTAL LAND DISTURBANCE OF ONE ACRE OR GREATER AND SITES LESS THAN ONE ACRE BUT ARE PART OF A COMMON PLAN OF DEVELOPMENT OR SALE

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALR100000

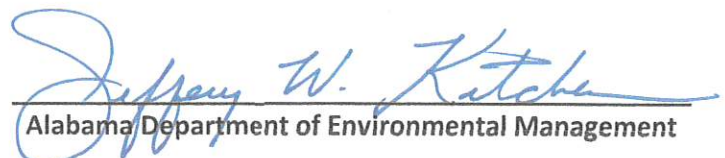
RECEIVING WATERS: ALL WATERS OF THE STATE OF ALABAMA

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

ISSUANCE DATE: March 12, 2021

EFFECTIVE DATE: April 1, 2021

EXPIRATION DATE: March 31, 2026


Alabama Department of Environmental Management

C. Exempt Discharges

1. Coverage under this permit is not required for the following:
 - (a) Animal feeding operation (AFO) or concentrated animal feeding operation (CAFO) construction activity that has been granted NPDES registration coverage pursuant to Chapter 335-6-7;
 - (b) Normal agricultural; and
 - (c) Silvicultural activities.
2. Coverage under this permit is not required for discharges associated with minor land disturbing activities such as the following:
 - (a) Home gardens or individual home landscaping;
 - (b) Home repairs and/or maintenance;
 - (c) Fence installation or maintenance;
 - (d) Directional boring, hand hole digging; and
 - (e) Guardrail, shoulder, and minor improvements associated with roadway pavement resurfacing.

D. Prohibited Discharges

The following discharges associated with construction are not authorized by this permit:

1. Stormwater discharges that are mixed with sources of non-stormwater unless such stormwater discharges are:
 - (a) In compliance with a separate NPDES permit, or
 - (b) Determined by the Department not to be a contributor of pollutants to waters of the State.
2. Stormwater discharges currently covered under another NPDES permit;
3. Discharges from coal/metallic mining, dry processing, wet processing, and areas associated with these activities;
4. Wastewater from washout of concrete, unless managed by an appropriate control (Wastewater from Concrete Batch Plants are prohibited unless such discharges are authorized by and in compliance with a separate NPDES permit);
5. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
6. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
7. Soaps or solvents used in vehicle and equipment washing;
8. Discharges from dewatering activities, including discharges of ground water or accumulated stormwater from dewatering of trenches, excavations, foundations, vaults, or other similar points of accumulation, unless managed by appropriate controls;
9. Discharges to surface waters from sediment basins or impoundments, unless an outlet structure that withdraws water from the surface, unless infeasible, is utilized;
10. Discharges where the turbidity of such discharge will cause or contribute to a substantial visible contrast with the natural appearance of the receiving water;
11. Discharges where the turbidity of such discharge will cause or contribute to an increase in the turbidity of the receiving water by more than 50 NTUs above background. For the purposes of determining compliance with this limitation, background will be interpreted as the natural condition of the receiving water without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels;
12. Discharges of any pollutant into any water for which a total maximum daily load (TMDL) has been finalized or approved by EPA unless the discharge is consistent with the TMDL;
13. Discharges to waters listed on the most recently approved 303(d) list of impaired streams unless the discharge will not cause or contribute to the listed impairment; and
14. Toxic or hazardous substances from a spill or release.

ALDOT Environmental Project Notes - October 2021

Note 900 – NPDES Permit

<p>Option 1: No NPDES Permit Required</p> <p>Use: Less than one (1) acre of disturbance <u>or</u> normal maintenance.</p> <p>NPDES Permit coverage is not required for this project.</p>	
<p>Option 2: No NPDES Permit Required</p> <p>Use: Resurfacing and 2' safety widening projects.</p> <p>NPDES Permit coverage is not required for this project. A copy of the Construction Best Management Practices Plan (CBMPP) is available through the Office Engineer prior to bidding.</p>	
<p>Option 3: ALDOT NPDES Permittee</p> <p>Use: ALDOT project w/ one (1) or more acres of disturbance that is not resurfacing.</p> <p>ALDOT will be the NPDES Permittee for this project. A Notice of Intent for NPDES Permit coverage has been filed with ADEM. A copy of the Construction Best Management Practices Plan (CBMPP) is available through the Office Engineer prior to bidding.</p>	
<p>Option 4: LPA NPDES Permittee</p> <p>Use: City, County, or ATRP project.</p> <p><u>{Insert City/County Name}</u> will be the NPDES Permittee for this project. A Notice of Intent for NPDES Permit coverage has been filed with ADEM. A copy of the Construction Best Management Practices Plan (CBMPP) is available through the Office Engineer prior to bidding.</p>	
<p>Option 5: Contractor NPDES Permittee (Permit Transfer – ALDOT or LPA submitted an NOI.)</p> <p>Use: City, County, or ATRP project. <u>or</u></p> <p>ALDOT project w/ less than five (5) acres of disturbance, safety widening, or resurfacing.</p> <p>The Contractor will be the NPDES Permittee for this project. A Notice of Intent for NPDES Permit coverage has been filed with ADEM. The Contractor is responsible for transferring the permit after project award. A copy of the Construction Best Management Practices Plan (CBMPP) is available through the Office Engineer prior to bidding. For additional information, refer to Subarticle 107.21(c).</p>	<div style="background-color: yellow; padding: 2px; border: 1px solid black;">Approved for LPA ONLY</div>
<p>Option 6: Contractor NPDES Permittee (New Notice of Intent – ALDOT or LPA is not submitting an NOI.)</p> <p>Use: City, County, or ATRP project. <u>or</u></p> <p>ALDOT project w/ less than five (5) acres of disturbance, safety widening, or resurfacing.</p> <p>The Contractor will be the NPDES Permittee for this project. The Contractor is responsible for filing a Notice of Intent for NPDES Permit coverage as well as creating and maintaining a Construction Best Management Practices Plan (CBMPP) after project award. Documentation of all environmental commitments associated with the project that are required for the CBMPP development is available through the Office Engineer prior to bidding.</p>	<div style="background-color: yellow; padding: 2px; border: 1px solid black;">Approved for LPA ONLY</div>

Note 901 – Sampling Requirements

<p>Option 1: No Sampling</p> <p>Use: Not a Priority Construction Site.</p> <p>OMIT</p>
<p>Option 2: No Sampling</p> <p>Use: Priority Construction Site with nine (9) acres or less that is Priority/Disturbed/Allowed.</p> <p>This project is or includes a Priority Construction Site. Construction Stormwater Sampling and Turbidity Monitoring are not required.</p>
<p>Option 3: Sampling Required (All Points)</p> <p>Use: The entire project is a Priority Construction Site.</p> <p>This project is a Priority Construction Site. Construction Stormwater Sampling and Turbidity Monitoring are required at all Primary Stormwater Discharge and Background Points.</p>

Option 4: Sampling Required (Some Points)
Use: Only part of the project is a Priority Construction Site.

This project includes a Priority Construction Site. Construction Stormwater Sampling and Turbidity Monitoring are required at the following Primary Stormwater Discharge and Background Points:
{List all Primary Stormwater Discharge and Background Points that are located in the Priority Construction Site portion of the project}

Note 902 – Contractor QCP

Option 1: No Contractor QCP
Use: Default option when ALDOT or LPA is the NPDES Permittee.

OMIT

Option 2: Contractor QCP Required Contractor is the NPDES Permittee. Contractor is **NOT Approved**
Use: the NPDES Permittee.

The Contractor is required to provide a Qualified Credentialed Professional as described in Subitem 108.04(b)6.a.

Note 903 – Erosion and Sediment Control Crew

Option 1: No Special Requirements
Use: Project w/ less than five hundred thousand cubic yards (< 500,000 CY) of earthwork.

OMIT

Option 2: Full-Time Dedicated Erosion and Sediment Control Crew Required **NOT Approved**
Use: Project w/ five hundred thousand or more cubic yards (> 500,000 CY) of earthw

The Contractor shall provide a full-time, dedicated Erosion and Sediment Control Crew.

Option 3: Full-Time Dedicated Erosion and Sediment Control Crew Required
Use: Project w/ five hundred thousand or more cubic yards (> 500,000 CY) of earthwork.

The Contractor shall provide a full-time, dedicated Erosion and Sediment Control Crew. The crew shall be under the supervision of the Contractor superintendent and/or a QCP, and shall be assisted by the Contractor QCIs. There will be no direct compensation for the Erosion and Sediment Control Crew. The Contractor shall provide sufficient personnel and appropriate and sufficient equipment and materials on the project at all times to meet the daily erosion and sediment control plan implementation requirements. Additional personnel, equipment, and materials shall be readily available to assist with implementation of the weather preparedness and recovery plan, found in the Contractor’s Stormwater Management Plan, within the timeframe allowed by the NPDES General Permit. Erosion and sediment control materials shall be stored on the project and protected from precipitation, runoff, and sunlight.

Note 904 – Exposed Acreage Limit

Option 1: 17 Acres by Specification
Use: Default option for all projects.

OMIT **Requires Construction Bureau approval.**

Option 2: Increased Acreage Limit
Use: Acreage increased by the Environmental Construction Section, Construction Bureau.

In reference to Item 108.04(b)8., this note serves as approval to increase the area of exposed erodible material up to a maximum of *{Insert acreage amount approved by the Construction Bureau}* acres.

Option 3: Decreased Acreage
Use: Priority Construction Site to eliminate sampling requirements.

In reference to Item 108.04(b)8., this note serves as a requirement to decrease the area of exposed erodible material down to a maximum of nine (9) acres.

Option 4: Decreased Acreage
Use: Other projects so long as construction is not hindered by the decrease.

In reference to Item 108.04(b)8., this note serves as a requirement to decrease the area of exposed erodible material down to a maximum of *{Insert an acreage amount less than seventeen (17)}* acres.

Note 905 – Conditional Acreage Limit for Drainage Features

Option 1: Conditional Acreage Limit

Use: Projects with culverts, retention basins, detention basins, or sedimentation basins.

In each drainage area the first order of work shall be to complete the primary drainage structures and/or stormwater basins, during which time the amount of exposed erodible material will be limited to that required for access and construction, and shall in no case exceed five (5) acres until that work is complete and the area surrounding the structures is stabilized.

Note 906 – Fuel Tanks

Option 1: Fuel Tanks Allowed

Use: As needed.

OMIT

Option 2: No Fuel Tanks Allowed

Use: As needed.

There shall be no fuel tanks stored on the right of way. In addition, fuel trucks or vehicles transporting chemicals, fertilizers, etc. shall not be left unattended on the right of way.

Note 907 – Use for Miscellaneous Environmental Notes