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Wednesday  
September 9, 1992

**Final NPDES General Permits For Storm  
Water Discharges From Construction  
Sites; Permit Language**

Construction  
Permit Language

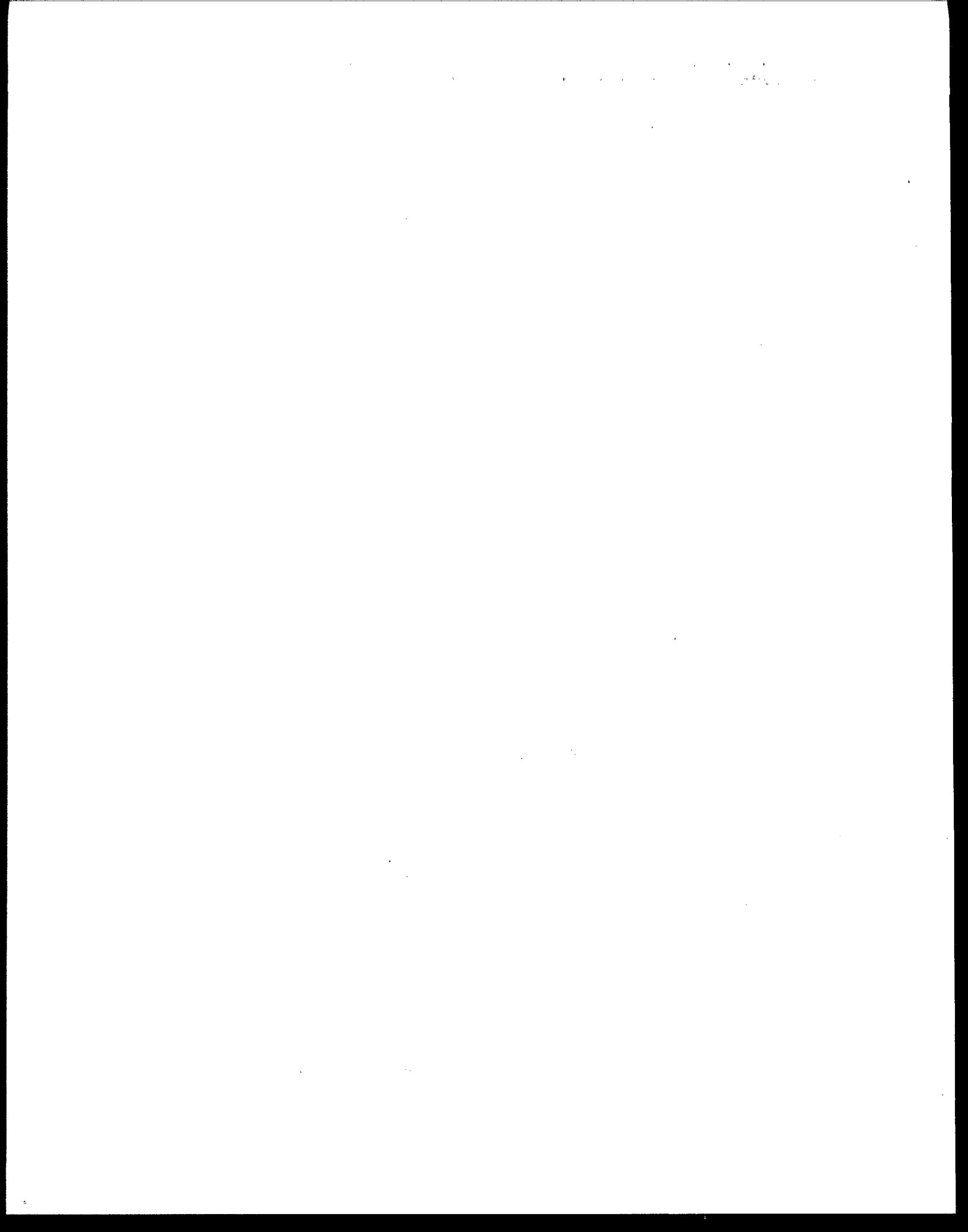
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**Part II**

## **Environmental Protection Agency**

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Final NPDES General Permits For Storm  
Water Discharges From Construction  
Sites; Permit Language



**Appendix B—NPDES General Permits  
for Storm Water Discharges From  
Construction Activities That Are  
Classified as "Associated With  
Industrial Activity"**

**Authorization to Discharge Under the  
National Pollutant Discharge Elimination  
System**

[Permit No. *NHR10000IF*]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", for Indian Tribes located in the State of New Hampshire, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Ronald Manfredonia,

*Acting Director, Water Management Division.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities with stormwater discharges, for Indian Tribes located in the State of New Hampshire.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. MER10000IF]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", for Indian Tribes located in the State of New Hampshire, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Ronald Manfredonia,

*Acting Director, Water Management Division.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities with stormwater discharges, for Indian Tribes located in the State of Maine.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. MAR10000 IF]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", for Indian Tribes located in the State of Massachusetts, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Ronald Manfredonia,

*Acting Director, Water Management Division.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities with stormwater discharges, for Indian Tribes located in the State of Massachusetts.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. MER100000 IF]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located in the State of Maine, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Ronald Manfredonia,

*Acting Director, Water Management Division.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of Maine.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. NHR10000]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located in the State of New Hampshire, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Ronald Manfredonia,

*Acting Director, Water Management Division.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of New Hampshire.

**Authorization To Discharge Under the National Pollutant Discharge Elimination System**

[NPDES Permit Number PRR100000]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq, the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity," located in the Commonwealth of Puerto Rico are authorized to

discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Kevin Bricke,

*Acting Director, Water Management Division,  
U.S. Environmental Protection Agency,  
Region II.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the Commonwealth of Puerto Rico. Region IV

#### **Authorization To Discharge Under the National Pollutant Discharge Elimination System**

[General Permit Number MSR10000F]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 *et seq.*, the "Act") except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity," located on Indian land in Mississippi belonging to the Mississippi Band of Choctaw Indians are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued: August 28, 1992.

Robert F. McGhee,

*Acting Director, Water Management Division.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located within the general permit area.

Region IV

[General Permit Number FLR10001F]

#### **Authorization to Discharge Under the National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 *et seq.*, the "Act") except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located on Indian land in Florida belonging to the Miccosukee Indian Tribe of Florida are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued: August 28, 1992.

Robert F. McGhee,

*Acting Director, Water Management Division.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located within the general permit area.

Region IV

[General Permit Number FLR10000F]

#### **Authorization to Discharge Under the National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 *et seq.*, the "Act") except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located on Indian land in Florida belonging to the Seminole Tribe of Florida are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued: August 28, 1992.

Robert F. McGhee,

*Acting Director, Water Management Division.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located within the general permit area.

[General Permit Number NCR10000F]

Region IV

#### **Authorization to Discharge Under the National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 *et seq.*, the "Act") except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located on Indian land in North Carolina belonging to the Eastern Band of Cherokee Indians in the State of North Carolina are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued: August 28, 1992.

Robert F. McGhee,

*Acting Director, Water Management Division.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located within the general permit area.

[Permit No. T X R100000]

**Under the National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.; the Act), except as provided in Part I.B.3 of this permit, operators of stormwater discharges from construction activities that are classified as "associated with industrial activity", located in the State of Texas, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 27th day of August, 1992.

Myron O. Knudson, P.E.,

*Water Management Director, Region VI.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of Texas.

[Permit No. O K R100000]

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located in the State of Oklahoma, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 27th day of August, 1992.

Myron O. Knudson,

*Water Management Director, Region VI,*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of Oklahoma.

[Permit No. NMR100000]

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located in the State of New Mexico, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 27th day of August, 1992.

Myron O. Knudson,

*Water Management Director, Region VI.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of New Mexico.

[Permit No. LAR100000]

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located in the State of Louisiana, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 27th day of August, 1992.

Myron O. Knudson,

*Water Management Director, Region VI.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of Louisiana.

[Permit No. WYR10000F]

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located in the Wind River Indian Reservation in the State of Wyoming, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Kerrigan Clough,

*Acting Regional Administrator.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the States of Wyoming.

### Authorization to Discharge Under the National Pollutant Discharge Elimination System

[Permit No. UTR10000F]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located in the following Indian Reservations in Utah (except for the portions of the Navajo Reservation and Goshute Reservation located in Utah)

Northern Shoshoni Reservation;

Paiute Reservations—several very small reservations located in the southwest quarter of Utah;

Skull Valley Reservation; and Uintah & Ouray Reservation.

are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Kerrigan Clough,

*Acting Regional Administrator.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of Utah.

### Authorization to Discharge Under the National Pollutant Discharge Elimination System

[Permit No. SDR100000]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located in the entire State of South Dakota including the Indian reservations noted below (with the exception of the portion of the Standing Rock Reservation located in South Dakota), and the portion of the Lake

Traverse Reservation located in North Dakota

Cheyenne River Reservation; Crow Creek Reservation;

Flandreau Reservation; Lake Traverse Reservation—Also known as the Sisseton Reservation. Includes the entire Reservation, which is located in North Dakota and South Dakota;

Lower Brule Reservation;

Pine Ridge Reservation—Includes only the portion of the Reservation located in South Dakota; Rosebud Reservation; and, Yankton Reservation.

are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Kerrigan Clough,

*Acting Regional Administrator.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of South Dakota and the portion of the Lake Traverse Reservation located in the State of North Dakota.

### Authorization to Discharge Under the National Pollutant Discharge Elimination System

[Permit No. NDR10000F]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", in all the Indian Reservations located in the State of North Dakota including the following (with the exception of the portion of the Lake Traverse Reservation, also known as the Sisseton Reservation, located in North Dakota)

Fort Totten Reservation—Also known as Devils Lake Reservation;  
Fort Berthold Reservation;

Standing Rock Reservation—Includes the entire Reservation, which is located in both North Dakota and South Dakota; and, Turtle Mountain Reservation.

are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight September 9, 1997.

Signed and issued this 28th day of August, 1992.

Kerrigan Clough,

*Acting Regional Administrator.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of North Dakota and the portion of the Standing Rock Reservation located in the State of South Dakota.

### Authorization to Discharge Under the National Pollutant Discharge Elimination System

[Permit No. MTR10000F]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", in all Indian Reservations in Montana including the following Reservations:

Blackfeet Reservation;

Crow Reservation;

Flathead Reservation;

Fort Belknap Reservation;

Fort Peck Reservation;

Northern Cheyenne Reservation; and, Rocky Boys Reservation.

are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm

water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight September 9, 1997.

Signed and issued this 28th day of August, 1992.

Kerrigan Clough,

*Acting Regional Administrator.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of Montana.

#### **Authorization to Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. COR10000F]

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity" in applicable federal facilities located in the State of Colorado, and in the following Indian Reservations Southern Ute Reservation; and, Ute Mountain Reservation—Includes the entire Reservation, which is located in Colorado and New Mexico

are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight September 9, 1997.

Signed and issued this 28th day of August, 1992.

Kerrigan Clough,

*Acting Regional Administrator.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of Colorado and the portion of the Ute Mountain Reservation located in the State of New Mexico.

#### **Storm Water General Permit for Construction Activities**

#### **Authorization to Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. AZR1000IF]

In compliance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located on

Indian Lands in the State of Arizona, Including Navajo Territory in the States of New Mexico and Utah

are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight September 9, 1997.

Signed and issued this 28th day of August, 1992.

Daniel W. McGovern,

*Regional Administrator, Region 9.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located on the Indian lands specified above.

#### **Authorization To Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. AZR100000]

In compliance with the provisions of the Clean Water Act, as amended, (U.S.C. 1251 et seq.; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located in the

State of Arizona (Excluding Indian Lands)

are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Daniel W. McGovern,

*Regional Administrator, Region 9.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of Arizona (excluding Indian lands).

#### **Authorization To Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. NVR1000IF]

In compliance with the provisions of the Clean Water Act, as amended, (U.S.C. 1251 et seq.; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located on

Indian Lands in the State of Nevada,

Including Goshute Territory in the State of Utah, and the Duck Valley Reservation in Nevada and Idaho

are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.



Signed and issued this 28th day of August, 1992.

Daniel W. McGovern,  
*Regional Administrator, Region 9.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located on the Indian lands specified above.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. CAR1000IF]

In compliance with the provisions of the Clean Water Act, as amended, (U.S.C. . . . 1251 *et seq.*; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located on

Indian Lands in the State of California are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Daniel W. McGovern,  
*Regional Administrator, Region 9.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located on Indian lands in the State of California.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. MWR100000]

In compliance with the provisions of the Clean Water Act, as amended, (U.S.C. . . . 1251 *et seq.*; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located on Midway Island or Wake Island

are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August, 1992.

Daniel W. McGovern,  
*Regional Administrator, Region 9.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located on Midway Island or Wake Island.

**Authorization To Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. JAR100000]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 *et seq.*; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located on

Johnston Atoll are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by this permit must submit a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this 28th day of August 1992.

Daniel W. McGovern,  
*Regional Administrator, Region 9.*

This signature is for the permit conditions in Parts I through IX and for any additional

conditions in Part X which apply to facilities located on Johnston Atoll.

**Authorization To Discharge Under the National Pollutant Discharge Elimination System for Storm Water Discharges From Construction Activities That Are Classified as Associated With Industrial Activity**

[General Permit No.: ID-R-10-000F]

In compliance with the provisions of the Clean Water Act, (33 U.S.C. 1251 *et seq.*), as amended by the Water Quality Act of 1987, Pub. L. 100-4, the "Act".

Owners and operators engaged in discharging storm water from construction activities that are classified as "associated with industrial activity" which are located on Indian lands in the State of Idaho, except for those sites identified in Part I hereof, are authorized to discharge to waters of the United States, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

A copy of this general permit must be kept at the site where the discharges occur.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed this 27th day of August 1992.

Harold E. Geren,  
*Acting Director, Water Division, Region 10, U.S. Environmental Protection Agency.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to activities located on Indian lands in the State of Idaho.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System for Storm Water Discharges From Construction Activities That Are Classified as Associated With Industrial Activity**

[General Permit No.: AK-R-10-000F]

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act".

Owners and operators engaged in discharging storm water from construction activities that are classified as "associated with industrial activity" which are located on Indian lands in the State of Alaska, except for those sites identified in Part I hereof, are authorized to discharge to waters of the United States, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

A copy of this general permit must be kept at the site where the discharges occur.

This permit shall become effective September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, on September 9, 1997.

Signed this 27 day of August 1992.

Harold E. Geren,

*Acting Director, Water Division, Region 10, U.S. Environmental Protection Agency.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to activities located on Indian lands in the State of Alaska.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System for Storm Water Discharges From Construction Activities That Are Classified as Associated With Industrial Activity**

[General Permit No.: WA-R-10-001F]

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act".

Owners and operators engaged in discharging storm water from construction activities that are classified as "associated with industrial activity" which are located on Indian lands in the State of Washington, except for those sites identified in Part I hereof, are authorized to discharge to waters of the United States, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

A copy of this general permit must be kept at the site where the discharges occur.

This permit shall become effective September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, on September 9, 1997.

Signed this 27 day of August 1992.

Harold E. Geren,

*Acting Director, Water Division, Region 10, U.S. Environmental Protection Agency.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to activities located on Indian lands in the State of Washington.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System for Storm Water Discharges from Construction Activities That Are Classified as Associated with Industrial Activity**

[General Permit No.: WA-R-10-000F]

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act".

Owners and operators of federal facilities in the State of Washington engaged in discharging storm water from construction activities that are classified as "associated with industrial activity", except for those sites identified in Part I hereof and except those sites located on Indian lands within the State of Washington, are authorized to discharge to waters of the State of Washington and waters of the United States adjacent to State waters, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

A copy of this general permit must be kept at the site where the discharges occur.

This permit shall become effective September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, on September 9, 1997.

Signed this 27th day of August 1992.

Harold E. Geren,

*Acting Director, Water Division, Region 10, U.S. Environmental Protection Agency.*

This signature is for the permit conditions in Parts I through IX and any additional conditions in Part X which apply to federal facilities in the State of Washington.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System for Storm Water Discharges from Construction Activities That Are Classified as Associated with Industrial Activity**

[General Permit No.: ID-R-10-0000]

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act".

Owners and operators engaged in discharging storm water from construction activities that are classified as "associated with industrial activity", except for those sites identified in Part I hereof and except those sites located on Indian lands within the State of Idaho, are authorized to discharge to waters of the State of Idaho and waters of the United States adjacent to State waters, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

A copy of this general permit must be kept at the site where the discharges occur.

This permit shall become effective September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, on September 9, 1997.

Signed this 27th day of August 1992.

Harold E. Geren,

*Acting Director, Water Division, Region 10, U.S. Environmental Protection Agency.*

This signature is for the permit conditions in Parts I through IX and any additional conditions in Part X which apply to federal facilities in the State of Idaho.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System for Storm Water Discharges From Construction Activities That Are Classified as Associated With Industrial Activity**

[General Permit No.: AK-R-10-0000]

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act".

Owners and operators engaged in discharging storm water associated with construction activities that are classified as associated with industrial activities, except those sites identified in Part I hereof and except those sites located on Indian lands within the State of Alaska and waters of the United States adjacent to State waters, in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

A copy of this general permit must be kept at the site where discharges occur.

This permit shall become effective September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, on September 9, 1997.

Signed this 27 day of August 1992.

Harold E. Geren,

*Acting Director, Water Division, Region 10, U.S. Environmental Protection Agency.*

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to activities located in the State of Alaska.

**Authorization to Discharge Under the National Pollutant Discharge Elimination System**

[Permit No. \_\_\_\_ R100000 or \_\_\_\_R10000F (for only Indian lands and/or Fed. fac)]

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 *et seq.*; the Act), except as provided in Part I.B.3 of this permit, operators of storm water discharges from construction activities that are classified as "associated with industrial activity", located in the State(s) of \_\_\_\_\_, are authorized to discharge in accordance with the conditions and requirements set forth herein.

Operators of storm water discharges from construction activities within the general permit area who intend to be authorized by these permits must submit

a Notice of Intent in accordance with Part II of this permit. Operators of storm water discharges associated with industrial activity who fail to submit a Notice of Intent in accordance with Part II of this permit are not authorized under this general permit.

This permit shall become effective on September 9, 1992.

This permit and the authorization to discharge shall expire at midnight, September 9, 1997.

Signed and issued this \_\_\_\_ day of \_\_\_\_\_, 1992.

(Signature of Water Management Director or Regional Administrator)

This signature is for the permit conditions in Parts I through IX and for any additional conditions in Part X which apply to facilities located in the State of \_\_\_\_\_.

**NPDES General Permits for Storm Water Discharges From Construction Activities That are Classified as "Associated With Industrial Activity"**

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**Preface**

The Clean Water Act (CWA) provides that storm water discharges associated with industrial activity from a point source (including discharges through a municipal separate storm sewer system) to waters of the United States are unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The terms "storm water discharge associated with industrial activity", "point source" and "waters of the United States" are critical to determining whether a facility is subject to this requirement. Complete definitions of these terms are found in the definition section (Part IX) of this permit.

The United States Environmental Protection Agency (EPA) has established the Storm Water Hotline at (703) 821-4823 to assist the Regional Offices in distributing notice of intent forms and storm water pollution prevention plan guidance, and to provide information pertaining to the storm water regulations.

**Part I. Coverage Under This Permit**

**A. Permit Area**

The permit covers all areas of:  
Region I—for the States of Maine and New Hampshire; for Indian lands located in Massachusetts, New Hampshire, and Maine.

Region II—for the Commonwealth of Puerto Rico.

Region IV—for Indian lands located in Florida (two tribes), Mississippi, and North Carolina.

Region VI—for the States of Louisiana, New Mexico, Oklahoma, and Texas; and for Indian lands located in Louisiana, New Mexico (except Navajo lands) and Ute Mountain Reservation lands, Oklahoma, and Texas.

Region VIII—for the State of South Dakota; for Indian lands located in

Colorado (including the Ute Mountain Reservation in Colorado), Montana, North Dakota, Utah (except Goshute Reservation and Navajo Reservation lands), and Wyoming; for Federal facilities in Colorado; and for the Ute Mountain Reservation New Mexico.

Region IX—for the State of Arizona; for the Territories of Johnston Atoll, and Midway and Wake Island; and for Indian lands located in California, and Nevada; and for the Goshute Reservation in Utah and Nevada, the Navajo Reservation in Utah, New Mexico, and Arizona, the Duck Valley Reservation in Nevada and Idaho.

Region X—for the State of Alaska, and Idaho; for Indian lands located in Alaska, Idaho (except Duck Valley Reservation lands), and Washington; and for Federal facilities in Washington.

**B. Eligibility**

1. This permit may authorize all discharges of storm water associated with industrial activity from construction sites, (those sites or common plans of development or sale that will result in the disturbance of five or more acres total land area <sup>1</sup>), (henceforth referred to as storm water discharges from construction activities) occurring after the effective date of this permit (including discharges occurring after the effective date of this permit where the construction activity was initiated before the effective date of this permit), except for discharges identified under paragraph I.B.3.

2. This permit may only authorize a storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where:

A. the industrial source other than construction is located on the same site as the construction activity;

b. storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and

c. storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) are covered by a different NPDES general permit or

<sup>1</sup> On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exemption for construction sites of less than five acres to the EPA for further rulemaking. (Nos. 90-70671 and 91-70200).

individual permit authorizing such discharges.

### 3. Limitations on Coverage

The following storm water discharges from construction sites are not authorized by this permit:

a. storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization.

b. discharges that are mixed with sources of non-storm water other than discharges which are identified in Part III.A of this permit and which are in compliance with Part IV.D.5 (non-storm water discharges) of this permit.

c. storm water discharges associated with industrial activity that are subject to an existing NPDES individual or general permit or which are issued a permit in accordance with paragraph VI.L (requiring an individual permit or an alternative general permit) of this permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges;

d. storm water discharges from construction sites that the Director (EPA) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard; and

e. storm water discharges from construction sites if the discharges may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat.

### C. Authorization

1. A discharger must submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit, using a NOI form provided by the Director (or a photocopy thereof), in order for storm water discharges from construction sites to be authorized to discharge under this general permit.<sup>2</sup>

2. Where a new operator is selected after the submittal of an NOI under Part II, a new Notice of Intent (NOI) must be submitted by the operator in accordance with Part II, using a NOI form provided by the Director (or a photocopy thereof).

3. Unless notified by the Director to the contrary, dischargers who submit an NOI in accordance with the requirements of this permit are authorized to discharge storm water from construction sites under the terms and conditions of this permit 2 days after the date that the NOI is postmarked. The Director may deny

coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information (see Part VI.L of this permit).

## Part II. Notice of Intent Requirements

### A. Deadlines for Notification

1. Except as provided in paragraphs II.A.2, II.A.3, and II.A.4, individuals who intend to obtain coverage for storm water discharges from a construction site (where disturbances associated with the construction project commence before October 1, 1992), under this general permit shall submit a Notice of Intent (NOI) in accordance with the requirements of this Part on or before October 1, 1992;

2. Individuals who intend to obtain coverage under this general permit for storm water discharges from a construction site where disturbances associated with the construction project commence after October 1, 1992, shall submit a Notice of Intent (NOI) in accordance with the requirements of this Part at least 2 days prior to the commencement of construction activities (e.g. the initial disturbance of soils associated with clearing, grading, excavation activities, or other construction activities);

3. For storm water discharges from construction sites where the operator changes, (including projects where an operator is selected after a NOI has been submitted under Parts II.A.1 or II.A.2) a NOI in accordance with the requirements of this Part shall be submitted at least 2 days prior to when the operator commences work at the site; and

4. EPA will accept an NOI in accordance with the requirements of this part after the dates provided in Parts II.A.1, 2 or 3 of this permit. In such instances, EPA may bring appropriate enforcement actions.

### B. Contents of Notice of Intent

The Notice(s) of Intent shall be signed in accordance with Part VI.G of this permit by all of the entities identified in Part II.B.2 and shall include the following information:

1. The mailing address of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location of the approximate center of the site must be described in terms of the latitude and longitude to the nearest 15 seconds, or the section, township and range to the nearest quarter section;

2. The name, address and telephone number of the operator(s) with day to

day operational control that have been identified at the time of the NOI submittal, and operator status as a Federal, State, private, public or other entity. Where multiple operators have been selected at the time of the initial NOI submittal, NOIs must be attached and submitted in the same envelope. When an additional operator submits an NOI for a site with a preexisting NPDES permit, the NOI for the additional operator must indicate the number for the preexisting NPDES permit;

3. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s);

4. The permit number of any NPDES permit(s) for any discharge(s) (including any storm water discharges or any non-storm water discharges) from the site;

5. An indication of whether the operator has existing quantitative data which describes the concentration of pollutants in storm water discharges (existing data should not be included as part of the NOI); and

6. An estimate of project start date and completion dates, estimates of the number of acres of the site on which soil will be disturbed, and a certification that a storm water pollution prevention plan has been prepared for the site in accordance with Part IV of this permit, and such plan provides compliance with approved State and/or local sediment and erosion plans or permits and/or storm water management plans or permits in accordance with Part IV.D.2.d of this permit. (A copy of the plans or permits should not be included with the NOI submission).

### C. Where to Submit

1. Facilities which discharge storm water associated with industrial activity must use a NOI form provided by the Director (or photocopy thereof). The form in the Federal Register notice in which this permit was published may be photocopied and used. Forms are also available by calling (703) 821-4823. NOIs must be signed in accordance with Part VI.G of this permit. NOIs are to be submitted to the Director of the NPDES program in care of the following address: Storm Water Notice of Intent, PO Box 1215, Newington, VA 22122.

2. A copy of the NOI or other indication that storm water discharges from the site are covered under an NPDES permit, and a brief description of the project shall be posted at the construction site in a prominent place for public viewing (such as alongside a building permit).

<sup>2</sup> A copy of the approved NOI form is provided in Appendix C of this notice.

#### D. Additional Notification

Facilities which are operating under approved State or local sediment and erosion plans, grading plans, or storm water management plans shall submit signed copies of the Notice of Intent to the State or local agency approving such plans in accordance with the deadlines in Part II.A of this permit (or sooner where required by State or local rules), in addition to submitting the Notice of Intent to EPA in accordance with paragraph II.C.

#### E. Renotification

Upon issuance of a new general permit, the permittee is required to notify the Director of his intent to be covered by the new general permit.

### Part III. Special Conditions, Management Practices, and Other Non-Numeric Limitations

#### A. Prohibition on Non-Storm Water Discharges

1. Except as provided in paragraph I.B.2 and III.A.2, all discharges covered by this permit shall be composed entirely of storm water.

2. a. Except as provided in paragraph III.A.2.(b), discharges of material other than storm water must be in compliance with a NPDES permit (other than this permit) issued for the discharge.

b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with paragraph IV.D.5: discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles or control dust in accordance with Part IV.D.2.c.(2); potable water sources including waterline flushings; irrigation drainage; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

#### B. Releases in Excess of Reportable Quantities

1. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements

of 40 CFR part 117 and 40 CFR part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24-hour period:

a. The permittee is required to notify the National Response Center (NRC) (800-424-8802; in the Washington, DC metropolitan area 202-426-2675) in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as he or she has knowledge of the discharge;

b. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with Part III.B.3 of this permit to the appropriate EPA Regional office at the address provided in Part V.C (addresses) of this permit; and

c. The storm water pollution prevention plan required under Part IV of this permit must be modified within 14 calendar days of knowledge of the release to: Provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

2. *Spills.* This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

#### Part IV. Storm Water Pollution Prevention Plans

A storm water pollution prevention plan shall be developed for each construction site covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with industrial activity at the construction site and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

#### A. Deadlines for Plan Preparation and Compliance

The plan shall:

1. Be completed (including certifications required under Part IV.E) prior to the submittal of an NOI to be covered under this permit and updated as appropriate;

2. For construction activities that have begun on or before October 1, 1992, except for sediment basins required under Part IV.D.2.a(2) (structural practices) of this permit, the plan shall provide for compliance with the terms and schedule of the plan beginning on October 1, 1992. The plan shall provide for compliance with sediment basins required under Part IV.D.2.a.(a) of this permit by no later than December 1, 1992;

3. For construction activities that have begun after October 1, 1992, the plan shall provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.

#### B. Signature and Plan Review

1. The plan shall be signed in accordance with Part VI.G, and be retained on-site at the facility which generates the storm water discharge in accordance with Part V (retention of records) of this permit.

2. The permittee shall make plans available upon request to the Director; a State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.

3. The Director, or authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit which are not being met by the plan, and identify which provisions of the plan requires modifications in order to meet the minimum requirements of this part. Within 7 days of such notification from the Director, (or as otherwise provided by the Director), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the Director a written certification that the requested changes have been made.

#### C. Keeping Plans Current

The permittee shall amend the plan whenever there is a change in design,

construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2 of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. In addition, the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the storm water pollution prevention plan (see Part IV.E). Amendments to the plan may be reviewed by EPA in the same manner as Part IV.B above.

#### D. Contents of Plan

The storm water pollution prevention plan shall include the following items:

1. *Site description.* Each plan shall, provide a description of pollutant sources and other information as indicated:

a. A description of the nature of the construction activity;

b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);

c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

d. An estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;

e. A site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which not be disturbed, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water; and

f. The name of the receiving water(s), and areal extent of wetland acreage at the site.

2. *Controls.* Each plan shall include a description of appropriate controls and measures that will be implemented at the construction site. The plan will clearly describe for each major activity identified in Part IV.D.1.b appropriate control measures and the timing during the construction process that the

measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description and implementation of controls shall address the following minimum components:

a. *Erosion and sediment controls*—(1). *stabilization practices.* A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Except as provided in paragraphs IV.D.2.(a).(1).(a), (b), and (c) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a). Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently cease is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.

(b). Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of site by the 14th day after construction activity temporarily ceased.

(c). In arid areas (areas with an average annual rainfall of 0 to 10 inches) and semi-arid areas (areas with an average annual rainfall of 10 to 20 inches), where the initiation of stabilization measures by the 14th day after construction activity has temporarily or permanently ceased is

precluded by seasonal arid conditions, stabilization measures shall be initiated as soon as practicable.

(2). *Structural practices.* A description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(a) For common drainage locations that serve an area with 10 or more disturbed acres at one time, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

(b) For drainage locations serving less than 10 acres, sediment basins and/or sediment traps should be used. At a minimum, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area unless a sediment basin providing storage for 3,600 cubic feet of storage per acre drained is provided.

b. *Storm water management.* A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses



the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.

(1). Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The pollution prevention plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed predevelopment levels.

(2). Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected [e.g., no significant changes in the hydrological regime of the receiving water].

c. *Other controls*—(1) *waste disposal*. No solid materials, including building materials, shall be discharged to waters of the United States, except as authorized by a Section 404 permit.

(2) Off-site vehicle tracking of sediments and the generation of dust shall be minimized.

(3) The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.

d. *Approved State or local plans*. (1) Permittees which discharge storm water associated with industrial activity from construction activities must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by State or local officials. Permittees shall provide a certification in their storm water pollution prevention plan that their storm water pollution prevention plan reflects requirements applicable to protecting surface water resources in sediment and erosion site plans or site permits, or storm water management

site plans or site permits approved by State or local officials. Permittees shall comply with any such requirements during the term of the permit. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.

(2) Storm water pollution prevention plans must be amended to reflect any change applicable to protecting surface water resources in sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by State or local officials for which the permittee receives written notice. Where the permittee receives such written notice of a change, the permittee shall provide a recertification in the storm water pollution plan that the storm water pollution prevention plan has been modified to address such changes.

(3) Dischargers seeking alternative permit requirements shall submit an individual permit application in accordance with Part VII.L of the permit at the address indicated in Part V.C of this permit for the appropriate Regional Office, along with a description of why requirements in approved State or local plans or permits, or changes to such plans or permits, should not be applicable as a condition of an NPDES permit.

3. *Maintenance*. A description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures identified in the site plan in good and effective operating condition.

4. *Inspections*. Qualified personnel (provided by the discharger) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. Where sites have been finally stabilized, or during seasonal arid periods in arid areas (areas with an average annual rainfall of 0 to 10 inches) and semi-arid areas (areas with an average annual rainfall of 10 to 20 inches) such inspection shall be conducted at least once every month.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures

identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

b. Based on the results of the inspection, the site description identified in the plan in accordance with paragraph IV.D.1 of this permit and pollution prevention measures identified in the plan in accordance with paragraph IV.D.2 of this permit shall be revised as appropriate, but in no case later than 7 calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan within 7 calendar days following the inspection.

c. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph IV.D.4.b of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the site is finally stabilized. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part VI.G of this permit.

5. *Non-Storm Water Discharges*. Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2 of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

#### E. Contractors

1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part IV.E.2

of this permit in accordance with Part VI.G of this permit. All certifications must be included in the storm water pollution prevention plan.

2. *Certification Statement.* All contractors and subcontractors identified in a storm water pollution prevention plan in accordance with Part IV.E.1 of this permit shall sign a copy of the following certification statement before conducting any professional service identified in the storm water pollution prevention plan:

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site identified as part of this certification.

The certification must include the name and title of the person providing the signature in accordance with Part VI.G of this permit; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

#### Part V. Retention of Records

A. The permittee shall retain copies of storm water pollution prevention plans and all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the Director at any time.

B. The permittee shall retain a copy of the storm water pollution prevention required by this permit at the construction site from the date of project initiation to the date of final stabilization.

C. *Addresses.* Except for the submittal of NOIs (see Part II.C of this permit), all written correspondence concerning discharges in any State, Indian land or from any Federal Facility covered under this permit and directed to the U.S. Environmental Protection Agency, including the submittal of individual permit applications, shall be sent to the address of the appropriate Regional Office listed below:

##### 1. CT, MA, ME, NH, RI, VT

United States EPA, Region I, Water Management Division (WCP-2109), Storm Water Staff, John F. Kennedy Federal Building, Room 2209, Boston, MA 02203.

##### 2. NJ, NY, PR, VI

United States EPA, Region II, Water Management Division (2WM-WPC),

Storm Water Staff, 26 Federal Plaza, New York, NY 10278.

##### 3. DE, DC, MD, PA, VA, WV

United States EPA, Region III, Water Management Division (3WM55), Storm Water Staff, 841 Chestnut Building, Philadelphia, PA 19107.

##### 4. AL, FL, GA, KY, MS, NC, SC, TN

United States EPA, Region IV, Water Management Division (FPB-3), Storm Water Staff, 345 Courtland Street, N.E., Atlanta, GA 30365.

##### 5. IL, IN, MI, MN, OH, WI

United States EPA, Region V; Water Quality Branch (5WQP), Storm Water Staff, 77 West Jackson Boulevard, Chicago, IL 60604.

##### 6. AR, LA, NM (Except See Region IX for Navajo Lands, and See Region VIII for Ute Mountain Reservation Lands), OK, TX

United States EPA, Region VI, Water Management Division (6W-EA), Storm Water Staff, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, 12th Floor, Suite 1200, Dallas, TX 75202.

##### 7. IA, KS, MO, NE

United States EPA, Region VII, Water Management Division, Compliance Branch, Storm Water Staff, 726 Minnesota Avenue, Kansas City, KS 66101.

##### 8. CO, MT, ND, SD, WY, UT (Except See Region IX for Goshute Reservation and Navajo Reservation Lands)

United States EPA, Region VIII, Water Management Division, NPDES Branch (8WM-C), Storm Water Staff, 999 18th Street, Denver, CO 80202-2466.

Note—For *Montana Indian Lands*, please use the following address: United States EPA, Region VIII, Montana Operations Office, Federal Office Building, Drawer 10096, 301 South Park, Helena, MT 59620-0026.

##### 9. AZ, CA, HI, NV, Guam, American Samoa, the Goshute Reservation in UT and NV, the Navajo Reservation in UT, NM, and AZ, the Duck Valley Reservation in NV and ID

United States EPA, Region IX, Water Management Division (W-5-1), Storm Water Staff, 75 Hawthorne Street, San Francisco, CA 94105.

##### 10. AK, ID (Except See Region IX for Duck Valley Reservation Lands), OR, WA

United States EPA, Region X, Water Management Division (WD-134), Storm Water Staff, 1200 Sixth Street, Seattle WA 98101.

#### Part VI. Standard Permit Conditions

##### A. Duty to Comply

1. 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.

##### 2. Penalties for Violations of Permit Conditions

###### a. Criminal

(1). *Negligent Violations* The CWA provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

(2). *Knowing Violations* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

(3). *Knowing Endangerment* The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

(4). *False Statement* The CWA provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act).

b. *Civil Penalties*—The CWA provides that any person who violates a



permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation.

*c. Administrative Penalties.* The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

(1). *Class I penalty* Not to exceed \$10,000 per violation nor shall the maximum amount exceed \$25,000.

(2). *Class II penalty* Not to exceed \$10,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$125,000.

*B. Continuation of the Expired General Permit*

This permit expires on October 1, 1997. However, an expired general permit continues in force and effect until a new general permit is issued. Permittees must submit a new NOI in accordance with the requirements of Part II of this permit, using a NOI form provided by the Director (or photocopy thereof) between August 1, 1997 and September 29, 1997 to remain covered under the continued permit after October 1, 1997. Facilities that had not obtained coverage under the permit by October 1, 1997 cannot become authorized to discharge under the continued permit.

*C. Need to Halt or Reduce 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.

*D. 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.

*E. Duty to Provide Information*

The permittee shall furnish to the Director; an authorized representative of the Director; a State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, any information which is requested to

determine compliance with this permit or other information.

*F. Other Information*

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Director, he or she shall promptly submit such facts or information.

*G. Signatory Requirements*

All Notices of Intent, storm water pollution prevention plans, reports, certifications or information either submitted to the Director or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:

1. All Notices of Intent shall be signed as follows:

a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

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

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

b. The authorization specifies either an individual or a position having

responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

*c. Changes to authorization.* If an authorization under paragraph II.B.3. is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new notice of intent satisfying the requirements of paragraph II.B must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

*d. Certification.* Any person signing documents under paragraph VI.G shall make the following certification:

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

*H. Penalties for Falsification of Reports*

Section 309(c)(4) of the Clean Water Act provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

*I. 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 the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

*J. Property Rights*

The issuance of this permit does not convey any property rights of any sort,

nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

#### **K. Severability**

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

#### **L. Requiring an Individual Permit or an Alternative General Permit**

1. The Director may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Director to take action under this paragraph. Where the Director requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, the Director shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the appropriate Regional Office indicated in Part V.C of this permit. The Director may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual NPDES permit application as required by the Director under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified by the Director for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Director at the address for the appropriate Regional Office indicated in part V.C of this permit. The request may be granted by issuance of any individual permit or an alternative general if the

reasons cited by the permittee are adequate to support the request.

3. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Director.

#### **M. State/Environmental Laws**

1. 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 established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.

2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

#### **N. Proper Operation 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 also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

#### **O. Inspection and Entry**

The permittee shall allow the Director or an authorized representative of EPA, the State, or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and

other documents as may be required by law, to:

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

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

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

#### **P. Permit Actions**

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

#### **Part VII. Reopener Clause**

A. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the discharger may be required to obtain individual permit or an alternative general permit in accordance with Part I.C of this permit or the permit may be modified to include different limitations and/or requirements.

B. Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

#### **Part VIII. Termination of Coverage**

##### **A. Notice of Termination**

Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, or where the operator of all storm water discharges at a facility changes, the operator of the facility may submit a Notice of Termination that is signed in accordance with Part VI.G of this permit. The Notice of Termination shall include the following information:

1. The mailing address of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location of the approximate center of the site must be described in terms of the latitude and longitude to the nearest 15 seconds, or the section, township and range to the nearest quarter section;

2. The name, address and telephone number of the operator addressed by the Notice of Termination;

3. The NPDES permit number for the storm water discharge identified by the Notice of Termination;

4. An indication of whether the storm water discharges associated with industrial activity have been eliminated or the operator of the discharges has changed; and

5. The following certification signed in accordance with Part VI.G (signature requirements) of this permit:

I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by an NPDES general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this notice of termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

For the purposes of this certification, elimination of storm water discharges associated with industrial activity means that all disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges associated with construction activities from the identified site that are authorized by a NPDES general permit have otherwise been eliminated.

#### B. Addresses

All Notices of Termination are to be sent, using the form provided by the Director (or a photocopy thereof),<sup>3</sup> to the following address: Storm Water Notice of Termination, PO Box 1185, Newington, VA 22122.

#### Part IX. Definitions

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

**Commencement of Construction**—The initial disturbance of soils associated

with clearing, grading, or excavating activities or other construction activities.

**CWA** means the Clean Water Act or the Federal Water Pollution Control Act.

**Dedicated portable asphalt plant**—A portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to. The term dedicated portable asphalt plant does not include facilities that are subject to the asphalt emulsion effluent limitation guideline at 40 CFR 443.

**Dedicated portable concrete plant**—A portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

**Director** means the Regional Administrator of the Environmental Protection Agency or an authorized representative.

**Final Stabilization** means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

**Flow-weighted composite sample** means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

**Large and 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 as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR part 122); or (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in appendices H and I of 40 CFR part 122); or (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.

**NOI** means notice of intent to be covered by this permit (see Part II of this permit).

**NOT** means notice of termination (see Part VIII of this permit).

**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.

**Runoff coefficient** means the fraction of total rainfall that will appear at the conveyance as runoff.

**Storm Water** means storm water runoff, snow melt runoff, and surface runoff and drainage.

**Storm Water Associated with Industrial Activity** means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in paragraphs (i) through (x) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all areas (except access roads and rail lines) listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste

<sup>3</sup> A copy of the approved NOT form is provided in Appendix D of this notice.

product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(xi) of this definition) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

(i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this definition);

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this subsection are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;

(x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (i)-(x)).<sup>4</sup>

*Waters of the United States* means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which

are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate "wetlands";

(c) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as waters of the United States under this definition;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) The territorial sea; and

(g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States.

#### Part X. State Specific Conditions

The provisions of this Part provide modifications or additions to the applicable conditions of Parts I through IX of this permit to reflect specific additional conditions identified as part of the State section 401 certification process. The additional revisions and requirements listed below are set forth in connection with particular State, Indian lands and Federal facilities and only apply to the States, Indian lands and Federal facilities specifically referenced.

#### Region II

A. *Puerto Rico*. Puerto Rico 401 certification special permit conditions revise the permit as follows:

1. Part I.A of the permit is revised to read as follows:

#### Part I. Coverage Under This Permit

A. *Permit Area*. The permit covers all areas administered by EPA Region 2 in the Commonwealth of Puerto Rico.

\* \* \* \* \*

2. Part III of the permit are revised to read as follows:

<sup>4</sup> On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exclusion for manufacturing facilities in category (xi) which do not have materials or activities exposed to storm water to the EPA for further rulemaking. (Nos. 90-70671 and 91-70200).

**Part III. Special Conditions, Management Practices, Commonwealth Special Conditions, and Narrative Effluent Limitations.**

\* \* \* \* \*

**C. Commonwealth Special Conditions**

1. Prior to the construction of any treatment system of waters compose entirely of storm water, the permittee shall obtain the approval of the engineering report, plans and specifications from the Environment Quality Board (EQB) of Puerto Rico.

2. The permittee shall submit to EQB with copy to the Regional Office the following information regarding its storm water discharge(s) associated with industrial activity: The number of storm water discharges associated with industrial activity covered by this permit and a drawing indicating the drainage area of each storm water outfalls:

a. For construction activities that have begun on or before October 1, 1992, the permittee is required to submit the information listed above no later than November 15, 1992.

b. For construction activities that have begun after October 1, 1992, the permittee is required to submit the information listed above within forty five (45) days of submission of the NOI.

**D. Narrative Effluent Limitations**

1. All discharges covered by this Permit shall be free of oil sheen at all times.

2. The storm water discharges associated with industrial activity from construction activities covered by this permit will not cause violation to the applicable water quality standards.

\* \* \* \* \*

3. Part IV of the permit is revised to read as follows:

**Part IV. Storm Water Pollution Prevention Plans**

\* \* \* \* \*

**A. Deadlines for Plan Preparation and Compliance**

The plan shall: 1. Be completed prior to the submittal of an NOI to be covered under this permit and updated as appropriate;

2. For construction activities that have begun on or before October 1, 1992, the plan shall provide for compliance with the terms and schedule of the plan beginning on October 1, 1992. On or before November 1, 1992, the permittee shall submit to EQB with copy to the Regional Office, a certification stating that the Plan has been developed and implemented in accordance with the requirements established in this permit.

The certification should be signed by the person who fulfills the signatory requirements in accordance with Part VI.G of this permit.

3. For construction activities that have begun after October 1, 1992, the plan shall provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities. Within thirty (30) days of submission of the NOI, the permittee shall submit to EQB with copy to the Regional Office, a certification stating that the Plan has been developed and implemented in accordance with the requirements established in this permit. This certification should be signed by the person who fulfills the signatory requirements in accordance with Part VI.G of this permit.

\* \* \* \* \*

**C. Keeping Plans Current.** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2 of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by EPA in the same manner as Part IV.B above. If events have occurred which require the modification of the Plan, the engineer who performs the corresponding revision must submit to EQB with copy to the Regional Office, a certification stating the modifications performed to the plan. As soon as the modifications performed to the Plan are implemented, the person who fulfills the signatory requirements in accordance with Part VI.G of this permit shall submit to EQB with copy to the Regional Office, a certification stating that the modifications of the Plan have been implemented.

\* \* \* \* \*

**D. Contents of Plan**

\* \* \* \* \*

**2. Controls.**

\* \* \* \* \*

**d. Approved State or Local Plans**

\* \* \* \* \*

(4) Compliance with the Plan requirements does not relieve the permittee of his responsibility to comply with the provisions of the Sediment and

Erosion Control Plan (Plan CEST, as referred to in Spanish) required by EQB.

\* \* \* \* \*

4. Part VI.N of the permit is revised to read as follows:

**Part VI. Standard Permit Conditions**

\* \* \* \* \*

**N. Proper Operation 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 also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit. Also, proper operation and maintenance includes, but is not limited to, the effective performance based on designed facility removals, adequate funding, effective management, qualified operator staffing, adequate training, adequate laboratory and process controls including appropriate quality assurance procedures.

**Region VIII**

**B. Colorado (Federal facilities and Indian lands).** There are no special conditions pursuant to Colorado 401 certification in this permit for storm water discharges associated with industrial activity from construction activities located on Indian lands in Colorado. Colorado 401 certification special permit conditions for storm water discharges associated with industrial activity from construction activities from Federal facilities is revised as follows:

1. Part I.A of the permit is revised to read as follows:

**Part I. Coverage Under This Permit**

**A. Permit Area.** The permit covers all Federal Facilities and Indian Lands administered by EPA Region 8 in the State of Colorado.

\* \* \* \* \*

2. Part III of the permit is revised to read as follows:

**Part III. Special Conditions**

**A. Prohibition on non-storm water discharges.**

\* \* \* \* \*

2.

b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with paragraph IV.D.5: Discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles or control dust in accordance with Part IV.D.2.c.(2); potable water sources including waterline flushings; irrigation drainage; routine external building washdown which does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate that has not been contaminated by industrial activity and no chemicals have been added to it; naturally occurring springs which have not been altered by the industrial activity; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

B. Releases in Excess of Reportable Quantities

1.

b. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with paragraph III.B.3 of this permit to the appropriate EPA Regional Office at the address provided in Part V.C (addresses) of this permit and to the Colorado Water Quality Control Division at the following address: Colorado Department of Health, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530, Attention: Permits and Enforcement.

3. Part IV.B.2 of the permit is revised to read as follows:

Part IV. Storm Water Pollution Prevention Plans

B. Signature and Plan Review

2. The permittee shall make plans available upon request to the Director,

or authorized representative, or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system, to the operator of the municipal system. Federal Facilities located on non-Indian lands in Colorado shall make plans available upon request to the Colorado Water Quality Control Division.

4. Part VII.A of the permit is revised to read as follows:

Part VII. Reopener Clause

A. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the discharger may be required to obtain individual permit or an alternative general permit in accordance with Part I.C of this permit or the permit may be modified to include different limitations and/or requirements. If EPA develops new regulations which specifically impact storm water permit requirements or there is a change in statute which imposes additional requirements, this permit may be reopened and modified (following administrative procedures) to include the appropriate requirements.

Region IX

C. Arizona. Arizona 401 certification special permit conditions revise the permit as follows:

1. Part I.A of the permit is revised to read as follows:

Part I. Coverage Under This Permit

A. Permit Area. The permit covers all areas administered by EPA Region 9 in the State of Arizona, excluding all Indian lands.

2. Part II of the permit is revised to read as follows:

Part II. Notice of Intent Requirements

F. Special NOI Requirements for the State of Arizona. NOIs shall also be submitted to the State of Arizona Department of Environmental Quality at the following address: Storm Water Coordinator, Arizona Department of Environmental Quality P.O. Box 600, Phoenix, Arizona 85001-0600.

NOIs submitted to the State of Arizona shall include the well registration number if storm water associated with industrial activity is

discharged to a dry well or an injection well.

3. Part III of the permit is revised to read as follows:

Part III. Special Conditions

C. Compliance with Water Quality Standards of the State of Arizona. Discharges authorized by this permit shall not cause or contribute to a violation of any applicable water quality standards of the State of Arizona (A.G. Rule No. R92-006).

4. Part VIII of the permit is revised to read as follows:

Part VIII. Termination of Coverage

C. Special NOT Requirement for the State of Arizona. NOTs shall also be submitted to the State of Arizona Department of Environmental Quality at the following address:

Storm Water Coordinator, Arizona Department of Environmental Quality, P.O. Box 600, Phoenix, Arizona 85001-0600.

5. The following definition has been added to Part IX of the permit:

Part IX. Definitions

Significant sources of non-storm water includes, but is not limited to: Discharges which could cause or contribute to violations of water quality standards of the State of Arizona, and discharges which could include releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and 40 CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

Region X

D. Alaska. Alaska 401 certification special permit conditions revise the permit as follows:

1. Part I.A of the permit is revised to read as follows:

Part I. Coverage Under This Permit

A. Permit Area. The permit covers all areas administered by EPA Region 10 in the State of Alaska.

2. Part II.C of the permit is revised to read as follows:

Part II. Notice of Intent Requirements



*C. Where to Submit.*

3. A copy of initial Notice of Intent (NOI), any NOI for the continuation of the general permit, and any Notice of Termination shall be submitted to the appropriate State regional office, attention Storm Water Coordinator, as follows:

Alaska Department of Environmental Conservation, Northern Regional Office, 1001 Noble Street, suite 350, Fairbanks, Alaska 99701, (907) 452-1714, Fax: 451-2187.

Alaska Department of Environmental Conservation, Southeastern Regional Office, 410 W. Willoughby, suite 105, Juneau, Alaska 99801, (907) 465-5350, Fax: 465-5362.

Alaska Department of Environmental Conservation, Southcentral Regional Office, 3601 "C" Street, suite 1334, Anchorage, Alaska 99503, (907) 563-6529, Fax: 562-4026.

Alaska Department of Environmental Conservation, Pipeline Corridor Regional Office, 411 W. 4th Ave., suite 2C, Anchorage, Alaska 99502, (907) 278-8594, Fax: 272-0690.

4. With the NOI to the State, a brief description of the activities to be covered shall be submitted. This shall be on a single sheet and shall describe the area to be disturbed to the nearest acre, the primary pollutants expected from the activities and the type of treatment to be provided.

3. Part III.B.1.b is revised to read as follows:

**Part III. Special Conditions, Management Practices, and Other Non-Numeric Limitations**

*B. Releases in excess of Reportable Quantities.*

1.

b. The permittee shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with Part III.B.3 of this permit to the appropriate EPA Regional Office at the address provided in Part V.C (addresses) of this permit and to the

appropriate State regional office (see section II.C for addresses;

4. Part IV.D.4 of the permit is revised to read as follows:

**Part IV. Storm Water Pollution Prevention Plans**

*D. Contents of Plan.*

4. *Inspections.* Qualified personnel (provided by the discharger) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. Where sites have been finally stabilized, or during seasonal arid periods in arid areas (areas with an average annual rainfall of 0 to 10 inches) and semi-arid areas (areas with an average annual rainfall of 10 to 20 inches) such inspection shall be conducted at least once every month. Monthly inspections shall be conducted for areas finally until a Notice of Termination (NOT) has been submitted for the area.

E. *Idaho.* Idaho 401 certification special permit conditions revise the permit as follows:

1. Part I.A of the permit is revised to read as follows:

**Part I. Coverage Under This Permit**

A. *Permit Area.* The permit covers all areas administered by EPA Region 10 in the State of Idaho.

2. Part III of the permit is revised to read as follows:

**Part III. Special Conditions**

C. All storm water shall be treated and disposed of in such a manner that the ground water standards of Idaho are not violated. Such standards are specified in Section 1.02299 of the "Idaho Water Quality Standards and Wastewater Treatment Requirements."

F. *Washington (Federal facilities and Indian lands).* Washington 401 certification special permit conditions revise the permit as follows:

1. Part I.A of the permit is revised to read as follows:

**Part I. Coverage Under This Permit**

A. *Permit Area.* The permit covers all Federal Facilities administered by EPA Region 10 in the State of Washington.

2. Part III of the permit is revised to read as follows:

**Part III. Special Conditions**

*C. Washington State Standards*

1. This permit does not authorize the violation of ground water standards (Chapter 173-200 WAC), surface water standards (Chapter 173-201 WAC), or sediment management standards (Chapter 173-204 WAC) of the State of Washington. The point of compliance with surface water standards shall be determined after consideration of the assignment of a dilution zone as allowed under Chapter 173-201 WAC. The point of compliance with ground water standards shall be determined by applying the provisions of Chapter 173-200 WAC. The point of compliance with sediment management standards shall be determined in accordance with Chapter 173-204 WAC.

2. Diversion of storm water discharges to ground water from existing discharges to surface water shall not be authorized by this permit if this causes a violation or the potential for violation of ground water standards (Chapter 173-200 WAC). Such discharges below the surface of the ground are also regulated by the Underground Injection Control Program (Chapter 173-218 WAC).

3. Washington Department of Ecology (WDOE) is currently developing a "Storm Water Pollution Prevention Plan" which will require facilities to assess the potential of their storm water discharges to violate the Washington State surface water, ground water, or sediment management standards. Those discharges with a high potential to violate standards will be required to develop and implement a monitoring program.

Upon issuance of the "Storm Water Pollution Prevention Plan" by WDOE, EPA may reopen this permit to require facilities to assess their storm water discharges and to require additional monitoring.

BILLING CODE 6560-50-M





**Instructions - EPA Form 3510-6**  
**Notice Of Intent (NOI) For Storm Water Discharges Associated With Industrial Activity**  
**To Be Covered Under The NPDES General Permit**

**Who Must File A Notice Of Intent (NOI) Form**

Federal law at 40 CFR Part 122 prohibits point source discharges of storm water associated with industrial activity to a water body(ies) of the U.S. without a National Pollutant Discharge Elimination System (NPDES) permit. The operator of an industrial activity that has such a storm water discharge must submit a NOI to obtain coverage under the NPDES Storm Water General Permit. If you have questions about whether you need a permit under the NPDES Storm Water program, or if you need information as to whether a particular program is administered by EPA or a state agency, contact the Storm Water Hotline at (703) 821-4823.

**Where To File NOI Form**

NOIs must be sent to the following address:

Storm Water Notice of Intent  
 PO Box 1215  
 Newington, VA 22122

**Completing The Form**

You must type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, call the Storm Water Hotline at (703) 821-4823.

**Section I Facility Operator Information**

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same as the name of the facility. The responsible party is the legal entity that controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

Enter the appropriate letter to indicate the legal status of the operator of the facility.

F = Federal                      M = Public (other than federal or state)  
 S = State                        P = Private

**Section II Facility/Site Location Information**

Enter the facility's or site's official or legal name and complete street address, including city, state, and ZIP code. If the facility or site lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

Indicate whether the facility is located on Indian lands.

**Section III Site Activity Information**

If the storm water discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., municipality name, county name) and the receiving water of the discharge from the MS4. (A MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by a state, city, town, borough, county, parish, district, association, or other public body which is designed or used for collecting or conveying storm water.)

If the facility discharges storm water directly to receiving water(s), enter the name of the receiving water.

If you are filing as a co-permittee and a storm water general permit number has been issued, enter that number in the space provided.

Indicate whether or not the owner or operator of the facility has existing quantitative data that represent the characteristics and concentration of pollutants in storm water discharges.

Indicate whether the facility is required to submit monitoring data by entering one of the following:

- 1 = Not required to submit monitoring data;
- 2 = Required to submit monitoring data;
- 3 = Not required to submit monitoring data; submitting certification for monitoring exclusion

Those facilities that must submit monitoring data (e.g., choice 2) are: Section 313 EPCRA facilities; primary metal industries; land disposal units/incinerators/BIFs; wood treatment facilities; facilities with coal pile runoff; and, battery reclaimers.

List, in descending order of significance, up to four 4-digit standard industrial classification (SIC) codes that best describe the principal products or services provided at the facility or site identified in Section II of this application.

For industrial activities defined in 40 CFR 122.26(b)(14)(i)-(xi) that do not have SIC codes that accurately describe the principal products produced or services provided, the following 2-character codes are to be used:

- HZ = Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA [40 CFR 122.26 (b)(14)(iv)];
- LF = Landfills, land application sites, and open dumps that receive or have received any industrial wastes, including those that are subject to regulation under subtitle D of RCRA [40 CFR 122.26 (b)(14)(v)];
- SE = Steam electric power generating facilities, including coal handling sites [40 CFR 122.26 (b)(14)(vii)];
- TW = Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage [40 CFR 122.26 (b)(14)(ix)]; or,
- CO = Construction activities [40 CFR 122.26 (b)(14)(x)].

If the facility listed in Section II has participated in Part 1 of an approved storm water group application and a group number has been assigned, enter the group application number in the space provided.

If there are other NPDES permits presently issued for the facility or site listed in Section II, list the permit numbers. If an application for the facility has been submitted but no permit number has been assigned, enter the application number.

**Section IV Additional Information Required for Construction Activities Only**

Construction activities must complete Section IV in addition to Sections I through III. Only construction activities need to complete Section IV.

Enter the project start date and the estimated completion date for the entire development plan.

Provide an estimate of the total number of acres of the site on which soil will be disturbed (round to the nearest acre).

Indicate whether the storm water pollution prevention plan for the site is in compliance with approved state and/or local sediment and erosion plans, permits, or storm water management plans.

**Section V Certification**

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;


*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipality, state, Federal, or other public facility:* by either a principal executive officer or ranking elected official.

**Paperwork Reduction Act Notice**

Public reporting burden for this application is estimated to average 0.5 hours per application, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, or Director, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Appendix D — NOT Form Instructions

<b>Please See Instructions Before Completing This Form</b>		Form Approved. OMB No. 2040-0088 Approval expires: 8-31-95
<b>NPDES FORM</b>		United States Environmental Protection Agency Washington, DC 20460 <b>Notice of Termination (NOT) of Coverage Under the NPDES General Permit          for Storm Water Discharges Associated with Industrial Activity</b>
Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with industrial activity under the NPDES program. ALL NECESSARY INFORMATION MUST BE PROVIDED ON THIS FORM.		
<b>I. Permit Information</b>		
NPDES Storm Water General Permit Number: _____	Check Here if You are No Longer the Operator of the Facility: <input type="checkbox"/>	Check Here if the Storm Water Discharge is Being Terminated: <input type="checkbox"/>
<b>II. Facility Operator Information</b>		
Name: _____		Phone: _____
Address: _____		
City: _____	State: _____	ZIP Code: _____
<b>III. Facility/Site Location Information</b>		
Name: _____		
Address: _____		
City: _____	State: _____	ZIP Code: _____
Latitude: _____	Longitude: _____	Quarter: _____ Section: _____ Township: _____ Range: _____
<b>IV. Certification:</b> I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by a NPDES general permit have been eliminated or that I am no longer the operator of the facility or construction site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an operator from liability for any violations of this permit or the Clean Water Act.		
Print Name: _____		Date: _____
Signature: _____		
<b>Instructions for Completing Notice of Termination (NOT) Form</b>		
<b>Who May File a Notice of Termination (NOT) Form</b>  Permittees who are presently covered under the EPA issued National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activity may submit a Notice of Termination (NOT) form when their facilities no longer have any storm water discharges associated with industrial activity as defined in the storm water regulations at 40 CFR 122.25 (b)(14), or when they are no longer the operator of the facilities.  For construction activities, elimination of all storm water discharges associated with industrial activity occurs when disturbed soils at the construction site have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges associated with industrial activity from the construction site that are authorized by a NPDES general permit have otherwise been eliminated. Final stabilization means that all soil-disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.	<b>Where to File NOT Form</b>  Send this form to the the following address:  Storm Water Notice of Termination P.O. Box 1165 Newington, VA 22122  <b>Completing the Form</b>  Type or print, using upper-case letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, call the Storm Water Hotline at (703) 621-4823.	
<b>PLEASE SEE REVERSE OF THIS FORM FOR FURTHER INSTRUCTIONS</b>		

**Instructions - EPA Form 3510-7**  
**Notice of Termination (NOT) of Coverage Under The NPDES General Permit**  
**for Storm Water Discharges Associated With Industrial Activity**

**Section I Permit Information**

Enter the existing NPDES Storm Water General Permit number assigned to the facility or site identified in Section III. If you do not know the permit number, contact the Storm Water Hotline at (703) 821-4823.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box:

If there has been a change of operator and you are no longer the operator of the facility or site identified in Section III, check the corresponding box.

If all storm water discharges at the facility or site identified in Section III have been terminated, check the corresponding box.

**Section II Facility Operator Information**

Give the legal name of the person, firm, public organization, or any other entity that operates the facility or site described in this application. The name of the operator may or may not be the same name as the facility. The operator of the facility is the legal entity which controls the facility's operation, rather than the plant or site manager. Do not use a colloquial name. Enter the complete address and telephone number of the operator.

**Section III Facility/Site Location Information**

Enter the facility's or site's official or legal name and complete address, including city, state and ZIP code. If the facility lacks a street address, indicate the state, the latitude and longitude of the facility to the nearest 15 seconds, or the quarter, section, township, and range (to the nearest quarter section) of the approximate center of the site.

**Section IV Certification**

Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipality, State, Federal, or other public facility:* by either a principal executive officer or ranking elected official.

**Paperwork Reduction Act Notice**

Public reporting burden for this application is estimated to average 0.5 hours per application, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, or Director, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

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