



# **NPDES Construction Stormwater Program**

## **Construction Stormwater Regulatory Update**

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- AEPACS
- Construction General Permit
  - Fees & Applications
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# AEPACS

## **AEPACS** - Alabama Environmental Permitting & Compliance System

[adem.alabama.gov/AEPACS](http://adem.alabama.gov/AEPACS)

Launched September 21, 2020

AEPACS is an electronic system that allows facilities to apply for and maintain permits as well as submit other required applications, registrations, and certifications. In addition, the system allows facilities to submit required compliance reports or other information to the Department.


All construction stormwater, small mining, pesticide and MS4 permitting is now processed through our new browser-based database. More programs will be available October 2021.

[adem.alabama.gov](http://adem.alabama.gov)

## AEPACS – Alabama Environmental Permitting and Compliance System

Please click the About link to see which programs are currently active in this system

[About](#) [Contact](#)

 [Sign In](#)



### Permitting & Compliance

#### *What can I do here?*

- Apply for permits
- Manage your permits (pay fees, apply for renewals)
- Submit reports (required by your permit or certification)

To get started, you'll need an account.

[CREATE AN AEPACS ACCOUNT](#)

[Sign in with an existing account](#)

### Public Services

These services are provided to be freely used by the public; no account is necessary to make use of them.

#### [Site Map Explorer](#)

Use our Explorer mapping tools and advanced-search capabilities to navigate all available information on environmental sites.



## AEPACS 'About' webpage

Helpful information is available:

How to create an account.

How to claim an existing site and

how to create a new site.

Please visit:

[adem.alabama.gov/aepacs](http://adem.alabama.gov/aepacs)


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**Alabama Environmental Permitting and Compliance System (AEPACS)**

**What is AEPACS?**

AEPACS is an electronic system that allows facilities to apply for and maintain permits as well as submit other required applications, registrations, and certifications. In addition, the system allows facilities to submit required compliance reports or other information to the Department. Other ADEM environmental programs will be added to the system in phases.

**What Programs does AEPACS Support?**

The programs (or portions thereof as indicated) are currently supported in AEPACS:

**Waste/Recycling/Remediation Programs**

- Recycling Program
- Scrap Tire Program
- County Right-of-Way Program

**Water Programs**

- Clean Water Act (CWA) §401 Water Quality Certification (WQC)
- Coastal Program
- NPDES Program (limited to permitting and compliance for the below activities)
  - Construction Stormwater Permit (ALR100000)
  - Mining <5 Acres [Small Noncoal/Nonmetallic Mining] Permit (ALG890000)
  - Pesticide Application (ALG870000) Permit
  - MS4 Individual and General (ALR040000) Permits

The next programs to be supported by AEPACS include the remainder of the NPDES Program and the addition of the UIC Program, and UST Program. These programs are scheduled to be available in the early fall of 2021.

**How Do I Get Started?**

- Create an AEPACS Account
- Claim an Existing Site
- Create a New Site

**Other Helpful Information**

- External Help Document for CSW -Small Mining - Pesticide Facilities

## Challenges with AEPACS

- Identity Proofing
  - This is an EPA requirement
  - You may do electronically or send in a wet signature agreement
  - If you fail identity proofing electronically, a wet signature must be submitted
- System requirement to reset password every 90 days
- Forgetting password
- Forgetting challenge question answers
- Sharing of an account is not permitted.
  - An office manager, technical staff or spouse may not access the account with the credentials of the Responsible Official or the consultant.
  - Each person requiring access must have their own account and must pass identity proofing.

## Upcoming AEPACS Blackout

- Additional NPDES programs coming online in AEPACS in October
- **Oct 6 - 8** AEPACS will not be accessible to external or internal users

## Who is required to obtain a permit?

- Construction Sites 1 acre and greater in size
- Construction sites less than 1 acre in size, if part of a larger common plan of development or sale
- Designated Construction
  - Less than 1 acre and determined by ADEM to be:
  - Significant contributor of pollutants of concern
  - Reasonable potential to cause or contribute to a Water Quality Standard violation

## Current General Permit

- Issued March 12, 2021
- Effective April 1, 2021
- **Expires March 31, 2026**





# Construction Stormwater General Permit ALR100000

- **Fees**
- Initial/Reissuance \$1385
- Modification \$800
  - Permittee name change (requires a signed Transfer Agreement)
  - Change in ownership (requires a signed Transfer Agreement)
  - Addition of a Co-Permittee
  - Addition of receiving water(s)
  - Change in permit boundary
- Information Update - No fee
  - Previously referred to as *minor modification*
  - Addition of outfall to currently permitted receiving water(s)
  - Changes in contacts, deletion of outfalls and/or receiving waters, decrease in acreage
- Greenfield Fee \$1610
  - Applied if land disturbance activities commenced prior to obtaining NPDES permit coverage



# What's New in the GP?

## Part I.

### B. Eligibility

(c) Discharges from *construction support activities* provided:

(iii) The support activity is located in close proximity (two-mile radius) to the construction site covered under this permit, or as otherwise approved by the Department;

*\* Mining operations are not authorized under the ALR100000 Permit.*



# What's New in the GP?

## Part I.

### C. Exempt Discharges

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



# What's New in the GP?

## Part II.

### C. Contents of the NOI

(c) The latitude and longitude, to the nearest second, for the entrance to the construction site, each **outfall for which coverage under this general permit is desired**. For the purposes of this requirement the entrance to the construction site will be identified as the primary point of access by normal vehicle traffic. For linear projects, the latitude and longitude, to the nearest second, should be provided for the starting and ending point of the project boundaries;

- *Outfall* means the location where stormwater in a discernible, confined and discrete conveyance leaves a facility or construction site prior to discharging into the receiving stream.

**\*\*No longer requesting latitude & longitude for location where discharge enters receiving water\*\***

**Part II.****C. Contents of the NOI**

(f) The map(s) at a minimum must include the following, which should be clearly identified (please include a key for symbols and a scale) on the map(s):

- (i) Site/project boundaries;
- (ii) Proposed permit boundaries;
- (iii) Property boundaries (non-linear project only);
- (iv) Area(s) of disturbance;
- (v) One (1) mile radius;
- (vi) Entrance(s)/Exit(s);
- (vii) Outfall(s);
- (viii) Receiving stream(s); and
- (ix) Begin and End Project Locations (Linear project only).



# What's New in the GP?

## Part II.

### C. Contents of the NOI

(g) A current plat map for subdivisions and/or common plans of development or sale;

(l) Provide a list of all treatment chemicals anticipated to be used at the site, including the most recent published Safety Data Sheets (SDS) and the dosage(s) to be used and the location(s) where these materials will be applied. If this information is not known at the time of the NOI submittal, the information shall be submitted to the Department through an information update as timely as possible and update the CBMPP as required by Part III.E.5.

**Part III.****A. Erosion & Sediment Controls**

5. Complete installation of stormwater controls by the time each phase of construction activities has begun;
  - (a) By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, storm drain inlet protection, etc.) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities;
  - (b) Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.
  - (c) The requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

**Part III.****A. Erosion & Sediment Controls**

## 14. Minimize sediment track-out:

- (a) Use appropriate stabilization techniques at all construction entrances and exits onto paved roads;
- (b) Restrict vehicle use to properly designated entrances and exits;
- (c) Implement and maintain additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit; and
- (d) Sediment that has been tracked-out from site onto paved roads, sidewalks, or other paved areas outside of site boundaries should be removed by the end of the same business day and/or normal operating hours. Removal shall be by sweeping, shoveling, or vacuuming the surfaces. Removal by hosing or sweeping tracked out sediment into any stormwater conveyance, storm drain inlet, or water of the State is prohibited.



**Part III.****A. Erosion & Sediment Controls**

15. Protect storm drain inlets, where applicable:

- (a) Install storm drain inlet protection measures that remove coarse sediment particles from discharges prior to entry into any storm drain inlet that routes stormwater flow from the site and/or to a water of the State to further prevent sediment discharges; and
- (b) Clean, remove, and replace protection measures as sediment accumulates as often as is necessary to ensure full effectiveness of protection measures and/or that performance is not compromised.

**Part III.****A. Erosion & Sediment Controls**

19. Manage stockpiles or land clearing debris composed, in whole or in part, of sediment and/or soil:

- (a) Locate the stockpiles outside of any natural buffers established under Part III.B., and away from any stormwater conveyances, storm drain inlets, and areas where stormwater flow is concentrated;
- (b) Install a sediment barrier along all downgradient areas;
- (c) Stockpiles that will not be used for 13 days or more, provide cover or appropriate temporary stabilization.

**Part III.****A. Erosion & Sediment Controls**

20. Sediment basin, impoundments, or detention/retention basins used as a sediment basin during construction shall be installed and stabilized prior to commencement of other construction activities:

- (a) Locate the basin or impoundment outside of any water of the State;
- (b) Design basin or impoundment to provide appropriate storage for 3,600 cubic feet per acre drained;
- (c) Utilize outlet structures that withdraw water from the surface of the sediment basin or impoundment;
- (d) Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and
- (e) Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure basin or impoundment remains in effective operating condition.

**Part III.****A. Erosion & Sediment Controls**

21. Treatment chemicals (e.g. polymers, flocculants, coagulants):

- (a) Use conventional erosion and sediment controls before and after the application of treatment chemicals. Treatment chemicals may only be applied where treated stormwater is directed to a sediment control practice (e.g., sediment basin, perimeter control) that allows for on-site particle settlement before final discharge;
- (b) Select appropriate treatment chemicals. Chemicals must be appropriately suited to the soil likely to be exposed during construction and present in the discharges being treated (i.e., the expected turbidity, pH, and flow rate of the stormwater flowing into the chemical treatment system or area);
- (c) Ensure proper chemical storage of all treatment chemicals, such as in leak-proof containers, spill proof pallets, covered storage, or in secondary containment designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means; and
- (d) Use chemicals in accordance with good engineering practices and specification of the chemical provider/supplier. Use treatment chemicals and chemical treatment systems in accordance with dosing specifications and sediment removal design specification provided by the provider/supplier of the applicable chemicals.

**Part III.****C. Soil Stabilization**

The Permittee should minimize, as feasible, the area disturbed to maintain the natural soil cover for stability. The Permittee must stabilize the exposed bare soil portions of the site:

1. Implement and maintain stabilization measures (e.g., seeding protected by erosion controls until vegetation is established, sodding, mulching, erosion control blankets, hydromulch, gravel) that minimize erosion from exposed portions of the site.
2. Temporary stabilization of disturbed areas must be initiated immediately whenever work toward project completion and final stabilization of any portion of the site has temporarily ceased on any portion of the site and will not resume for a period exceeding thirteen (13) calendar days.

**Part III.****C. Soil Stabilization**

3. Final stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site.
4. The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for more than thirteen (13) calendar days, or as soon as you know that construction work has permanently ceased. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.
5. Both temporary and permanent vegetation shall be completed as provided by the guidance in the Alabama Handbook.

**Part III.****D. Pollution Prevention Measures**

The Permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

1. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, concrete washout, washing applicators and/or containers used for stucco, paint, concrete, or other compounds/materials and other wash waters;
  - (a) Wash waters must be treated in a sediment basin or alternative control (e.g., sediment trap, filtration device, filter bags, or similar effective controls) that provides equivalent or better treatment prior to discharge;
  - (b) Liquid waste shall not be directly discharged into storm sewers;
  - (c) Washout and cleanout activities should be located as far away as possible from surface waters, natural buffer areas, stormwater inlets, and conveyances; and
  - (d) For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., plastic sheeting or temporary roofs) to minimize exposure of these detergents to precipitation and to stormwater or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

**Part III.****D. Pollution Prevention Measures**

2. Provide an effective means of minimizing the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater;
  - (a) Provide either (1) cover (e.g., plastic sheeting or temporary roofs) to minimize exposure of these detergents to precipitation and to stormwater or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas;
  - (b) Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain construction wastes;
  - (c) Locate waste containers as far away as possible from waters of the State and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach water of the State;
  - (d) For sanitary waste, position portable toilets so that they are on level ground and are located as far away as possible from waters of the State and stormwater inlets or conveyances; and
  - (e) Comply with all application and disposal requirements included on the fertilizer, pesticide, herbicide, or detergent label.



**Part III.****D. Pollution Prevention Measures**

3. Provide an effective means of minimizing the discharge of pollutants caused by spills and leaks from, including but not limited to, vehicles, mechanical equipment, chemical storage, and refueling activities;
  - (a) Locating activities away from waters of the State and stormwater inlets or conveyances so that stormwater coming into contact with these activities cannot reach water of the State;
  - (b) Providing secondary containment and cover where appropriate;
  - (c) Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids. Have a spill kit available on site and ensure personnel are available and trained to respond expeditiously in the event of a leak or spill; and
  - (d) Clean up spills or contaminated surfaces immediately (do not clean contaminated surfaces by hosing the area down) and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

**Part III.****E. CBMPP**

- (f) A detailed description of controls needed to meet State water quality standards, waste load allocations, or other measures necessary for consistency with applicable TMDLs finalized or approved by EPA;
  - (i) Provide a calculation based on the control measures to be implemented for the pollutant of concern to confirm the controls as designed in the CBMPP meet the required percent reduction for the applicable TMDL;
  - (ii) Reduction capabilities shall assume the control measures have been appropriately installed and maintained. See Part III.L.2.

**Part III.****H. Inspection Requirements****4. CBMPP Evaluations**

- (b) The CBMPP evaluation shall be performed as often as necessary until poorly functioning or damaged erosion controls or sediment controls are corrected and, at a minimum, **once every three (3) months for a priority construction site or once every six (6) months for non-priority construction site;**

## Part III.

### K. Precipitation Measurement

1. The Permittee shall measure and record all precipitation occurring at the construction site (including rainfall and snowfall). Precipitation measurements must be representative of the Permittee's site. Records shall be maintained and available for inspection.
2. Precipitation measurements should be read and recorded during normal operating hours, even if no precipitation occurs. To facilitate determination of a qualifying precipitation event, the measuring device or method should have a scale that is readable to 0.5 inches or smaller unit.
3. Recording of rainfall outside of normal operating hours may be read and recorded on the next business day and noted as "accumulated." If the outside of normal operating hours accumulation is greater than 0.75 inches, a qualifying rainfall event inspection must occur regardless of whether that accumulation occurred over 24 hours, as described in Part III.H.
4. Precipitation measurements shall be taken using one or more of the following:
  - (a) Continuous recorders,
  - (b) Daily readings of an onsite rain gauge,
  - (c) Daily readings of an offsite precipitation gauge located adjacent to or in close proximity (for non-linear projects a maximum one (1) mile distance) to the facility, or
  - (d) Other measurement devices acceptable to the Department (e.g., online resources).



# What's New in the GP?

## Part IV.

### S. Termination of Coverage

#### 2. Voluntary Notice of Termination – Initiated by Permittee

The Permittee must submit a Notice of Termination (NOT) request electronically, using the Department's AEPACS at <http://adem.alabama.gov/AEPACS> , within thirty (30) days of one of the following conditions:

- (a) Final stabilization as defined in Part V has been achieved on all portions of the site;
- (b) Another operator has assumed control over all areas of the site that have not achieved final stabilization and the new operator has submitted an NOI for coverage under this permit; or
- (c) Coverage under an individual permit or alternative general permit has been obtained.



# What's New in the GP?

## Part V. Definitions

**Agricultural Practices** means practices commensurate with the size of the farming operation that are implemented in a manner that meet or exceed Natural Resources Conservation Service technical standards and guidelines, including but not limited to, farm ponds that are constructed for the primary purpose of irrigation and/or watering of livestock, terraces, grassed waterways, vegetative filter strips, cropland grade stabilization measures, drainage tiles, underground outlets, land leveling, dike/diversion structures, and other grade stabilization structures.

**Construction Support Activity** a construction-related activity that specifically supports the construction activity solely related to the construction site covered under this permit and involves earth disturbance or pollutant-generating activities of its own and may include activities including but not limited to equipment staging yards, materials storage areas, excavated material disposal areas, and temporary borrow areas.

**Intermittent Stream** means a stream where portions flow continuously only at certain times of the year. At low flow there may be dry segments alternating with flowing segments.



# What's New in the GP?

## Part V. Definitions

**Mining Operations** shall mean all or any part of the process of recovering coal, lignite, iron, clay, sand, bauxite, gravel, ores, gold, marble or any other material or mineral by removal of such mineral from the surface or by removal or displacement of the strata or material which overlies such mineral deposits in its natural condition and shall include but not be limited to the open-pit or open-cut method, the auger method, and the highwall mining method. For the purposes of this permit, mining operations are commercial operations that do not meet the definition of a construction support activity. Additionally, this permit does not cover pre-mining construction and land preparation, including but not limited to, clearing, grubbing, testing, and advanced prospecting in advance of mining activity/operations.

**Stormwater control** refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the State.



# What's New in the GP?

## Part V. Definitions

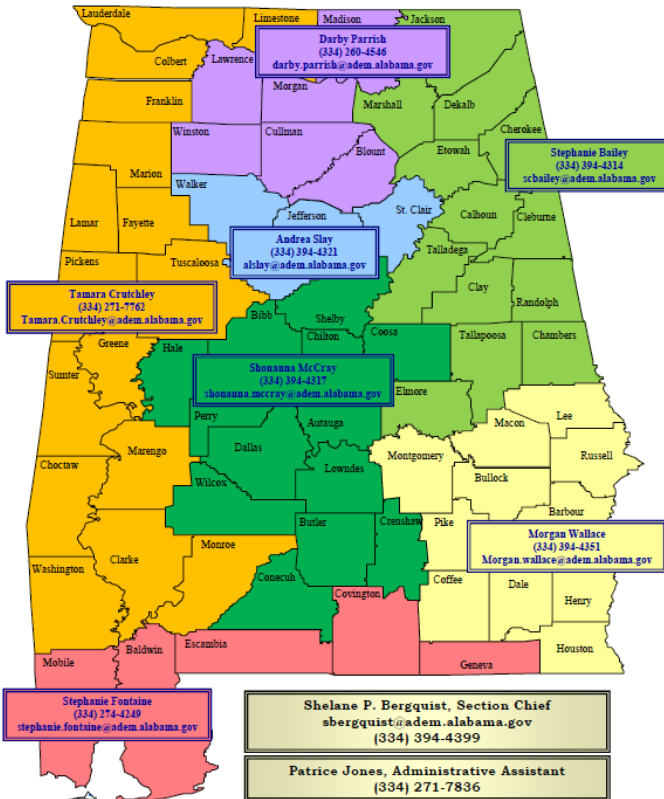
**Treatment Chemicals** refers to polymers, coagulants, flocculants, or other chemicals used to reduce turbidity in stormwater. For the purposes of this permit, treatment chemicals are used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include polyacrylamide (PAM) and chitosan.





# Construction Stormwater Permitting Contacts

## CONSTRUCTION PERMITS SECTION AREA ASSIGNMENTS STORMWATER MANAGEMENT BRANCH



Effective March 11, 2020

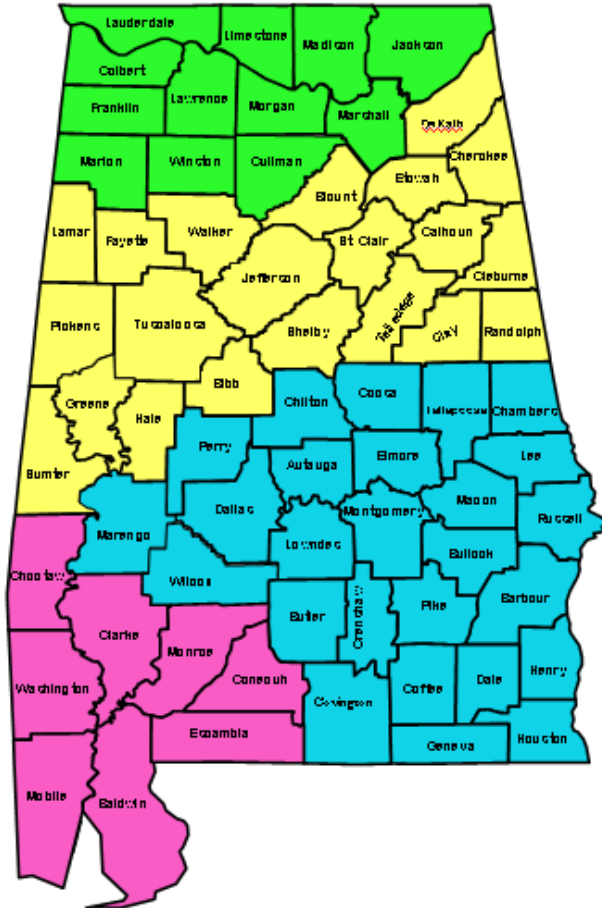
- Tamara Crutchley – West 334-271-7762
- Darby Parrish – North 334-260-4546
- Stephanie Bailey – East 334-394-4314
- Andrea Slay – North Central 334-394-4321
- Shonanna McCray – Central 334-394-4317
- Morgan Wallace – Southeast 334-394-4351
- Stephanie Fontaine – South 334-274-4249



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# ADEM FOD Construction Stormwater Service Areas Inspections & Compliance

ADEM FOD Construction Stormwater Service Areas



## Decatur

- Shawn LaGrone 256-432-2076

## Birmingham

- Derick Houston 205-917-2474

## Montgomery

- Ryan Cooper 334-394-4324

## Mobile

- Tim Connole 251-450-3400

# ADEM

# Questions?



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# Contact Information

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