



Stormwater Management Update

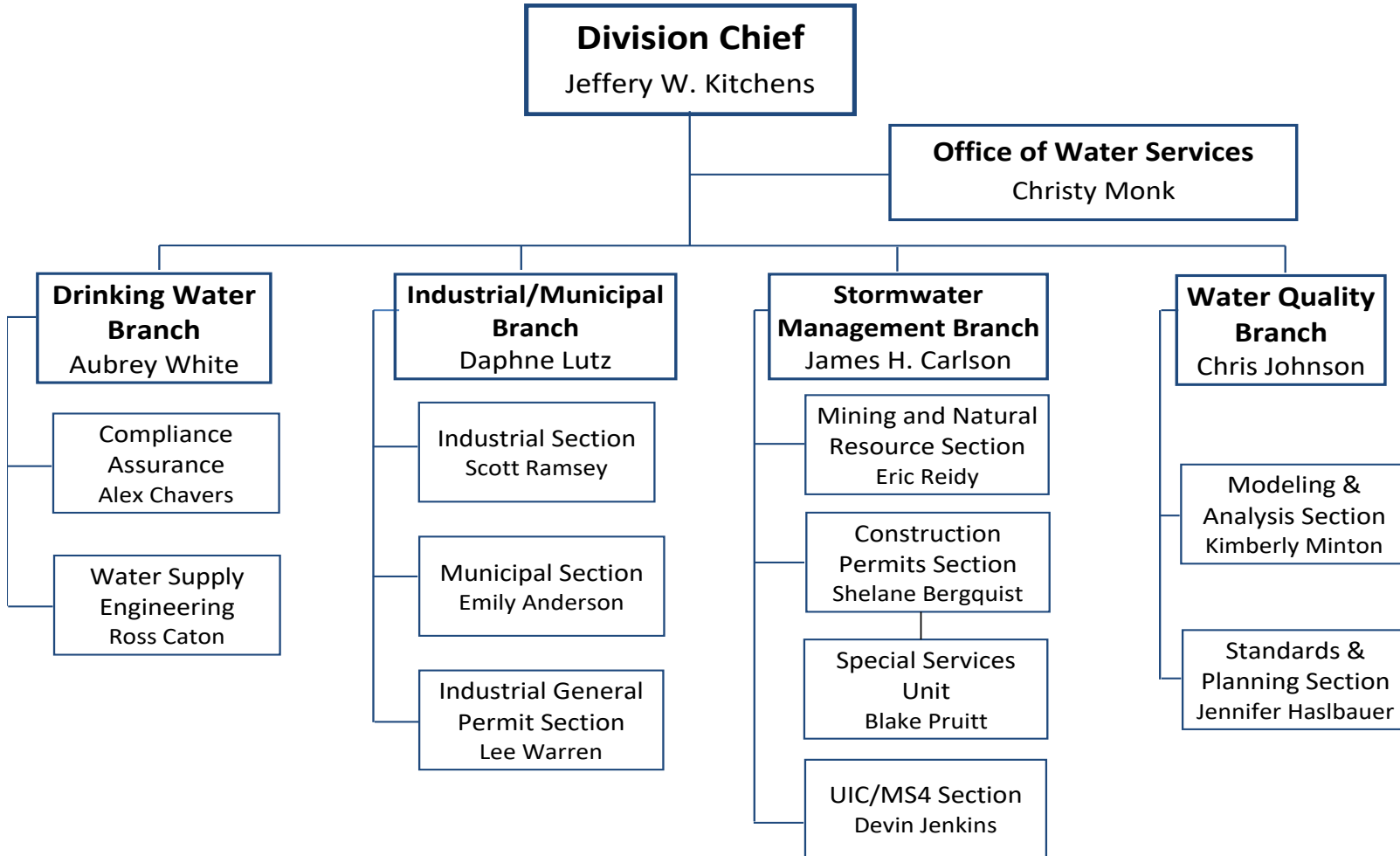
2022 Clear Water Alabama

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- Organizational Chart
- AEPACS
- Construction General Permit
- Small Mining General Permit
- SRF
- MS4 Construction Programs
- GOMESA (Litter Traps)



Organizational Chart





adem.alabama.gov

AEPACS

Alabama Environmental Permitting and Compliance System adem.alabama.gov/aepacs

The screenshot shows the AEPACS website interface. At the top left is the ADEM logo with the text "Alabama Department of Environmental Management". The main heading is "AEPACS – Alabama Environmental Permitting and Compliance System". To the right of the heading are links for "About" and "Contact". Below the heading is a "Sign In" button with a key icon and a right-pointing arrow. A note below the heading says "Please click the About link to see which programs are currently active in this system".

The main content area is titled "Permitting & Compliance" and contains a section "What can I do here?" with a list of actions: "Apply for permits", "Manage your permits (pay fees, apply for renewals)", and "Submit reports (required by your permit or certification)". Below this list is a button "CREATE AN AEPACS ACCOUNT" and a link "Sign in with an existing account".

To the right is a "Public Services" section with a sub-section "Site Map Explorer" that includes a description: "Use our Explorer mapping tools and advanced-search capabilities to navigate all available information on environmental sites." and a right-pointing arrow.

What is AEPACS?

AEPACS is an electronic system that allows facilities to apply for 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. The development of the system is being done in phases.

What is different in AEPACS vs eNOI:

- CROMERR - EPA's Cross-Media Electronic Reporting Rule which provides the legal framework for electronic reporting under EPA's regulatory programs.
 - Identity Proofing
 - Required by EPA
 - Process is required only once
 - There have been some difficulties with some individuals completing the identity proofing process.
 - If unable to complete process in AEPACS, a wet ink signature will be required to be submitted to the Department.
- Outfalls – location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or construction site, prior to discharging into the receiving water.
 - Required in addition to the Discharge points/Receiving Waters

- To Obtain Coverage
 - Submit **NOI in AEPACS** prior to land disturbance
 - <https://aepacs.adem.alabama.gov/nviro/ncore/external/home>
 - For ***all*** construction sites – Construction may not commence until a site specific Construction Best Management Practices Plan (CBMPP) has been prepared and certified by a Qualified Credentialed Professional (QCP)
 - For non-priority construction sites coverage is granted upon Department's receipt of timely NOI meeting the requirements of the GP
 - Priority Construction Sites are authorized to discharge thirty days from the Department's receipt of a complete and technically adequate NOI and CBMPP, unless otherwise notified by the Department



What are some common issues found with NOIs and NOTs?

- Signatures
- Permittee/Responsible Official (RO) name & contact information
- Qualifications of RO (ADEM Admin Code 335-6-6-.09)
- Labeling of topographic maps
- Missing documents (plat maps, SDS sheets, etc.)
- Priority NOI applications submitted as nonpriority
- Duly Authorized Representative (DAR) section missing or incorrectly completed



Termination of Coverage

- Part IV.S.
- Permittee should submit an Notice of Termination (NOT) within 30 days of one of the following conditions:
 - Final Stabilization
 - Another operator has assumed control of the site and the new operator has submitted an NOI
 - Coverage under another NPDES permit has been obtained
- The NOT must include the information contained in Part IV.S.2. (ADEM Form 21)



Small Mining General Permit ALG890000

- Current permit
 - Issued January 3, 2018
 - Effective February 1, 2018
 - Expires January 21, 2023
- <5 acres Non-coal Non-metallic mining activities
- Similar permitting process to Construction (ALR100000)
- If impaired waters, BMPP must be submitted
- Renewal currently on public notice
- Compliance Issues – Finding several > 5 acres sites with this general permit.



State Revolving Fund (SRF)

- 20- Year Fixed Loans
- Low Interest Rate 1.99% for 2022
- Public Entities
- Principal Forgiveness Eligibility
 - Half the total cost up to \$500,000

- Clean Water State Revolving Fund (CWSRF)
- Drinking Water State Revolving Fund (DWSRF)

- Centralized Wastewater Treatment
 - Primary/Secondary
 - Advanced (Filtration, Disinfection)
 - Sewer System
 - Stormwater Systems
 - Pipes
 - Storage
 - Treatment
 - Control systems for combined sewer overflow



CWSRF – Green Projects

- Water Efficiency Improvements
- Energy Efficiency Improvements
 - Process Equipment (pumps)
 - Electronic Systems
 - Renewable Energy
- Eligible for principal forgiveness

- Growth (capacity increase)
- Industrial expansion
- Building plumbing
- Private entities



American Rescue Plan Act (ARPA)

- 2022 – Drinking Water & Wastewater only
- 2023 - Stormwater Project may be eligible
 - Based on priority

For more information, contact:

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Bipartisan Infrastructure Law (BIL)

- Stormwater Projects are eligible
- BIL is a loan
 - However, eligible for principal forgiveness
 - 4 more years
 - Priority system

For more information, contact:

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Phase II MS4 General Permit is for Small MS4s

Current General Permit

- Issued September 16, 2021
- Effective October 1, 2021
- **Expires September 30, 2026**

40 CFR 122.26(b)(16)

Small MS4 means all separate storm sewers that are ...

- (i) Owned or operated by the US, a State, city, town, borough, county, parish, district, association, or other public body having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the US.
- (ii) Not defined as “large” or “medium” MS4s pursuant to paragraphs (b)(4) and (b)(7) of this section, or designated under paragraph (a)(1)(v) of this section.
- (iii) This term includes systems similar to separate storm sewers in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

40 CFR 122.32

As an operator of a small MS4, am I regulated under the NPDES storm water program?

- (a) Unless you qualify for a waiver under paragraph (c) of this section, you are regulated if you operate a small MS4, including but not limited to systems operated by federal, State, Tribal, and local governments, including State departments of transportation; and:
 - (1) Your small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Bureau of the Census. (If your small MS4 is not located entirely within an urbanized area, only that portion that is within the urbanized area is regulated); or
 - (2) You are designated by the NPDES permitting authority, including where the designation is pursuant to 123.35 (b)(3) and (b)(4) of this chapter, or is based upon a petition under 122.26(f).

- (b) through (e) further explains petition and waiver requirements



What's New in the MS4 GP?

Part III.

B. Minimum Storm Water Control Measures

3. Construction Site Storm Water Runoff Control

- a. ii. To the extent allowable under State law, an ordinance or other regulatory mechanism to require erosion and sediment controls, sanctions to ensure compliance, and to provide all other authorities needed to implement the requirements of Part III.B.3. of this permit. **The ordinance or other regulatory mechanism shall be reviewed annually and updated as necessary;**
- iii. A training program for MS4 site inspection staff in the identification of appropriate construction BMPs (example: QCI training in accordance with ADEM Admin. Code R. 335-6-12 or the Alabama Construction Site General Permit). **Applicable MS4 site inspection staff shall be trained at least once per year.**
- iv. **Within 365 days of the effective date of the permit, develop and implement a construction site inspection form to include at least the items listed in Parts III.B.3.d.i.**



What's New in the MS4 GP?

Part III. B. Minimum Storm Water Control Measures

3. Construction Site Storm Water Runoff Control

- a. v. Within 365 days of the effective date of the permit, maintain an inventory of qualifying construction sites relevant contact information for each construction site (i.e., tracking number and construction site name, address, phone number, etc.), the size of the construction site, whether the construction site has submitted for coverage under ADEM's Construction General Permit ALR100000, and the date the MS4 Permittee approved the site construction plan. The MS4 Permittee must make the inventory available upon the Department's request.



What's New in the MS4 GP?

... Continued from previous slide ...

Inspection of construction sites to verify use and proper maintenance of appropriate BMPs shall be performed in accordance with the frequency specified in the table below:

| Site | Inspection Frequency |
|---|--|
| Priority Construction Sites (defined in Part VII.W.) | At a minimum, inspections must occur monthly. |
| Other sites determined by the Permittee or Permitting Authority to be a significant threat to water quality.* | |
| All qualifying construction sites not meeting the criteria specified above. | At a minimum, inspections must occur every three months. |
| *In evaluating the threat to water quality, the following factors must be considered, if applicable: | |
| <ul style="list-style-type: none">• Soil erosion potential;• Site slope;• Project size and type;• Sensitivity of receiving waterbodies including 303d or TMDL status;• Proximity to receiving waterbodies;• Non-storm water discharges;• Past record of non-compliance by the operators of the construction site; and• Other factors deemed relevant to the MS4. | |



What's New in the MS4 GP?

Part III.

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3. Construction Site Storm Water Runoff Control

- a. vii. For sites determined to have ineffective BMPs, a follow-up inspection shall be conducted and appropriately documented as outlined in Part III.B.3.d.i.

- c. iv. A copy of the construction site inspection form meeting the requirements of Part III.B.3.a.iv. **A site inspection plan meeting the requirements of Part III.B.3.a.iv.**

- e. ii. 4. Number of MS4 staff/inspectors trained. **Include copies of certifications or attendance records for those MS4 staff/inspectors.**

- Gulf of Mexico Energy Security Act
 - Department has secured funding of \$1 million to go toward Litter Traps in Mobile and Baldwin Co.
 - ADEM is working on an “application”
 - Funding goes toward initial setup cost and up to 2 years of O&M



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