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March 03, 2022

Honorable Gary W. Waters
Mayor, City of Pelham
3162 Pelham Parkway
Pelham, Alabama 35124

RE: City of Pelham Phase I Municipal Separate Storm Sewer System (MS4)
NPDES Permit ALS000009
Shelby County (117)

Dear Mayor Waters:

The Department has made a final determination to issue NPDES Permit No. ALS000009 to the City of Pelham for discharges from its MS4. The NPDES Permit Number ALS000009 will be effective March 03, 2022 and expire March 2, 2027.

The Department notified the public of its tentative determination to issue NPDES Permit Number ALS000009 on January 24, 2022. Interested persons were provided the opportunity to submit comments on the Departments tentative decision through February 24, 2022. The Department did not receive comments during the public comment period for the above NPDES permit.

The City is responsible for compliance with all provisions of the permit including, but not limited to, the performance of any monitoring, the submittal of any reports, and the preparation and implementation of any plans required by the permit. If you have questions concerning this permit, please contact Melanie Ratcliffe either by email at melanie.ratcliffe@adem.alabama.gov or by phone at (334) 270-5616.

Sincerely,

James H. Carlson, Chief
Stormwater Management Branch
Water Division

JHC/mnr
File: FPER/47548
Enclosures: Permit
Cc: Ms. Mary Kuo, Environmental Protection Agency
Mr. Andre' Bittas, City of Pelham

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ADEM
Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE:	CITY OF PELHAM
AREA OF COVERAGE:	CORPORATE BOUNDARIES OF THE CITY OF PELHAM WITHIN THE CAHABA RIVER DRAINAGE BASIN
PERMIT NUMBER:	ALS000009
RECEIVING WATERS:	WATERBODIES WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF PELHAM WITHIN THE CAHABA RIVER DRAINAGE BASIN

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

ISSUANCE DATE:	MARCH 03, 2022
EFFECTIVE DATE:	MARCH 03, 2022
EXPIRATION DATE:	MARCH 02, 2027

Jeffery W. Kitchens

Alabama Department of Environmental Management

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PART I Applicability

A. Permit Area

This permit applies to the corporate boundaries of the City of Pelham within the Cahaba River drainage basin that are regulated by the Permittee and discharge to the Permittee's Municipal Separate Storm Sewer System (MS4).

B. Authorized Discharges

1. This permit authorizes all existing or new storm water point source discharges to waters of the State of Alabama from those portions of the (MS4s) owned or operated by the Permittee. Discharge of pollutants shall be reduced to the Maximum Extent Practicable (MEP), shall not cause, nor contribute to, violations of Alabama Water Quality Standards, and shall be in compliance with Total Maximum Daily Loads (TMDLs) where applicable.

2. This permit authorizes the following non-storm water discharges provided that they do not cause or contribute to a violation of water quality standards and provided that they have been determined not to be substantial contributor pollutants by the Permittee or the Department:
    a. Water line flushing
    b. Landscape irrigation (not consisting of treated, or untreated wastewater unless authorized by the Department)
    c. Diverted stream flows
    d. Uncontaminated groundwater infiltration
    e. Uncontaminated pumped groundwater
    f. Discharges from potable water sources
    g. Foundation and footing drains
    h. Air conditioning drains
    i. Irrigation water (not consisting of treated, or untreated, wastewater unless authorized by the Department)
    j. Rising groundwater
    k. Springs
    l. Water from crawl space pumps
    m. Lawn watering runoff
    n. Individual residential car washing, to include charitable carwashes
    o. Residual street wash water
    p. Discharge or flows from firefighting activities (including fire hydrant flushing)
    q. Flows from riparian habitats and wetlands
    r. Dechlorinated swimming pool discharges
    s. Discharges authorized in compliance with a separate NPDES permit

C. Prohibited Discharges

The following discharges are not authorized by this permit:

1. Discharges that are mixed with sources of non-storm water, unless such non-storm water discharges are in compliance with a separate NPDES permit or where those dischargers have been determined not to represent significant sources of pollution, as identified by, and in compliance with, Part I.B.2;

2. Discharges of materials resulting from a spill, except emergency discharges required to prevent imminent threat to human health or to prevent severe property damage, provided reasonable and prudent measures have been taken to minimize the impact of the discharges; and

3. The discharge of sanitary wastewater through cross connections or other illicit discharges through the MS4 is prohibited.

PART II Storm Water Pollution Prevention & Management Program (SWMP)

A. Storm Water Management Program (SWMP)

1. The Permittee is required to develop, revise, implement, maintain and enforce a Storm Water Management Program (SWMP) which shall include controls necessary to reduce the discharge of pollutants from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26.These requirements shall be met by the development and implementation of a Storm Water Management Program Plan (SWMPP) which addresses the Best Management Practices (BMPs), control techniques and systems, design and engineering methods, public participation and education, monitoring, and other appropriate provisions designed to reduce the discharge of pollutants from the MS4 to the MEP, protect water quality, and satisfy appropriate water quality provisions of the Clean Water Act.

2. The Permittee shall provide and maintain adequate finance, staff, equipment, and support capabilities necessary to implement the SWMPP and comply with the requirements of this permit.

3. The SWMPP must address the minimum program elements referenced in Part II.B. to include the following:

    a. A map of the Permittee's MS4 jurisdictional boundaries;
    b. The BMPs that will be implemented for each program element;
    c. Low Impact Development (LID)/Green Infrastructure (GI) shall be considered and actively encouraged where feasible. Information on LID/GI is available on the following websites: http://www.adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf and http://www.epa.gov/nps/urban-runoff-low-impact-development;
    d. The measureable goals for each of the program elements outlined in Part II.B.;
    e. The proposed schedule – including interim milestones, as appropriate, inspections, and the frequency of actions needed to fully implement each program element; and
    f. The person and/or persons responsible for implementing or coordinating the BMPs for each separate program element.

4. The Permittee shall submit to the Department within nine (9) months of the effective date of this permit a revised SWMPP. Once the initial SWMPP is acknowledged by ADEM, activities and associated schedules outlined by the SWMPP or updates to the SWMPP are conditions of this permit.

5. Unless otherwise specified in this permit, the Permittee shall be in compliance with the conditions of this permit by the effective date.

B. Storm Water Program Elements and Requirements

1. Storm Water Collection System Operations

a. Structural Controls

i. For Permittee owned/maintained structural controls, the structural controls shall be operated in a manner to reduce the discharge of pollutant and to include inspection and maintenance, to the MEP;

ii. For Permittee owned/maintained structural controls, the Permittee shall include in the SWMPP and implement the following:

1. A map of the structural controls which should be updated as needed;
2. Inspection of existing and newly constructed structural controls on a semi-annual basis, at a minimum;
3. Implementation of Standard Operating Procedures (SOPs) or inspection checklist for structural control inspection and maintenance procedures;
4. Stabilization and re-vegetation of eroded areas as needed; and
5. Monthly inspections for floatables, litter, sediment and debris, in structural controls, with removal as needed.

iii. The Permittee shall maintain an internal record keeping system to track the inventory of structural controls, inspections, and maintenance of the control structures; and

iv. The Permittee shall report each year in the Annual Report the following structural control information:

1. The number of inspections performed on structural controls, to include follow-up inspections. The inspection documentation (i.e. checklist) shall be made available upon request;
2. A detailed description of the maintenance activities performed on structural controls, as well as the frequency;
3. The estimated amount of floatable, litter, sediment and debris that was removed;
4. Copies of any contractual agreements for maintenance activities if not performed by the Permittee. The contractual agreement should specify maintenance activities performed and schedule; and
5. Updated structural controls map.

v. The Permittee shall provide in the Annual Report an analysis of the effectiveness of the Storm Water Collection System Operations program.

2. Public Education and Public Involvement on Storm Water Impacts

a. The Permittee must further develop, revise, and implement a public education and outreach program to inform the community about the impacts from storm water discharges on waterbodies and the steps that the public can take to reduce pollutants in storm water runoff to the MEP. The Permittee shall continuously implement this program in the areas served by the MS4. Each year, the Permittee shall implement a minimum of four (4) BMPs, which includes two (2) BMPs emphasizing public education and two (2) BMPs emphasizing public involvement.

b. The Permittee shall include within the SWMPP a list of potential BMPs that the Permittee may implement regarding public education and public involvement. The SWMPP must address the following information, at a minimum:

1. Seek and consider public input in the development and implementation of the SWMPP;

2. Identify targeted pollutant sources the Permittee's public education program is intended to address;
3. Specifically address the reduction and removal of litter, floatables and debris from entering the MS4, that may include, but is not limited to the following:

    a. A program to support volunteer groups for labeling storm drain inlets and catch basins with "no dumping" message;
    b. Posting signs referencing local codes that prohibit littering and illegal dumping at designated public access points to open channels, creeks, and other relevant waterbodies; and
    c. Participate in at least one activity each year that targets the removal of litter, floatables, and debris from the MS4 area as described in the SWMPP. Estimate the amount of litter, floatables, and debris that is removed from the MS4 for each activity.

4. Inform and involve individuals and households about the steps they can take to reduce storm water pollution;

5. Inform individuals and groups on how to participate in the storm water program (with activities such as, but not limited to, local stream and lake restoration activities, storm water stenciling, advisory councils, watershed associations or committees, participation on rate structures, stewardship programs, and environmental related activities). The target audiences and subject areas for the education program that are likely to have significant storm water impacts should include the following, at a minimum:

    i. General Public
        a. On a quarterly basis at a minimum, the general public shall be educated on the general impacts litter has on waterbodies, how trash is delivered to streams via the MS4, and ways to reduce the litter;
        b. General impacts of storm water flow into surface water from impervious surface;
        c. Source control BMPs in areas of pet waste, vehicle maintenance, landscaping, and rainwater reuse; and
        d. Impacts of illicit discharges and how to report them.

    ii. General Public and Businesses to include Home-based and Mobile Businesses
        a. BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials; and
        b. Impacts of illicit discharges and how to report them.

    iii. Homeowners, Landscapers, and Property Managers
        a. Yard care techniques that protect water quality;
        b. BMPs for use and storage of pesticides, herbicides, and fertilizers;
        c. Storm water pond maintenance; and
        d. General impacts of storm water into surface water from impervious surface.

iv. Engineers, Contractors and Developers, Review Staff, and Land Use Planners
   a. Impacts of increased storm water flows into receiving waterbodies;
   b. Technical standards for construction site sediment and erosion control;
   c. Storm water treatment and flow control BMPs; and
   d. Run-off reduction techniques and Low Impact Development (LID)/ Green Infrastructure (GI) practices that may include, but not limited to, site design, pervious pavement, alternative parking lot design, retention of forests and mature trees to assist in storm water treatment and flow control BMPs, and maintenance required for LID/GI.

6. Evaluate the effectiveness of the public education program and the public involvement program. If the Permittee determines any portion of the program (including BMPs) to be ineffective, then the Permittee shall update the SWMPP to address the ineffectiveness.

c. The Permittee shall report each year in the Annual Report the following information:

   1. A description of the activities used to involve groups and/or individuals in the development, revision, and implementation of the SWMPP;
   2. A description of the individuals and groups targeted and how many groups and/or individuals participated. If exact participation is not readily quantifiable, then an estimation will be sufficient;
   3. A description of the BMPs performed along with the quantity utilized (i.e. number of printed brochures, and the number distributed of newspaper copies, number of workshops hosted/attended, the number of public service announcements, etc.); and
   4. Results of the evaluation of the effectiveness for the public education program and public involvement program as required in Part II.B.2.b.6.;

d. The current SWMPP and latest Annual Report should be posted on the Permittee's website, if available, and within 30 days of submittal of the SWMPP to the Department.

3. **Illicit Discharge Detection and Elimination (IDDE)**

a. The Permittee shall implement an ongoing program to detect and eliminate illicit discharges and improper disposal into the MS4, to the Maximum Extent Practicable. The program shall include, at a minimum, the following:

   1. The development and annual update of a MS4 map. An initial map shall be provided in the SWMPP with updates, if any, provided each year in the Annual report. The map shall include, at a minimum, the following;

      a. The latitude/longitude of all known major outfalls;
      b. The names of all waters of the State within the MS4 area that receive discharges from these major outfalls; and
      c. Structural BMPs owned, operated, or maintained by the Permittee.

   2. To the extent allowable under State law, an ordinance or other regulatory mechanism that effectively prohibits non-storm water discharges to the MS4. A copy of the IDDE ordinance or other regulatory mechanism location or a hyperlink to the location of the ordinance or other regulatory mechanism on the

Permittee's website shall be included in the SWMPP. The ordinance or other regulatory mechanism shall:

a. Include escalating enforcement procedures and actions;
b. Require the removal of illicit discharges and the immediate cessation of improper disposal practices upon identification of responsible parties. Where the removal of illicit discharge within ten (10) working days is not possible, the ordinance shall require an expeditious schedule for removal of the discharge. In the interim, the ordinance shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4; and
c. Provide for the annual review of the IDDE ordinance and update as necessary.

3. A dry weather screening program designed to detect and address non-storm water discharges to the MS4. This program must address, at a minimum, dry weather screening of twenty (20) percent of all major outfalls at least once per year with all (100 percent) outfalls screened at least once per five (5) years. Priority areas, as described by the Permittee in the SWMPP, shall be dry weather screened on a more frequent schedule as outlined in the SWMPP. When determining priority areas, consider criteria such as, but not limited to, areas with older infrastructure, mixed-use areas, areas with a history of past illicit discharges, areas with on-sites sewage disposal systems, or areas upstream of sensitive waterbodies. If any flow, from an unidentified source, is observed during the dry weather screening of an outfall, then the Permittee shall follow the sampling protocol as outlined in the SWMPP and developed in accordance with EPA's guidance manual, *Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments*, Center for Watershed Protection, October, 2004;

4. Procedures for tracing the source of a suspect illicit discharge as outlined in the SWMPP. At a minimum, these procedures will be followed to investigate portions of the MS4 that, based on the results of the field screening or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm water;

5. Procedures for eliminating an illicit discharge as outlined in the SWMPP;

6. Procedures to notify ADEM of a suspect illicit discharge entering the Permittee's MS4 from an adjacent MS4 as outlined in the SWMPP;

7. A mechanism for the public to report illicit discharges discovered within the Permittee's MS4 and procedures for appropriate investigation of such reports;

8. A training program for appropriate personnel on identification, reporting, and corrective action of illicit discharges. The SWMPP must address, at a minimum, the frequency of training and identifying the appropriate personnel by title to be trained during the permit cycle; and

9. The Permittee shall post on its website the ordinance or other regulatory mechanism as required by Part II.B.3.a.2 of this Permit.

b. The Permittee shall report each year in the Annual Report the following information:

1. Total number of major outfalls within the MS4, the number and location of outfalls observed during the dry weather screening of the current year to

include any follow-up screenings and the number of outfalls observed in priority areas identified by the Permittee;

2. Updated MS4 map(s), as required by Part II.B.3.a.1. unless there are no changes to the map that was previously submitted. When there are no changes to the map, the Annual Report must sate this;

3. Copies of the IDDE ordinance or other regulatory mechanism or provide a hyperlink for the ordinance or regulatory mechanism location on the Permittee's website. When there are no changes to the ordinance or other regulatory mechanism, the Annual Report must state this;

4. Date(s) of training conducted for appropriate personnel; and

5. The number of illicit discharges investigated, any associated sampling results, and the summary of corrective actions taken to include dates and timeframe of response.

4. **Construction Site Storm Water Runoff Control**

a. The Permittee shall further develop, revise, implement, and enforce an ongoing program to reduce, to the MEP, the pollutants in any storm water runoff to the MS4 from qualifying construction sites. The program shall include the following, at a minimum:

1. Procedures to require all applicable construction sites to obtain coverage under ADEM NPDES General Permit ALR10000 or other applicable NPDES permits;

2. To the extent allowed under State law, an ordinance or other regulatory mechanism to require effective erosion and sediment controls on qualifying construction sites, as well as sanctions to ensure compliance. The Permittee shall post on its website this ordinance or other regulatory mechanism;

3. Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;

4. Procedures for construction site plan review and approval to ensure the selection of effective erosion and sediment controls are consistent with the Alabama Handbook for Erosion Control, Sediment Control, and Storm water Management on Construction Sites and Urban Areas published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook") and are appropriate for site conditions. Site plan review may be prioritized based on criteria outlined in the Permittee's SWMPP and may include, but is not limited to, size and location within priority watersheds. The plan review process shall also consider potential water quality impacts;

5. A mechanism for the public to report complaints regarding pollution discharges from construction sites;

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

Site	Inspection Frequency
Priority Constructions Sites (Defined in Part V. AA.)	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 two (2) months
*In evaluating the threat to water quality, the following factors must be considered, if applicable: 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.	

7. Inventory of active qualified construction sites that are updated as new qualified construction sites are commenced and completed. The inventory must contain relevant contact information for each site (e.g., tracking number, name, address, phone, etc.), the size of the project and area of disturbance, whether the site has submitted for permit coverage under the Alabama Construction Site General Permit, whether the qualified construction site is in a priority watershed, and the date the permittee approved the construction site plan. The Permittee must make this inventory available to Department upon request.

8. Training for the Permittee's MS4 site inspection staff in the identification of appropriate construction best management practices (Example: QCI training in accordance with ADEM Admin Code. r. 335-6-12 or the Alabama Construction Site General Permit). Applicable MS4 site inspection staff shall be trained once per year, at a minimum;

9. Utilization of a construction site inspection checklist (paper and/or electronic);

10. Implementation of an Enforcement Response Plan (ERP), which sets out the Permittee's potential responses to violations through progressively stricter responses as needed to achieve compliance. The ERP shall include a system for tracking formal actions and ADEM referrals. Types of enforcement actions may include, but not limited to, the following:

    a. Verbal Warnings—Verbal warnings are primarily consultative in nature and must specify the nature of the violation and required corrective action;
    b. Written Notices—Written Notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action; and
    c. Escalated Enforcement Measures—Citations, stop work orders, withholding plan approvals/authorizations, monetary penalties, or additional measures to address persistent non-compliance, repeat or escalating violations or incidents of major environmental harm.

11. A program to make available a list of education and training materials and resources to construction site operators in the appropriate application and maintenance of erosion and sediment controls; and

12. The Permittee shall post on its website the ordinance or other regulatory mechanism required by Part II.B.4.a.2.

b. The Permittee shall include within the SWMPP the following information:

    1. A copy of the ordinance or other regulatory mechanism or hyperlink for the ordinance or regulatory mechanism location on the Permittee's website as required by Part II.B.4.a.2;

    2. Procedures for site plan reviews required by Part II.B.4.a.4;

    3. A construction site inspection schedule meeting the requirements of Part II.B.4.a.6;

    4. Training of MS4 site inspection staff as required by Part II.B.4.a.8;

    5. A copy of the construction site inspection checklist and/or screenshot of the electronic checklist as required by Part II.B.4.a.9;

    6. The ERP as required by Part II.B.4.a.10; and

    7. Procedures and schedule for making available a list of education and training materials and resources to construction site operators in the appropriate application and maintenance of erosion and sediment controls required by Part II.B.4.a.11.

c. The Permittee shall report each year in the Annual Report the following information:

    1. A description of any completed or planned revisions to the ordinance or regulatory mechanism required by Part II.B.4.a.2 and include the most recent copy (or hyperlink to the most recent copy) on the Permittee's website;

    2. List of all active qualifying construction sites within the MS4 to include the inspections as required by Part II.B.4.a.6 and the inventory as required by Part II.B.4.a.7; and

    3. A summary of the following:

        a. Number of construction site inspections;
        b. Number of non-compliant construction site referrals and/or enforcement actions and description of violation;
        c. Number of construction site runoff complaints received; and
        d. Number of MS4 staff/inspectors trained. Include copies of certifications or attendance records for those MS4 staff/inspectors.

d. The Permittee shall maintain the following information and make it available upon request:

    1. Documentation of all inspections conducted of qualifying construction sites. The inspection documentation shall include, at a minimum, the following:

        a. Facility type;

b. Inspection date;
c. Name and signature of inspector;
d. Location of construction project;
e. Owner/operator information (name, address, phone number, fax, and email);
f. Description of the condition of storm water BMPs that may include, but not limited to, the quality of vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches; spillways, weirs, and other control structures; sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures; and
g. Photographic documentation of all critical storm water BMP components.

2. Documentation of enforcement actions taken at construction sites to include, at a minimum, the following:

   a. Name of owner/operator;
   b. Location of construction site;
   c. Description of violation;
   d. Required schedule for returning to compliance;
   e. Description of enforcement response used, including escalated responses if repeat violations occur;
   f. Accompanying documentation of enforcement responses (e.g. notices of non-compliance, notices of violations, etc.); and
   g. Any referrals to different Departments or Agencies.

3. Inventory of all completed qualified construction sites to include, at a minimum, the following:

   a. Name of owner/operator;
   b. Owner/operator information (address, phone number, fax, and email); and
   c. Location of the construction site.

4. Records of public complaints including:

   a. Date, time and description of the complaint;
   b. Location of subject construction sites; and
   c. Identification of any actions taken (e.g. inspections, enforcement, corrections). Identifying information must be sufficient to cross-reference inspection and enforcement records.

5. Educational and Training Documentation for Construction Site Operators

   a. List of education and training materials and resources

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

The Permittee must further develop, revise and implement a program to address the discharge of pollutants in post-construction storm water runoff to the MS4 from new development and re-development. Post-Construction Storm Water Management refers to the activities that take place after construction occurs and includes structural and non-structural controls including Low-Impact Development and Green Infrastructure (LID/GI) practices to obtain permanent

storm water management over the life of the property's use. These post-construction controls shall be considered during the initial site development phase.

a. The Permittee shall develop, update, and implement project review and enforcement procedures for qualifying new development and redevelopment projects, to the Maximum Extent Practicable. This program shall ensure that controls are in place to prevent or minimize water quality impacts. Specifically, the Permittee shall:

1. Require landowners and developers to, the MEP, implement systems of appropriate structural and/or non-structural BMPs designed to reduce the discharge of pollutants, which may include, but not limited to, the following:

    a. Minimizing the amount of new impervious surfaces (roads, parking lots, roofs, etc.);
    b. Preserving and protecting ecologically sensitive areas that provide water quality benefits;
    c. Providing vegetated buffers along waterways, and reduce discharges to surface waters from impervious surfaces such as parking lots;
    d. Implementing policies to protect trees, native soils and other vegetation; and
    e. Minimizing topsoil stripping and compacted soils where feasible.

2. Require landowners and developers to develop and maintain Best Management Practices to ensure, to the MEP, that post-construction runoff mimics pre-construction hydrology of the site. A 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period shall be the basis for the design and implementation of post construction BMPs;

3. Encourage landowners and developers to incorporate, where feasible, the use of Low Impact Development (LID)/Green Infrastructure (GI) which infiltrate, evapotranspire, harvest or reuse storm water. Information on Low Impact Development (LID)/Green Infrastructure (GI) is available on the following websites: http://www.adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf and http://epa.gov/nps/lid. The Permittee shall include a narrative description in the SWMPP as to the means taken to implement the requirement to encourage landowners and developers to incorporate the use of Low Impact Development (LID)/ Green Infrastructure (GI);

4. To the extent allowed under State law, adopt or amend an ordinance or other regulatory mechanism to ensure the applicability and enforceability of post-construction BMPs at all qualifying new development and redevelopment projects. The ordinance or regulatory mechanism shall be posted on the Permittee's website;

5. Require the submittal of a post-construction BMP plan, for review, as outlined in the SWMPP. The post-construction BMP plan review process may be integrated with the construction plan review process under Section II.B.4.a.4;

6. Require the submittal of 'as built' certification within 120 days of completion of project;

7. Perform and/or require the performance of annual, at a minimum, post-construction inspections to ensure that design standards are being met. The Permittee shall document its post-construction inspection. Such documentation shall include, at a minimum:

a. Facility type;
b. Inspection date;
c. Name and signature of inspector;
d. Site location;
e. Owner information (name, address, phone number, fax, and email);
f. Description of the storm water BMP condition that may include, but not limited to, the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches, spillways, weirs, and other control structures, and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures;
g. Photographic documentation of all critical storm water BMP components;
h. Specific maintenance items or violations that need to be corrected by the owner/operator of the storm water control or BMP; and
i. Maintenance agreements for long-term BMP operations and maintenance.

8. The Permittee shall maintain or require the developer/owner/operator to keep records of post-construction inspections, maintenance activities and make them available to the Department upon request and require corrective actions to poorly functioning or inadequately maintained post-construction BMPs; and

9. The Permittee shall require and/or perform adequate long-term operation and maintenance of post-construction BMPs, including one or more of the following, as applicable:

    a. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
    b. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
    c. Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association, or other appropriate group, for maintenance of structural and treatment control management practices; and/or
    d. Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.

b. The Permittee shall include within the SWMPP the following information:

    1. Copies of the ordinance or other regulatory mechanism or hyperlink for the ordinance or regulatory mechanism location on the Permittee's website as required by Part II.B.5.a.4;

    2. Procedures to develop, implement, and enforce systems of appropriate structural and/or non-structural BMPs;

    3. Procedures to develop, implement and enforce performance standards;

    4. Procedures and schedule for development of Low-Impact Development LID/Green Infrastructure (GI) standards;

5. Procedures to ensure compliance with the ordinance or regulatory mechanism, including the sanctions and enforcement mechanisms the Permittee will use to ensure compliance; If an ordinance or regulatory mechanism needs to be developed, then the Permittee must provide a timeline for the development of the ordinance and/or regulatory mechanism;

6. Procedures for post-construction inspections, to include tracking and enforcement;

7. Procedures to ensure adequate long-term operation and maintenance of BMPs; and

8. Development of an inventory of post-construction structural controls. This inventory shall be updated annually, as needed.

c. The Permittee shall report each year in the Annual Report the following information:

1. Provide a hyperlink for the ordinance or regulatory mechanism location on the Permittee's website;

2. A list of the post-construction structural controls installed and inspected during the permit year. The list shall include which post-construction structural controls installed are considered Low Impact Development (LID)/ Green Infrastructure (GI), if applicable;

3. Updated inventory of post-construction structural controls including those owned by the Permittee;

4. Number of inspections performed on post-construction structural controls; and

5. Summary of enforcement actions, if applicable.

6. **Spill Prevention and Response**

a. The Permittee shall further develop, revise, and implement a program to prevent, contain, and respond to spills that may discharge into the MS4. The Permittee must, at a minimum:

1. Investigate, respond, and conduct response actions or coordinate with other agencies that may provide response actions as outlined in the SWMPP;

2. Track spills, response, and cleanup activities for reportable spills that may discharge to the MS4;

3. Use GIS or acceptable mapping scheme to identify spill locations, locations for inspections, and chronic problem areas;

4. Implement a spill prevention/spill response plan;

5. Provide training annually, at a minimum, of appropriate personnel in spill prevention and response procedures and techniques to mitigate pollutant discharges from spills to the MS4;

6. Establish procedures to ensure that all spills can be promptly reported to appropriate authority.

b. The Permittee shall include within the SWMPP the following information:

1. List of agencies that the Permittee may coordinate response actions with regarding spills as required by Part II.B.6.a.1;

2. The spill prevention/spill response plan as required by Part II.B.6.a.4; and

3. Procedures to provide training, at a minimum, of personnel in spill prevention and response.

c. The Permittee shall report each year in the Annual Report the following information:

1. Summary of spills occurring during the reporting year, to include the following, at a minimum:
   a. Location;
   b. Spill Substance (i.e. fuel, oil, etc.);
   c. Photographs (spill and after clean-up, if allowed) ; and
   d. Incident dates and time to resolution, including any enforcement actions taken and their result.

2. Documentation of employee training as required by Part II.B.6.b.5 shall be kept on file and available when requested by the Department:
   a. Description of the training curriculum or materials used; and
   b. Dated records of attendance.

7. **Pollution Prevention/Good Housekeeping for Municipal Operations**

a. The Permittee shall re-evaluate, revise, implement, and maintain a program that will prevent or reduce the discharge of pollutants in storm water run-off from municipal operations to the MEP. The program elements shall include, at a minimum, the following:

1. An inventory (to include name and location) of all municipal facilities. Evaluate and determine which municipal facilities that have the potential to discharge pollutants via storm water runoff;

2. Develop and implement a short and long-term strategy and program for the prevention and removal of trash from entering into the waterways and tributaries from the MS4 within the permitted area in such a manner to estimate the removal of trash per year, which shall be included in the Annual Report. If a BMP is determined to be ineffective or infeasible, then an alternate BMP must be implemented. This program shall be outlined within the Permittee's SWMPP and must be updated as necessary. This program shall address the following, at a minimum:

   a. Arrangement for the temporary protection of preventative measures to catch basins, where feasible, and provide proper disposal of trash receptacles, clean-up of catch basins, as needed, and grounds of the event area within one business day subsequent to the event;
   b. Direct removal of trash from waterbodies, public areas, and right-a-ways, if applicable;

c. Provide and maintain proper trash receptacles, especially within areas identified as high- traffic/high-trash generated areas during special events to include timely trash removal;
d. Prevention through disposal alternatives; and
e. Prevention through waste reduction practices, additional enforcement, and/or initiatives.

3. A Standard Operating Procedures (SOP) detailing good housekeeping practices to be employed at municipal facilities (those that have the potential to discharge pollutants via storm water runoff) and during municipal operations that may include, but not limited to, the following:

a. Equipment washing;
b. Street sweeping;
c. Maintenance of municipal roads including public streets, roads and highways, and unpaved roads owned, operated, or under the responsibility of the Permittee;
d. Storage, use, and disposal of chemicals, Pesticides, Herbicides, Fertilizers (PHFs), and waste materials;
e. Vegetation control, cutting, removal, and disposal of the cuttings;
f. Vehicle fleets/equipment maintenance and repair;
g. External building maintenance; and
h. Materials storage facilities and storage yards.

4. A program for inspecting municipal facilities at a minimum of annually, to include municipal maintenance shops and equipment yards, for good housekeeping practices, including BMPs. The program shall include checklists and procedures for correcting noted deficiencies;

5. A training program for municipal facility staff in good housekeeping practices as outlined in the SOP developed pursuant to Part II.B.7.a.3 The training shall be provided to municipal facility staff at a minimum of annually; and

6. The Permittee shall assess the water quality impacts for those flood management projects owned, operated, or the responsibility of the Permittee. The feasibility of retro-fitting existing structural control devised to provide additional pollutant removal from the storm water shall be evaluated.

b. The Permittee shall include within the SWMPP the following information:

1. The inventory of municipal facilities required by Part II.B.7.a.1;

2. Evaluate and include a discussion of how effectiveness is measured for Part II.B.7.a.2

3. Schedule for developing the SOPs for good housekeeping practices required by Part II.B.7.a.3;

4. An inspection plan and schedule (frequency), including checklists and any other materials needed to comply with Part II.B.7.a.4; and

5. A description of the training program and training schedule, including frequency, required by Part II.B.7.a.5.

c. The Permittee shall report each year in the Annual Report the following information:

1. Any updates to the municipal facility inventory;

2. An estimated amount of floatable material collected from the MS4 as required by Part II.B.7.a.2;

3. Any updates to the inspection plan;

4. Any updates to the SOP of good housekeeping practices;

5. Summary of inspection reports of municipal facilities; and

6. Results of the evaluation of the effectiveness of the Pollution Prevention/Good Housekeeping program.

d. The Permittee shall maintain the following information and make it available upon request:

1. Records of inspections and corrective actions, if any; and

2. Training records including the dates of each training activities and names of personnel in attendance.

8. **Application of Pesticide, Herbicide, and Fertilizers (PHFs)**

a. For the *Application of Pesticide, Herbicide, and Fertilizers* (PHFs), the Permittee shall implement controls to reduce, to the MEP, the discharge of pollutants from the MS4 related to the storage and application of PHFs applied by employees or contractors, to public rights- of -way, parks, and other public property. The Permittee shall implement programs to encourage the reduction of the discharge of pollutants related to application and distribution of PHFs. For those controls implemented, the Permittee will obtain coverage and maintain compliance with ADEM NPDES Pesticide General Permit ALG870000, if applicable, or other applicable NPDES permits. In addition, the Permittee shall address priorities within the SWMPP to include the following, at a minimum:

1. Identify all areas known to receive high applications of PHFs, develop a program to detect improper usage, and prioritize problem areas;

2. Require evidence of proper certification and licensing for all applicators contracted to apply pesticides or herbicides on municipal property; require that applicators contracted to apply fertilizer are qualified in utilizing proper nutrient management practices;

3. Maintain an inventory of on-hand PHFs with information about the formulations of various products, including how to recognize the chemical constituents from the label, their respective uses, directions and precautions for applicators that explain if products should be diluted, mixed or only used alone, and, proper storage of products;

4. Equipment use and maintenance;

5. Training in safe use, storage, and disposal of PHFs;

6. Annual inspection and monitoring of facilities where PHFs are stored; and

7. Record keeping.

b. The Permittee shall report each year in the Annual Report the following information:

1. The areas within the MS4 jurisdiction that received high applications of PHFs;

2. A list of personnel certified and trained on proper PHF application;

3. An inventory of on-hand PHFs; and

4. Inspections of the facilities where PHFs are stored.

9. **Oils, Toxics, and Household Hazardous Waste Control**

a. The Permittee shall prohibit to the MEP the discharge or disposal of used motor vehicle fluids and household hazardous wastes into the MS4. Specific activities to be completed under this item are:

1. Make available material educating the public about used oil facility locations, hotline numbers, and alternatives to toxic materials;

2. Annual, at a minimum, inspections of municipal maintenance shops and equipment yards;

3. Advertise the location of used oil collection facilities; and

4. Provide employee training, at a minimum of annually, on spill prevention at all municipal facilities where oils or toxic materials are used.

b. The Permittee shall include within the SWMPP the following information:

1. Procedures to further, develop, revise, implement, and enforce a program for oils, toxics, and household hazardous waste control to include educational information and employee training.

c. The Permittee shall report each year in the annual report the following information:

1. Quantities of Household Hazardous Waste and used oil collected;

2. Oils, Toxics, and Household Hazardous Waste Control training workshops
   a. Dated attendance sheet; and
   b. Titles of presentations.

3. Inspection reports of municipal maintenance shops and equipment yards.

10. **Industrial Storm Water Runoff**

a. The Permittee shall implement a program to inspect, monitor and control pollutants in storm water runoff to the MS4 from municipal waste landfills, hazardous waste treatment, storage, disposal and recovery facilities, and industrial facilities and high risk commercial facilities. Facilities to be addressed under this program include: facilities that have reported under the requirements of the Emergency Planning and Community Right to Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge that the Permittee determines is contributing substantial pollutants loading to the MS4 ("high risk facilities"). The program must provide for, at a minimum:

1. Annual inspections of municipal waste landfills, hazardous waste treatment, storage, disposal (TSD) and recovery facilities;

2. Annual inspections, at a minimum, of EPCRA Title III, Section 313 facilities that do not have an NPDES permit issued by the Department as outlined in the SWMPP;

3. During the permit term, inspections of industrial facilities and high-risk commercial facilities that do not have a NPDES permit issued by the Department as outlined in the SWMPP;

4. Data collected by a NPDES permitted facility to satisfy the monitoring requirements of an NPDES, State, land application or local pretreatment discharge permit may be used to satisfy Part II.B.10.a. of the Permit. The Permittee may require the industrial facility to conduct self-monitoring to satisfy this requirement, if necessary.

5. Within 365 days of the effective date of this permit, provide training for personnel conducting inspections as required in Part II.B.10.a.1. and Part II.B.10.a.2. The training frequency shall be specified in the SWMPP.

b. The Permittee shall include in the SWMPP a list of all municipal waste landfills, hazardous waste treatment, storage, disposal and recovery facilities, high risk commercial facilities, and industrial facilities, both NPDES permitted and Emergency Planning and Community Right to Know Act (EPCRA) Title III, Section 313 facilities, within the MS4.

c. The Permittee shall include in the Annual Report a list of the industrial facilities and high-risk commercial facilities inspected and corrective actions taken, if applicable.

C. Legal Authority

To the extent allowed under State law, the Permittee must annually review and revise, as necessary, its relevant ordinances or other regulatory mechanisms, or adopt any new ordinances that provide it with adequate legal authority to control pollutant discharges into and from its MS4, and to implement and enforce its SWMPP. To be considered adequate, this legal authority must, at a minimum, authorize the Permittee to:

1. Prohibit non-storm water discharges unless such storm water discharges are in compliance with a separate NPDES permit, or determined by the Department not to be a significant contributor of pollutants to waters of the State;

2. Prohibit and eliminate illicit connections to the MS4. Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4;

3. Control the discharge of spills, and prohibit dumping or disposal of materials other than storm water into the MS4;

4. Require operators of construction sites and industrial and commercial facilities to minimize the discharge of pollutants to the MS4 to the maximum extent practicable through the installation, implementation, and maintenance of appropriate controls, including installation, implementation and long-term maintenance of post construction controls;

5. Request information to determine compliance with ordinances or other regulatory mechanism;

6. Enter private property for the purpose of inspecting and monitoring at reasonable times any facilities, equipment, practices, or operations for active or potential polluted storm water discharges to the MS4;

7. Promptly require that dischargers cease and desist discharging and/or clean-up and abate a discharge;

8. Levy citations or administrative fines against responsible parties to include but not limited to non-compliant construction sites;

9. Require recovery and remediation costs from responsible parties; and

10. Provide the authority to enter into interagency agreements with other entities for the purpose of controlling the contribution of pollutants to the maximum extent practicable from one MS4 to another MS4.

D. SWMPP Review and Modification

1. The Permittee shall submit to the Department within nine (9) months of the effective date of this permit a revised SWMPP. The Permittee shall implement plans to seek and consider public input in the development, revision, and implementation of this SWMPP, as required by Part II.B.2.b.1. Thereafter, the Permittee shall perform an annual review, at a minimum, of the current SWMPP and must modify the SWMPP, as necessary, to maintain compliance with the permit. Any modifications to the SWMPP shall be submitted to the Department and the Permittee's website shall be updated with the revised version of the SWMPP.

2. The Permittee may modify the SWMPP at any time during the life of the permit. Any modifications must be submitted to the Department at the time the modification is made and shall be included in the subsequent Annual Report. Modifications made to the SWMPP may include, but are not limited to, the replacement of ineffective or infeasible BMPs or the addition of components, controls and requirements.

3. The Permittee shall implement the SWMPP on all new areas added to their Municipal Separate Storm Sewer System (or for which they become responsible for implementation of storm water quality controls) as soon as practicable, but no later than one (1) year from the addition of new areas. Implementation of the program in any new area shall consider the plans of the SWMPP of the previous MS4 ownership, if any.

E. Impaired Waters and Total Maximum Daily Loads (TMDLs)

1. The Permittee must determine whether the discharge from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest §303(d) list or designated by the Department as impaired or is included in an EPA-approved or EPA-established TMDL;

2. If the Permittee's MS4 discharges to a waterbody included on the latest §303(d) or designated by the Department as impaired, it must demonstrate the discharges, as controlled by the Permittee, do not cause or contribute to the impairment. The SWMPP must detail the BMPs that are being utilized to control discharges of

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

3. Permittees discharging from MS4s into waters with EPA-Approved TMDLs and/or EPA-Established TMDLs

    a. The Permittee must determine whether its MS4 discharges to a waterbody for which a Total Maximum Daily Load (TMDL) has been established or approved by EPA. If an MS4 discharges into a waterbody with an EPA approved or established TMDL, then the SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If additional BMPs will be necessary to meet the requirements of the TMDL, then the SWMPP must include a schedule for installation and/or implementation of such BMPs. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

    b. If, during this permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which an MS4 discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the MS4.

        1. If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL.

        2. If existing BMPs are not sufficient, the Permittee must, within six (6) months following the approval or establishment of the TMDL by EPA, submit a revised SWMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within one (1) year, unless an alternate date is approved by the Department, from the establishment or approval of the TMDL by EPA. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

F. Responsibilities of Permittee

If the Permittee is relying on another entity to satisfy one or more requirements of this permit, then the Permittee must note that fact in the SWMPP. The Permittee remains responsible for compliance with the permit and reliance on another entity will not be a defense or justification for non-compliance if the entity fails to implement the permit requirements.

PART III Wet-Weather Monitoring and Reporting

The Permittee shall implement a monitoring program to provide data necessary to assess the effectiveness and adequacy of BMPs implemented under the SWMPP. The quality of the streams receiving MS4 discharges shall continue to be monitored to assess the water quality of the streams and to identify potential water quality impairments. This shall be accomplished by the following:

A. Monitoring Locations

1. Proposed monitoring locations and descriptions of their respective characteristics shall be described in the SWPPP with actual locations described in the Annual Report:

Waterbody	Frequency
Buck Creek	Quarterly
Cahaba Valley Creek	Quarterly
Peavine Creek	Semi-Annually

2. In addition to the requirements in Part III.A.1., if a waterbody (not listed in Part III.A.1) within the MS4 jurisdiction is listed on the latest final §303(d) list, or otherwise designated impaired by the Department, or for which a TMDL is approved or established by EPA, during this permit cycle, then the Permittee must revise its monitoring program to include monitoring that addresses the impairment or TMDL. Any revisions to the monitoring program shall be documented in the SWMPP and Annual Report. In addition, the permit may be modified by the Department to establish the additional or revised monitoring locations.

B. Monitoring Parameters and Frequency

1. Grab samples shall be collected at least semi-annually at each instream monitoring station and analyzed for the following parameters:

    a. Temperature;
    b. pH/ORP;
    c. Turbidity (NTU);
    d. Conductivity;
    e. Dissolved Oxygen (mg/l);
    f. Ammonia Nitrogen (NH_3-N) (mg/l);
    g. Biochemical Oxygen Demand (BOD) (mg/l);
    h. Chemical Oxygen Demand (COD) (mg/l);
    i. E.coli;
    j. Hardness as $CaCO_3$ (mg/l);
    k. Nitrate plus Nitrite Nitrogen (NO_3+NO_2-N) (mg/l);
    l. Oil and Grease (mg/l);
    m. Total Dissolved Solids (TDS) (mg/l);
    n. Total Kjeldahl Nitrogen (TKN) (mg/l);
    o. Total Nitrogen (TN) (mg/l);
    p. Total Phosphorus (mg/l);

q. Total Suspended Solids (TSS) (mg/l); and

2. The Permittee shall include in the instream monitoring program any additional parameters attributed with the latest final §303(d) list or otherwise designated by the Department as impaired or are included in an EPA-approved or EPA-established TMDL.

C. Sample Type, Collection and Analysis

1. Grab samples taken within the first two (2) hours of discharge shall be used for the analysis;

2. Grab samples shall be collected resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event;

3. Analysis and collection of grab samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved 40 CFR Part 136 does not exist, then a Department approved alternative method may be used;

4. If the Permittee is unable to collect water quality data at an instream monitoring station due to equipment malfunction, maintenance, and/or damage, the Permittee must include a description of why water quality data could not be collected, including available documentation in the Annual Report;

5. If the Permittee is unable to collect grab samples due to adverse conditions, the Permittee shall submit a description of why samples could not be collected, including available documentation of the event. An adverse climatic condition which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.); and

6. Monitoring results must be reported with the subsequent Annual Report and shall include the following monitoring information:

   a. The date, latitude/longitude of location, and time of sampling;
   b. The name(s) of the individual(s) who performed the sampling;
   c. The date(s) analysis was performed;
   d. The name(s) of individual(s) who performed the analysis;
   e. The analytical techniques or methods used; and
   f. The results of such analysis.

PART IV Annual Reporting Requirements

1. The Permittee shall submit to the Department an Annual Report and all other documents via the Alabama Environmental Permitting and Compliance System (AEPACS) no later than January 31 of each year. AEPACS can be accessed at the following link: https://adem.alabama.gov/AEPACS. The Annual Report shall cover the previous fiscal year beginning October 1 through September 30, and annually thereafter.

2. The Permittee shall sign and certify the Annual Report in accordance with Part V.M. of this permit. If the Responsible Official has designated a Duly Authorized Representative (DAR) in accordance with Part V.M., to sign the Annual Report, then include a copy of the written designation with the Annual Report.

3. The Annual Report shall include the following information, at a minimum, and in addition to those requirements referenced in Part II.B and Part III:

   a. A list of contacts and responsible parties (e.g.: agency, name, phone number, address, & email address) who had input to and are responsible for the preparation of the Annual Report;

   b. An overall evaluation of the Storm Water Management Program developments and progress for the following:

      1. Major findings such as water quality improvements or degradation;

      2. Major accomplishments;

      3. Overall program strengths/weaknesses;

      4. Future direction of the program;

      5. The Permittee(s) will make an overall determination of the effectiveness of the SWMPP taking into account water quality/watershed improvements;

      6. Required actions that were not performed, and reasons why the actions were not accomplished; and

      7. If monitoring is required, an evaluation of the monitoring data.

   c. The Annual Report will include a narrative report of all program elements referenced in Part II.B of this permit. The activities concerning a program element shall be discussed as follows:

      1. Program element activities completed and in progress;

      2. General discussion of program elements. Explanation for all program element activities that have not been fully implemented or completed. Results of activities shall be summarized and discussed (e.g.: maintenance caused by inspection, pollutants detected by monitoring, investigations as a result of dry and wet weather screening, number and nature of enforcement item, education activities/participation);

      3. Status of program element with compliance, implementation, and augmentation schedules in Part II of the permit;

      4. Assessment of controls; and

      5. Discussion of proposed program element revisions.

   d. Notice of reliance on another entity to satisfy some of the permit obligations;

   e. Results of the evaluation to determine whether discharges from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the 303(d) list (or designated by the Department as impaired) or for which a TMDL has been established or approved by EPA;

f. The Annual Report shall contain a monitoring section which discusses the progress and results of the monitoring programs required under Part III of the permit and shall include, at a minimum, the following information:

1. Status of implementation of the monitoring program;

2. Map(s) showing the monitoring station locations, latitude/longitude, and narrative site descriptions, including watershed size;

3. Raw data, results, methods of evaluating the data, graphical summaries of the data, and an explanation/discussion of the data for each component of the monitoring program;

4. An analysis of the results of each monitoring program component;

5. A comparison of the reporting year's data to the previous five (5) years of data to establish a trend analysis to determine the relative health of the receiving water;

6. All monitoring reports and supporting data shall be submitted electronically via AEPACS concurrently with the submission of the Annual Report. Failure to provide this data in a format appropriate to the Department for review shall be a violation of this permit; and

7. The interpretation of the analytical data, required by Part III.B.1-2 of the Permit, for determinacy of meeting water quality standards.

g. Provide the status of the implementation and proposed changes to the SWMPP to include assessment of controls and specific improvements or degradation to water quality;

h. Provide a summary of inspections and enforcement actions for the regulatory program. Enforcement actions should include a corrective actions summary;

i. Implementation status of the public education programs; and

j. Status of expenditures and budget for the past fiscal year and the next fiscal year for the Permittee's program. The analysis shall indicate budgets and funding sources.

PART V Standard and General Permit Conditions

A. Certification and Signature of Reports

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

B. Submittals

The Permittee must complete and submit individual application electronically, and a description of your SWMP as allowed under Part II.A., signed in accordance with the signatory requirements of Part V.M of this permit, to the Department via the Alabama Environmental Permitting and Compliance System (AEPACS) unless the Permittee submits in writing valid justification as to why the electronic submittal cannot be utilized and the Department approves

in writing the utilization of hard copy submittals. The AEPACS can be accessed at the following link: https://adem.alabama.gov/AEPACS. Permit requests for initial issuance and modifications of the existing permit shall all be submitted through the AEPACS.

Requests as to why AEPACS cannot be utilized shall be addressed to:

Alabama Department of Environmental Management
Storm Water Management Branch, Water Division
Post Office Box 301463
Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

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

C. Retention of Records

The Permittee shall retain the storm water quality management program developed in accordance with Part II of this permit until at least five (5) years after coverage under this permit terminates. The Permittee shall retain all records of monitoring information, copies of all reports required by this permit, and records required by this permit and records of all other data required by or used to demonstrate compliance with this permit, until at least three (3) years after coverage under this permit terminates. This period may be explicitly modified by alternative provisions of this permit or extended by request of the Director at any time.

D. Duty to Comply

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

E. Civil and Criminal Liability

1. Tampering

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

2. False Statements

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

3. Relief from Liability

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

F. Duty to Reapply

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

2. Failure of the Permittee to apply for re-issuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code, Rule 335-6-6.-06, and should the permit not be re-issued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

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

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

H. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human or the environment.

I. Bypass

a. Any bypass as defined in 40 CFR 122.41(m) is prohibited except as provided in Part V.I.b. and c.

b. A bypass is not prohibited if:

   1. It does not cause any applicable discharge limitation, if specified in this Permit, to be exceeded;

   2. The discharge resulting from such bypass enters the same receiving water as the discharge from the permitted outfall, if applicable;

   3. It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system, if applicable; and

   4. The Permittee monitors the discharge resulting from such bypass at a frequency, at least daily, sufficient to prove compliance with the discharge limitations, if specified in this Permit.

c. A bypass is not prohibited and need not meet the discharge limitations, if specified in this Permit, if:

   1. It is unavoidable to prevent loss of life, personal injury, or severe property damage;

   2. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the Permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The Permittee submits a written request for authorization to bypass to the Director at least ten (10) days, if possible, prior to the anticipated bypass or within 24 hours of an unanticipated bypass, the Permittee is granted such authorization, and Permittee complies with any conditions imposed by the Director to minimize any adverse impact to waters resulting from the bypass.

d. The Permittee has the burden of establishing that each of the conditions of Parts V.I.b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in Part V.I.a. and an exemption, where applicable, from the discharge limitations, if specified in this Permit.

J. Upset

a. Except as provided in Part V.I.b. and c., a discharge which results from an upset as defined in 40 CFR 122.41(n) need not meet the applicable discharge limitations, if specified in this Permit, if:

1. No later than 24-hours after becoming aware of the occurrence of the upset, the Permittee orally reports the occurrence and circumstances of the upset to the Director; and

2. No later than five (5) days after becoming aware of the occurrence of the upset, the Permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, design drawings, construction certification, maintenance records, weir flow measurements, dated photographs, rain gauge measurements, or other relevant evidence, demonstrating that:

i. An upset occurred;

ii. The Permittee can identify the specific cause(s) of the upset;

iii. The Permittee's treatment facility was being properly operated at the time of the upset; and

iv. The Permittee promptly took all reasonable steps to minimize any adverse impact to waters resulting from the upset.

b. The Permittee has the burden of establishing that each of the conditions of Part V.J.a. has been met to qualify for an exemption from the discharge limitations, if specified in this Permit.

K. Duty to Provide Information

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

L. Other Information

If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it

shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

M. Signatory Requirements

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

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

N. Oil and Hazardous Substance Liability

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

O. Property and Other Rights

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

P. Severability

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

Q. Compliance with Statutes and Rules

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

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

R. Proper Operations and Maintenance

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

S. Monitoring Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

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

T. Monitoring Methods

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

U. Right of Entry and Inspection

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

1. Enter upon any of the permittee's premises where a regulated facility or activity or point source is located or in which any records must be maintained under conditions of this permit;

2. Have access to and copy, at reasonable times, any records required to be maintained by the terms and conditions of this permit;

3. Inspect, at reasonable times, any point source, any monitoring equipment or practices being maintained to comply with this permit, or any treatment or control or systems being maintained to comply with this permit; and

4. Sample or monitor, at reasonable times, for the purposes of determining permit compliance or as otherwise authorized by AWPCA, any substances or parameters at any location.

V. Additional Monitoring by the Permittee

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

W. Permit Modification and Revocation

1. This permit may be modified or revoked or reissued, in whole or in part, during its term for cause including but not limited to, the following:

    a. If cause for termination under Part V.W.3., of this permit exists, the Director may choose to revoke or re-issue this permit instead of terminating the permit;

    b. If a request to transfer this permit has been received, the Director may decide to revoke and re-issue or to modify the permit; or

    c. If modification or revocation and re-issuance is requested by the Permittee and cause exists, the Director may grant the request.

2. This permit may be modified during its term for cause, including but not limited to:

    a. If cause for termination under Part V.W.3., of this permit exists, the Director may choose to modify this permit instead of terminating this permit;

b. The Director has received new information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;

c. Errors in calculation of discharge limitation or typographical or clerical errors were made;

d. To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or judicial decision after the permit was issued;

e. To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, permit may be modified to change compliance schedules;

f. To incorporate an applicable Section 307(a) of FWPCA toxic effluent standard or prohibition;

g. When required by the re-opener conditions in this permit;

h. Upon failure of the State to notify, as required by Section 402(b)(3) of FWPCA, another State whose water may be affected by a discharge permitted by this permit;

i. When required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions;

j. When requested by the Permittee and the Director determines that the modification has cause and will not result in a violation of federal or State law, rules, or regulations;

k. To add a new Permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System; or

l. To change portions of the Storm Water Quality Management Program that is considered permit conditions.

3. This permit may be terminated during its term for cause, including but not limited to, the following:

   a. Violation of any term or condition of this permit;

   b. The Permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance or the Permittee's misrepresentation of any relevant facts at any time;

   c. Materially false or inaccurate statements or information in the permit application or the permit;

   d. The Permittee's discharge threatens human life or welfare or the maintenance or water quality standards; or

   e. Any other cause allowed by ADEM Administrative Code, Rule 335-6-6.

4. This permit may be suspended during its term for cause, including but not limited to, the reasons for termination listed above.

5. The filing of a request by the Permittee for modification, suspension or revocation of this permit, in whole or in part, does not stay any permit term condition.

X. Termination of Coverage for a Single Permittee

Permit Coverage may be terminated, in accordance with the provision of 30 CFR 122.64 and 124.5, for a single Permittee without terminating coverage for other permittees.

Y. Modification of Storm Water Management Program

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

Z. Changes in Monitoring Outfalls

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

AA. Definitions

1. "Alabama Handbook" means the latest edition of the Alabama Handbook for Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas, Alabama Soil and Water Conservation Committee (ASWCC) published at the time the permit is effective.

2. "Arithmetic Mean" means the summation of the individual values of any set values divided by the number of individual values.

3. "AWPCA" means Code of Alabama 1975, Title 22, the Alabama Water Pollution Control Act, as amended.

4. "Best Management Practices" (BMPs) means activities, prohibitions of practices, maintenance procedures, and other management practices implemented to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment systems, operating procedures, and practices to control facility runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.

5. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

6. "Control Measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.

7. "CWA" or "The Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

8. "Department" means the Alabama Department of Environmental Management or an authorized representative.

9. "Discharge", when used without a qualifier, refers to "discharge of a pollutant" as defined as ADEM Administrative Code 335-6-6-.02(m).

10. "Flood Management Project" means a project that will alter, modify or change the base flood elevation of a 1% annual chance flood event.

11. "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 at the time of sampling.

12. "Green Infrastructure" refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspiration (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated.

13. "Hydrology" refers to the physical characteristics of storm water discharge, including the magnitude, duration, frequency, and timing of discharge.

14. "Illicit connection" means any man-made conveyance connecting a non-storm water discharge directly to a Municipal Separate Storm Sewer System.

15. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from firefighting activities.

16. "Industrial Land Use" means land utilized in connection with manufacturing, processing, or raw materials storage at facilities identified under Alabama State Law.

17. "Infiltration" means water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

18. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

19. "Large" 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 250,000 or more as determined by the latest decennial census; or (ii) located in counties (these counties are listed in Appendix H of 40 CFR Part 122, except municipal storm sewers that are located in the incorporated places, townships or towns within such counties; or (iii) owned or operated by a municipality other than those described in Part V.AA.19.(i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system; or (iv) the Director may designate as a large municipal separate storm sewer system, municipal separate sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in Part V.AA.19.(i), (ii), or (iii).

20. "Low Impact Development" (LID) is an approach to land development (or re-development) that works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat storm water as a resource rather than a waste product.

21. "Major outfall" is the point(s) where the MS4 discharges to a water of the State from (1) a pipe (or closed conveyance) system with a cross-sectional area equal to or greater than 7.07 square feet (e.g., if a single circular pipe system, an inside diameter of 36 inches or greater),(2) a single conveyance other than a pipe, such as an open channel ditch, which is associated with a drainage area of more than 50 acres,(3) a pipe (or closed conveyance) system draining "industrial land use" with a cross-sectional area equal to or greater than 0.79 square feet (e.g., if a single circular pipe system, an inside diameter of 12 inches or greater),(4) or a single conveyance other than a pipe, such as an open channel ditch, which is associated with an "industrial land use" drainage area of more than 2 acres; For the purpose of this permit, outfalls of the "double barrel" type, whose combined cross-sectional area is greater than 7.07 square feet, equivalent to a single circular pipe outfall with an inside diameter of 36 inches or greater, are also considered major outfalls.

22. "MEP" is an acronym for "Maximum Extent Practicable," the technology-based discharge standards and controls necessary for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). These standards and controls may consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from a MS4 as described in the storm water management system.

23. "Medium" municipal separate storm sewer system means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 100,000 or more but less than 250,000 as determined by the latest decennial census; or (ii) located in counties (these counties are listed in Appendix I of 40 CFR Part 122), except municipal storm sewers that are located in the incorporated places, townships or towns within such counties; or (iii) owned or operated by a municipality other than those described in Parts V.AA.23.(i) and (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system; or (iv) the Director may designate as a medium municipal separate storm sewer system, municipal storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems as described in Parts V.AA.23.(i), (ii), or (iii).

24. "MS4" is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a large, medium, or small municipal separate storm sewer system. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.

25. "Municipal Separate Storm System" is defined at 40 CFR Part 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in ADEM Administrative Code335-6-6-.02(nn).

26. "Permittee" means each individual co-applicant for an NPDES permit who is only responsible for permit conditions relating to the discharge that they own or operate.

27. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other

floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

28. "Priority Construction Site" means any qualifying construction site in an area where the MS4 discharges to a waterbody which is listed on the most recently approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation or sedimentation, any waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code r. 335-6-10-.09, and any waterbody assigned a special designation in accordance with 335-6-10-.10.

29. "Qualifying Construction Site" means any construction activity that results in a total land disturbance of one or more acres and activities that disturb less than one acre but are part of a larger common plan of development or sale that would disturb one or more acres. Qualifying construction sites do not include land disturbance conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.

30. "Qualifying New Development and Redevelopment" means any site where construction commenced on or after November 30, 2017 that results from the disturbance of one acre or more of land or the disturbance of less than one acre of land if part of a larger common plan of development or sale that is greater than one acre. Qualifying new development and redevelopment does not include the following:

    a. Land disturbances conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission; or
    b. An existing development that has been constructed or approved prior to November 30, 2017.

31. "Storm Water" is defined at 40 CFR Part 122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

32. "Storm Water Management Program" (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.

33. "Structural Controls" means an engineered BMP constructed with rigid walls and/or weirs and piped drainage that utilize active or passive treatment and/or mechanical systems for the purpose of treating storm water runoff.

34. "Structural Flood Control" means structural measures that control the 1% annual chance floodwaters by construction of barriers, storage areas or by modifying / redirecting channels.

35. "SWMP" is an acronym for "Storm Water Management Program."

36. "Total Maximum Daily Load" (TMDL) means the calculated maximum permissible pollutant loading to a waterbody at which water quality standards can be maintained. The sum of Wasteload Allocations (WLAs) and load allocations (LAs) for any given pollutant.

FACT SHEET

APPLICATION FOR
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TO WATERS OF
THE STATE OF ALABAMA

CITY OF PELHAM MS4

Date: January 18, 2022 **Prepared By: Melanie Ratcliffe**

NPDES Permit No. ALS000009

1. **Description of Category:**

This Permit applies to the municipal separate storm sewer (MS4) which is owned, operated and/or maintained by the City of Pelham that is in the corporate boundaries of the City of Pelham.

2. **Geographic area covered:**

State of Alabama

3. **Receiving waters:**

Waterbodies within the corporate boundaries of the City of Pelham.

4. **Types of discharge:**

The permit authorizes all existing or new storm water point source discharges to waterbodies within the corporate boundaries of the City of Pelham. Discharge of pollutants shall be reduced to the Maximum Extent Practicable (MEP), shall not cause, nor contribute to, violations of Alabama Water Quality Standards, and shall be in compliance with Total Maximum Daily Loads (TMDLs) where applicable.

5. **Permit Conditions:**

The permit conditions are based on 40 CFR 122.26 and ADEM Admin. Code r. 335-6.

6. **Procedures for the formulation of final determinations:**

   a. **Comment Period**

   The Alabama Department of Environmental Management proposes to issue NPDES permit subject to the limitations and special conditions outlined above. This determination is tentative.

   Interested persons are invited to submit written comments on the proposed permit to the following address:

   Jeffery W. Kitchens, Chief
   Water Division
   Alabama Department of Environmental Management
   1400 Coliseum Blvd.
   (Mailing Address: Post Office Box 301463; Zip 36130-1463)
   Montgomery, Alabama 36110-2400
   (334) 271-7823
   water-permits@adem.alabama.gov

All comments received prior to the closure of the public notice period (see attached public notice) will be considered in the formulation of the final determination with regard to this permit.

b. Public Hearing

A written request for a public hearing may be filed within the public notice period and must state the nature of the issues proposed to be raised in the hearing. A request for a hearing should be filed with the Department at the following address:

Jeffery W. Kitchens, Chief
Water Division
Alabama Department of Environmental Management
1400 Coliseum Blvd.
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2400
(334) 271-7823
water-permits@adem.alabama.gov

The Director shall hold a public hearing whenever it is found, on the basis of hearing requests, that there exists a significant degree of public interest in a permit application or draft permit. The Director may hold a public hearing whenever such a hearing might clarify one or more issues involved in the permit decision. Public notice of such a hearing will be made in accordance with ADEM Admin. Code r. 335-6-6-.21.

c. Issuance of the Permit

All comments received during the public comment period shall be considered in making the final permit decision. At the time that any final permit decision is issued, the Department shall prepare a response to comments in accordance with ADEM Admin. Code r. 335-6-6-.21. **The Permittee's application (fourth year annual report) and the permit record, including the response to comments, will be available to the public via the eFile system (http://app.adem.alabama.gov/eFile/) or an appointment to review the record may be made by writing the Permits and Services Division at the above address.**

Unless a request for a stay of a permit or permit provision is granted by the Environmental Management Commission, the proposed permit contained in the Director's determination shall be issued and effective, and such issuance will be the final administrative action of the Alabama Department of Environmental Management.

d. Appeal Procedures

As allowed under ADEM Admin. Code chap. 335-2-1, any person aggrieved by the Department's final administrative action may file a request for hearing to contest such action. Such requests should be received by the Environmental Management Commission within thirty days of issuance of the permit. Requests should be filed with the Commission at the following address:

Alabama Environmental Management Commission
1400 Coliseum Blvd.
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2400

All requests must be in writing and shall contain the information provided in ADEM Admin. Code r. 335-2-1-.04.

NPDES PERMIT RATIONALE
CITY OF PELHAM
MS4 NPDES Permit

NPDES Permit No: **ALS000009** Date: January 18, 2022

Permit Applicant: City of Pelham

Location: This Permit applies to the corporate boundaries of the City of Pelham.

Draft Permit is:
Initial Issuance:
Reissuance due to expiration: X
Modification of existing permit:
Revocation and Reissuance:

Introduction: This permit requires implementation of the MS4 program under the State and Federal NPDES regulations. The Permittee is currently operating under the MS4 Phase I NPDES Permit ALS000009. The Permittee's application is the fourth year MS4 Annual Report and can be found on ADEM's FileNet system called eFile (http://app.adem.alabama.gov/eFile/) under the Permittee's NPDES Permit No. ALS000009. This proposed permit is a permit reissuance and requires the Permittee to develop, implement, and enforce a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants to the maximum extent practicable using the minimum control measures to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. The Permittee must also develop a Storm Water Management Program Plan (SWMPP) to describe in detail the measures for implementation and maintenance of the SWMP. The minimum control measures include the following: Structural Controls; Public Education and Public Involvement on Storm Water Impacts; Illicit Discharge Detection and Elimination (IDDE); Construction Site Storm Water Runoff Control; Post-Construction Storm Water Management for New Development and Re-Development; Pollution Prevention/Good Housekeeping. The Permittee must submit an annual report that includes documentation of the six (6) minimum control measures used by the Permittee to reduce the discharge of pollutants to waterbodies to the maximum extent practicable. The Permittee is required to develop and implement a monitoring plan for streams receiving MS4 discharges in order to provide data to be used to assess the effectiveness and adequacy of BMPs implemented under the SWMPP. This would include MS4 discharges to an impaired waterbody, as listed on the State of Alabama's 303(d) list, or MS4 discharges into a waterbody with an Environmental Protection Agency (EPA)-established and/or EPA-approved Total Maximum Daily Load (TMDL).

State and Federal Permit Requirements: This permit implements applicable requirements of 40 CFR Part 122.26

Permit Procedures: This draft permit has been developed in accordance with all applicable procedures of ADEM Admin. Code r. 335-6-6.

Effluent Standards and Limitations: This permit requires that any discharges associated with the regulated MS4 be consistent with TMDLs established and/or approved by the EPA in addition to applicable State Water Quality Standards. This permit also requires that controls (including the minimum control measures listed above) be developed and implemented to reduce the discharge of pollutants.

Prepared by: Melanie Ratcliffe