ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER QUALITY PROGRAM - FIELD OPERATIONS DIVISION
ADMINISTRATIVE CODE

CHAPTER 335-6-12
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) CONSTRUCTION, NONCOAL/NONMETALLIC MINING AND DRY PROCESSING LESS THAN FIVE ACRES, OTHER LAND DISTURBANCE ACTIVITIES, AND AREAS ASSOCIATED WITH THESE ACTIVITIES

335-6-12-.05 General Provisions.

(1) The operator, registrant, developer, onsite contractors, home builder(s), utility installers, or property owners association, separately or collectively, shall maintain valid registration for an NPDES construction site/activity, including subdivision developments or other linear or phased projects, until disturbance activity is complete and all disturbed areas have been reclaimed or effective stormwater quality remediation has been achieved in accordance with the requirements of this Chapter or another operator(s) has registered.

(2) The operator of construction activity defined or designated as NPDES construction under this Chapter shall maintain adequate records to document compliance with this Chapter and shall fully implement and regularly maintain effective BMPs to the maximum extent practicable, and in accordance with the operator's CBMPP. Appropriate, effective pollution abatement/prevention facilities, structural and nonstructural BMPs, and management strategies shall be fully implemented prior to and concurrent with commencement of regulated activities and regularly maintained during construction as needed at the site to meet or exceed the requirements of this Chapter until construction is complete, effective reclamation and/or stormwater quality remediation is achieved, and if registration is required, the registration is terminated. Failure to fully implement and regularly maintain effective BMPs for the protection of water quality to the maximum extent practicable is a violation of this Chapter.

(3) Operators shall ensure that their construction activities are regularly evaluated to ensure compliance with the provisions of this Chapter. All NPDES construction site operators shall ensure that their construction activities are regularly inspected by a QCI, QCP, or a qualified person under the direct supervision of a QCP, as applicable, to ensure compliance with the provisions of this Chapter. Each NPDES construction site operator shall implement and maintain a comprehensive CBMPP in accordance with the requirements of this Chapter and submit reports and certifications as required by this Chapter.

(4) The NOR and CBMPP, prepared in accordance with the Alabama Handbook and the requirements of this Chapter by the QCP prior to commencing construction at a new NPDES construction site, and prior to continued construction at an existing NPDES construction site, or as otherwise required by the Director, are incorporated into the requirements of any NPDES registration under this Chapter.

(5) The operator shall post and maintain sign(s) at the front gate/entrance, and if utility installation, where project crosses paved county, State, or federal highways/roads, and/or at other easily accessible location(s) to adequately identify the site prior to commencement of and during NPDES construction until registration is properly terminated. Such sign shall display the name of the registrant, "ADEM Registration" followed by the ADEM NPDES registration number, and facility or site name.

(6) The operator retains full responsibility for the design, construction, operation and maintenance of BMPs to protect water quality to the maximum extent practicable. In recognition that construction activities and noncoal mining activities are site specific in nature and conditions can change as the site develops, the Department may require the submission of additional information or require additional management measures to be implemented, as necessary.

(7) The Director may require the operator to modify existing registrations, require any CBMPP to be updated, require additional BMPs, and/or restrict discharges, if needed, based on implementation of an applicable, approved total maximum daily load.

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