

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-.21 CBMPPs, Other Plans, Specifications, BMPs, And
Technical Requirements.

(1) Commencement and/or continuation of NPDES construction activity is prohibited after March 1, 2003, or the effective date of this Chapter, whichever date occurs later, unless effective BMPs are implemented and maintained in accordance with a CBMPP prepared/certified by a QCP as adequate to meet the requirements of this Chapter and applicable requirements of ADEM Administrative Code Division 335-6. The CBMPP and any BMPs shall meet or exceed following the technical standards and guidelines:

(a) The Alabama Handbook; and

(b) In accordance with the requirements of this Chapter.

(2) Construction Best Management Practices Plan (CBMPP)

(a) The operator of an NPDES construction site shall implement a comprehensive CBMPP appropriate for site specific conditions that has been prepared and certified by a QCP. The CBMPP shall describe in detail the structural and/or non-structural practices and management strategies which will be implemented and continually maintained to prevent/minimize the discharge of all sources of pollutants, including but not limited to, sediment, construction waste, oil and grease, chemicals, and other pollutants. The CBMPP shall be updated as necessary to address any potential or observed deficiencies.

(b) The CBMPP shall include a description of appropriate, effective water quality BMPs to be implemented at the site as needed to ensure compliance with this Chapter, including but not limited to:

1. Maximum diversion of upgradient or offsite water from the site and minimum duration of disturbed area exposure;
2. Minimization of surface area that is disturbed at any one time (project phasing); Minimize introduction, and facilitate removal, of sediment, nutrients, and other pollutants in the stormwater;

3. Proper cleanup/removal or effective stabilization of sediment deposited offsite, in the event of such an occurrence and effective remediation of sediment or other pollutant instream impacts to the maximum extent practicable;

4. Measure(s) to ensure that dilution water is not used as a BMP to achieve compliance with the requirements of this Chapter unless the Director has granted prior written authorization;

5. Measures to be implemented on all areas not undergoing active disturbance or active construction and progressive construction for longer than thirteen (13) days to prevent/minimize erosion and ensure timely temporary vegetative cover, and permanent revegetation or cover of all disturbed areas when disturbance is complete;

6. A system for the proper collection, storage, treatment, and disposal of construction site sanitary wastes, sewage, gray-water, and putrescible wastes;

7. Construction waste and sediment contaminated as a result of construction activities shall be removed and disposed of in accordance with applicable regulatory requirements in a timely manner. The operator shall perform regular cleanup and proper disposal of any floating, submerged, or offsite deposited construction waste resulting from construction activities;

8. BMPs addressing water, stormwater, and fluid acquisition operations, dewatering, and pre-disturbance discharges that are, or may be, associated with construction regulated by this Chapter. These CBMPP shall specify the method of withdrawal or dewatering and describe BMPs for activities, including, but not limited to, pump priming/maintenance discharges, dewatering of existing ponded or impounded water, dewatering of groundwater, and removal of natural obstructions or earthen structures to drain existing ponded or impounded water prior to or during construction. The CBMPP shall detail effective BMPs to protect groundwater and surface waters of the State as a result of discharges associated with the fluids acquisition and dewatering sites;

9. A detailed description of the site and the nature of the construction activity, including site design plans if required by the Department; A description of the intended sequence of major activities which disturb soils, including but not limited to, grubbing, excavation, and/or grading; Existing data describing the surface soils as well as subsoils;

10. Estimates of the total area of the property and the total site area that is expected to be disturbed by excavation, grading, or other activities, including off-site temporary borrow and fill areas; Estimates, including any calculations of the runoff coefficient(s) of the site before and after construction activities are completed;

11. Identification of the receiving water(s) from the United States Geological Survey 7.5-minute series topographical map(s) or equivalent;

12. Description of temporary and permanent stabilization practices, including a schedule and/or sequence for implementation. Operators shall ensure that site plans provide for the stabilization of disturbed portions of the site; Description of structural and nonstructural practices to divert flow from exposed soils, store stormwater flows, or otherwise limit runoff and the discharge of pollutants;

13. Management of any overland flow not otherwise controlled by effective BMPs; Trapping of any sediment in channelized flow to the extent possible; Staging construction to limit bare areas subject to erosion; Protection of down slope drainage inlets where they occur; Minimization of offsite sediment/mud tracking by vehicles or equipment; Stabilization of drainage ways or channels; Installation of permanent stabilization practices as soon as possible after final grading; and

14. Use of energy or flow velocity dissipation devices at discharge locations and along the length of any outfall channel to provide a stable, non-erosive flow velocity from the structure and prevent waterbody scouring, streambank erosion, and sedimentation, during and after construction.

(c) Appropriate detailed map(s), drawings or descriptions as part of the CBMPP shall include:

1. Existing topography and drainage patterns and features, existing structures, proposed structures, roads, utilities, ROWs, and waterbody(s); Property ownership and lease boundaries of the site; Drainage patterns and approximate slopes anticipated after major grading activities; Boundaries of the site/activity and areas of soil disturbance; and

2. Locations of major structural and nonstructural BMPs proposed to be implemented; Locations where permanent stabilization practices will be employed including areas stabilized by buildings, other structures, other

acceptable impervious surfaces; Areas which will be permanently vegetated following construction.

(d) Each CBMPP shall include, as appropriate, component plans as needed that address pre-construction project planning and design, project phasing, BMP implementation and maintenance, inspection and sampling efforts, record keeping, emergency response, construction site nutrient management, pollution prevention efforts, preventive and continuing maintenance efforts, spill prevention control and countermeasures, remediation, mitigation, and restoration efforts, post-construction stormwater flow and quality, training and continuing education, runoff coefficients and infiltration rates, streambank protection, and pre-construction site assessment information such as soils characteristics and maps, site hydrology, geology, land use, site topography, receiving water quality, slope stability, precipitation patterns, climate, survival of temporary vegetative cover, site specific effective erosion control, site specific effective sediment control, location of waterbody(s), sinkholes, wetlands, and wells, and other relevant information or component plans identified by the operator, QCP, or the Department.

(e) CBMPP revisions or additions shall be documented, to include, as appropriate, updated site maps, photographs, history of the location, description of implemented BMPs, basis for the use of specific BMPs, analysis of any BMP deficiencies, and other information produced by the operator, QCP, and QCI, including but not limited to, inspection reports, logs, checklists and project diaries. The CBMPP, and all components of the CBMPP, as updated/amended in compliance with this Chapter, shall become a part of the operator's registration.

(3) If full implementation and regular maintenance of BMPs are not, or will not be, protective of water quality, the operator shall immediately update the CBMPP and implement additional effective structural and nonstructural BMPs as necessary to protect water quality.

(4) BMPs shall be designed, implemented, and regularly maintained to provide effective treatment of discharges of pollutants in stormwater resulting from runoff generated by probable storm events expected/predicted during construction disturbance based on historic precipitation information, and during extended periods of adverse weather and seasonal conditions.

(5) The operator shall ensure that:

(a) BMPs shall be fully implemented and regularly maintained in accordance with the Alabama Handbook, recognized practices, effective industry standard pollution control practices, requirements of the CBMPP, the requirements of this Chapter,

and consistent with the requirements of the AWPCA and regulations promulgated pursuant thereto;

(b) Effective BMPs shall be implemented to the maximum extent practicable to prevent offsite sedimentation and deposition of construction site wastes;

(c) Any BMPs located in a floodplain shall be designed, implemented, and maintained to provide effective treatment to the maximum extent practicable in response to the occurrence of a flood event;

(d) BMPs shall not result in the contamination of drinking water and shall not cause or contribute to a violation of any State water quality standard;

(e) Diversion structures, including but not limited to, berms, ditches, and swales created in order to re-route upgradient stormwater runoff from the proposed project location shall be constructed, stabilized, and vegetated as necessary, consistent with recognized effective industry standard practices, prior to or concurrent with the commencement of construction activities;

(f) Proper management and disposal of solid, toxic, or hazardous wastes resulting from activities authorized by this Chapter are performed as required by Departmental rules; and

(g) Effective measures are taken to prevent/minimize the deposition of airborne pollutants, including but not limited to, sand blasting particles, spray paint, herbicides, excessive road or other airborne dust, from entering any waterbody.

(6) The operator is responsible for remediation of any offsite deposition or discharge of sediment and other pollutants and shall, if required by the Department, implement measures to remediate any impacts to the maximum extent practicable.

(7) Unless specifically detailed in a CBMPP submitted with an NOR to the Department, instream or within-bank NPDES construction and noncoal mining disturbance, including but not limited to, trenching, ditching, digging, excavation, blasting, drilling, and placement of fill, within a Tier 1 waterbody segment due to a construction activity pollutant of concern, or in any water segment designated as ONRW, pursuant to the requirements of Chapter 335-6-10, is not authorized by this Chapter, unless specifically approved in writing by the Department. The Department may require the implementation of additional BMPs when necessary to protect water quality for construction disturbance discharging to a Tier 1 waterbody segment.

(8) BMPs shall not be installed in a water of the State except as provided in the Alabama Handbook, or unless authorized by the Department.

(9) Effective measures shall be taken to prevent, to the maximum extent possible, the deposition/disposal, and to effect the removal as necessary, of materials, waste, debris/litter, or liquids resulting from bridge/culvert NPDES construction. Examples of these materials include, but are not limited to, waste concrete/cement, wash water, surfactants, sand blasting particles and paint, from falling or being placed into any waterbody.

(10) The installation or use of instream or within-bank sediment storage traps or deposition areas, or other sediment storage/detention BMPs, in waters of the State is not authorized.

(11) Unless alternate or innovative practices acceptable to the Department are implemented and maintained to protect water quality in any State water during NPDES construction disturbance, the operator shall ensure that:

(a) Permanent or temporary elevated waterbody crossings constructed in conjunction with the regulated activity shall safely pass expected water flow for the duration of use. Crossings shall be inspected as often as is necessary and any significant debris or blockage removed and properly disposed of to ensure unobstructed flow. During construction, placement of rock-fill without pipe(s) for passage of water is not authorized unless approved in writing by the Department;

(b) The bottom of any new or diverted channel is concave in shape or has a base-flow channel to ensure adequate concentrated and unobstructed flow of water during periods of low flow;

(c) Effective BMPs, including installation of floating turbidity screens, are implemented as necessary to minimize downstream turbidity;

(d) Disturbance is minimized to the extent practicable to ensure the protection of water quality and ensure the physical integrity of the waterbody;

(e) Temporary or permanent stockpiling and side-casting of excavated material within the banks of a waterbody, or disposal of material into waters of the State from dredging/disturbance does not occur, unless specifically approved in writing by the Department;

(f) The width of any access through a streambank is minimized to the extent practicable, and a continuous program of effective erosion and sediment control measures is implemented prior to and concurrent with construction disturbance. When

NPDES construction disturbance is completed, access through the streambank shall be restored to original contours, stabilized, and, unless structural forms of stabilization such as stone rip-rap are more appropriate, vegetated with annual and perennial vegetation consistent with pre-disturbance conditions or such alternate condition that provides an equal protection of water quality;

(g) Unless authorized otherwise by the Department, equipment, machinery, vehicles, or pollution prevention/abatement equipment, or other construction materials, shall not be left unattended within any watercourse;

(h) Potentially affected parties are notified, as appropriate, of the intent to conduct NPDES construction disturbance in a watercourse within one-half mile upstream or one-quarter mile downstream of any existing municipal or public water intake;

(i) Permanent revegetation or stabilization and restoration at each streambank is performed. Unless allowed otherwise by the Department, permanent revegetation or stabilization and restoration, certified by a QCP or QCI, shall be completed no later than thirty (30) days after permanent completion or cessation of the regulated disturbance.

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Statutory Authority: Code of Ala. 1975, §§22-22-1 to 22-22-14; 22-22A-1 to 22-22A-16 et seq., as amended.

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