

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-.28 Inspection Requirements.

(1) The operator shall ensure that regular, comprehensive site and receiving water(s) inspections are conducted to ensure that effective BMPs are properly designed, implemented, and consistently maintained in accordance with the requirements of this Chapter.

(2) Comprehensive inspections of NPDES construction sites and areas impacted by the construction site, including affected ditches and other stormwater conveyances, perennial and intermittent waterbody(s), streambanks, and floodplains, shall be performed by a QCI, QCP, or a qualified person under the direct supervision of a QCP as often as is needed to ensure, document, and certify continuing compliance with the requirements of this Chapter. The QCI, QCP, or a qualified person under the direct supervision of a QCP performing the inspection shall evaluate and document on the inspection report if the BMPs being implemented are adequate and if additional or improved control measures are needed. If the CBMPP plan is determined to be deficient, the CBMPP shall be revised and the revisions fully implemented within seven (7) calendar days following the inspection unless an alternate scheduled is approved in writing by the Department.

(3) Each day there is activity at the site, the operator, a QCI, a QCP, a qualified person under the direct supervision of a QCP, other qualified consultant, or other qualified persons, shall visually observe that portion of the construction project where active disturbance, work, or construction occurred and report any apparent BMP deficiencies observed to the operator, QCP, or QCI.

(4) Complete and comprehensive inspections/ evaluations of defined or designated NPDES construction sites/activity shall be performed:

(a) A minimum of once a month, by a QCI, QCP, or a qualified person under the direct supervision of a QCP;

(b) A minimum of once every six (6) months, by a QCP or a qualified person under the direct supervision of a QCP;

(c) Except as provided in Rule 335-6-12-.28(4)(d), by a QCI, QCP, or a qualified person under the direct supervision of a QCP, after any precipitation of 0.75 inches or greater in any 24-hour period since the last inspection, commencing as promptly as possible, but no later than 48-hours after resuming or continuing active construction or disturbance, and completed no later than 72-hours following the qualifying precipitation event;

(d) On linear projects, including but not limited to, oil/gas, water, and sewer pipelines, conveyors, roads, highways, power lines, buried cables, or other energy or resource transmission right-of-way (ROW) or utility infrastructure, equal to or exceeding ten miles of disturbed length where active construction or areas where annual or perennial vegetation has not been fully established, by a QCI, QCP, or a qualified person under the direct supervision of a QCP, after any precipitation of 0.75 inches or greater in any 24-hour period since the last inspection, beginning as promptly as possible, but no later than 48-hours after resuming or continuing active construction or disturbance and completed no later than five (5) days after the qualifying precipitation event;

(e) At least once a week and as often as is necessary by a QCI, QCP, or a qualified person under the direct supervision of a QCP of all active disturbance, dredging, excavation, work, or construction undertaken or located within the banks of a waterbody, including but not limited to, equipment, vehicle crossing, pipelines, or other transmission line installation, conveyor structure installation, and waterbody relocation, streambank stabilization, or other alterations, until the disturbance/activity impacting the waterbody is complete and reclamation or effective stormwater quality remediation is achieved; and

(f) As often as is necessary until any non-compliant BMPs, discharges, or any deficiencies observed during a prior inspection are corrected and documented as being in compliance with the requirements of this Chapter.

(5) Unless otherwise required by the Department, inspections or evaluations required by Rule 335-6-12-.28(4)(a), (b), (c), or (d), do not have to be conducted for noncoal mining sites regulated under this Chapter provided:

(a) The operator submits to the Department certification from a QCP, a minimum of once every three (3) months, with inspections at least two (2) months apart, that the noncoal mining site is designed and is being operated with significant freeboard due to incised mining excavation or incised storage basins to prevent all discharges resulting from groundwater intrusion, precipitation events less than the applicable 50-

year, 24-hour precipitation event, or other stormwater sources to surface waters of the State, and;

(b) The noncoal mining site has been operated and is being operated in full compliance with the applicable requirements of this Chapter; and

(c) In the case of precipitation that equals or exceeds the 50-year, 24-hour storm event, the QCP conducts a comprehensive inspection of the noncoal mining site within 72-hours of said event and representative samples of any discharges are obtained, and a detailed report is submitted to the Department within seven (7) days of the inspection if non-compliant discharges, deficient BMPs, or other deficiencies or noncompliance with the requirements of this Chapter are observed.

(6) Suspension of applicable monitoring and inspection requirements for phased projects or developments such as transmission ROWs or subdivisions may be granted provided:

(a) The Department is notified in writing at least thirty (30) days prior to the requested suspension;

(b) The operator and QCP certify in the request that all disturbance has been graded, stabilized, and/or fully vegetated or otherwise permanently covered, and that appropriate, effective steps have been and will be taken by the operator to ensure compliance with the requirements of this Chapter, and commit that these measures will remain continually effective until registration is properly terminated;

(c) The operator notifies the Department prior to resumption of disturbance or commencement of the next phase of development and the operator complies with the requirements of this Chapter prior to commencement of additional disturbance;

(7) NPDES construction site inspection reports shall contain information and be in a format acceptable to the Department. The reports shall document facility/site conditions, describe any BMP deficiencies and maintenance needs. The reports shall detail any corrective action(s) that need to be implemented to ensure compliance with the requirements of this Chapter. Lack of knowledge by the operator of construction site conditions and compliance with this Chapter shall not be a valid defense in an enforcement action.

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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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