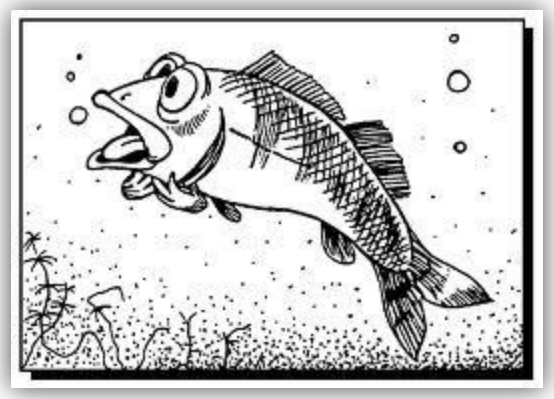
2012 EPA CONSTRUCTION GENERAL PERMIT

Sarah Holcomb, Acting Team Leader, PSRS, SWQB,
New Mexico Environment Department

Overall goal of NPDES permits:

- To obtain fishable/swimmable surface waters
  - CWA 101(a):
    - *"restore and maintain the chemical, physical and biological integrity of the Nation's waters"*
    - *"provides for the protection and propagation of fish, shellfish and wildlife"*
    - *"discharge of toxic pollutants in toxic amounts be prohibited."*



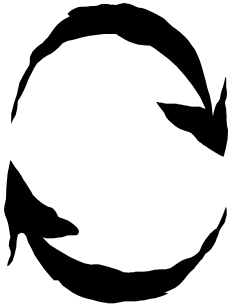
Framework for Restoring Polluted Waters

Develop Water Quality Standards

Problem Identification

Monitor and Assess Waterbodies

List Impaired Waters (303d list)



Problem Solving

Develop TMDL

Issue/ Revise Point Source Permits

(NPDES)

Minimize Non-point Sources

(BMPs)

CGP - Significant Changes

- Structure/Appearance
- Eligibility for Emergency Conditions
- Eligibility for Use of Treatment chemicals
- Endangered Species and Historic Properties Requirements
- Authorization Process/NOIs
- Sediment and Erosion Controls
- Stabilization Requirements
- Pollution Prevention
- Water Quality Based Effluent Limits
- Site Inspections
- Corrective Actions
- SWPPP
- Notice of Terminations

Structure/Appearance

- Restructured to be more readable
- Sections are organized into stormwater control sections such as:
  - Erosion and sediment control requirements
  - Stabilization requirements
  - Pollution Prevention requirements

NOI

- **<u>MUST USE</u>** eNOI system – paper NOIs will not be accepted.
  - If for some reason paper NOIs must be submitted, you must obtain approval from EPA Region 6.
- 14 day waiting period (changed from 7 days in 2008 permit)
- NOI Posting – conspicuous, at a safe publicly accessible location in close proximity to the project site using font that is readily readable from the public right of way.
- More specific info needed on TMDL/303(d)/ESA/SHPO

NPDES FORM 3510-9	EPA	UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, DC 20460 NOTICE OF INTENT (NOI) FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER AN NPDES GENERAL PERMIT	Form Approved. OMB No. 2040-0004

Submission of this Notice of Intent (NOI) constitutes notice that the operator identified in Section II of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section I of this form. Submission of this NOI also constitutes notice that the operator identified in Section II of this form meets the eligibility requirements of Parts 1.1 and 1.2 of the CGP for the project identified in Section III of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Part 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOI Form

Have you been given approval from the Regional Office to use this paper NOI form*? ☐ YES ☐ NO

If yes, provide the reason you need to use this paper form, the name of the EPA Regional Office staff person who approved your use of this form, and the date of approval:

Reason for using paper form: _____

Name of EPA staff person: _____

Date approval obtained: _____

*** Note: You are required to obtain approval from the applicable Regional Office prior to using this paper NOI form.**

II. Permit Information

Tracking Number (EPA Use Only):

Permit Number: (see Appendix B of the CGP for the list of eligible permit numbers)

III. Operator Information

Name:

Phone: Ext. Fax (optional):

E-mail:

IRS Employer Identification Number (EIN): -

Point of Contact:

First Name, Middle Initial, Last Name:

Mailing Address:

Street:

City: State: Zip Code: -

NOI Preparer (Complete if NOI was prepared by someone other than the certifier):

Prepared by:

First Name, Middle Initial, Last Name:

Organization:

Phone: Ext. Fax (optional):

E-mail:

IV. Project/Site Information

Project/Site Name:

V. Discharge Information

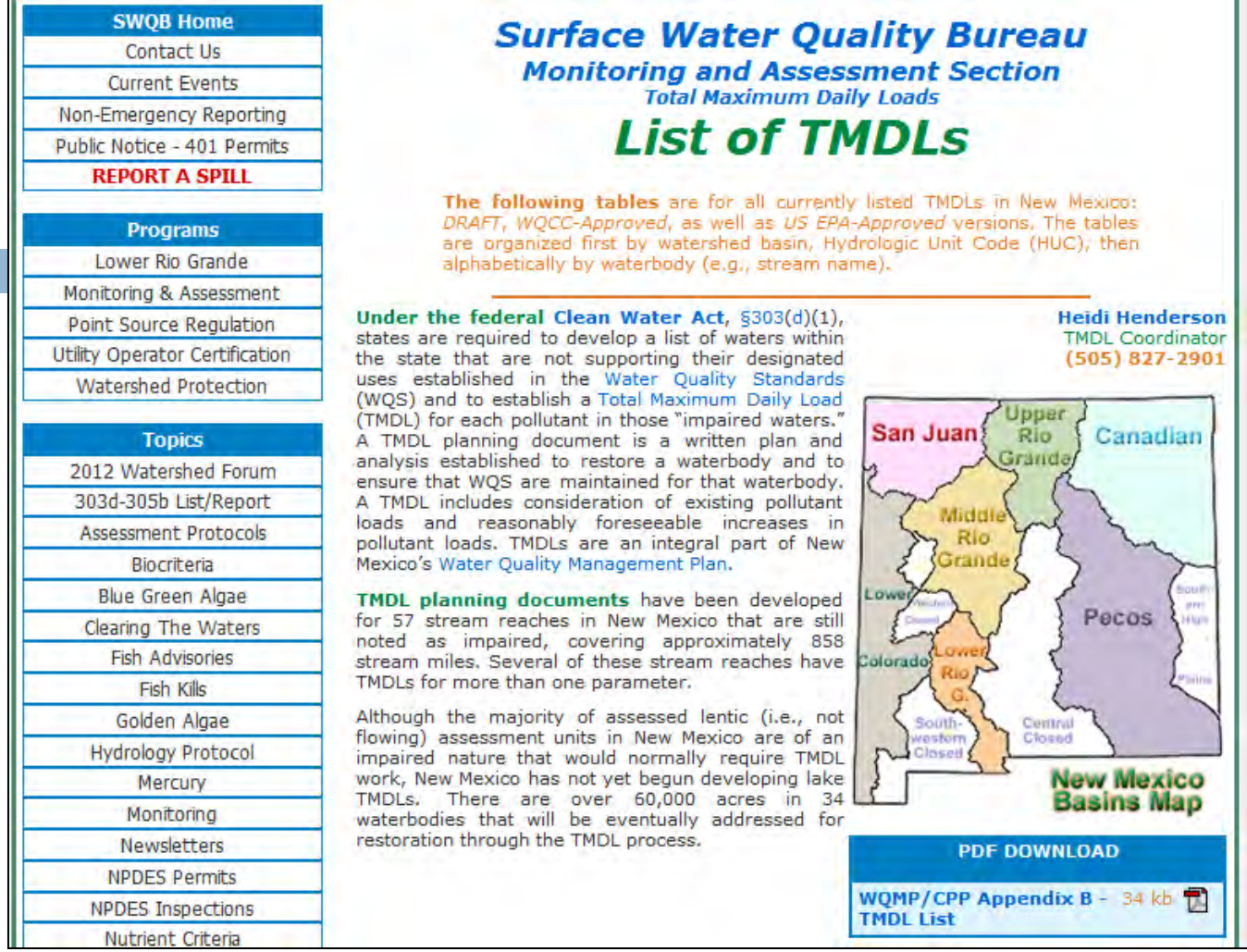
Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? ☐ YES ☐ NO

Are there any surface waters within 50 feet of your project's earth disturbances? ☐ YES ☐ NO

Receiving Waters and Wetlands Information: (Attach a separate list if necessary)

Provide the name(s) of the first surface water that received stormwater directly from your site and/or from the MS4:	Provide the names of any impaired waters to which you discharge and the pollutant(s) for which they are impaired		Provide the names of any waters to which you discharge for which there is an EPA approved or established TMDL, the name of the TMDL, and the pollutant(s) for which there is a TMDL		
	Surface water name:	Pollutant(s) causing the impairment:	Surface water name:	TMDL name:	Pollutant(s) for which there is a TMDL:

TMDLs



SWQB Home
Contact Us
Current Events
Non-Emergency Reporting
Public Notice - 401 Permits
REPORT A SPILL

Programs
Lower Rio Grande
Monitoring & Assessment
Point Source Regulation
Utility Operator Certification
Watershed Protection

Topics
2012 Watershed Forum
303d-305b List/Report
Assessment Protocols
Biocriteria
Blue Green Algae
Clearing The Waters
Fish Advisories
Fish Kills
Golden Algae
Hydrology Protocol
Mercury
Monitoring
Newsletters
NPDES Permits
NPDES Inspections
Nutrient Criteria

Surface Water Quality Bureau
Monitoring and Assessment Section
Total Maximum Daily Loads
List of TMDLs

The following tables are for all currently listed TMDLs in New Mexico: *DRAFT*, *WQCC-Approved*, as well as *US EPA-Approved* versions. The tables are organized first by watershed basin, Hydrologic Unit Code (HUC), then alphabetically by waterbody (e.g., stream name).

Under the federal Clean Water Act, §303(d)(1), states are required to develop a list of waters within the state that are not supporting their designated uses established in the Water Quality Standards (WQS) and to establish a Total Maximum Daily Load (TMDL) for each pollutant in those "impaired waters." A TMDL planning document is a written plan and analysis established to restore a waterbody and to ensure that WQS are maintained for that waterbody. A TMDL includes consideration of existing pollutant loads and reasonably foreseeable increases in pollutant loads. TMDLs are an integral part of New Mexico's Water Quality Management Plan.

TMDL planning documents have been developed for 57 stream reaches in New Mexico that are still noted as impaired, covering approximately 858 stream miles. Several of these stream reaches have TMDLs for more than one parameter.

Although the majority of assessed lentic (i.e., not flowing) assessment units in New Mexico are of an impaired nature that would normally require TMDL work, New Mexico has not yet begun developing lake TMDLs. There are over 60,000 acres in 34 waterbodies that will be eventually addressed for restoration through the TMDL process.

Heidi Henderson
TMDL Coordinator
(505) 827-2901

PDF DOWNLOAD
WQMP/CPP Appendix B - TMDL List - 34 kb

- http://www.nmenv.state.nm.us/swqb/303d-305b/
- http://www.nmenv.state.nm.us/swqb/TMDL/List/
- http://gis.nmenv.state.nm.us/SWQB/

Emergency Conditions

- EPA is providing emergency authorization for response to public emergencies (i.e. natural disaster or widespread loss of public services.)
- NOI must be filed within 30 days after commencing earth disturbance

Type of Construction Project	Deadlines for Operators to Submit NOI	Official Start Date for Permit Coverage
New Project	You must submit your NOI at least 14 calendar days prior to commencing earth-disturbing activities. **Exception**: If you project qualifies as an "emergency related project" under Part 1.2.1, you must submit your NOI by no later than 30 days after commencing earth-disturbing activities. **Exception**: If you are scheduled to commence construction activities on or after February 16, 2012, but no later than March 1, 2012, you must submit your NOI by no later than 30 calendar days after commencing earth-disturbing activities	You are considered covered under this permit 14 days after EPA has acknowledged receipt of your NOI on the Agency's website, unless EPA notifies you that your authorization has been denied. **Exception**: "emergency related project": provisionally covered immediately, fully covered 14 days after receipt of NOI. **Exception**: Btw Feb 16-Mar 1, 2012, provisionally covered, then fully covered 14 days after receipt of NOI.

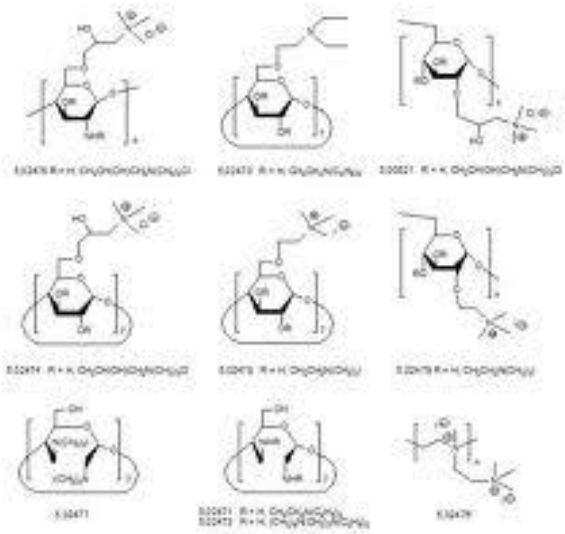
Type of Construction Project	Deadlines for Operators to Submit NOI	Official Start Date for Permit Coverage
Existing Project	You must submit your NOI by no later than May 16, 2012. However, if you have not previously obtained coverage under an NPDES permit, you must submit your NOI immediately.	You are considered covered under this permit 14 calendar days after EPA has acknowledged receipt of your NOI on the Agency's website, unless EPA notifies you that your authorization has been delayed or denied.
New operator of a new or existing project.	You must submit your NOI at least 14 calendar days before the date the transfer to the new operator will take place.	You are considered covered under this permit 14 calendar days after EPA has acknowledged receipt of your NOI on the Agency's website, unless EPA notifies you that your authorization has been delayed or denied.

Eligibility for Coverage

- Site will disturb >1 acre (or less as part of a common plan of development)
- Site "operator" – either has control of plans and specifications OR day to day operational control of the conditions necessary to comply with the permit
- Site located in an area where EPA is the permitting authority
- Discharges are not already covered under another NPDES permit
- Discharges are not likely to adversely affect endangered species or historic properties (screening process in Appendix E)
- State specific requirements
- Cannot discharge to an ONRW (Outstanding National Resource Water) http://www.nmenv.state.nm.us/swqb/ONRW/

Treatment Chemicals

- Chemicals used for turbidity treatment are only allowed if used in accordance with Part 2.1.3.3 of the permit.
- Not permitted under this permit: cationic treatment chemicals (polymers).



Effluent Limitations

- Erosion and Sediment Control Requirements (Part 2.1)
  - You must design, install & maintain controls that minimize the discharge of pollutants from construction activities.
- Stabilization Requirements (Part 2.2)
  - You are required to stabilize exposed portions of your site in accordance with the requirements of this Part.
- Pollution Prevention Requirements (Part 2.3)
  - You are required to comply with these standards if you conduct the following activities at your site:
    - Fueling and maintenance of vehicles & equipment
    - Washing of equipment and vehicles
    - Storage, handling, and disposal of construction materials, products and wastes
    - Washing of applicators and containers used for paint, concrete or other materials.

Erosion and Sediment Controls

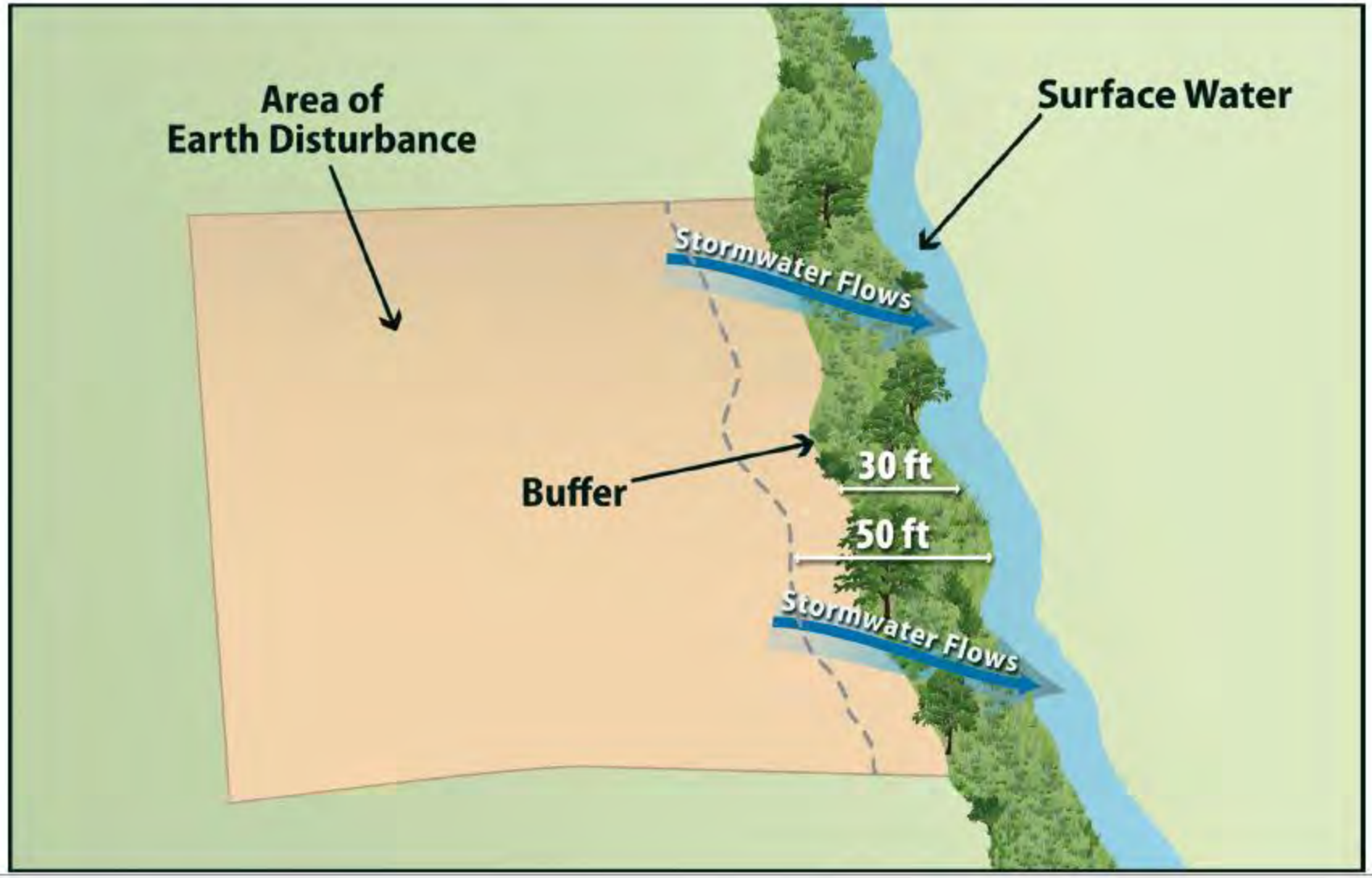
- General Requirements:
  - Minimize Area of Disturbance
  - Design Requirements
  - Installation Requirements
  - Maintenance Requirements
- Natural Buffers
- Perimeter Controls
- Sediment Trackout
- Control Discharges from Stockpiled Soil
- Minimize Dust
- Minimize Disturbance of Steep Slopes (15% grade)
- Preserve Topsoil
- Minimize Soil Compaction
- Protect Storm Drain Inlets

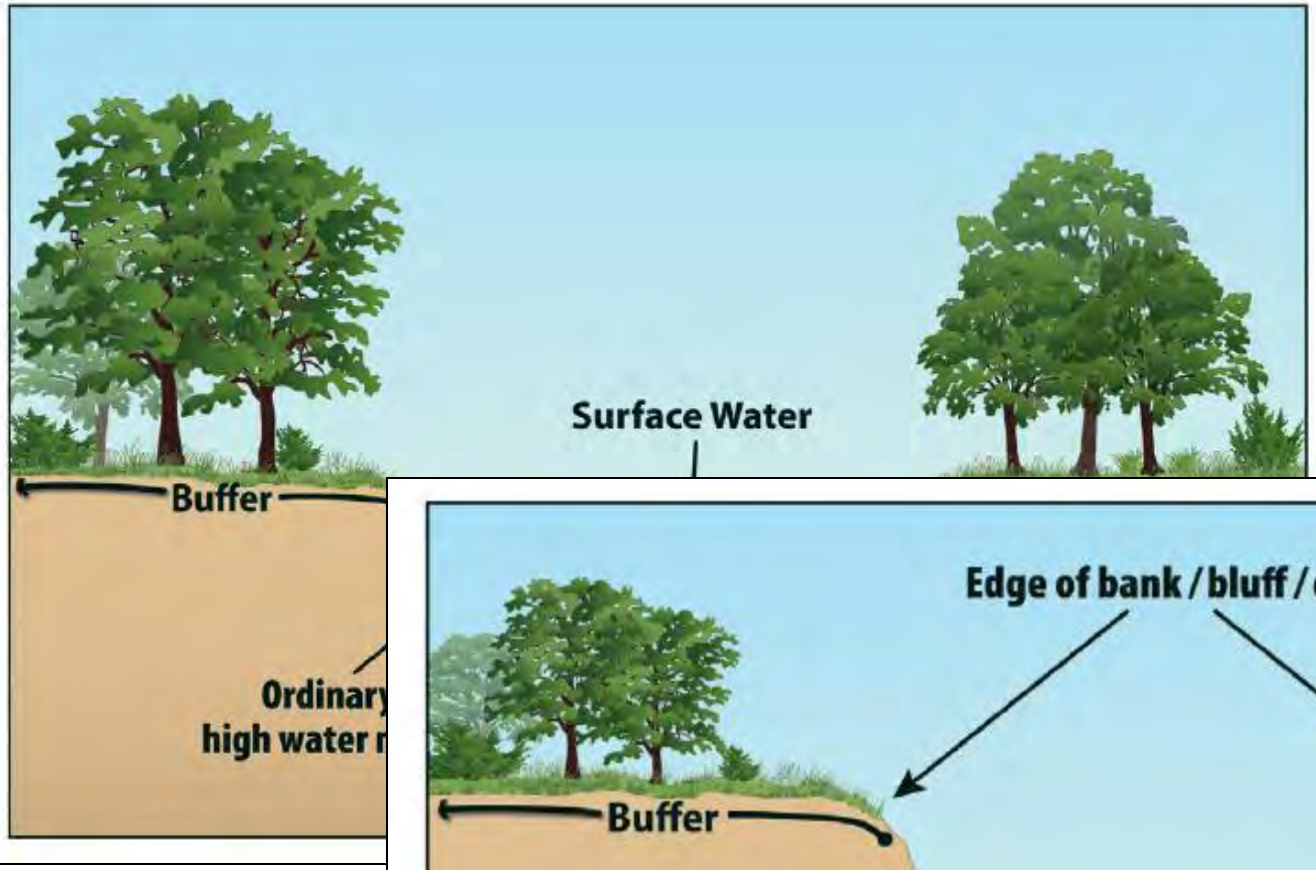
Erosion and Sediment Controls

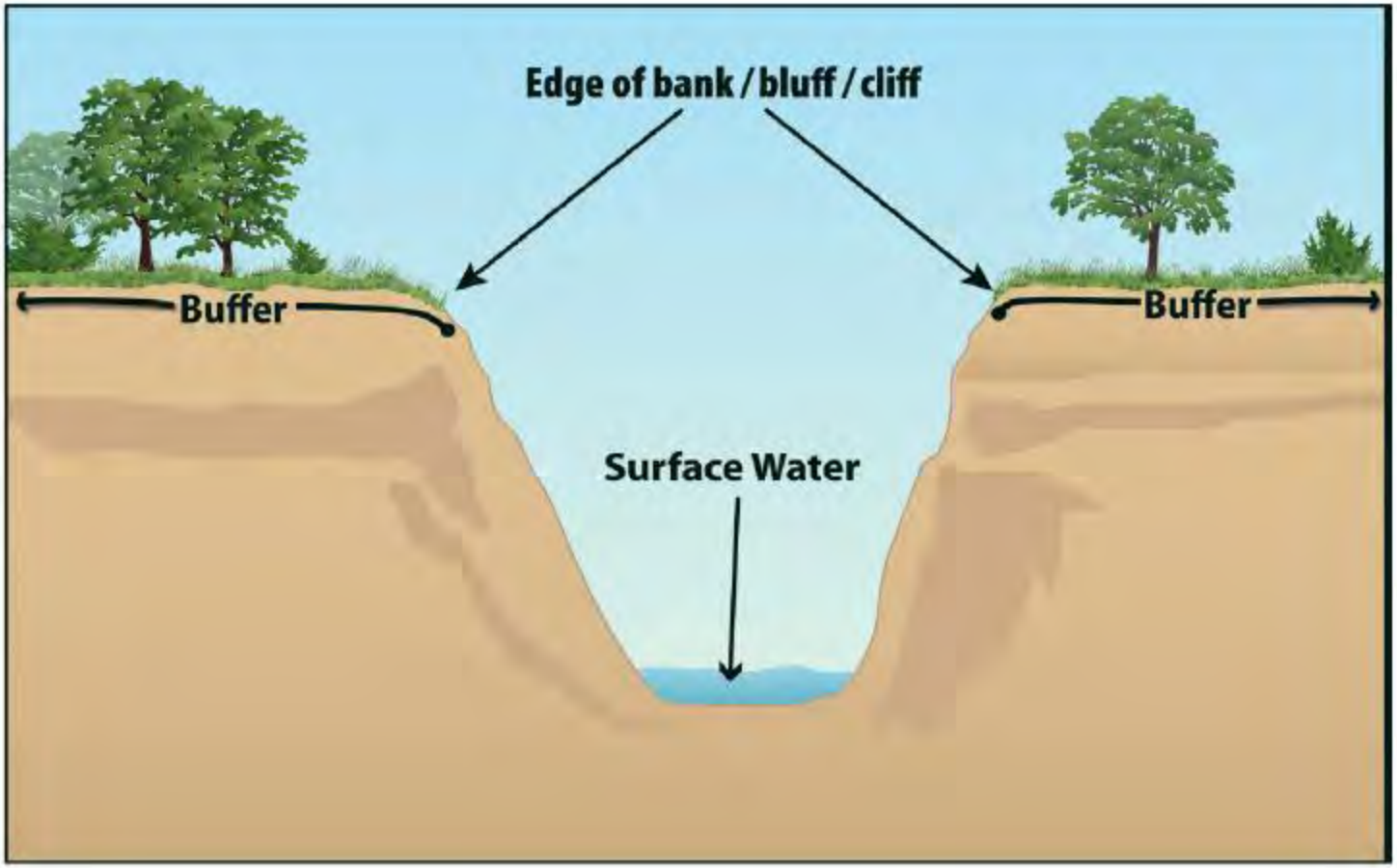
- 2.1.1.1: You are required to minimize soil disturbance.
- 2.1.1.2.a: You must account for stormwater control design:
  - Expected amount, frequency, intensity and duration of precipitation
  - Nature of runoff and run-on at the site
    - Impervious surface
    - Slopes
    - Site drainage
  - Range of soil particle sizes expected at the site.
- 2.1.1.2.b: You must direct discharges from stormwater controls to a vegetated area of the site.
- 2.1.1.3: Installation Requirements:
  - a: Complete installation of stormwater control by the time earth disturbance begins.
  - b: Use good engineering practices and follow manufacturer's specifications.

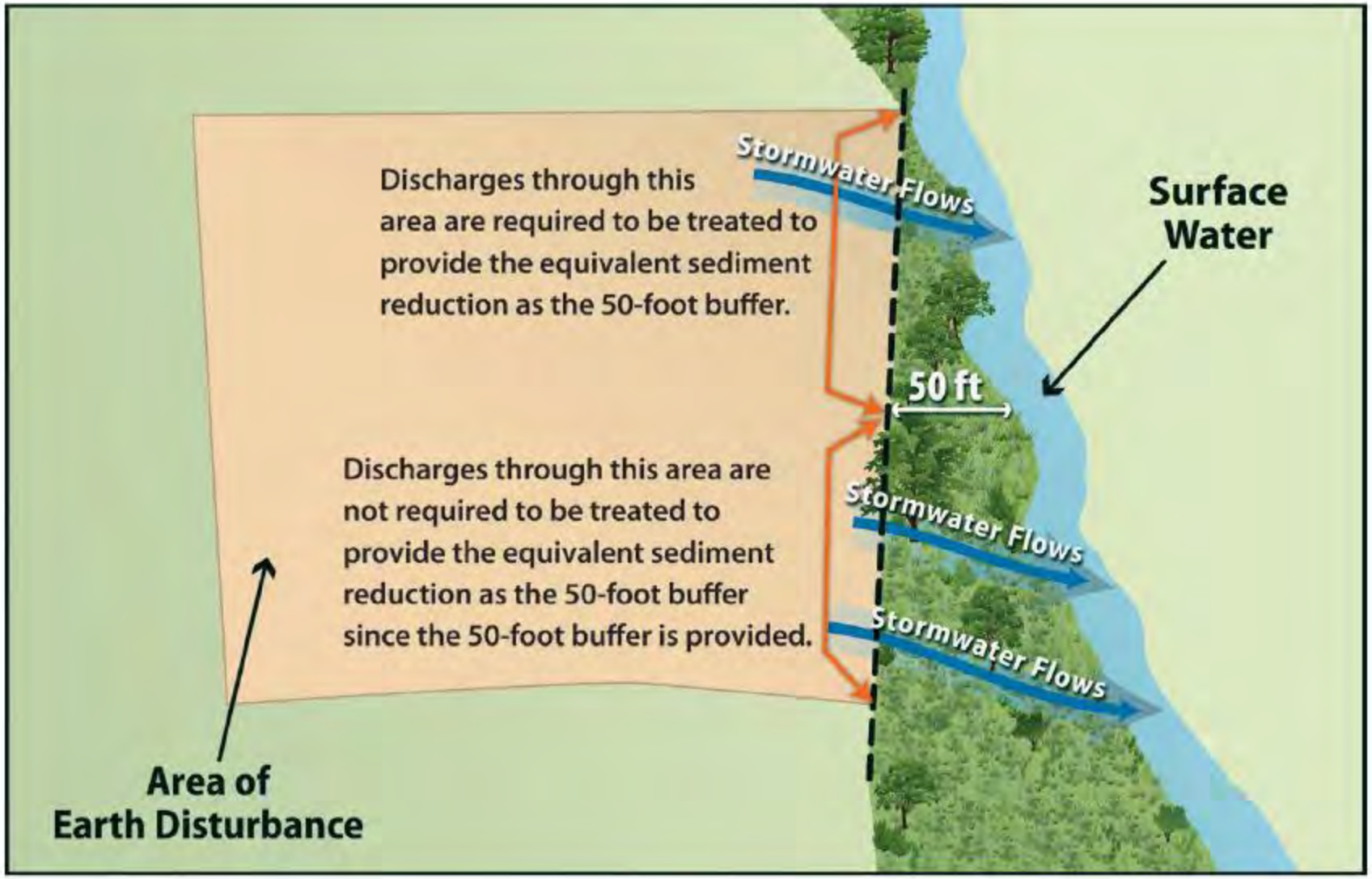
Erosion and Sediment Controls

- 2.1.1.4: Maintenance Requirements
  - a. Must ensure that controls stay in effective operating condition during permit coverage
  - b. Must inspect and document findings
    - Initiate work immediately if there is a problem
    - If installation of a new control is required, must be complete w/in 7 days
- 2.1.2.1: Provide Natural Buffers or Equivalent Sediment Controls
  - Provide and maintain a 50-foot undisturbed natural buffer
  - Provide a natural buffer <50 feet, supplemented by additional ESC measures
  - If infeasible, you must provide ESC that are equivalent to a natural buffer.


Area of
Earth Disturbance
Surface Water
Stormwater Flows
Buffer
30 ft
50 ft
Stormwater Flows


Surface Water
Buffer
Ordinary
high water


Edge of bank / bluff / cliff
Buffer
Buffer
Surface Water



How do I know if the BMPs I've selected will be equivalent to a 50 foot buffer?

Table G - 10. Estimated 50-foot Buffer Performance in New Mexico*

	Estimated % Sediment Removal				
Type of Buffer Vegetation **	Clay	Silty Clay Loam or Clay-Loam	Sand	Sandy Clay Loam, Loamy Sand or Silty Clay	Loam, Silt, Sandy Loam or Silt Loam
Tall Fescue grass	71	85	80	86	90
Medium-density Weeds	56	73	55	66	78
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	53	70	51	62	67
Southern Mixed Prairie Grass	53	71	52	63	50
Southern Range Cold Desert Shrubs	56	73	55	65	53

* Applicable for sites with less than nine percent slope
** Characterization focuses on the under-story vegetation

OR: You can do your own calculation of the effectiveness of the 50 foot buffer based on your site specific conditions. This calculation must be documented in your SWPPP.

If doing both a natural buffer and additional BMPs, you can plug the width of the buffer into RUSLE or another program along with selected controls to make up the equivalent 50 foot buffer.

Be sure to document all of this in your SWPPP!!!

Erosion and Sediment Control

- 2.1.2.2: Install Perimeter Controls
  - Installation: You must install controls along the perimeter areas that will receive stormwater from earth disturbing activities
  - Maintenance: Must remove sediment before it has accumulated to ½ the above ground height of the control.
- 2.1.2.3: Minimize Sediment Track Out
  - Restrict vehicle use to properly designated exit points
  - Use appropriate stabilization techniques at exit points (Sediment removal must occur prior to exit)
  - Sediment track out must be removed by the end of that workday.

Erosion and Sediment Controls

- 2.1.2.4: Control Discharges from Stockpiled Sediment or Soil
- 2.1.2.5: Minimize Dust
- 2.1.2.6: Minimize the Disturbance of Steep Slopes
- 2.1.2.7: Preserve Topsoil
- 2.1.2.8: Minimize Soil Compaction
- 2.1.2.9: Protect Storm Drain Inlets

Special Requirements for Specific Stormwater Controls

- Constructed Stormwater Conveyance Channels
- Sediment Basins
  - Design requirements
  - Maintenance requirements
- Use of Treatment Chemicals
- Dewatering Practices

Stabilization Requirements

- Deadline to Initiate Stabilization - immediately
- Deadline to Complete Stabilization Activities – 14 calendar days
- Exceptions:
  - Projects occurring in arid or semi-arid areas, or drought stricken areas***
  - Circumstances beyond the control of the permittee that delay the initiation/completion of vegetative stabilization (i.e. seed supply, specialized equipment availability, excessive precipitation)
- Deadlines for Sites Discharging to Sensitive Waters – 7 calendar days

*** See state certification in Part 9.

Stabilization Criteria

- Part 2.2.2.1.b:
  - Arid/Semi-arid areas: BOTH ***
    - Area must reach 70% or more of the native background vegetative cover within 3 years
    - In addition to seed, you must select, design and install non-vegetative erosion controls that provide cover for at least 3 years without active maintenance by you.
- Part 2.2.2.2:
  - Non-vegetative cover: Must be effective enough to control erosion. (i.e. hydromulch, ECBs)

*** See state certification in Part 9.

Pollution Prevention Requirements

- Prohibited Discharges
  - 2.3.1.1: Wastewater from washout of concrete
  - 2.3.1.2: Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials
  - 2.3.1.3: Fuels, oils, or other pollutants used in vehicle and equipment washing
  - 2.3.1.4: Soaps, solvents or detergents used in vehicle and equipment washing
  - 2.3.1.5: Toxic or hazardous substances from a spill or other release.

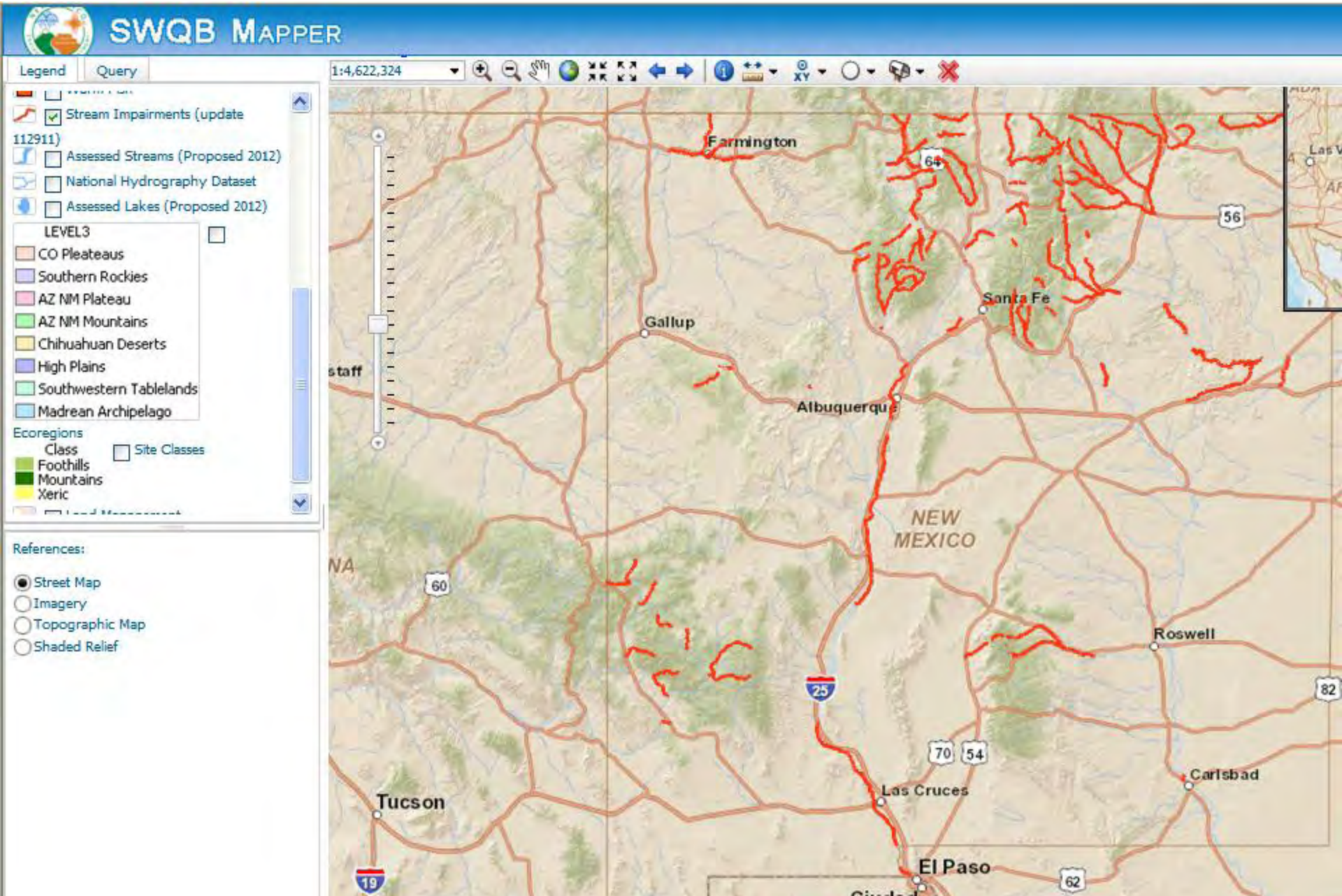
Pollution Prevention Requirements

- General Maintenance Requirements
- Pollution Prevention Standards
  - 1) Fueling or maintenance of equipment and vehicles
  - 2) Washing of equipment and vehicles
  - 3) Storage, handling, disposal of construction products, materials and wastes.
  - 4) Washing of applicators and containers used for paint, concrete or other materials.
- Emergency Spill Notification
  - http://nmenv-it.nmenv.state.nm.us/EnvComp/Incident/incident_hdr_add.php
- Fertilizer Discharge Restrictions

Water Quality Based Effluent Limitations

- Discharge Limitations for Impaired Waters
  - Identify if you discharge to an impaired water.
  - http://www.nmenv.state.nm.us/swqb/TMDL/List/
- Requirements for Discharges to Sediment or Nutrient-Impaired Waters
  - Frequency of Site Inspections (Part 4.1.3.)
  - Deadline to Complete Stabilization (Part 2.2.1.3.c)
  - State and Tribal Requirements (Part 9)

http://gis.nmenv.state.nm.us/SWQB/



Inspections

- Responsible Person
- Frequency of Inspections
  - Once every 7 calendar days OR
  - Once every 14 calendar days and within 24 hours of the occurrence of a storm event of 0.25 inches or greater.
- Inspection Threshold (0.25 inch storm event)
- Must complete inspection report within 24 hours.
- Signature Requirements - Appendix I

Inspections

- Increase in Frequency – Sensitive Waters
  - Once every 7 calendar days AND
  - Within 24 hours of the occurrence of a 0.25" storm event, even if the event is still occurring.
- Reductions in Frequency:
  - Stabilized areas: when steps under Parts 2.2.1.2a and 2.2.1.2b have been completed – reduction to once per month.
  - Arid/Semi-arid/Drought Stricken areas: Reduce to once per month and within 24 hours of a 0.25" event if construction is occurring during the seasonally dry period.
    - Must document using this reduced schedule, beginning/ending dates of the seasonally dry period, and how this was determined.

Inspection Requirements

- All areas that have been cleared, graded or excavated and are not stabilized in accordance with Part 2.2
- All stormwater controls installed to comply with this permit
- Material, borrow, waste or equipment storage and maintenance areas
- All areas where stormwater typically flows within the site, including drainageways used to convey or treat stormwater
- All points of discharge from the site
- All locations where stabilization measures have been implemented.

Inspection Report

- Within 24 hours of the inspection:
  - Inspection Date
  - Names and titles of personnel making the inspection
  - A summary of findings (including observations made in accordance with Part 4.1.6)
  - If you are inspecting in accordance with schedules in Part 4.1.2.2 (14 days/0.25”), 4.1.3 (Sensitive Waters), or 4.1.4.2 (Arid/Semi arid) and you’ve conducted a rain event inspection, you must document the rain gauge reading that triggered the inspection.
  - Signed in accordance with Appendix I, Part I.11

Corrective Actions – Part 5

- "Corrective Actions":
  - Repair, modify or replace any stormwater control used at the site.
  - Clean up and properly dispose of spills, releases or other deposits,
  - Remedy a permit violation.
- A required stormwater control was never installed, was installed incorrectly, or not in accordance with the requirements in Part 2 or Part 3
- You become aware that the installed controls are not operating effectively enough to meet the water quality requirements in Part 3.1
  - Must install new controls within 7 days of discovery
  - Must carry out corrective actions documented through an EPA/State inspection

Corrective Action Reports

- Report #1: Within 24 hours of discovering the occurrence of one of the triggering conditions in Part 5.2.1
  - Which condition was identified at your site
  - The nature of the condition identified
  - Date and time of the condition identified, and how
- Report #2: Within 7 calendar days of discovering a triggering condition:
  - Any follow up actions taken to review the design, installation and maintenance of stormwater controls
  - Summary of stormwater control modifications taken or to be taken later, including a schedule of activities and date expected to be completed
  - Notice of whether SWPPP modifications are needed as a result.

Staff Training

- Who needs training?
  - Responsible for design, installation, maintenance and/or repair of stormwater controls
  - Responsible for application of treatment chemicals
  - Responsible for conducting inspections
  - Responsible for taking corrective actions

SWPPP

- Must be developed before sending in your Notice of Intent
- Contents:
  - Stormwater Team
  - Nature of Construction Activities
  - Identification of Other Site Operators
  - Sequence and Estimated Dates of Construction Activities
    - Installation of stormwater controls
    - Commencement and duration of earth-disturbing activities
    - Cessation (temp or permanent) of construction activities at the site
    - Final or temporary stabilization of exposed soil
    - Removal of temporary stormwater control measures, removal of construction equipment, cessation of any pollutant generating activities

SWPPP

- Site map:
  - Boundaries of the property
    - Where earth–disturbing activities will occur
    - Approximate slopes before/after major grading
    - Locations where sediment/soil/other materials are stockpiled
    - Locations of crossing of surface waters
    - Designated points where vehicles exit
    - Location of structures/other impervious surfaces
    - Locations of construction support activities
  - Locations of all surface waters, including wetlands, that exist within or in the immediate vicinity of the site. Indicate whether they are impaired and whether they are Tier 2 or 3.

SWPPP

- Site map:
  - Boundary lines of any natural buffers
  - Areas of federally listed critical habitat for T&E species
  - Topography of the site, existing vegetative cover and drainage patterns of stormwater before and after major grading activities
  - Stormwater and allowable non-stormwater discharge locations including
    - Locations of any storm drain inlets on/immediate vicinity of the site
    - Locations where will be discharged, including to wetlands
  - Locations of all pollutant generating activities described in Part 7.2.7
  - Locations of stormwater control measures
  - Locations where treatment chemicals are located (i.e. polymers, etc.)

SWPPP

- Construction Site Pollutants
  - List and description of activities
  - For each activity, a list of associated pollutants that could be discharged from the site.
- Non stormwater discharges
- Buffer documentation
- Description of Stormwater Control Measures, including stabilization practices
- Pollution Prevention Procedures
- Procedures for Inspection, Maintenance and Corrective Action
- Staff Training
- Documentation of Compliance with Other Federal Regulations
  - ESA, Historic Properties, Safe Drinking Water Act UIC

SWPPP

- SWPPP Certification
- Post Authorization Additions
  - Copy of NOI
  - Copy of authorization letter from EPA
  - Copy of this permit
- Must make SWPPP available
- SWPPP Modifications

NOT

- Transferring control to another operator OR
- 8.2.1.1: For any areas that (1) were disturbed during construction, (2) are not covered over by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Part 2.2.2;
- 8.2.1.2: You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long term use following your termination of permit coverage;
- 8.2.1.3: You have removed all stormwater controls that were installed and maintained during construction, except those that are intended for long term use following your termination of permit coverage or are biodegradable, and
- 8.2.1.4: You have removed all potential pollutants and pollutant generating activities associated with construction, unless needed for long term use following your termination of permit coverage.
- Must use eNOI system to submit your NOT.

State Specific Conditions (NM)

- 9.4.1.1: Modeling to show correct BMPs were chosen for the site.
- 9.4.1.2: No discharges to ONRWs
- 9.4.1.3: Final stabilization criteria
- 9.4.1.4: Temp stabilization as final
- 9.4.1.5: All non-electronic format documents must also be submitted to the state.

Any questions?

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