

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

NMSU Photovoltaic Center
Las Cruces, New Mexico
September 4, 2026

Prepared for:

Michael Vielma
NMSU FS Project Construction
P.O. Box 30001
Las Cruces, NM 88003
Tel. (575)-646-3681



STORMWATER POLLUTION PREVENTION PLAN

2022 EPA CONSTRUCTION GENERAL PERMIT

PERMIT NO. NMR100000

NMSU Photovoltaic Center
3705 Research Road
Las Cruces, New Mexico 88003

Prepared for:

Michael Vielma

3705 Research Road

Las Cruces, New Mexico 88003

(575)-646-3681

I, Michael Johnson, hereby certify that I am a licensed professional engineer in the State of New Mexico in accordance with the requirements of the New Mexico Engineering and Surveying Practice Act and that, to the best of my knowledge, all information contained in this document is correct and that the Stormwater Pollution Prevention Plan described herein was completed in compliance with all applicable requirements set forth in the Clean Water Act and associated federal regulations (Title 40 of the Code of Federal Regulations CFR 123.25 (A)(9), 122.26 (b) (14) and 122.26 (b) (15)) as well as State and local municipality requirements.



Michael Johnson, P.E.

10751

NMPE Number

9/4/2026

Date



www.soudermiller.com

Souder, Miller & Associates, Inc.
Engineering ♦ Environmental ♦ Geomatics

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Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

NMSU Photovoltaic Center
3705 Research Road
Las Cruces, New Mexico 88003

Construction General Permit Number: NMR100000

SWPPP Prepared For:

Michael Vielma
3705 Research Road
Las Cruces, New Mexico 88003

SWPPP Prepared By:

Souder, Miller & Associates
Michael Johnson, P.E.
3500 Sedona Hills Parkway
Las Cruces, New Mexico 88011
575-647-0799
michael.johnson@soudermiller.com

SWPPP Preparation Date:

09/04/2026

Estimated Project Dates:

Project Start Date: 10/05/2026

Project Completion Date: 11/30/2026

Instructions for Stormwater Pollution Prevention Plan

This SWPPP indicates requirements of the Operator (Owner/Contractor) for compliance with United States Environmental Protection Agency (EPA) requirements and the State of New Mexico Standards for Interstate and Intrastate Waters 20.6.4 NMAC. It is a living document intended to be modified and/or corrected by the Operator (Owner/Contractor) and other members of the SWPPP team.

THE OPERATOR (OWNER/CONTRACTOR) IS RESPONSIBLE FOR IMPLEMENTATION, INSPECTION AND MAINTENANCE OF STORMWATER CONTROLS (SWCs) FOR EROSION AND SEDIMENT CONTROL, AND FOR GOOD HOUSEKEEPING PRACTICES. THE OPERATOR (OWNER/CONTRACTOR) IS RESPONSIBLE FOR DOCUMENTING CHANGES TO THIS SWPPP. Souder, Miller & Associates does not take responsibility for implementation, corrections, filing applications or inspections, unless otherwise stated. The Operator (Owner/Contractor) accepts responsibility for their actions in accepting this document, implementing SWCs and meeting all aspects of the US EPA and New Mexico requirements for stormwater pollution prevention.

Appendix C - Notice of Intent (NOI): Submit the NOI through the electronic Construction General Permit (CGP) submission system, the NPDES eReporting Tool titled CGP-NeT, via the website: <https://npdes-ereporting.epa.gov/net-cgp/action/login>. Complete form provided online (web page) fourteen days before construction begins. Retain copy of the NOI in Appendix C. Retain a copy of EPA acknowledgement letter in Appendix C. The Notice of Termination (NOT), required upon construction completion, must be submitted in same manner as NOI. Retain copy in Appendix C. The signed NOT must also be submitted to NMSU within 30 days of final stabilization.

Appendix Q - Posting Sign: Laminate this posting form and post at the entrance to the site in a visible area. This sign is to notify the public and EPA that you have submitted a Notice of Intent (NOI) and have completed a SWPPP. This sign will also notify the public of the contact person.

Appendix G - SWPPP Operator's (Owner's/Contractor's) Certification: Any contractor or subcontractor performing work on the site shall sign that he/she has reviewed the SWPPP and will comply with all requirements. The SWPPP coordinator shall ensure that each subcontractor has reviewed and signed the SWPPP. Add an additional sheet if required.

Sections 1, 6 - Inspections: Indicate the qualified inspector(s) for this project and include qualifications in Appendix I. Indicate frequency of inspections in this SWPPP. Perform inspections as directed. Document any and all changes to the SWPPP with reasons for change and certify these items. Keep copy in Appendix E - Corrective Action Log.

Section 6.3 – Delegation of Authority: Indicate the Duly Authorized Representative(s) and Position(s). Identify the individual(s) or specifically describe the position where the construction site operator has delegated authority for the purposes of signing inspection reports, certifications, or other information. Include documentation in Appendix J.

EXPEDITED SETTLEMENT REFERENCE SHEET - SWPPP REVIEW DOCUMENT

Updated September 4, 2019

In September 2019, the US EPA updated its November 2014 Expedited Settlement Offer (ESO) Program for Stormwater intended to promote compliance with NPDES stormwater regulations at construction sites by providing an expedited enforcement mechanism in situations where environmental impacts are potentially less significant, and violations can be quickly corrected, and appropriate penalties easily collected. The New Mexico Environment Department Surface Water Quality Bureau Point Source Regulation Section assists US EPA in regulation of stormwater discharges by performing inspections on behalf of US EPA. These inspection reports are sent to the US EPA in Dallas, for their review and are used by US EPA to determine compliance with the NPDES permitting program in accordance with requirements of the federal Clean Water Act. The form below is intended to provide guidance for SWPPP implementation and updates.

1. Legal Name and Mailing Address of Operator

Michael Vielma
P.O. Box 30001
Las Cruces, NM 88003

2. Location and Address of Site

3705 Research Road
Las Cruces, NM 88003

ESO Element	PERMIT COVERAGE	Notes (Reference this SWPPP)	CGP/ Citation Reference*	\$ Fine
3.	Operator discharged stormwater w/o a permit on one or more days during _____ months (# months w/ an unauthorized discharge= # of violations)		CWA 301	\$600
Use of Cationic Treatment Chemicals (Where Applicable)				
4.	Proper Notice was not provided for use of cationic treatment chemicals prior to submittal NOI. NOTE that this applies only to the failure to provide notice in the absence of a discharge to a storm drain or water		1.1.9	\$300
Post Notice of Permit Coverage				
5.A.	Sign/notice not posted as required.		1.5	\$300
B.	Sign/notice was missing one or more elements required by permit (count each omission under B as one violation)		1.5.a.d	\$600
SWPPP Review				
6.	SWPPP not prepared		7.1	\$6,000
7.	SWPPP prepared but prepared after construction start (# of months = # of violations, with a max penalty of \$6,000). Note that elements 9-21 only apply to the months when the operator has a SWPPP. The maximum penalty for all SWPPP violations is \$6,000		7.1	\$1,000

8.A.	SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control.		7.2	\$600
8.B.	SWPPP does not identify stormwater team and respective responsibilities.		7.2.1	\$300
9.	SWPPP does not include:			
A.	Description of the nature of construction activities		7.2.3 a	\$120
B.	The size of the property; the total area expected to be disturbed by the construction activities; the maximum area expected to be disturbed at one time including onsite and offsite construction support activity area		7.2.3 b,c,e	\$120
C.	A description of any onsite/offsite construction support activities		7.2.3 d	\$600
D.	A description of project schedule for each portion of the site that includes all elements/dates required by the permit. (Count each omitted category as one violation)		7.2.3 f	\$300
E.	A list and description of all pollutant generating activities		7.2.3 g	\$300
F.	Public Emergencies: Required information for public emergency situations. NOTE: the operator has 30 days to complete SWPPP after commencing construction		7.2.3.i & 1.4	\$300
10.	Site Map			
A.	Site map not included in SWPPP		7.2.4	\$600
B.	Site map does not include all elements required by the permit. Count each omission as one violation (up to \$600)		7.2.4a-j	\$600
11.	SWPPP does not:			
A.	Identify all authorized non-stormwater discharges that will or may occur		7.2.5	\$600
B.1	Describe specific controls to be implemented to meet the effluent limits for erosion and sedimentation controls. (Count one violation for each missing control measure to a maximum of \$900)		7.2.6, 2.2	\$300
B.2	For each specific erosion and sediment control identified in the SWPPP include all information required by the permit. (Count one violation for each control with incomplete information)		7.2.6	\$100
C.1	Describe the specific controls to be implemented to meet the effluent limits for pollution prevention. (Count one violation for each missing control measure up to maximum of \$ 900)		7.2.6, 2.3	\$300
C.2	For each specific pollution prevention control measure identified in the SWPPP, include all information required by the permit. (Count each control with incomplete information as one violation)		7.2.6	\$100
D.1	Describe the specific controls to be implemented to meet the effluent limits for construction dewatering.		7.2.6, 2.4	\$300
D.2	For each specific dewatering control measure identified in the SWPPP include all information required by the permit. (Count each control with incomplete information as one violation)		7.2.6	

E.	Document for sites affected by unforeseen circumstances that delay initiation and/or completion of vegetative stabilization: the circumstances and the schedule for initiation and completing stabilization.		7.2.6.b.vi.d; 2.2.14	\$300
12.A.	SWPPP does not describe the procedures for inspection, maintenance, and corrective action.		7.2.7; 2.1.4; 4: 5	\$600
B.	Description of inspection. Maintenance and corrective action procedures do not include all information required by permit. (Count each applicable omission as one violation)		7.2.7; a-d	\$300
13.	Documentation that required personnel were, or will be, trained in accordance with permit requirements		7.2.8; 6	\$300
14.	Threatened and endangered species act documentation		7.2.9. a	\$600
15.	Historic properties documentation		7.2.9. b	\$600
16.	SWPPP does not document contacts, where applicable, with UIC regulatory authority regarding compliance with SDWA UIC requirements for certain subsurface stormwater controls		7.2.9.c	\$600
17.	SWPPP not signed/dated/certified		7.2.10	\$600
18.	Copy of NOI and relevant correspondence, acknowledgment letter received from NeT, or permit (can be electronic) not included as part of SWPPP (Count each omission as one violation)		7.2.11 a-c	\$300
19.	SWPPP not retained on site or otherwise easily accessible		7.3	\$600
20.A.	SWPPP (including Site Map) has not been updated/modified as required by permit. (Count each omission as one violation)		7.4.1	\$60
B.	SWPPP modifications do not meet record keeping, approval or notification requirements. (Count each omission as one violation)		7.4.2; 7.4.3; 7.4.4	\$60
21.	INSPECTIONS			
A.	Number of inspections required if performed every 7 days:			
B.	Number of inspections required if performed every 14 days:			
C.	If known, and if applicable, number of days of rainfall larger than 0.25"			
D.	Number of inspections required under a reduced frequency			
E.	TOTAL number of required inspections			
F.	TOTAL number of inspections conducted and documented			
22.	Inspections not performed and timely documented (Count each failure to inspect and document as one violation)		4.2-4.4; 4.7.1	\$300
23.	Inspections not conducted by qualified personnel. (Count each inspection conducted without qualified personnel as one violation)		4.1	\$60
24.	Areas to be inspected: Failed to inspect all required areas as identified in the permit (Count each omission as one violation)		4.5; 4.6.1	\$60
25.	Site Inspection Report does not include all information required by the permit (Count each omission as one violation)		4.6.6; 4.7.1.a-e	\$60
26.A.	Inspection reports not properly signed/certified. (Count each failure as one violation).		4.7.2	\$60
B.	Copies of Inspection Reports have not been retained on site or at easily accessible location		4.7.3; 4.7.4	\$600

BEST MANGEMENT PRACTICES				
27.	General Maintenance Requirements:			
A.	Failure to ensure that all stormwater controls are maintained and remain in effective operating conditions (i.e., all routine maintenance and corrective actions are performed within time frame required by the permit. Count each failure to timely maintain each control as one violation)		2.1.4; 2.2; 5.2	\$300
B.	Failure to complete a corrective action report when required in accordance with permit requirements. (Count each missing/deficient report as one violation)		5.4.1, 5.4.2, 5.4.4	\$300
C.	Corrective action report not properly signed. (Count each failure to sign as one violation)		5.4.3	\$60
Control Measures are not properly selected, installed, or maintained				
28.	Failure to prove 50-foot undisturbed natural buffer or equivalent erosion and sediment control when a water of the US is located within 50 feet of the site's earth disturbance. (Count each failure as one violation)		2.2.1	\$600
29.	Failure to direct stormwater to vegetated areas to maximize infiltration and filtering (unless infeasible. -Count each failure as one violation)		2.2.2	\$600
30.A.	Failure to install sediment controls along all perimeter areas of the site that will receive pollutant discharges (or for linear construction sites where such controls are infeasible, to implement other appropriate practices. – Count each failure as one violation)			
B.	If common drainage area is 10+ acres		2.2.3	\$1,200
C.	If common drainage area is less than 10 acres		2.2.3	\$600
31.	Failure to minimize sediment track out in accordance with Permit requirements. (Count each failure as one violation)		2.2.4 a-c	\$600
32.	Failure to properly manage stockpiles of land clearing debris piles composed of sediment and/or soils. (Count each failure as one violation)		s.s.5 a-d	\$600
33.	Failure to minimize dust through appropriate application of water or other dust suppression techniques. (Count each failure as one violation)		2.2.6	\$600
34.	Failure to minimize disturbance of "steep slopes". (Count each failure as one violation).		2.2.7	\$600
35.	Failure to preserve native topsoil (unless infeasible). (Count each failure as one violation).		2.2.8	\$600
36.	Failure to minimize soil compaction in areas where final vegetative stabilization will occur or where infiltration practices will be installed. (Count each failure as one violation)		2.2.9	\$600
37.	Failure to protect storm drain inlets by installing inlet protection measures that remove sediment from discharges prior to entry into a storm drain inlet. (Count each failure as one violation)		2.2.10a	\$600
38.	Failure to use erosion controls and velocity dissipation devices within and along the lengths of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion. (Count each failure as one violation)		2.2.11	\$600

39.	Failure to properly design or locate sediment basin or similar impoundment in accordance with permit requirements. (Count each failure as one violation).		2.2.12 a-e	\$1,200
40.	Failure to comply with permit requirements for use of treatment chemicals. (Count each failure as one violation)		2.2.13 a-f	\$200
41.	Failure to initiate and complete stabilization measure within the deadlines required by the permit. (Count each failure as one violation)		2.2.14a	\$600
42.	Final stabilization criteria not achieved as required		2.2.14b	\$1,200
43.	Other needed control measures not properly selected or installed (Each omission is one violation)		2.1	\$600
POLLUTION PREVENTION REQUIREMENTS				
44.	Failure to provide effective controls for equipment and vehicle fueling and maintenance activities. (Count each failure as one violation)		2.3.1a-f	\$600
45.	Failure to effectively minimize the discharge of pollutants from equipment and vehicle washing. (Count each failure as one violation). NOTE that discharges of soaps or detergents to a storm drain or receiving waters are not eligible for an ESA.		1.2.2; 2.3.2a-c	\$600
46.	Failure to implement appropriate controls to prevent/minimize the discharge of pollutants from any of the following: building materials and products, landscaping chemicals and materials, petroleum products and other chemicals, hazardous and toxic waste, construction, and domestic wastes, and or sanitary wastes. (Count each failure as one violation). NOTE that any non-allowable, non-stormwater discharges to storm drain or receiving water are not eligible for an ESA.		2.3.3a-f	\$600
47.	Failure to provide effective control for concrete washout. NOTE that any non-allowable, non-stormwater discharges to storm drain or receiving water are not eligible for an ESA.		2.3.4 a-c	\$1,000
48.	Failure to provide effective controls for washing applications for stucco, paint, form release of oils, curing compounds, or other materials. (Count each failure as one violation). NOTE that any non-allowable, non-stormwater discharges to storm drain or receiving water are not eligible for an ESA.		2.3.4 a-c	\$600
49.	Failure to comply with the requirements for application of fertilizers.		2.3.5a-f	\$600
50.	Failure to comply with permit requirements for construction dewatering in order to minimize the discharges of pollutants. (Count each failure as one violation.) Use of waters of the US as part of the treatment area is not eligible for an ESA.		2.4	\$600

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Appendix C – NOI and EPA Authorization Email

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Appendix J – Delegation of Authority

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Appendix M – Rainfall Gauge Recording

Appendix N – Turbidity Meter Manual and Manufacturer's Instructions – [Not Used](#)

Appendix O – Stormwater Controls

Appendix P – 401 and 404 Permits – [Not Used](#)

Appendix Q – Posting Sign

Appendix R – Spill Prevention and Response Plan

Appendix S – Federal, Tribal and State Applicable Documentation (RUSLE2 Calculations)

Appendix T – Additional Documentation

Appendix U – Dust Control Plan

SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Instructions (see definition of “operator” at CGP Part 1.1.1):

- Identify all site operators who will be engaged in construction activities at the site and the areas of the site over which each operator has control (Part 7.2.1). Indicate respective responsibilities, where appropriate. Also include the 24-hour emergency contact.
- List subcontractors expected to work on-site. Notify subcontractors of stormwater requirements applicable to their work.
- Consider using Subcontractor Agreements such as the type included as a sample in Appendix G of this Template.

Operator/Owner:

Michael Vielma
3705 Research Road
Las Cruces, New Mexico 88003
Responsible for operational control of site.

Subcontractor(s):

Souder, Miller & Associates
Michael Johnson, P.E. (Lic.# 10751)
3500 Sedona Hills parkway
Las Cruces, New Mexico 88011
575-647-0799
Michael.Johnson@soudermiller.com
Responsible for preparing SWPPP

Emergency 24-Hour Contact:

Michael Vielma
(575)-646-3681
Project Manager
NMSU FS Project Construction

1.2 Stormwater Team

Instructions (see CGP Parts 6 and 7.2.2):

- Identify the individuals (by name and position) that you have made part of the project's stormwater team pursuant to CGP Part 6.1, their individual responsibilities, and which members are responsible for inspections. At a minimum the stormwater team is comprised of individuals who are responsible for the design, installation, maintenance, and/or repair of stormwater controls; the application and storage of treatment chemicals (if applicable); conducting inspections as required in CGP Part 4.1; and taking corrective actions as required in Part 5.
- Each member of the stormwater team must have ready access to either an electronic or paper copy of applicable portions of the 2022 CGP and the SWPPP.
- Each member of the stormwater team must understand the requirements of the 2022 CGP and their specific responsibilities with respect to those requirements, including the information in Part 6.2.
- For projects that receive coverage under the 2022 CGP on or after February 17, 2023, to be considered a qualified person under Part 4.1 to conduct inspections under Part 4, you must, at a minimum, either:
 - ✓ Have completed the EPA construction inspection course developed for this permit and have passed the exam; or
 - ✓ Hold a current valid construction inspection certification or license from a program that, at a minimum, covers the following:
 - Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;
 - Proper installation, and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and
 - Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4.

Note that if one of the following topics (e.g., installation and maintenance of pollution prevention practices) is not covered by the non-EPA training program, you may consider supplementing the training with the analogous module of the EPA course (e.g., Module 4) that covers the missing topic.
- Include documentation showing completion of trainings in Appendix I of this SWPPP template.
- For projects that receive coverage under the 2022 CGP prior to February 17, 2023, any personnel conducting site inspections pursuant to Part 4 on your site must, at a minimum:
 - ✓ Be knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention,
 - ✓ Possess the appropriate skills and training in conditions at the construction site that could impact stormwater quality, and
 - ✓ Possess the appropriate skills and training in the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

Stormwater Team

Name and/or Position, and Contact	Responsibilities	I Have Completed Training Required by CGP Part 6.2	I Have Read the CGP and Understand the Applicable Requirements
Michael Vielma (575)-646-3681 mdvielma@nmsu.edu P.O. Box 30001 Las Cruces, NM 88003	Responsible for approving design modifications and operational control of the site.	☒ Yes ☐ No	☒ Yes Date:
Contractor:	Responsible for operational control of the site.	☐ Yes ☐ No	☐ Yes Date:
Michael Johnson, P.E. Senior Engineer 575-647-0799 Michael.Johnson@soudermiller.com	Preparing the SWPPP.	☒ Yes ☐ No	☒ Yes Date:

The remainder of this page is intentionally left blank.

Stormwater Team Members Who Conduct Inspections Pursuant to CGP Part 4

Name and/or Position and Contact	Training(s) Received	Date Training(s) Completed	If Training is a Non-EPA Training, Confirm that it Satisfies the Minimum Elements of CGP Part 6.3.b
Name of responsible person: Position: Telephone Number: Email:	Title of Training Received:	Date:	☐ Principles and practices of erosion and sediment control and pollution prevention practices at construction sites ☐ Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites ☐ Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4
Name of responsible person: Position: Telephone Number: Email:	Title of Training Received:	Date:	☐ Principles and practices of erosion and sediment control and pollution prevention practices at construction sites ☐ Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites ☐ Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4

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SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1 Project/Site Information

Instructions (see "Project/Site Information," Section IV of Appendix H – NOI Form and Instructions):

- In this section, compile basic site information that will be helpful when you file your NOI.

Project Name and Address

Project/Site Name: [NMSU Photovoltaic – 3705 Research Road](#)

Street/Location: [3705 Research Road](#)

City: [Las Cruces](#)

State: [New Mexico](#)

ZIP Code: [88003](#)

County or Similar Government Division: [Doña Ana County](#)

Project Latitude/Longitude

Latitude: [32°16'15.00"N](#)

(decimal degrees)

Longitude: [106°44'37.51"W](#)

(decimal degrees)

Latitude/longitude data source: ☐ Map ☐ GPS ☒ Other (please specify):

[Google Earth Pro](#)

Horizontal Reference Datum: ☐ NAD 27 ☐ NAD 83 ☒ WGS 84

Additional Site Information

Is your site located on Indian country lands, or on a property of religious or cultural significance to an Indian Tribe? ☐ Yes ☒ No

If yes, provide the name of the Indian Tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian Tribe associated with the property: [N/A](#)

2.2 Discharge Information

Instructions (see "Discharge Information," Section V of Appendix H – NOI Form and Instructions):

- In this section, include information relating to your site's discharge. This information corresponds to the "Discharge Information" section of the NOI form.
- List all of the stormwater points of discharge from your site. Identify each point of discharge with a unique 3-digit ID (e.g., 001, 002).
- For each unique point of discharge you list, specify the name of the first receiving water that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to. You may have multiple points of discharge that discharge to the same receiving water. For assistance in identifying the receiving water to which you discharge, you may use [EPA's Stormwater Discharge Mapping Tool](#).
- Next, specify whether any waters of the U.S. that you discharge to are listed as "impaired" as defined in [Appendix A](#), and the pollutants causing the impairment. Identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to and the pollutants for which there is a TMDL. For more information on impaired waters and TMDLs, including a list of TMDL contacts and links by State, visit <https://www.epa.gov/tmdl>. For assistance in identifying any impaired waters or applicable TMDLs, you may use [EPA's Stormwater Discharge Mapping Tool](#).
- Finally, indicate whether any receiving water that you discharge to is designated as a Tier 2, Tier 2.5, or Tier 3 water and if so, what the designation is (2, 2.5, or 3). A list of Tier 2, 2.5, and 3 waters located in the areas eligible for coverage under this permit can be found at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>.

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)?

☐ Yes ☒ No

Are there any waters of the U.S. within 50 feet of your project's earth disturbances?

☐ Yes ☒ No

For each point of discharge, provide a point of discharge ID (a unique 3-digit ID, e.g., 001, 002), the name of the first receiving water that receives stormwater directly from the point of discharge and/or from the MS4 that the point of discharge discharges to, and the following receiving water information, if applicable:

Point of Discharge ID	Name of receiving water that receives stormwater discharge:	Is the receiving water impaired (on the CWA 303(d) list)?	If yes, list the pollutants that are causing the impairment:	Has a TMDL been completed for this receiving waterbody?	If yes, list TMDL Name and ID:	Pollutant(s) for which there is a TMDL:	Is this receiving water designated as a Tier 2, Tier 2.5, or Tier 3 water?	If yes, specify which Tier (2, 2.5, or 3)?
001	N/A	☐ Yes ☐ No		☐ Yes ☐ No			☐ Yes ☐ No	

Site runoff flows toward the southwest corner of the project and follows the existing historical drainage patterns, remaining within the self-contained watershed basin, Tortugas Arroyo.
The remainder of this page is intentionally left blank.

2.3 Nature of the Construction Activities

Instructions (see CGP Parts 1.2.1.c and 7.2.3):

- Provide a general description of the nature of the construction activities at your site.
- Describe the size of the property (in acres or length in miles if a linear construction site), the total area expected to be disturbed by the construction activities (to the nearest quarter acre or quarter mile if a linear construction site), and the maximum area expected to be disturbed at any one time.
- A description of any on-site and off-site construction support activity areas covered by this permit;
- Indicate the type of construction site, whether there will be certain demolition activities, and whether the predevelopment land use was for agriculture.
- Provide a list and description of all pollutant-generating activities (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations) and indicate for each activity the associated pollutants or pollutant constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) which could be discharged in stormwater from your construction site.
- Describe the construction support activities covered by this permit (see Part 1.2.1.c of the permit).

General Description of Project

Provide a general description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition:

The project involves deconstruction and regrading of the 12 existing photovoltaic buildings located at 3705 Research Road in Las Cruces, New Mexico.

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency (e.g., *mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services*), information substantiating its occurrence (e.g., *State disaster declaration or similar State or local declaration*), and a description of the construction necessary to reestablish affected public services:

N/A

Business days and hours for the project: Monday – Saturday 7:00 A.M. – 6:00 P.M.

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Size of Construction Site

Size of Property	1.15 acres
Total Area Expected to be Disturbed by Construction Activities	1.15 acres
Maximum Area Expected to be Disturbed at Any One Time, Including On-site and Off-site Construction Support Areas	1.15 acres

Type of Construction Site (check all that apply):

- ☐ Single-Family Residential
 ☐ Multi-Family Residential
 ☐ Commercial
 ☐ Industrial
☒ Institutional
☐ Highway or Road
☐ Utility
☐ Other _____

Will you be discharging dewatering water from your site? ☐ Yes ☒ No

If yes, will you be discharging dewatering water from a current or former Federal or State remediation site? ☐ Yes ☐ No

Pollutant-Generating Activities

List and describe all pollutant-generating activities and indicate for each activity the associated pollutants or pollutant constituents that could be discharged in stormwater from your construction site. Take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed during construction.

[See page 10 for list of pollutant-generating activities.](#)

The remainder of this page is intentionally left blank.

Pollutant-Generating Activity (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations)	Pollutants or Pollutant Constituents (e.g., sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels)
Topsoil Removal, If applicable	Sediment, Oil & Grease, Trash, Debris & Solids
Clearing and Grubbing	Sediment, Oil & Grease, Trash, Debris & Solids
Trenching	Sediment, Oil & Grease, Debris & Solids
Cutting, Filing, and Backfilling	Sediment, Oil & Grease, Debris & Solids
Stockpiling	Sediment, Nutrients, (e.g., Nitrogen), Oil & Grease, Trash, Debris & Solids
Installing Utilities and Appurtenances	Sediment, Trash, Debris & Solids
Installing Final Ancillary Features	Sediment, Trash, Debris & Solids
Concrete/ Grout Operations	Sediment, Trash, Debris & Solids, Toxic Chemicals
Vehicle Tracking	Sediment, Oil & Grease
Landscaping	Sediment, Nutrients, (e.g., Nitrogen), Pesticides / Herbicides
Loading and Unloading Operations	Oil & Grease, Trash, Debris & Solids
Material Delivery and Storage	Oil & Grease, Toxic Chemicals
Material Use During Installation	Sediment, Oil & Grease, Toxic Chemicals
Sanitary Facilities	Bacteria & Viruses, Trash, Debris & Solids
Equipment Staging / Storage	Oil & Grease, Trash, Debris & Solids
Equipment Fueling and Maintenance	Sediment, Oil & Grease, Trash, Debris & Solids, Toxic Chemicals
Onsite Waste Management Practices	Trash, Debris & Solids

Potential Pollutant Sources (other than sediment) to Stormwater Runoff			
Material / Chemical	Physical Description	Stormwater Pollutants	Area Where Material / Chemical is used on site
Glue & Adhesives	White or yellow liquid	Polymers, epoxies	General use across site
Hydraulic oil / fluids	Brown oily petroleum hydrocarbon	Mineral Oil	Staging area; leaks or broken hoses from equipment - anywhere motorized equipment is used
Gasoline / diesel	Colorless, pale brown or pink petroleum hydrocarbon, clear blue green to yellow liquid	Benzene, ethyl benzene, toluene, xylene, MTBE, petroleum distillate, oil & grease	Staging area; leaks or broken hoses from equipment - anywhere motorized equipment is used
Antifreeze / Coolant	Clear green / yellow liquid	Ethylene glycol, propylene glycol, copper, lead, zinc	Staging area; leaks or broken hoses from equipment
Sanitary Toilet(s)	Various colored liquid	Bacteria, parasites, viruses	Located as shown on the Erosion Control Plans of the project drawings
Pesticides (insecticides, fungicides, herbicides, rodenticides)	Various colored to colorless liquid, powder, pellets, or grains	Chlorinated hydrocarbons, organophosphates, carbamates, arsenic	Across site as needed, areas with gravel surfacing
Concrete curing compounds	Creamy white liquid	Naphtha	All concrete slabs, appurtenances, and ancillary features
Polyurethane foam insulation	Yellow to white foam	Polyurethane	Appurtenances
Coatings, caulks, and fillers	Factory color or tint liquids, pastes, or solids, and yellow, beige or blue paint	Polyurethane, silicone acrylic, alkyds, epoxies, polymers	Appurtenances

Construction Support Activities *(only provide if applicable)*

Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas):

Equipment and materials will be stored and staged in the onsite storage and staging area at the location shown on the Erosion Control Plan sheets in appendix A.

Contact information for construction support activity:

Contractor Name:

Phone:

Email:

Address:

2.4 Sequence and Estimated Dates of Construction Activities

Instructions (see CGP Part 7.2.3):

- Describe the intended construction sequence and duration of major activities.
- For each portion or phase of the construction site, include the following:
 - ✓ Commencement and duration of construction activities, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
 - ✓ Temporary or permanent cessation of construction activities in each portion of the site;
 - ✓ Temporary or final stabilization of exposed areas for each portion of the site. The dates for stabilization must reflect the applicable deadlines to which you are subject to in Part 2.2.14; and
 - ✓ Removal of temporary stormwater controls and construction equipment or vehicles, and cessation of any construction-related pollutant-generating activities.
- The construction sequence must reflect the following requirements:
 - ✓ Part 2.1.3 (installation of stormwater controls); and
 - ✓ Parts 2.2.14 (stabilization deadlines).

See page 13 for a continuation of sequence and estimated dates of construction activities.

Construction Sequencing

The construction sequencing will generally occur in the following order:

1. Construction Planning
2. File NOI
3. Install SWPPP information sign.
4. Install stabilized construction exit / entrance.
5. Prepare storage areas / staging areas, and mason's areas (concrete washout).
6. Upon implementation and installation, denote the following areas on site map: trailer parking, portable sanitary facilities, concrete washout, fuel and maintenance storage containers, and solid waste containers. Also indicate stockpile locations and, if applicable, remnant construction materials locations on site map.
7. Install perimeter silt fence and, if applicable, sediment control logs.
8. Clear and grub the site.
9. Stockpile soil.
10. Perform excavation and fill activities.
11. Begin grading the site.
12. Temporarily stabilize stockpile areas.
13. Install utilities.
14. Construct building.
15. Install pavement and concrete parking lots and driveways.
16. Apply permanent stabilization.
17. Inspection and cleaning of site.
18. Remove temporary stormwater control (after the site meets the criteria for "final stabilization" as per 2022 CGP)
19. File Owner and Contractor Notice of Termination (NOT).
20. Notify NMSU operator of NOT.

The actual construction sequencing will be determined by the contractor based on the project construction progress, and pertinent activities will be recorded on the grading and stabilization activities log found in Appendix H.

See page 14 for a continuation of sequencing and estimated dates of construction activities.

Earthwork and Construction	
Estimated Start Date of Construction Activities for this Phase	10/5/2026
Estimated Commencement of:	
Clearing and Grubbing	10/5/2026
Mass Grading	10/9/2026
Site Preparation (i.e., excavating, cutting and filing)	10/26/2026
Final Grading	11/9/2026
Creation of Soil and Vegetation Stockpiles requiring stabilization	10/7/2026
Estimated End Date of Construction Activities for this Phase	11/30/2026
Estimated Date(s) of Application of Stabilization Measures for Areas of the Site Required to be Stabilized	10/5/2026
Estimated Date(s) when Stormwater Controls will be Removed	12/4/2026

2.5 Authorized Non-Stormwater Discharges

Instructions (see CGP Parts 1.2.2 and 7.2.5):

- Identify all authorized non-stormwater discharges. The authorized non-stormwater discharges identified in Part 1.2.2 of the 2022 CGP include:
 - ✓ Discharges from emergency fire-fighting activities;
 - ✓ Fire hydrant flushings;
 - ✓ Landscape irrigation;
 - ✓ Waters used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
 - ✓ Water used to control dust;
 - ✓ Potable water including uncontaminated water line flushings;
 - ✓ External building washdown, provided soaps, solvents and detergents are not used, and external surfaces do not contain hazardous substances as defined in CGP Appendix A (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));
 - ✓ Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and detergents are not used. You are prohibited from directing pavement wash waters directly into any receiving water, storm drain inlet, or constructed or natural site drainage features, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;
 - ✓ Uncontaminated air conditioning or compressor condensate;
 - ✓ Uncontaminated, non-turbid discharges of ground water or spring water;
 - ✓ Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and
 - ✓ Uncontaminated construction dewatering water discharged in accordance with Part 2.4.

List of Authorized Non-Stormwater Discharges Present at the Site

Authorized Non-Stormwater Discharge	Will or May Occur at Your Site?	Location
Discharges from emergency fire-fighting activities	☒ Yes ☐ No	Throughout the site as needed.
Fire hydrant flushing	☒ Yes ☐ No	See hydrant location on Utility Plan.
Landscape irrigation	☒ Yes ☐ No	See irrigation plan on Landscaping Plan.
Water used to wash vehicles and equipment	☒ Yes ☐ No	See Erosion Control Plan for location.
Water used to control dust	☒ Yes ☐ No	Throughout the site as needed.
Potable water including uncontaminated water line flushing	☒ Yes ☐ No	Throughout the site as needed.
External building washdown (soaps/solvents are not used and external surfaces do not contain hazardous substances)	☒ Yes ☐ No	Throughout the site as needed.
Pavement wash waters	☒ Yes ☐ No	Throughout the site as needed.
Uncontaminated air conditioning or compressor condensate	☒ Yes ☐ No	Throughout the site as needed.
Uncontaminated, non-turbid discharges of ground water or spring water	☐ Yes ☒ No	N/A
Foundation or footing drains	☐ Yes ☒ No	N/A
Uncontaminated construction dewatering water	☐ Yes ☒ No	N/A

(Note: You are required to identify the likely locations of these authorized non-stormwater discharges on your site map. See Section 2.6, below, of this SWPPP Template.)

2.6 Description of Unique Features and Measures to Protect Unique Features

The Construction Right-of-Way has been delineated to avoid areas of cultural significance or disruption of excess area. If Contractor needs to make improvements outside of the Construction Right-of-Way, a map must be submitted showing the location in question, and approval must be obtained prior to proceeding.

The remainder of this page is intentionally left blank.

2.7 Site Maps

Instructions (see CGP Part 7.2.4):

- Attach site maps in Appendix A of the Template. For most projects, a series of site maps is necessary and recommended. The first should show the undeveloped site and its current features. An additional map or maps should be created to show the developed site or, for more complicated sites, show the major phases of development.

These maps must include the following features:

- Boundaries of the property and of the locations where construction will occur, including:
 - ✓ Locations where earth-disturbing activities will occur, noting any phasing of construction activities and any demolition activities;
 - ✓ Approximate slopes before and after major grading activities. Note any areas of steep slopes, as defined in CGP Appendix A;
 - ✓ Locations where sediment, soil, or other construction materials will be stockpiled;
 - ✓ Locations of any crossings of receiving waters;
 - ✓ Designated points where vehicles will exit onto paved roads;
 - ✓ Locations of structures and other impervious surfaces upon completion of construction; and
 - ✓ Locations of on-site and off-site construction support activity areas covered by the permit (see CGP Part 1.2.1.c).
- Locations of any receiving waters, including wetlands, within your site and all receiving waters within one mile downstream of the site's discharge point(s). Indicate which receiving waters are listed as impaired, and which are identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters.
- Any areas of Federally-listed critical habitat for endangered or threatened species within the action area of the site as defined in CGP Appendix A (Helpful resources: CGP Appendix D and www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility).
- Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures).
- Drainage pattern(s) of stormwater and authorized non-stormwater before and after major grading activities.
- Stormwater and authorized non-stormwater discharge locations, including:
 - ✓ Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets, including a notation of whether the inlet conveys stormwater to a sediment basin, sediment trap, or similarly effective control; and
 - ✓ Locations where stormwater or allowable non-stormwater will be discharged directly to receiving waters, including wetlands (i.e., not via a storm drain inlet).
 - ✓ Locations where turbidity benchmark monitoring will take place to comply with Part 3.3, if applicable to your site.
- Locations of all potential pollutant-generating activities identified in Part 7.2.3g (note: you should have those identified in Section 2.3 (Nature of the Construction Activities) in this SWPPP Template).
- Designated areas where construction wastes that are covered by the exception in Part 2.3.3e.ii (i.e., they are not pollutant-generating) will be stored.

- Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with the permit.
- Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

Appendix A contains the site maps. The site maps include the Vicinity Map, Erosion and Sediment Control plans, and Landscape plans. Site maps must be updated and kept current as construction progresses.

Once locations are known, the following locations must be marked on the site maps and be updated if locations change:

1. Trailer parking
2. Solid waste containers
3. Sanitary facilities
4. Concrete washout
5. Fuel, chemical, and material storage containers
6. Construction material storage

In addition, the following items must be updated on your site maps as applicable:

1. Any changes, additions, or removals to stormwater controls,
2. Any changes, additions, or removals to stockpile locations,
3. Areas of final stabilization,
4. Date(s) of final stabilization completion,
5. Date(s) of construction completion.

The slopes before and after major grading activities are approximately the same for the project.

The overall drainage patterns of stormwater and authorized non-stormwater before and after major grading activities will be approximately the same.

All pollutant-generating activities will be located within the Construction Right-of-Way.

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SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 Endangered Species Protection

Instructions (see CGP Parts 1.1.5, 7.2.9.a, Appendix D, and the “Endangered Species Protection” section of the Appendix H – NOI Form and Instructions as well as resources available at www.epa.gov/npdes/construction-general-permit-cgp-threatened-and-endangered-species-eligibility):

Using the instructions in Appendix D of the permit, determine which criterion listed below (A-F) applies with respect to the protection of endangered species. To make this determination, you must use information from **BOTH** the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS). Both the NMFS and USFWS maintain lists of Endangered Species Act-listed (ESA-listed) species and designated critical habitat. Operators must consult both when determining their eligibility.

- Check only 1 box, include the required information, and provide a sound basis for supporting the criterion selected. Select the most conservative criterion that applies.
- Include documentation supporting your determination of eligibility required in the Endangered Species Protection section of the NOI in NeT or the ESA worksheet in CGP Appendix D.

Eligibility Criterion

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

- ☐ **Criterion A:** No ESA-listed species and/or designated critical habitat present in action area.

Using the process outlined in Appendix D of the CGP, you certify that ESA-listed species and designated critical habitat(s) under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of the CGP. *Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.*

- ☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D (Note: reliance on State resources is not acceptable; see CGP Appendix D).

Documentation: N/A

The remainder of this page is intentionally left blank.

Eligibility Criterion

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

- ☐ **Criterion B:** Eligibility requirements met by another operator under the 2022 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2022 CGP operator's notification of authorization under this permit and list any measures that you must comply with. If your certification is based on another 2022 CGP operator's certification under criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C.
- ☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: [N/A](#)

- ☒ **Criterion C:** Discharges not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitat(s) under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to EPA that your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects to ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix D of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how short- or long-term adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. (Note: You must include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with your NOI.)
- ☒ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: [Letters from USFWS containing list of threatened and endangered species for project site, Project Code: 2026-0127267, Project Name: NMSU Photovoltaic Center, Dated: August 4, 2026. See appendix K for letters from USFWS.](#)

Eligibility Criterion

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

- ☐ **Criterion D:** Coordination with USFWS and/or NMFS has successfully concluded.
Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written confirmation from USFWS and/or NMFS that the effects of your site's discharges and discharge-related activities are not likely to result in any short- or long-term adverse effects. By certifying eligibility under this criterion, you agree to comply with any conditions you must meet for your site's discharges and discharge-related activities to not likely result in any short- or long-term adverse effects. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI.
- ☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: [N/A](#)

The remainder of this page is intentionally left blank.

Eligibility Criterion

Following the process outlined in Appendix D, under which criterion are you eligible for coverage under this permit?

- ☐ **Criterion E:** ESA Section 7 consultation has successfully concluded. Consultation between a Federal agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate Federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your construction activity's discharges and discharge-related activities on all ESA-listed threatened or endangered species and all designated critical habitat under the jurisdiction of each Service, as appropriate, in your action area. The result of this consultation must be either:
- i. A biological opinion currently in effect that determined that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is likely to adversely affect, but is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges and discharge-related activities on all the listed species and designated critical habitat in your action area under the jurisdiction of each Service, as appropriate. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;
 - ii. Written concurrence (e.g., letter of concurrence) from the applicable Service(s) with a determination that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species list(s) acquired from USFWS and/or NMFS as part of this worksheet.

The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing, critical habitat designation, or new information), the Federal action agency has reinitiated the consultation and the result of the consultation is consistent with the statements above. (Note: you must include any reinitiation documentation from the Services or consulting Federal agency with your NOI.) -

- ☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: [N/A](#)

- ☐ **Criterion F:** Issuance of section 10 permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by the USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI.

- ☐ Check to confirm you have provided documentation in your SWPPP as required by CGP Appendix D.

Documentation: [N/A](#)

3.2 Historic Property Screening Process

Instructions (see CGP Part 1.1.6, 7.2.9.b, Appendix E, and the “Historic Preservation” section of the Appendix H – NOI Form and Instructions):

Follow the screening process in Appendix E of the permit to determine whether your installation of subsurface earth-disturbing stormwater controls will have an effect on historic properties.

- Include documentation supporting your determination of eligibility.
- To contact your applicable State historic preservation office, information is available at <https://ncshpo.org/directory/>
- To contact your applicable Tribal historic preservation office, information is available at https://grantsdev.cr.nps.gov/THPO_Review/index.cfm

Appendix E, Step 1

Do you plan on installing any stormwater controls that require subsurface earth disturbance, including, but not limited to, any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2. [N/A](#)

- ☐ Dike
- ☐ Berm
- ☐ Catch Basin
- ☐ Pond
- ☐ Constructed Site Drainage Feature (e.g., ditch, trench, perimeter drain, swale, etc.)
- ☐ Culvert
- ☐ Channel
- ☐ Other type of ground-disturbing stormwater control: Insert Specific Type of Stormwater Control

(Note: If you will not be installing any subsurface earth-disturbing stormwater controls, no further documentation is required for Section 3.2 of the Template.)

Appendix E, Step 2

If you answered yes in Step 1, have prior professional cultural resource surveys or other evaluations determined that historic properties do not exist, or have prior disturbances at the site have precluded the existence of historic properties? ☐ YES ☐ NO

- If yes, no further documentation is required for Section 3.2 of the Template and you may provide the prior documentation in your SWPPP.
 - Insert references and information sources relied upon to determine that prior to your project, no historic properties exist at your site based on available information, including information that may be provided by your applicable SHPO, THPO, or other Tribal representative or references and information sources relied upon to determine that prior earth disturbances may have eliminated the possibility that historic properties exist on your site.
- If no, proceed to Appendix E, Step 3.

Appendix E, Step 3

If you answered no in Step 2, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? ☐ YES ☐ NO

- If yes, provide documentation of the basis for your determination. Insert references to documents, studies, or other sources relied upon
- If no, proceed to Appendix E, Step 4.

Appendix E, Steps 4 and 5

If you answered no in Step 3, did the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other Tribal representative (whichever applies) respond to you within 15 calendar days to indicate their views as to the likelihood that historic properties are potentially present on your site and may be impacted by the installation of stormwater controls that require subsurface earth disturbance? ☒ YES ☐ NO

- If yes, describe the nature of their response:
 - ☐ Written indication that no historic properties will be affected by the installation of stormwater controls. [See Appendix L for the Letter from the Department of Cultural Affairs Historic Preservation Division.](#)
 - ☐ Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions. Insert copies of letters, emails, or other communication between you and the applicable SHPO, THPO, or other Tribal representative
 - ☐ No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls. Provide a description of any significant remaining disagreements regarding mitigation measures and insert copies of letters, emails, or other communication between you and the applicable SHPO, THPO, or other Tribal representative
 - ☐ Other: Insert copies of letters, emails, or other communication between you and the applicable SHPO, THPO, or other Tribal representative
- If no, no further documentation is required for Section 3.2 of the Template.

3.3 Safe Drinking Water Act Underground Injection Control Requirements- [N/A](#)

Instructions (see CGP Part 7.2.9.c):

- If you will use any of the identified controls in this section, document any contact you have had with the applicable State agency or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR Parts 144-147.
- For State UIC program contacts, refer to the following EPA website:
<https://www.epa.gov/uic>.

Do you plan to install any of the following controls? Check all that apply below. [N/A](#)

- ☐ Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)
- ☐ Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow
- ☐ Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

SECTION 4: EROSION AND SEDIMENT CONTROLS AND DEWATERING PRACTICES

General Instructions (See CGP Parts 2.2 and 7.2.6):

- Describe the erosion and sediment controls that will be implemented at your site to meet the requirements of CGP Part 2.2.
- Describe any applicable stormwater control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon).
- Describe any routine stormwater control maintenance specifications.
- Describe the projected schedule for stormwater control installation/implementation.

4.1 Natural Buffers or Equivalent Sediment Controls

Instructions (see CGP Parts 2.2.1 and 7.2.6.b.i, and Appendix F):

This section only applies to you if discharge to a receiving water is located within 50 feet of your site's earth disturbances. If this is the case, consult CGP Part 2.2.1 and Appendix F for information on how to comply with the buffer requirements.

- Describe the compliance alternative (CGP Part 2.2.1.a.i, ii, or iii) that you will implement to meet the buffer requirements, and include any required documentation supporting the alternative selected. For alternative 3, also include why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size. For "linear construction sites" where it is infeasible to implement alternative 1, 2, or 3, also include a description of any buffer width retained and/or supplemental erosion and sediment controls installed. The compliance alternative selected must be maintained throughout the duration of permit coverage. However, if you select a different compliance alternative during your period of permit coverage, you must modify your SWPPP to reflect this change.
- If you qualify for one of the exceptions in CGP Part 2.2.1.b, include documentation related to your qualification for such exceptions.

Buffer Compliance Alternatives

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

(Note: If no, no further documentation is required for Section 4.1 in the SWPPP Template. Continue to Section 4.2.)

Check the compliance alternative that you have chosen:

- ☐ (i) I will provide and maintain a 50-foot undisturbed natural buffer.

(Note 1: You must show the 50-foot boundary line of the natural buffer on your site map.)

(Note 2: You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site's erosion and sediment controls. Also, show on the site map any velocity dissipation devices used to prevent erosion within the natural buffer area.)

- ☐ (ii) I will provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

(Note 1: You must show the boundary line of the natural buffer on your site map.)

(Note 2: You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site's erosion and sediment controls. Also, show on the site map any velocity dissipation devices used to prevent erosion within the natural buffer area.)

- Insert width of natural buffer to be retained
- Insert either of the following:
 - (1) The estimated sediment removal from a 50-foot buffer using applicable tables in Appendix F, Attachment 1. Include information about the buffer vegetation and soil type that predominate at your site
- OR
- (2) If you conducted a site-specific calculation for the estimated sediment removal of a 50-foot buffer, provide the specific removal efficiency, and information you relied upon to make your site-specific calculation
- Insert description of additional erosion and sediment controls to be used in combination with natural buffer area
- Insert the following information:
 - (1) Specify the model or other tool used to estimate sediment load reductions from the combination of the buffer area and additional erosion and sediment controls installed at your site, and
 - (2) Include the results of calculations showing that the combination of your buffer area and the additional erosion and sediment controls installed at your site will meet or exceed the sediment removal efficiency of a 50-foot buffer

☐ (iii) It is infeasible to provide and maintain an undisturbed natural buffer of any size, therefore I will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

- Insert rationale for concluding that it is infeasible to provide and maintain a natural buffer of any size
- Insert either one of the following:
 - (1) The estimated sediment removal from a 50-foot buffer using applicable tables in Appendix F, Attachment 1. Include information about the buffer vegetation and soil type that predominate at your site
- OR
- (2) If you conducted a site-specific calculation for the estimated sediment removal of a 50-foot buffer, provide the specific removal efficiency, and information you relied upon to make your site-specific calculation
- Insert description of additional erosion and sediment controls to be used in combination with natural buffer area
- Insert the following information:
 - (1) Specify the model or other tool used to estimate sediment load reductions from the combination of the buffer area and additional erosion and sediment controls installed at your site, and
 - (2) Include the results of calculations showing that the combination of your buffer area and the additional erosion and sediment controls installed at your site will meet or exceed the sediment removal efficiency of a 50-foot buffer

☐ I qualify for one of the exceptions in Part 2.2.1.b. (If you have checked this box, provide information on the applicable buffer exception that applies, below.)

Buffer Exceptions

Which of the following exceptions to the buffer requirements applies to your site?

- ☐ There is no discharge of stormwater to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site .
(Note: If this exception applies, no further documentation is required for Section 4.1 of the Template.)
- ☐ No natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for this project.
(Note 1: If this exception applies, no further documentation is required for Section 4.1 of the Template.)
(Note 2: Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you must still comply with the one of the CGP Part 2.2.1.a compliance alternatives.)
- ☐ For “linear construction sites” (defined in Appendix A), site constraints (e.g., limited right-of-way) make it infeasible to meet any of the CGP Part 2.2.1.a compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of the receiving water. [Include documentation here of the following: \(1\) why it is infeasible for you to meet one of the buffer compliance alternatives, and \(2\) buffer width retained and/or supplemental erosion and sediment controls to treat discharges to the surface water](#)
- ☐ The project qualifies as “small residential lot” construction (defined in Appendix A as “a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre”) (see Appendix F, Part F.3.2).
 - ☐ For Alternative 1:
 - [Insert width of natural buffer to be retained](#)
 - [Insert applicable requirements based on Table F-1](#)
 - [Insert description of how you will comply with these requirements](#)
 - ☐ For Alternative 2:
 - [Insert \(1\) the assigned risk level based on Appendix F Applicable Table F-2 through F-6 and \(2\) the predominant soil type and average slope at your site](#)
 - [Insert applicable requirements based on Appendix F, Table F-7](#)
 - [Insert description of how you will comply with these requirements](#)

(Note 1: If you alternatively choose to comply with any of the options that are available to other sites in Part 2.2.1.a and F.2.1 of this Appendix, then additional documentation may be needed.)
- ☐ Buffer disturbances are authorized under a CWA Section 404 permit. [Insert description of any earth disturbances that will occur within the buffer area](#)
(Note 1: If this exception applies, no further documentation is required for Section 4.1 of the Template.)
(Note 2: This exception only applies to the limits of disturbance authorized under the Section 404 permit and does not apply to any disturbances within 50 feet of a receiving water that are adjacent to the disturbances authorized under Section 404 and that are covered by this permit.)

- ☐ Buffer disturbances will occur for the construction of a water-dependent structure or water access area (e.g., pier, boat ramp, and trail). [Insert description of any earth disturbances that will occur within the buffer area](#)

(Note: If this exception applies, no further documentation is required for Section 4.1 of the Template.)

4.2 Perimeter Controls

Instructions (see CGP Parts 2.2.3 and 7.2.6.b.ii):

- Describe sediment controls that will be used (e.g., silt fences, filter berms, compost filter socks, gravel barriers, temporary diversion dikes) to meet the Part 2.2.3 requirement to “install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.”
- For linear projects (as defined in Appendix A), where you have determined that the use of perimeter controls in portions of the site is infeasible (e.g. due to a limited or restricted right-of-way), document other practices that you will implement to minimize pollutant discharges to perimeter areas of the site.

General

- [Silt fence will be constructed around the perimeter of the site to prevent run-on and run-off.](#)

Specific Perimeter Controls

V-Shape Earthen Swale (If Applicable)

Description: V-shape earthen swales are drainage swales designed to intercept and divert runoff and to intercept runoff and direct to sediment traps to allow sediment to settle out of runoff prior to discharge from site. In addition, for gradual slopes, the earthen swale can act as a sediment trap to allow sediment to settle out of runoff prior to discharge from site. See [Appendix A](#) for site maps with the locations of SWCs and the design detail.

Installation 10/5/2026

Maintenance Requirements Remove sediment before it has accumulated to one-half of the swale depth. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem.

Design Specifications See Erosion Control Plan drawings for design detail.

Earthen Berm (If Applicable)

Description: Earthen berms can be used to prevent runoff or runoff. Earthen berms may be used to prevent excessive runoff as applicable. Earthen berms may be used to divert stormwater to sediment trap prior to discharge. See [Appendix A](#) for site maps with the locations of SWCs and the design detail.

Installation 10/5/2026

Maintenance Requirements Remove sediment before it has accumulated to one-half of the above-ground height. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem.

Design Specifications See Erosion Control Plan drawings for design detail.

Sediment Traps (If applicable)	
Description:	Sediment traps, small impoundments that allow sediment to settle out of runoff, are placed in a drainage way or other point of discharge from a disturbed area. These small traps will be used on downslope sides of the earth disturbance, as applicable. See Appendix A for site maps with the locations of SWCs and the design detail.
Installation	11/2/2026
Maintenance Requirements	Remove sediment before it has accumulated to one-half of the design depth. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem.
Design Specifications	See Erosion Control Plan drawings for design detail.

Silt Fence (If applicable)	
Description:	Silt fence will be constructed along the perimeter to prevent run-on and run-off. See sheets C800, C801, and C802: Erosion control plan(s) in Appendix A for the locations of SWCs and the design details.
Installation	10/5/2026
Maintenance Requirements	Remove sediment before it has accumulated to one-half of the above-ground height. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair the undercut area to fix the problem.
Design Specifications	See Erosion Control Plan drawings in Appendix A for design details. See Appendix O – SWCs for silt fence specifications.

Sediment Control Log (SCL) – (If Applicable)	
Description:	Sediment control logs will be placed along the perimeter to prevent run-on and run-off. See sheets C800, C801, and C802: Erosion Control plan(s) in Appendix A for locations (If Applicable) of sediment control logs.
Installation	10/5/2026
Maintenance Requirements	Remove sediment before it has accumulated to one-half of the above-ground height. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair the undercut area to fix the problem.
Design Specifications	See Erosion Control Plan drawings in Appendix A for design details. See Appendix O – SWCs for sediment control log (SCL) specifications.

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4.3 Sediment Track-Out

Instructions (see CGP Parts 2.2.4 and 7.2.6.b.iii):

- Describe stormwater controls that will be used to minimize sediment track-out.
- Describe location(s) of vehicle exit(s), procedures to remove accumulated sediment off-site (e.g., vehicle tracking), and stabilization practices (e.g., stone pads or wash racks or both) to minimize off-site vehicle tracking of sediment. Also include the design, installation, and maintenance specifications for each control.

General

- A stabilized construction exit will be used to prevent sediment track-out. If sediment is tracked out onto paved roads, the deposited sediment will be removed.

Specific Track-Out Controls

Stabilized Construction Exits	
Description: A stabilized construction exit (i.e., track-out pad, exit pad, stabilized construction entrance) will be constructed and utilized at the proposed construction exit at the site. See sheet C800 & C801 for the location of the SWC's.	
Installation	10/5/2026
Maintenance Requirements	When there is a buildup of dirt on the exit pad, apply new rock or remove mud and dirt clods to keep the pad clean.
Design Specifications	See Erosion Control Plan drawings in Appendix A for SWC design and location of construction exit. See Appendix O – SWCs for stabilized construction exit specifications

Track-Out Control	
Description: When sediment is tracked out onto paved roads, the deposited sediment is removed by sweeping, shoveling, or vacuuming the surface.	
Installation	10/5/2026
Maintenance Requirements	Where sediment has been tracked out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the next business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping track-out sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.
Design Specifications	See Erosion Control Plan drawings in appendix A for SWC design.

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4.4 Stockpiles or Land Clearing Debris Piles Comprised of Sediment or Soil

Instructions (see CGP Parts 2.2.5 and 7.2.6):

- Describe stormwater controls and other measures you will take to minimize the discharge of sediment or soil particles from stockpiled sediment or soil. Include a description of structural practices (e.g., diversions, berms, ditches, storage basins), including design, installation, and maintenance specifications, used to divert flows from stockpiled sediment or soil, retain or detain flows, or otherwise limit exposure and the discharge of pollutants from stockpiled sediment or soil.
- For piles that will be unused for 14 or more days, describe what cover or other appropriate temporary stabilization will be used.
- Also, describe any controls or procedures used to minimize exposure resulting from adding to or removing materials from the pile.

General

Clean soil material will be stockpiled at a designated stockpile location. Stormwater controls (SWCs) will be installed to prevent run-on and runoff from impacting the area. Water may be applied, as needed, to minimize wind erosion of stockpiles. SWCs such as wattles, earthen berms, swales, or other contractor-proposed measures will be implemented to prevent soil from leaving the construction right-of-way (ROW).

Specific Stockpile Controls

Sediment Control Logs (SCL) (If Applicable)

Description: Sediment control logs are tube-shaped erosion control devices filled with straw, flax, rice, coconut fiber material, or composted material. Wattles may be used at the discretion of the contractor.

Installation	10/5/2026
Maintenance Requirements	Remove sediment before it has accumulated to one-half of the above-ground height. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem.
Design Specifications	See Erosion Control Plan drawings in Appendix A for SWC designs. See Appendix O – SWCs for Sediment Control Logs (SCL) specifications.

Earthen Berm (If applicable)

Description: Earthen berms can be used to prevent runoff or runoff of stockpiles. Earthen berms may be used to prevent excessive runoff as applicable. Earthen berms may be used to divert stormwater to away from stockpile locations. See Appendix A for site maps with the locations of SWCs and the design detail.

Installation	10/5/2026
Maintenance Requirements	Remove sediment before it has accumulated to one-half of the above-ground height. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem.
Design Specifications	See Erosion Control Plan drawings for design detail.

V-Shape Earthen Swale (If applicable)	
Description: V-shape earthen swales are drainage swales designed to intercept and divert runoff and to intercept runoff and direct to sediment traps to allow sediment to settle out of runoff prior to discharge from site. In addition, for gradual slopes, the earthen swale can act as a sediment trap to allow sediment to settle out of runoff prior to discharge from site. See Appendix A for site maps with the locations of SWCs and the design detail.	
Installation	10/9/2026
Maintenance Requirements	Remove sediment before it has accumulated to one-half of the swale depth. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem.
Design Specifications	See Erosion Control Plan drawings for design detail.

4.5 Minimize Dust

Instructions (see CGP Parts 2.2.6 and 7.2.6):

Describe controls and procedures you will use at your site to minimize the generation of dust.

General

- A dust palliative and/or water will be applied to exposed soils to control dust. Dust from topsoil stockpiles will be controlled by stockpile capping (see previous section).

Specific Dust Controls

Dust Control – Water Application	
Description: Water for dust control may be used on disturbed soil areas as needed to keep fugitive dust from migrating off-site.	
Installation	Use of water as a dust control measure will be on an as-needed basis and will depend on daily weather conditions.
Maintenance Requirements	Increase use, modify, or upgrade if visible wind erosion.
Design Specifications	Apply water as necessary to minimize airborne dust, see Appendix O for SWC description and other SWC options. See Appendix U for the dust control plan.

4.6 Minimize Steep Slope Disturbances

Instructions (see CGP Parts 2.2.7 and 7.2.6):

- Describe how you will minimize the disturbance to steep slopes (as defined by CGP Appendix A).
- Describe controls (e.g., erosion control blankets, tackifiers), including design, installation and maintenance specifications, that will be implemented to minimize sediment discharges from slope disturbances.

General

- Rock check dams or similar will be used for steep slopes in perimeter swales to decrease flow rates and erosion in the swales. In addition, wattles, or similar, will be used in limited locations to minimize steep slope disturbance.

Specific Steep Slope Controls

Riprap or Landscape Rock (If Applicable)	
Description: Riprap or landscape rock cover will be placed on the steep slopes of the pond, perimeter landscape areas, and other areas of steep slopes. The riprap or rock cover will be used to prevent erosion of the soil on the steep slopes.	
Installation	12/4/2026
Maintenance Requirements	Repair any damage immediately including replacing displaced rock and addressing any issues with stormwater undercutting the rock.
Design Specifications	See Landscaping Plan sheets in Appendix A for design specifications and locations.

4.7 Topsoil

Instructions (see CGP Parts 2.2.8 and 7.2.6):	
- Describe how topsoil will be preserved and identify these areas and associated control measures on your site map(s). - If it is infeasible for you to preserve topsoil on your site, provide an explanation for why this is the case.	

General

- Due to the small size of the project site, the entirety of the site will be disturbed at one time. The project site is mostly desert; therefore, limited suitable topsoil is anticipated. Any suitable topsoil encountered during construction shall be stockpiled in the designated erosion control area and protected from erosion control and sediment for potential reuse.

Specific Topsoil Controls

Topsoil Stripping (If Applicable)	
Description: N/A	
Installation	N/A
Maintenance Requirements	N/A
Design Specifications	N/A

4.8 Soil Compaction

Instructions (see CGP Parts 2.2.9 and 7.2.6):	
In areas where final vegetative stabilization will occur or where infiltration practices will be installed, describe the controls, including design, installation, and maintenance specifications that will be used to restrict vehicle or equipment access or condition the soil for seeding or planting.	

General

- Traffic is not anticipated in the ponding or landscaping areas once grading has occurred due to slope sides.

Specific Soil Compaction Controls

Work Phasing - Limit Soil Compaction Prior to Revegetation	
Description: Work will be phased such that there will be minimal need to drive on or otherwise compact soil intended for revegetation. Final stabilization will be performed in areas where vehicle traffic will no longer be needed. Disturbed areas including the stockpile areas, backfilled excavation, access road, staging area and other areas within the Construction Right-of-Way will be ripped, tilled, and disced to prepare the soil for the spreading of topsoil, seeding, and mulching.	
Installation	10/5/2026
Maintenance Requirements	If soil is compacted when performing seeding and mulching, re-till soil.
Design Specifications	Phasing of work will be at the discretion of the Contractor.

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4.9 Storm Drain Inlets

Instructions (see CGP Parts 2.2.10 and 7.2.6.iv):

Describe controls (e.g., inserts, rock-filled bags, or block and gravel) including design, installation, and maintenance specifications that will be implemented to protect all inlets that carry stormwater flow from your site to a receiving water, provided you have the authority to access the storm drain inlet. Inlet protection measures are not required when storm drain inlets to which your site discharges are conveyed to a sediment basin, sediment trap, or similarly effective control.

General

- No stormwater will discharge to storm drain inlets for this project.

Specific Storm Drain Inlet Controls

Sediment Basin	
N/A	
Installation	N/A
Maintenance Requirements	N/A
Design Specifications	N/A

Sediment Control Logs (SCL)	
N/A	
Installation	N/A
Maintenance Requirements	N/A
Design Specifications	N/A

4.10 Constructed Site Drainage Feature

Instructions (see CGP Parts 2.2.11 and 7.2.6):

If you will be installing a constructed site drainage feature, describe control practices (e.g., erosion controls and/or velocity dissipation devices such as check dams and sediment traps), including design specifications and details (volume, dimensions, outlet structure), that will be implemented at the construction site.

General

- Rock check dams and sediment traps will be used to control stormwater discharges and minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.

Specific Constructed Site Drainage Features

Both sediment traps and rock check dams are specific constructed site drainage features. Sediment Traps are described in Section 4.2 and Rock Check Dams are described in Section 4.6.

Riprap at Sediment Trap and Culverts	
Description: Riprap will be used at discharge points of sediment traps and culverts to minimize channel and streambank erosion and scour in the immediate vicinity.	
Installation	10/5/2026
Maintenance Requirements	Replace displaced stones. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem.
Design Specifications	See Erosion Control Plan drawings in Appendix A for sediment trap design detail.

4.11 Sediment Basins or Similar Impoundments

Instructions (see CGP Parts 2.2.12 and 7.2.6.b.v):	
If you will install a sediment basin or similar impoundment, include design specifications and other details (volume, dimensions, outlet structure) that will be implemented in conformance with CGP Parts 2.2.12 and 7.2.6.b.iv.	
– Sediment basins must be situated outside of receiving waters and any natural buffers established under CGP Part 2.2.1; and designed to avoid collecting water from wetlands. – At a minimum, sediment basins provide storage for either (1) the calculated volume of runoff from the 2-year, 24-hour storm (see https://www.epa.gov/npdes/construction-general-permit-2-year-24-hour-storm-frequencies), or (2) 3,600 cubic feet per acre drained. – Sediment basins must also utilize outlet structures that withdraw water from the surface, unless infeasible. – Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets.	

General

- Pond will be utilized as a temporary sediment basin at the site's discharge point. The temporary Sediment basin will capture all sediment and runoff generated from the site before discharging to south of the site, where it then travels along the lands natural flow east remaining within the self-contained basin, the Tortugas Arroyo. Contractor may use sediment control logs in lieu of sediment basin to further prevent the transportation of sediment.

Specific Sediment Basin Controls

Rock Check Dams	
Description: Rock check dams are small, temporary structures constructed within concentrated flow areas. Rock check dams will be used in the perimeter swales to decrease the flow rate and capture sediment from stormwater before it leaves the project area. See Appendix A for site maps with the locations of SWCs and the design detail.	
Installation	10/5/2026
Maintenance Requirements	Remove sediment before it has accumulated to one-half of the above-ground height. Remove large debris and trash as needed. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem. In addition, repair rock check dam if structural integrity has been compromised.
Design Specifications	See Erosion Control Plan drawings in Appendix A for design detail.

Sediment Traps	
Description: A sediment basin will be constructed to capture and treat stormwater runoff from disturbed areas within the project site. The basin is designed to allow sediment-laden runoff to temporarily pond, promoting the settling of suspended solids before water is discharged. Sediment basins can be placed, as see fit, in locations along the access road to mitigate site runoff.	
Installation	10/5/2026
Maintenance Requirements	The sediment basin will be inspected weekly and after major rain events to ensure proper function. Sediment will be removed when it reaches 50% of the basin's capacity. All structural components, including inlets, outlets, and embankments, will be repaired as needed. Vegetation and erosion control measures will be maintained to stabilize surrounding areas. Debris will be cleared regularly, and the basin will remain in place until all disturbed areas are stabilized and approved for removal by the appropriate authority.
Design Specifications	See Erosion Control Plan drawings in Appendix A for design detail.

4.12 Chemical Treatment – Not Applicable

Instructions (see CGP Parts 2.2.13 and 7.2.6.b.vi):

If you are using treatment chemicals (e.g., polymers, flocculants, coagulants) at your site, provide details for each of the items below. This information is required as part of the SWPPP requirements in CGP Part 7.2.6.b.vi.

4.13 Dewatering Practices – Not Applicable

Instructions (see CGP Parts 2.4 and 7.2.6):

If you will be discharging accumulated stormwater and/or ground water drained from building foundations, vaults, trenches, or other similar points of accumulation, include design specifications and details of all dewatering practices that are installed and maintained to comply with CGP Part 2.4.

- Do not place dewatering controls on steep slopes.
- Use a suitable filtration device if dewatering water is found or expected to contain materials that cause a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water.
- Use well-vegetated, upland areas of the site to infiltrate dewatering water before discharging. Do not use receiving waters as part of the treatment area.
- Use stable, erosion-resistant surfaces to discharge from dewatering controls. Additionally, at all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11.

4.14 Other Stormwater Controls

Instructions:

Describe any other stormwater controls that do not fit into the above categories.

General

- Concrete or mason washout areas are used to prevent unauthorized discharge of concrete, concrete wash water, and other masonry related waste.

Specific Stormwater Control Practices

Concrete Washout

Description: A concrete washout is used to hold concrete washout water and concrete waste. A concrete washout will be placed onsite prior to concrete operations, as determined by the contractor, wastes from concrete washouts will not be allowed to enter into constructed or natural drainage features or receiving waters. In addition, liquid waste will not be allowed to infiltrate into the ground or be disposed of on the ground. Hardened concrete waste will be disposed of as construction waste; concrete washout locations will be located as far away as possible from receiving waters and constructed or natural site drainage features. See appendix A for site maps with locations of SWC's and the design details.

Installation 10/5/2026

Maintenance Requirements Immediately repair tears and damaged section or replace control when leak or overflow are detected.

Design Specifications See Erosion Control Plan drawings in appendix A for design details.

Wattles/Fiber Rolls (If Applicable)

Description: Wattles (fiber rolls or fiber logs) are tube-shaped erosion-control devices filled with straw, flax, rice, coconut fiber material, or composted material. Wattles can be used at various location of the project site and at the discretion of the Contractor. See Appendix A for site maps with the locations of SWCs and the design detail.

Installation 10/5/2026

Maintenance Requirements Remove sediment before it has accumulated to one-half of the above-ground height. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem.

Design Specifications See Erosion Control Plan drawings in Appendix A for design detail.

Erosion Bale (If Applicable)

Description: An erosion bale (straw bale barrier) is a temporary anchored barrier used to intercept sediment-laden runoff and to provide some retention of sediment from small drainage areas. Erosion bales may be used to reduce run-on flow. Erosion bales may be used at other locations at the discretion of the Contractor. See Appendix A for site maps with the locations of BMPs and the design detail.

Installation 10/5/2026

Maintenance Requirements Remove sediment before it has accumulated to one-half of the above-ground height. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem.

Design Specifications See Erosion Control Plan Drawings in Appendix A for design detail.

Silt Fence (If Applicable)	
Description: Silt fences are temporary stormwater controls that are made of filter fabric secured to posts. Silt fence may be used at the Contractor's discretion. See Appendix A for site maps with the locations of BMPs and the design detail.	
Installation	10/5/2026
Maintenance Requirements	Remove sediment before it has accumulated to one-half of the above-ground height. After a storm event, if there is evidence of stormwater circumventing or undercutting the stormwater control, extend controls and/or repair undercut areas to fix the problem.
Design Specifications	See Erosion Control Plan drawings in Appendix A for design detail.

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4.15 Site Stabilization

Instructions (see CGP Parts 2.2.14 and 7.2.6.b.vii):

The CGP requires you to immediately initiate stabilization when work in an area of your site has permanently or temporarily stopped, and to complete certain stabilization activities within prescribed deadlines. Construction projects disturbing more than 5 acres at any one time have a different deadline than projects disturbing 5 acres or less at any one time. See CGP Part 2.2.14.a. Construction projects in arid, semi-arid, and drought-stricken areas during the seasonally dry period and projects discharging to a sediment- or nutrient-impaired water or a Tier 2, 2.5, or 3 water have different stabilization deadlines. See CGP Part 2.2.14.b. For your SWPPP, you must include the following:

- Describe the specific vegetative and/or non-vegetative practices that will be used to stabilize exposed soils where construction activities have temporarily or permanently ceased. Avoid using impervious surfaces for stabilization whenever possible.
- The stabilization deadline(s) that will be met in accordance with Part 2.2.14.a and 2.2.14.b.
- Once you begin construction, consider using the Grading/Stabilization Activities log in Appendix H of the Template to document your compliance with the stabilization requirements in CGP Part 2.2.14.

Total Amount of Land Disturbance Occurring at Any One Time

- ☒ Five Acres or less
☐ More than Five Acres

Use this template box if you are not located in an arid, semi-arid, or drought-stricken area and are not discharging to a sediment- or nutrient-impaired water or Tier 2, Tier 2.5, or Tier 3 water.

Insert name of site stabilization practice	
☐ Vegetative ☐ Non-Vegetative ☐ Temporary ☐ Permanent	
Description: ▪ Insert description of stabilization practice to be installed ▪ Note how design will meet requirements of Part 2.2.14.a	
Installation	Insert approximate date of installation
Completion	Insert approximate completion date
Maintenance Requirements	Insert maintenance requirements for the stabilization practice
Design Specifications	Include copies of design specifications here

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Use this template box if you are located in an arid, semi-arid, or drought-stricken area.

Seeding and Mulching	
☐ Vegetative ☒ Non-Vegetative ☐ Temporary ☒ Permanent	
Description: - Seeding and Mulching - Within 14 calendar days of temporary or permanent cessation of work in any portion of the site, final stabilization measures will be initiated. If final stabilization cannot be initiated at that time, then the installation of temporary non-vegetative stabilization measures that will prevent erosion will be initiated and completed.	
Dry Period	- Beginning month of seasonally dry period: May - Ending month of seasonally dry period: June - Site conditions during this period: Dry
Installation and completion schedule	Riprap to be applied during construction and during final stabilization to prevent runoff and use permanent slope stabilization.
Maintenance Requirements	Apply riprap to areas as needed.
Design Specifications	Description: Riprap and other non-vegetative stabilization. Within 14 calendar days of temporary or permanent cessation of work in any portion of the site, final stabilization measures will be initiated. If final stabilization cannot be initiated at that time, then the installation of temporary non-vegetative stabilization measures that will prevent erosion will be initiated and completed.

RipRap	
☐ Vegetative ☐ Non-Vegetative ☐ Temporary ☐ Permanent	
Description: N/A	
Dry Period	N/A
Installation and completion schedule	N/A
Maintenance Requirements	N/A

Use this template box if you are discharging to a sediment- or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.

Insert name of site stabilization practice	
☐ Vegetative ☐ Non-Vegetative ☐ Temporary ☐ Permanent	
Description: ▪ Insert description of stabilization practice to be installed ▪ Note how design will meet requirements of Part 2.2.14.b.iii	
Installation	Insert approximate date of installation
Completion	(Must be completed as soon as practicable, but no later than seven calendar days after stabilization has been initiated) Insert approximate completion date
Maintenance Requirements	Insert maintenance requirements for the stabilization practice
Design Specifications	Include copies of design specifications here

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Use this template box if unforeseen circumstances have delayed the initiation and/or completion of vegetative stabilization. Note: You will not be able to include this information in your initial SWPPP. If you are affected by circumstances such as those described in CGP Part 2.2.14.b.ii, you will need to modify your SWPPP to include this information.

Insert name of site stabilization practice	
☐ Vegetative ☐ Non-Vegetative ☐ Temporary ☐ Permanent	
Description: - Insert description of stabilization practice to be installed - Note how design will meet requirements of Part 2.2.14.b.ii	
Justification	Insert description of circumstances that prevent you from meeting the deadlines required in CGP CGP Parts 2.2.14.a
Installation and completion schedule	Vegetative Measures: Describe the schedule you will follow for initiating and completing vegetative stabilization - Approximate installation date: Insert approximate date - Approximate completion date: Insert the approximate date
	Non-Vegetative Measures: <i>(Must be completed within 14 days of the cessation of construction if disturbing 5 acres or less; within 7 days if disturbing more than 5 acres)</i> - Approximate installation date: Insert the approximate date - Approximate completion date: Insert the approximate date
Maintenance Requirements	Insert maintenance requirements for the stabilization practice
Design Specifications	Include copies of design specifications here

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SECTION 5: POLLUTION PREVENTION CONTROLS

5.1 Potential Sources of Pollution

Instructions (see CGP Part 7.2.3.g):

- Identify and describe all pollutant-generating activities at your site (e.g., paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal).
- For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents associated with that activity (e.g., sediment, fertilizers, and/or pesticides, paints, solvents, fuels), which could be exposed to rainfall or snowmelt, and could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction.

Construction Site Pollutants

[See next page for Construction Site Pollutants.](#)

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Pollutant-Generating Activity	Pollutants or Pollutant Constituents (That could be discharged if exposed to stormwater)	Location on Site (Or reference SWPPP site map where this is shown)
Topsoil Removal, if applicable	Sediment, Oil & Grease, Trash, Debris & Solids	Across entire site
Clearing and Grubbing	Sediment, Oil & Grease, Trash, Debris & Solids	Across entire site
Trenching	Sediment, Oil & Grease, Trash, Debris & Solids	See Utility Plan of project drawings
Cutting, Filling, and Backfilling	Sediment, Oil & Grease, Debris & Solids	Across entire site
Stockpiling	Sediment, Nutrients (e.g., Nitrogen), Oil & Grease, Trash, Debris & Solids	See Erosion Control Plan drawings for locations.
Installing Utilities and Appurtenances	Sediment, Trash, Debris & Solids	See Utility Plan of project drawings
Installing Final Ancillary Features	Sediment, Trash, Debris & Solids	See Site Plan of project drawings
Concrete/Grout Operations	Sediment, Trash, Debris & Solids, Toxic Chemicals	See Site Plan of project drawings
Vehicle Tracking	Sediment, Oil & Grease	At construction exit
Landscaping	Sediment, Nutrients (e.g., Nitrogen), Pesticides/Herbicides	Around the exterior of the building. Along ponding area, site entrance, exit, and perimeter of site.
Loading and Unloading Operations	Oil & Grease, Trash, Debris & Solids	At Material and Equipment Staging and Storage Area
Material Delivery and Storage	Oil & Grease, Toxic Chemicals	At Material and Equipment Staging and Storage Area
Material Use During Installation	Sediment, Oil & Grease, Toxic Chemicals	Across entire site
Sanitary Facilities	Bacteria & Viruses, Trash, Debris & Solids	See location on Erosion Control Plan drawings
Equipment Staging/Storage	Oil & Grease, Trash, Debris & Solids	See location on Erosion Control Plan drawings
Equipment Fueling and Maintenance	Sediment, Oil & Grease, Trash, Debris & Solids, Toxic Chemicals	Across entire site as necessary and in storage and staging area shown on Erosion Control Plan Drawings
Onsite Waste Management Practices	Trash, Debris & Solids	See location on Erosion Control Plan drawings

5.2 Spill Prevention and Response

Instructions (see CGP Parts 2.3.6 and 7.2.6.b.viii):

- Describe procedures you will use to prevent and respond to leaks, spills, and other releases. You must implement the following at a minimum:
 - ✓ Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or title of the employee(s) responsible for detection and response of spills or leaks; and
 - ✓ Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.
- Some projects/site may be required to develop a Spill Prevention Control and Countermeasure (SPCC) plan under a separate regulatory program (Section 311 of the CWA). If you are required to develop an SPCC plan, or you already have one, you should include references to the relevant requirements from your plan.

To minimize the potential for spills, the following practices will be utilized throughout the construction:

- Volumes of materials will be kept to only that minimally required.
- Materials will be brought on and off-site daily as appropriate.
- Materials will be handled in a manner consistent with manufacturer recommendations and applicable regulations.
- Products will be kept in their original containers and with appropriate labeling.
- Surplus materials will be recycled and/or disposed of appropriately.
- Empty containers will be disposed of appropriately.
- Concrete wash areas will be established, and run-off will be retained on-site (See Erosion Control Plan drawings in Appendix A for location and detail.. Concrete trucks are encouraged to wash out large volumes of waste at the concrete supplier facilities or at an area with a designated NPDES permit for such use. The site operator should be willing to supply the concrete trucker with a minimum amount of water to prevent concrete from hardening in the drum.
- The site will be inspected regularly to verify that materials are being utilized properly.

Spill Response: In the event that a spill does take place the responsible party will immediately contact the City of Las Cruces/Dona Ana County Emergency Management (575-647-7900 or 911), the National Response Center (800-424-8802 or 202-426-2675), the New Mexico Environment Department (Emergency Line: 505-827-9329 Non-emergency Line: 866-428-6535), and USEPA Region 6 (800-887-6063). In addition, the responsible party will contact the City Public Works Department and the County Flood Commission by the next business day. The spill will be cleaned up immediately after discovery, in accordance with the manufacturers' recommendations. A spill control and containment kit (containing for example, absorbent material such as kitty litter or sawdust, acid neutralizing agent, brooms, dust pans, mops, rags, gloves, goggles, plastic, and metal trash containers, etc.) is recommended to be always on the project site. The spill area will be kept well ventilated, and personnel will wear appropriate protective gear to prevent injury from contact with a hazardous substance. Within 7 days, a written description of the release will be submitted to the EPA, including: a description of the release, the type and estimated amount of material spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent future releases. This document will be incorporated into the SWPPP within this 7-day time. In addition, within 14 days, a similar report must be issued to the City of Las Cruces Public Works Department and incorporated into the SWPPP.

See Appendix R for Spill Prevention and Response Plan.

5.3 Fueling and Maintenance of Equipment or Vehicles

Instructions (see CGP Parts 2.3.1 and 7.2.6):

- Describe equipment/vehicle fueling and maintenance practices that will be implemented to eliminate the discharge of spilled or leaked chemicals (e.g., providing secondary containment (examples: *spill berms, dikes, spill containment pallets*) and cover where appropriate, and/or having spill kits readily available.)

General

- Vehicle fueling and maintenance will be conducted onsite. Spill kits will be provided for spill cleanup.

Specific Pollution Prevention Practices

Vehicle / Equipment Fueling Maintenance	
Description: Vehicle / Equipment fueling and / or maintenance activities will occur onsite during construction activities. The Owner / Contractor will follow and identify appropriate SWCs to prevent hazardous wastes from being discharged to surface of groundwaters,	
Implementation	10/5/2026
Maintenance Requirements	Spill kits will be maintained on site. Leaks will be cleaned up immediately using dry clean up measures. Eliminate the source of a spill to prevent a discharge or a continuation of an ongoing discharge.
Design Specifications	Spill kits will be provided for a spill cleanup at the locations of fueling and maintenance. Petroleum products will be stored in tightly sealed containers, which are clearly labeled. Secondary containment will be provided for any stored petroleum products along with a spill kit for cleanup. Drip pans and absorbents will be used under or around leaky vehicles . recycled oil and oily wastes will be disposed of in accordance with federal, state, or local requirements.

Temporary Spill & Secondary Containment Systems	
Description: Temporary spill and secondary containment systems consist of containers, drums, or other storage units designed to capture and contain fuels, oils, chemicals, and other potential pollutants. These systems are used to prevent releases to the environment during construction activities, fueling operations, and storage of potential pollutants. See Appendix O for information and specs for BMP.	
Installation	10/9/2026
Maintenance Requirements	Inspect containment areas regularly and after storm events to ensure integrity and proper function. Remove accumulated liquids or debris as needed to maintain available containment capacity. Repair or replace any damaged liners, berms, or containment structures immediately. Ensure all materials are stored within designated containment areas and that no leaks or spills are present.
Design Specifications	Containment systems shall be capable of holding an adequate volume of potential discharge and pollutants from stored materials. All containment units shall be installed, maintained, and operated in accordance with the manufacturer's specifications, including requirements for setup, inspection, and disposal. Containers shall be compatible with stored materials, properly labeled, and kept in good condition at all times. See Erosion Control Plan drawings for design detail.

5.4 Washing of Equipment and Vehicles

Instructions (see CGP Parts 2.3.2 and 7.2.6):

- Describe equipment/vehicle washing practices that will be used to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters (e.g., locating activities away from receiving waters and storm drain inlets or constructed or natural site drainage features and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls).
- Describe how you will prevent the discharge of soaps, detergents, or solvents and provide storage by either (1) cover (examples: plastic sheeting or temporary roofs) to prevent these detergents from coming into contact with rainwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

General

- Vehicle/equipment washing will be performed onsite. Soaps, detergents, and solvents will not be allowed to discharge to the ground.

Specific Pollution Prevention Practices

Vehicle / Equipment Washing	
Description: Vehicle / Equipment washing may be performed onsite. Soaps, detergents, and solvents will not be allowed to discharge to the ground.	
Implementation	10/9/2026
Maintenance Requirements	If wash water damages stormwater controls, replace controls immediately. If soaps, detergents, or solvents or wash water containing soaps, detergents, or solvents, are discharged to the ground, they shall be treated as a spill and be cleaned up immediately.
Design Specifications	Soaps, detergents, and solvents will not be generally used. If soaps, detergents, and solvents are used, they will not be allowed to discharge to the ground. If soaps, detergents, and solvents are onsite, they will be stored under cover.

Temporary Spill & Secondary Containment Systems	
Description: Temporary spill and secondary containment systems consist of containers, drums, or other storage units designed to capture and contain fuels, oils, chemicals, and other potential pollutants. These systems are used to prevent releases to the environment during construction activities, fueling operations, and storage of potential pollutants. See Appendix O for information and specs for BMP.	
Installation	10/9/2026
Maintenance Requirements	Inspect containment areas regularly and after storm events to ensure integrity and proper function. Remove accumulated liquids or debris as needed to maintain available containment capacity. Repair or replace any damaged liners, berms, or containment structures immediately. Ensure all materials are stored within designated containment areas and that no leaks or spills are present.
Design Specifications	Containment systems shall be capable of holding an adequate volume of potential discharge and pollutants from stored materials. All containment units shall be installed, maintained, and operated in accordance with the manufacturer's specifications, including requirements for setup, inspection, and disposal. Containers shall be compatible with stored materials, properly labeled, and kept in good condition at all times. See Erosion Control Plan drawings for design detail.

5.5 Storage, Handling, and Disposal of Building Products, Materials, and Wastes

Instructions (see CGP Parts 2.3.3 and 7.2.6):

For any of the types of building products, materials, and wastes in Sections 5.5.1-5.5.6 below that you expect to use or store at your site, provide the information on how you will comply with the corresponding CGP provision and the specific practices that you will employ.

5.5.1 Building Materials and Building Products

(Note: Examples include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.)

General

- Construction materials intended for outdoor use will not be stored under cover. Other construction materials will be stored under cover such as tarps or storage trailers and / or brought onsite as needed. Building materials will include roofing materials, pipe, adhesives, gravel stockpiles, etc.

Specific Pollution Prevention Practices

Construction Material and Products Storage	
Description: Construction materials intended for outdoor use will not be stored under cover . other construction materials will be stored under cover such as a tarp, storage trailer, and / or brought onsite as needed. Building materials will include roofing materials , pipe, adhesive, gravel stockpiles, etc.	
Implementation	10/5/2026
Maintenance Requirements	As construction materials arrive on site, they will be stored appropriately as per manufacturers' directions and guidelines.
Design Specifications	See material storage and handling specifications in appendix O.

Temporary Spill & Secondary Containment Systems	
Description: Temporary spill and secondary containment systems consist of containers, drums, or other storage units designed to capture and contain fuels, oils, chemicals, and other potential pollutants. These systems are used to prevent releases to the environment during construction activities, fueling operations, and storage of potential pollutants. See Appendix O for information and specs for BMP.	
Installation	10/9/2026
Maintenance Requirements	Inspect containment areas regularly and after storm events to ensure integrity and proper function. Remove accumulated liquids or debris as needed to maintain available containment capacity. Repair or replace any damaged liners, berms, or containment structures immediately. Ensure all materials are stored within designated containment areas and that no leaks or spills are present.
Design Specifications	Containment systems shall be capable of holding an adequate volume of potential discharge and pollutants from stored materials. All containment units shall be installed, maintained, and operated in accordance with the manufacturer's specifications, including requirements for setup, inspection, and disposal. Containers shall be compatible with stored materials, properly labeled, and kept in good condition at all times. See Erosion Control Plan drawings for design detail.

5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

General

- If pesticides, herbicides, insecticides, and fertilizers are used onsite, they will be stored under cover or will be brought onsite as needed. Landscape materials will be brought onsite as needed.

Specific Pollution Prevention Practices

Pesticides, Herbicides, Insecticides, Fertilizers, and Landscaping Material.	
Description: Pesticides, herbicides, insecticides, and fertilizers will be stored under cover or will be brought onsite as needed. Landscape materials will be brought onsite as needed. All application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer labels will be followed.	
Implementation	10/5/2026
Maintenance Requirements	If pesticides, herbicides, insecticides and fertilizers leak or spill, it shall be cleaned up immediately using dry clean-up methods.
Design Specifications	See Material Storage and Handling specification in Appendix O.

5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

General

- Diesel fuel, hydraulic fluids, other petroleum products, and other chemicals will be kept in water-tight containers that are closed, sealed, and secured when not being actively used.
- The size and type of containers used for diesel fuel, hydraulic fluids, other petroleum products, and other chemicals will be determined by the Contractor. If diesel fuel, hydraulic fluids, other petroleum products, and other chemicals are stored in containers with a storage capacity of less than 55 gallons, the containers may be stored outside, using a spill containment pallet or similar. If diesel fuel, hydraulic fluids, other petroleum products, and other chemicals are stored in containers with a storage capacity of 55 gallons or more, containers will be placed under cover or in secondary containment.
- Containers will need to be placed a minimum of 50 feet away from any site drainage features or placed as far away as the site permits.

Specific Pollution Prevention Practices

Diesel Fuel Containment	
Description: Diesel fuel will be stored in a double-walled fuel tank on a two-axle trailer. Due to the limited Construction Right-of-Way, the fuel tank will not always remain 50 feet away from site drainage features; however, it will be placed as far away as the site permits. Fueling will not take place at the water crossings or in the site discharge Area. A spill kit will be available and properly maintained for immediate spill clean-up.	
Implementation	10/9/2026
Maintenance Requirements	The spill kit must be replenished after use. If leaks or cracks are noticed, they will be repaired or replaced immediately.
Design Specifications	A spill kit will be available and properly maintained for immediate spill clean-up. Any leaks or spills must be cleaned up immediately.

Hydraulic Fluids, Other Petroleum Products, and Other Chemicals	
Description: Hydraulic fluids, other petroleum products, and other chemicals will be kept closed, sealed, and secured in water-tight containers and will be stored in the storage and staging Area. Products may be stored outside in a spill containment pallet if the capacity is less than 55 gallons, and in secondary containment if the capacity is 55 gallons or more. Due to the limited Construction Right-of-Way, these chemicals may not always remain 50 feet away from site drainage features; however, the chemicals will be placed as far away as the site permits. Maintenance is restricted from taking place at the water crossings or in the site discharge area. A spill kit will be available and properly maintained for immediate spill clean-up.	
Implementation	10/9/2026
Maintenance Requirements	Any leaks or spills will be cleaned up immediately. The spill kit must be replenished after use. If leaks or cracks are noticed, they will be repaired or replaced immediately.
Design Specifications	See Material Storage and Handling specification in Appendix O.

Temporary Spill & Secondary Containment Systems	
Description: Temporary spill and secondary containment systems consist of containers, drums, or other storage units designed to capture and contain fuels, oils, chemicals, and other potential pollutants. These systems are used to prevent releases to the environment during construction activities, fueling operations, and storage of potential pollutants. See Appendix O for information and specs for BMP.	
Installation	10/9/2026
Maintenance Requirements	Inspect containment areas regularly and after storm events to ensure integrity and proper function. Remove accumulated liquids or debris as needed to maintain available containment capacity. Repair or replace any damaged liners, berms, or containment structures immediately. Ensure all materials are stored within designated containment areas and that no leaks or spills are present.
Design Specifications	Containment systems shall be capable of holding an adequate volume of potential discharge and pollutants from stored materials. All containment units shall be installed, maintained, and operated in accordance with the manufacturer's specifications, including requirements for setup, inspection, and disposal. Containers shall be compatible with stored materials, properly labeled, and kept in good condition at all times. See Erosion Control Plan drawings for design detail.

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5.5.4 Hazardous or Toxic Waste

(Note: Examples include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.)

General

- Hazardous or Toxic Waste will be stored separately from construction and domestic waste and will be stored in sealed containers in secondary containment.

Specific Pollution Prevention Practices

Hazardous or Toxic Waste Handling	
Description: Any hazardous or toxic materials and hazardous or toxic waste will be handled and temporarily stored for transport and disposal as required by Federal, State and local regulations. Where hazardous or toxic materials are used, site personnel will be instructed (trained) in procedures for handling and temporary storage of hazardous or toxic materials to prevent a release to soils, surface water or ground water. Hazardous or toxic wastes will be stored separately from construction and domestic wastes, in sealed containers that are constructed of suitable materials to prevent leakage and corrosion, will be labeled in accordance with applicable RCRA and governmental requirements, and will be placed in secondary containment. Spills will be cleaned up immediately using dry clean-up methods.	
Implementation	10/9/2026
Maintenance Requirements	Spills will be cleaned up immediately. If any leakage is detected, the container will be repaired or replaced immediately.
Design Specifications	See Material Storage and Handling specification in Appendix O.

5.5.5 Construction and Domestic Waste

(Note: Examples include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris, and other trash or discarded materials.)

General

- Construction and domestic waste will be picked up daily and placed in solid waste containers located onsite.
- If there are waste remnants or unused portions of construction materials, they will be stored in the Equipment and Material Staging and Storage Area and kept separate from the solid waste container. The location will be marked on the site maps, if applicable.

Specific Pollution Prevention Practices

Construction and Domestic Waste Disposal	
Description: Solid waste containers will be located onsite for the disposal of construction and domestic wastes. Any waste generated will be placed in solid waste containers daily. If containers overflow or litter is elsewhere on site from escaped trash, it will be cleaned up immediately. Solid waste container lids will be closed when not in use, at the end of the business day, and during storm events. If solid waste containers do not have lids, they will be covered or otherwise contained to minimize the discharge of pollutants.	
Implementation	10/9/2026
Maintenance Requirements	If cracks develop in solid waste containers, they will be repaired or replaced. Solid waste containers must be emptied when full.
Design Specifications	See Construction and Domestic Waste Management specification in Appendix O.

5.5.6 Sanitary Waste

General

- A portable toilet will be provided on site.

Specific Pollution Prevention Practices

Sanitary Waste	
Description: Portable toilets will be available for use by Owner and Contractor in the Storage and Staging Area; one portable toilet on wheels will be available for use by Contractor along the project alignment at a location convenient for the Contractor. The sanitary waste will be collected not less than once per week by a local company that is licensed as a sanitary waste management contractor. Contractor shall position portable toilets so they are secure and will not be tipped or knocked over. Portable restrooms shall be located away from receiving waters as well as constructed or natural site drainage features. See Appendix A for site maps and location of BMP.	
Implementation	10/5/2026
Maintenance Requirements	Sanitary waste will be serviced not less than once per week. If tipped or knocked over, the portable toilets will be moved to a better location or re-secured.
Design Specifications	See Sanitary Waste Management specification in Appendix O.

5.6 Washing of Applicators and Containers used for Stucco, Paint, Concrete, Form Release Oils, Cutting Compounds, or Other Materials

Instructions (see CGP Parts 2.3.4 and 7.2.6):

Describe how you will comply with the CGP Part 2.3.4 requirement for washing applications and containers.

General

- Washing of applicators and containers used for stucco, paint, concrete, form release oils, cutting compounds, or other materials will be washed into a leak-proof container or leak-proof and lined pit (Concrete Washout).

Specific Pollution Prevention Practices

Washout Containers	
Description: Washing of applicators and containers used for stucco, paint, concrete, form release oils, cutting compounds, or other materials will be washed into a leak-proof container or leak-proof and lined pit (Concrete Washout). See Concrete Washout description in Appendix O for more details.	
Implementation	10/7/2026
Maintenance Requirements	Any cracks or holes will be repaired immediately or the SWC replaced. Any leaks will be cleaned up immediately using dry clean-up methods.
Design Specifications	See Concrete Washout detail on Erosion Control Plan drawings in Appendix A and Concrete Washout Specification in Appendix O.

5.7 Application of Fertilizers

Instructions (CGP Parts 2.3.5 and 7.2.6.x):

Describe how you will comply with the CGP Part 2.3.5 requirement for the application of fertilizers.

General

- Fertilizers are not anticipated for use on this project. However, if they are used, fertilizers will be applied at a rate and in amounts consistent with manufacturer's specifications.

Specific Pollution Prevention Practices

Fertilizer Application	
Description: Fertilizers are not anticipated for use on this project. However, if they are used, fertilizers will be applied at a rate and in amounts consistent with manufacturer's specifications.	
Implementation	10/9/2026
Maintenance Requirements	Reapply as needed.
Design Specifications	Fertilizer will be applied in accordance with manufacturer's specifications.

5.8 Other Pollution Prevention Practices – N/A

Instructions:

Describe any additional pollution prevention practices that do not fit into the above categories.

General

- N/A

Specific Pollution Prevention Practices

N/A	
Description: N/A	
Implementation	N/A
Maintenance Requirements	N/A
Design Specifications	N/A

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SECTION 6: INSPECTION, MAINTENANCE, AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Instructions (see CGP Parts 4, 5, and 7.2.7):

Describe the procedures you will follow for maintaining your stormwater controls, conducting inspections, and, where necessary, taking corrective actions in accordance with CGP Parts 4, 5, and 7.2.7.

See Section 1.2 for list of personnel performing stormwater inspections.

Inspections will be conducted according to the Site Inspection Schedule selected in the section below. Stormwater controls will be maintained according to the criteria listed in Sections 4 and 5 under the listed stormwater control and to the specifications contained in Appendix O. Corrective actions will be taken to address a significant repair or replacement of a stormwater control or for repeated repairs of the same stormwater control. Corrective actions must be taken immediately and completed in no more than 7 calendar days.

Site Inspection Schedule

Select the inspection frequency(ies) that applies, based on CGP Parts 4.2, 4.3, or 4.4

(Note: you may be subject to different inspection frequencies in different areas of the site. Check all that apply and indicate which portion(s) of the site it applies to.)

Standard Frequency:

- ☐ Every 7 calendar days
- ☒ Every 14 calendar days and within 24 hours of either:
 - A storm event that produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than 0.25 inches but together produce 0.25 inches or more in 24 hours), or
 - A storm event that produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days (you conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event)), or
 - A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

Increased Frequency (if applicable):

For areas of sites discharging to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3

- ☐ Every 7 days and within 24 hours of either:
 - A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
 - A discharge caused by snowmelt from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

See page 48 for continuation of Site Inspection Schedule.

Reduced Frequency (if applicable) For stabilized areas ☒ Twice during first month, no more than 14 calendar days apart; then once per month after first month until permit coverage is terminated consistent with Part 9 in any area of your site where the stabilization steps in 2.2.14.a have been completed. - Specify locations where stabilization steps have been completed - Insert date that they were completed (Note: It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this reduction (see CGP Part 4.4.1), you will need to modify your SWPPP to include this information. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable.)
For stabilized areas on "linear construction sites" (as defined in Appendix A) ☐ Twice during first month, no more than 14 calendar days apart; then once more within 24 hours of a storm event that produces 0.25 inches or more of rain within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period - Specify locations where stabilization steps have been completed - Insert date that they were completed (Note: It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this reduction (see CGP Part 4.4.1), you will need to modify your SWPPP to include this information.)
For arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought ☐ Once per month and within 24 hours of either: - A storm event that produces 0.25 inches or more of rain within a 24-hour period, or - A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. Insert beginning and ending month identified as the seasonally dry period for your area or the valid period of drought: - Beginning month of the seasonally dry period: January - Ending month of the seasonally dry period: May, also November is seasonally dry
For frozen conditions where construction activities are being conducted ☐ Once per month Insert beginning and ending dates of frozen conditions on your site: - Beginning date of frozen conditions: Insert approximate date - Ending date of frozen conditions: Insert approximate date
For frozen conditions where construction activities are suspended ☐ Inspections are temporarily suspended Insert beginning and ending dates of frozen conditions on your site: - Beginning date of frozen conditions: Insert approximate date - Ending date of frozen conditions: Insert approximate date

The remainder of this page was intentionally left blank.

Dewatering Inspection Schedule – N/A

Select the inspection frequency that applies based on CGP Part 4.3.2

Dewatering Inspection
☐ Once per day on which the discharge of dewatering water occurs.

Rain Gauge Location (if applicable)

A rain gauge will be placed at Storage and Staging Area. The gauge will be checked after each storm event and the quantity recorded in Appendix M.

Inspection Report Forms

A blank site inspection form is included in Appendix D. Place all completed inspection forms in Appendix D once completed.

6.2 Corrective Action

Instructions (CGP Parts 5 and 7.2.7):

- Describe the procedures for taking corrective action in compliance with CGP Part 5.

Personnel Responsible for Corrective Actions

The Project Superintendent for the Contractor is responsible for implementing corrective actions. Corrective actions will be taken to address a significant repair or replacement of a stormwater control or for repeated repairs of the same stormwater control. Corrective actions must be taken immediately and completed in no more than 7 calendar days.

Corrective Action Logs

A blank Corrective Action Log is included in Appendix E. A Corrective Action Log must be filled out when corrective actions are required and completed. Place all completed Corrective Action Logs in Appendix E once completed.

The remainder of this page was intentionally left blank.

6.3 Delegation of Authority

Instructions:

- Identify the individual(s) or positions within the company who have been delegated authority to sign inspection reports.
- Attach a copy of the signed delegation of authority (see example in Appendix J of this SWPPP Template.)
- For more on this topic, see Appendix G, Subsection 11 of EPA's CGP.

Duly Authorized Representative(s) or Position(s):

Company:

Contact Name:

Phone:

Position:

Company:

Contact Name:

Phone:

Position:

Company:

Contact Name:

Phone:

Position:

Company:

Contact Name:

Phone:

Position:

Company:

Contact Name:

Phone:

Position:

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SECTION 7: TURBIDITY BENCHMARK MONITORING FOR DEWATERING DISCHARGES

Instructions (see CGP Part 3.3 and 7.2.8):

- If you are required to comply with the Part 3.3 turbidity benchmark monitoring requirements, describe the procedures you will follow to:
 - ✓ Collect and evaluate samples,
 - ✓ Report results to EPA and keep records of monitoring information, and
 - ✓ Take corrective action when necessary.
- Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter.
- Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities.
- If EPA has approved of an alternate turbidity benchmark pursuant to Part 3.3.2.b, include any data and other documentation you relied on to request use of the specific alternative benchmark.

Procedures: **Not Applicable.**

Collecting and evaluating samples	Describe how you will collect and evaluate samples
Reporting results and keeping monitoring information records	Describe how you will report results to EPA and keep monitoring information records
Taking corrective action when necessary	Describe how you will take corrective action when necessary

Turbidity Meter:

Type of turbidity meter	Insert the type of turbidity meter
--------------------------------	------------------------------------

Turbidity meter manuals and manufacturer instructions

Insert a copy of any manuals and manufacturer instructions in Appendix N of this SWPPP Template.

Coordinating Arrangements for Turbidity Monitoring (if applicable):

Permitted operator name	Insert operator name
Permitted operator NPDES ID	Insert operator NPDES ID
Coordinating Arrangement	Describe the coordinating arrangement including which parties are tasked with specific responsibilities

Alternate turbidity benchmark (if applicable):

Alternate turbidity benchmark (NTU)	Insert alternate turbidity benchmark
Data and documentation used to request the alternate benchmark	Insert the data and documentation that was submitted to EPA to request the alternate benchmark

The remainder of this page was intentionally left blank.

SECTION 8: CERTIFICATION AND NOTIFICATION

Instructions (CGP Appendix G, Part G.11.2):

- The following certification statement must be signed and dated by a person who meets the requirements of Appendix G, Part G.11.2.
- This certification must be re-signed in the event of a SWPPP Modification.

I certify under 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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than 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.

Name: _____ Title: _____

Signature: _____ Date: _____

The remainder of this page was intentionally left blank.

SWPPP APPENDICES

Appendix A – Site Maps

Appendix B – 2022 Construction General Permit

Appendix C – NOI and NOT

Appendix D – Site Inspection Form

Appendix E – Corrective Action Log

Appendix F – SWPPP Amendment Log

Appendix G – Subcontractor Certifications / Agreements

Appendix H – Grading and Stabilization Activities Log

Appendix I – Training Document Log

Appendix J – Delegation of Authority Form

Appendix K – Endangered Species Documentation

Appendix L – Historic Preservation Documentation

Appendix M – Rainfall Gauge Recording

Appendix N – Turbidity Meter Manual and Manufacturer's Instructions

Appendix O – Stormwater Controls

Appendix P – 401 and 404 Permits

Appendix Q – Posting Sign

Appendix R – Spill Prevention and Response Plan

Appendix S – Federal, Tribal and State Applicable Documentation (RUSLE2 Calculations)

Appendix T – Additional Documentation

Appendix U – Dust Control Plan



Appendix A

Site Maps



www.soudermiller.com

Souder, Miller & Associates, Inc.
Engineering ♦ Environmental ♦ Geomatics

3500 Sedona Hills Parkway | Las Cruces, NM 88011
575.647.0799 | 575.647.0680 (fax)

SEQUENCE OF CONSTRUCTION:

DESCRIBED BELOW ARE THE MAJOR CONSTRUCTION ACTIVITIES THAT ARE THE SUBJECT TO THIS PLAN. ALSO INCLUDED IN THE SEQUENCE ARE STORM WATER CONTROLS INSTALLATION ACTIVITIES THAT MUST TAKE PLACE PRIOR TO CONSTRUCTION ACTIVITIES. **NOTE: DOWN SLOPE PROTECTIVE MEASURES MUST ALWAYS BE IN PLACE BEFORE SOIL IS DISTURBED.** ACTIVITIES ARE PRESENTED IN THE SEQUENCE THEY ARE EXPECTED TO BE COMPLETED. CONTRACTOR TO IMMEDIATELY DENOTE ON THIS PLAN ANY CHANGES IN STORM WATER CONTROLS LOCATION AS THEY OCCUR THROUGHOUT THE CONSTRUCTION PROCESS. THE SEQUENCE OF CONSTRUCTION IS AS FOLLOWS:

1. INSTALL SWPPP INFORMATION SIGN.
2. INSTALL STABILIZED CONSTRUCTION ENTRANCE/EXIT.
3. PREPARE STORAGE/STAGING AND MASON'S AREAS. UPON IMPLEMENTATION AND INSTALLATION, DENOTE THE FOLLOWING AREAS ON THIS PLAN: TRAILER PARKING, PORTABLE SANITARY FACILITIES, WASHOUT, FUEL AND MATERIAL STORAGE CONTAINERS, AND SOLID WASTE CONTAINERS.
4. STOCKPILE SEDIMENT AND INSTALL SILT FENCE.
5. CLEAR AND GRUB THE SITE.
6. BEGIN GRADING THE SITE.
7. TEMPORARY STABILIZE STOCKPILE AREAS.
8. APPLY PERMANENT STABILIZATION.
9. INSPECT AND CLEAN-UP SITE.
10. REMOVE TEMPORARY STORM WATER CONTROLS (ONLY IF SITE IS "FINAL STABILIZED" AS PER 2017 CGP).
11. FILE OWNER AND OPERATOR NOTICE OF TERMINATION (NOT).

THE ACTUAL SCHEDULE FOR IMPLEMENTING STORM WATER CONTROLS WILL BE DETERMINED BY PROJECT CONSTRUCTION PROGRESS AND RECORDED BY THE CONTRACTOR ON THE SOIL EROSION/SEDIMENTATION CONTROL OPERATION TIME SCHEDULE ON THIS PLAN.

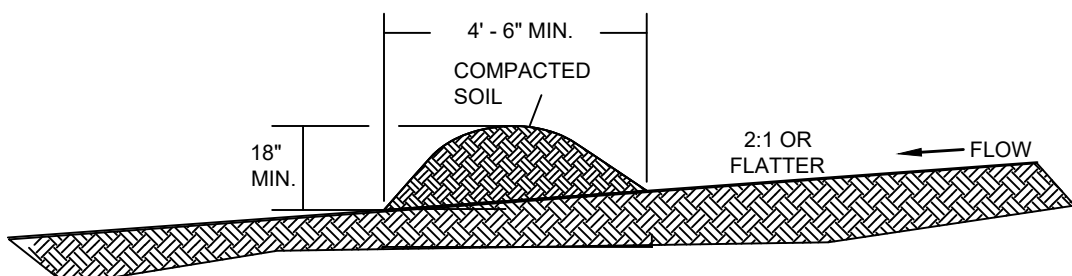
PONDING:

IF PONDS ARE TO BE USED FOR STORMWATER CONTROL DURING CONSTRUCTION, POND SIZE AND VOLUME CALCULATIONS CAN BE FOUND IN THE "FINAL DRAINAGE REPORT" WHICH IS REFERENCED BELOW.

MAINTENANCE:

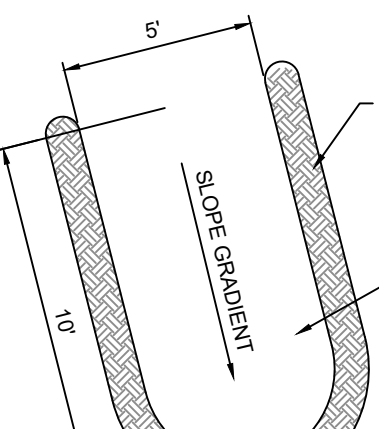
ALL STORM WATER CONTROLS STATED ON THIS SITE MAP SHALL BE MAINTAINED IN FULL FUNCTIONAL CONDITION UNTIL NO LONGER REQUIRED FOR A COMPLETED PHASE OF WORK OR FINAL STABILIZATION OF THE SITE. ALL STORM WATER CONTROLS SHALL BE CHECKED AND REPAIRED BY A QUALIFIED PERSON IN ACCORDANCE WITH THE NPDES/EPA PERMIT REQUIREMENTS.

1. BUILT UP SEDIMENT SHALL BE REMOVED FROM SILT FENCES AND WADDLES WHEN IT REACHES 1/2 THE HEIGHT, OR AS NECESSARY FOR MAINTENANCE. IF FABRIC BECOMES CLOGGED, IT SHOULD BE CLEANED, OR REPLACED, IF NECESSARY.
2. HARDENED CONCRETE SHALL BE REMOVED FROM CONCRETE WASHOUT AREA ON A REGULAR BASIS.
3. THE CONSTRUCTION ENTRANCE/EXIT SHALL BE PERIODICALLY RE-GRADED AND/OR TOP DRESSED WITH ADDITIONAL STONE TO KEEP THE EFFICIENCY OF THE ENTRANCE FROM DIMINISHING. WHEN SEDIMENT HAS SUBSTANTIALLY CLOGGED THE VOID AREA BETWEEN THE ROCKS, THE AGGREGATE MUST BE WASHED DOWN AND/OR REPLACED.
4. CONSTRUCTION ENTRANCE/EXIT AREA SHALL BE INSPECTED FOR OFF-SITE TRACKING AND SWIPT AS NECESSARY.
5. SANITARY WASTES SHALL BE COLLECTED FROM PORTABLE SANITARY FACILITIES NOT LESS THAN ONCE PER WEEK BY A LICENSED SANITARY WASTE MANAGEMENT CONTRACTOR OR AS REQUIRED BY STATE AND LOCAL REGULATIONS.
6. SOLID WASTE COLLECTION SHALL NOT BE LESS THAN BI-WEEKLY OR MORE OFTEN IF NECESSARY.
7. THE STORAGE/STAGING AND MASON'S AREAS SHALL BE CLEARED OF DEBRIS. ANY DEBRIS AND/OR SEDIMENT REACHING THE PUBLIC STREET SHALL BE CLEARED IMMEDIATELY BY A METHOD OTHER THAN FLUSHING.



NOTES:

1. BERMS SHALL HAVE A HEIGHT OF 18", SIDE SLOPES OF 2:1 OR FLATTER AND A MINIMUM BASE WIDTH OF 4'-6".
2. BERMS SHALL BE USED TO INTERCEPT AND DIVERT DRAINAGE TO A DESIGNATED OUTLET.
3. BERMS SHALL NOT BE USED WHERE DRAINAGE AREA EXCEEDS 10 ACRES.
4. BERMS SHALL BE CONSTRUCTED OUT OF ACCEPTABLE MATERIAL THAT CAN BE COMPACTED AND RECEIVE AT A MINIMUM HEAVY EQUIPMENT WHEEL ROLLED COMPACTION.
5. TEMPORARY BERMS SHALL BE CONSTRUCTION OUT OF SALVAGED TOP SOIL.



CONCRETE WASHOUT
NOT TO SCALE

GENERAL EROSION NOTES:

1. ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH STORM WATER POLLUTION PREVENTION SHALL OBTAIN A COPY OF THE NPDES/EPA GENERAL PERMIT AND BECOME FAMILIAR WITH THEIR CONTENTS.
2. GENERAL CONTRACTOR SHALL IMPLEMENT STORM WATER CONTROLS AS REQUIRED BY NPDES. ADDITIONAL STORM WATER CONTROLS SHALL BE IMPLEMENTED AS DICTATED BY CONDITIONS AT NO ADDITIONAL COST TO THE OWNER, THROUGHOUT CONSTRUCTION.
3. STORM WATER CONTROLS SHALL CONFORM TO FEDERAL, STATE AND LOCAL REQUIREMENTS OR MANUAL OF PRACTICE, AS APPLICABLE. GENERAL CONTRACTOR SHALL IMPLEMENT ADDITIONAL CONTROLS AS DIRECTED BY PERMITTING AGENCY OR OWNER.
4. CONTRACTOR SHALL MINIMIZE CLEARING TO THE MAXIMUM EXTENT PRACTICAL OR AS REQUIRED BY THE GENERAL PERMIT.
5. ALL WASH WATER (CONCRETE TRUCKS, VEHICLE CLEANING, EQUIPMENT CLEANING, AND PAINTING-PLASTER TOOLS CLEANING) SHALL BE DETAINED AND PROPERLY TREATED OR DISPOSED.
6. SUFFICIENT OIL AND GREASE ABSORBING MATERIALS AND FLOATING BLOOMS SHALL BE MAINTAINED ON SITE OR READILY AVAILABLE TO CONTAIN AND CLEAN-UP FUEL OR CHEMICAL SPILLS OR LEAKS.
7. THE USE OF MOTOR OILS AND OTHER PETROLEUM BASED OR TOXIC LIQUIDS FOR DUST SUPPRESSION OPERATIONS IS PROHIBITED.
8. RUBBISH, TRASH, GARBAGE, LITTER OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEALED CONTAINERS. MATERIALS SHALL BE PREVENTED FROM LEAVING THE PREMISES THROUGH THE ACTION OF WIND OR STORM WATER DISCHARGE.
9. ALL STORM WATER POLLUTION PREVENTION MEASURES PRESENTED ON THIS SITE MAP SHALL BE INITIATED AS SOON AS PRACTICABLE.
10. DISTURBED PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITY HAS PERMANENTLY STOPPED SHALL BE PERMANENTLY STABILIZED. THESE AREAS SHALL BE STABILIZED NO LATER THAN 14 DAYS AFTER THE LAST CONSTRUCTION ACTIVITY OCCURRENCE IN THESE AREAS. PERMANENT STABILIZATION OF POND AND DISTURBED AREAS SPECIFICS MUST BE ADDED TO THE EROSION CONTROL PLAN. STABILIZATION OF POND AND DISTURBED AREAS TO INCLUDE SEEDING, EROSION CONTROL, BLANKETS OR SIMILAR, AND WATERING.
11. IF THE ACTION OF VEHICLE TRAVELING OVER THE CONSTRUCTION ENTRANCE/EXIT IS NOT SUFFICIENT TO REMOVE THE MAJORITY OF DIRT OR MUD, THEN THE TIRES MUST BE WASHED BEFORE THE VEHICLES ENTER A PUBLIC ROAD. IF WASHING IS USED, PROVISIONS MUST BE MADE TO INTERCEPT THE WASH WATER AND TRAP THE SEDIMENT BEFORE IT IS CARRIED OFF SITE.
12. ALL CONSTRUCTION SHALL BE STABILIZED AT THE END OF EACH WORKING DAY. THIS INCLUDES BACKFILLING OF TRENCHES FOR UTILITY CONSTRUCTION AND OVER EXCAVATION FOR BUILDING FOOTINGS.
13. DUE TO THE CHANGE IN GRADING AND THE REQUIREMENTS OF CONSTRUCTION OPERATIONS THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ADJUSTING THE STORM WATER CONTROLS (STRAW WADDLES, EARTH BERMS, ETC.) TO PREVENT EROSION ON A DAILY BASIS AS PER CONSTRUCTION SCHEDULE.

GOOD HOUSE KEEPING PRACTICES:

1. THE CONTRACTOR SHALL ESTABLISH A CONCRETE WASHOUT PIT BEFORE THE START OF CONSTRUCTION AND MARK ITS LOCATION ON THE SITE MAP.
2. A STABILIZED CONSTRUCTION ENTRANCE/EXIT SHALL BE INSTALLED AT THE SITE ENTRANCE AS DETERMINED BY THE CONTRACTOR.
3. THE CONTRACTOR SHALL ESTABLISH A COMPREHENSIVE DUST CONTROL PLAN TO LIMIT OFF-SITE SEDIMENTATION BY CONTROLLING THE SITES POTENTIAL FOR PRODUCING AIRBORNE FUGITIVE DUST AND TRACK-OUT OF SEDIMENTS.
4. SANITARY FACILITIES ARE REQUIRED FOR ALL WORK SITES OR CONSTRUCTION AREAS.
5. SOLID WASTE MATERIALS SHALL BE STORED AND DISPOSED OF WITHIN DUMPSTER RENTED FROM AND COLLECTED BY A PRIVATE WASTE DISPOSAL CONTRACTOR. NO CONSTRUCTION WASTE MATERIALS SHALL BE DISPOSED OF OR BURIED ON-SITE.
6. THE CONTRACTOR SHALL ESTABLISH AN EQUIPMENT MAINTENANCE PLAN TO REDUCE CONTAMINATION OF ON-SITE SOILS.
7. CONSTRUCTION MATERIALS AND CHEMICALS SHALL BE SHELTERED IN COVERED STORAGE AREAS THAT HAVE A SPILL PROOF PERIMETER AROUND IT. LOCATE CHEMICAL STORAGE AREAS AWAY FROM LOW-LYING AREAS AND DRAINAGE PATHS.
8. THE CONTRACTOR SHALL ESTABLISH A SPILL PREVENTION PLAN THAT INCLUDES MEASURES TO LIMIT THE SCOPE OF A SPILL AND MINIMIZE ENVIRONMENTAL DAMAGE. IN THE EVENT OF A SPILL OF A HAZARDOUS SUBSTANCE, THE RESPONSIBLE PARTY SHALL IMMEDIATELY NOTIFY THE NATIONAL RESPONSE CENTER (800-424-8802 OR 202-426-2675), THE NEW MEXICO ENVIRONMENT DEPARTMENT (EMERGENCY LINE: 505-827-9329, NON-EMERGENCY LINE: 866-428-6535), AND THE LOCAL FIRE DEPARTMENT (575-437-0071).

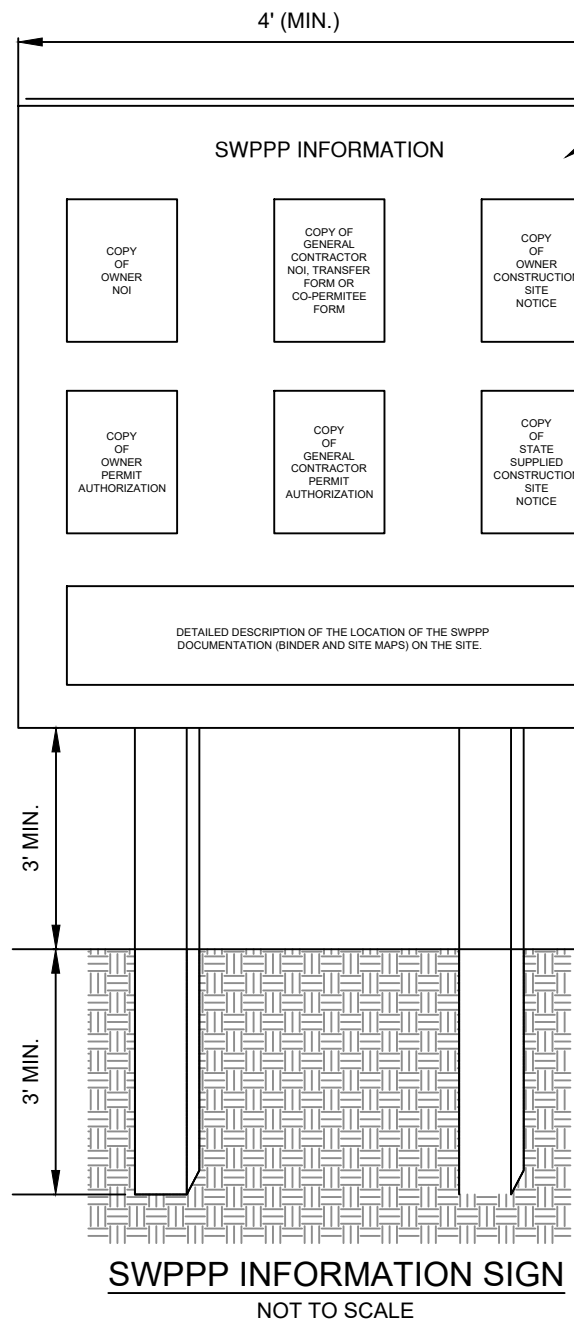
LEGEND

- 3939 --- = EXISTING MAJOR CONTOUR
- 3932 --- = EXISTING MINOR CONTOUR
- 3939 --- = PROPOSED MAJOR CONTOUR
- 3933 --- = PROPOSED MINOR CONTOUR
- --- = PROJECT LIMITS/PROPERTY LINE
- [Pattern] = STABILIZED CONSTRUCTION ENTRANCE
- X - X - X - = PROPOSED SILT FENCE
- - - - - = PROPOSED EARTH BERMS

PROJECT AREA:

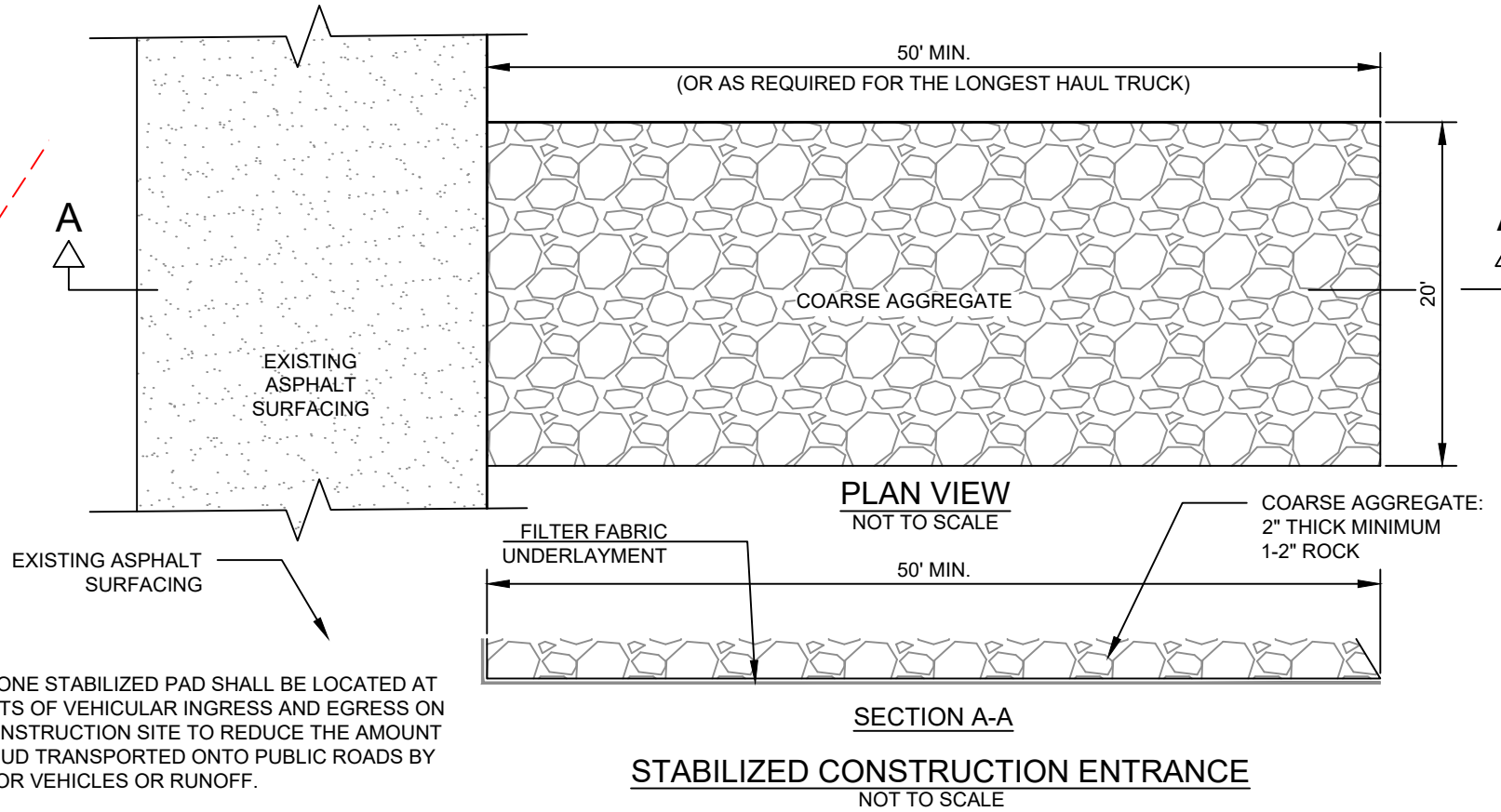
TOTAL DISTURBED AREA = 1.15 AC

ACTIVITY	RESPONSIBLE PARTY	RESPONSIBILITY
PREPARE THE SWPPP	SOUDER MILLER & ASSOCIATES	DEVELOP THE SWPPP AND INCORPORATE APPLICABLE PERMIT REQUIREMENTS
PROVIDE PROJECT DESIGN INFORMATION	DESERT PEAK ARCHITECTURE	PROVIDE DEMOLITION LIMITS, SITE DETAILS, PHASING, AND FINAL STABILIZATION REQUIREMENTS
PREPARE AND SUBMIT THE NOI	NMSU PD&E	ENTER AND PROCESS THE NOI THROUGH EPA'S CGP - Net SYSTEM
CERTIFY THE INITIAL NOI	AUTHORIZED NMSU OFFICIAL	REVIEW AND ELECTRONICALLY CERTIFY THE NOI ON BEHALF OF NMSU
ADMINISTER THE SWPPP	NMSU PD&E PROJECT MANAGER	MAINTAIN THE PLAN, COORDINATE COMPLIANCE ACTIVITIES, AND UPDATE PROJECT RECORDS
INSTALL BMPs	DEMOLITION CONTRACTOR, AS CONTRACTUALLY ASSIGNED	FURNISH AND INSTALL REQUIRED EROSION AND SEDIMENT CONTROLS
INSPECT AND MAINTAIN BMPs	NMSU PD&E AND DEMOLITION CONTRACTOR	CONDUCT INSPECTIONS, IDENTIFY CORRECTIVE ACTIONS, AND COMPLETE REQUIRED MAINTENANCE
CONDUCT CGP INSPECTIONS	NMSU PD&E	PERFORM AND DOCUMENT INSPECTIONS IN ACCORDANCE WITH THE 2022 CGP
MAINTAIN SWPPP RECORDED	NMSU PD&E	RETAIN THE SWPPP, INSPECTIONS REPORTS, CORRECTIVE-ACTIONS RECORD, AND SUPPORTING DOCUMENTS
MAINTAIN RECORDS FOR PUBLIC ACCESS	NMSU PD&E	KEEP CURRENT RECORDS IN AN ACCESSIBLE PROJECT FILE
IDENTIFY ADDITIONAL OPERATORS	NMSU PD&E, SOUDER MILLER, AND CONTRACTOR	EVALUATE OPERATIONAL CONTROL AND UPDATE THE SWPPP AND PERMIT COVERAGE AS THE PROJECT EVOLVES
ESTABLISH FINAL STABILIZATION	SOUDER MILLER, DESERT PEAK, AND NMSU PD&E	DEFINE THE REQUIRED STABILIZATION CONDITION AND INCORPORATE IT INTO THE SWPPP AND PROJECT DOCUMENTS
SUBMIT THE NOTICE OF TERMINATION	NMSU PD&E AND AUTHORIZED NMSU OFFICIAL	PREPARE AND CERTIFY THE NOT AFTER ALL PERMITS TERMINATION REQUIREMENTS HAVE BEEN SATISFIED



NOTES:

- 1) THE SWPPP INFORMATION SIGN MUST BE LOCATED NEAR THE CONSTRUCTION EXIT OF THE SITE, SUCH THAT IT IS ACCESSIBLE AND VIEWABLE BY THE GENERAL PUBLIC, BUT NOT OBSTRUCTING VIEWS AS TO CAUSE A SAFETY HAZARD.
- 2) ALL POSTED DOCUMENTS MUST BE MAINTAINED IN A CLEARLY READABLE CONDITION AT ALL TIMES THROUGHOUT CONSTRUCTION AND UNTIL THE NOTICE-OF-TERMINATION (NOT) IS FILED FOR THE PERMIT.
- 3) CONTRACTOR SHALL POST OTHER STORM WATER AND/OR EROSION AND SEDIMENT CONTROL RELATED PERMITS ON THE SIGN AS REQUIRED BY THE GOVERNING AGENCY.
- 4) SIGN SHALL BE LOCATED OUTSIDE OF PUBLIC RIGHT-OF-WAY AND EASEMENTS UNLESS APPROVED BY THE GOVERNING AGENCY.
- 5) CONTRACTOR IS RESPONSIBLE FOR ENSURING STABILITY OF THE SWPPP INFORMATION SIGN.



SOUDER, MILLER & ASSOCIATES, INC.



3500 Sedona Hills Pkwy.
Las Cruces, NM 88011
Phone (575) 647-0799
www.soudermiller.com



To Request a Line Locate Dial 811
New Mexico state law requires every one involved in any excavation to provide at least two working days' notice to owners of underground facilities when a dig is planned. All facility owners are then required to mark the locations of any underground lines or take other appropriate measures to protect them.

NMSU SWTDI

NEW MEXICO STATE UNIVERSITY,
LAS CRUCES, NM 88003

Rev #	Date	Description	By	Chkd
01	7/3/26	75% CD SUBMITTAL	BCO	MJ
02	9/2/26	95% CD SUBMITTAL	BCO	MJ

REVIEW 95% CD SUBMITTAL

DESERT PEAK ARCHITECTS P.C.
311 N MAIN STREET
LAS CRUCES
NEW MEXICO 88001
P. 575.528.0022

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THIS DRAWING IS INCOMPLETE AND NOT TO BE USED FOR CONSTRUCTION UNLESS IT IS STAMPED, SIGNED AND DATED

Designed	Drawn	Checked
BCO	AB	MJ

Scale: AS SHOWN

Project No: 9335401

SHEET TITLE

EROSION CONTROL PLAN

SHEET NO.
C900

Appendix B

2022 Construction General Permit



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Souder, Miller & Associates, Inc.
Engineering ♦ Environmental ♦ Geomatics

3500 Sedona Hills Parkway | Las Cruces, NM 88011
575.647.0799 | 575.647.0680 (fax)

**National Pollutant Discharge Elimination System (NPDES)
Construction General Permit (CGP) for Stormwater Discharges from
Construction Activities**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et. seq., (hereafter CWA), as amended by the Water Quality Act of 1987, P.L. 100-4, "operators" of construction activities (defined in Appendix A) that meet the requirements of Part 1.1 of this National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP), are authorized to discharge pollutants in accordance with the effluent limitations and conditions set forth herein. Permit coverage is required from the "commencement of construction activities" (see Appendix A) until one of the conditions for terminating CGP coverage has been met (see Part 8.2).

This permit becomes effective on 12:00 am, April 8, 2025.

This permit and the authorization to discharge expire at 11:59pm, February 16, 2027.

The 2022 CGP was modified to expand the list of areas eligible for coverage to include Lands of Exclusive Federal Jurisdiction in the U.S., to clarify the requirements that apply to projects that discharge to receiving waters within these areas, and to make corresponding changes in Appendices A, B, and D. See *2022 CGP Modification - Fact Sheet* for additional information.

Signed and issued this 8th day of April 2025

**JAVIER LAUREANO
PEREZ**

Digitally signed by JAVIER
LAUREANO PEREZ
Date: 2025.04.08 09:24:10
-04'00'

Javier Laureano Perez,
Director, Water Division, EPA Region 2.

Signed and issued this 8th day of April 2025

**JEFFERY
ROBICHAUD**

Digitally signed by JEFFERY
ROBICHAUD
Date: 2025.04.08 14:31:40
-05'00'

Jeffery Robichaud,
Director, Water Division, EPA Region 7.

Signed and issued this 8th day of April 2025

**CARMEN
GUERRERO PEREZ**

Digitally signed by CARMEN
GUERRERO PEREZ
Date: 2025.04.08 12:41:41
-04'00'

Carmen Guerrero Perez,
Director, Caribbean Environmental Protection Division,
EPA Region 2.

Signed and issued this 8th day of April 2025

**STEPHANIE
DEJONG**

Digitally signed by
STEPHANIE DEJONG
Date: 2025.04.08 09:32:38
-06'00'

Stephanie DeJong,
Manager, Clean Water Branch, EPA Region 8.

Signed and issued this 8th day of April 2025

**KATHLENE
BUTLER**

Digitally signed by KATHLENE
BUTLER
Date: 2025.04.08 14:05:04
-04'00'

Kathlene Butler,
Director, Water Division, EPA Region 4.

Signed and issued this 8th day of April 2025



Digitally signed by TOMAS
TORRES
Date: 2025.04.08 09:19:32
-07'00'

Tomas Torres,
Director, Water Division, EPA Region 9.

Signed and issued this 8th day of April 2025

TERA FONG

Digitally signed by TERA
FONG
Date: 2025.04.08 15:01:22
-05'00'

Tera Fong,
Director, Water Division, EPA Region 5.

Signed and issued this 8th day of April 2025

**MATHEW
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Mathew Martinson,
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Signed and issued this 8th day of April 2025

TROY HILL

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Troy Hill,
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For EPA Regions 1 and 3, this modified permit becomes effective at 2:00 pm, June 10, 2025. This permit and the authorization to discharge expire at 11:59pm, February 16, 2027.

The 2022 CGP was modified to expand the list of areas eligible for coverage to include Lands of Exclusive Federal Jurisdiction in the U.S., to clarify the requirements that apply to projects that discharge to receiving waters within these areas, and to make corresponding changes in Appendices A, B, and D. See *2022 CGP Modification - Fact Sheet* for additional information.

Signed and issued this 10th day of June 10, 2025

**MARK
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Mark Sanborn
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Signed and issued this 10th day of June 10, 2025

**MICHELLE
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1 HOW TO OBTAIN COVERAGE UNDER THE CONSTRUCTION GENERAL PERMIT (CGP)

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage in this Part.

1.1 ELIGIBILITY CONDITIONS

1.1.1 You are an “operator” of a construction site for which discharges will be covered under this permit. For the purposes of this permit and in the context of stormwater discharges associated with construction activity, an “operator” is any party associated with a construction project that meets either of the following two criteria:

- a.** The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
- b.** The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage.¹ Subcontractors generally are not considered operators for the purposes of this permit.

1.1.2 Your site's construction activities:

- a.** Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale (as defined in Appendix A) that will ultimately disturb one or more acres of land; or
- b.** Have been designated by EPA as needing permit coverage under 40 CFR § 122.26(a)(1)(v) or 40 CFR § 122.26(b)(15)(ii);

1.1.3 Your site is located in an area where EPA is the permitting authority and where coverage under this permit is available (see Appendix B).

1.1.4 Discharges from your site are not:

- a.** Already covered by a different NPDES permit for the same discharge; or
- b.** In the process of having coverage under a different NPDES permit for the same discharge denied, terminated, or revoked.^{2, 3}

1.1.5 You can demonstrate you meet one of the criteria in the Endangered Species Protection section of the Notice of Intent (NOI) that you submit for coverage under this permit, per Part 1.4, with respect to the protection of Federally listed endangered or threatened species and Federally designated critical habitat under the Endangered Species Act (ESA). If the EPA Regional Office grants you a waiver from electronic reporting per Part

¹ If the operator of a “construction support activity” (see Part 1.2.1c) is different than the operator of the main site, that operator must also obtain permit coverage. See Part 7.1 for clarification on the sharing of permit-related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

² Parts 1.1.4a and 1.1.4b do not include sites currently covered under the 2017 CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

³ Notwithstanding a site being made ineligible for coverage under this permit because it falls under the description of Parts 1.1.4a or 1.1.4b, above, EPA may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

- 1.4.2, you must complete the ESA worksheet in Appendix D to demonstrate you meet one of the criteria and submit it with your paper NOI (Appendix I).
- 1.1.6** You have completed the screening process in Appendix E relating to the protection of historic properties; and
- 1.1.7** You have complied with all requirements in Part 9 imposed by the applicable State, Indian Tribe, or Territory in which your construction activities and/or discharge will occur.⁴
- 1.1.8** For "new sources" (as defined in Appendix A) only:
- a.** EPA has not, prior to authorization under this permit, determined that discharges from your site will not meet applicable water quality standards. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically the requirement to meet water quality standards. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3, will result in discharges that meet applicable water quality standards.
 - b.** Discharges from your site to a Tier 2, Tier 2.5, or Tier 3 water⁵ will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, EPA expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Part 3.2, will result in discharges that will not lower the water quality of such waters.
- 1.1.9** If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to stormwater and/or authorized non-stormwater prior to discharge, you may not submit your NOI until you notify your applicable EPA Regional Office (see Appendix J) in advance and the EPA Regional Office authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will result in discharges that meet applicable water quality standards.

⁴ EPA notes that the requirements of Part 9 do not apply to projects within Lands of Exclusive Federal Jurisdiction.

⁵ Note: Your site will be considered to discharge to a Tier 2, Tier 2.5, or Tier 3 water if the first receiving water to which you discharge is identified by a State, Tribe, or EPA as a Tier 2, Tier 2.5, or Tier 3 water. For discharges that enter a storm sewer system prior to discharge, the first receiving water to which you discharge is the waterbody that receives the stormwater discharge from the storm sewer system. The current list of Tier 2, Tier 2.5, and Tier 3 waters located in the areas eligible for coverage under this permit can be found at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>. You can also use EPA's Discharge Mapping Tool (<https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools>) to assist you in identifying whether any receiving waters to which you discharge are listed as impaired (and the pollutant for which it is impaired) and whether an approved total maximum daily load (TMDL) exists for that waterbody.

1.2 TYPES OF DISCHARGES AUTHORIZED⁶

1.2.1 The following stormwater discharges are authorized under this permit provided that appropriate stormwater controls are designed, installed, and maintained (see Parts 2 and 3):

- a.** Stormwater discharges, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity under 40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i);
- b.** Stormwater discharges designated by EPA as needing a permit under 40 CFR § 122.26(a)(1)(v) or § 122.26(b)(15)(ii);
- c.** Stormwater discharges from on or off-site construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that:
 - i.** The support activity is directly related to the construction site required to have permit coverage for stormwater discharges;
 - ii.** The support activity is not a commercial operation, nor does it serve multiple unrelated construction sites;
 - iii.** The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and
 - iv.** Stormwater controls are implemented in accordance with Part 2 and Part 3 for discharges from the support activity areas; and
- d.** Stormwater discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.

1.2.2 The following non-stormwater discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Parts 2 and 3:

- a.** Discharges from emergency fire-fighting activities;
- b.** Fire hydrant flushings;
- c.** Landscape irrigation;
- d.** Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- e.** Water used to control dust;
- f.** Potable water including uncontaminated water line flushings;

⁶ See "Discharge" as defined in Appendix A. Note: Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA Section 402(k) by disclosure to EPA, State, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

- g.** External building washdown, provided soaps, solvents, and detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A) (e.g., paint or caulk containing polychlorinated biphenyls (PCBs));
 - h.** Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly into any receiving water, storm drain inlet, or constructed or natural site drainage features, unless the feature is connected to a sediment basin, sediment trap, or similarly effective control;
 - i.** Uncontaminated air conditioning or compressor condensate;
 - j.** Uncontaminated, non-turbid discharges of ground water or spring water;
 - k.** Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and
 - l.** Uncontaminated construction dewatering water⁷ discharged in accordance with Part 2.4.
- 1.2.3** Also authorized under this permit are discharges of stormwater listed above in Part 1.2.1, or authorized non-stormwater discharges listed above in Part 1.2.2, commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

1.3 PROHIBITED DISCHARGES⁸

The discharges listed in this Part are prohibited outright or authorized only under the identified conditions. To prevent the discharges in Parts 1.3.1 through 1.3.5, operators must comply with the applicable pollution prevention requirements in Part 2.3 or ensure the discharge is authorized by another NPDES permit consistent with Part 1.2.3 for commingled discharges.

- 1.3.1** Wastewater from washout of concrete, unless managed by an appropriate control as described in Part 2.3.4;
- 1.3.2** Wastewater from washout and/or cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
- 1.3.3** Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- 1.3.4** Soaps, solvents, or detergents used in vehicle and equipment washing or external building washdown; and
- 1.3.5** Toxic or hazardous substances from a spill or other release.

⁷ EPA notes that operators may need to comply with additional procedures to verify that the dewatering discharge is uncontaminated. Operators should review Part 9 to determine if any of these requirements apply to their discharge and should ensure that they have complied with any State, Tribal, or local dewatering requirements that apply.

⁸ EPA includes these prohibited non-stormwater discharges here as a reminder to the operator that the only non-stormwater discharges authorized by this permit are at Part 1.2.2. Any unauthorized non-stormwater discharges must be covered under an individual permit or alternative general permit.

1.4 SUBMITTING YOUR NOTICE OF INTENT (NOI)

All “operators” (as defined in Appendix A) associated with your construction site who meet the Part 1.1 eligibility conditions, and who seek coverage under this permit, must submit to EPA a complete and accurate NOI in accordance with the deadlines in Table 1 prior to commencement of construction activities (as defined in Appendix A).

Exception: If you are conducting construction activities in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities (see Table 1) establishing that you are eligible for coverage under this permit. You must also provide documentation in your Stormwater Pollution Prevention Plan (SWPPP) to substantiate the occurrence of the public emergency pursuant to Part 7.2.3i.

1.4.1 Prerequisite for Submitting Your NOI

You must develop a SWPPP consistent with Part 7 before submitting your NOI for coverage under this permit.

1.4.2 How to Submit Your NOI

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit your NOI for coverage under the 2022 CGP unless you received a waiver from your applicable EPA Regional Office.

To access NeT, go to <https://cdx.epa.gov/cdx>.

Waivers from electronic reporting may be granted based on one of the following conditions:

- a. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission; or
- b. If you have limitations regarding available computer access or computer capability.

If the EPA Regional Office grants you approval to use a paper NOI, and you elect to use it, you must complete the form in Appendix H.

1.4.3 Deadlines for Submitting Your NOI and Your Official Date of Permit Coverage

Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

Table 1 NOI Submittal Deadlines and Official Start Date for Permit Coverage.

Type of Operator	NOI Submittal Deadline⁹	Permit Authorization Date¹⁰
Operator of a new site (i.e., a site where construction activities commence on or after February 17, 2022)	At least 14 calendar days before commencing construction activities.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an existing site (i.e., a site with 2017 CGP coverage where construction activities commenced prior to February 17, 2022)	No later than May 18, 2022.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied. Provided you submit your NOI no later than May 18, 2022, your authorization under the 2017 CGP is automatically continued until you have been granted coverage under this permit or an alternative NPDES permit, or coverage is otherwise terminated.
New operator of a permitted site (i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site")	At least 14 calendar days before the date the transfer to the new operator will take place.	14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.
Operator of an "emergency-related project" (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services)	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately, and fully covered 14 calendar days after EPA notifies you that it has received a complete NOI, unless EPA notifies you that your authorization is delayed or denied.

⁹ If you miss the deadline to submit your NOI, any and all discharges from your construction activities will continue to be unauthorized under the CWA until they are covered by this or a different NPDES permit. EPA may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

¹⁰ Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage.

1.4.4 Modifying your NOI

If after submitting your NOI you need to correct or update any fields, you may do so by submitting a "Change NOI" form using NeT. Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix H.

When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in Part 8.3.

The following modifications to an NOI form will result in a 14-day review process:

- Changes to the name of the operator;
- Changes to the project or site name;
- Changes to the estimated area to be disturbed;
- Changes to the name of the receiving water¹¹, or additions to the applicable receiving waters;
- Changes to eligibility information related to endangered species protection or historic preservation;
- Changes to information provided related to the use of chemical treatment at your site; and
- Changes to answers provided regarding the demolition of structures over 10,000 square feet of floor space built or renovated before January 1, 1980.

During the 14-day review process, you may continue to operate based on the information provided in your original NOI, but you must wait until the review period has ended before you may commence or continue activities on any portion of your site that would be affected by any of the above modifications, unless EPA notifies you that the authorization is delayed or denied.

1.4.5 Your Official End Date of Permit Coverage

Once covered under this permit, your coverage will last until the date that:

- a. You terminate permit coverage consistent with Part 8; or
- b. You receive permit coverage under a different NPDES permit or a reissued or replacement version of this permit after expiring on February 16, 2027; or
- c. You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

1.5 REQUIREMENT TO POST A NOTICE OF YOUR PERMIT COVERAGE

You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so it is visible from the public road that is nearest to the active part of the construction

¹¹ As defined in Appendix A, a "receiving water" is "a "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

site, and it must use a font large enough to be readily viewed from a public right-of-way.¹² At a minimum, the notice must include:

- a. The NPDES ID (i.e., permit tracking number assigned to your NOI and the EPA webpage where a copy of the NOI can be found (<https://permitsearch.epa.gov/epermit-search/ui/search>));
- b. A contact name and phone number for obtaining additional construction site information;
- c. The Uniform Resource Locator (URL) for the SWPPP (if available), or the following statement: "If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at [include the appropriate CGP Regional Office contact information found at <https://www.epa.gov/npdes/contact-us-stormwater#regional>];" and
- d. The following statement "If you observe indicators of stormwater pollutants in the discharge or in the receiving water, contact the EPA through the following website: <https://www.epa.gov/enforcement/report-environmental-violations>."

2 TECHNOLOGY-BASED EFFLUENT LIMITATIONS

You must comply with the following technology-based effluent limitations in this Part for all authorized discharges.¹³

2.1 GENERAL STORMWATER CONTROL DESIGN, INSTALLATION, AND MAINTENANCE REQUIREMENTS

You must design, install, and maintain stormwater controls required in Parts 2.2, 2.3, and 2.4 to minimize the discharge of pollutants in stormwater from construction activities.¹⁴ To meet this requirement, you must:

2.1.1 Account for the following factors in designing your stormwater controls:

- a. The expected amount, frequency, intensity, and duration of precipitation;¹⁵
- b. The nature of stormwater runoff (i.e., flow) and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design stormwater controls to control stormwater volume, velocity, and peak flow rates to minimize discharges of pollutants in stormwater and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points; and
- c. The soil type and range of soil particle sizes expected to be present on the site.

¹² If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.

¹³ For each of the effluent limits in Part 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific control(s) to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for installation/implementation. See Part 7.2.6.

¹⁴ The permit does not recommend or endorse specific products or vendors.

¹⁵ Stormwater controls must be designed using the most recent data available to account for recent precipitation patterns and trends.

If your site is exposed to or has previously experienced major storms, such as hurricanes, storm surge, extreme/heavy precipitation, and flood events, you should also include consideration of and contingencies for whether implementing structural improvements, enhanced/resilient stormwater controls, and other mitigation measures may help minimize impacts from stormwater discharges from such major storm events.

2.1.2 Design and install all stormwater controls in accordance with good engineering practices, including applicable design specifications.¹⁶

2.1.3 Complete installation of stormwater controls by the time each phase of construction activities has begun.

- a. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities.¹⁷
- b. Following the installation of these initial controls, install and make operational all stormwater controls needed to control discharges prior to subsequent earth-disturbing activities.

2.1.4 Ensure all stormwater controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness.

- a. Comply with any specific maintenance requirements for the stormwater controls listed in this permit, as well as any recommended by the manufacturer.¹⁸
- b. If at any time you find that a stormwater control needs routine maintenance (i.e., minor repairs or other upkeep performed to ensure the site's stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control), you must immediately initiate the needed work, and complete such work by the close of the next business day. If it is infeasible to complete the routine maintenance by the close of the next business day, you must document why this is the case and why the repair or other upkeep to be performed should still be considered routine maintenance in your inspection report under Part 4.7.1c and complete such work no later than seven (7) calendar days from the time of discovery of the condition requiring maintenance.
- c. If you must repeatedly (i.e., three (3) or more times) make the same routine maintenance fixes to the same control at the same location, even if the fix can be completed by the close of the next business day, you must either:
 - i. Complete work to fix any subsequent repeat occurrences of this same problem under the corrective action procedures in Part 5, including keeping any records

¹⁶ Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. You must also comply with any additional design and installation requirements specified for the effluent limits in Parts 2.2, 2.3, and 2.4.

¹⁷ Note that the requirement to install stormwater controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of stormwater controls.

¹⁸ Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

of the condition and how it was corrected under Part 5.4; or

- ii. Document in your inspection report under Part 4.7.1c why the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under this Part.¹⁹
- d. If at any time you find that a stormwater control needs a significant repair or that a new or replacement control is needed, you must comply with the corrective action deadlines for completing such work in in Part 5.2.1c.

2.2 EROSION AND SEDIMENT CONTROL REQUIREMENTS

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater from construction activities.

2.2.1 Provide and maintain natural buffers and/or equivalent erosion and sediment controls for discharges to any receiving waters that is located within 50 feet of the site's earth disturbances.

- a. **Compliance Alternatives.** For any discharges to receiving waters located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:
 - i. Provide and maintain a 50-foot undisturbed natural buffer; or
 - ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve, in combination, the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
 - iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

See Appendix F, Part F.2 for additional conditions applicable to each compliance alternative.

- b. **Exceptions.** See Appendix F, Part F.2 for exceptions to the compliance alternatives.

2.2.2 Direct stormwater to vegetated areas and maximize stormwater infiltration and filtering to reduce pollutant discharges, unless infiltration would be inadvisable due to the underlying geology (e.g., karst topography) and ground water contamination concerns, or infeasible due to site conditions.²⁰

¹⁹ Such documentation could include, for example, that minor repairs completed within the required timeframe are all that is necessary to ensure that the stormwater control continues to operate as designed and installed and that the stormwater control remains appropriate for the flow reaching it.

²⁰ Operators should consider whether factors such as specific contaminant concerns from the construction site, the underlying soils or geology, hydrology, depth to the ground water table, or proximity to source water or wellhead protection area(s) make the site unsuitable for infiltrating construction stormwater. Site conditions that may be of particular concern include proximity to: a current or future drinking water aquifer; a drinking water well or spring (including private/household wells); highly conductive geology such as karst; known pollutant hot spots, such as hazardous waste sites, landfills, gas stations, brownfields; an on-site sewage system or underground storage tank; or soils that do not allow for infiltration. Operators may find it helpful to consult EPA's [Drinking Water Mapping Application to Protect Source Waters \(DWMAPS\)](#). DWMAPS is an online mapping tool that can be used to locate drinking water providers, potential sources of contamination, polluted waterways, and information on protection initiatives in the site area.

2.2.3 Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.²¹

- a. The perimeter control must be installed upgradient of any natural buffers established under Part 2.2.1, unless the control is being implemented pursuant to Part 2.2.1 a.ii-iii;
- b. To prevent stormwater from circumventing the edge of the perimeter control, install the perimeter control on the contour of the slope and extend both ends of the control up slope (e.g., at 45 degrees) forming a crescent rather than a straight line;
- c. After installation, to ensure that perimeter controls continue to work effectively:
 - i. Remove sediment before it has accumulated to one-half of the above-ground height of any perimeter control; and
 - ii. After a storm event, if there is evidence of stormwater circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.
- d. **Exception.** For areas at "linear construction sites" (as defined in Appendix A) where perimeter controls are infeasible (e.g., due to a limited or restricted right-of-way), implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

2.2.4 Minimize sediment track-out.

- a. Restrict vehicle use to properly designated exit points;
- b. Use appropriate stabilization techniques²² at all points that exit onto paved roads;
 - i. **Exception:** Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls²³ are implemented to minimize sediment track-out;
- c. Implement additional track-out controls²⁴ as necessary to ensure that sediment removal occurs prior to vehicle exit; and
- d. Where sediment has been tracked-out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track-out occurs or by the end of the next business day if track-out occurs on a non-business day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out

²¹ Examples of perimeter controls include filter berms; different types of silt fence such as wire-backed silt fence, super silt fence, or multi-layer geotextile silt fence; compost filter socks; gravel barriers; and temporary diversion dikes.

²² Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.

²³ Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles on site to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g., *karst areas*; *steep slopes*).

²⁴ Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.

sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.²⁵

2.2.5 Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil:²⁶

- a. Locate the piles outside of any natural buffers established under Part 2.2.1 and away from any constructed or natural site drainage features, storm drain inlets, and areas where stormwater flow is concentrated;
- b. Install a sediment barrier along all downgradient perimeter areas of stockpiled soil or land clearing debris piles;²⁷
- c. For piles that will be unused for 14 or more days, provide cover²⁸ or appropriate temporary stabilization (consistent with Part 2.2.14);
- d. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any constructed or natural site drainage feature, storm drain inlet, or receiving water.

2.2.6 Minimize dust. On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in stormwater from the site.

2.2.7 Minimize steep slope disturbances. Minimize the disturbance of “steep slopes” (as defined in Appendix A).²⁹

2.2.8 Preserve native topsoil, unless infeasible.³⁰

2.2.9 Minimize soil compaction.³¹ In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

²⁵ Fine grains that remain visible (e.g., staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Part 2.2.4.

²⁶ The requirements in Part 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Part 2.3.3a for the requirements that apply to these types of materials.

²⁷ Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

²⁸ Examples of cover include tarps, blown straw and hydroseeding.

²⁹ Where disturbance to steep slopes cannot be avoided, operators should consider implementing controls suitable for steep slope disturbances that are effective at minimizing erosion and sediment discharge (e.g., preservation of existing vegetation, hydraulic mulch, geotextiles and mats, compost blankets, earth dikes or drainage swales, terraces, velocity dissipation devices). To identify slopes and soil types that are of comparatively higher risk for sediment discharge in areas of the country where the CGP is in effect, operators can use the tables in Appendix F (see Tables F-2 thru F-6).

³⁰ Stockpiling topsoil at off-site locations, or transferring topsoil to other locations, is an example of a practice that is consistent with the requirements in Part 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil on site for later use, in which case it may not be feasible to preserve topsoil.

³¹ Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

- a. Restrict vehicle and equipment use in these locations to avoid soil compaction; and
- b. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

2.2.10 Protect storm drain inlets.

- a. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries stormwater from your site to a receiving water, provided you have authority to access the storm drain inlet.³² Inlet protection measures are not required for storm drain inlets that are conveyed to a sediment basin, sediment trap, or similarly effective control; and
- b. Clean, or remove and replace, the inlet protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

2.2.11 Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.³³

2.2.12 If you install a sediment basin or similar impoundment:

- a. Situate the basin or impoundment outside of any receiving water, and any natural buffers established under Part 2.2.1;
- b. Design the basin or impoundment to avoid collecting water from wetlands;
- c. Design the basin or impoundment to provide storage for either:
 - i. The calculated volume of runoff from a 2-year, 24-hour storm;³⁴ or
 - ii. 3,600 cubic feet per acre drained.
- d. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;³⁵
- e. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

³² Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

³³ Examples of stormwater controls that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g., check dams, sediment traps), within and along the length of a constructed site drainage feature and at the outfall to slow down stormwater.

³⁴ Operators may refer to <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates> for guidance on determining the volume of precipitation associated with their site's local 2-year, 24-hour storm event.

³⁵ The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

- f. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

2.2.13 If using treatment chemicals (e.g., *polymers, flocculants, coagulants*):

- a. **Use conventional erosion and sediment controls before and after the application of treatment chemicals.** Chemicals may only be applied where treated stormwater is directed to a sediment control (e.g., *sediment basin, perimeter control*) before discharge.
- b. **Select appropriate treatment chemicals.** Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated (i.e., *the expected turbidity, pH, and flow rate of stormwater flowing into the chemical treatment system or area*).
- c. **Minimize discharge risk from stored chemicals.** Store all treatment chemicals in leak-proof containers that are kept under storm-resistant cover and surrounded by secondary containment structures (e.g., *spill berms, dikes, spill containment pallets*), or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in stormwater or by any other means (e.g., *storing chemicals in a covered area, having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill*).
- d. **Comply with State/local requirements.** Comply with applicable State and local requirements regarding the use of treatment chemicals.
- e. **Use chemicals in accordance with good engineering practices and specifications of the chemical provider/supplier.** Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the provider/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice.
- f. **Ensure proper training.** Ensure all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training prior to beginning application of treatment chemicals. Among other things, the training must cover proper dosing requirements.
- g. **Perform additional measures specified by the EPA Regional Office for the authorized use of cationic chemicals.** If you have been authorized to use cationic chemicals at your site pursuant to Part 1.1.9, you must perform all additional measures as conditioned by your authorization to ensure the use of such chemicals will not result in discharges that do not meet water quality standards.

2.2.14 Stabilize exposed portions of the site. Implement and maintain stabilization measures (e.g., *seeding protected by erosion controls until vegetation is established*,³⁶ *sodding, mulching, erosion control blankets, hydromulch, gravel*) that minimize erosion from any areas of exposed soil on the site in accordance with Part.

³⁶ If you will be evaluating the use of some type of erosion control netting to the site as part of your site stabilization, EPA encourages you to consider employing products that have been shown to minimize

a. Stabilization Deadlines:³⁷**Table 2 Deadlines for Initiating and Completing Site Stabilization.**

Total Amount of Land Disturbance Occurring At Any One Time ³⁸	Deadline
i. Five acres or less (≤5.0) Note: this includes sites disturbing more than five acres (>5.0) total over the course of a project, but that limit disturbance at any one time (i.e., phase the disturbance) to five acres or less (≤5.0)	- Initiate the installation of stabilization measures immediately³⁹ in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;⁴⁰ and - Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days

impacts on wildlife. For instance, the U.S. Fish & Wildlife Service provides recommendations on the type of netting practices that are considered “wildlife friendly,” including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, as well as those products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. Other recommendations include removing the netting product when it is no longer needed. See https://www.fws.gov/midwest/eastlansing/library/pdf/WildlifeFriendlyErosionControlProducts_revised.pdf for further information. There also may be State, Tribal, or local requirements about using wildlife friendly erosion control products.

³⁷ EPA may determine, based on an inspection carried out under Part 4.8 and corrective actions required under Part 5.3, that the level of sediment discharge on the site makes it necessary to require a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing stormwater controls, EPA may require stabilization to correct this problem.

³⁸ Limiting disturbances to five (5) acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five (5) acres. The following examples would qualify as limiting disturbances at any one time to five (5) acres or less:

1. The total area of disturbance for a project is five (5) acres or less.
2. The total area of disturbance for a project will exceed five (5) acres, but the operator ensures that no more than five (5) acres will be disturbed at any one time through implementation of stabilization measures. In this way, site stabilization can be used to “free up” land that can be disturbed without exceeding the five (5)-acre cap to qualify for the 14-day stabilization deadline. For instance, if an operator completes stabilization of two (2) acres of land on a five (5)-acre disturbance, then two (2) additional acres could be disturbed while still qualifying for the longer 14-day stabilization deadline.

³⁹ The following are examples of activities that would constitute the immediate initiation of stabilization:

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one (1) calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in # 1 – 3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

⁴⁰ The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days, or as soon as you know that construction work is permanently ceased. In the context of this provision, “immediately” means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

Total Amount of Land Disturbance Occurring At Any One Time ³⁸	Deadline
	after stabilization has been initiated. ⁴¹
ii. More than five acres (>5.0)	- Initiate the installation of stabilization measures immediately⁴² in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;⁴³ and - Complete the installation of stabilization measures as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.⁴⁴

b. Exceptions:

- i. Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). If it is the seasonally dry period (as defined in Appendix A)⁴⁵ or a period in which drought is occurring, and vegetative stabilization measures are being used:
 - (a) Immediately initiate and, within 14 calendar days of temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;
 - (b) As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and
 - (c) If construction is occurring during the seasonally dry period, indicate in your SWPPP the beginning and ending dates of the seasonally dry period and your site conditions. Also include the schedule you will follow for initiating and completing vegetative stabilization.
- ii. Unforeseen circumstances.** Operators that are affected by unforeseen circumstances⁴⁶ that delay the initiation and/or completion of vegetative stabilization:

⁴¹ If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed, including the application of any non-vegetative protective cover (e.g., mulch, erosion control blanket), if applicable. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

⁴² See footnote 39.

⁴³ See footnote 40.

⁴⁴ See footnote 41.

⁴⁵ The term "seasonally dry period" as defined in Appendix A refers to a month in which the long-term average total precipitation is less than or equal to 0.5 inches. Refer to EPA's Seasonally Dry Period Locator Tool at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates> and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area.

⁴⁶ Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

- (a) Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;
 - (b) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and
 - (c) Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Part 2.2.14a and the schedule you will follow for initiating and completing stabilization.
- iii. **Discharges to a sediment- or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes.** Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated.
- iv. **Discharges to a receiving water located within Lands of Exclusive Federal Jurisdiction.** Complete stabilization as soon as practicable, but no later than seven (7) calendar days after stabilization has been initiated. This deadline applies regardless of whether another exception in this section applies to your site.
- c. **Final Stabilization Criteria** (for any areas not covered by permanent structures):
 - i. Establish uniform, perennial vegetation (*i.e., evenly distributed, without large bare areas*) to provide 70 percent or more of the vegetative cover native to local undisturbed areas; and/or
 - ii. Implement permanent non-vegetative stabilization measures⁴⁷ to provide effective cover of any areas of exposed soil.
 - iii. **Exceptions:**
 - (a) **Arid, semi-arid, and drought-stricken areas** (as defined in Appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the vegetative cover native to local undisturbed areas within three (3) years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied to provide cover for at least three years without active maintenance.
 - (b) **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** The Part 2.2.14c final stabilization criteria do not apply.
 - (c) **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (*e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials*).

⁴⁷ Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

2.3 POLLUTION PREVENTION REQUIREMENTS⁴⁸

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in stormwater and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

2.3.1 For equipment and vehicle fueling and maintenance:

- a. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;⁴⁹
- b. If applicable, comply with the Spill Prevention Control and Countermeasures (SPCC) requirements in 40 CFR part 112 and Section 311 of the CWA;
- c. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;
- d. Use drip pans and absorbents under or around leaky vehicles;
- e. Dispose of or recycle oil and oily wastes in accordance with other Federal, State, Tribal, or local requirements; and
- f. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2.3.2 For equipment and vehicle washing:

- a. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;⁵⁰
- b. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and
- c. For storage of soaps, detergents, or solvents, provide either (1) cover (e.g., *plastic sheeting, temporary roofs*) to minimize the exposure of these detergents to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.

⁴⁸ Under this permit, you are not required to minimize exposure for any products or materials where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

⁴⁹ Examples of effective means include:

- Locating activities away from receiving waters, storm drain inlets, and constructed or natural site drainage feature so that stormwater coming into contact with these activities cannot reach waters of the U.S.;
- Providing secondary containment (e.g., *spill berms, dikes, spill containment pallets*) and cover where appropriate; and
- Having a spill kit available on site and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

⁵⁰ Examples of effective means include locating activities away from receiving waters and storm drain inlets or constructed or natural site drainage features and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

2.3.3 For storage, handling, and disposal of building products, materials, and wastes:⁵¹

- a.** *For building materials and building products,⁵² provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these products to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas.*

Exception: Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

- b.** *For pesticides, herbicides, insecticides, fertilizers, and landscape materials:*
- i.** *In storage areas, provide either (1) cover (e.g., plastic sheeting, temporary roofs) to minimize the exposure of these chemicals to precipitation and to stormwater, or (2) a similarly effective means designed to minimize the discharge of pollutants from these areas; and*
 - ii.** *Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label (see also Part 2.3.5).*
- c.** *For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:*
The following requirements apply to the storage and handling of chemicals on your site. If you are already implementing controls as part of an SPCC or other spill prevention plan that meet or exceed the requirements of this Part, you may continue to do so and be considered in compliance with these provisions provided you reference the applicable parts of the SPCC or other plans in your SWPPP as required in Part 7.2.6b.viii.
- i.** *If any chemical container has a storage capacity of less than 55 gallons:*
 - (a)** *The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;*
 - (b)** *If stored outside, use a spill containment pallet or similar device to capture small leaks or spills; and*
 - (c)** *Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill.*
 - ii.** *If any chemical container has a storage capacity of 55 gallons or more:*
 - (a)** *The containers must be water-tight, and must be kept closed, sealed, and secured when not being actively used;*
 - (b)** *Store containers a minimum of 50 feet from receiving waters, constructed or natural site drainage features, and storm drain inlets. If infeasible due to site constraints, store containers as far away from these features as the site*

⁵¹ Compliance with the requirements of this permit does not relieve compliance requirements with respect to Federal, State, or local laws and regulations governing the storage, handling, and disposal of solid, hazardous, or toxic wastes and materials.

⁵² Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.

permits. If site constraints prevent you from storing containers 50 feet away from receiving waters or the other features identified, you must document in your SWPPP the specific reasons why the 50-foot setback is infeasible, and how you will store containers as far away as the site permits;

- (c) Provide either (1) cover (e.g., temporary roofs) to minimize the exposure of these containers to precipitation and to stormwater, or (2) secondary containment (e.g., curbing, spill berms, dikes, spill containment pallets, double-wall, above-ground storage tank); and
 - (d) Have a spill kit available on site that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond immediately in the event of a leak or spill. Additional secondary containment measures are listed at 40 CFR § 112.7(c)(1).
- iii. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.
- d. *For hazardous or toxic wastes:*⁵³
- i. Separate hazardous or toxic waste from construction and domestic waste;
 - ii. Store waste in sealed containers, constructed of suitable materials to prevent leakage and corrosion, and labeled in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable Federal, State, Tribal, or local requirements;
 - iii. Store all outside containers within appropriately-sized secondary containment (e.g., *spill berms, dikes, spill containment pallets*) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., *storing chemicals in a covered area, having a spill kit available on site*);
 - iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with Federal, State, Tribal, and local requirements;
 - v. Clean up spills immediately, using dry clean-up methods, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge; and
 - vi. Follow all other Federal, State, Tribal, and local requirements regarding hazardous or toxic waste.
- e. *For construction and domestic wastes:*⁵⁴

⁵³ Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

⁵⁴ Examples of construction and domestic wastes include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, demolition debris; and other trash or discarded materials.

- i. Provide waste containers (e.g., *dumpster, trash receptacle*) of sufficient size and number to contain construction and domestic wastes;
 - (a) For waste containers with lids, keep waste container lids closed when not in use, and close lids at the end of the business day and during storm events. For waste containers without lids, provide either (1) cover (e.g., *a tarp, plastic sheeting, temporary roof*) to minimize exposure of wastes to precipitation, or (2) a similarly effective means designed to minimize the discharge of pollutants (e.g., *secondary containment*);
 - (b) On business days, clean up and dispose of waste in designated waste containers; and
 - (c) Clean up immediately if containers overflow, and if there is litter elsewhere on the site from escaped trash.
- ii. Waste containers are not required for the waste remnant or unused portions of construction materials or final products that are covered by the exception in Part 2.2.3a provided that:
 - (a) These wastes are stored separately from other construction or domestic wastes addressed by Part 2.3.3e.i (i.e., wastes not covered by the exception in Part 2.3.3a). If the wastes are mixed, they must be stored in waste containers as required in Part 2.3.3e.i; and
 - (b) These wastes are stored in designated areas of the site, the wastes are described in the SWPPP (see Part 7.2.6b.ix), and identified in the site plan (see Part 7.2.4i).
- f. For sanitary waste, position portable toilets so they are secure and will not be tipped or knocked over, and are located away from receiving waters, storm drain inlets, and constructed or natural site drainage features.

2.3.4 For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

- a. Direct wash water into a leak-proof container or leak-proof and lined pit designed so no overflows can occur due to inadequate sizing or precipitation;
- b. Handle washout or cleanout wastes as follows:
 - i. For liquid wastes:
 - (a) Do not dump liquid wastes or allow them to enter into constructed or natural site drainage features, storm inlets, or receiving waters;
 - (b) Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground;
 - (c) Comply with applicable State, Tribal, or local requirements for disposal
 - ii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Part 2.3.3e; and
- c. Locate any washout or cleanout activities as far away as possible from receiving waters, constructed or natural site drainage features, and storm drain inlets, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

2.3.5 For the application of fertilizers:

- a. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer specifications where appropriate in accordance with Part 7.2.6b.x;
- b. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;
- c. Avoid applying before heavy rains that could cause excess nutrients to be discharged;
- d. Never apply to frozen ground;
- e. Never apply to constructed or natural site drainage features; and
- f. Follow all other Federal, State, Tribal, and local requirements regarding fertilizer application.

2.3.6 Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Part 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, call (202) 267-2675 in accordance with the requirements of 40 CFR part 110, 40 CFR part 117, and 40 CFR part 302 as soon as you have knowledge of the release. You must also, within seven (7) calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release. State, Tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.4 CONSTRUCTION DEWATERING REQUIREMENTS

Comply with the following requirements to minimize the discharge of pollutants from dewatering⁵⁵ operations.

- 2.4.1** Route dewatering water through a sediment control (e.g., sediment trap or basin, pumped water filter bag) designed to prevent discharges with visual turbidity;⁵⁶
- 2.4.2** Do not discharge visible floating solids or foam;
- 2.4.3** The discharge must not cause the formation of a visible sheen on the water surface, or visible oily deposits on the bottom or shoreline of the receiving water. Use an oil-water separator or suitable filtration device (such as a cartridge filter) designed to remove oil, grease, or other products if dewatering water is found to or expected to contain these materials;

⁵⁵ "Dewatering" is defined in Appendix A as "the act of draining accumulated stormwater and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation."

⁵⁶ For the purposes of this permit, visual turbidity is present where there is a sediment plume in the discharge or the discharge appears cloudy, or opaque, or has a visible contrast that can be identified by an observer.

- 2.4.4** To the extent feasible, use well-vegetated (e.g., grassy or wooded), upland areas of the site to infiltrate dewatering water before discharge.⁵⁷ You are prohibited from using receiving waters as part of the treatment area;
- 2.4.5** To prevent dewatering-related erosion and related sediment discharges:
- a.** Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) to discharge from dewatering controls;
 - b.** Do not place dewatering controls, such as pumped water filter bags, on steep slopes (as defined in Appendix A); and
 - c.** At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Part 2.2.11.
- 2.4.6** For backwash water, either haul it away for disposal or return it to the beginning of the treatment process;
- 2.4.7** Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications; and
- 2.4.8** Comply with dewatering-specific inspection requirements in Part 4.

3 WATER QUALITY-BASED EFFLUENT LIMITATIONS

3.1 GENERAL EFFLUENT LIMITATION TO MEET APPLICABLE WATER QUALITY STANDARDS

Discharges must be controlled as necessary to meet applicable water quality standards. Discharges must also comply with any additional State or Tribal requirements that are in Part 9.

In the absence of information demonstrating otherwise, EPA expects that compliance with the conditions in this permit will result in stormwater discharges being controlled as necessary to meet applicable water quality standards. If at any time you become aware, or EPA determines, that discharges are not being controlled as necessary to meet applicable water quality standards, you must take corrective action as required in Parts 5.1 and 5.2, and document the corrective actions as required in Part 5.4.

EPA may insist that you install additional controls (to meet the narrative water quality-based effluent limit above) on a site-specific basis, or require you to obtain coverage under an individual permit, if information in your NOI or from other sources indicates that your discharges are not controlled as necessary to meet applicable water quality standards. This includes situations where additional controls are necessary to comply with a wasteload allocation in an EPA-established or approved TMDL.

If during your coverage under a previous permit, you were required to install and maintain stormwater controls specifically to meet the assumptions and requirements of an EPA-approved or established TMDL (for any parameter) or to otherwise control your discharge to meet water quality standards, you must continue to implement such controls as part of your coverage under this permit.

3.2 WATER QUALITY-BASED CONDITIONS FOR SITES DISCHARGING TO CERTAIN IMPAIRED AND HIGH QUALITY RECEIVING WATERS

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for

⁵⁷ See footnote 20.

antidegradation purposes,⁵⁸ you must comply with the inspection frequency specified in Part 4.3 and you must comply with the stabilization deadline specified in Part 2.2.14b.iii.⁵⁹

If you discharge to a water that is impaired for a parameter other than a sediment-related parameter or nutrients, EPA will inform you if any additional controls are necessary for your discharge to be controlled as necessary to meet water quality standards. These controls might include those necessary for your discharge to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL. In addition, EPA may require you to apply for and obtain coverage under an individual NPDES permit.

In addition, on a case-by-case basis, EPA may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, stormwater controls, and/or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

- a. Implement controls⁶⁰ to minimize the exposure of PCB-containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to stormwater; and
- b. Ensure that disposal of such materials is performed in compliance with applicable State, Federal, and local laws.

3.3 TURBIDITY BENCHMARK MONITORING FOR SITES DISCHARGING DEWATERING WATER TO PROTECT THE WATER QUALITY OF SENSITIVE WATERS

For sites discharging dewatering water to “sensitive waters” (i.e., receiving waters listed as impaired for sediment or a sediment-related parameter (as defined in Appendix A), receiving waters designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes, or receiving waters located within Lands of Exclusive Federal Jurisdiction) you are required to comply with the benchmark monitoring requirements in this Part and document the procedures you will use at your site in your SWPPP pursuant to Part 7.2.8. A summary of these requirements is included in Table 1.

EPA notes that the benchmark threshold is not an effluent limitation, rather it is an indicator that the dewatering controls may not be working to protect water quality, which the operator must investigate and correct as appropriate. A benchmark exceedance is not a permit violation. However, if a benchmark exceedance triggers

⁵⁸ Refer to Appendix A for definitions of “impaired water” and “Tier 2,” “Tier 2.5,” and “Tier 3” waters. For assistance in determining whether your site discharges to impaired waters, EPA has developed a tool that is available at <https://www.epa.gov/npdes/epas-stormwater-discharge-mapping-tools>. For assistance in determining whether your site discharges to a Tier 2, 2.5, or 3 water, refer to the list of such waters at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>.

⁵⁹ If you qualify for any of the reduced inspection frequencies in Part 4.4, you may conduct inspections in accordance with Part 4.4 for any portion of your site that discharges to a sensitive water.

⁶⁰ Examples of controls to minimize exposure of PCBs to precipitation and stormwater include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, constructing a containment area so that all dust or debris generated by the work remains within the protected area, and using tools that minimize dust and heat (<212°F). For additional information, refer to Part 2.3.3 of the CGP Fact Sheet.

corrective action in Part 5.1.5a, failure to conduct any required action is a permit violation.

Where there are multiple operators associated with the same site, the operators may coordinate with one another to carry out the monitoring requirements of this Part in order to avoid duplicating efforts. Such coordinating arrangements must be described in the SWPPP consistent with Part 7.2.8. Regardless of how the operators divide the responsibilities for monitoring and reporting, each operator remains responsible for compliance with these requirements.⁶¹

3.3.1 Turbidity monitoring requirements⁶²

- a. Sampling frequency.** You must collect at least one turbidity sample from your dewatering discharge each day a discharge occurs.
- b. Sampling location.** Samples must be taken at all points where dewatering water is discharged. Samples must be taken after the dewatering water has been treated by installed treatment devices pursuant to Parts 2.4.1 and 2.4.3 and prior to its discharge off site into a receiving water, constructed or natural site drainage feature, or storm drain inlet.
- c. Representative samples.** Samples taken must be representative of the dewatering discharge for any given day as required in Appendix G (standard permit conditions), Part G.10.2.
- d. Test methods.** Samples must be measured using a turbidity meter that reports results in nephelometric turbidity units (NTUs) and conforms with a Part 136-approved method (e.g., methods 180.1 and 2130). You are required to use the meter, and conduct a calibration verification prior to each day's use, consistent with the manufacturer's instructions.

3.3.2 Turbidity benchmark

- a.** The benchmark threshold for turbidity for this permit is 50 NTUs (referred to elsewhere in this permit as the "standard 50 NTU benchmark") unless EPA has authorized the use of an alternate benchmark in accordance with Part 3.3.2b.
- b. Request for alternate benchmark threshold.**
 - i.** At any time prior to or during your coverage under this permit, you may request that EPA approve a benchmark for your site that is higher than 50 NTUs if you

⁶¹ For instance, if Operator A relies on Operator B to meet the Part 3.3.1 turbidity monitoring requirements, the Part 3.3.4 reporting and recordkeeping requirements, and the Part 5.2.2 corrective action provisions when applicable, Operator A does not have to duplicate these same functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for complying with these permit requirements if Operator B fails to take actions that were necessary for Operator A to comply with the permit. See also footnote 84. EPA notes that both Operator A and B are required to submit turbidity monitoring reports as required under Part 3.3.4, however, Operator A's report does not need to include the data collected by Operator B as long as Operator B submits the required data and Operator A's report indicates that it is relying on Operator B to report the data. See Part 3.3.4a.

⁶² Operators may find it useful to consult EPA's *Monitoring and Inspection Guide for Construction Dewatering*, available at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>, which provides guidelines on how to correctly monitor for turbidity, determine if the weekly average exceeds the benchmark, and, if so, how to proceed with corrective action.

have information demonstrating the higher number is the same as your receiving water's water quality standard for turbidity. Unless EPA approves an alternate benchmark, you will be required to use the standard 50 NTU benchmark. To request approval of an alternate benchmark, you must submit the following information to your applicable EPA Regional Office (see Appendix K):

(a) The current turbidity water quality standard that applies to your receiving water and the source/citation.⁶³

(b) If the applicable turbidity water quality standard requires information on natural or background turbidity levels (e.g., "no more than 10 NTU above natural turbidity levels") to determine the specific standard for the receiving water, include available data that can be used to establish the natural turbidity levels of your receiving water (including literature studies or Federal, State, Tribal, or local government data). Data must be representative of the natural turbidity levels of your specific receiving water. Identify the source(s) of all data provided, including if the data are from samples you collected of the receiving water.

- ii. EPA will inform you of its decision on whether to approve the requested alternate benchmark within 30 days. EPA may approve your request, request additional time (e.g., if additional information is needed to substantiate the data you provided), or deny your request. Unless and until EPA approves your request to use an alternate benchmark, you are required to use the standard benchmark of 50 NTUs and take any required corrective actions if an exceedance occurs.

3.3.3 Comparison of turbidity samples to benchmark. Compare the weekly average⁶⁴ of your turbidity monitoring results to the standard 50 NTU benchmark, or alternate benchmark if approved by EPA.

- a. If the weekly average of your turbidity monitoring results exceeds the standard benchmark (or your approved alternate benchmark), you are required to conduct follow-up corrective action in accordance with Part 5.2.2 and document any corrective action taken in your corrective action log in accordance with Part 5.4.
- b. For averaging purposes, a "monitoring week" starts with a Monday and ends on Sunday. Once a new monitoring week starts, you will need to calculate a new average for that week of turbidity monitoring results.⁶⁵ A weekly average may consist

⁶³ For instance, if your site is located in Washington, DC, and you are discharging to a Class B water, for which the water quality standard is that turbidity may not increase above ambient levels by more than 20 percent, you would reference "Water Quality Standards for the District of Columbia, Chapter 11, Section 1104.8."

⁶⁴ A "weekly average" is defined as the sum of all of the turbidity samples taken during a "monitoring week" divided by the number of samples measured during that week. Average values should be calculated to the nearest whole number.

⁶⁵ For example, if turbidity samples from your dewatering discharge in week 1 result in values of 30 NTU on Tuesday, 40 NTU on Wednesday, and 45 NTU on Thursday, your weekly average turbidity value would be 38.33 NTU $((30+40+45) \div 3 = 38 \text{ NTU})$. If in week 2, your turbidity samples resulted in values of 45 NTU on Monday, 30 NTU on Tuesday, 25 NTU on Wednesday, and 15 NTU on Thursday, you would calculate a new average for that week, which would yield an average turbidity value of 28.75 NTU $((45+30+25+15) \div 4 = 29 \text{ NTU})$. By comparison, if your samples on consecutive days from Friday to Monday were 60 NTU, 45 NTU, 40

of one or more turbidity monitoring results.

- c. Although you are not required to collect and analyze more than one turbidity sample per day from your dewatering discharge, if you do collect and analyze more than one sample on any given day, you must include any additional results in the calculation of your weekly average (i.e., add all individual results for that monitoring week and divide by the total number of samples).⁶⁶
- d. If you are conducting turbidity monitoring for more than one dewatering discharge point, you must calculate a weekly average turbidity value for each discharge point and compare each to the turbidity benchmark.

3.3.4 Reporting and recordkeeping.

- a. You must submit reports of your weekly average turbidity data to EPA no later than 30 days following the end of each monitoring quarter. If there are monitoring weeks in which there was no dewatering discharge, or if there is a monitoring quarter with no dewatering discharge, indicate this in your turbidity monitoring report. If another operator associated with your same site is conducting turbidity monitoring on your behalf pursuant to Part 3.3, indicate this in your turbidity monitoring report.
- b. For the purposes of this permit, the following monitoring quarters and reporting deadlines apply:

Table 3. Monitoring Quarters and Deadlines for Reporting Turbidity Benchmark Monitoring Data.

Monitoring Quarter #	Months	Reporting Deadline (no later than 30 days after end of the monitoring quarter)
1	January 1 – March 31	April 30
2	April 1 – June 30	July 30
3	July 1 – September 30	October 30
4	October 1 – December 31	January 30

- c. You must use EPA's NPDES eReporting Tool (NeT) to electronically submit your quarterly turbidity data, unless, consistent with Part 1.4.2, you received a waiver from your applicable EPA Regional Office. If the EPA Regional Office grants you approval to use a paper turbidity monitoring report form, and you elect to use it, you must complete the form in Appendix K. If EPA approves of your request to use an alternate turbidity benchmark pursuant to Part 3.3.2b, EPA will substitute the alternate benchmark in your NeT account.
- d. For each day in which you are required to monitor, you must record the monitoring information required by Appendix G, Parts G.10.2 and G.10.3 and retain all such information for a period of at least three years from the date this permit expires or

NTU, and 43 NTU, respectively, and there are no other dewatering discharges for the remainder of the week, you would calculate one weekly average for the Friday to Sunday to be 48 NTU $((60+45+40) \div 3 = 48$ NTU), and a separate weekly average for the one Monday to be 43 NTU $(43 \div 1 = 43$ NTU).

⁶⁶ For example, if during a monitoring week you take two turbidity samples on Tuesday with a value of 30 NTU and 35 NTU, three samples on Wednesday with a value of 40 NTU, 45 NTU, and 48 NTU, and one sample on Thursday with a value of 45 NTU, your weekly average turbidity value for this week would be 41 NTU $((30+35+40+45+48+45) \div 6 = 41$ NTU).

from the date your authorization is terminated.

Table 4. Summary of Turbidity Benchmark Monitoring Requirements.

Applicability	Sampling Requirement	Turbidity Benchmark	Corrective Action	Reporting
Sites discharging dewatering water to a sediment-impaired water, to a water designated as a Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes, or to receiving waters located within Lands of Exclusive Federal Jurisdiction.	Collect at least one turbidity sample per day, from each discharge point, on any day there is a dewatering discharge. Use turbidity sampling procedures specified in Part 3.3.1.	Compare the weekly average of your turbidity monitoring results to the 50 NTU benchmark (or alternate benchmark if approved by EPA).	If the weekly average of turbidity monitoring results exceeds the 50 NTU turbidity benchmark (or alternate benchmark if approved by EPA), you are required to take follow-up corrective action in accordance with Part 5.2.2.	Report all weekly average turbidity monitoring results on a quarterly basis via NeT-CGP (unless use of the paper monitoring form in Appendix K is approved by EPA) no later than 30 days following the end of each monitoring quarter.

4 INSPECTION REQUIREMENTS

4.1 PERSON(S) RESPONSIBLE FOR CONDUCTING SITE AND DEWATERING INSPECTIONS

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that any person conducting inspections pursuant to this Part is a "qualified person." A qualified person is someone who has completed the training required by Part 6.3.

4.2 FREQUENCY OF INSPECTIONS.⁶⁷

At a minimum, you must conduct a site inspection in accordance with one of the two schedules listed below, unless you are subject to the Part 4.3 site inspection frequency for discharges to sediment or nutrient-impaired or high quality waters, or qualify for a Part 4.4 reduction in the inspection frequency:

4.2.1 At least once every seven (7) calendar days; or

4.2.2 Once every 14 calendar days *and* within 24 hours⁶⁸ of the occurrence of:

a. A storm event that produces 0.25 inches or more of rain within a 24-hour period.

i. If a storm event produces 0.25 inches or more of rain within a 24-hour period (including when there are multiple, smaller storms that alone produce less than

⁶⁷ Inspections are only required during the site's normal working hours.

⁶⁸ For the purposes of the inspection requirements in this Part, conducting an inspection "within 24 hours" means that once either of the two conditions in Parts 4.2.2a or 4.2.2b are met you have 24 hours from that time to conduct an inspection. For clarification, the 24 hours is counted as a continuous passage of time, and not counted by business hours (e.g., 3 business days of 8 hours each). When the 24-hour inspection time frame occurs entirely outside of normal working hours, you must conduct an inspection by no later than the end of the next business day.

0.25 inches but together produce 0.25 inches or more in 24 hours), you are required to conduct one inspection within 24 hours of when 0.25 inches of rain or more has fallen.

- ii. If a storm event produces 0.25 inches or more of rain within a 24-hour period on the first day of a storm and continues to produce 0.25 inches or more of rain on subsequent days, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the last day of the storm that produces 0.25 inches or more of rain (i.e., only two inspections would be required for such a storm event).⁶⁹
 - b. A discharge caused by snowmelt from a storm event that produces 3.25 inches⁷⁰ or more of snow within a 24-hour period. You are required to conduct one inspection once the discharge of snowmelt from a 3.25-inch or more snow accumulation occurs. Additional snowmelt inspections are only required if following the discharge from the first snowmelt, there is a discharge from a separate storm event that produces 3.25 inches or more of snow.
- 4.2.3** To determine whether a storm event meets either of the thresholds in Parts 4.2.2a or 4.2.2b:
- a. For rain, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any 24-hour period during which there is 0.25 inches or more of rainfall, you must record the total rainfall measured for that day in accordance with Part 4.7.1d.
 - b. For snow, you must either take measurements of snowfall at your site,⁷¹ or rely on similar information from a local weather forecasting provider that is representative of your location.

4.3 INCREASE IN INSPECTION FREQUENCY FOR CERTAIN SITES.

The increased inspection frequencies established in this Part take the place of the Part 4.2 inspection frequencies for the portion of the site affected.

- 4.3.1 For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by your State, Tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 for antidegradation purposes (see Part 3.2), or that discharges to receiving waters located within Lands of Exclusive Federal Jurisdiction, you must conduct an inspection once every seven (7) calendar days and within 24 hours of the occurrence of a storm event**

⁶⁹ For example, if 0.30 inches of rain falls on Day 1, 0.25 inches of rain falls on Day 2, and 0.10 inches of rain fall on Day 3, you would be required to conduct a first inspection within 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.

⁷⁰ This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See <https://www.nssl.noaa.gov/education/svrwx101/winter/faq/>.

⁷¹ For snowfall measurements, EPA suggests use of NOAA's National Weather Service guidelines at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

that produces 0.25 inches or more of rain within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period.

Refer to Parts 4.2.3a and 4.2.3b for the requirements to determine if a storm event produces enough rain or snow to trigger the inspection requirement.

4.3.2 For sites discharging dewatering water, you must conduct an inspection in accordance with Part 4.6.3 during the discharge once per day on which the discharge occurs. The Part 4.2 inspection frequency still applies to all other portions of the site, unless the site is affected by either the increased frequency in Part 4.3.1 or the reduced frequency in Part 4.4.

4.4 REDUCTIONS IN INSPECTION FREQUENCY

4.4.1 Stabilized areas.

- a.** You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month until permit coverage is terminated consistent with Part 8 in any area of your site where the stabilization steps in Part 2.2.14a have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Parts 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.
- b. Exception.** For "linear construction sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in Part 2.2.14a have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency required in Part 4.4.1a. Inspections must continue until final stabilization is visually confirmed following a storm event that produces 0.25 inches of rain or more within a 24-hour period.

4.4.2 Arid, semi-arid, or drought-stricken areas (as defined in Appendix A). If it is the seasonally dry period⁷² or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event that produces 0.25 inches of rain or more within a 24-hour period, or within 24 hours of a snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period. You must document that you are using this reduced schedule and the beginning and ending dates of the seasonally dry period in your SWPPP. Follow the procedures in Part 4.2.3a and 4.2.3b, accordingly, to determine if a storm event occurs that produces 0.25 inches or more of rain or 3.25 inches or more of snow within a 24-hour period. For any 24-hour period during which there is 0.25 inches or more of rainfall, or 3.25

⁷² See footnote 45.

inches or more of snow, you must record the total rainfall or snow measured for that day in accordance with Part 4.7.1d.

4.4.3 Frozen conditions:

- a.** If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:
 - i.** Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages.⁷³ If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable;
 - ii.** Land disturbances have been suspended; and
 - iii.** All disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.
- b.** If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:
 - i.** Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three (3) months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Parts 4.2 and 4.3, as applicable; and
 - ii.** Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Part 2.2.14a.

You must document the beginning and ending dates of this period in your SWPPP.

4.5 AREAS THAT MUST BE INSPECTED

During your site inspection, you must at a minimum inspect the following areas of your site:

- 4.5.1** All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 2.2.14a;
- 4.5.2** All stormwater controls, including pollution prevention controls, installed at the site to comply with this permit;⁷⁴
- 4.5.3** Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;
- 4.5.4** All areas where stormwater typically flows within the site, including constructed or natural site drainage features designed to divert, convey, and/or treat stormwater;

⁷³ Use data sets that include the most recent data available to account for recent precipitation patterns and trends.

⁷⁴ This includes the requirement to inspect for sediment that has been tracked out from the site onto paved roads, sidewalks, or other paved areas consistent with Part 2.2.4.

4.5.5 All areas where construction dewatering is taking place, including controls to treat the dewatering discharge and any channelized flow of water to and from those controls;

4.5.6 All points of discharge from the site; and

4.5.7 All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.6 REQUIREMENTS FOR INSPECTIONS

4.6.1 During each site inspection, you must at a minimum:

- a.** Check whether all stormwater controls (*i.e., erosion and sediment controls and pollution prevention controls*) are properly installed, appear to be operational, and are working as intended to minimize pollutant discharges.
- b.** Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site.
- c.** Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 2 and/or 3.
- d.** Check for signs of visible erosion and sedimentation (*i.e., sediment deposits*) that have occurred and are attributable to your discharge at points of discharge and, if applicable, on the banks of any receiving waters flowing within or immediately adjacent to the site;
- e.** Check for signs of sediment deposition that are visible from your site and attributable to your discharge (*e.g., sand bars with no vegetation growing on top in receiving waters or in other constructed or natural site drainage features, or the buildup of sediment deposits on nearby streets, curbs, or open conveyance channels*).
- f.** Identify any incidents of noncompliance observed.

4.6.2 If a discharge is occurring during your inspection:

- a.** Identify all discharge points at the site; and
- b.** Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants. Check also for signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

4.6.3 For dewatering inspections conducted pursuant to Parts 4.3.2, record the following in a report within 24 hours of completing the inspection:

- a.** The inspection date;
- b.** Names and titles of personnel making the inspection;
- c.** Approximate times that the dewatering discharge began and ended on the day of inspection;⁷⁵

⁷⁵ If the dewatering discharge is a continuous discharge that continues after normal business hours,

- d. Estimates of the rate (in gallons per day) of discharge on the day of inspection;
- e. Whether or not any of the following indications of pollutant discharge were observed at the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features or storm drain inlets:⁷⁶
 - i. a sediment plume, suspended solids, unusual color, presence of odor, decreased clarity, or presence of foam; and/or
 - ii. a visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water; and
- f. Photographs of (1) the dewatering water prior to treatment by a dewatering control(s) and the final discharge after treatment; (2) the dewatering control(s); and (3) the point of discharge to any receiving waters flowing through or immediately adjacent to the site and/or to constructed or natural site drainage features, storm drain inlets, and other conveyances to receiving waters.

You must also comply with the Part 4.7.2, 4.7.3, and 4.7.4 requirements for signing the reports, keeping them available on site, and retaining copies.

4.6.4 Based on the results of your inspection:

- a. Complete any necessary maintenance repairs or replacements under Part 2.1.4 or under Part 5, whichever applies; and
- b. Modify your SWPPP site map in accordance with Part 7.4.1 to reflect changes to your stormwater controls that are no longer accurately reflected on the current site map.

4.7 INSPECTION REPORT

4.7.1 You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report (except for dewatering inspection reports, which are covered in Part 4.6.3) must include the following:

- a. The inspection date;
- b. Names and titles of personnel making the inspection;
- c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.6, including any problems found during your inspection that make it necessary to perform routine maintenance pursuant to Part 2.1.4b or corrective action pursuant to Part 5. Include also any documentation as to why the corrective action procedures under Part 5 are unnecessary to fix a problem that repeatedly occurs as described in Part 2.1.4c;
- d. If you are inspecting your site at the frequency specified in Part 4.2.2, Part 4.3, or Part 4.4.1b, and you conducted an inspection because of a storm event that produced rainfall measuring 0.25 inches or more within a 24-hour period, you must include the applicable rain gauge or weather station readings that triggered the inspection. Similarly, if you conducted an inspection because of a snowmelt discharge from a

indicate that the discharge is continuous.

⁷⁶ If the operator observes any of these indicators of pollutant discharge, corrective action is required consistent with Parts 5.1.5b and 5.2.2.

storm event that produced 3.25 inches or more of snow within a 24-hour period, you must include any measurements taken of snowfall at your site, or weather station information you relied on; and

- e. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.

4.7.2 Each inspection report must be signed by the operator's signatory in accordance with Appendix G, Part G.11 of this permit.

4.7.3 You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.⁷⁷

4.7.4 You must retain all inspection reports completed for this Part for at least three (3) years from the date that your permit coverage expires or is terminated.

4.8 INSPECTIONS BY EPA

You must allow EPA, or an authorized representative of EPA, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls, that are not on site, to comply with this permit, you must make arrangements for EPA to have access at all reasonable times to those areas where the shared controls are located.

4.8.1 Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

4.8.2 Access and copy any records that must be kept under the conditions of this permit;

4.8.3 Inspect your construction site, including any construction support activity areas covered by this permit (see Part 1.2.1c), any stormwater controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4.8.4 Sample or monitor for the purpose of ensuring compliance.

5 CORRECTIVE ACTIONS

5.1 CONDITIONS TRIGGERING CORRECTIVE ACTION.

You must take corrective action to address any of the following conditions identified at your site:

5.1.1 A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine

⁷⁷ Inspection reports may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact Sheet discussion related to Part 4.7.3.

maintenance fix under Part 2.1.4); or

5.1.2 A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or

5.1.3 Your discharges are not meeting applicable water quality standards;

5.1.4 A prohibited discharge has occurred (see Part 1.3); or

5.1.5 During discharge from site dewatering activities:

- a.** The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2b); or
- b.** You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3e.

5.2 CORRECTIVE ACTION DEADLINES

5.2.1 If responding to any of the Part 5.1.1, 5.1.2, 5.1.3, or 5.1.4 triggering conditions, you must:

- a.** Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events; and
- b.** When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day; or
- c.** When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule for installing the stormwater control(s) and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven (7) calendar days of completing this work.

5.2.2 If responding to either of the Part 5.1.5 triggering conditions related to site dewatering activities, you must:

- a.** Immediately take all reasonable steps to minimize or prevent the discharge of pollutants until you can implement a solution, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition⁷⁸ taking safety considerations into account;
- b.** Determine whether the dewatering controls are operating effectively and whether they are causing the conditions; and

⁷⁸ For instance, if the weekly average of your turbidity monitoring results or a single sample is extremely high (e.g., a single turbidity sample results in 355 NTUs or higher), you should take action to safely shut off the discharge so that you can evaluate the cause of the high turbidity. Note: A single turbidity sample of 355 NTUs or higher means that the weekly average turbidity value will exceed 50 NTU regardless of the turbidity values the other days during the week.

- c.** Make any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.

When you have completed these steps and made any changes deemed necessary, you may resume discharging from your dewatering activities.

5.3 CORRECTIVE ACTION REQUIRED BY EPA

You must comply with any corrective actions required by EPA as a result of permit violations found during an inspection carried out under Part 4.8.

5.4 CORRECTIVE ACTION LOG

- 5.4.1** For each corrective action taken in accordance with this Part, you must record the following in a corrective action log:

- a.** Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.
- b.** Within 24 hours of completing the corrective action (in accordance with the deadlines in Part 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

- 5.4.2** Each entry into the corrective action log, consisting of the information required by both Parts 5.4.1a and 5.4.1b, must be signed by the operator's signatory in accordance with Appendix G, Part G.11.2 of this permit.

- 5.4.3** You must keep a copy of the corrective action log at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by EPA.⁷⁹

- 5.4.4** You must retain the corrective action log for at least three (3) years from the date that your permit coverage expires or is terminated.

6 STORMWATER TEAM FORMATION/STAFF TRAINING REQUIREMENTS

6.1 STORMWATER TEAM

Each operator, or group of multiple operators, must assemble a "stormwater team" that will be responsible for carrying out activities necessary to comply with this permit. The stormwater team must include the following people:

- a.** Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- b.** Personnel responsible for the application and storage of treatment chemicals (if applicable);
- c.** Personnel who are responsible for conducting inspections as required in Part 4.1; and

⁷⁹ The corrective action log may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of corrective action log records, refer to the Fact Sheet discussion related to Part 4.7.3.

- d. Personnel who are responsible for taking corrective actions as required in Part 5.

Members of the stormwater team must be identified in the SWPPP pursuant to Part 7.2.2.

6.2 GENERAL TRAINING REQUIREMENTS FOR STORMWATER TEAM MEMBERS

Prior to the commencement of construction activities, you must ensure that all persons⁸⁰ assigned to the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements, including the following related to the scope of their job duties:

- a. The permit requirements and deadlines associated with installation, maintenance, and removal of stormwater controls, as well as site stabilization;
- b. The location of all stormwater controls on the site required by this permit and how they are to be maintained;
- c. The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- d. When and how to conduct inspections, record applicable findings, and take corrective actions. Specific training requirements for persons conducting site inspections are included in Part 6.3.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers (unless the subcontractors or outside service providers are responsible for conducting the inspections required in Part 4, in which case you must provide such documentation consistent with Part 7.2.2), but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

6.3 TRAINING REQUIREMENTS FOR PERSONS CONDUCTING INSPECTIONS

For projects that receive coverage under this permit on or after February 17, 2023, to be considered a qualified person under Part 4.1 for conducting inspections under Part 4, you must, at a minimum, either:

- a. Have completed the EPA construction inspection course developed for this permit and have passed the exam; or
- b. Hold a current valid construction inspection certification or license from a program that, at a minimum, covers the following:⁸¹
 - i. Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;
 - ii. Proper installation and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and

⁸⁰ If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

⁸¹ If one of the following topics (e.g., installation and maintenance of pollution prevention practices) is not covered by the non-EPA training program, you may consider supplementing the training with the analogous module of the EPA course (e.g., Module 4) that covers the missing topic.

- iii. Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Part 4.

For projects that receive coverage under this permit prior to February 17, 2023, any personnel conducting site inspections pursuant to Part 4 on your site must, at a minimum, be a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.⁸²

6.4 STORMWATER TEAM'S ACCESS TO PERMIT DOCUMENTS

Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7 STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

7.1 GENERAL REQUIREMENTS

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Part 7 prior to their submittal of the NOI.^{83, 84, 85} The SWPPP must be kept up-to-date throughout coverage under this permit.

If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

⁸² If you receive coverage for a project prior to February 17, 2023, and construction activities for the same project will continue after February 17, 2023, the personnel conducting inspections do not need to take the additional training specified in Parts 6.3a and 6.3b for inspections conducted on the project site. If the same operator obtains coverage for a different project on or after February 17, 2023, personnel conducting inspections would be required to meet the requirements for a qualified person by completing the training in either Part 6.3a or Part 6.3b.

⁸³ The SWPPP does not establish the effluent limits and/or other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

⁸⁴ Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies on Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit-related functions if Operator B is implementing them such that both operators are in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to take actions necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not cause a violation or compromise any other operators' controls and/or any shared controls. See also footnote 61.

⁸⁵ There are a number of commercially available products to assist operators in developing the SWPPP, as well as companies that can be hired to help develop a site-specific SWPPP. The permit does not state which are recommended, nor does EPA endorse any specific products or vendors. Where operators choose to rely on these products or services, the choice of which ones to use to comply with the requirements of this Part is a decision for the operator alone.

7.2 SWPPP CONTENTS

At a minimum, the SWPPP must include the information specified in this Part and as specified in other parts of this permit.

7.2.1 All Site Operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

7.2.2 Stormwater Team. Identify the personnel (by name and position) that you have made part of the stormwater team pursuant to Part 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections.

Include verification that each member of the stormwater team has received the training required by Part 6.2. Include documentation that members of the stormwater team responsible for conducting inspections pursuant to Part 4 have received the training required by Part 6.3. If personnel on your team elect to complete the EPA inspector training program pursuant to Part 6.3a, you must include copies of the certificate showing that the relevant personnel have completed the training and passed the exam. If personnel on your team elect to complete a non-EPA inspector training program pursuant to Part 6.3b, you must include documentation showing that these persons have successfully completed the program and their certification or license is still current. You must also confirm that the non-EPA inspector training program satisfies the minimum elements for such programs in Part 6.3b.

7.2.3 Nature of Construction Activities. Include the following:

- a. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;
- b. The size of the property (in acres or length in miles if a linear construction site);
- c. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);
- d. A description of any on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1 c);
- e. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;
- f. A description and projected schedule for the following:⁸⁶
 - i. Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
 - ii. Temporary or permanent cessation of construction activities in each portion of the site;
 - iii. Temporary or final stabilization of exposed areas for each portion of the site; and
 - iv. Removal of temporary stormwater controls and construction equipment or vehicles, and the cessation of construction-related pollutant-generating activities.

⁸⁶ If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

- g.** A list and description of all pollutant-generating activities⁸⁷ on the site. For each pollutant-generating activity, include an inventory of pollutants or pollutant constituents (e.g., *sediment, fertilizers, pesticides, paints, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels*) associated with that activity, which could be discharged in stormwater from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges, and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction;
- h.** Business days and hours for the project;
- i.** If you are conducting construction activities in response to a public emergency (see Part 1.4), a description of the cause of the public emergency (e.g., *mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services*), information substantiating its occurrence (e.g., *State disaster declaration or similar State or local declaration*), and a description of the construction necessary to reestablish affected public services.

7.2.4 Site Map. Include a legible map, or series of maps, showing the following features of the site:

- a.** Boundaries of the property;
- b.** Locations where construction activities will occur, including:
 - i.** Locations where earth-disturbing activities will occur (note any phasing), including any demolition activities;
 - ii.** Approximate slopes before and after major grading activities (note any steep slopes (as defined in Appendix A));
 - iii.** Locations where sediment, soil, or other construction materials will be stockpiled;
 - iv.** Any receiving water crossings;
 - v.** Designated points where vehicles will exit onto paved roads;
 - vi.** Locations of structures and other impervious surfaces upon completion of construction; and
 - vii.** Locations of on-site and off-site construction support activity areas covered by this permit (see Part 1.2.1c).
- c.** Locations of any receiving waters within the site and all receiving waters within one mile downstream of the site's discharge point(s). Also identify if any of these receiving waters are listed as impaired or are identified as a Tier 2, Tier 2.5, or Tier 3 water;
- d.** Any areas of Federally listed critical habitat within the action area of the site as defined in Appendix A;
- e.** Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);
- f.** Drainage patterns of stormwater and authorized non-stormwater before and after major grading activities;

⁸⁷ Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering activities.

- g.** Stormwater and authorized non-stormwater discharge locations, including:
 - i.** Locations where stormwater and/or authorized non-stormwater will be discharged to storm drain inlets, including a notation of whether the inlet conveys stormwater to a sediment basin, sediment trap, or similarly effective control;⁸⁸
 - ii.** Locations where stormwater or authorized non-stormwater will be discharged directly to receiving waters (i.e., not via a storm drain inlet); and
 - iii.** Locations where turbidity benchmark monitoring will take place to comply with Part 3.3, if applicable to your site.
- h.** Locations of all potential pollutant-generating activities identified in Part 7.2.3g;
- i.** Designated areas where construction wastes that are covered by the exception in Part 2.3.3e.ii because they are not pollutant-generating will be stored;
- j.** Locations of stormwater controls, including natural buffer areas and any shared controls utilized to comply with this permit; and
- k.** Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

7.2.5 Non-Stormwater Discharges. Identify all authorized non-stormwater discharges in Part 1.2.2 that will or may occur.

7.2.6 Description of Stormwater Controls.

- a.** For each of the Part 2.2 erosion and sediment control requirements, Part 2.3 pollution prevention requirements, and Part 2.4 construction dewatering requirements, as applicable to your site, you must include the following:
 - i.** A description of the specific control(s) to be implemented to meet these requirements;
 - ii.** The design specifications for controls described in Part 7.2.6a.i (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);⁸⁹
 - iii.** Routine stormwater control maintenance specifications; and
 - iv.** The projected schedule for stormwater control installation/implementation.
- b.** You must also include any of the following additional information as applicable.
 - i. Natural buffers and/or equivalent sediment controls** (see Part 2.2.1 and Appendix F). You must include the following:
 - (a) The compliance alternative to be implemented;
 - (b) If complying with alternative 2, the width of natural buffer retained;

⁸⁸ The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

⁸⁹ Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

- (c) If complying with alternative 2 or 3, the erosion and sediment control(s) you will use to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;
- (d) If complying with alternative 3, a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size;
- (e) For "linear construction sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and
- (f) A description of any disturbances that are exempt under Part 2.2.1 that occur within 50 feet of a receiving water.

ii. Perimeter controls for a "linear construction site" (see Part 2.2.3d). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in stormwater associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in the SWPPP must include the Part 2.2.3c.i requirement that sediment be removed before it has accumulated to one-half of the above-ground height of any perimeter control.

iii. Sediment track-out controls (see Parts 2.2.4b and 2.2.4c). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.

iv. Inlet protection measures (see Part 2.2.10a). Where inlet protection measures are not required because the storm drain inlets to which your site discharges are conveyed to a sediment basin, sediment trap, or similarly effective control, include a short description of the control that receives the stormwater flow from the site.

v. Sediment basins (see Part 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.

vi. Treatment chemicals (see Part 2.2.13), you must include the following:

- (a) A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;
- (b) A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;
- (c) If the applicable EPA Regional Office authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic

treatment chemicals will not lead to a discharge that does not meet water quality standards;

- (d) The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;
- (e) Information from any applicable Safety Data Sheet (SDS);
- (f) Schematic drawings of any chemically enhanced stormwater controls or chemical treatment systems to be used for application of the treatment chemicals;
- (g) A description of how chemicals will be stored consistent with Part 2.2.13c;
- (h) References to applicable State or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and
- (i) A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

vii. Stabilization measures (see Part 2.2.14). You must include the following:

- (a) The specific vegetative and/or non-vegetative practices that will be used;
- (b) The stabilization deadline that will be met in accordance with Part 2.2.14;
- (c) If complying with the deadlines for sites in arid, semi-arid, or drought-stricken areas, the beginning and ending dates of the seasonally dry period (as defined in Appendix A)⁹⁰ and the schedule you will follow for initiating and completing vegetative stabilization; and
- (d) If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

viii. Spill prevention and response procedures (see Parts 1.3.5, 2.3.3c, 2.3.3d, and 2.3.6). You must include the following:

- (a) Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for detection and response of spills or leaks; and
- (b) Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 2.3.6 and established under either 40 CFR part 110, 40 CFR part 117, or 40 CFR part 302, occurs

⁹⁰ See footnote 45.

during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of SPCC plans developed for the construction activity under Section 311 of the CWA, or spill control programs otherwise required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan on site.⁹¹

ix. Waste management procedures (see Part 2.3.3). Describe the procedures you will follow for handling, storing, and disposing of all wastes generated at your site consistent with all applicable Federal, State, Tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste. You must also include the following additional information:

- (a) If site constraints prevent you from storing chemical containers 50 feet away from receiving waters or the other site drainage features as required in Part 2.3.3c.ii(b), document in your SWPPP the specific reasons why the 50-foot setback is not feasible, and how you will store containers as far away as the site permits; and
- (b) If there are construction wastes that are subject to the exception in Part 2.3.3e.ii, describe the specific wastes that will be stored on your site.

x. Application of fertilizers (see Part 2.3.5). Document any departures from the manufacturer specifications where appropriate.

7.2.7 Procedures for Inspection, Maintenance, and Corrective Action. Describe the procedures you will follow for maintaining your stormwater controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Part 2.1.4, Part 4, and Part 5 of this permit, accordingly. Also include:

- a.** The inspection schedule you will follow, which is based on whether your site is subject to Part 4.2 or Part 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Part 4.4;
- b.** If you will be conducting inspections in accordance with the inspection schedule in Part 4.2.2, Part 4.3, or Part 4.4.1b, the location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;
- c.** If you will be reducing your inspection frequency in accordance with Part 4.4.1b, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;
- d.** If you will be reducing your inspection frequency in accordance with Part 4.4.3, the beginning and ending dates of frozen conditions on your site; and
- e.** Any maintenance or inspection checklists or other forms that will be used.

7.2.8 Procedures for Turbidity Benchmark Monitoring from Dewatering Discharges (if applicable). If you are required to comply with the Part 3.3 turbidity benchmark

⁹¹ Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Part, either as part of your existing plan or supplemented as part of the SWPPP.

monitoring requirements, describe the procedures you will follow to collect and evaluate samples, report results to EPA and keep records of monitoring information, and take corrective action when necessary. Include the specific type of turbidity meter you will use for monitoring, as well as any manuals or manufacturer instructions on how to operate and calibrate the meter. Describe any coordinating arrangement you may have with any other permitted operators on the same site with respect to compliance with the turbidity monitoring requirements, including which parties are tasked with specific responsibilities. If EPA has approved of an alternate turbidity benchmark pursuant to Part 3.3.2b, include any data and other documentation you relied on to request use of the specific alternative benchmark.

7.2.9 Compliance with Other Requirements.

- a. Threatened and Endangered Species Protection.** Include documentation required in the Endangered Species Protection section of the NOI in NeT, or the ESA worksheet in Appendix D, supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.
- b. Historic Properties.** Include documentation required in Appendix E supporting your eligibility with regard to the protection of historic properties.
- c. Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Stormwater Controls.** If you are using any of the following stormwater controls at your site, document any contact you have had with the applicable State agency⁹² or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR § 144 -147. Such controls would generally be considered Class V UIC wells:
 - i.** Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);
 - ii.** Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow; and
 - iii.** Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

7.2.10 SWPPP Certification. Your signatory must sign and date your SWPPP in accordance with Appendix G, Part G.11.

7.2.11 Post-Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

- a.** A copy of your NOI submitted to EPA along with any correspondence exchanged between you and EPA related to coverage under this permit;
- b.** A copy of the acknowledgment letter you receive from NeT assigning your NPDES ID (i.e., *permit tracking number*);

⁹² For State UIC program contacts, refer to the following EPA website: <https://www.epa.gov/uic>.

- c. A copy of this permit (an electronic copy easily available to the stormwater team is also acceptable).

7.3 ON-SITE AVAILABILITY OF YOUR SWPPP

You must keep a current copy of your SWPPP at the site or at an easily accessible location so that it can be made available at the time of an on-site inspection or upon request by EPA; a State, Tribal, or local agency approving stormwater management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).⁹³

EPA may provide access to portions of your SWPPP to a member of the public upon request. Confidential Business Information (CBI) will be withheld from the public, but may not be withheld from EPA, USFWS, or NMFS.⁹⁴

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

7.4 SWPPP MODIFICATIONS

7.4.1 You must modify your SWPPP, including the site map(s), within seven (7) days of any of the following conditions:

- a. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Part 5. You do not need to modify your SWPPP if the estimated dates in Part 7.2.3f change during the course of construction;
- b. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
- c. If inspections or investigations by EPA or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;
- d. Where EPA determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:
 - i. A copy of any correspondence describing such measures and requirements; and

⁹³ The SWPPP may be prepared, signed, and kept electronically, rather than in paper form, if the records are: (a) in a format that can be read in a similar manner as a paper record; (b) legally dependable with no less evidentiary value than their paper equivalent; and (c) immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form. For additional guidance on the proper practices to follow for the electronic retention of the SWPPP, refer to the Fact Sheet discussion related to Part 4.7.3.

⁹⁴ Information covered by a claim of confidentiality will be disclosed by EPA only to the extent of, and by means of, the procedures set forth in 40 CFR part 2, Subpart B. In general, submitted information protected by a business confidentiality claim may be disclosed to other employees, officers, or authorized representatives of the United States concerned with implementing the CWA. The authorized representatives, including employees of other executive branch agencies, may review CBI during the course of reviewing draft regulations.

- ii. A description of the controls that will be used to meet such requirements.
 - e. To reflect any revisions to applicable Federal, State, Tribal, or local requirements that affect the stormwater controls implemented at the site; and
 - f. If applicable, if a change in chemical treatment systems or chemically enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application.
- 7.4.2** You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Part 7.2.9 above) and a brief summary of all changes.
- 7.4.3** All modifications made to the SWPPP consistent with Part 7.4 must be authorized by a person identified in Appendix G, Part G.11.b.
- 7.4.4** Upon determining that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

8 HOW TO TERMINATE COVERAGE

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to EPA a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Part 8.

8.1 MINIMUM INFORMATION REQUIRED IN NOT

- 8.1.1** NPDES ID (i.e., *permit tracking number*) provided by EPA when you received coverage under this permit;
- 8.1.2** Basis for submission of the NOT (see Part 8.2);
- 8.1.3** Operator contact information;
- 8.1.4** Name of site and address (or a description of location if no street address is available); and
- 8.1.5** NOT certification.

8.2 CONDITIONS FOR TERMINATING CGP COVERAGE

You may terminate CGP coverage only if one or more of the conditions in Parts 8.2.1, 8.2.2, or 8.2.3 has occurred. Until your termination is effective consistent with Part 8.5, you must continue to comply with the conditions of this permit.

- 8.2.1** You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.2.1c), and you have met all of the following requirements:
- a. For any areas that (1) were disturbed during construction, (2) are not covered 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 2.2.14c.

To document that you have met these stabilization requirements, you must take either ground or aerial photographs that show your site's compliance with the Part 2.2.14 stabilization requirements and submit them with your NOT. If any portion of your

site is covered by one of the exceptions in Part 2.2.14c.iii, indicate which exception applies and include a supplementary explanation with your photographs that provides the necessary context for why this portion of the site is in compliance with the final stabilization criteria even though it appears to be unstabilized. You are not required to take photographs of every distinct part of your site that is being stabilized, however, the conditions of the site portrayed in any photographs that are submitted must be substantially similar⁹⁵ to those of the areas that are not photographed. You must also comply with the following related to these photographs:

- i. Take photographs both before and after the site has met the final stabilization criteria in Part 2.2.14c;
 - ii. All photographs must be clear and in focus, and in the original format and resolution; and
 - iii. Include the date each photograph was taken, and a brief description of the area of the site captured by the photograph (e.g., photo shows application of seed and erosion control mats to remaining exposed surfaces on northeast corner of site).
 - b. 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;
 - c. 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 those that are biodegradable (as defined in Appendix A); and
 - d. 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; or
- 8.2.2** You have transferred control of all areas of the site for which you are responsible under this permit to another operator, and that operator has submitted an NOI and obtained coverage under this permit; or

8.2.3 Coverage under an individual or alternative general NPDES permit has been obtained.

8.3 HOW TO SUBMIT YOUR NOT

You must use EPA's NPDES eReporting Tool (NeT) to electronically prepare and submit an NOT for the 2022 CGP.

To access NeT, go to <https://cdx.epa.gov/cdx>.

Waivers from electronic reporting may be granted as specified in Part 1.4.2. If the EPA Regional Office grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix I.

⁹⁵ Stabilization conditions that are substantially similar would include areas that are using the same type of stabilization measures and that have similar slopes, soils, and topography, and have achieved the same level of stabilization.

8.4 DEADLINE FOR SUBMITTING THE NOT

You must submit an NOT within 30 calendar days after any one of the conditions in Part 8.2 occurs.

8.5 EFFECTIVE DATE OF TERMINATION OF COVERAGE

Your authorization to discharge under this permit terminates at midnight of the calendar day that a complete NOT is submitted to EPA.

9 PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY LANDS, OR TERRITORIES

The provisions in this Part provide additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the State or Tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific States, Indian country, and areas in certain States with Federal Facilities or areas subject to construction projects by Federal Operators. States, Indian country, and other areas not included in this Part do not have any additions to the applicable conditions of this permit.

9.1 EPA REGION 1**9.1.1 NHR100000 State of New Hampshire**

- a. Should the permit coverage for an individual applicant be insufficient to achieve water quality standards, the New Hampshire Department of Environmental Services (NHDES) may prepare additional 401 certification conditions for that applicant. Any additional 401 certification conditions will follow all required NHDES public participation requirements.
- b. If you disturb 100,000 square feet or more of contiguous area, you must also comply with RSA 485-A:17 and Env-Wq 1500, and, unless exempt, apply for an Alteration of Terrain (AoT) permit from NHDES. This requirement also applies to a lower disturbance threshold of 50,000 square feet or more when construction occurs within the protected shoreline under the Shoreland Water Quality Protection Act (see RSA 483-B and Env-Wq 1400). A permit application must also be filed if your project disturbs an area of greater than 2,500 square feet, is within 50 feet of any surface water, and has a flow path of 50 feet or longer disturbing a grade of 25 percent or greater. Project sites with disturbances smaller than those discussed above, that have the potential to adversely affect state surface waters, are subject to the conditions of an AoT General Permit by Rule (Env-Wq 1503.03).
- c. You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-stormwater discharge under this permit (see Part 1.2.2 of the Construction General Permit or CGP). In the absence of information demonstrating otherwise, the water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the groundwater dewatering location. Information on groundwater contamination can be generated over the Internet via the NHDES web site <http://des.nh.gov/> by using the One Stop Data Mapper. For a toxic substance included in the New Hampshire surface water quality standards, see Env-Wq 1703.21 (see <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wg>

1700.pdf). If it is determined that the groundwater to be dewatered is near a remediation or other waste site, you must apply for the Remediation General Permit (see <https://www3.epa.gov/region1/npdes/rgp.html>)

- d. As a minimum, you must treat any uncontaminated excavation "dewatering" discharges and "stormwater" discharges, as those terms are defined in Appendix A of the CGP, as necessary, to remove suspended solids and turbidity so that the surface waters receiving the construction discharges⁹⁶ meet New Hampshire surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (i.e., plumes or visual turbidity)⁹⁷ (Env-Wq 1703.03(c)(1)b).
- i. For all Construction Activities covered under this CGP, the following shall apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances:
 - Unless otherwise specified, site inspection requirements shall comply with Part 4 of the CGP. As a minimum site inspection frequency shall be in accordance with Part 4.2.2 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency). Monitoring of the receiving water for visible turbidity and benthic sediment deposits shall be conducted each site inspection and results reported in the Inspection Report required in Part 4.7 of the CGP. Should visible turbidity or benthic sediment deposits attributable or partly attributable to your construction activities be present in the receiving water, the "Corrective Actions" specified in Part 5 shall be immediately implemented to correct the water quality standard violations. In addition, daily monitoring (including photographs) of the receiving water shall be conducted until there is no visible turbidity or benthic deposits. Inspection Reports required in Part 4.7 of the CGP shall include, but not be limited to, the distance downstream and the percent of the river width⁹⁸ where visible turbidity was observed, and the period of time that the visible turbidity persisted. A copy of the Inspection Report(s) shall be made available to NHDES within 24 hours of receiving a written request from NHDES.
- ii. For Construction Activities, disturbing 5 acres or more of land at any one time (excluding areas that have been completely stabilized in accordance with the final stabilization criteria specified in Part 2.2.14.c of the CGP), the following shall

⁹⁶ Construction Discharges include uncontaminated "dewatering" and "stormwater" discharges as those terms are defined in Appendix A of the CGP. Controlled construction discharges are construction discharges where the rate of flow can be regulated such as from a construction settling basin or NHDES approved flocculation system.

⁹⁷ For the definition of visual turbidity, see the definition for "Non-Turbid" in Appendix A of the CGP, which states the following: "Non-Turbid" - a discharge that is free from visual turbidity. For the purposes of this permit, visual turbidity refers to a sediment plume or other cloudiness in the water caused by sediment that can be identified by an observer." *[EPA interprets the text of this footnote as intending to reference the Appendix A definitions of "visual turbidity" and "non-turbid" in the final permit.]*

⁹⁸ The distance downstream and the percent of river width where visible turbidity (i.e., plume) is observed is required to determine the extent of the river affected and to determine if there was a "zone of passage" (i.e., a portion of the receiving water where there was no visible turbidity where mobile organisms could pass without being adversely impacted). The percent of river width affected is equal 100 multiplied by the width of the plume (in feet) divided by the width of the receiving water (in feet).

apply to ensure compliance with the aforementioned regulations for turbidity, benthic deposits and visible substances.

Item 9.1.1.d.i) above shall apply to all construction discharges and the minimum site inspection frequency shall comply with Part 4.3.1 of the CGP (and Part 4.3.2 of the CGP for sites discharging dewatering water). Site inspection frequency may be reduced in accordance with Part 4.4 of the CGP (Reductions in Inspection Frequency).

With regards to controlled construction discharges, if there is no visible turbidity (i.e., plumes) or benthic deposits, and, in the absence of information demonstrating otherwise, turbidity measurements of less than or equal to 50 nephelometric turbidity units (NTU) in the controlled construction discharges at the outlet prior to mixing with the receiving surface waters, shall be presumed to meet New Hampshire surface water quality standards for the parameters listed above. As a minimum, the controlled construction discharges must be sampled at each site inspection.

If any controlled construction discharge exceeds 50 NTU, or if visible turbidity or benthic sediment deposits attributable or partly attributable to any construction discharge are observed in the receiving water, then the "Corrective Actions" specified in Part 5 of the CGP shall be immediately implemented.

In addition, should such violation occur, and, in order to determine compliance with surface water quality standards for turbidity (Env-Wq 1703.11 and Env-Wq 1703.03(c)(1)c), benthic deposits (Env-Wq 1703.03(c)(1)a), and Env-Wq 1703.08) and foam, debris, scum or other visible substances (Env-Wq 1703.03(c)(1)b)), turbidity monitoring shall be immediately implemented as specified below:

Turbidity samples of the receiving water shall be immediately taken in the receiving water upstream and beyond the influence of the construction activity, and, unless a mixing zone⁹⁹ is approved by NHDES, no more than 75 feet downstream of each controlled construction discharge that exceeded 50 NTU and no more than 75 feet downstream of each construction discharge that caused visible turbidity.

Downstream samples shall be taken at locations in the receiving water that are most likely influenced by the discharge (e.g., if visible turbidity (i.e., a plume) is present, the sample shall be taken in the plume). Samples shall be collected a minimum of 2 times per day during the daylight hours at times when construction activities are most likely to cause turbidity in the receiving water and shall continue until the turbidity water quality standards are met in the receiving water (i.e., the difference between the upstream and downstream turbidity level is no greater than 10 NTU).

⁹⁹ Permittees may request a distance greater than 75 feet downstream of a construction discharge for determining compliance with turbidity standards in Class B surface waters, by submitting a mixing zone request to NHDES that complies with Env-Wq 1707.02. If a mixing zone is approved, NHDES is required to include conditions to ensure that the criteria on which the approval is based are met (Env-Wq 1707.03).

If water quality standards are not met during daylight hours on any day, sampling shall resume the next day and continue no fewer than 2 times per day until water quality standards are met. The date, time, location and results of turbidity measurements, as well as a summary identifying the cause of the violations, corrective actions that were implemented, the period of time that the receiving water exceeded turbidity standards and the distance downstream and the percent of the river width where visible turbidity was observed, and the period of time that the visible turbidity persisted, shall be recorded and included in the Inspection Report required in Part 4.7 of the CGP. Turbidity measurements shall be conducted via a field meter in accordance with the requirements for turbidity specified in Table 1B in 40 CFR 136.3 (see 40 CFR § 136.3 Identification of test procedures - Code of Federal Regulations [ecfr.io](https://www.ecfr.io)). Field meters shall be calibrated every day sampling is conducted and prior to the first sample.

- e. Construction site owners and operators are encouraged to consider opportunities for post- construction groundwater recharge using infiltration best management practices (BMPs) during site design and preparation of the SWPPP in order to assure compliance with Env-Wq 1703.03 and Env-Wq 1703.11. If your construction site is in a town that is required to obtain coverage under the NPDES General Permit for discharges from Municipal Separate Storm Sewer Systems (MS4) you may be required to use such practices. The SWPPP must include a description of any on-site infiltration that will be installed as a post-construction stormwater management measure or reasons for not employing such measures such as 1) The facility is located in a wellhead protection area as defined in RSA 485- C:2; or 2) The facility is located in an area where groundwater has been reclassified to GAA, GA1 or GA2 pursuant to RSA 485-C and Env-DW 901; or 3) Any areas that would be exempt from the groundwater recharge requirements contained in Env-Wq 1507.04, including all land uses or activities considered to be a "High-load Area" (see Env-Wq 1502.30). For design considerations for infiltration measures see Env-Wq 1508.06. Note that there may be additional local requirements that fall under the NH MS4 permittee's Authorization to Discharge Permit for those regulated areas.
- f. Appendix F of the CGP contains information regarding Tier 2, or high quality waters in the various states. **[EPA notes that this information has now been moved to <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>]** Although there is no official list of tier 2 waters for New Hampshire, it can be assumed that all New Hampshire surface waters are tier 2 for turbidity unless 1) the surface water that you are proposing to discharge into is listed as impaired for turbidity in the states listing of impaired waters (see <https://nhdes-surface-water-quality-assessment-site-nhdes.hub.arcgis.com/>) or 2) sampling upstream of the proposed discharge location shows turbidity values greater than 10 NTU (Env-Wq 1703.11). A single grab sample collected during dry weather (no precipitation within 48 hours) is acceptable.
- g. To ensure compliance with RSA 485-C, RSA 485-A, RSA 485-A:13, I(a), Env-Wq 1700 and Env-Wq 302, the following information may be requested by NHDES. This information must be kept on site unless you receive a written request from NHDES that it be sent to the address shown below in 9.1.1.h.

- i. A list of all non-stormwater discharges that occur at the facility, including their source locations and the control measures being used (see Part 1.2.2 of the CGP).
- ii. Records of sampling and analysis required for construction dewatering and stormwater discharges (see 9.1.1.d above).
- h. All required or requested documents must be sent to: NH Department of Environmental Services, Watershed Management Bureau, P.O. Box 95 Concord, NH 03302-0095.

9.1.2 MAR100000 Commonwealth of Massachusetts (except Indian country)

- a. All discharges covered by the Construction General Permit shall comply with the provisions pursuant to 314 CMR 3.00, 314 CMR 4.00, 314 CMR 9.00, including applicable construction stormwater standards and 310 CMR 10.00.
- b. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees are prohibited from discharging dewatering water under the CGP from sites that are designated as Superfund/CERCLA or RCRA, and must make accommodations to dispose of the dewatering discharges appropriately, such as coverage under the Remediation General Permit (RGP).
- c. Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants seeking coverage under the 2022 CGP that propose to carry out construction activities near Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit to MassDEP for review:
 - i. a copy of the Stormwater Pollution Prevention Plan (SWPPP),
 - ii. a copy of the EPA NOI, and
 - iii. MassDEP's Stormwater BMP Checklist.

For purposes of this review, the permittee shall submit these documents to MassDEP at the same time they are submitted to EPA. Instructions on how to submit these documents to MassDEP and where to find the MassDEP Stormwater BMP Checklist and obtain authorization to discharge can be found here: <https://www.mass.gov/how-to/wm-15-npdes-general-permit-notice-of-intent>.

- d. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, applicants that propose to dewater under the 2022 CGP and plan to discharge to certain waters as described below, shall determine that any dewatering discharges are not contaminated by testing the proposed discharge as described below as part of the application for WM15 authorization. Unless otherwise specified, testing described in this section should be conducted using the methods in 40 CFR 136.
 - i. Applicants for sites that plan to discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall test one sample of the proposed dewatering discharge water for pH, E. Coli (for discharges to freshwater), fecal coliform (for

discharges to salt water), Enterococci (for discharges to salt water), total suspended solids, oil and grease, total nitrogen, total phosphorus, and all parameters with numeric criteria listed in the Massachusetts Surface Water Quality Standards at 314 CMR 4.05(e). Results shall be reported to MassDEP as part of the WM15 application. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

- ii. Applicants for sites that propose to discharge to Public Water Supplies (314 CMR 4.06(1)(d)1) shall also test one sample of the proposed dewatering discharge water for per- and polyfluoroalkyl substances (PFAS), as outlined in the table below. Results shall be reported to MassDEP as part of the WM15 application. If any PFAS compounds are detected, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required.

PFAS Testing Parameters for Discharges to Public Drinking Water Supplies¹⁰⁰	
Perfluorohexanesulfonic acid (PFHxS), grab	Report ng/L
Perfluoroheptanoic acid (PFHpA), grab	Report ng/L
Perfluorononanoic acid (PFNA), grab	Report ng/L
Perfluorooctanesulfonic acid (PFOS), grab	Report ng/L
Perfluorooctanoic acid (PFOA), grab	Report ng/L
Perfluorodecanoic acid (PFDA), grab	Report ng/L

- iii. Applicants for sites that propose to discharge to an impaired water as identified in the most recent final Massachusetts Integrated List of Waters, shall test one sample of the proposed dewatering discharge water for the parameter(s) for which the waterbody is impaired. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit and shall apply for RGP coverage if required.
- iv. For dewatering discharges to all other waters, if any pollutants are known or believed present in the proposed dewatering discharge water, the applicant shall apply for coverage under the NPDES Remediation General Permit for Massachusetts if required. For the purposes of this condition, a pollutant is "known present" if measured above the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and "believed present" if a pollutant has not been measured in an environmental sample but will be added or generated prior to discharge, such as through a treatment process. Consequently, a pollutant is "known absent" if measured as non-detect relative to the analytical detection limit using a sufficiently sensitive test method in an environmental sample, and "believed absent" if a pollutant has not been measured in an environmental sample but will not be added or generated prior to discharge and is not a parameter that applies to the applicable activity category for a site. If any pollutants are known or believed present in the

¹⁰⁰ PFAS testing shall follow established EPA methods 537 or 537.1 for drinking water until EPA Method 3512 for non-potable water becomes available.

proposed dewatering discharge water, the applicant shall test one sample of the proposed dewatering discharge water for the pollutants known or believed to be present. To determine if the dewatering discharge could be covered under the 2022 CGP, the effluent at zero dilution must meet numeric water quality criteria. If the effluent does not meet numeric water quality criteria, the applicant shall contact EPA Region 1 to discuss coverage under the Remediation General Permit.

- e.** Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to protect Outstanding Resource Waters under 314 CMR 4.04(3), applicants that propose to dewater under the 2022 CGP and discharge to Outstanding Resource Waters as identified in 314 CMR 4.06, shall submit the SWPPP and associated documents to MassDEP to review. MassDEP shall complete review within 30 days of receipt.
- f.** Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees that have been authorized to dewater under the 2022 CGP and that discharge to Outstanding Resource Waters as identified in 314 CMR 4.06 shall carry out daily benchmark monitoring for turbidity¹⁰¹ for the duration of dewatering. Permittees shall compare the weekly average of the turbidity monitoring results with the established benchmark turbidity value of 25 Nephelometric Turbidity Units (NTU). If a permittee's weekly average turbidity results exceed the benchmark, the operator shall conduct follow-up corrective action to determine the source of the problem and to make any necessary repairs or upgrades to the dewatering controls to lower the turbidity levels. The permittee shall document any corrective action taken in its corrective action log. Furthermore, permittees at these sites shall carry out inspections at higher frequency, specifically, daily inspections of the dewatering discharge treatment for the duration of the discharge. The permittee shall inspect the site for sediment plume or whether a hydrocarbon sheen is visible at the point of discharge, estimate the flow rate at the point of discharge, and inspect the site downstream to assess whether sedimentation is attributable to the dewatering discharges.
- g.** Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05 to maintain surface waters free from color and turbidity in concentrations or combinations that are aesthetically objectionable or would impair any use assigned to the waterbody, permittees shall store materials outside the Base Flood Elevation¹⁰² when feasible to prevent displacing runoff and erosion.
- h.** Pursuant to 314 CMR 3.11 (2)(a), and in accordance with MassDEP's obligation to maintain surface waters free from nutrients in concentrations that would cause or contribute to impairment of existing or designated uses under 314 CMR 4.05(5)(c), all applicants who apply for coverage under the 2022 CGP shall follow guidelines on fertilizer application, including use of fertilizer containing no phosphorus, in accordance with 330 CMR 31.00 Plant Nutrient Application Requirements for

¹⁰¹ Applicants shall follow EPA Method 180.1 to monitor for turbidity

¹⁰² Base Flood Elevation (BFE) is the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30 and VE. (Source: <https://www.fema.gov/node/404233>).

Agricultural Land and Non-Agricultural Turf and Lawns. Further, fertilizer shall never be applied to a site when a rain event greater than 0.5 inches is forecast in the next 48 hours.

- i. Pursuant to 314 CMR 3.11 (2)(a), all applicants who apply for coverage under the 2022 CGP and elect to carry out site inspections every 14 days shall also inspect sites within 24 hours of 0.25 inches of precipitation events or greater over 24 hours, or within 24 hours of a discharge that occurred due to snowmelt from 3.25 inches or greater of snow accumulation.¹⁰³ During the high flow periods in spring (i.e., months of April to June), inspection frequency shall be increased to once per week for all sites.
 - i. To determine whether 3.25 inches or greater of snow accumulation has occurred at a site, snowfall measurements can be taken at the site,¹⁰⁴ or the operator can rely on similar information from a local weather forecast.
- j. Implementing structural improvements, enhanced/resilient pollution prevention measures, and other mitigation measures can help to minimize impacts from stormwater discharges from major storm events such as hurricanes, storm surge, extreme/heavy precipitation,¹⁰⁵ and flood events. Pursuant to 314 CMR 3.11 (2)(a), if such stormwater control measures are already in place due to existing requirements mandated by other state, local or federal agencies, the SWPPP shall include a brief description of the controls and a reference to the existing requirement(s). If the site may be exposed to or has previously experienced such major storm events¹⁰⁶, additional stormwater control measures that may be considered, and implemented as necessary, include, but are not limited to:
 - i. Reinforce materials storage structures to withstand flooding and additional exertion of force;
 - ii. Prevent floating of semi-stationary structures by elevating to the Base Flood Elevation (BFE) level or securing with non-corrosive device;
 - iii. When a delivery of exposed materials is expected, and a storm is anticipated within 48 hours, delay delivery until after the storm or store materials as appropriate (refer to emergency procedures);

¹⁰³ This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See <https://www.nssl.noaa.gov/education/svrwx101/winter/faq/>.

¹⁰⁴ NOAA's National Weather Service has guidelines on snowfall measurements at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches by 16 inches) that is placed in an unobstructed part of the site on a hard surface.

¹⁰⁵ Heavy precipitation refers to instances during which the amount of rain or snow experienced in a location substantially exceeds what is normal. What constitutes a period of heavy precipitation varies according to location and season. Heavy precipitation does not necessarily mean the total amount of precipitation at a location has increased— just that precipitation is occurring in more intense or more frequent events.

¹⁰⁶ To determine if your facility is susceptible to an increased frequency of major storm events that could impact the discharge of pollutants in stormwater, you may reference FEMA, NOAA, or USGS flood map products at https://www.usgs.gov/faqs/where-can-i-find-flood-maps?qt-news_science_products=0#qt-news_science_products.

- iv. Temporarily store materials and waste above the Base Flood Elevation **[EPA notes that it has deleted a footnote reference to the term “Base Flood Elevation” since the same footnote is already included in Part 9.1.2.g, above.]** level;
 - v. Temporarily reduce or eliminate outdoor storage;
 - vi. Temporarily relocate any mobile vehicles and equipment to higher ground;
 - vii. Develop scenario-based emergency procedures for major storms that are complementary to regular stormwater pollution prevention planning and identify emergency contacts for staff and contractors; and
 - viii. Conduct staff training for implementing your emergency procedures at regular intervals.
- k. Pursuant to 314 CMR 3.11 (2)(a)6., and in accordance with MassDEP's obligation under 314 CMR 4.05(5)(e) to maintain surface waters free from pollutants in concentrations or combinations that are toxic to humans, aquatic life, or wildlife, permittees who seek coverage under the 2022 CGP and anticipate to carry out dust control shall limit their dust control methodology to using water only and specifically avoid using other techniques, such as solutions containing calcium chloride.
 - l. If MassDEP requests a copy of the Stormwater Pollution Prevention Plan (SWPPP) for any construction site at any time, the permittee shall submit the SWPPP to MassDEP within 14 days of such a request. MassDEP may conduct an inspection of any site covered by this permit to ensure compliance with state law requirements, including state water quality standards.

9.1.3 MTR10F000 Areas in the State of Vermont located at a federal facility

- a. Earth disturbance at any one time is limited to five acres.
- b. All areas of earth disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. Temporary stabilization is not required if precipitation is not forecast and work is to continue in the next 24-hours or if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of two feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption, and the exemption applies only to the excavated area itself.
- c. Site inspections on active construction sites shall be conducted daily during the period from October 15 through April 15.
- d. The use of chemical treatments (e.g. polymers, flocculants, and coagulants) for the settling and/or removal of sediment from stormwater runoff associated with construction and construction-related activities requires prior written approval and an approved site and project-specific plan, from the Vermont Agency of Natural Resources. In addition, the use of cationic polymers is prohibited unless approved by the Vermont Agency of Natural Resources under a site and project-specific plan.
- e. Any applicant under EPA's CGP shall allow authorized Vermont Agency of Natural Resources representatives, at reasonable times and upon presentation of credentials, to enter upon the project site for purposes of inspecting the project and determining

compliance with this Certification.

- f. The Vermont Agency of Natural Resources may reopen and alter or amend the conditions of this Certification over the life of the EPA 2022 Construction General Permit when such action is necessary to assure compliance with the VWQS.

9.2 EPA REGION 2

9.2.1 NYR10I000 Indian country within the State of New York

a. Saint Regis Mohawk Tribe

- i. Any Responsible-Person/Decision-Maker required under the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must concurrently submit an electronic copy of the NOI to the SRMT Environmental Division, Water Resource Program Manager. Additionally, an electronic copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be electronically provided to the following addresses:

Mr. Tiernan W. Smith

Water Resources Program Manager Saint Regis Mohawk Tribe

449 Frogtown Road

Akwesasne, NY 13655 Tiernan.Smith@srmt-nsn.gov 518.358.2272 ext. 5073

- ii. Any Responsible-Person/Decision-Maker that is required as part of the CGP to prepare a Discharge Management Plan (OMP) or Storm Water Management Plan (SWMP) and/or Storm Water Pollution Prevention Plan (SWPPP) must submit an electronic copy of the DMP, SWMP and/or SWPPP to the SRMT Environment Division, Water Resources Program Manager 10 business days prior to the start of construction of any work to be conducted under the CGP. The applicable documents must be provided to the electronic address listed above.
- iii. Any Responsible-Person/Decision-Maker that is required under the CGP to submit an annual report to EPA must submit an electronic copy of the annual report concurrently to the SRMT Water Resource Program. Additionally, any correspondences between the applicant and EPA related to analytical data, written reports, corrective action, enforcement, monitoring, or an adverse incident must likewise be routed to the SRMT Water Resources Program at the above electronic address.
- iv. An "Authorization to Proceed Letter" with site-specific mitigation requirements may be sent out to the permittee when a review of the NOI and OMP, SWMP and /or SWPPP on a case-by-case basis, is completed by the SRMT Environment Division, Water Resource Program. This approval will allow the application to proceed if all mitigation requirements are met.

b. Seneca Nation

- i. Under Part 1.1.5 of the CGP, the Seneca Nation requests that an applicant must demonstrate that they meet the eligibility criteria listed in Appendix D (certify in your Notice of Intent (NOI) that you meet one of the eligibility criteria [Criterion A-F]) as well as species and critical habitats that are listed under the Seneca Nation's "Fishing and Conservation Laws" and the "Seneca Nation of Indians Comprehensive Conservation Law".

- ii. The Tribal Historic Preservation Office (THPO) was established in 2000 after the Seneca Nation received a recognition letter from the National Park Service (NPS); therefore under Part 1.1.6 of the CGP (Appendix E) and prior to submitting a Notice of Intent (NOI) operators must complete the Nation's THPO, Project Review Form (<https://sni.org/media/246603/sni-thpo-project-review-form.pdf>) and submit the completed form with associated information to the Tribal Historic Preservation Officer at 90 Ohi:yo' Way, Salamanca, NY 14779. Federal agencies engaging in construction activities must provide for construction review by a certified construction reviewer in accordance with 7 Del. C. §§4010 & 4013 and 7 DE Admin. Code 5101, subsection 6.1.6.
- iii. Under Part 1.2 of the CGP, discharges must also follow the Section 13 of the Guide for Construction (Seneca Nation of Indians Source Water Code) and respectively, Council Resolution, dated April 13, 2013 (CN: R-04-13-13-11) to ensure that the health, safety and welfare of the citizens of the Seneca Nation, and all other within the Lands and Territories of the Seneca Nation of Indians, and to facilitate the adequate provisions of water through the elimination or prevention of ground water contamination in the vicinity of wells that supply drinking water for the Nation. The area is known as the Source Water Protection Area (SWPA) and specified activities are regulated within this SWPA, as cited in Section 13 of the Guide for Construction and Section VI, of CN: R-04-13-13-11.
- iv. Under Part 1.4, any operator who seeks coverage of the CGP, and is required to submit a notice of intent NOI and Notice of Termination (NOT) (as necessary) to the EPA for coverage, under Part 1.4.2 must also submit a copy of the NOI to the Seneca Nation's Environmental Protection Department (EPD) within three business days of submittal to the EPA, (address shown below). Respectively, a copy of the NOT (as described under Part 8.3 of the CGP), which certifies that you have met the requirements of Part 8, must be provided within three business days after electronic confirmation is received from the EPA that the NOT has been accepted. In addition to a NOI and NOT, the Seneca Nation (Environmental Protection Department [EPD]) would require an Environmental Impact Assessment (EA) (Long Form), as shown in Section 2 of the Seneca Nation of Indians Laws, Ordinances & Policies (Guide for Construction), to be completed and submitted to the EPD prior to any project to determine whether the impacts from a project would create significant and detrimental effects to the Nation's lands, water (violate WQS), and environment. The NOI, NOT, and EA must be submitted electronically to epd@sni.org and provided to the following address:
Seneca Nation
Environmental Protection Department (EPD) Attn: Director of EPD
12837 Route 438
Irving, NY 14081
- v. Under Part 3.0 of the CGP, discharges must be controlled as necessary to meet applicable WQS. The Seneca Nation is working actively towards finalizing and implementing the; therefore, the EPD would require an applicant to submit or grant access to the permit to obtain information on the impact of effluents on receiving waters, including the capability of receiving waters to support future designated uses and achieve the WQS of the Nation; and to advise prospective dischargers of discharge requirements, and coordinate with the appropriate

permitting agencies. As stated in the Decision Document, under Section 303(c) of the CWA, 33 U.S.C. § 1313(c), states develop, review, and revise (as appropriate) water quality standards for surface waters of the United States. At a minimum, such standards are to include designated water uses, water quality criteria to protect such uses, and an antidegradation policy. 40 C.F.R. § 131.6. In addition, under Section 401 of the CWA states may grant, condition, or deny "certification" for federally permitted or licensed activities that may result in a discharge to the waters of the United States 33 U.S.C. § 1341.

- vi. Under Part 7.2.8(a)(b)(c) and for Part 9 of the CGP, the following Sections of the Seneca Nation's Guide for Construction shall be considered, in conjunction with the CGP:
 - (a) Section 1. Executive Order - To Establish a Policy for Governing Access to Nation Territories and Facilities by Officials of Foreign Government, dated March 31, 2011
 - (b) Section 3. Natural Resources Committee, Sand and Gravel Law (CN: R-06-24-05-08)
 - (c) Section 4. Fishing and Conservation Laws - Part 1.1.5 of the CGP
 - (d) Section 5. Seneca Nation of Indians Comprehensive Conservation Law, adopted January 14, 2012
 - (e) Section 9. Food is Our Medicine (FIOM) Program/Native Planting Policy (CN: R-03-08-14-14)
 - (f) Section 10. Forestry Management Plan (CN: R-08-14-10-23)
 - (g) Section 11. Timber Ordinance #411-092, dated May 8, 1982
 - (h) Section 14. Flood Damage Prevention Local Law, dated September 27, 1988
 - (i) Section 16. Utilities Ordinance No. 87-100
 - (j) Authorizing Emergency Action and Contingency Plan to Restrain Pollution of Nations Waters, (Council Resolution: R-03-01-18-10), dated March 10, 2018
Seneca Nation of Indians Permit Application for Construction within Waterways Permit, Form NR98-01.00

9.3 EPA REGION 3

9.3.1 DCR100000 District of Columbia

- a. Discharges authorized by this permit shall comply with the District of Columbia Water Pollution Control Act of 1984, as amended (DC Official Code § 8-103.01 and § 8-103.06, et seq.) to ensure that District of Columbia waters, waters in adjacent and downstream states, and the beneficial uses of these waters will not be harmed or degraded by the discharges.
- b. Discharges authorized by this permit must comply with §§ 1104.1 and 1104.8 of Chapter 11 and the provisions of Chapter 19 of Title 21 of District of Columbia Municipal Regulations in order to attain and maintain designated uses of the District of Columbia waters.

- c. The permittee shall comply with the District of Columbia Stormwater Management and Soil Erosion and Sediment Control regulations in Chapter 5 of Title 21 of the District of Columbia Municipal Regulations.
- d. The permittee shall comply with the District of Columbia Flood Management Control regulations in Chapter 31 of Title 20 of the District of Columbia Municipal Regulations.
- e. The permittee shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002, during the review and approval of the permittee's DOEE Erosion and Sediment Control Plan in accordance with the provisions of Chapter 542 of Title 21 of the District of Columbia Municipal Regulations.
- f. Upon request, the permittee shall submit all inspection and monitoring reports as required by this permit and 40 CFR § 122.41 to the Associate Director, Inspection and Enforcement Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2226, or by email at Joshua.Rodriguez@dc.gov.
- g. In the event the permittee intends to discharge dewatering water, groundwater, or groundwater comingled with stormwater from a known contaminated site, the permittee shall contact the Regulatory Review Division, Department of Energy & Environment, Government of the District of Columbia, 1200 First Street, NE, 5th Floor, Washington, DC 20002; telephone (202) 535-2600, or by email at MS4DischargeAuthorization@dc.gov to request authorization to discharge dewatering water, groundwater, or groundwater comingled with stormwater to the District's Municipal Separate Storm Sewer System (MS4) or to a surface water body pursuant to §§ 8-103.02, 8-103.06, and 8-103.07 of the District of Columbia Water Pollution Control Act of 1984, as amended.

9.3.2 DER10F000 Areas in the State of Delaware located at a federal facility (as defined in Appendix A)

- a. Federal agencies must submit a sediment and stormwater management plan (SSMP) and receive Department approval prior to undertaking any land clearing, soil movement or construction activity unless conducting an exempt activity.
- b. Federal construction activities are required to have a third-party Certified Construction Reviewer (CCR) perform weekly reviews to ensure the adequacy of construction activities pursuant to the approved SSMP and regulations. Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.
- c. Implementation of approved SSMPs requires the daily oversight of construction activity by certified responsible personnel.
- d. A current copy of the SSMP must be maintained at the construction site.
- e. Unless authorized by the Department, not more than 20 acres may be disturbed at any one time.

9.4 EPA REGION 4

No additional conditions

9.5 EPA REGION 5**9.5.1 MIR10I000 Indian country within the State of Minnesota****a. Fond du Lac Reservation**

- i. New dischargers wishing to discharge to an Outstanding Reservation Resource Water (ORRW)¹⁰⁷ must obtain an individual permit from EPA for storm water discharges from large and small construction activities.
- ii. A copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Office of Water Protection at least fifteen (15) days in advance of sending the Notice of Intent to EPA. The SWPPP can be submitted electronically to richardgitar@FDLREZ.com or by hardcopy sent to:
Fond du Lac Reservation
Office of Water Protection
1720 Big Lake Road
Cloquet, MN 55720
- iii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the Fond du Lac Office of Water Protection at the same time they are submitted to EPA. [The condition helps the Office of Water Protection keep track of when a project is about to start and when it has ended. FDL Water Quality Certification Ordinance, Section 204 (a) (2)].
- iv. If the project will entail a discharge to any watercourse or open water body, the turbidity limit shall NOT exceed 10% of natural background within the receiving water(s) as determined by Office of Water Protection staff. For such discharges, turbidity sampling must take place within 24 hours of a ½-inch or greater rainfall event. The results of the sampling must be reported to the Office of Water Protection within 7 days of the sample collection. All sample reporting must include the date and time, location (GPS: UTM/Zone 15), and NTU. CGP applicants are encouraged to work with the Office of Water Protection in determining the most appropriate location(s) for sampling. [This condition helps both the Office of Water Protection and the project proponent in knowing whether or not their erosion control efforts are effective. FDL Water Quality Certification, Section 204 (b) (1)].
- v. Receiving waters with open water must be sampled for turbidity prior to any authorized discharge as determined by Office of Water Protection staff. This requirement only applies to receiving waters which no ambient turbidity data exists. [This condition allows the Office of Water Protection to obtain a baseline turbidity sample in which to compare to other samples. FDL Water Quality Certification Ordinance, Section 204 (b) (2)].
- vi. All work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in the Water Quality Standards of the Fond du Lac Reservation, Ordinance #12/98, as amended. This includes, but is not limited to, the prevention of any discharge that causes a condition in which visible solids, bottom deposits, or turbidity impairs the usefulness of water of the Fond du Lac

¹⁰⁷ Although additional waters may be designated in the future, currently Perch Lake, Rice Portage Lake, Miller Lake, Deadfish Lake, and Jaskari Lake are designated as ORRWs.

Reservation for any of the uses designated in the Water Quality Standards of the Fond du Lac Reservation. These uses include wildlife, aquatic life, warm water fisheries, cold water fisheries, subsistence fishing (netting), primary contact recreation, secondary contact recreation, cultural, wild rice areas, aesthetic waters, agriculture, navigation, commercial and wetlands. It also includes the designated uses of wetlands including, but not limited to, baseflow discharge, cultural opportunities, flood flow attenuation, groundwater recharge, indigenous floral and fauna) diversity and abundance, nutrient cycling, organic carbon export/cycling, protection of downstream water quality, recreation, resilience against climactic effects, sediment/shoreline stabilization, surface water storage, wild rice, and water dependent wildlife. [In addition to listing the designated uses of waters of the Fond du Lac Reservation, this condition also limits the project proponent to discharges that will not violate our Water Quality Standards. FDL Water Quality Certification Ordinance, Section 204 (a) (7)).

- vii.** Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the Fond du Lac Reservation. All spills must be reported to the appropriate emergency management Agency (National Response Center AND the State Duty Officer), and measures shall be taken immediately to prevent the pollution of waters of the Fond du Lac Reservation, including groundwater. The Fond du Lac Office of Water Protection must also be notified immediately of any spill regardless of size. [This condition helps protect water quality and also reminds project proponents of their responsibility in reporting spill events. FDL Water Quality Certification Ordinance, Section 204 (b) (3)).
- viii.** All seed mixes, whether used for temporary stabilization or permanent seeding, shall NOT contain any annual ryegrass (*Lolium* species). Wild rye (*Elymus* species) or Oats (*Avena* species) may be used as a replacement in seed mixes. [This condition prevents the use of annual ryegrass on the Reservation. Annual ryegrass is allelopathic, which means it produces biochemical in its roots that inhibit the growth of native plants. If used in seed mixes, annual ryegrass could contribute to erosion, especially on slopes. However, the condition also specifies substitute grasses that germinate almost as fast as annual ryegrass for use as a cover crop to help prevent erosion. FDL Water Quality Certification Ordinance, Section 204 (t) (1)).
- ix.** To prevent the introduction of invasive species, ALL contractors and subcontractors MUST disclose information stating prior equipment location(s) and ALL known invasive species potentially being transported from said location(s). All equipment MUST undergo a high pressure wash (including any equipment mats) BEFORE ENTERING the Fond du Lac Reservation. Personal equipment such as work boots, gloves, vest, etc. MUST be clean of debris, dirt and plant and animal material BEFORE ENTERING the Fond du Lac Reservation. Equipment being transported from known infested areas MUST undergo a high pressure wash as soon as possible after leaving the infested site and again BEFORE ENTERING the Fond du Lac Reservation, to avoid transport of invasive species into areas surrounding the Reservation. Written certification of equipment cleaning MUST be provided to the Fond du Lac Office of Water Protection. Upon arrival, ALL contractor and subcontractor equipment will be inspected by appointed Fond du Lac staff. If equipment is deemed unsatisfactory, the equipment MUST

undergo a high pressure washing until the equipment is cleared by the inspector, until such time, minimal travel will be allowed through the Reservation. The contractor shall be held responsible for the control of any invasive species introduced as a result of their project. [This condition requires the project proponent to prevent the inadvertent introduction of invasive species by taking an active role in cleaning all vehicles, equipment, and equipment mats before entering the Reservation. This condition has been placed in certifications since 2012, due to the introduction of Wild Parsnip in 2011 from a pipeline contractor. It is much easier to prevent the introduction of an invasive species than it is to eradicate it once it has been introduced. Many invasive plant species form monocultures, preventing native plants from growing. This situation often leads to cases of erosion, which in turn effects water quality. FOL Water Quality Certification Ordinance, Section 204 (g) (1)].

- x. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors. [This condition ensures that the information contained in the certification, especially the conditions, is readily available onsite for reference. FOL Water Quality Certification Ordinance, Section 204 (a) (9)].

b. The Grand Portage Band of Lake Superior Chippewa

- i. The CGP authorization is for construction activities that may occur within the exterior boundaries of the Grand Portage Reservation in accordance to the Grand Portage Land Use Ordinance. The CGP regulates stormwater discharges associated with construction sites of one acre or more in size. Only those activities specifically authorized by the CGP are authorized by this certification (the "Certification").
- ii. All construction stormwater discharges authorized by the CGP must comply with the Water Quality Standards and Water Resources Ordinance, as well as Applicable Federal Standards (as defined in the Water Resources Ordinance).
- iii. All appropriate steps must be taken to ensure that petroleum products or other chemical pollutants are prevented from entering the Waters of the Reservation. All spills must be reported to the appropriate emergency-management agency, and measures must be taken to prevent the pollution of the Waters of the Reservation, including groundwater.
- iv. The 2022 CGP requires inspections and monitoring reports of the construction site stormwater discharges by a qualified person. Monitoring and inspection reports must comply with the minimum requirements contained in the 2022 CGP. The monitoring plan must be prepared and incorporated into the Storm Water Pollution Prevention Plan (the "SWPP"). A copy of the SWPP must be submitted to the Board at least 30 days in advance of sending the requisite Notice of Intent to EPA. The SWPP should be sent to:

Grand Portage Environmental Resources Board
P.O. Box 428
Grand Portage, MN 55605

Copies of the Notice of Intent and Notice of Termination required under the General Permit must be submitted to the Board at the address above at the same time they are submitted to the EPA.

- v. If requested by the Grand Portage Environmental Department, the permittee must provide additional information necessary for a case-by-case eligibility determination to assure compliance with the Water Quality Standards and any Applicable Federal Standards. The burden is on the applicant to demonstrate compliance with the Water Quality Standards, the Water Resources Ordinance, and Applicable Federal Standards whether or not the application is ultimately eligible for the CGP.
 - vi. CGP discharges must not cause nuisance conditions as defined in Grand Portage Water Quality Standards.
 - vii. The Board retains full authority to ensure compliance with and to enforce the provisions of the Water Resource Ordinance and Water Quality Standards, Applicable Federal Standards, and these Certification conditions. Nothing herein affects the scope or applicability of other controlling tribal or federal requirements, including but not limited to impacts to cultural, historical, or archeological features or sites, or properties that may be eligible for listing on the National Register of Historic Places under the National Historic Preservation Act, 54 U.S.C. §§ 300101 et seq.
 - viii. Appeals related to Board actions taken in accordance with any of the preceding conditions may be heard by the Grand Portage Tribal Court.
- c. Leech Lake Band of Ojibwe**
- i. The water quality standards that apply to the construction site are the standards at the time the operator submits its Notice of Intent (NOI) to EPA and the LLBO WRP (see conditions # 2 and # 3).
 - ii. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the LLBO WRP at least 30 days in advance of sending the NOI for the project to EPA. See attached LLBO 401 Water Quality Certification Ordinance. Section 304(a)(1). The SWPPP should be submitted electronically to Jeff.Harper@llojibwe.net and by hardcopy sent to:
Leech Lake Band of Ojibwe
ATTN: Water Resources Program - 401 Cert
Division of Resource Management
190 Sailstar Drive NW
Cass Lake, Minnesota 56633
 - iii. Copies of the NOI and the Notice of Termination (NOT) must be submitted to the LLBO WRP at the same time they are submitted to EPA. See attached LLBO 401 Water Quality Certification Ordinance, Section 304(a)(2). The NOI and NOT should be submitted electronically to Jeff.Harper@llojibwe.net and sent by hardcopy to the address cited in condition # 2.
 - iv. Any and all other conditions listed in Section 304 of the attached LLBO 401 Water Quality Certification Ordinance shall be observed unless the LLBO WRP deems that certain conditions therein are not applicable to the project in need of a permit under this certification.
 - v. A copy of this certification MUST be kept by the contractor on-site at all times and be available for viewing by all personnel, including inspectors.
 - vi. Upon consideration of the NOI, if the LLBO WRP finds that the discharge will not be controlled as necessary to meet applicable water quality standards, the LLBO

WRP may insist, consistent with Part 3.1 of the CGP, that additional controls are installed to meet applicable water quality standards, or recommend to EPA that the operator obtain coverage under an individual permit.

9.5.2 WIR10I000 Indian country within the State of Wisconsin

a. Bad River Band of Lake Superior Tribe of Chippewa Indians

- i. Only those activities specifically authorized by the CGP are authorized by this Certification. This Certification does not authorize impacts to cultural properties, or historical sites, or properties that may be eligible for listing as such.
- ii. All projects which are eligible for coverage under the CGP and are located within the exterior boundaries of the Bad River Reservation shall be implemented in such a manner that is consistent with the Tribe's Water Quality Standards (WQS). The Tribe's WQS can be viewed at: http://www.badriver-nsn.gov/wp-content/uploads/2020/01/NRD_WaterQualityStandards_2011.pdf
- iii. Operators are not eligible to obtain authorization under the CGP for all new discharges to an Outstanding Tribal Resource Water (OTRW or Tier 3 water). OTRWs, or Tier 3 waters, include the following: Kakagon Slough and the lower wetland reaches of its tributaries that support wild rice, Kakagon River, Bad River Slough, Honest John Lake, Bog Lake, a portion of Bad River, from where it enters the Reservation through the confluence with the White River, and Potato River. OTRWs can be viewed at:
<https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>
- iv. An operator proposing to discharge to an Outstanding Resource Water (ORW or Tier 2.5 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ORWs, or Tier 2.5 waters, include the following: a portion of Bad River, from downstream the confluence with the White River to Lake Superior, White River, Marengo River, Graveyard Creek, Bear Trap Creek, Wood Creek, Brunsweller River, Tyler Forks, Bell Creek, and Vaughn Creek. ORWs can be viewed at:
<https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>. The antidegradation demonstration materials described in provision E.4.iii., and included on the antidegradation demonstration template found at: <https://www.badriver-nsn.gov/natural-resources/projectreviews/>, must be submitted to the following address:
Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov
- v. An operator proposing to discharge to an Exceptional Resource Water (ERW or Tier 2 water) under the CGP must comply with the antidegradation provisions of the Tribe's WQS. ERWs, or Tier 2 waters, include the following: any surface water within the exterior boundaries of the Reservation that is not specifically classified as an Outstanding Resource Water (Tier 2.5 water) or an Outstanding Tribal Resource Water (Tier 3 water). ERWs can be viewed at:
<https://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>. The antidegradation demonstration materials described in provision

E.4.ii., and included on the antidegradation demonstration template found at: <https://www.badriver-nsn.gov/natural-resources/projectreviews/>, must be submitted to the following address:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

- vi. Projects utilizing cationic treatment chemicals within the Bad River Reservation boundaries are not eligible for coverage under the CGP.
- vii. A discharge to a surface water within the Bad River Reservation boundaries shall not cause or contribute to an exceedance of the turbidity criterion included in the Tribe's WQS, which states: Turbidity shall not exceed 5 NTU over natural background turbidity when the background turbidity is 50 NTU or less, or turbidity shall not increase more than 10% when the background turbidity is more than 50 NTU.
- viii. All projects which are eligible for coverage under the CGP within the exterior boundaries of the Bad River Reservation must comply with the Bad River Reservation Wetland and Watercourse Protection Ordinance, or Chapter 323 of the Bad River Tribal Ordinances, including the erosion and sedimentation control, natural buffer, and stabilization requirements. Questions regarding Chapter 323 and requests for permit applications can be directed to the Wetlands Specialist in the Tribe's Natural Resources Department at (715) 682-7123 or wetlands@badriver-nsn.gov.
- ix. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must notify the Tribe prior to the commencing earth-disturbing activities. The operator must submit a copy of the Notice of Intent (NOI) to the following addresses at the same time it is submitted to the U.S. EPA:

Bad River Tribe's Natural Resources Department
Attn: Water Regulatory Specialist
P.O. Box 39 Odanah, WI 54861
WaterReg@badriver-nsn.gov

Bad River Tribe's Natural Resources Department
Attn: Tribal Historic Preservation Officer (THPO)
P.O. Box 39 Odanah, WI 54861
THPO@badriver-nsn.gov

The operator must also submit a copy of the Notice of Termination (NOT) to the above addresses at the same time it is submitted to the U.S. EPA. Photographs showing the current site conditions must be included as part of the NOT to document the stabilization requirements have been met.

- x. The THPO must be provided 30 days to comment on the project.
- xi. The operator must obtain THPO concurrence in writing. This written concurrence will outline measures to be taken to prevent or mitigate effects to historic

properties. For more information regarding the specifics of the cultural resources process, see 36 CFR Part 800. A best practice for an operator is to consult with the THPO during the planning stages of an undertaking.

- xii. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the following address at the same time as submitting the NOI:
 - Bad River Tribe's Natural Resources Department
 - Attn: Water Regulatory Specialist
 - P.O. Box 39 Odanah, WI 54861
 - WaterReg@badriver-nsn.gov
- xiii. Any corrective action reports that are required under the CGP must be submitted to the following address within one (1) working day of the report completion:
 - Bad River Tribe's Natural Resources Department
 - P.O. Box 39 Odanah, WI 54861
 - WaterReg@badriver-nsn.gov
- xiv. An operator of a project, which is eligible for coverage under the CGP, that would result in an allowable discharge under the CGP occurring within the exterior boundaries of the Bad River Reservation must submit a copies of the inspection reports (including photographs) to the following address within 24 hours of completing any site inspection required:
 - Bad River Tribe's Natural Resources Department Attn: Water Regulatory Specialist
 - P.O. Box 39 Odanah, WI 54861
 - WaterReg@badriver-nsn.gov
- xv. An operator shall be responsible for meeting any additional permit requirements imposed by the U.S. EPA necessary to comply with the Tribe's antidegradation policies if the discharge point is located upstream of waters designated by the Tribe.

9.6 EPA REGION 6

9.6.1 NMR100000 State of New Mexico, except Indian country

- a. In Outstanding National Resource Waters (ONRWs) in New Mexico, no degradation is permitted except in limited, specifically defined instances. Therefore, Operators are not eligible to obtain authorization under this general permit for stormwater discharges to waters classified as ONRWs listed in Paragraph D of 20.6.4.9 New Mexico Administrative Code (NMAC), also referred to as "Tier 3 waters" as defined in Appendix A of this permit. Exception: When construction activities are in response to a public emergency (e.g., wildfire, extreme flooding, etc.) and the related work requires immediate authorization to avoid a threat to public health or safety.
 - i. Operators who conduct construction activities in response to a public emergency to mitigate an immediate threat to public health or safety shall adhere to the requirements in 20.6.4.8(A)(3)(c) NMAC, including notifying the New Mexico Environment Department (NMED) within seven days of initiation of

the emergency action and providing NMED with a summary of the action taken within 30 days of initiation of the emergency action.

- ii. For all other scenarios, Operators with proposed discharges to ONRWs in New Mexico shall obtain coverage from EPA under an NPDES Individual Permit and will comply with the additional standards and regulations related to discharges to ONRWs in 20.6.4.8(A) NMAC. Additional information is available from:
 - New Mexico Environment Department Surface Water Quality Bureau
 - P.O. Box 5469
 - Santa Fe, NM 87502-5469 Telephone: 505-827-0187
 - <https://www.env.nm.gov/surface-water-quality/wqs/>
 - <https://gis.web.env.nm.gov/oem/?map=swqb>
- b. If construction dewatering activities are anticipated at a construction site and non-stormwater discharges of groundwater, subsurface water, spring water, and/or other dewatering water are anticipated, the Operators/Permittees must complete the following steps:
 - 1. Review the state's Ground Water Quality Bureau Mapper (<https://gis.web.env.nm.gov/GWQB/>) and Petroleum Storage Tank Bureau Mapper (<https://gis.web.env.nm.gov/GWQB/>).

Check if the following sources are located within the noted distance from the anticipated construction dewatering activity. At a minimum, a list of the following potential sources of contaminants and pollutants at the noted distance is to be kept in the SWPPP.

Source of Potential Contamination or Pollutants*	Constituents likely to be required for testing*
Within 0.5 mile of an open Leaking Underground Storage Tank (LUST) site	BTEX (Benzene, Toluene, Ethylbenzene, and Xylene) plus additional parameters depending on site conditions**
Within 0.5 mile of an open Voluntary Remediation site	All applicable parameters or pollutants listed in 20.6.4.13, 20.6.4.52, 20.6.4.54, 20.6.4.97 thru 20.6.4.99, 20.6.4.101 through 20.6.4.899, and 20.6.4.900 NMAC (or an alternate list approved by the NMED-SWQB)*
Within 0.5 mile of an open RCRA Corrective Action Site	
Within 0.5 mile of an open Abatement Site	
Within 0.5 mile of an open Brownfield Site	
Within 1.0 mile or more of a Superfund site or National Priorities List (NPL) site with associated groundwater contamination.	
Construction activity contaminants and/or natural water pollutants	Additional parameters depending on site activities and conditions (Contact NMED-SWQB for an alternate list)*

*For further assistance determining whether dewatering may encounter contaminated sources, please contact the NMED Ground Water Quality Bureau at 505-827-2965 or NMED Surface Water Quality Bureau (SWQB) at 505-827-0187.

** EPA approved sufficiently sensitive methods must be used. For known PCB sources and analysis, EPA Method 1668C must be used (see <https://www.epa.gov/cwa-methods>).

- If dewatering activities are anticipated, information on the flow rate and potential to encounter contaminated groundwater, subsurface water, spring water, or dewatering water must be provided directly to NMED at the following address:

NMED Surface Water Quality Bureau

Program Manager, Point Source Regulation
Section PO Box 5469, Santa Fe, NM 87502

Please call the SWQB to obtain the appropriate email address (505-827-0187).

- In addition, the Operator/Permittee must characterize the quality of the groundwater and subsurface water, spring water, or dewatering water being considered for discharge according to the table above and including dissolved hardness and pH. Considering the contaminant sources listed in the table above, water quality data may already be available. For further assistance, contact the

NMED Surface Water Quality Bureau (505-827-0187), Ground Water Quality Bureau (505-827- 2965), Petroleum Storage Tank Bureau (505-476-4397), or Hazardous Waste Bureau (505-476- 6000).

- i. The Operator/Permittee must submit recent analytical test results (i.e., within the past 5 years) according to the table above, and including dissolved hardness and pH, to the EPA Region 6 Stormwater Permit Contact and the NMED Surface Water Quality Bureau (see contact information in #2 above). If the test data exceed applicable water quality standards, then the groundwater, subsurface water, spring water, or dewatering water cannot be discharged into surface waters under this general permit.
Operators/Permittees may submit an NPDES Individual Permit application to treat and discharge to waters of the U.S. or find alternative disposal measures. No discharges to surface waters are allowed until authorized.
 - ii. If the discharge has the potential to affect groundwater (e.g., land application), the Operator/Permittee must submit an NOI to the NMED Ground Water Quality Bureau (see 20.6.2.1201 NMAC – Notice of Intent to Discharge).
 4. The Operator/Permittee must document any findings and all correspondence with NMED and EPA in the SWPPP.
- c. Operators who intend to obtain authorization under this permit for new and existing storm water discharges from construction sites must satisfy the following condition:
 - i. The SWPPP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion and sediment control best management practices (BMPs) and/or other controls that are designed to prevent to the maximum extent practicable an increase in the sediment yield and flow velocity from pre-construction, pre-development conditions to assure that applicable standards in 20.6.4 NMAC, including the antidegradation policy, and TMDL waste load allocations (WLAs) are met. This requirement applies to discharges both during construction and after construction operations have been completed. The SWPPP must identify and document the rationale for selecting these BMPs and/or other controls. The SWPPP must also describe design specifications, construction specifications, maintenance schedules (including a long-term maintenance plan), criteria for inspections, and expected performance and longevity of these BMPs. For sites greater than 5 acres in size, BMP selection must be made based on the use of appropriate soil loss prediction models (i.e. SEDCAD, RUSLE, SEDIMOT, MULTISED, etc.) OR equivalent generally accepted (by professional erosion control specialists) soil loss prediction tools.
 - ii. For all sites, the Operator(s) must demonstrate, and include documentation in the SWPPP, that implementation of the site-specific practices will ensure that the applicable standards and TMDL WLAs are met, and will result in sediment yields and flow velocities that, to the maximum extent practicable, will not be greater than the sediment yield levels and flow velocities from preconstruction, pre-development conditions.
 - iii. All SWPPPs must be prepared in accordance with good engineering practices by qualified (e.g., CPESC certified, engineers with appropriate training) erosion control specialists familiar with the use of soil loss prediction models and design of

erosion and sediment control systems based on these models (or equivalent soil loss prediction tools). Qualifications of the preparer (e.g., professional certifications, description of appropriate training) must be documented in the SWPPP. The Operator(s) must design, implement, and maintain BMPs in the manner specified in the SWPPP.

NMED supports the use of EPA's small residential lot template if a site qualifies to use it as explained in the permit, as long as it is consistent with the above requirements. NMED's requirement does not preclude small residential sites from using the template, but it may require an additional short paragraph to justify the selection of specific BMPs for the site.

- d. Operators must notify NMED when discharges of toxic or hazardous substances or oil from a spill or other release occurs - see Emergency Spill Notification Requirements, Part 2.3.6 of the permit. For emergencies, Operators can call 505-827-9329 at any time. For non-emergencies, Operators can call 866-428-6535 (voice mail 24-hours per day) or 505-476-6000 during business hours from 8am-5pm, Monday through Friday. Operators can also call the NMED Surface Water Quality Bureau directly at 505-827-0187.
- e. Operators of small construction activities (i.e., 1-5 acres) are not eligible to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on Item C.3 of Appendix C (Equivalent Analysis Waiver) in the State of New Mexico.

9.6.2 NMR10I000 Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.

a. Nambe Pueblo

- i. The operator must provide a copy of the Notice of Intent (NOI) and Notice of Termination (NOT) to the Nambe Pueblo Governor's Office at the same time it is provided to the US Environmental Protection Agency. The NOI and NOT should be provided to the following address:
Office of the Governor Nambe Pueblo
ISA NPI02 WEST
Nambe Pueblo, New Mexico 87506
- ii. The operator must provide a copy of the Storm Water Pollution Prevention Plan (SWPPP) to Nambe Pueblo at the same time it is submitted to the EPA, either by email to governor@nambepueblo.org or mailed to the above address.
- iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Nambe Pueblo Department of Environmental and Natural Resources or Nam be Governor.

b. Ohkay Owingeh Tribe

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Ohkay Owingeh Office of Environmental Affairs, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be

provided to the following address:

Naomi L. Archuleta - Environmental Programs Manager Ohkay Owingeh
Office of Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
naomi.archuleta@ohkay.org

Noah Kaniatobe - Environmental Specialist Ohkay Owingeh, Office of
Environmental Affairs
P.O. Box 717
Ohkay Owingeh, NM 87566
noah.kaniatohe@ohkay.org

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) to Ohkay Owingeh Office of Environmental Affairs at the same time that the NOI is submitted to the tribe (see contact information listed above).
- iii. Following each incident where the operator takes a corrective action the operator must provide the corrective action log to the Ohkay Owingeh Office of Environmental Affairs.
- iv. The operator must notify Ohkay Owingeh Office of Environmental Affairs within 24 hours, in the event of an emergency spill in addition to the notification requirements at Part 2.3.6 of the CGP. Please contact: Ohkay Owingeh Tribal Police Department at 505.852.2757.

Please contact:
Ohkay Owingeh
Tribal Police Department
505.852.2757

c. Pueblo of Isleta

- i. All operators obtaining permit coverage under the EPA CGP must submit a copy of the certified Notice of Intent (NOI) to the Pueblo of Isleta at the same time it is submitted to EPA for projects occurring within the exterior boundaries of the Pueblo of Isleta. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The Notices must be provided to the following address:

Water Quality Control Officer Pueblo of Isleta
Environment Department PO Box 1270
Isleta NM 87022
505-869-7565
WQCO@isletapueblo.com

- ii. The operator must notify the Pueblo of Isleta's Dispatch at 505-869-3030 as soon as possible and the Pueblo of Isleta Water Quality Control Officer within 10 hours, in the event of a spill of hazardous or toxic substances or if health or the

environment become endangered in addition to the notification requirements at Part 2.3.6 and at I.12.6.1 of the CGP.

- iii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Isleta Water Quality Control Officer at the above address, 30 days prior to submitting the certified NOI to EPA. If the electronic file is too large to send through e-mail, a zip file or flash drive may be submitted.
- iv. All operators obtaining permit coverage under the EPA CGP must give 2 days advance notice to the Pueblo of Isleta Water Quality Control Officer of any planned changes in the permitted activity which may result in noncompliance with permit requirements.
- v. All operators obtaining permit coverage under the EPA CGP must post a sign or other notice of permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road or tribal road that is nearest to the active part of the construction site. The sign must be maintained on-site from the time construction activities begin until final stabilization is met.
- vi. Erosion and sediment controls shall be designed to retain sediment on-site and project-generated waste materials that have the potential to discharge pollutants shall not be placed on open soil or on a surface that is not stabilized. Volumes of sediment over five (5) cubic yards must be removed from the active construction site; additionally, if sediment is placed for disposal within the exterior boundaries of the Pueblo of Isleta, disposal must be within a tribally approved sediment disposal site.

d. Pueblo of Laguna

- i. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Laguna's Environmental & Natural Resources Department (ENRD) within three business days of submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after the EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be electronically submitted to info.environmental@pol-nsn.gov.
- ii. All operators obtaining permit coverage under the EPA CGP must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Laguna's ENRD 14 days prior to the submittal of the NOI (see contact information listed above).
- iii. The operator must provide copies of corrective actions logs and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Laguna ENRD (see contact information above).
- iv. In addition to the notification requirements of Part 2.3.6 of the CPG **[EPA interprets this intending to refer to the CGP]**, the operator must notify the Pueblo of Laguna ENRD at 505-552-7512 in the event of an emergency spill as soon as possible.

e. Pueblo of Sandia. The following conditions apply only to discharges on the Pueblo of Sandia Reservation:

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Sandia Environment Department concurrently with submittal to the EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided concurrently with submittal to the EPA. The NOI and NOT must be provided electronically to the following addresses:
Electronic Addresses:
Amy Rosebrough (Water Quality Manager): rosebrough@sanidapueblo.nsn.us
Greg Kaufman (Environment Director): gkaufman@sandiapueblo.nsn.us
 - ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo of Sandia Environment Department at least 14 days prior to submittal of the NOI to the Pueblo (see contact information listed above).
 - iii. If requested by the Pueblo of Sandia Environment Department, the permittee must provide additional information necessary on a case-by-case basis to assure compliance with the Pueblo of Sandia Water Quality Standards and/or applicable Federal Standards.
 - iv. An "Authorization to Proceed Letter" with site specific mitigation requirements may be sent out to the permittee when a review of the NOI and SWPPP, on a case-by-case basis, is completed by the Pueblo of Sandia Environment Department. This approval will allow the application to proceed if all mitigation requirements are met.
 - v. The Pueblo of Sandia will not allow Small Construction Waivers (Appendix C) to be granted for any small construction activities.
 - vi. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings to the Pueblo of Sandia Environment Department upon request. An inspection report and corrective action log must be submitted to the Pueblo within 3 days of any inspection that results in corrective action (see contact information listed above).
 - vii. The operator must notify the Pueblo of Sandia within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the COP (see contact information listed above).
 - viii. Before submitting a Notice of Termination (NOT) to the EPA, permittees must clearly demonstrate to the Pueblo of Sandia Environment Department through a site visit or documentation that requirements for site stabilization have been met and any temporary erosion control structures have been removed. A short letter stating that the NOT is acceptable and all requirements have been met will be sent to the permittee to add to the permittee's NOT submission to the EPA.
- f. Pueblo of Santa Ana. The following conditions apply only to discharges on the Pueblo of Santa Ana Reservation:**
- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo's Department of Natural Resources within three business days of submittal to EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be

provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Regular U.S. Delivery Mail:

Pueblo of Santa Ana
Department of Natural Resources Water Resources Division
Attn: Andrew Sweetman 02 Dove Rd
Santa Ana Pueblo, NM 87004

Electronically:

Andrew Sweetman
Water Resources Division Manager Andrew.Sweetman@santaana-nsn.gov
Tammy Montoya Hydrologist
Tammy.Montoya@santaana-nsn.gov

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Pueblo's Department of Natural Resources at the same time that the NOI is submitted to the tribe (see contact information listed above).
- iii. The operator must provide copies of inspection reports, a copy of the corrective action log, and modifications made to the SWPPP as a result of inspection findings, upon request by the Pueblo's Department of Natural Resources.
- iv. The operator must notify the Pueblo's Department of Natural Resources within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP.

g. Pueblo of Taos

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Taos Pueblo Environmental Office and Taos Pueblo Governor's Office within three business days of submittal to EPA. Additionally, a copy of NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following addresses:

Honorable Governor of Taos Pueblo PO Box 1846
Taos, New Mexico 87571

Taos Pueblo Environmental Office PO Box 1846
Taos, New Mexico 87571
- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Taos Pueblo Environmental Office when the NOI is submitted to the tribe. Electronic copy of SWPPP downloaded on flash drive may be sent to the above address for the Taos Pueblo Environmental Office.
- iii. The operator must provide a copy of the corrective action log following each corrective action undertaken and modifications made to the SWPPP as a result of

a corrective action to the Taos Pueblo Environmental Office at address listed above.

h. Pueblo of Tesuque.

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Pueblo of Tesuque Department of Environment and Natural Resources (DENR) and the Pueblo's Governor within three business days of submittal to EPA. Additionally, a copy of any NOI modifications and the Notice of Termination (NOT), must be provided within three business days after EPA provides electronic confirmation that the submission has been received. The NOI and NOT must be provided to the following address:

Governor Mark Mitchell Pueblo of Tesuque
20 TP 828
Santa Fe, NM 87506 governor@pueblooftesuque.org

Sage Mountain.flower Pueblo of Tesuque
Department of Environment and Natural Resources Director
20 TP 828

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan (SWPPP) to Pueblo of Tesuque DENR and the Pueblo's Governor at the same time that the NOI is submitted to the EPA (see contact information listed above).
- iii. The operator must provide a copy of the corrective action log, and any modifications made to the SWPPP as a result of inspection findings, or upon request by the Pueblo of Tesuque DENR.
- iv. The operator must notify the Pueblo of Tesuque DENR within 24 hours in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP (see contact information listed above).

i. Santa Clara Indian Pueblo.

- i. All operators obtaining permit coverage under the EPA CGP, must submit a copy of the certified (signed) Notice of Intent (NOI) to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA. Additionally, a copy of the NOI modifications and the Notice of Termination (NOT), must be provided at the same time after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT shall be provided to the following address in electronic format:

Dino Chavarria,
Santa Clara Pueblo
Office of Environmental Affairs
dinoc@santaclarapueblo.org

- ii. All operators obtaining permit coverage under the EPA CGP, must submit an electronic copy of the Stormwater Pollution Prevention Plan to the Santa Clara Pueblo Office of Environmental Affairs at the same time the NOI is submitted to the U.S. EPA (see contact information listed above).

- iii. The operator must notify the Santa Clara Pueblo Office of Environmental Affairs at the address above within 24 hours, in the event of an emergency spill, in addition to the notification requirements at Part 2.3.6 of the CGP
- 9.6.3 OKR10I000 Indian country within the State of Oklahoma, except areas of Indian country covered by an extension of state program authority pursuant to Section 10211 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA).**
- a. Pawnee Nation. The following conditions apply only to discharges within Pawnee Indian country:**
- i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pawnee Nation at the same time it is submitted to the Environmental Protection Agency to the following address:
Pawnee Nation Department of Environmental Conservation and Safety
P.O. Box 470
Pawnee, OK 74058
Or email to dnrs@pawneenation.org
 - ii. An electronic copy of the Storm Water Pollution Prevention Plan (SWPPP) must be submitted to the Pawnee Nation Department of Environmental Conservation and Safety at the same time the NOI is submitted.
 - iii. The operator must provide access to the site for inspections and for copies of inspection reports, copy of the corrective action log and modifications, made to the SWPPP because of inspection findings, upon request by the Pawnee Nation DECS.
 - iv. The Pawnee Nation Department of Environmental Conservation and Safety must be notified at 918.762.3655 immediately upon discovery of any noncompliance with any provision of the permit conditions.
- 9.6.4 OKR10F000 Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, or the Oklahoma Department of Agriculture and Forestry including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).**
- a. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Certification is denied for any on-going activities such as sand and gravel mining or any other mineral mining.
 - b. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Lee Creek or any water or watershed designated "ORW" in Oklahoma's Water Quality Standards, certification is denied for any discharges originating from support activities, including, but not limited to, concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, or borrow areas.

- c. Dewatering discharges into sediment or nutrient-impaired waters, and waters identified as Tier 2, Tier 2.5, or Tier 3 (OAC 785:46-13) shall be controlled to meet water quality standards for turbidity in those waters as follows:
 - i. Cool Water Aquatic Community/Trout Fisheries: 10 NTUs (OAC 785: 45-5-12(f)(7)(A)(i))
 - ii. Lakes: 25 NTUs (OAC 785: 45-5-12(f)(7)(A)(ii))
 - iii. In waters where background turbidity exceeds these values, turbidity from dewatering discharges should be restricted to not exceed ambient levels (OAC 785: 45-5-12(f)(7)(B))

9.7 EPA REGION 7

No additional conditions.

9.8 EPA REGION 8

9.8.1 MTR10I000 Indian country within the State of Montana

a. Blackfeet Nation.

- i. The Applicant and applicants for projects authorized under the NWP should obtain all other permits, licenses, and certifications that may be required by federal, state, or tribal authority. Primary relevant tribal permit will be ALPO (Ordinance 117). Others may apply. It is the applicant's responsibility to know the tribal and local ordinances and complete all necessary permissions before they can commence work.
- ii. If a project is unable to meet the enclosed conditions, or if certification is denied for an applicable NWP, the Applicant may request an individual certification from Blackfeet. An individual certification request must follow the requirements outlined in 40 CFR 121.5 of EPA's CWA § 401 Certification Rule, effective September 11, 2020.
- iii. Copies of this certification should be kept on the job site and readily available for reference.
- iv. If the project is constructed and/or operated in a manner not consistent with the applicable NWP, general conditions, or regional conditions, the permittee may be in violation of this certification.
- v. Blackfeet and EPA representatives may inspect the authorized activity and any mitigation areas to determine compliance with the terms and conditions of the NWP.
- vi. This NWP Reissuance does not reduce Tribal authority under any other rule.
- vii. The project, including any stream relocations and restoration, must be built as shown and as otherwise described in the application, the construction plans, cross sections, mitigation plans and other supporting documents submitted to this office. Impacts to aquatic systems and restoration efforts will be monitored by an appropriate aquatic resource professional to ensure that disturbed areas are restored to at least their original condition.
- viii. All existing water uses will be fully maintained during and after the completion of the project. (If applicable)

- ix.** Where practicable, perform all in-channel and wetland work during periods of low flow or drawn—down or when dry
- x.** Equipment staging areas must be located out of all delineated wetlands
- xi.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during and immediately after construction, and all exposed soil and other fills, as well as any work below the ordinary high-water mark or in a wetland, must be permanently stabilized as soon as possible
- xii.** Materials such as piling, culverts, sandbags, fabric, mats, timbers used for temporary facilities in wetlands or below the high- water mark of Waters of the US must be free from oil, gas, excess dirt, loose paint and other pollutants.
- xiii.** Equipment staging areas in wetlands or in stream or river channels must be placed on mats, or other measures must be taken to minimize soil disturbance and compaction.
- xiv.** Clearing of riparian or wetland vegetation for the sole purpose of constructing work bridges, detours, staging areas or other temporary facilities must be limited to the absolute minimum necessary. When temporary impacts to native riparian or wetland vegetation are unavoidable, it must be mowed or cut above ground with the topsoil and root mass left intact.
- xv.** Remove all temporary fills and structures in the entirety when they are no longer needed. Restore affected areas to the appropriate original and planned contours where possible. Re-vegetate disturbed areas with appropriate native species when native species are impacted.
- xvi.** Construction methods and best management practices (BMPs) must minimize aquatic resource impacts to the maximum extent possible. Any BMPs described in the Joint Application must be followed. BMPs should include installation and maintenance of sediment control measures; separation, storage and reuse of any topsoil; and recovery of all disturbed areas where possible. All best management practices must in place prior to the onset of construction or as soon as practicable during the construction process.
- xvii.** Best available technology and/or best management practices must be utilized to protect existing water uses and maintain turbidity and sedimentation at the lowest practical level.
- xviii.** Applicant/contractor should manage disturbed streambank topsoil in a manner that optimizes plant establishment for the site.
- xix.** When operating equipment or otherwise undertaking construction in wetlands and water bodies the following conditions apply:
 - (k) Work should be done in dry conditions if possible.
 - (l) All equipment is to be inspected for oil, gas, diesel, anti-freeze, hydraulic fluid or other petroleum leaks. All such leaks will be properly repaired and equipment cleaned prior to being allowed on the project site. Leaks that occur after the equipment is moved to the project site will be fixed the same day or the next day or removed from the project area. The equipment is not allowed to continue operation once a leak is discovered.

- (m) All equipment is to be inspected and cleaned before and after use to minimize the spread or introduction of invasive or undesirable species.
 - (n) Construction equipment shall not operate below the existing water surface except as follows:
 - Impacts from construction should be minimized through the use of best management practices submitted in the permit application.
 - Essential work below the waterline shall be done in a manner to minimize impacts to aquatic system and water quality.
 - (o) Containment booms and/or absorbent material must be available onsite. Any spills of petroleum products must be reported to the Army Corps, Blackfeet Nation BEO Office and the US EPA within 24 hours.
- xx.** Upland, riparian and in-stream vegetation should be protected except where its removal is necessary for completion of work. Revegetation should be completed as soon as possible. Applicant/contractor should revegetate disturbed soil in a manner that optimizes plant establishment for the site. Revegetation must include topsoil replacement, planting, seeding, fertilization, liming and weed-free mulching as necessary. Applicant must use native plant material and soils where appropriate and feasible. This certification does not allow for the introduction of non-native flora and fauna. All disturbed surface areas must be restored to pre-construction contours and elevation.
- xxi.** Spoils piles should not be placed or stored within the delineated wetlands or streams unless protected by a temporary structure designed to divert and handle high flows that can be anticipated during permit activity. Spoils piles should be placed on landscaping fabric or some other material to separate spoils material and allow retrieval of spoils material with minimal impact.
- xxii.** Impacts to wetlands shall not exceed 4.92 acres.
- xxiii.** Any unexpected and additional impacts to waters of the US should be reported to the
- xxiv.** Army Corps, Blackfeet Environmental Office Water Quality Coordinator and the US EPA.
- xxv.** All instream and stream channel reconstruction work must be completed before the stream is diverted into the new channel.
- xxvi.** Any temporary crossings, bridge supports, cofferdams, or other structures that are necessary during permit activity should be designed to handle high flows that can be anticipated during permit activity. All temporary structures should be completely removed from the water body at the conclusion of the permitted activity and the area restored to a natural function and appearance.
- xxvii.** The certification does not authorize any unconfined discharge of liquid cement into the waters of the United States. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the water body.
- xxviii.** BMPs shall include application of certified weed-free straw or hay across all disturbed wetland areas that are temporarily impacted; installation and maintenance of sediment control measures during construction and if necessary, after construction is completed; use of heavy mud mats if necessary; separation,

storage and reuse of all streambank topsoil and wetland topsoil, as appropriate; and recovery of all disturbed wetland and streambank areas where possible. All conditions set by the Blackfeet Tribe and US Army Corps must be followed.

- xxix.** All applicants, including federal agencies, must notify EPA and the Blackfeet Environmental Office of the use of all NWPs for which certification has been granted prior to commencing work on the project. Notifications must include:
- (p) project location (lat. Long., exact point on map);
 - (q) NWP that will be used and the specific activity that will be authorized under the NWP;
 - (r) amount of permanent and temporary fills;
 - (s) a short summary of the proposed activity, and all other federal, state, tribal or local permits or licenses required for the project;
 - (t) complete contact information of both the applicant and contractor (name, name of the company or property if applicable, telephone, mobile, and email); and,
 - (u) Summary of best management practices that will be used.
 - (v) A summary of communications with the affected Tribe's water quality staff regarding the project, including any concerns or issues.
 - (w) Notify Blackfeet and EPA at least 7 days before the completion of construction and operations begin.
- xxx.** Point source discharges may not occur: (1) in fens, bogs or other peatlands; (2) within 100 feet of the point of discharge of a known natural spring source; or (3) hanging gardens.
- xxxi.** Except as specified in the application, no debris, silt, sand, cement, concrete, oil or petroleum, organic material, or other construction related materials or wastes shall be allowed to enter into or be stored where it may enter into waters of the U.S.
- xxxii.** Silt fences, straw wattles, and other techniques shall be employed as appropriate to protect waters of the U.S. from sedimentation and other pollutants.
- xxxiii.** Water used in dust suppression shall not contain contaminants that could violate water quality standards.
- xxxiv.** Erosion control matting that is either biodegradable blankets or loose-weave mesh must be used to the maximum extent practicable.
- xxxv.** All equipment used in waters of the U.S. must be inspected for fluid leaks and invasive species prior to use on a project. All fluid leaks shall be repaired and cleaned prior to use or when discovered, or if the fluid leak can't be repaired, the equipment shall not be used on site. Equipment used in waters with the possibility of aquatic nuisance species infestation must be thoroughly cleaned and effectively decontaminated before they are used on the project.

- xxxvi.** Vegetation should be protected except where its removal is necessary for completion of the work. Locations disturbed by construction activities should be revegetated with appropriate native vegetation in a manner that optimizes plant establishment for the specific site.
- xxxvii.** Revegetation may include topsoil replacement, planting, seeding, fertilization, liming, and weed-free mulching, as necessary. Where practical, stockpile weed- seed-free topsoil and replace it on disturbed areas. All revegetation materials, including plants and plant seed shall be on site or scheduled for delivery prior to or upon completion of the earth moving activities.
- xxxviii.** Activities may not result in any unconfined discharge of liquid cement into waters of the U.S. Grouting riprap must occur under dry conditions with no exposure of wet concrete to the waterbody.
- xxxix.** Activities that may result in a point source discharge shall occur during seasonal low flow or no flow periods to the extent practicable.
- xl.** The placement of material (discharge) for the construction of new dams is not certified, except for stream restoration projects.
- xli.** Any decision-maker that is required under 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Blackfeet Environmental Office at least 30 days before construction starts for review and approval. Any modifications to the SWPPP should be submitted to the Blackfeet Environmental Office.
- xlili.** Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Blackfeet Environmental Office within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address Gerald Wagner, Blackfeet Environmental Office Director.
62 Hospital Drive, Browning, MT 59417
beo.director@gmail.com

b. Fort Peck Tribes.

- i.** Any Decision-maker required under Part 1.4 of the CGP to submit a Notice of Intent (NOI) to EPA for coverage under the CGP, must submit a copy of the NOI to the Fort Peck Tribes Office of Environmental Protection within three business days of submittal to EPA. Additionally, a copy of the Notice of Termination (NOT) must be provided within three business days after electronic confirmation is received from EPA that the NOT has been accepted. The NOI and NOT must be provided to the following address:
Martina Wilson, Office of Environmental Protection Director
501 Medicine Bear Rd Poplar, MT 59255
martinawilson@fortpecktribes.net
- ii.** Any Decision-maker that is required under Part 7.0 of the CGP to prepare a Stormwater Pollution Prevention Plan (SWPPP), must submit an electronic copy of the SWPPP to the Fort Peck Tribes Office of Environmental Protection at least 30 days before construction starts for review and approval. Any modifications to the

SWPPP should be submitted to the Fort Peck Tribes Office of Environmental Protection.

- iii. Any Decision-maker that is required under Part 8.0 of the CGP to submit a weekly, bi-weekly, and/or annual report to EPA, must submit an electronic copy of the annual report to the Fort Peck Tribes Office of Environmental Protection within three business days after submittal to EPA.

9.9 EPA REGION 9

9.9.1 CAR10I000 Indian country within the State of California

a. Morongo Band of Mission Indians

- i. A copy of the Stormwater Pollution Prevention Plan (SWPPP) must be submitted (either mailed or electronically) to the MEPD no less than thirty (30) days before commencing construction activities:
 Morongo Band of Mission Indians
 Environmental Protection Department
 12700 Pumarra Road
 Banning, CA 92220
 Email: epd@morongo-nsn.gov
- ii. Copies of the Notice of Intent (NOI) and the Notice of Termination (NOT) must be sent to the MEPD at the same time they are submitted to EPA.
- iii. Operators of an "emergency-related project" must submit notice to the MEPD within twenty- four (24) hours after commencing construction activities.
- iv. Spills, leaks, or unpermitted discharges must be reported to the MEPD within twenty-four (24) hours of the incident, in addition to the reporting requirements of the CGP.
- v. Projects utilizing cationic treatment chemicals (as defined in Appendix A of the CGP) within the Morongo Reservation are not eligible for coverage under this certification of the CGP.
- vi. Facilities covered under the CGP will be subject to compliance inspections by MEPD staff, including compliance with final site stabilization criteria prior to submitting an NOI **[EPA assumes this intended to refer to an NOT]**.

9.9.2 GUR100000 Island of Guam

- a. For purposes of this Order, the term "Project Proponent" shall mean U.S. Environmental Protection Agency, and its agents, assignees, and contractors.
- b. For purposes of this Order, the permit "Operator" shall mean any party associated with a construction project that meets either of the following two criteria:
 - i. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications (e.g. in most cases this is the owner of the site); or
 - ii. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the permit; in most cases this is the general contractor of the project).

Subcontractors generally are not considered operators for the purposes of this permit.

- c. The Project Proponent shall enforce the proposed 2022 CGP and ensure that the Operator complies with the conditions of the permit at all times.¹⁰⁸ (40 CFR §121.11(c))
- d. All submittals required by this Order shall be sent to the Guam Environmental Protection Agency Attn: 401 Federal Permit Manager, Non-Point Source Program, EMAS Division, 3304 Mariner Avenue, Bldg. 17-3304, Barrigada, Guam 96913, AND via email to jesse.cruz@epa.guam.gov. The submittals shall be identified with WQC Order #2021- 04 and include the COP Permit Number, certifying representative's name, title, mailing address and phone number. (§51060)(4) 2017 GWQS)
- e. A copy of the Operator's signed Stormwater Pollution Prevention Plan (SWPPP) and signed Notice of Intent (NOI) and Notice of Termination (NOT) submitted to EPA for review and approval, shall concurrently be submitted to Guam EPA, consistent with condition A4. Coordination with Guam EPA is encouraged when the receiving water(s) for the proposed discharge is/are being identified. (§10105.B.5.d.) GSESCR; (§51060)(4) 2017 GWQS)
- f. The Operator must comply with the conditions and requirements set forth in 22 GAR 10, Guam Soil Erosion and Sediment Control Regulations (GSESCR).
- g. Before submitting the NOT to EPA, Operators shall comply with GSESCR regulations at §10105.B10. (Stabilization of Affected Areas) and §10107.B. (Final Inspection and Approval)
- h. All operators/owners shall comply with the general design criteria for best management practices (BMPs) acceptable for meeting the Construction and Post-construction stormwater criteria in the 2006 CNMI and Guam Stormwater Management Manual. (E.O. 2012-02)
- i. Operating reports and monitoring and analytical data (e.g. Discharge Monitoring Reports (DMRs), follow-up monitoring reports, Exceedance Reports for Numerical Effluent Limits, etc.) submitted to EPA shall be concurrently submitted to Guam EPA, consistent with condition A4. §51060)(4) 2017 GWQS
- j. The Operators who install a sediment basin or similar impoundment shall maintain the storage capacity of five thousand cubic feet {5,000 cu. ft.) per acre of project area tributary to the basin. (§10105.B.5.i.) GSESCR
- k. (1) This Order does not authorize EPA to qualify Rainfall Erosivity Waivers to stormwater discharges associated with small construction activities (i.e. 1-5 acres). Operators are required to apply for an NOI for those projects eligible for coverage under the proposed 2022 CGP. An Erosion and Sediment Control Plan is required for every site that would be covered by the proposed 2022 CGP. (22 GAR §10104) The average annual rainfall for Guam and the CNMI exceeds 100 inches per year in many locations. These climatic conditions combined with the region's unique limestone, volcanic geologic formations, sensitive water resources and significant land

¹⁰⁸ By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

development forces make stormwater discharges a very significant environmental and economic issue. (2006 CNMJ/Guam Stormwater Management Manual) E.O. 2012-02

(2) This Order does not authorize EPA to approve a Sediment TMDL Waiver for the Ugum River. Operators of construction activities eligible for a TMDL Waiver in lieu of coverage under the proposed 2022 CGP, shall submit a complete and accurate waiver certification as described in C.2., Appendix C - (Small Construction Waivers) to Guam EPA per condition A4., prior to notifying EPA of its intention to obtain a waiver. §51060)(4) 2017 GWQS

- l.** The Project Proponent shall submit to Guam EPA a signed Statement of Understanding of Water Quality Certification Conditions.¹⁰⁹ (see Attachment A for an example) per condition A4. §51060)(4) 2017 GWQS
- m.** The Operator shall comply with applicable provisions of the Guam Pesticides Act of 2007 (10 GCA Chapter 50) and implementing regulations at Title 22 GAR Chapter 15 for any use and application of pesticides.
- n.** Point source discharge(s) to waterbodies under the jurisdiction of Guam EPA must be consistent with the antidegradation policy in 22 GAR §5101(b).
- o.** The operator shall carry out construction activities in such a manner that will not violate Guam Water Quality Standards (GWQS). Proposed 2022 CGP discharges are prohibited as follows:
 - i.** In Marine Waters, Category M-1 Excellent 22 GAR Chapter 5 §5102(b)(I); and
 - ii.** In Surface Waters, Category S-1 High 22 GAR Chapter 5 §5102(c)(I)
- p.** In addition to complying with construction dewatering requirements in Part 2.4 and site inspection requirements for all areas where construction dewatering is taking place in Part 4 of the proposed 2022 CGP, Operators shall comply with all dewatering conditions and requirements set forth in 22 GAR 7, Water Resources Development and Operating Regulations, to include securing Guam EPA permits prior to any dewatering activities.
- q.** The Operator shall develop and implement a Spill Prevention and Containment Plan.
- r.** The Operator shall have adequate and appropriate spill response materials on hand to respond to emergency release of oil, petroleum or any other material into waters of the territory.
- s.** Any unpermitted discharge into territorial waters or onto land with a potential for entry into territorial waters, is prohibited. If this occurs, the Operator shall immediately take the following actions:
 - i.** Cease operations at the location of the violation or spill.
 - ii.** Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - iii.** Notify Guam EPA of the failure to comply. All petroleum spills shall be reported immediately to:

¹⁰⁹ By incorporating this condition into the permit, EPA acknowledges receipt of Guam's certification conditions.

- (x) Guam's Emergency 911 system
 - (y) Guam EPA's 24-Hour Spill Response Team at (671) 888-6488 or during working hours (671) 300-4751
 - (z) US Coast Guard Sector Guam (671) 355-4824
 - (aa) National Response Center 1-800-424-8802
- iv. Submit a detailed written report to Guam EPA within five days of noncompliance that describes the nature of the event corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
- f. Compliance with this condition does not relieve the Operator from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.
- u. Submittal or reporting of any of this information does not provide relief from any subsequent enforcement actions for unpermitted discharges to waters of the United States.
- v. This Order is valid for five (5) Years from Date of Certification, unless otherwise approved by the Guam EPA Administrator.
- w. The Operator shall be required to adhere to the current Guam Coral Spawning Moratorium dates for both hard and soft corals where in-water activities and/or construction activity in close proximity with marine waters may impair water quality. These dates can be obtained from the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources, or the NOAA NMFS Pacific Islands Regional Office Habitat Conservation Division.
- x. The Operator shall provide notice to Guam EPA consistent with Condition A4:
- (a) Immediately upon discovery of noncompliance with the provisions of this Order.
- y. A Notice of Violation/Work Stop Order will be issued if certification conditions are not adhered to or when significant or sustained water quality degradation occurs. Work or discharge shall be suspended or halted until the Operator addresses environmental problems/concerns to Guam EPA's satisfaction. Guam EPA may also levy penalties and fines (10 GCA §47111). Invalidity or enforceability of one or more provisions of this certification shall not affect any other provision of this certification.

9.10 EPA REGION 10

9.10.1 IDR10I000 Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)

a. Shoshone-Bannock Tribes

- i. Copies of the following information must be sent to the SBT-WRD:
 - (a) Notice of Intent (NOI)

The Notice of Intent shall be forwarded to the SBT-WRD within thirty (30) days of receipt of submitting NOI to the USEPA.

Shoshone-Bannock Tribes Water Resources Department
 PO Box 306 Pima Drive
 Fort Hall, ID 83203 Phone: (208) 239-4582
 Fax: (208) 239-4592
 Or Email ctanaka@sbtribes.com

- ii. If requested by the SBT-WRD, the permittee must submit a copy of the SWPPP to SBT- WRD within fourteen (14) days of the request.

9.10.2 ORR10I000 Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)

a. Confederated Tribes of Coos, Lower Umpqua, and Siuslaw

- i. No activities allowed under the CGP shall result in the degradation of any Tribal waters or affect resident aquatic communities or resident or migratory wildlife species at any life stage.
- ii. The operator shall be responsible for achieving compliance with CTCLUSI Water Quality Standards and all other tribal codes, regulations, and laws as they exist at the time that the permit is submitted.
- iii. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTCLUSI Water Quality Program before, or at the same time as, it is submitted to EPA.
- iv. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTCLUSI Water Quality Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.
- v. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTCLUSI Water Quality Program at the same time it is reported to EPA.
- vi. The THPO will be provided 30 days to comment on the APE as defined in the permit application.
- vii. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the THPO (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_O.htm) and documented according to Oregon Reporting Standards (Reporting_Guidelines.pdf) (oregon.gov). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.
- viii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

b. Confederated Tribes of the Umatilla Indian Reservation

- i. The operator shall be responsible for achieving compliance with the Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Water Quality

Standards.

- ii. The operator shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to the CTUIR Water Resources Program at the address below, at the same time it is submitted to EPA.
- iii. The operator shall be responsible for submitting all Stormwater Pollution Prevention Plans (SWPPP) required under this general permit to the CTUIR Water Resources Program for review and determination that the SWPPP is sufficient to meet Tribal Water Quality Standards, prior to the beginning of any discharge activities taking place.
- iv. The operator shall be responsible for reporting an exceedance to Tribal Water Quality Standards to the CTUIR Water Resources Program at the same time it is reported to EPA.

Confederated Tribes of the Umatilla Indian Reservation
Water Resources Program
46411 Timíne Way
Pendleton, OR 97801
(541) 429-7200

- v. The THPO will be provided 30 days to comment on the APE as defined in the permit application.
- vi. If the project is an undertaking, a cultural resource assessment must occur. All fieldwork must be permitted by the Tribal Historic Preservation Office (as appropriate), conducted by qualified personnel (as outlined by the Secretary of Interior's Standards and Guidelines; http://www.nps.gov/history/local-law/arch_stnds_0.htm) and documented according to Oregon Reporting Standards (Reporting_Guidelines.pdf (oregon.gov)). The resulting report must be submitted to the THPO and the THPO must concur with the finding of effect and recommendations before any ground disturbing work can occur. The THPO requires 30 days to review all reports.
- vii. The operator must obtain THPO concurrence in writing. If historic properties are present, this written concurrence will outline measures to be taken to prevent or mitigate adverse effects to historic properties.

9.10.3 WAR10F000 Areas in the State of Washington, except those located on Indian country, subject to construction activity by a Federal Operator

- a. For purposes of this Order, the term "Project Proponent" shall mean those that are seeking coverage under this permit, and its agents, assignees and contractors.
- b. The Federal Agency shall mean the US Environmental Protection Agency. The Federal Agency shall enforce the permit and ensure that the Project Proponent complies with the conditions of the permits at all times.
- c. Failure of any person or entity to comply with this Certification may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Certification.
- d. The Certification conditions within this Order must be incorporated into EPA's final NPDES permit. Per 40 CFR 121.10(a), all certification conditions herein that satisfy the requirements of 40 CFR 121.7(d) must be incorporated into the permit. Per 40 CFR

121.10(b), the permit must clearly identify all certification conditions.

- e. This Certification does not authorize exceedances of water quality standards established in chapter 173-201A WAC.
- f. Discharges from construction activity must not cause or contribute to violations of the Water Quality Standards for Surface Water of the State of Washington (chapter 173-201A WAC), Ground Water Quality Standards (chapter 173-200 WAC), Sediment Management Standards (chapter 173-204 WAC), and standards in the EPA's Revision of certain Federal water quality criteria applicable to Washington (40 CFR 131.45). Discharges that do not comply with these standards are prohibited.
- g. Prior to discharge of stormwater and non-stormwater to waters of the State, the Permittee must apply all known, available, and reasonable methods of prevention, control, and treatment (AKART). This includes the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate Best Management Practices (BMPs) installed and maintained in accordance with the SWPPP and the terms and conditions of the permit.
- i. BMPs must be consistent with:
 - (a) The Stormwater Management Manual for Western Washington (most current approved edition at the time this permit was issued), for sites west of the crest of the Cascade Mountains; or
 - (b) The Stormwater Management Manual for Eastern Washington (most current approved edition at the time this permit was issued), for sites east of the crest of the Cascade Mountains; or
 - (c) Revisions to either manual, or other stormwater management guidance documents or manuals which provide equivalent level of pollution prevention, that are approved by Ecology and incorporated into this permit in accordance with the permit modification requirements of WAC 173-226-230. (For purposes of this section, the stormwater manuals listed in Appendix 10 of the Phase I Municipal Stormwater Permit are approved by Ecology); or
 - (d) Documentation in the SWPPP that the BMPs selected provided an equivalent level of pollution prevention, compared to the applicable stormwater management manuals, including:
 - The technical basis for the selection of all stormwater BMPs (scientific, technical studies, and/or modeling) that support the performance claims for the BMPs being selected.
 - An assessment of how the selected BMP will satisfy AKART requirements and the applicable federal technology-based treatment requirements under 40 CFR part 125.3.

The Stormwater Management Manuals for Eastern and Western Washington can be found at: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>.
- ii. An adequate SWPPP must include a narrative and drawings. All BMPs must be clearly referenced in the narrative and marked on the drawings. The SWPPP narrative must include documentation to explain and justify the pollution

prevention decisions made for the project. Documentation must include:

- (a) Information about existing site conditions (topography, drainage, soils, vegetation, etc.).
- (b) Potential erosion problem areas.
- (c) The 13 elements of a SWPPP, including BMPs used to address each element. Unless site conditions render the element unnecessary and the exemption is clearly justified in the SWPPP, the 13 elements are as follows:
 - Preserve Vegetation/Mark Clearing Limits
 - Establish Construction Access
 - Control Flow Rates
 - Install Sediment Controls
 - Stabilize Soils
 - Protect Slopes
 - Protect Drain Inlets
 - Stabilize Channels and Outlets
 - Control Pollutants
 - Control Dewatering
 - Maintain BMPs
 - Manage the Project
 - Protect Low Impact Development (LID) BMPs

h. Discharges of stormwater and authorized non-stormwater must be monitored for turbidity (or transparency) and, in the event of significant concrete work or engineered soils, pH must also be monitored. As applicable based on project specifics, monitoring, benchmarks, and reporting requirements contained in Condition S.4. (pp.10-16) of the Washington State Construction Stormwater General Permit, effective January 1, 2021, shall apply.

i. Discharges to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, phosphorus, or pH must comply with the following numeric effluent limits:

Parameter identified in 303(d) listing	Parameter Sampled	Unit	Analytical Method	Numeric Effluent Limit
• Turbidity • Fine Sediment • Phosphorus	Turbidity	NTU	SM2130	25 NTUs at the point where the stormwater is discharged from the site.
High pH	pH	su	pH meter	In the range of 6.5 – 8.5

All references and requirements associated with Section 303(d) of the Clean Water Act mean the most current EPA-approved listing of impaired waters that exists on the

effective date of the permit, or the date when the operator's complete permit application is received by EPA, whichever is later.

The EPA approved WQ Assessment can be found at: <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>

- j.** Discharges to a waterbody that is subject to a Total Maximum Daily Load (TMDL) for turbidity, fine sediment, high pH, or phosphorus must be consistent with the TMDL.
 - i.** Where an applicable TMDL sets specific waste load allocations or requirements for discharges covered by this permit, discharges shall be consistent with any specific waste load allocations or requirements established by the applicable TMDL.
 - ii.** Where an applicable TMDL has established a general waste load allocation for construction stormwater discharges, but no specific requirements have been identified, compliance with this permit will be assumed to be consistent with the approved TMDL.
 - iii.** Where an applicable TMDL has not specified a waste load allocation for construction stormwater discharges, but has not excluded these discharges, compliance with this permit will be assumed to be consistent with the approved TMDL.
 - iv.** Where an applicable TMDL specifically precludes or prohibits discharges from construction activity, the operator is not eligible for coverage under this permit.

Applicable TMDL means a TMDL for turbidity, fine sediment, high pH, or phosphorus which has been completed and approved by EPA as of the effective date of the permit, or prior to the date of the operator's complete application for permit coverage is received by EPA, whichever is later.

- k.** Discharges to waters of the state from the following activities are prohibited:
 - i.** Concrete wastewater.
 - ii.** Wastewater from washout and clean-up of stucco, paint, form release oils, curing compounds and other construction materials.
 - iii.** Process wastewater as defined by 40 Code of Federal Regulations (CFR) 122.2.
 - iv.** Slurry materials and waste from shaft drilling, including process wastewater from shaft drilling for construction of building, road, and bridge foundations unless managed to prevent discharge to surface water.
 - v.** Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
 - vi.** Soaps or solvents used in vehicle and equipment washing.
 - vii.** Wheel wash wastewater, unless managed to prevent discharge to surface water.
 - viii.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed according to appropriate controls described within the permit.
- l.** This Certification is valid until the expiration date including any administrative extension or termination date of the NPDES 2022 Construction General Permit. (40 CFR § 122.46)

- m.** The Federal Agency shall enforce and the Project Proponent must comply with all the reporting and notification conditions of the NPDES 2022 Construction General Permit in order to comply with this Order and the certification conditions herein (40 CFR § 121.11).
- n.** You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Noel Tamboer
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600
(360) 701-6171
noel.tamboer@ecy.wa.gov

9.10.4 WAR10I000 Indian country within the State of Washington

a. Lummi Nation

- i. This certification does not exempt and is provisional upon compliance with other applicable statutes and codes administered by federal and Lummi tribal agencies. Pursuant to Lummi Code of Laws (LCL) 17.05.020(a), the operator must also obtain a land use permit from the Lummi Planning Department as provided in Title 15 of the Lummi Code of Laws and regulations adopted thereunder.
- ii. Pursuant to LCL 17.05.020(a), each operator shall develop and submit a Storm Water Pollution Prevention Plan to the Lummi Water Resources Division for review and approval by the Water Resources Manager prior to beginning any discharge activities.
- iii. Pursuant to LCL Title 17, each operator shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi
- iv. Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210 together with supplements and amendments thereto).
- v. Each operator shall submit a signed copy of the Notice of Intent (NOI) to the Lummi Water Resources Division at the same time it is submitted electronically to the Environmental Protection Agency (EPA) and shall provide the Lummi Water Resources Division the acknowledgement of receipt of the NOI from the EPA and the associated NPDES tracking number provided by the EPA within 7 calendar days of receipt from the EPA.
- vi. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the Lummi Water Resources Division at the same time it is submitted electronically to the EPA and shall provide the Lummi Water Resources Division the EPA acknowledgement of receipt of the NOT.
- vii. Storm Water Pollution Prevention Plans, Notice of Intent, Notice of Termination and associated correspondence with the EPA shall be submitted to:
 Lummi Natural Resources Department
 ATTN: Water Resources Manager 2665 Kwina Road
 Bellingham, WA 98226-9298

b. Port Gamble S'Klallam Tribe

- i. No discharge from the project site shall cause exceedances of Port Gamble S'Klallam Surface Water Quality Standards narrative or numeric criteria in Tribal waters. This includes activities outside of Tribal lands that occur upstream of Tribal waters.
 - (a) If any exceedance of these water quality standards occurred, the Natural Resources Department shall be notified immediately.
 - The Department shall additionally be provided a complete draft of the proposed corrective action within a reasonable timeframe and its approval will be required before any corrective action may be taken.
- ii. Operators performing activities under the CGP that may affect Tribal waters will require a permit and shall submit their plans to the Port Gamble S'Klallam Natural Resources Department for review.
 - The Department has the right to require conditions outside of this Water Quality Certification prior to permit approval.
- iii. No activities allowed under the CGP shall result in the degradation of any Tribal

waters or change in designated uses.

- iv. No activities allowed under the CGP shall affect resident aquatic communities or resident/migratory wildlife species at any life stage.
 - Biological assessment methods used to determine the effect of an activity allowed under the CGP shall be approved by the PGST Natural Resources Department.
- v. No activities allowed under the CGP shall be conducted within wetland and stream buffer zones, nor shall said activities affect in any way wetland or stream buffers, as defined by *PGST Law and Order Code 24.08.01(c)*.
- vi. Concentrations for substances listed within the table in *Water Quality Standards for Surface Waters* sec. 7(7) shall not be exceeded by activities allowed under the CGP.

c. Spokane Tribe of Indians

- i. Pursuant to Tribal Law and Order Code (TLOC) Chapter 30 each operator shall be responsible for achieving compliance with the Surface Water Quality Standards of the Spokane Tribe. The operator shall notify the Spokane Tribe, Water Control Board (WCB) of any spills of hazardous material and;
- ii. Each operator shall submit a signed hard copy of the Notice of Intent (NOI) to the WCB at the same time it is submitted to EPA.
- iii. The permittee shall allow the Tribal Water Control Board or its designee to inspect and sample at the construction site as needed.
- iv. Each operator shall submit a signed copy of the Notice of Termination (NOT) to the WCB at the same time it is submitted to EPA

The correspondence address for the Spokane Tribe Water Control Board is:

Water Control Board c/o Brian Crossley PO Box 480
 Wellpinit WA 99040
 (509) 626-4409
 crossley@spokanetribe.com

d. Swinomish Tribe

- i. Owners and operators seeking coverage under this permit must submit a copy of the Notice of Intent (NOI) to the DEP at the same time the NOI is submitted to EPA.
- ii. Owners and operators must also submit to the DEP changes in NOI and/or Notices of Termination at the same time they are submitted to EPA.
- iii. Owners and operators seeking coverage under this permit must also submit a Stormwater Pollution Prevention Plan to the DEP for review and approval by DEP prior to beginning any discharge activities.

e. Tulalip Tribes

- i. Submission of NOI: Copies of the Notice of Intent (NOI), Certification shall be submitted to the Tribe's Natural Resources Department to notify the Tribes of the pending project and in order for the Tribes to review the projects potential impacts to endangered or threatened species.

- ii. Submission of SWPPP: A copy of the Stormwater Pollution Plans (SWPPPs) shall be submitted to the Tribe's Natural Resources Department along with the NOI during the 30 day waiting period.
- iii. Submission of Monitoring Data and Reports: The results of any monitoring required by this permit and reports must be sent to the Tribe's Natural Resources Department,
- iv. The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.
- v. including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).
- vi. Authorization to Inspect: The Tribe's Natural Resources Department may conduct an inspection of any facility covered by this permit to ensure compliance with tribal water quality standards. The Department may enforce its certification conditions.
- vii. Submission of Inspection Reports: Inspection reports must be sent to the Tribe's Natural Resources Department, including a description of the corrective actions required and undertaken to meet effluent limits or benchmarks (as applicable).
- viii. Permits on-site: A copy of the permit shall be kept on the job site and readily available for reference by the construction supervisor, construction managers and foreman, and Tribal inspectors.
- ix. Project Management: The applicant shall ensure that project managers, construction managers and foreman, and other responsible parties have read and understand conditions of the permit, this certification, and other relevant documents, to avoid violations or noncompliance with this certification.
- x. Emergency Spill Notification Requirements: In the event of a spill or the contractor shall immediately take action to stop the violation and correct the problem, and immediately report spill to the Tulalip Tribes Police Department (425) 508-1565. Compliance with this condition does not relieve the applicant from responsibility to maintain continuous compliance with the terms and conditions of this certification or the resulting liability from failure to comply.
- xi. Discharges to CERCLA Sites: This permit does not authorize direct stormwater discharges to certain sites undergoing remedial cleanup actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) unless first approved by the appropriate EPA Regional office. In the case of the Tulalip Landfill site (WAD980639256), the Tulalip Tribes also requests notification by the facility and consultation with EPA prior to discharge. Contaminants at this site may include but are not limited to: dioxins, furans, arsenic, copper, lead, zinc, 4- methyl-phenol, Hex-CB, HPAHs, PCBs, PCE, cadmium, mercury, and LPAHs.
- xii. Discharge-related Activities that have Potential to Cause an Adverse Effect on Historic Properties: Installation of stormwater controls that involve subsurface disturbances may potentially have an adverse impact on historic properties.
- xiii. Procedures detailed in the permit shall be completed. Richard Young, of the Tulalip Tribe's Cultural Resources Department shall be contacted prior to initiating

discharge- related activities that may have an impact on historic properties. His contact information is (360) 716-2652, ryoung@tulaliptribes-nsn.gov.

- xiv.** Invalidation: This certification will cease to be valid if the project is constructed and/or operated in a manner not consistent with the project description contained in
- xv.** the permit. This certification will also cease to be valid and the applicant must reapply with an updated application if information contained in the permit is voided by subsequent submittals.
- xvi.** Modification: Nothing in this certification waives the Tulalip Tribes of Washington's authority to issue modifications to this certification if additional impacts due to operational changes are identified, or if additional conditions are necessary to protect water quality or further protect the Tribal Communities interest.
- xvii.** incorporation by reference: This certification does not exempt the applicant from compliance with other statutes and codes administered by the Tribes, county, state and federal agencies.
- xviii.** Compliance with Tribe's 1996 Water Quality Standards: Each permittee shall be responsible for controlling discharges and achieving compliance with the Tribe's Water Quality Standards.
- xix.** Compliant with Tulalip Tribes Tidelands Management Policy: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Tidelands Management Policy. (Tulalip Tribal Code Title 8 Chapter 8.30).
- xx.** Compliant with Tulalip Tribes Environmental Infractions: Permittee shall be responsible for achieving compliance with applicable sections of the Tulalip Tribe's Environmental Infractions. (Tulalip Tribal Code Title 8 Chapter 8.20).
- xxi.** Where to Submit information and for further Coordination: All requested documents should be sent to the: Tulalip Tribes Natural Resources Environmental Department c/o Kurt Nelson and Valerie Streeter, 6704 Marine Drive, Tulalip, Washington 98271. For further 401 Certification coordination with the Tulalip Tribes Natural Resources Department, please contact Mr. Kurt Nelson (360) 716-4617 knelson@tulaliptribes-nsn.gov. 6406 Marine Dr., Tulalip WA 98271.

f. Makah Tribe

- i.** The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Makah Tribe's Water Quality Standards if the discharge point is located within the Makah's U&A treaty reserved areas.
- ii.** Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Makah Fisheries Management, Water Quality Department at the address listed below at the same time it is submitted to the EPA.

Makah Water Quality
 Makah Fisheries Management (MFM)
 ray.colby@makah.com
 PO Box 115
 Neah bay, WA 98357

- iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to the Tribe's Habitat programs for their review.
- iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Assistant Fisheries Director, ray.colby@makah.com.
- v. The permittee shall submit all Stormwater Pollution Prevention plan (SWPP) to MFM for review and approval prior to beginning any activities resulting in a discharge to Makah tribal waters.
- vi. The permittee shall notify Ray Colby, ray.colby@makah.com (360) 645-3150 prior to conducting inspections at construction sites generating stormwater discharges to tribal waters.
- vii. The operator shall treat dewatering discharges with controls necessary to minimize discharges of pollutants to surface waters, or ground waters, and from stormwater runoff onsite from excavations, trenches, foundations, or storage areas. To the extent feasible, at all points where dewatering is discharged, comply with the velocity dissipation using check dams, sediment traps, and grouted outlets.

g. Puyallup Tribe of Indians

- i. The permittee shall be responsible for meeting any additional permit requirements imposed by EPA necessary to comply with the Puyallup Tribe's antidegradation procedures.
- ii. Each permittee shall submit a copy of the Notice of Intent (NOI) to be covered by the general permit to Char Naylor, Tribal Water Quality Manager at the following e-mail address: (char.naylor@puyalluptribe-nsn.gov) at the same time it is submitted to EPA.
- iii. All supporting documentation and certifications in the NOI related to coverage under the general permit for Endangered Species Act purposes shall be submitted to Char Naylor, Tribal Water Quality Manager/Assistant Fisheries Director (char.naylor@puyalluptribe-nsn.gov) for review.
- iv. If EPA requires coverage under an individual or alternative permit, the permittee shall submit a copy of the permit to Char Naylor at the email address listed above.
- v. The permittee shall submit all stormwater pollution prevention plans to Char Naylor for review and approval prior to beginning any activities resulting in a discharge to Puyallup tribal waters.
- vi. The permittee shall contact Brandon Reynon (Brandon.reynon@puyalluptribe-nsn.gov), Tribe's Historic Preservation Officer or Jennifer Keating (Jennifer.keating@puyalluptribe-nsn.gov), Tribe's Assistant Historic Preservation Officer regarding historic properties and cultural resources.
- vii. To minimize the discharge of pollutants to groundwater or surface waters from stormwater that is removed from excavations, trenches, foundations, vaults, or other storage areas, treat dewatering discharges with controls necessary to minimize discharges of pollutants. Examples of appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube

settlers, weir tanks, and filtration systems (e.g., bag or sand filters) that are designed to remove sediment.

To the extent feasible, utilize vegetated, upland areas of the site to infiltrate dewatering water before discharge. At all points where dewatering water is discharged, utilize velocity dissipation controls. Examples of velocity dissipation devices include check dams, sediment traps, riprap, and grouted riprap at outlets.

- viii. The permittee shall provide and maintain natural buffers to the maximum extent possible (and/or equivalent erosion and sediment controls) when tribal waters are located within 100 feet of the boundaries. If infeasible to provide and maintain an undisturbed 100 foot natural buffer, erosion and sediment controls to achieve the sediment load reduction equivalent to a 100-foot undisturbed natural buffer shall be required.

10 ADDITIONAL PERMIT CONDITIONS APPLICABLE TO LANDS OF EXCLUSIVE FEDERAL JURISDICTION

All projects that discharge to receiving waters located within Lands of Exclusive Federal Jurisdiction must comply with the provisions in this Part in addition to Parts 1, 2, and 3.2 thru 8 of this permit.^{110 111 112}

10.1 INSPECTION FREQUENCIES

You must comply with the increased inspection frequencies specified in Part 4.3.1.

10.2 STABILIZATION DEADLINES

You must comply with the stabilization deadlines specified in Part 2.2.14b.iv.

10.3 TURBIDITY BENCHMARK MONITORING FOR DEWATERING DISCHARGES

You must comply with the benchmark monitoring requirements in Part 3.3 for sites discharging dewatering water.

10.4 ADDITIONAL WATER QUALITY-BASED LIMITATIONS FOR STORMWATER AND AUTHORIZED NON-STORMWATER DISCHARGES

Your discharge must not contain:

- a. Observable deposits of floating solids, scum, sheen, or other substances;
- b. An observable film, sheen, or discoloration from oil and grease; or
- c. Foam or substances that produce an observable change in color, odor, or cloudiness in the discharge.

¹¹⁰ The requirements of Part 9 do not apply to projects within Lands of Exclusive Federal Jurisdiction.

¹¹¹ This section does not apply to projects within Denali National Park and Preserve or projects that are eligible for coverage in Appendix B for federal facilities in Vermont, Delaware, and Colorado and for areas in Washington where construction activities are carried out by a Federal Operator.

¹¹² EPA notes that reference to water quality standards in Part 7.2.6(b)(vi)(c) for projects that discharge to receiving waters in Lands of Exclusive Federal Jurisdiction means the requirements of Part 10.4.a-c.

If any of these conditions are observed, except with respect to dewatering discharges, you must treat this as triggering corrective action under Part 5, which requires that you take corrective action and document the corrective actions as required in Part 5.2.¹¹³

For sites discharging from dewatering operations, you must implement corrective actions if any of the conditions described in Part 5.1.5 occur and comply with the requirements of Part 5.2.2 for responding to these conditions.

¹¹³ Consistent with this requirement, with respect to projects discharging to receiving waters in Lands of Exclusive Federal Jurisdiction, the triggering condition in Part 5.1.3 relating to water quality standards means that one of the discharge conditions in this section (Part 10.4.a-c) has occurred.

Appendix C

NOI and NOT



www.soudermiller.com

Souder, Miller & Associates, Inc.
Engineering ♦ Environmental ♦ Geomatics

3500 Sedona Hills Parkway | Las Cruces, NM 88011
575.647.0799 | 575.647.0680 (fax)

Appendix D

Site Inspection Form



www.soudermiller.com

Souder, Miller & Associates, Inc.
Engineering ♦ Environmental ♦ Geomatics

3500 Sedona Hills Parkway | Las Cruces, NM 88011
575.647.0799 | 575.647.0680 (fax)

Section A – General Information (If necessary, complete additional inspection reports for each separate inspection location.)	
Inspector Information	
Inspector Name:	Title:
Company Name:	Email:
Address:	Phone Number:
Inspection Details	
Inspection Date:	Inspection Location:
Inspection Start Time:	Inspection End Time:
Current Phase of Construction:	Weather Conditions During Inspection:
Did you determine that any portion of your site was unsafe for inspection per CGP Part 4.5? ☐ Yes ☐ No If “Yes,” provide the following information: Location of unsafe conditions: The conditions that prevented you inspecting this location:	
Indicate the required inspection frequency: (Check all that apply. You may be subject to different inspection frequencies in different areas of the site.)	
Standard Frequency (CGP Part 4.2): ☐ At least once every 7 calendar days; OR ☐ Once every 14 calendar days <i>and</i> within 24 hours of the occurrence of either: - A storm event that produces 0.25 inches or more of rain within a 24-hour period, or - A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period	
Increased Frequency (CGP Part 4.3.1) (If site discharges to sediment or nutrient-impaired waters or to waters designated as Tier 2, Tier 2.5, or Tier 3): ☐ Once every 7 calendar days <i>and</i> within 24 hours of the occurrence of either: - A storm event that produces 0.25 inches or more of rain within a 24-hour period, or - A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period	

Reduced Frequency (CGP Part 4.4):

- ☐ For stabilized areas: Twice during first month, no more than 14 calendar days apart; then once per month after first month until permit coverage is terminated
- ☐ For stabilized areas on “linear construction sites”: Twice during first month, no more than 14 calendar days apart; then once more within 24 hours of the occurrence of either:
- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
 - A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period
- ☐ For arid, semi-arid, or drought-stricken areas during seasonally dry periods or during drought: Once per month and within 24 hours of the occurrence of either:
- A storm event that produces 0.25 inches or more of rain within a 24-hour period, or
 - A snowmelt discharge from a storm event that produces 3.25 inches or more of snow within a 24-hour period
- ☐ For frozen conditions where construction activities are being conducted: Once per month

Was this inspection triggered by a storm event producing 0.25 inches or more of rain within a 24-hour period? ☐ Yes ☐ No

If “Yes,” how did you determine whether the storm produced 0.25 inches or more of rain?

- ☐ On-site rain gauge
- ☐ Weather station representative of site.
Weather station location:

Total rainfall amount that triggered the inspection (inches):

Was this inspection triggered by a snowmelt discharge from a storm event producing 3.25 inches or more of snow within a 24-hour period? ☐ Yes ☐ No

If “Yes,” how did you determine whether the storm produced 3.25 inches or more of snow?

- ☐ On-site rain gauge
- ☐ Weather station representative of site.
Weather station location:

Total snowfall amount that triggered the inspection (inches):

Section B – Condition and Effectiveness of Erosion and Sediment (E&S) Controls (CGP Part 2.2)

(Insert additional rows if needed)

Type and Location of E&S Control	Conditions Requiring Routine Maintenance? ¹	If “Yes,” How Many Times (Including This Occurrence) Has This Condition Been Identified?	Conditions Requiring Corrective Action? ^{2, 3}	Date on Which Condition First Observed (If Applicable)?	Description of Conditions Observed
1.	☐ Yes ☐ No		☐ Yes ☐ No		
2.	☐ Yes ☐ No		☐ Yes ☐ No		
3.	☐ Yes ☐ No		☐ Yes ☐ No		
4.	☐ Yes ☐ No		☐ Yes ☐ No		
5.	☐ Yes ☐ No		☐ Yes ☐ No		
If the same routine maintenance was found to be necessary three or more times for the same control at the same location (including this occurrence), follow the corrective action requirements and record the required information in your corrective action log, or describe here why you believe the specific condition should still be addressed as routine maintenance:					

¹ Routine maintenance includes minor repairs or other upkeep performed to ensure that the site's stormwater controls remain in effective operating condition, not including significant repairs or the need to install a new or replacement control. Routine maintenance is also required for specific conditions: (1) for perimeter controls, whenever sediment has accumulated to half or more the above-ground height of the control (CGP Part 2.2.3.c.i); (2) where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas (CGP Part 2.2.4.d); (3) for inlet protection measures, when sediment accumulates, the filter becomes clogged, and/or performance is compromised (CGP Part 2.2.10.b); and (4) for sediment basins, as necessary to maintain at least half of the design capacity of the basin (CGP Part 2.2.12.f)

² Corrective actions are triggered only for specific conditions (CGP Part 5.1):

1. A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4.c, you find it necessary to repeatedly (i.e., three (3) or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1.c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under 2.1.4); or
2. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
3. Your discharges are not meeting applicable water quality standards; or
4. A prohibited discharge has occurred (see CGP Part 1.3); or
5. During the discharge from site dewatering activities:
 - a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2.b); or
 - b. You observe or you are informed by EPA, State, or local authorities of the presence of the conditions specified in Part 4.6.3.e.

³ If a condition on your site requires a corrective action, you must also fill out a corrective action log found at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>. See CGP Part 5.4 for more information.

Section C – Condition and Effectiveness of Pollution Prevention (P2) Practices and Controls (CGP Part 2.3)

(Insert additional rows if needed)

Type and Location of P2 Practices and Controls	Conditions Requiring Routine Maintenance? ¹	If “Yes,” How Many Times (Including This Occurrence) Has This Condition Been Identified?	Conditions Requiring Corrective Action? ^{2, 3}	Date on Which Condition First Observed (If Applicable)?	Description of Conditions Observed
1.	☐ Yes ☐ No		☐ Yes ☐ No		
2.	☐ Yes ☐ No		☐ Yes ☐ No		
3.	☐ Yes ☐ No		☐ Yes ☐ No		
4.	☐ Yes ☐ No		☐ Yes ☐ No		
5.	☐ Yes ☐ No		☐ Yes ☐ No		
If the same routine maintenance was found to be necessary three or more times for the same control at the same location (including this occurrence), follow the corrective action requirements and record the required information in your corrective action log, or describe here why you believe the specific condition should still be addressed as routine maintenance:					

Section D – Stabilization of Exposed Soil (CGP Part 2.2.14)

(Insert additional rows if needed)

Specific Location That Has Been or Will Be Stabilized	Stabilization Method and Applicable Deadline	Stabilization Initiated?	Final Stabilization Criteria Met?	Final Stabilization Photos Taken?	Notes
1.		☐ Yes ☐ No If “Yes,” date initiated:	☐ Yes ☐ No If “Yes,” date criteria met:	☐ Yes ☐ No	
2.		☐ Yes ☐ No If “Yes,” date initiated:	☐ Yes ☐ No If “Yes,” date criteria met:	☐ Yes ☐ No	
3.		☐ Yes ☐ No If “Yes,” date initiated:	☐ Yes ☐ No If “Yes,” date criteria met:	☐ Yes ☐ No	
4.		☐ Yes ☐ No If “Yes,” date initiated:	☐ Yes ☐ No If “Yes,” date criteria met:	☐ Yes ☐ No	
5.		☐ Yes ☐ No If “Yes,” date initiated:	☐ Yes ☐ No If “Yes,” date criteria met:	☐ Yes ☐ No	

Section E – Description of Discharges (CGP Part 4.6.2)

(Insert additional rows if needed)

Was a discharge (not including dewatering) occurring from any part of your site at the time of the inspection?⁴ ☐ Yes ☐ No

If “Yes,” for each point of discharge, document the following:

- The visual quality of the discharge.
- The characteristics of the discharge, including color; odor; floating, settled, or suspended solids; foam; oil sheen; and other indicators of stormwater pollutants.
- Signs of the above pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

Discharge Location	Observations
1.	
2.	
3.	
4.	
5.	

⁴ If a dewatering discharge was occurring, you must conduct a dewatering inspection pursuant to CGP Part 4.3.2 and complete a separate dewatering inspection report.

Section F – Signature and Certification (CGP Part 4.7.2)

"I certify under 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 gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than 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."

MANDATORY: Signature of Operator or "Duly Authorized Representative:"

Signature:	Date:
Printed Name:	Affiliation:

OPTIONAL: Signature of Contractor or Subcontractor

Signature:	Date:
Printed Name:	Affiliation:

General Tips for Using This Template

This Site Inspection Report Template is provided to assist you in preparing site inspection reports for EPA's 2022 Construction General Permit (CGP). If you are covered under the 2022 CGP, you can use this template to create a site inspection report form that is customized to the specific circumstances of your site and that complies with the minimum reporting requirements of Part 4.7 of the permit. Note that the use of this form is optional; you may use your own site inspection report form provided it includes the minimum information required in Part 4.7 of the CGP.

This template does not address the CGP's inspection reporting requirements related to dewatering activities. A separate inspection template has been developed specifically for dewatering activities and is available at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>.

Keep in mind that this document is a template and not an "off-the-shelf" inspection report that is ready to use without some modification. You must first customize this form to include the specifics of your project in order for it to be useable for your inspection reports. Once you have entered all of your site-specific information into the blank fields, you may use this form to complete inspection reports.

The following tips for using this template will help you ensure that the minimum permit requirements are met:

- **Review the inspection requirements.** Before you start developing your inspection report form, read the CGP's Part 4 inspection requirements. This will ensure that you have a working understanding of the permit's underlying inspection requirements.
- **Complete all required blank fields.** Fill out all blank fields. Only by filling out all fields will the template be compliant with the requirements of the permit. (Note: Where you do not need the number of rows provided in the template form for your inspection, you may delete these or cross them off as you see fit. Or, if you need more space to document your findings, you may insert additional rows in the electronic version of this form or use the bottom of the page in the field version of this form.)
- **Use your site map to document inspection findings.** In several places in the template, you are directed to specify the location of certain features of your site, including where stormwater controls are installed and where you will be stabilizing exposed soil. You are also asked to fill in location information for unsafe conditions and the locations of any discharges occurring during your inspections. Where you are asked for location information, EPA encourages you to reference the point on your SWPPP site map that corresponds to the requested location on the inspection form. Using the site map as a tool in this way will help you conduct efficient inspections, will assist you in evaluating problems found, and will ensure proper documentation.
- **Complete the inspection report within 24 hours of completing a site inspection.** You must complete an inspection report in accordance with Part 4.7.1 of the CGP.
- **Include the inspection form with your SWPPP.** Once your form is complete, make sure to include a copy of the inspection form in your SWPPP in accordance with Part 7.2.7.e of the CGP.
- **Retain copies of all inspection reports with your records.** You must also retain in your records copies of all inspection reports in accordance with the requirements in Part 4.7.3 of the CGP. These reports must be retained for at least 3 years from the date your permit coverage expires or is terminated in accordance with the requirements in Part 4.7.4 of the CGP.

Instructions for Section A

Inspector Name

Enter the name of the person that conducted the inspection. Include the person's contact information (title, affiliated company name, address, email, and phone number).

Inspection Date and Time

Enter the date you performed the inspection and the time you started and ended the inspection.

Weather Conditions During Inspection

Enter the weather conditions occurring during the inspection, e.g., sunny, overcast, light rain, heavy rain, snowing, icy, windy.

Current Phase of Construction

If this project is being completed in more than one phase, indicate which phase it is currently in.

Inspection Location

If your project has multiple locations where you conduct separate inspections, specify the location where this inspection is being conducted. If only one inspection is conducted for your entire project, enter "Entire Site." If necessary, complete additional inspection report forms for each separate inspection location.

Unsafe Conditions for Inspection (CGP Part 4.5.7)

Inspections are not required where a portion of the site or the entire site is subject to unsafe conditions. These conditions should not regularly occur and should not be consistently present on a site. Generally, unsafe conditions are those that render the site (or a portion of it) inaccessible or that would pose a significant probability of injury to applicable personnel. Examples could include severe storm or flood conditions, high winds, and downed electrical wires.

If your site, or a portion of it, is affected by unsafe conditions during the time of your inspection, provide a description of the conditions that prevented you from conducting the inspection and what parts of the site were affected. If the entire site was considered unsafe, specify the location as "Entire Site."

Inspection Frequency

Check all the inspection frequencies that apply to your project. Note that you may be subject to different inspection frequencies in different areas of your site.

Inspection Triggered by a Storm Event

If you were required to conduct this inspection because of a storm event that produced 0.25 inches or more of rain within a 24-hour period, indicate whether you relied on an on-site rain gauge or a nearby weather station (and where the weather station is located). Also, specify the total amount of rainfall for this specific storm event.

If you were required to conduct this inspection because of a snowmelt discharge from a storm event that produced 3.25 inches or more of snow within a 24-hour period, then indicate whether you relied on an on-site measurement or a nearby weather station (and where the weather station is located). Also, specify the total amount of snowfall for this specific storm event.

Instructions for Section B**Type and Location of Erosion and Sediment (E&S) Controls**

Provide a list of all erosion and sediment (E&S) controls that your SWPPP indicates will be installed and implemented at your site. This list must include at a minimum all E&S controls required by CGP Part 2.2. Include also any natural buffers established under CGP Part 2.2.1. Buffer requirements apply if your project's earth-disturbing activities will occur within 50 feet of a discharge to receiving water. You may group your E&S controls on your form if you have several of the same type of controls (e.g., you may group "Inlet Protection Measures," "Perimeter Controls," and "Stockpile Controls" together on one line), but if there are any problems with a specific control, you must separately identify the location of the control, whether routine maintenance or corrective action is necessary, and in the notes section you must describe the specifics about the problem you observed.

Conditions Requiring Routine Maintenance?

Answer "Yes" if the E&S control requires routine maintenance as defined in footnote 1 of this template. Note that in many cases, "Yes" answers are expected and indicate a project with an active operation and maintenance program. You should also answer "Yes" if work to fix the problem is still ongoing from the previous inspection, though necessary work must be initiated immediately and completed by the end of the next business day or within seven calendar days if documented in accordance with CGP Part 2.1.4.b.

If "Yes," How Many Times (Including this Occurrence) Has this Condition Been Identified?

Indicate how many times the routine maintenance has been required for the same control at the same location.

Conditions Requiring Corrective Action?

Answer "Yes" if you found any of the conditions listed in footnote 2 in this template to be present during your inspection (CGP Part 5.1). If you answer "Yes," you must take corrective action and complete a corrective action log, found at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>. You should also answer "Yes" if work to fix the problem from a previous inspection is still ongoing, though the operator must comply with the corrective action deadlines in CGP Part 5.2.

Date on Which Condition First Observed (If Applicable)?

Provide the date on which the condition that triggered the need for routine maintenance or corrective action was first identified. If the condition was just discovered during this inspection, enter the inspection date. If the condition is a carryover from a previous inspection, enter the original date of the condition's discovery.

Description of Conditions Observed

For each E&S control and the area immediately surrounding it, describe whether the control is properly installed and whether it appears to be working to minimize sediment discharge. Indicate also whether a new or modified control is necessary to comply with the permit. Describe any problem condition(s) you observed such as the following:

1. Failure to install or to properly install a required E&S control
2. Damage or destruction to an E&S control caused by vehicles, equipment, or personnel, a storm event, or other event
3. Mud or sediment deposits found downslope from E&S controls, including in receiving waters, or on nearby streets, curbs, or open conveyance channels
4. Sediment tracked out onto paved areas by vehicles leaving construction site
5. Noticeable erosion or sedimentation at discharge outlets or at adjacent streambanks or channels
6. Erosion of the site's sloped areas (e.g., formation of rills or gullies)
7. E&S control is no longer working due to lack of maintenance
8. Other incidents of noncompliance

Describe also why you think the problem condition(s) occurred as well as actions (e.g., routine maintenance or corrective action) you will take or have taken to fix the problem.

For buffer areas, make note of whether they are marked off as required, whether there are signs of construction disturbance within the buffer, which is prohibited under the CGP, and whether there are visible signs of erosion resulting from discharges through the area.

If routine maintenance or corrective action is required, briefly note the reason. If routine maintenance or corrective action has been completed, make a note of the date it was completed and what was done. *If corrective action is required, note that you will need to complete a separate corrective action log describing the condition and your work to fix the problem.*

Routine Maintenance Need Has Been Found to be Necessary Three (3) or More Times for the Same Control at the Same Location (Including this Occurrence)

If routine maintenance has been required three (3) or more times for the same control at the same location, the permit requires (CGP Part 2.1.4.c) you to fix the problem using the corrective action procedures in CGP Part 5 or to document why you believe the reoccurring problem can be addressed as a routine maintenance fix. If you believe the problem can continue to be fixed as routine maintenance, describe why you believe the specific condition should still be addressed as routine maintenance.

Instructions for Section C**Type and Location of Pollution Prevention (P2) Practices and Controls**

Provide a list of all pollution prevention (P2) practices and controls that are implemented at your site. This list must include all P2 practices and controls required by CGP Part 2.3 and those that are described in your SWPPP.

Conditions Requiring Routine Maintenance?

Answer "Yes" if the P2 practice or control requires routine maintenance as defined in footnote 1 of this template. Note that in many cases, "Yes" answers are expected and indicate a project with an active operation and maintenance program. You should also answer "Yes" if work to fix the problem is still ongoing

from the previous inspection, though necessary work must be initiated immediately and completed by the end of the next business day or within seven calendar days if documented in accordance with CGP Part 2.1.4.b.

If “Yes,” How Many Times (Including this Occurrence) Has this Condition Been Identified?

Indicate how many times the routine maintenance has been required for the same practice or control at the same location.

Conditions Requiring Corrective Action?

Answer “Yes” if you found any of the conditions listed in footnote 2 in this template to be present during your inspection (CGP Part 5.1). If you answer “Yes,” you must take corrective action and complete a corrective action log, found at <https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates>. You should also answer “Yes” if work to fix the problem from a previous inspection is still ongoing, though the operator must comply with the corrective action deadlines in CGP Part 5.2.

Date on Which Condition First Observed (If Applicable)?

Provide the date on which the condition that triggered the need for maintenance or corrective action was first identified. If the condition was just discovered during this inspection, enter the inspection date. If the condition is a carryover from a previous inspection, enter the original date of the condition’s discovery.

Description of Conditions Observed

For each P2 control and the area immediately surrounding it, describe whether the control is properly installed, and whether it appears to be working to minimize or eliminate pollutant discharges. Indicate also whether a new or modified control is necessary to comply with the permit. Describe any problem condition(s) you observed such as the following:

1. Failure to install or to properly install a required P2 control
2. Damage or destruction to a P2 control caused by vehicles, equipment, or personnel, or a storm event
3. Evidence of a spill, leak, or other type of pollutant discharge, or failure to have properly cleaned up a previous spill, leak, or other type of pollutant discharge
4. Spill response supplies are absent, insufficient, or not where they are supposed to be located
5. Improper storage, handling, or disposal of chemicals, building materials or products, fuels, or wastes
6. P2 control is no longer working due to lack of maintenance
7. Other incidents of noncompliance

Describe also why you think the problem condition(s) occurred as well as actions (e.g., routine maintenance or corrective action) you will take or have taken to fix the problem.

If routine maintenance or corrective action is required, briefly note the reason. If routine maintenance or corrective action has been completed, make a note of the date it was completed and what was done. *If corrective action is required, note that you will need to complete a separate corrective action log describing the condition and your work to fix the problem.*

Routine Maintenance Need Was Found to be Necessary Three (3) or More Times for the Same Control at the Same Location (Including this Occurrence)

If routine maintenance has been required three (3) or more times for the same control at the same location, the permit requires (CGP Part 2.1.4.c) you to fix the problem using the corrective action procedures in CGP Part 5 or to document why you believe the reoccurring problem can be addressed as a routine maintenance fix. If you believe the problem can continue to be fixed as routine maintenance, describe why you believe the specific condition should still be addressed as routine maintenance.

Instructions for Section D

Specific Location That Has Been or Will Be Stabilized

List all areas where soil stabilization is required to begin because construction work in that area has permanently stopped or temporarily stopped (i.e., work will stop for 14 or more days), and all areas where stabilization has been implemented (CGP Part 2.2.14).

Stabilization Method and Applicable Deadline

For each area, specify the method of stabilization (e.g., hydroseed, sod, planted vegetation, erosion control blanket, mulch, rock).

Specify also which of the following stabilization deadlines apply to this location:

1. 5 acres or less of land disturbance occurring at any one time at site: Complete no later than 14 calendar days after stabilization initiated.
2. More than 5 acres of land disturbance occurring at any one time at site: Complete no later than 7 calendar days after stabilization initiated.
3. Arid, semi-arid, and drought-stricken areas: See CGP Part 2.2.14.b.i.
4. Unforeseen circumstances: See CGP Part 2.2.14.b.ii.
5. Discharges to a sediment- or nutrient-impaired water or to a water identified as Tier 2, 2.5, or 3 for antidegradation purposes: Complete no later than 7 days after stabilization initiated.

Stabilization Initiated?

For each area, indicate whether stabilization has been initiated. If "Yes," then enter the date stabilization was initiated.

Final Stabilization Criteria Met?

For each area, indicate whether the final stabilization criteria in CGP Part 2.2.14.c have been met. If "Yes," then enter the date final stabilization criteria were met.

Final Stabilization Photos Taken?

Answer "Yes" if you have taken photos before and after meeting the stabilization criteria as required in CGP Part 8.2.1.a.

Notes

For each area where stabilization has been initiated, describe the progress that has been made and what additional actions are necessary to complete stabilization. Note the effectiveness of stabilization in preventing erosion. If stabilization has been initiated but not completed, make a note of the date it is to be completed. If stabilization has been completed, make a note of the date it was completed. If stabilization has not yet been initiated, make a note of the date it is to be initiated and the date it is to be completed.

Instructions for Section E

You are only required to complete this section if a discharge is occurring at the time of the inspection (CGP Part 4.6.2).

Was a discharge (not including dewatering) occurring from any part of your site at the time of the inspection?

During your inspection, examine all points of discharge from your site, and determine whether a discharge is occurring. If a dewatering discharge was occurring, you must conduct a dewatering inspection pursuant to CGP Part 4.3.2. If there is a discharge, answer "Yes" and complete the questions below regarding the specific discharge. If there is not a discharge, answer "No" and skip to the next page.

Discharge Location (Repeat as necessary if there are multiple points of discharge.)

Specify the location on your site where the discharge is occurring. The location may be an outlet from a stormwater control or constructed stormwater channel, a discharge into a storm sewer inlet, or a specific point on the site. Be as specific as possible; it is recommended that you refer to a precise point on your site map.

Observations

Document the visual quality of the discharge and take note of the characteristics of the stormwater discharge, including color; odor; floating, settled, or suspended solids; foam; oily sheen; and other indicators of stormwater pollutants. Also, document signs of these same pollutant characteristics that are visible from your site and attributable to your discharge in receiving waters or in other constructed or natural site drainage features.

Instructions for Section F

Each inspection report must be signed and certified to be considered complete (CGP Part 4.7.2).

Operator or “Duly Authorized Representative” – MANDATORY (CGP Appendix G Part G.11.2 and CGP Appendix H Section X)

At a minimum, the site inspection report must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply:

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation:* By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively.
- *For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Sign, date and print your name and affiliation.

Contractor or Subcontractor - OPTIONAL

Where you rely on a contractor or subcontractor to complete the site inspection report, you should consider requiring the individual(s) to sign and certify each report. Note that this does not relieve you, the permitted operator, of the requirement to sign and certify the site inspection report as well. If applicable, sign, date, and print your name and affiliation.

Note

While EPA has made every effort to ensure the accuracy of all instructions contained in this template, it is the permit, not this template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between this template and any corresponding provision of the CGP, you must abide by the requirements in the permit. EPA welcomes comments on this Site Inspection Report Template at any time and will consider those comments in any future revision. You may contact EPA for CGP-related inquiries at cgp@epa.gov

Appendix E

Corrective Action Log



www.soudermiller.com

Souder, Miller & Associates, Inc.
Engineering ♦ Environmental ♦ Geomatics

3500 Sedona Hills Parkway | Las Cruces, NM 88011
575.647.0799 | 575.647.0680 (fax)

2022 CGP Corrective Action Log

Project Name: NMSU Photovoltaic Center – 3705 Research Road

NPDES ID Number: _____

Section A – Individual Completing this Log	
Name:	Title:
Company Name:	Email:
Address:	Phone Number:
Section B – Details of the Problem (CGP Part 5.4.1.a) Complete this section <u>within 24 hours</u> of discovering the condition that triggered corrective action.	
Date problem was first identified:	Time problem was first identified:
What site conditions triggered this corrective action? <i>(Check the box that applies. See instructions for a description of each triggering condition (1 thru 6).)</i> ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5a ☐ 5b ☐ 6	
Specific location where problem identified:	
Provide a description of the specific condition that triggered the need for corrective action and the cause (if identifiable):	
Section C – Corrective Action Completion (CGP Part 5.4.1.b) Complete this section <u>within 24 hours</u> after completing the corrective action.	
For site condition # 1, 2, 3, 4, or 6 (those not related to a dewatering discharge) confirm that you met the following deadlines (CGP Part 5.2.1):	
☐ Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events. AND	
☐ Completed corrective action by the close of the next business day, unless a new or replacement control, or significant repair, was required. OR	
☐ Completed corrective action within seven (7) calendar days from the time of discovery because a new or replacement control, or significant repair, was necessary to complete the installation of the new or modified control or complete the repair. OR	
☐ It was infeasible to complete the installation or repair within 7 calendar days from the time of discovery. Provide the following additional information: Explain why 7 calendar days was infeasible to complete the installation or repair:	
Provide your schedule for installing the stormwater control and making it operational as soon as feasible after the 7 calendar days:	

For site condition # 5a, 5b, or 6 (those related to a dewatering discharge), confirm that you met the following deadlines: ☐ Immediately took all reasonable steps to minimize or prevent the discharge of pollutants until a solution could be implemented, including shutting off the dewatering discharge as soon as possible depending on the severity of the condition taking safety considerations into account. ☐ Determined whether the dewatering controls were operating effectively and whether they were causing the conditions. ☐ Made any necessary adjustments, repairs, or replacements to the dewatering controls to lower the turbidity levels below the benchmark or remove the visible plume or sheen.			
Describe any modification(s) made as part of corrective action: (Insert additional rows below if applicable)	Date of completion:	SWPPP update necessary?	If yes, date SWPPP was updated:
1.		☐ Yes ☐ No	
2.		☐ Yes ☐ No	
Section D - Signature and Certification (CGP Part 5.4.2)			
"I certify under 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 gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than 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."			
MANDATORY: Signature of Operator or "Duly Authorized Representative:"			
Signature:		Date:	
Printed Name:		Affiliation:	
OPTIONAL: Signature of Contractor or Subcontractor			
Signature:		Date:	
Printed Name:		Affiliation:	

General Instructions

This Corrective Action Log Template is provided to assist you creating a corrective action log that complies with the minimum reporting requirements of Part 5.4 of the EPA's Construction General Permit (CGP). For each triggering condition on your site, you will need to fill out a separate corrective action log.

The entire form must be completed to be compliant with the requirements of the permit. (Note: In Section C, if you do not need the number of rows provided in the corrective action log, you may delete these or cross them off. Alternatively, if you need more space to describe any modifications, you may insert additional rows in the electronic version of this form or use the bottom of the page in the field version of this form.)

If you are covered under a State CGP, this template may be helpful in developing a log that can be used for that permit; however, you will likely need to modify this form to meet the specific requirements of any State-issued permit. If your permitting authority requires you to use a specific corrective action log, you should not use this template.

Instructions for Section A

Individual completing this form Enter the name of the person completing this log. Include the person's contact information (title, affiliated company name, address, email, and phone number).

Instructions for Section B

You must complete Section B within 24 hours of discovering the condition that triggered corrective action. (CGP Part 5.4)

When was the problem first discovered?

Specify the date and time when the triggering condition was first discovered.

What site conditions triggered this corrective action? (CGP Parts 5.1 and 5.3)

Check the box corresponding to the numbered triggering condition below that applies to your site.

1. A stormwater control needs a significant repair or a new or replacement control is needed, or, in accordance with Part 2.1.4c, you find it necessary to repeatedly (i.e., 3 or more times) conduct the same routine maintenance fix to the same control at the same location (unless you document in your inspection report under Part 4.7.1c that the specific reoccurrence of this same problem should still be addressed as a routine maintenance fix under Part 2.1.4);
2. A stormwater control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly;
3. Your discharges are not meeting applicable water quality standards;
4. A prohibited discharge has occurred (see Part 1.3);
5. During discharge from site dewatering activities:
 - a. The weekly average of your turbidity monitoring results exceeds the 50 NTU benchmark (or alternate benchmark if approved by EPA pursuant to Part 3.3.2b); or
 - b. You observe or you are informed by EPA, State, or local authorities of the presence of any of the following at the point of discharge to a receiving water flowing through or immediately adjacent to your site and/or to constructed or natural site drainage features or storm drain inlets:
 - sediment plume
 - suspended solids
 - unusual color
 - presence of odor
 - decreased clarity
 - presence of foam
 - visible sheen on the water surface or visible oily deposits on the bottom or shoreline of the receiving water
6. EPA requires corrective action as a result of permit violations found during an inspection carried out under Part 4.8.

Provide a description of the problem (CGP Part 5.4.1.a)

Provide a summary description of the condition you found that triggered corrective action, the cause of the problem (if identifiable), and the specific location where it was found. Be as specific as possible about the location; it is recommended that you refer to a precise point on your site map.

Instructions for Section C

You must complete Section C within 24 hours after completing the correction action. (CGP Part 5.4)

Deadlines for completing corrective action for condition # 1, 2, 3, 4, or 6 (if not relating to a dewatering discharge) (CGP Part 5.2.1)

Check the box to confirm that you met the deadlines that apply to each triggering condition. You are always required to check the first box (i.e., Immediately took all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events.). Only one of the next three boxes should be checked depending on the situation that applies to this corrective action.

Check the second box if the corrective action for this particular triggering condition does not require a new or replacement control, or a significant repair. These actions must be completed by the close of the next business day from the time of discovery of the condition.

Check the third box if the corrective action for this particular triggering condition requires a new or replacement control, or a significant repair. These actions must be completed by no later than seven calendar days from the time of discovery of the condition.

Check the fourth box if the corrective action for this particular triggering condition requires a new or replacement control, or a significant repair, and if it is infeasible to complete the work within seven calendar days. Additionally, you will need to fill out the table below the checkbox that requires:

1. An explanation as to why it was infeasible to complete the installation or repair within seven calendar days of discovering the condition.
2. Provide the schedule you will adhere to for installing the stormwater control and making it operational as soon as feasible after the seventh day following discovery.

Note: Per Part 5.2.1.c, where these actions result in changes to any of the stormwater controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven calendar days of completing this work.

Deadlines for completing corrective action for condition # 5a, 5b, or 6 related to a dewatering discharge (CGP Part 5.2.2)

These deadlines apply to conditions relating to construction dewatering activities. Check the box to confirm that you met the deadlines that apply to each triggering condition. You are required to check all of the boxes in this section to indicate your compliance with the corrective action deadlines.

List of modification(s) to correct problem

Provide a list of modifications you completed to correct the problem.

Date of completion

Enter the date you completed the modification. The work must be completed by the deadline you indicated above.

SWPPP update necessary?

Check "Yes" or "No" to indicate if a SWPPP update is necessary consistent with Part 7.4.1.a in order to reflect changes implemented at your site. If "Yes," then enter the date you updated your SWPPP. The SWPPP updates must be made within seven calendar days of completing a corrective action. (CGP Part 5.2.1.c)

Instructions for Section D

Each corrective action log entry must be signed and certified following completion of Section D to be considered complete. (CGP Part 5.4.2)

Operator or "Duly Authorized Representative" – MANDATORY (CGP Appendix G Part G.11.2 and CGP Appendix H Section X)

At a minimum, the corrective action log must be signed by either (1) the person who signed the NOI, or (2) a duly authorized representative of that person. The following requirements apply:

If the signatory will be the person who signed the NOI for permit coverage, as a reminder, that person must be one of the following types of individuals:

- *For a corporation:* By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively.
- *For a municipality, State, Federal, or other public agency:* By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a Federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

If the signatory will be a duly authorized representative, the following requirements must be met:

- The authorization is made in writing by the person who signed the NOI (see above);
- The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.

Sign, date and print your name and affiliation.

Contractor or Subcontractor - OPTIONAL

Where you rely on a contractor or subcontractor to complete this log and the associated corrective action, you should consider requiring the individual(s) to sign and certify each log entry. Note that this does not relieve you, the permitted operator, of the requirement to sign and certify the log as well. If applicable, sign, date, and print your name and affiliation.

Recordkeeping

Logs must be retained for at least 3 years from the date your permit coverage expires or is terminated. (CGP Part 5.4.4)

Keep copies of your signed corrective action log entries at the site or at an easily accessible location so that it can be made immediately available at the time of an on-site inspection or upon request by EPA. (CGP Part 5.4.3) Include a copy of the corrective action log in your SWPPP. (CGP Part 7.2.7.e)

Note

While EPA has made every effort to ensure the accuracy of all instructions contained in this template, it is the permit, not this template, that determines the actual obligations of regulated construction stormwater discharges. In the event of a conflict between this template and any corresponding provision of the CGP, you must abide by the requirements in the permit. EPA welcomes comments on this Corrective Action Log Template at any time and will consider those comments in any future revision. You may contact EPA for CGP-related inquiries at cgp@epa.gov

Appendix F

SWPPP Amendment Log



www.soudermiller.com

Souder, Miller & Associates, Inc.
Engineering ♦ Environmental ♦ Geomatics

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575.647.0799 | 575.647.0680 (fax)

SWPPP Amendment Log

Project Name: NMSU Photovoltaic Center – 3705 Research Road

SWPPP Contact: Ruben Contreras

[illegible]

Appendix G

Subcontractor Certifications/Agreements



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Appendix G – Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: **NMSU Photovoltaic Center - 3705 Research Road**

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

This certification is hereby signed in reference to the above-named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

Signature: _____

Title: _____

Date: _____

Appendix H

Grading and Stabilization

Activities Log



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Appendix I

Training Document Log

INSERT DOCUMENTATION CONSISTENT WITH SWPPP TEMPLATE SECTION 1.2 AND CGP PART 7.2.2



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Stormwater Pollution Prevention Training Log

Project Name: NMSU Photovoltaic Center - 3705 Research Road

Project Location: Las Cruces, New Mexico

Instructor's Name(s):

Instructor's Title(s):

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

- ☐ Erosion Control SWCs ☐ Emergency Procedures
- ☐ Sediment Control SWCs ☐ Good Housekeeping Practices
- ☐ Non-Stormwater SWCs

Specific Training Objective: _____

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Appendix J

Delegation of Authority Form



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Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the EPA's Construction General Permit (CGP), at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, State, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix G of EPA's CGP, and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix G.

I certify under 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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than 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.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K

Endangered Species Documentation



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United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna Road Ne
Albuquerque, NM 87113-1001
Phone: (505) 346-2525 Fax: (505) 346-2542



In Reply Refer To:

08/04/2026 19:15:57 UTC

Project Code: 2026-0127267

Project Name: NMSU Photovoltaic Center

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

Thank you for your recent request for information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of New Mexico wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 *et seq.*), the Migratory Bird Treaty Act as amended (16 USC 701-715), and the Bald and Golden Eagle Protection Act as amended (16 USC 668-668(c)). We are providing the following guidance to assist you in determining which federally imperiled species may or may not occur within your project area, and to recommend some conservation measures that can be included in your project design.

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the ESA is to provide a means whereby threatened and endangered species and

the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the ESA and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA; 42 USC 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>.

Candidate Species and Other Sensitive Species

A list of candidate and other sensitive species in your area is also attached. Candidate species and other sensitive species are species that have no legal protection under the ESA, although we recommend that candidate and other sensitive species be included in your surveys and considered for planning purposes. The Service monitors the status of these species. If significant declines occur, these species could potentially be listed. Therefore, actions that may contribute to their decline should be avoided.

Lists of sensitive species including State-listed endangered and threatened species are compiled by New Mexico State agencies. These lists, along with species information, can be found at the following websites.

Biota Information System of New Mexico (BISON-M): www.bison-m.org

New Mexico State Forestry. The New Mexico Endangered Plant Program:
<https://www.emnrd.nm.gov/sfd/rare-plants/>

New Mexico Rare Plant Technical Council, New Mexico Rare Plants: nmrareplants.unm.edu

Natural Heritage New Mexico, online species database: nhnm.unm.edu

WETLANDS AND FLOODPLAINS

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value.

We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's NWI program website, www.fws.gov/wetlands/Data/Mapper.html, integrates digital map data with other resource information. We also recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands.

MIGRATORY BIRDS

In addition to responsibilities to protect threatened and endangered species under the ESA, there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the Service (50 CFR 10.12 and 16 USC 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a Federal nexus) or a Bird/Eagle Conservation Plan (when there is no Federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>. We also recommend review of the Birds of Conservation Concern list (<https://www.fws.gov/media/birds-conservation-concern-2021>) to fully evaluate the effects to the birds at your site. This list identifies migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent top conservation priorities for the Service, and are potentially threatened by disturbance, habitat impacts, or other project development activities.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 thereby provides additional protection for both migratory birds and migratory bird habitat. Please visit <https://www.fws.gov/partner/council-conservation-migratory-birds> for information regarding the implementation of Executive Order 13186.

We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico

Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding State protected and at-risk species fish, wildlife, and plants.

For further consultation with the Service we recommend submitting inquiries or assessments electronically to our incoming email box at nmesfo@fws.gov, where it will be more promptly routed to the appropriate biologist for review.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New Mexico Ecological Services Field Office

2105 Osuna Road Ne
Albuquerque, NM 87113-1001
(505) 346-2525

PROJECT SUMMARY

Project Code: 2026-0127267

Project Name: NMSU Photovoltaic Center

Project Type: Government / Municipal (Non-Military) Construction

Project Description: Deconstruction and regrading of the 12 existing photovoltaic buildings at 3705 Research Rd. Las Cruces, NM 88003.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@32.270639700000004,-106.74557787574184,14z>



Counties: Doña Ana County, New Mexico

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Mexican wolf <i>Canis lupus baileyi</i> Population: U.S.A. (portions of AZ and NM)see 17.84(k) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3916 General project design guidelines: https://ipac.ecosphere.fws.gov/project/TZ2ISQJKTGBRPLPRBTUVUXARDS4/documents/generated/9162.pdf	Experimental Population, Non-Essential

BIRDS

NAME	STATUS
Northern Aplomado Falcon <i>Falco femoralis septentrionalis</i> Population: U.S.A (AZ, NM) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1923 General project design guidelines: https://ipac.ecosphere.fws.gov/project/TZ2ISQJKTGBRPLPRBTUVUXARDS4/documents/generated/8928.pdf	Experimental Population, Non-Essential
Southwestern willow flycatcher <i>Empidonax traillii extimus</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749 General project design guidelines: https://ipac.ecosphere.fws.gov/project/TZ2ISQJKTGBRPLPRBTUVUXARDS4/documents/generated/9177.pdf	Endangered
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911 General project design guidelines: https://ipac.ecosphere.fws.gov/project/TZ2ISQJKTGBRPLPRBTUVUXARDS4/documents/generated/9183.pdf	Threatened

INSECTS

NAME	STATUS
Monarch butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Cyrus Mendoza
Address: 3500 Sedona Hills Parkway
City: Las Cruces
State: NM
Zip: 88011
Email: cyrus.mendoza@soudermiller.com
Phone: 5756470799

LEAD AGENCY CONTACT INFORMATION

Lead Agency: State of New Mexico

Appendix L

Historic Preservation Documentation

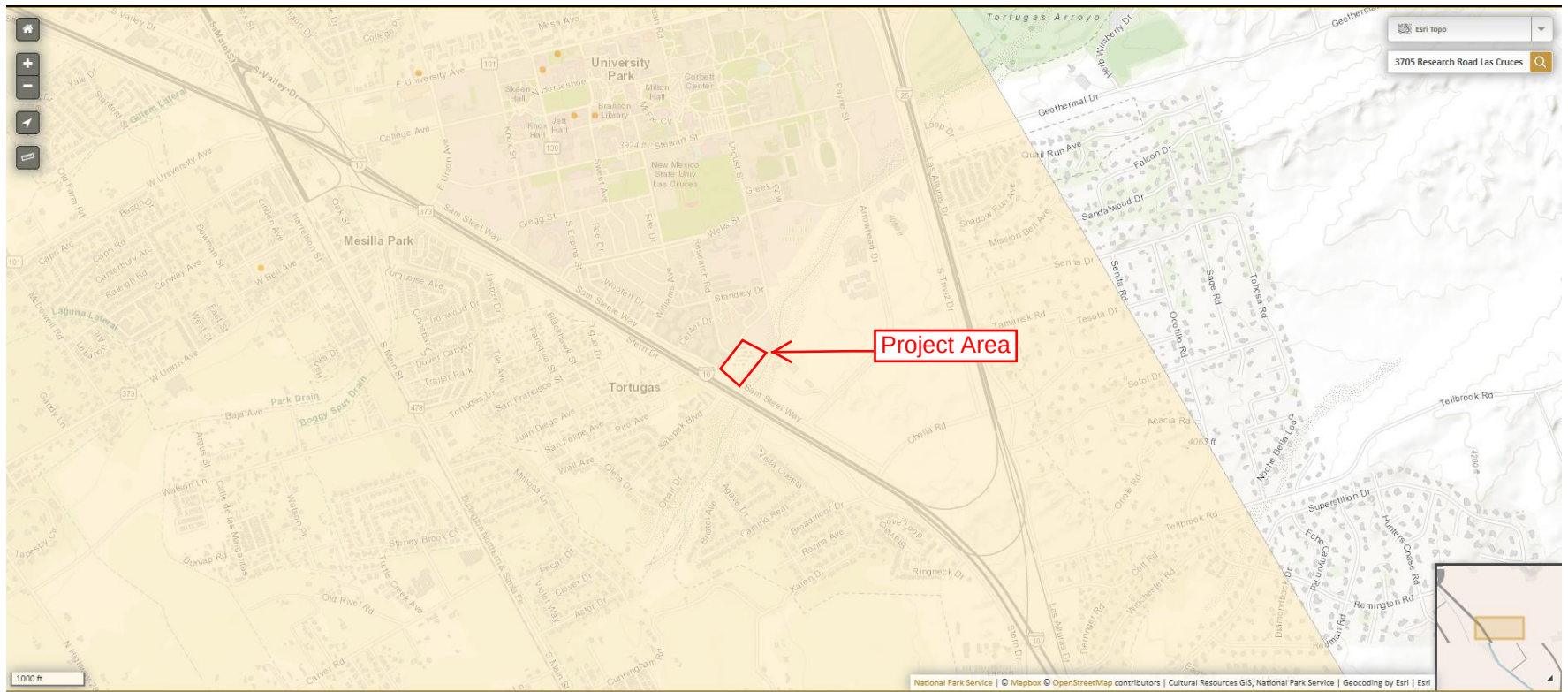


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NATIONAL REGISTER OF HISTORIC PLACES



There are no historical places located within or near the vicinity of the project area. The nearest historical place is Foster Hall located approximately .09 Miles away from the site. The project area is also located within the Elephant Butte Irrigation District.

Appendix M

Rainfall Gauge Recording



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[illegible]

SWPPP Contact: Ruben Contreras

Appendix N

Turbidity Meter Manual and Manufacturer's Instructions

INSERT DOCUMENTATION CONSISTENT WITH SWPPP TEMPLATE SECTION 7.28 AND CGP PART 3.3.4



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Appendix O

Stormwater Controls



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Soil Stockpiling and Topsoil Preservation (ES-1)

Use: Protect soil stockpiles from contact with rainwater and/or stormwater, and preserve native topsoil.

Location: Locate stockpiles away from storm inlets, constructed and natural site drainage features, and areas where stormwater flow is channelized. Locate topsoil stockpiles where they will not erode or block drainage structures, site entrances, or access to waste disposal areas.

Design criteria:

General soil and sediment stockpile criteria:

- Site operator(s) must protect stockpile from contact with stormwater (including water run-on) and/or prevent sediment-laden stormwater from being discharged from the stockpile using a temporary perimeter sediment barrier along all downgradient perimeter areas of the stockpiled soil or land clearing debris piles. See (ES-2, Silt Fence Sediment Barrier and ES-3, Sediment Filter Log). If stockpile will be left uncovered for 14 days or more, apply temporary mulch or seed (see SS-1, Vegetative Stabilization – Seeding). For smaller stockpiles, plastic sheeting or tarps may be used. Unless infeasible, securely protect the stockpile from wind erosion (see ES-5, Dust Control).



Application of silt fencing to control muddy runoff from soil stockpile. Leaving a site with quality soil encourages healthy root growth and reduces time and resources needed to care for turf and landscape plantings.

Removing topsoil:

- Prior to stripping away topsoil (typically the first 4 to 6 inches of soil), ensure that all downslope erosion and sediment controls and upslope run-on diversions are in place. Avoid stripping topsoil from areas that will not be disturbed by excavation, grading, filling, or road building.

Topsoil storage:

- Where disturbance to native topsoil will occur at your site, unless infeasible, you should stockpile and reuse it in areas that will be stabilized with vegetation. To maximize the native topsoil's continued function, when stockpiling native topsoil, you should mound the soil and cover to prevent soil erosion and weed growth. Uncovered stockpiles should be protected with a sediment barrier (e.g., silt fence, sediment filter log) around the downslope perimeter of the stockpile. As a guideline, soil should be mounded to a height of no higher than 4 feet for less than 1 year, and preferably for less than 6 months.

Reapplying Topsoil:

- Prior to placing topsoil in the desired location, verify that subgrade has been graded and is structurally stable. Perform pH tests whenever possible prior to soil placement in order to determine whether soil amendments or treatments are necessary to support vegetation growth.
- Loosen subgrade to a depth of 3 inches by disking or scarifying to ensure that topsoil bonds with underlying earth. Apply a minimum of 4 inches of topsoil. Do not spread topsoil when subgrade is wet or frozen.

Maintenance/Removal:

- See perimeter sediment barrier maintenance specifications (ES-2, Silt Fence Sediment Barrier and ES-3, Sediment Filter Log).
- Do not hose down or sweep leftover soil or sediment accumulated on pavement or other impervious surfaces into any constructed or natural site drainage feature, storm drain inlet, or receiving water.



Silt Fence Sediment Barrier (ES-2)

Use: Intercept and contain muddy stormwater to trap sediment.

Location: Downhill from bare soil or other disturbed areas.

Design criteria:

- Make sure ends of silt fence are turned uphill (e.g., at 45 degrees) forming a crescent, to prevent by-pass.
- Install silt fence fabric so that posts/stakes are on the downhill side.
- Install support posts according to site conditions: 3-4 feet apart in areas where water may overtop the fence, 5 feet in most other areas, 6-7 feet where there is not a considerable horizontal load.
- If installing by static slicing, use a static slicing machine, which pulls a narrow blade through the ground to create a slit 12 inches deep and simultaneously inserts the silt fence fabric into this slit behind the blade. Roll a tractor wheel along both sides of the slit 2-4 times to compact the soil after slicing and fabric insertion. Drive posts into the ground at appropriate intervals and attach the fabric to the posts.
- If installing by trenching, dig trench 4-8 inches deep just inside the downhill lot lines. Install silt fence on the contour of the slope. Install silt fence posts/stakes in trench, against downhill trench wall. About 6-8 inches of fabric should hang below grade in the trench. Backfill trench (with fabric in it) on the uphill side – tamp down the fill.



Proper silt fence installation at the perimeter of a construction site.

Maintenance:

- Check for bypasses and undercutting after rainstorms or significant snowmelt.
- Extend the silt fence if there are signs of bypass and repair any undercut areas. Use additional stakes to firm up bypass or undercut areas.
- Remove sediment before it reaches halfway up the exposed fabric.
- Inspect the silt fence in accordance with Part 6 of this SWPPP.
- If a complete replacement or a new control is required, complete and make operational within 7 calendar days where feasible.

Tips:

- Silt fence should intercept and pond stormwater water.
- Install around entire downhill perimeter of disturbed area.
- There is no need to install uphill from disturbed or bare soil areas.
- Minimize long runs of silt fence.

Removal:

- Silt fences are temporary – remove when uphill area is stabilized.
- Stabilization means all uphill bare soil is vegetated, sodded/seeded, paved, mulched, etc.
- After removal, dress up or seed/mulch silt fence area.
- Remove and properly dispose of or recycle silt fence fabric from the site, or store for later reuse.



Sediment Filter Log (ES-3)

Use: Intercept and contain muddy stormwater to trap sediment. Includes fiber rolls, sediment logs, bio rolls, compost filter socks, etc.

Location: Downhill from bare soil or other disturbed areas.

Design criteria:

- Grade area where the fiber roll will be located.
- Dig a 3-inch deep rounded trench around the downhill lot perimeter.
- Install filter log in the trench, pressing firmly into place.
- Pull filter log gently when driving stakes – do not stretch!
- Drive stakes through the filter log every 3-4 feet; leave 3 inches above roll.
- Use 24-inch stakes in soft soil, and 18-inch stakes in harder ground.
- Ensure maximum area draining to the filter log is less than one acre.
- Use larger diameter filter logs for high-flow areas.



Sediment filter logs at the edge of a residential construction site reduce the sediment carried onto the street by stormwater.

Maintenance:

- Check for bypasses and undercutting after rainstorms or significant snowmelt.
- Extend the filter log if there are signs of bypass, and repair any undercut areas. Use additional stakes to firm up bypass or undercut areas.
- Remove sediment before it reaches halfway up the exposed filter log.
- Inspect the sediment filter log in accordance with Part 6 of this SWPPP.
- If a complete replacement or a new control is required, complete and make operational within 7 calendar days where feasible.

Tips:

- Filter logs are intended for relatively flat or slightly rolling terrain.
- Use silt fencing (ES-2, Silt Fence Sediment Barrier) in areas where slopes are long.
- Do not drive over filter log sections.
- If using compost socks, compost should be sanitized, mature, and biologically stable.

Removal:

- Filter logs are temporary – remove when uphill area is stabilized.
- Stabilization means all uphill bare soil is vegetated, sodded/seeded, paved, mulched, etc.
- Grade and sod or seed/mulch area where filter log was installed.



Stabilized Exit Pad (ES-4)

Use: Temporary gravel construction entrance to prevent muddy tires/wheels from tracking sediment onto paved roads.

Location: Any point where traffic enters or leaves a construction site onto a paved public right-of-way, street, or parking area.

Design criteria:

- Install non-woven geotextile on graded soil to support the exit pad.
- Rock should be large enough to prevent muddy track-out at the exit.
- Spread rock evenly over geotextile.
- Thickness of the pad shall not be less than 6 inches.
- Grade the exit pad (usually where the driveway will be located) so that muddy stormwater does not flow onto streets or into storm drains.
- Divert stormwater from exit pad to grassy areas for infiltration, if possible.



A construction entrance stabilized with gravel over filter cloth reduces the amount of sediment transported off site.

Maintenance:

- Apply new rock or remove mud and dirt clods to keep pad clean.
- If mud or dirt clods have been tracked-out from your site onto the surface of streets, other paved areas, or sidewalks, remove by the end of the same work day or by the end of the end of the next work day if track-out occurs on a non-work day.
- Remove track-out by sweeping, shoveling, or vacuuming the impervious surface. Do not hose or sweep tracked-out sediment into any constructed or natural site drainage feature, storm drain inlet, or receiving water.
- If a complete replacement or a new control is required, complete and make operational within 7 calendar days where feasible.

Tips:

- Restrict vehicles and equipment from muddy areas of the site if possible.
- Limit traffic onto and off site by parking vehicles on street if possible.
- Avoid sharp-edged stones, which can puncture tires.

Removal:

- Pave over, or remove and stabilize the exit pad, when construction is completed.



Dust Control (ES-5)

Use: Prevent fine-grained sediments from being blown away by wind to off-site areas or other on-site areas where they could subsequently be washed into surface waters through stormwater discharges.

Location: Areas where exposed soil is vulnerable to wind erosion.

Design criteria: Select control measures from the following list:

- **Sprinkling/Irrigation.** Sprinkle the ground surface with water until moist. Note: this is an effective method in areas with vehicle traffic where other control methods may not be possible.
- **Vegetative Cover.** Use seed, sod, and/or other vegetative cover to stabilize areas that generate airborne dust. Follow requirements in SS-1, *Vegetative Stabilization - Seeding* or SS-2, *Vegetative Stabilization - Sod*, as applicable. Note: this is an effective method in areas not expected to handle vehicle traffic.
- **Mulch.** Follow specifications provided in SS-4, *Non-Vegetative Stabilization - Mulching*. Note: this is a quick and effective means of dust control for recently disturbed areas.
- **Wind Breaks.** Wind breaks are barriers (either natural or constructed) that reduce wind velocity through a site and, therefore, reduce the possibility of suspended particles. Wind breaks can be trees or shrubs left in place during site clearing or constructed barriers such as a wind fence, snow fence, tarp curtain, hay bale, crate wall, or sediment wall.
- **Tillage.** Deep tillage in large open areas brings soil clods to the surface where they rest on top of dust, preventing it from becoming airborne.
- **Stone.** Stone can be an effective dust deterrent for construction roads and entrances or serve as mulch in areas that cannot establish vegetation.



A water tanker truck wetting high traffic areas for dust suppression.

Maintenance:

- Inspect any installed controls regularly for deterioration to ensure that they are still achieving their intended purpose.
- Dust control measures must be modified or upgraded if site inspection shows evidence of wind erosion.

Tips:

- Phasing construction activities to minimize the total area disturbed at any one time can greatly reduce problematic dust on site.

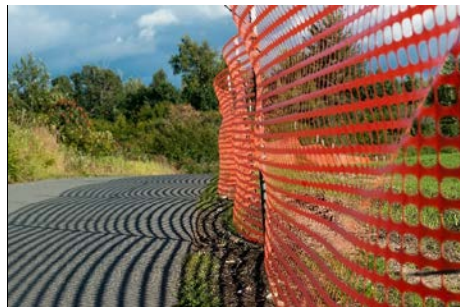


Protect Areas Reserved for Vegetation and Infiltration (ES-6)

Use: Protect areas where vegetative stabilization or infiltration practices (e.g., rain gardens, bioswales, septic system drainfields) will be installed from excessive compaction. Preserve natural or existing vegetation from damage during project development.

Design criteria:

- Before the start of construction, identify protected and minimal disturbance areas with adequate signage in relevant languages (English, Spanish, etc.) and/or fencing.
- Train staff to avoid traffic and other impacts to protected areas.
- Indicate protected/minimal disturbance areas on site maps/drawings.
- Conduct soil restoration (i.e., conditioning) for areas that are not adequately protected or have been degraded by previous activities.



A construction safety fence preserves existing grass near a paved area.

Maintenance:

- Replace fencing or signage as needed.
- If damage to the protected area occurs, consider removing and replacing damaged trees or shrubs and reseeding any bare areas.

Tips:

- Provide adequate signage in relevant languages (English, Spanish, etc.) directing vehicle traffic on site.
- Clearly mark site entrance and exit, as well as drop-off areas for materials delivery and waste pickup to avoid traffic in protected areas.



Inlet Controls (ES-7)

Use: Prevent soil and debris in stormwater from entering storm drain inlets. Inlet controls are not required if the inlet conveys stormwater to a sediment basin, sediment trap, or similar control.

Design criteria: Install inlet controls before any soil disturbance occurs on the site. Stormwater inlet protection is not appropriate as a primary sediment control. Construction staff should always use it with other controls. To function effectively, inlet protection measures must be installed to ensure that flows do not bypass inlet protection and enter the storm drain without treatment. However, designs must also enable the inlet to function without completely blocking flows in a manner that causes localized flooding. There are several types of effective inlet protection:

- **Excavated drop inlet protection.** Consists of a small area that construction staff can excavate or leave below grade around an inlet to create a settling pool. Small holes (also called weep holes) with gravel and/or filter fabric protection slowly release stormwater into the inlet. Recommended depths vary by location but are generally between 1 and 2 feet depending on site configurations.
- **Fabric drop inlet protection.** Consists of a barrier of porous fabric around an inlet that creates a shield against sediment while allowing water to flow into the inlet. This barrier slows stormwater while catching soil and other debris. If water levels are high enough, water should be able to overflow into the inlet leaving settled sediment behind. Typically, maximum fabric height is 1.5 feet unless adequate reinforcement is in place.
- **Block and gravel barrier.** Standard concrete blocks and gravel form a barrier to sediments that permits stormwater to flow through select sideways blocks. Similar to fabric drop inlet protection, block and gravel controls should be high enough to pond stormwater and enable settling of sediments, but not so high as to prohibit overtopping during times of high flows. Place two concrete blocks on their sides perpendicular to the curb at either end of the inlet opening. These will serve as spacer blocks. Place concrete blocks on their sides across the front of the inlet and abutting the spacer blocks. The openings in the blocks should face outward, not upward. Cut a 2-by-4 inch stud the length of the curb inlet plus the width of the two spacer blocks. Place the stud through the outer hole of each spacer block to help keep the front blocks in place. Place wire mesh over the outside vertical face (open ends) of the concrete blocks to prevent stone from being washed through the blocks. Use chicken wire, hardware cloth with 1/2 inch openings, or filter fabric. Place 3/4 - 1 1/3 inch gravel against the wire to the top of the barrier.
- **Sand or rock bags.** Place barriers on gently sloping streets where water can pond. Bags should be of woven-type or mesh geotextile fabric since burlap bags deteriorate rapidly. Fill the bags with 3/4-inch



Curb inlets can be protected by gravel controls which are high enough to pond stormwater and enable settling of sediments.



Inlets can be protected with filter fabric and filter socks, which trap sediment and allow water to flow through.

drain rock or 1/4 inch pea gravel. Do not fill bags completely, so they will form a tight seal when packed in a row. Place the bags in a curved row from the top of curb at least 3 feet into the street. The row should be curved at the ends, pointing uphill. Several layers of bags should be overlapped and packed tightly. Leave a one-bag gap in the top row to act as a spillway. Once the small catchment areas behind the bags, or block and gravel, fill with sediment, future sediment-laden stormwater will enter the storm drain without being de-silted. Therefore, sediment must be removed from these structures during or after each storm. Additional storage can be obtained by constructing a series of bag barriers along the gutter so that each barrier traps small amounts of sediment.

- Sediment control logs. There are a variety of proprietary products available for “curb sock” or sediment control bag inlet protection. If proprietary products are used, design details and installation procedures from the manufacturer must be followed.
- Filter bag inlet protection. Wherever filter bags are used they should be installed according to manufacturer's specifications. Ensure that the accompanying sand bag, filter log, or compost sock extends beyond the inlet opening. Filter bags should be cleaned and/or replaced when the bag is half full or when flow capacity has been reduced so as to prevent flooding or bypassing of the inlet. Needed repairs are to be initiated immediately after the inspection, and a supply of replacement filter bags should be kept on site.

Maintenance:

- To prevent clogging and/or breakthrough, storm drain control structures must be maintained frequently.
- Check all temporary inlet control measures regularly and after each storm event.
- Clean, or remove and replace, the inlet control as sediment accumulates, the filter becomes clogged, or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet control, the deposited sediment must be removed by the end of the same work day in which it was found or by the end of the following work day if removal by the same work day is not feasible.

Tips:

- For best results, stabilize areas draining to the inlet as soon as feasible to reduce the amount of sediment flowing toward the inlet.
- Inlet protection measures may be removed in flood conditions where a clogged inlet may result in endangerment to public safety.



Pumped Water Filter Bags (ES-8)

Use: Controls discharges of sediment from stormwater and groundwater pumped from excavated locations such as building foundations, vaults, and trenches.

Location:

- Install on flat, stabilized, erosion-resistant surfaces such as well-vegetated grassy areas, clean filter stone, or geotextile fabric.
- Do not place control on sharp surfaces that may puncture the bag.
- Do not place control on steep slopes.
- Place at least 50 feet away from receiving water, storm drain inlet, or constructed or natural site drainage features.



Pumped water filter bags remove coarse sediment from water pumped from site locations like foundations, vaults, and trenches.

Design Criteria:

- Install a berm or sediment filter log downslope of the filter bag to increase infiltration and limit erosion.
- Direct the discharge water to grassy or wooded areas of the site for infiltration, whenever possible, to minimize erosion from the discharge of dewatering water from the filter bag. Where this is not possible, place the filter bags on 8 inches of suitable base such as mulch, leaf/wood compost, woodchips, sand, or straw bales.
- Install filter bags on a bed of clean filter stone to increase discharge capacity.
- Select filter bag type based on site requirements, including pump flow rate and amount and type of suspended sediment in water. Filter bags should be made from nonwoven, needle-punched geotextile.
- Install in accordance with the manufacturers' specifications, such as recommended hose connections sizes.
- Do not exceed the maximum pump flow rate, as defined by the manufacturer.
- Use a floating and screened pump intake to minimize uptake of foreign objects.
- Place filter bags on straps or purchase bags with lifting straps to make the disposal of used bags easier.
- Provide a suitable means of accessing the bag with machinery required for disposal purposes.

Maintenance:

- Inspect the dewatering water and receiving waters, once per day on days which discharge occurs. Look for evidence of contaminants or filter bag failure, like sediment plumes, sheen, suspended solids, unusual color, odor, decreased clarity, or presence of foam. If any of these are present, stop dewatering immediately, investigate the issue, and conduct appropriate corrective action.
- Replace bags when the pressure differential is at or greater than the manufacturer's specifications or when the bag is half full. Reduce pump flow rates as the bag fills with sediment. Both measures reduce the likelihood of filter bag failure.
- If any problem is detected, such as rips, tears, or punctures in the filter bag, cease pumping immediately and do not resume until the problem is corrected or the filter bag is replaced. If the bedding becomes displaced, it must be replaced.
- Dispose of the filter bag and associated dewatered sediment appropriately in accordance with applicable waste regulations. If applying dewatered sediment on site, stabilize with seed and mulch.

Appendix O: SWCs – Erosion and Sediment Control Specifications

by the end of the next work day in controlled upland location away from receiving water, storm drain inlet, or constructed or natural site drainage features.

- Restore the surface area beneath the filter bag to original condition upon removal of the device.
- Inspect discharge areas for evidence of erosion, such as rills and channels created from discharged water.

Tips:

- Always keep spare filter bags on site.
- Pair with additional controls if sources waters have evidence of other pollutants, such as visible floating solids, foam, or oil sheen (e.g., a cartridge filter to remove oil).



Vegetative Stabilization – Seeding (SS-1)

Use: Establish perennial, vegetative cover in areas of bare soil for stabilization. Seeding is well-suited to areas where permanent, long-lived vegetative cover is the most practical or most effective method of stabilizing the soil. These include roughly graded areas that construction staff will not regrade for at least one year.

Design criteria:

- For all sites, except those located in arid, semi-arid, and drought-stricken areas, provide established uniform vegetation (evenly distributed without large bare areas), which provides 70 percent or more of the vegetative cover native to local undisturbed areas. For final stabilization, vegetative cover must be perennial.
- For sites located in arid, semi-arid, or drought-stricken areas, the area of exposed soil must be seeded so that within 3 years, 70 percent or more of the vegetative cover native to local undisturbed areas is established.



Hydroseed can be used to establish vegetative cover.

Installation:

- Use native, low-maintenance and low-water plant species.
- Soil must be capable of supporting permanent vegetation.
- Before seeding, prepare and amend the soil on a disturbed site to provide sufficient nutrients for seed germination and seedling growth. This includes loosening the soil surface to allow for water infiltration and root penetration. Where compacted soils occur, it should be broken up sufficiently to create a favorable rooting depth of 6-8 inches. Organic compost can serve as a viable soil amendment. If compost is used, make sure to use well decomposed, stable, weed free organic matter source. Avoid the use of invasive species in seed stock.
- Rake soil surface smooth prior to applying seeds uniformly using hydroseeding, dry seeding, cultipacker seeding, or manual seeding.
- Install any erosion control practices, such as diversions or berms, to protect the seeded area.
- Spread lime and fertilizer as needed and appropriate for the soil type. To minimize discharges of nutrients in stormwater, apply fertilizers at a rate and in amounts consistent with manufacturer's specifications and at the appropriate time of year for your location.
- Immediately after seeding the area, to the extent necessary to prevent erosion of the seeded area, install non-vegetative stabilization measures to protect the area during growth of the vegetation. Follow the appropriate installation requirements and other specifications for such measures at SS-3, *Non-Vegetative Stabilization - Erosion Control Blankets or Turf Reinforcement mats* and SS-4, *Non-Vegetative Stabilization - Mulching*. For arid, semi-arid, and drought-stricken areas, the non-vegetative cover must be designed to last 3 years without active maintenance. If you choose to use some type of netting to protect the seeded area, use products that minimize impacts to wildlife, including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, and avoid products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. For more information, see U.S. Fish & Wildlife Service recommendations at <https://www.fws.gov/media/wildlife-friendly-erosion-control-presentation>.

Appendix O: SWCs – Stabilization Control Specifications

- Water as necessary to ensure proper seed germination. Avoid excessive watering, which can result in washing seeds away or in seed clumping.

Maintenance:

- Inspect all seeded areas for failures and implement necessary repairs, replacements, reseeding, and remulching within the planting season. If vegetation is inadequate to meet the 70 percent cover criteria, reseed, fertilize, and remulch. Water as necessary.



Vegetative Stabilization – Sod (SS-2)

Use: Provide immediate perennial, vegetative cover on areas of bare soil for stabilization. Appropriate for any graded or cleared area that might erode, requiring immediate vegetative cover.

Design criteria:

- Provide an established uniform vegetation (evenly distributed without large bare areas), which provides 70 percent or more of the vegetative cover native to local undisturbed areas.
- For final stabilization, vegetative cover must be perennial.

Installation:

- Soil must be capable of supporting permanent vegetation.
- If a soil test determines the need based on local growing conditions, prepare the soil and add lime or fertilizer, as needed.
- Where compacted soils occur, they should be broken up sufficiently to create a favorable rooting depth of 6-8 inches. See *ES-6, Protect Areas Reserved for Vegetation and Infiltration* for soil conditioning specifications. Organic compost can serve as a viable soil amendment. If compost is used, it shall be of a well decomposed, stable, weed free organic matter source.
- Clear all trash, debris, roots, branches, stones, and clods larger than 2 inches in diameter.
- Use sod appropriate for the climate, topography, and soil type. Do not apply sod during very hot or wet weather.
- Lay strips of sod beginning at the lowest area to be sodded and perpendicular to the direction of water flow. Stagger it in a brick-like pattern. Wedge strips securely into place. Square the ends of each strip to provide for a close, tight fit.
- Roll or compact immediately after installation to ensure firm contact with the underlying topsoil. Staple the corners and middle of each strip firmly.
- When sodding is carried out in alternating strips or other patterns, seed the areas between the sod immediately after sodding.
- If using netting, peg product over sod to protect against washout during establishment. Use products that minimize impacts to wildlife, including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, and avoid products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. For more information, see U.S. Fish & Wildlife Service recommendations at <https://www.fws.gov/media/wildlife-friendly-erosion-control-presentation>.
- Water as necessary. Sod must be established as cover prior to terminating permit coverage.



Sod can be used to quickly stabilize soil and reduce erosion.

Maintenance:

- Inspect sod frequently after it is first installed, especially after large storms, for failures and make necessary repairs until it is established as cover. If it is impossible to establish a healthy groundcover due to frequent saturation, instability, or some other cause, remove the sod, seed the area with an appropriate seed mix, and protect area with installed non-vegetative stabilization as described in SS-1, Vegetative Stabilization – Seeding.

Appendix O: SWCs – Stabilization Control Specifications

- Do not mow until the sod is firmly rooted. When mowing, do not remove more than one-third of the shoot, keeping the grass height between 2 and 3 inches.
- Fertilize and lime as needed.
- Remove and replace dead sections of sod.



Non-Vegetative Stabilization – Erosion Control Blankets or Turf Reinforcement Mats (SS-3)

Use: Establish temporary stabilization for areas of bare soil. Typically used in combination with seeded or planted vegetation to stabilize or provide reinforcement for disturbed areas where plants are slow to develop and to provide temporary cover where work will continue at a later date.

Design criteria:

Note: Erosion control blankets and turf reinforcement mats must not be used for permanent stabilization, unless being combined with seeded or planted vegetation.

- If being used to stabilize disturbed areas during the establishment of seeded or planted vegetation, apply cover to all areas of exposed soil and seeding where vegetation will grow.
- If being used as a temporary stabilization measure prior to continuing construction, evenly distribute the geotextile, mat, or blanket so that it covers all areas of exposed soil.
- Erosion control blankets can be placed on any soil surface: flat, steep, rocky, or frozen. The blankets are most effective when applied on slopes between 4:1 and 1:1 (horizontal run:vertical rise).
- Erosion control blankets should not be placed in locations that receive concentrated or channeled flows either as stormwater or a point source discharge.



Installation of slope stabilizing erosion control blankets.

Installation:

- Select materials for the mat or blanket that are appropriate for site conditions (e.g., use degradable straw blanket with cotton thread if area will be mowed short; use permanent turf mats on slopes where vegetation will be taller). Use products that minimize impacts to wildlife, including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, and avoid products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. For more information, see U.S. Fish & Wildlife Service recommendations at <https://www.fws.gov/media/wildlife-friendly-erosion-control-presentation>.
- Grade and shape the area of installation.
- Remove all rocks, clods, vegetation, or other obstructions so that the installed cover will have complete, direct contact with the soil. Note: If good ground contact is not achieved, stormwater can concentrate under the product, resulting in significant erosion.
- Install in accordance with manufacturer's specifications.
- If the mat or blanket is being used to protect an area being seeded or planted, seed or plant and apply any lime and fertilizer to the area before installation of the mat or blanket, as appropriate.
- Starting at the highest point, roll blanket sections downwards in the direction of water flow. Anchor the mat or blanket after it is set in place. Use anchors that are long enough and have sufficient ground penetration to resist pullout, such as U-shaped wire staples, metal stake pins, or triangular wooden stakes. Blanket sections must overlap by at least 6 inches.

Maintenance:

- Maintain good contact with the ground. Periodically check to ensure that erosion does not occur beneath the net or blanket.

Appendix O: SWCs – Stabilization Control Specifications

- Repair and staple any areas of the mat or blanket that are damaged or not in close contact with the ground. Fix and protect eroded areas if erosion occurs due to poorly controlled drainage.
- Where mats or blankets have separated from the ground, additional cover material or staking may be necessary to maintain contact and ensure long-term effectiveness.



Non-Vegetative Stabilization – Mulching (SS-4)

Use: Provide temporary stabilization of soil, increase infiltration, prevent soil compaction, and decrease surface stormwater. Used in conjunction with vegetative stabilization controls such as seeding, mulching can foster vegetative growth by holding seeds, fertilizers and topsoil in place; preventing birds from eating seeds; retaining moisture; and insulating plant roots against extreme temperatures.

Design criteria:

- Apply mulch to any part of the site where soil has been disturbed and protective vegetation has been removed.
- On slopes where the mulch is susceptible to movement by wind or water, use netting or anchoring to stabilize the mulch, or apply hydromulches. For netting, use products that minimize impacts to wildlife, including those that use natural fiber or 100 percent biodegradable materials and that use a loose weave with a non-welded, movable jointed netting, and avoid products that are not wildlife friendly including square plastic netting that are degradable (e.g., photodegradable, UV-degradable, oxo-degradable), netting made from polypropylene, nylon, polyethylene, or polyester. For more information, see U.S. Fish & Wildlife Service recommendations at <https://www.fws.gov/media/wildlife-friendly-erosion-control-presentation>.
- Mulch should not be applied more than 2 inches deep on seeded sites, unless it is incorporated into the soil by tracking, disking, or other 'punching in' techniques.
- Mulch is not to be used in areas of concentrated flow.
- Mulch materials should have weed-free certification in accordance with applicable State requirements.



Use wildlife-friendly netting to secure mulch on slopes.

Installation:

- Evenly distribute mulch on the soil surface, by machine or by hand to the desired depth at a rate appropriate for the type of mulch and in accordance with manufacturer specifications to prevent erosion, washout, and poor plant establishment.
- For applying straw to seeded sites, apply 1.5-2 tons/acre, 1-2 inches deep, covering 80% of the soil surface. For applying straw to unseeded sites, apply 2-3 tons/acre, 2-4 inches deep, covering at least 90% of the soil surface. For bark mulch, apply at a rate of approximately 6 tons/acre, at a depth of 2-3 inches. For hydromulch, apply at rate of 1.5 tons/acre, mixed with seed and fertilizer, at recommended rates, in order to achieve uniform, effective coverage.
- Anchor mulch as necessary to minimize loss by wind or water. Common anchoring techniques for hay or straw include crimping, tracking, disking, or punching into the soil, and spraying with asphaltic or organic tackifier. Materials that are heavy enough to stay in place (for example, gravel, bark or wood chips on flat slopes) do not need stabilization.
- Hydromulches need time to dry, and construction staff should apply them at least 24 hours before a storm. Refer to manufacturer specifications to determine actual application rates and drying times.

Maintenance:

- If properly applied and anchored, little additional maintenance is required in the first 2-3 months. After high winds or significant rainstorms, mulched areas should be checked for adequate cover and re-mulched if necessary.

- When mulches stabilize and protection is no longer necessary, remove netting or matting and compost or dispose of it as appropriate.

Other tips:

- Hay mulch has potential for introducing weed seed (unwanted plant material). Straw tends to contain very few seeds and thus is less likely to contain unwanted plant material.
- On small sites (e.g., under one acre), where straw has been distributed by hand, it can be anchored by hand by punching it into the soil every 1-2 feet with a dull, round-nosed shovel.



Materials Storage and Handling (PP-1)

Use: Prevent the discharge of leached pollutants and contaminated stormwater from construction material stockpiles, chemicals, and hazardous waste.

Design criteria:

- Designate separate waste collection areas for hazardous waste, construction waste, and domestic waste. Choose areas that do not receive a substantial amount of flow and do not drain directly to a receiving water.
- Store, manage and dispose of hazardous materials in accordance with all applicable Federal, State, and local regulations.
- Provide adequate signage marking each area in relevant languages (English, Spanish, etc.).
- Always unload and store materials away from storm drains and constructed or natural site drainage features.
- Use tarps, plastic sheeting, or other cover to protect stored construction materials. Use rope, bungee cords, heavy tape, etc. to secure tarps against wind.



Secondary containment used to capture any spills.

Building products, materials, and wastes:

- Store fuel, hazardous waste, and chemical products in sealed containers, which are constructed of suitable materials to prevent leakage and corrosion. Provide cover from rain or provide a similarly effective means to prevent pollutant discharges. Provide secondary containment where necessary (e.g., spill berms, decks, and spill containment pallets).
- Label chemicals in accordance with applicable Resource Conservation and Recovery Act (RCRA) requirements and all other applicable Federal, State, Tribal, or local requirements. Comply with all application and disposal requirements on any applicable labels.
- Apply pesticides, herbicides, and fertilizers only as necessary, and at rates and in amounts consistent with manufacturer's specifications, or document differences where appropriate. Apply fertilizers appropriately for the location, coinciding as closely as possible with maximum vegetation uptake and growth.
- Clean up spills immediately. For hazardous materials, follow clean up instructions on the package. Use dry, absorbent clean-up methods where possible, such as sawdust or kitty litter, to contain the spill. Do not clean surfaces or spills by hosing the area down. Eliminate the source of the spill to prevent further discharges.

Maintenance:

- Check downhill locations for storm drains and make sure they are protected.
- Direct staff to replace tarps and covers daily, especially before rain.
- Implement routine cleaning and inspection of areas that store materials.

Tips:

- Coordinate with other site operators to ensure availability of clean up supplies.
- Know who to call – and their phone numbers – if major spills occur.
- Use environmentally friendly alternatives to toxic chemicals whenever possible



Construction and Domestic Waste Management (PP-2)

Use: Reduce the potential for contact between precipitation and/or stormwater and construction site wastes.

Design criteria:

- Designate separate waste-collection areas on site for construction, domestic, and hazardous waste. Locate waste collection areas away from streets, gutters, receiving waters, constructed or natural site drainage features and storm drains.
- Provide adequate signage in relevant languages (English, Spanish, etc.) to mark waste collection areas.
- If possible, locate dumpsters near construction site entrances to minimize traffic on disturbed soils.
- Provide waste containers of sufficient size and number to contain waste.
- Cover materials that might be displaced by rainfall or stormwater with tarps, plastic sheeting, or other containment structures.
- Consider secondary containment around waste collection areas to further minimize the likelihood of contaminated discharges.
- Segregate and provide proper disposal options for hazardous material wastes (see *PP-1, Materials Storage and Handling*).
- On work days, clean up and dispose of waste in designated containers and clean up immediately if containers overflow.
- Clean up litter and debris from the construction site daily.



Designate waste collection areas on-site and schedule waste pickups at a sufficient frequency or request additional containers to accommodate for site activities.

Maintenance:

- Inspect waste storage areas to identify containers or equipment that could malfunction and cause leaks or spills.
- Immediately repair or replace any containers that are found to be defective.

Tips:

- During storm events, waste should be stored in watertight dumpsters or securely covered.
- Salvage or recycle waste as appropriate and recycle materials whenever possible (e.g., paper, wood, concrete, oil).
- Schedule waste collection to prevent the containers from overfilling.



Sanitary Waste Management (PP-3)

Use: Prevent the introduction of wastes from construction site toilet facilities to storm drains or receiving waters.

Design criteria:

- Provide accessible restroom facilities on-site.
- Portable toilets should not be located near receiving waters, storm drain inlets, and constructed or natural site drainage features, nor should they be located in areas that will collect water.
- Do not discharge or bury wastewater at the construction site.
- Position portable toilets so that they are secure and will not be tipped or knocked over.
- Provide secondary containment pans under portable toilets, where possible.
- Provide tie-downs or stake downs for portable toilets in areas of high winds.
- Educate employees, subcontractors, and suppliers on locations of facilities.

Maintenance:

- Inspect portable toilets for leaks, and repair or replace any leaks immediately.
- Maintain clean restroom facilities and empty waste regularly.
- Ensure that the sanitary/septic facilities are maintained in good working order and wastes are transported off site by a licensed service.



Portable toilets must be positioned so that they are secure and will not be tipped or knocked over, away from storm drain inlets.



Stakes are one method that can be used to properly secure a portable toilet.



Concrete/Stucco Washout Controls (PP-4)

Use: Capture and hold concrete washout water and concrete waste. Use this at sites in which concrete and stucco waste is present. Concrete waste is present at most construction sites.

Location: Place washout area in a convenient location for concrete truck drivers, but away from constructed or natural site drainage features, storm inlets, or receiving waters.

Design criteria:

- Use pre-determined disposal sites for waste concrete.
- Provide adequate signage in relevant languages (English, Spanish, etc.) to mark washout area.
- Direct washout water into a leak-proof container or pit designed so that no overflows will occur due to inadequate sizing or precipitation.
- For liquid wastes:
 - Do not dump liquid wastes in storm inlets or receiving waters, and locate washout and cleanout activities away from constructed or natural site drainage features.
 - Do not allow liquid wastes to be disposed of through infiltration or to otherwise be disposed of on the ground.
 - Comply with applicable State, Tribal, or local requirements for disposal.
- Use an impermeable, durable plastic liner to prevent leakage of wash water.
- Construct basin sidewalls with straw bales, wood, or earthen berms. Fabricated washout tanks are available in some areas.
- Remove and dispose of hardened concrete waste consistent with how you dispose of other construction wastes as specified in *PP-2, Construction and Solid Waste Management*.



Concrete washouts can be fabricated from straw bales, plastic sheeting, and wooden stakes.



When washout basins are full, cover the basin and direct future washout wastes to a new one.

Maintenance:

- Inspect washout basins regularly for leakage and overflows, especially after heavy rains.
- Immediately repair or replace any washout basins that are found to be defective.
- Cover washout basins that are full, to promote complete drying of contents prior to disposal.

Tips:

- Work with other builders to share washout basin responsibilities.
- Drivers and equipment operators must be instructed on proper disposal and equipment washing practices (see above).

Removal:

- When basin is full, allow contents to dry completely before removal.

Appendix P

401 and 404 Permits



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Appendix Q

Posting Sign



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SWPPP

Stormwater Pollution Prevention Information

EPA NPDES Stormwater Program

Project Name	NMSU Photovoltaic Center 3705 Research Road
NPDES ID	
Contact Name	Michael Vielma
Contact Phone	575-646-3681
Project Description	1.15-acre De-construction
SWPPP Location	Project Site

Notes

If you would like to obtain a copy of the Stormwater Pollution Prevention Plan (SWPPP) for this site, contact the EPA Regional Office at (800)-887-6063 (Region 6).

If you observe indicators of stormwater pollutants in the discharge or in the receiving water, contact the EPA through the following website: <https://www.epa.gov/enforcement/report-environmental-violations>.

Appendix R

Spill Prevention and Response Plan



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SPILL PREVENTION PLAN AND RESPONSE

1.0 Spill Prevention

To minimize the potential for spills, the following practices will be utilized throughout the construction:

- Volumes of materials will be kept to only that is minimally required.
- Materials will be brought on and off-site daily if appropriate.
- Materials will be handled in a manner consistent with manufacturer recommendations and applicable regulations.
- Products will be kept in their original containers and with appropriate labeling.
- Surplus materials will be recycled and/or disposed of appropriately.
- Empty containers will be disposed of appropriately.
- Concrete wash areas will be established, and run-off will be retained on-site (See Appendix A for locations shown on site maps and detail shown on Sheet C800,C801,C802). Concrete trucks are encouraged to wash out large volumes of waste at the concrete supplier facilities or at an area with a designated NPDES permit for such use. The site operator should be willing to supply the concrete trucker with a minimum amount of water to prevent concrete from hardening in the drum. Employees will be educated in proper use, storage, and handling of hazardous materials.
- The site will be inspected regularly to verify that materials are being utilized properly.

2.0 Spill Response

In the event that a spill does take place the responsible party will immediately contact New Mexico State University (NMSU) Police Department (575-646-3311 or 911), Regional Emergency Dispatch Authority (57-616-7155), the National Response Center (800-424-8802 or 202-426-2675), the New Mexico Environment Department (Emergency Line: 505-827-9329 Non-emergency Line: 866-428-6535), USEPA Region 6 (800-8876063). The spill will be cleaned up immediately after discovery, in accordance with the manufacturers' recommendations. A spill control and containment kit (containing for example, absorbent material such as kitty litter or sawdust, acid neutralizing agent, brooms, dust pans, mops, rags, gloves, goggles, plastic, and metal trash containers, etc.) is recommended to be always on the project site. The spill area will be kept well ventilated, and personnel will wear appropriate protective gear to prevent injury from contact with a hazardous substance. Within 7 days, a written description of the release will be submitted to the EPA, and Doña Ana County including: a description of the release, the type and estimated amount of material spilled, the date of the release, an explanation of why the spill occurred, and a description of the steps taken to prevent future releases. This document will be incorporated into the SWPPP within this 7-day time.

Appendix S

Federal, Tribal and State Applicable Documentation



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Appendix T

Additional Documentation

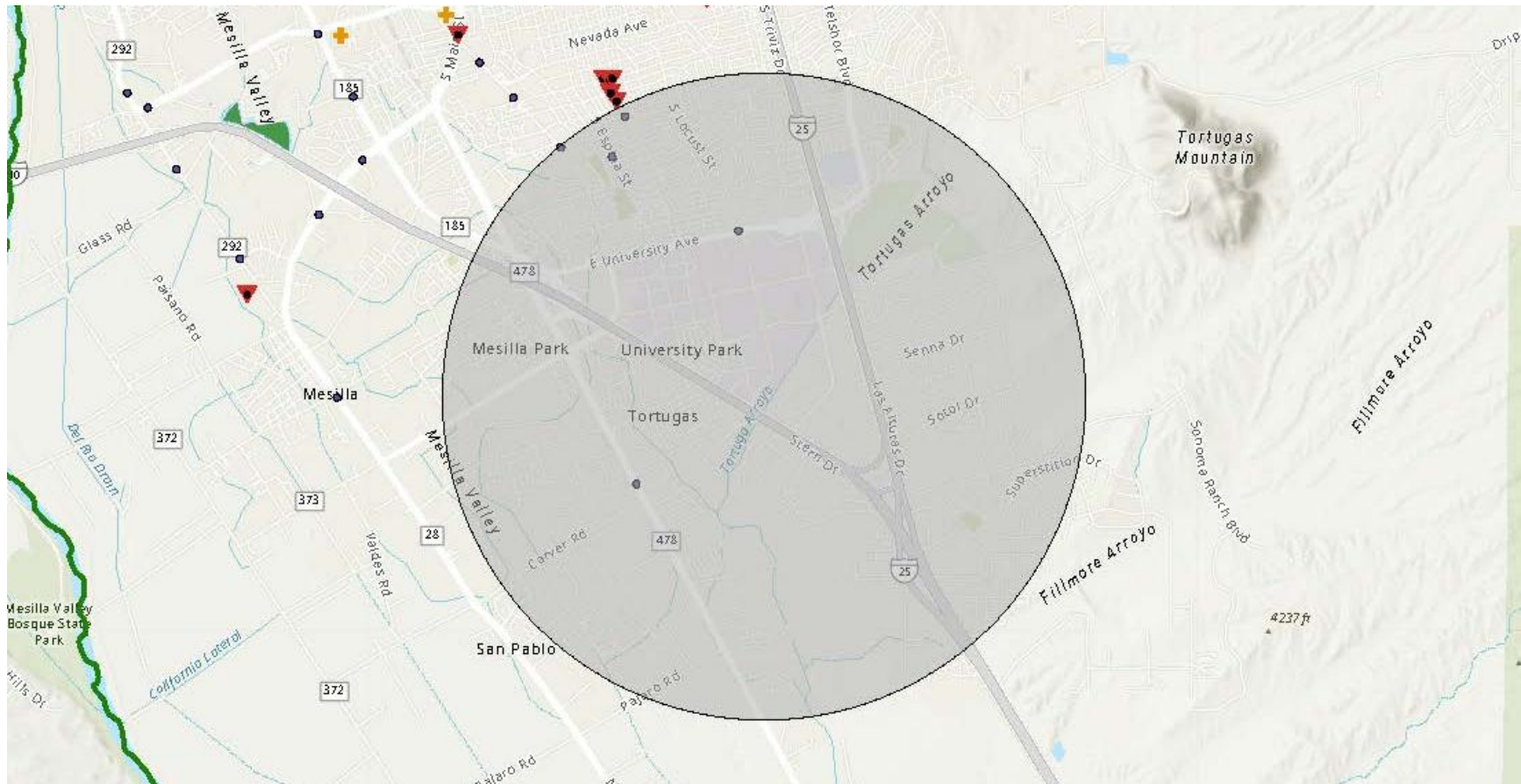


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Clean Up in My Community Map



Legend:

Underground Storage Tanks -
Releases



National Wetlands Inventory Map



NMSU Photovoltaic Center



August 7, 2026

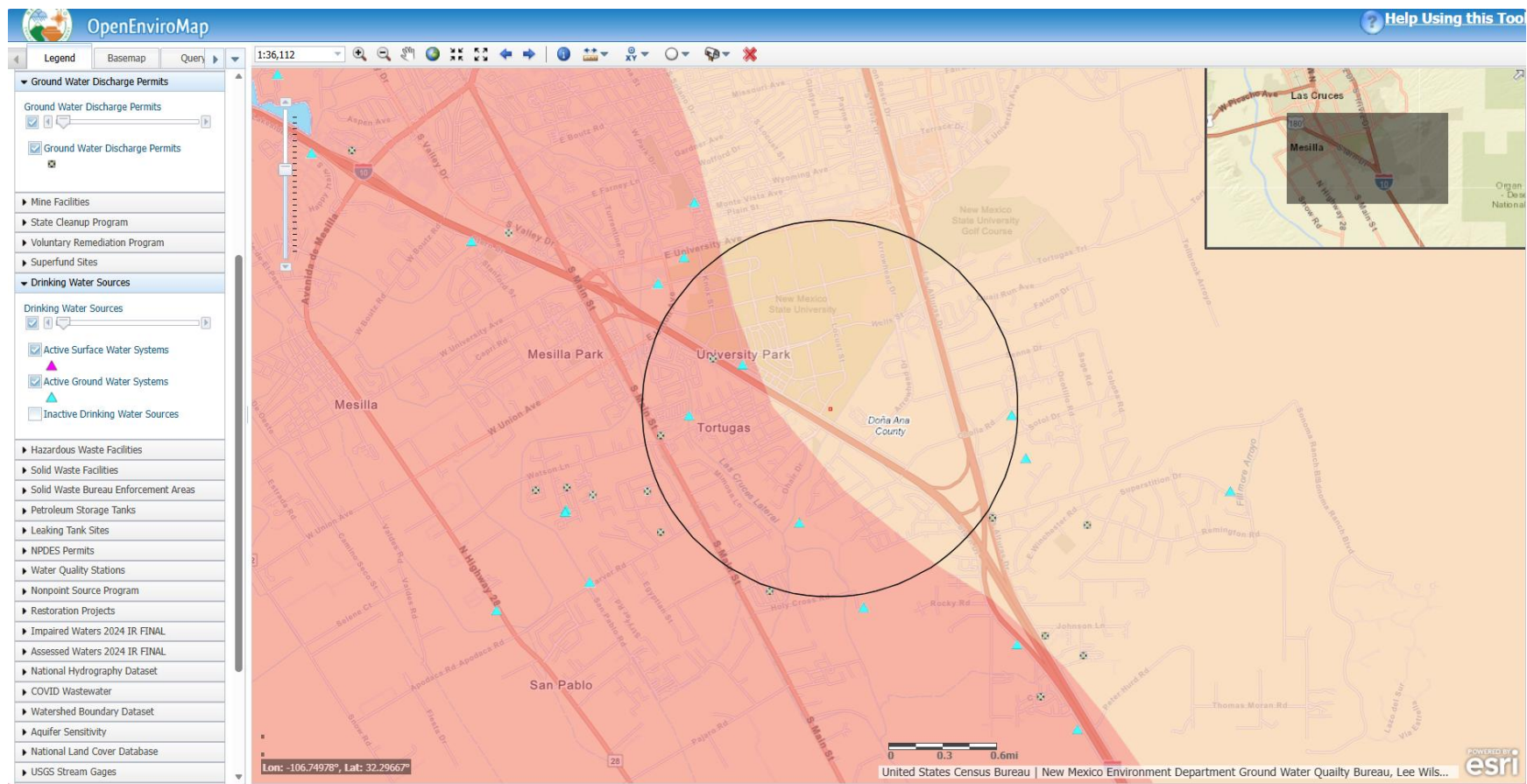
Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
	Freshwater Pond		Riverine		

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

OpenEnviromap



Upon review of New Mexico Environment Department's OpenEnviromap, there are 4 Active Ground Water Systems and 2 Ground Water Discharge Permits located within a 1-mile radius of the project. The project site is located within a "Moderate" Aquifer sensitivity area according to the OpenEnviromap. SWC's and the regulation of soaps, detergents, solvents, and other chemicals are described in the SWPPP to help protect underground water sources. There are no other impacts within the 1-mile radius of the project area.



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Dona Ana County Area, New Mexico**

NMSU Photovoltaic Center



August 7, 2026

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot

 Closed Depression

 Gravel Pit

 Gravelly Spot

 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry

 Miscellaneous Water

 Perennial Water

 Rock Outcrop

 Saline Spot

 Sandy Spot

 Severely Eroded Spot

 Sinkhole

 Slide or Slip

 Sodic Spot

 Spoil Area

 Stony Spot

 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Dona Ana County Area, New Mexico
Survey Area Data: Version 21, Sep 9, 2025

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 5, 2022—Dec 27, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Bm	Bluepoint loamy sand, 0 to 5 percent slopes	3.2	100.0%
Totals for Area of Interest		3.2	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Custom Soil Resource Report

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Dona Ana County Area, New Mexico

Bm—Bluepoint loamy sand, 0 to 5 percent slopes

Map Unit Setting

National map unit symbol: 2sy16

Landscape: Valleys

Elevation: 3,720 to 4,420 feet

Mean annual precipitation: 6 to 12 inches

Mean annual air temperature: 64 to 75 degrees F

Frost-free period: 180 to 240 days

Farmland classification: Farmland of statewide importance

Map Unit Composition

Bluepoint and similar soils: 85 percent

Minor components: 15 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Bluepoint

Setting

Landscape: Valleys

Landform: Stream terraces

Landform position (two-dimensional): Toeslope

Landform position (three-dimensional): Riser

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Sandy alluvium

Typical profile

A - 0 to 3 inches: loamy sand

C1 - 3 to 15 inches: loamy sand

C2 - 15 to 24 inches: loamy fine sand

C3 - 24 to 31 inches: loamy fine sand

C4 - 31 to 39 inches: loamy fine sand

C5 - 39 to 55 inches: loamy fine sand

C6 - 55 to 79 inches: loamy sand

Properties and qualities

Slope: 0 to 5 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Somewhat excessively drained

Runoff class: Very low

Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 4 percent

Gypsum, maximum content: 2 percent

Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)

Sodium adsorption ratio, maximum: 2.0

Available water supply, 0 to 60 inches: Low (about 5.2 inches)

Interpretive groups

Land capability classification (irrigated): 3s

Land capability classification (nonirrigated): 7c

Hydrologic Soil Group: A

Ecological site: R042BB011NM - Deep Sand, Desert Shrub

Hydric soil rating: No

Minor Components

Caliza

Percent of map unit: 3 percent

Hydric soil rating: No

Canutio

Percent of map unit: 3 percent

Hydric soil rating: No

Arizo

Percent of map unit: 3 percent

Hydric soil rating: No

Riverwash

Percent of map unit: 3 percent

Landform: Channels

Hydric soil rating: No

Mimbres

Percent of map unit: 2 percent

Hydric soil rating: No

Hondale

Percent of map unit: 1 percent

Hydric soil rating: No

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Appendix U

Dust Control Plan



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DUST CONTROL PLAN

Dust control is a vital task for construction projects due to the prevalence of exposed soils on construction sites. The goal of a dust control program is to prevent sediment from being blown off site and washed into surface waters. This project will include exposed soils; thus, this plan for controlling dust has been prepared.

Dust control will be provided by watering the exposed soils on an as-needed basis. The Contractor shall provide water to control dust. Daily watering is recommended.

The potential for airborne dust is impacted by several factors including the temperature, frequency of precipitation, and the presence or lack of wind. As such, the project superintendent must be observant about the onsite conditions, and if there is notable dust leaving the site, additional watering is recommended.

See also the Dust Control specification in Appendix O: Stormwater Controls.