General Permit
No. GAR100001

State of Georgia
Department of Natural Resources
Environmental Protection Division

Authorization To Discharge Under The National Pollutant Discharge Elimination System Storm Water Discharges Associated With Construction Activity For Stand Alone Construction Projects

In compliance with the provisions of the Georgia Water Quality Control Act (Georgia Laws 1964, p. 416, as amended), hereinafter called the "State Act," the Federal Clean Water Act, as amended (33 U.S.C.1251 et seq.), hereinafter called the "Clean Water Act," and the Rules and Regulations promulgated pursuant to each of these Acts, new and existing storm water point sources within the State of Georgia that are required to have a permit, upon submittal of a Notice of Intent, are authorized to discharge storm water associated with construction activity to the waters of the State of Georgia in accordance with the limitations, monitoring requirements and other conditions set forth in Parts I through VI hereof.

This permit shall become effective on September 24, 2013.

This permit and the authorization to discharge shall expire at midnight, July 31, 2018.

Signed this 23rd day of September 2013

Director,
Environmental Protection Division

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Part I. COVERAGE UNDER THIS PERMIT

A. Permit Area.

This permit regulates point source discharges of storm water to the waters of the State of Georgia from construction activities, as defined in this permit.

B. Definitions. All terms used in this permit shall be interpreted in accordance with the definitions as set forth in the Georgia Water Quality Control Act (Act) and the Georgia Rules and Regulations for Water Quality Control Chapter 391-3-6 (Rules), unless otherwise defined in this permit:

1. "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

2. "Buffer" means the area of land immediately adjacent to the banks of State waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

3. "Certified Personnel" means a person who has successfully completed the appropriate certification course approved by the State Soil and Water Conservation Commission.

4. "Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

5. "Common Development" means a contiguous area where multiple, separate, and distinct construction activities will be taking place at different times on different schedules under one plan of development.

6. "Construction Activity" means the disturbance of soils associated with clearing, grading, excavating, filling of land, or other similar activities which may result in soil erosion. Construction activity does not include agricultural and silvicultural practices, but does include agricultural buildings.

7. "CPESC" means Certified Professional in Erosion and Sediment Control with current certification by EnviroCert International, Inc. (www.EnviroCertIntl.org).

8. "Design Professional" means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert International, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

9. "CWA" means Federal Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

10. "Director" means the Director of the Environmental Protection Division or an authorized representative.

11. "Division" means the Environmental Protection Division of the Department of Natural Resources.

12. "Erosion" means the process by which land surface is worn away by the action of wind, water, ice or gravity.

13. "Erosion, Sedimentation and Pollution Control Plan" or "Plan" means a plan for the control of soil erosion, sediment and pollution resulting from a construction activity.

14. "Filling" means the placement of any soil or solid material either organic or inorganic on a natural ground surface or an excavation.

15. "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and a seeding of target crop perennials appropriate for the region). .

16. "General Contractor" means the operator of the stand alone construction or site.

17. "Impossible" means the monitoring location(s) are either physically or legally inaccessible, or access would cause danger to life or limb.

18. "Landfill" means an area of land or an excavation in which waste materials are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well or waste pile as defined by Georgia NPDES General Permit GAR000000, and which area of land or excavation must be certified by EPD before it can begin waste disposal operations.

19. "Landfill Cell(s)" means a defined area within a landfill where waste materials are permanently disposed and that must be certified by EPD for use before such cell(s) can begin receiving waste materials after which those activities associated with waste receipt and disposal in the landfill cell(s) shall not be considered construction activity as defined by this permit.

20. "Local Issuing Authority" means the governing authority of any county or municipality which is certified pursuant to Official Code of Georgia Section 12-7-8(a).

21. "Mass Grading" means the movement of earth by mechanical means to alter the gross topographic features (elevations, slopes, etc.) to prepare a site for final grading and the construction of facilities (buildings, roads, parking, etc.).

22. "Nephelometric Turbidity Unit (NTU)" means a numerical unit of measure based upon photometric analytical techniques for measuring the light scattered by fine particles of a substance in suspension.

23. "NOI" means Notice of Intent to be covered by this permit (see Part II).

24. "Normal Business Hours" means Monday thru Friday, 8:00 AM to 5:00 PM, excluding any non-working Saturday, non-working Sunday and non-working Federal holiday.

25. "NOT" means Notice of Termination (see Part VI).

26. "Operator" means the entity that has the primary day-to-day operational control of those activities at the construction site necessary to ensure compliance with Erosion, Sedimentation and Pollution Control Plan requirements and permit conditions.

27. "Other Water Bodies" means ponds, lakes, marshes and swamps which are waters of the State.

28. "Outfall" means the location where storm water, in a discernible, confined and discrete conveyance, leaves a facility or construction site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

29. "Owner" means the legal title holder to the real property on which is located the facility or site where construction activity takes place.

30. "Permittee" means any entity that has submitted a Notice of Intent.

31. "Phase" or "Phased" means sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing the entire construction site.

32. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure or container from which pollutants are or may be discharged. This term also means sheetflow which is later conveyed via a point source to waters of the State. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

33. "Primary Permittee" means the Owner or the Operator or both of a tract of land for a construction project subject to this permit.

34. "Proper design" and "properly designed" means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the State Soil and Water Conservation Commission up until the date of NOI submittal.

35. "Receiving Water(s)" means all perennial and intermittent waters of the State into which the runoff of storm water from a construction activity will actually discharge, either directly or indirectly.

36. "Roadway Project(s)" means traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways. This term also includes the accessory components to a roadway project that are necessary for the structural integrity of the roadway and the applicable safety requirements. These accessory components include but are not limited to slopes, shoulders, storm water drainage ditches and structures, guardrails, lighting, signage, cameras and fences and exclude subsequent landscaping and beautification projects.

37. "Sediment" means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by, wind, water, ice, or gravity as a product of erosion.

38. "Sedimentation" means the action or process of forming or depositing sediment.

39. "Sheetflow" means runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

40. "Site" or "Construction Site" means a facility of any type on which construction activities are occurring or are to occur which may result in the discharge of pollutants from a point source into the waters of the State.

41. "Stand Alone Construction" or "Stand Alone Construction Project" means construction activities that are not part of a common development where the primary permittee chooses not to use secondary permittees.

42. "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

43. "Structural Erosion and Sediment Control Practices" means measures for the stabilization of erosive or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss.

44. "Sub-contractor" means an entity employed or retained by the permittee to conduct any type of construction activity (as defined in this permit) at a stand alone construction site. Sub-contractors must complete the appropriate certification course approved by the Georgia Soil and Water Conservation Commission in accordance with the provisions of O.C.G.A. 12-7-19. Sub-contractors are not permittees unless they meet the definition of either a primary, secondary or tertiary permittee.

45. "Surface Water Drainage Area" means the hydrologic area starting from the lowest downstream point where the storm water from the construction activity enters the receiving water(s) and following the receiving water(s) upstream to the highest elevation of land that divides the direction of water flow. This boundary will connect back with the storm water entrance point. Boundary lines follow the middle of the highest ground elevation or halfway between contour lines of equal elevation.

46. "Trout Streams" means waters of the State classified as either primary trout waters or secondary trout waters, as designated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org.

47. "Utility Company or Utility Contractor" means, for purposes of this Permit, an entity or sub-contractor that is responsible, either directly or indirectly, for the construction, installation, and maintenance of conduits, pipes, pipelines, cables, wires, trenches, vaults, manholes, and similar structures or devices for the conveyance of natural gas (or other types of gas), liquid petroleum products, electricity, telecommunications (telephone, data, television, etc.), water, storm water or sewage.

48. "USGS Topographic Map" means a current quadrangle, 7½ minute series map prepared by the United States Department of the Interior, Geological Survey.

49. "Vegetative Erosion and Sediment Control Practices" means measures for the stabilization of erosive or sediment producing areas by covering the soil with: (1) permanent seeding, sprigging or planting, producing long-term vegetative cover; (2) temporary seeding, producing short-term vegetative cover; or (3) sodding, covering areas with a turf of perennial sod forming grass.

50. "Waters Supporting Warm Water Fisheries" means all waters of the State that sustain, or have the potential to sustain, aquatic life but excluding trout streams.

51. "Waters of Georgia" or "Waters of the State" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, and all other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

C. Eligibility.

1. Construction Activities. This permit authorizes, subject to the conditions of this permit:

a. all discharges of storm water associated with stand alone construction projects that will result in land disturbance equal to or greater than one (1) acre occurring on or before, and continuing after, the effective date of this permit, (henceforth referred to as existing storm water discharges from construction activities) except for discharges identified under Part I.C.3.;

b. all discharges of storm water associated with stand alone construction projects that will result in land disturbance equal to or greater than one (1) acre occurring after the effective date of this permit, (henceforth referred to as storm water discharges from construction activities); and

c. coverage under this permit is not required for discharges of storm water associated with minor land disturbing activities (such as home gardens and individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion) conducted outside of the 25 foot buffer along the banks of all State waters requiring a buffer and outside of the 50 foot buffer along the banks of all State waters classified as 'trout streams' requiring a buffer on individual residential lots sold to homeowners where all planned construction activities on that lot have been completed and have undergone final stabilization.

2. Mixed Storm Water Discharges. This permit may only authorize a storm water discharge from a construction site or construction activities mixed with a storm water discharge from an industrial source or activity other than construction where:

a. the industrial source or activity other than construction is located on the same site as the construction activity and is an integral part of the construction activity;

b. the storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and

c. storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring are covered by a different NPDES general permit or individual permit authorizing such discharges and the discharges are in compliance with a different NPDES permit.

3. Limitations on Coverage. The following storm water discharges from construction sites are not authorized by this permit:

a. storm water discharges associated with an industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization;

b. discharges that are mixed with sources of non-storm water other than discharges which are identified in Part III.A.2. of this permit and which are in compliance with Part IV.D.7. (non-storm water discharges) of this permit;

c. storm water discharges associated with industrial activity that are subject to an existing NPDES individual or general permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges; and

d. storm water discharges from construction sites that the Director (EPD) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard.

4. Compliance with Water Quality Standards. No discharges authorized by this permit shall cause violations of Georgia's in-stream water quality standards as provided by the Rules and Regulations for Water Quality Control, Chapter 391-3-6-.03.

D. Authorization.

1. Any person desiring coverage under this permit must submit a Notice of Intent (NOI) to the EPD and the NOI must be received by the EPD in accordance with the requirements of Part II, using NOI forms provided by the EPD (or an exact photocopy thereof), in order for storm water discharges from construction sites to be authorized.

2. Unless notified by the Director to the contrary, a permittee who submits an NOI in accordance with the requirements of this permit is authorized to discharge storm water from construction sites under the terms and

conditions of this permit fourteen (14) days after the date that the NOI is postmarked. The Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit or alternative general NPDES permit based on a review of the NOI or other information. Should the Director deny coverage under this permit, coverage under this permit is authorized until the date specified in the notice of denial by the Director.

3. Where a new permittee is to begin work on-site after an NOI for the facility/construction site has been submitted, that new permittee must submit a new NOI in accordance with Part II.

E. Continuing Obligations of Permittees. Unless and until responsibility for a site covered under this permit is properly terminated according to the terms of the permit, the current permittee remains responsible for compliance with all applicable terms of the permit and for any violations of said terms.

Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. Except as provided in Part II.A.2., II.A.3. and II.A.5., Owners or Operators or both who intend to obtain coverage under this general permit for storm water discharges from a construction site (where construction activities begin after issuance of this permit), shall submit a Notice of Intent (NOI) in accordance with the requirements of this Part at least fourteen (14) days prior to the commencement of construction activities.

2. For sites where construction activities, subject to this permit, are occurring on the effective date of this permit, the Owner or Operator or both shall submit a re-issuance NOI for an existing construction site in accordance with the requirements of this part no later than ninety (90) days after the effective date of this permit. Failure to comply with this requirement shall constitute a violation of the Georgia Water Quality Control Act for each day until the Owner or Operator or both submit an initial NOI for a new construction site in accordance with Part II.A.1., comply with the special conditions in Part III., prepare and submit a new Erosion, Sedimentation and Pollution Control Plan in accordance with Part IV., and pay all applicable fees in accordance with Part II.D.

3. A discharger is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Parts II.A.1. or II.A.2. of this permit. In such instances, EPD may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of storm water associated with construction activity that have occurred on or after the dates specified in Part II.A.1. and II.A.2.

4. Where an Owner or an Operator or both changes after an NOI has been filed, the subsequent Owner or Operator or both must file a change of information NOI in accordance with this Part by the earlier to occur of (a) seven (7) days before beginning work at the facility/construction site or (b) thirty (30) days from acquiring legal title to the facility/construction site. In the event a lender or other secured creditor acquires legal title to the facility/construction site, such party must file a change of information NOI in accordance with this Part by the earlier to occur of (a) seven (7) days before beginning work at the facility/construction site; or (b) thirty (30) days from acquiring legal title to the facility/construction site. Stabilization and BMP installation and/or maintenance measures of a disturbed site, by the subsequent Owner or Operator, may occur in advance of filing a new NOI, without violation of this permit. Failure to comply with this requirement shall constitute a violation of the Georgia Water Quality Control Act for each day until the Owner or Operator or both submit an initial NOI for a new construction site in accordance with Part II.A.1., comply with the special conditions in Part III., prepare and submit a new Erosion, Sedimentation and Pollution Control Plan in accordance with Part IV., and pay all applicable fees in accordance with Part II.D.

5. For sites where construction activities will result in land disturbance equal to or greater than one (1) acre that are required as a result of storm- or emergency-related repair work, the Owner or Operator or both shall notify the appropriate EPD District Office within three (3) days of commencement of said construction activities. The Owner

or Operator or both shall submit the NOI to the appropriate EPD district office as soon as possible after the storm- or emergency-related event but no later than fourteen (14) days after the commencement of construction activities and shall submit the Plan in accordance with Part IV.A.6.

B. Notice of Intent Contents.

1. Primary Permittee. A single Notice of Intent for the primary permittee (i.e., one NOI signed by the Owner or the Operator or both) shall be signed in accordance with Part V.G.1. of this permit and shall include the following information:

a. The project construction site name, GPS location (decimal degrees) of construction exit, construction site location (e.g., street address), city (if applicable) and county of the construction site for which the notification is submitted. The construction site location information must be sufficient to accurately locate the construction site;

b. The Owner's legal name, address, telephone number and email address; and if available, the Operator's legal name, address, telephone number and email address; and if applicable, the Duly Authorized Representative's legal name and/or position name, telephone number and email address;

c. The name, telephone number and email address of the individual to whom the permittee has assigned the responsibility for the daily operational control (i.e., construction superintendent, etc.) of the construction site;

d. The name of the initial receiving water(s) or if unnamed the first named blue line stream indicated on the appropriate USGS Topographic map, and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the name of the receiving water(s) which receives the discharge from the MS4, and the permittee's determination of whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org;

e. The name of the receiving water(s) located within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as "not supporting" its designated use(s) shown on Georgia's most current "305(b)/303(d) List Documents (Final)" for the criteria violated, "Bio F" (Impaired Fish Community) and/or "Bio M" (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either "NP" (nonpoint source) or "UR" (urban runoff) at www.gaepd.org/Documents/305b.html;

f. An estimate of project start date and completion date, a schedule for the timing of the various construction activities, the number of acres of the site on which soil will be disturbed, and the surface water drainage area (if applicable). For projects that began on or before the effective date of this permit, the start date must be the actual start date of construction;

g. The following certification shall be signed in accordance with Part V.G.1. of this permit:

> "I certify that to the best of my knowledge and belief, that the Erosion, Sedimentation and Pollution Control Plan (Plan) was prepared by a design professional, as defined by this permit, that has completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission in accordance with the provisions of O.C.G.A. 12-7-19 and that I will adhere to the Plan and comply with all requirements of this permit."

h. The type of construction activity category (from those listed on the NOI) conducted at the site;

i. The location of the receiving water(s) or outfall(s) or a combination of receiving water(s) and outfall(s) to be sampled on a map or drawing of appropriate scale. When it is determined by the primary permittee that some or all of the outfall(s) will be sampled, the applicable nephelometric turbidity unit (NTU) selected from Appendix B (i.e., based upon the size of the construction site and the surface water drainage area) must be shown for each outfall to be sampled.

j. For stand alone construction disturbing more than 50 acres, which began after the effective date of this permit, include a single copy of the Erosion, Sedimentation, and Pollution Control Plan;

k. NOIs may be submitted for separate phases of projects with a total planned disturbance greater than 5.0 acres, provided that each phase shall not be less than 1.0 acre. Phased NOIs shall include all documentation required by this permit for each phase, including fees; and

l. Any other information specified on the NOI in effect at the time of submittal.

C. Notice of Intent Submittal. NOIs are to be submitted by return receipt certified mail (or similar service) to both the appropriate EPD District Office according to the schedule in Appendix A of this permit and to the Local Issuing Authority in jurisdictions authorized to issue a Land Disturbance Activity permit for the permittee's construction site pursuant to O.C.G.A. 12-7-1, et seq. If an electronic submittal service is provided by EPD then the NOI may be submitted electronically; if required, a paper copy must also be submitted by return receipt certified mail or similar service. The permittee shall retain a copy of the proof of submittal at the construction site or the proof of submittal shall be readily available at a designated alternative location from commencement of construction until such time as a Notice of Termination (NOT) is submitted in accordance with Part VI.

D. Fees. Any applicable fees shall be submitted by the **Primary Permittee** in accordance with Rules and Regulations for Water Quality Control (Rules) promulgated by the Board of Natural Resources. By submitting an NOI for coverage under this permit the primary permittee agrees to pay any fees required, now or in the future, by such Rules authorized under O.C.G.A. Section 12-5-23(a)(5)(A), which allows the Board of Natural Resources to establish a fee system. Fees may be assessed on land disturbing activity proposed to occur on or after the effective date of this permit and shall be paid in accordance with such Rules.

E. Renotification. Upon issuance of a new or different general permit for some or all of the storm water discharges covered by this permit, the permittee is required to notify the EPD of their intent to be covered by the new or different general permit. The permittee must submit a new Notice of Intent in accordance with the notification requirements of the new or different general permit.

PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, PERMIT VIOLATIONS AND OTHER LIMITATIONS

A. Prohibition on Non-Storm Water Discharges.

1. Except as provided in Part I.C.2. and III.A.2., all discharges covered by this permit shall be composed entirely of storm water.

2. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is explicitly listed in the Erosion, Sedimentation and Pollution Control Plan and is in compliance with Part IV.D.7.; discharges from fire fighting activities; fire hydrant flushing; potable water sources including water line flushing; irrigation drainage; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials or pollutants.

3. This permit does not authorize the discharge of soaps or solvents used in vehicle and equipment washing.

4. This permit does not authorize the discharge of wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.

B. Releases in Excess of Reportable Quantities.

1. The discharge of hazardous substances or oil in the storm water discharge(s) from a site shall be prevented. This permit does not relieve the permittee of the reporting requirements of Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR Part 117 and 40 CFR Part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR 117 or 40 CFR 302 occurs during a 24 hour period, the permittee is required to notify EPD at (404) 656-4863 or (800) 241-4113 and the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of Georgia's Oil or Hazardous Material Spills or Releases Act (O.C.G.A. §§12-14-2, et seq.), 40 CFR 117 and 40 CFR 302 as soon as he/she has knowledge of the discharge.

2. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

C. Discharges into, or within One Mile Upstream of and within the Same Watershed as, Any Portion of a Biota Impaired Stream Segment.

Any permittee who intends to obtain coverage under this permit for storm water discharges associated with construction activity into an Impaired Stream Segment, or within one (1) linear mile upstream of and within the same watershed as, any portion of an Impaired Stream Segment identified as "not supporting" its designated use(s), as shown on Georgia's most current "305(b)/303(d) List Documents (Final)" at the time of NOI submittal, must satisfy the requirements of Part III.C. of this permit if the Impaired Stream Segment has been listed for criteria violated, "Bio F" (Impaired Fish Community) and/or "Bio M" (Impaired Macroinvertebrate Community), within Category 4a, 4b or 5, and the potential cause is either "NP" (nonpoint source) or "UR" (urban runoff). Those discharges that are located within one (1) linear mile of an Impaired Stream Segment, but are not located within the watershed of any portion of that stream segment, are excluded from this requirement. Georgia's 305(b)/303(d) List Documents (Final)" can be viewed on the EPD website, www.gaepd.org/Documents/305b.html.

1. If a Total Maximum Daily Load (TMDL) Implementation Plan for sediment has been finalized at least six (6) months prior to the permittee's submittal of the NOI, the Erosion, Sedimentation and Pollution Control Plan (Plan) must address any site-specific conditions or requirements included in the TMDL Implementation Plan that are applicable to the permittee's discharge(s) to the Impaired Stream Segment within the timeframe specified in the TMDL Implementation Plan. If the TMDL Implementation Plan establishes a specific numeric wasteload allocation that applies to a permittee's discharge(s) to the Impaired Stream Segment, then the permittee must incorporate that allocation into the Erosion, Sedimentation and Pollution Control Plan and implement all necessary measures to meet that allocation. A list of TMDL Implementation Plans can be viewed on the EPD website, www.gaepd.org.

2. In order to ensure that the permittee's discharge(s) do not cause or contribute to a violation of State water quality standards, the Plan must include at least four (4) of the following best management practices (BMPs) for those areas of the site which discharge into or within one (1) linear mile upstream and within the same watershed as the Impaired Stream Segment:

a. During all construction activities as defined in this permit, double the width of the 25 foot undisturbed vegetated buffer along all State waters requiring a buffer and the 50 foot undisturbed vegetated buffer along all State waters classified as "trout streams" requiring a buffer. During construction activities, EPD will not grant variances to any such buffers that are increased in width pursuant to this section.

b. Increase all temporary sediment basins and retrofitted storm water management basins to provide sediment storage of at least 3600 cubic feet (134 cubic yards) per acre drained.

c. Use baffles in all temporary sediment basins and retrofitted storm water management basins to at least double the conventional flow path length to the outlet structure.

d. A large sign (minimum 4 feet x 8 feet) must be on the site on the actual start date of construction visible from a public roadway identifying the construction site, the permittee(s), and the contact person(s) and telephone number(s) until a NOT has been submitted.

e. Use anionic polyacrylamide (PAM) and/or mulch to stabilize all areas left disturbed for more than seven (7) calendar days in accordance with Part III.D.1. of this permit.

f. Conduct turbidity sampling after every rain event of 0.5 inch or greater within any 24 hour period, recognizing the exceptions specified in Part IV.D.6.d. of this permit.

g. Comply with the applicable end-of-pipe turbidity effluent limit, without the "BMP defense" as provided for in O.C.G.A. 12-7-6(a)(1).

h. Reduce the total planned site disturbance to less than 50% impervious surfaces (excluding any State-mandated buffer areas from such calculations). All calculations must be included on the Plan.

i. Limit the amount of area disturbed at any one time to no greater than 25 acres or 50% of the total planned site, whichever is less. All calculations must be included on the Plan.

j. Use "Dirt II" techniques available on the EPD website, www.gaepd.org, (e.g., seep berms, sand filters, anionic PAM) to model and manage all construction storm water runoff (including sheet flow). All calculations must be included on the Plan.

k. Add appropriate organic soil amendments (e.g., compost) and conduct pre- and post-construction soil sampling to a depth of 6 (six) inches to document improved levels of soil carbon after final stabilization of the construction site.

l. Use mulch filter berms, in addition to a silt fence, on the site perimeter wherever construction storm water (including sheet flow) may be discharged. Mulch filter berms cannot be placed in waterways or areas of concentrated flow.

m. Apply the appropriate Georgia Department of Transportation approved erosion control matting or blankets or bonded fiber matrix to all slopes steeper than 3:1. All graphical illustrations must be included on the Plan.

n. Use appropriate erosion control matting or blankets instead of concrete in all construction storm water ditches and storm drainages designed for a 25 year, 24 hour rainfall event.

o. Use anionic PAM under a passive dosing method (e.g., flocculant blocks) within all construction storm water ditches and storm drainages that feed into temporary sediment basins and retrofitted management basins.

p. Install sod for a minimum 20 foot width (in lieu of seeding) after final grade has been achieved, along the site perimeter wherever construction storm water (including sheet flow) may be discharged.

q. Conduct soil tests to identify and to implement site-specific fertilizer needs.

r. Certified personnel shall conduct inspections at least twice every seven (7) calendar days and within 24 hours of the end of the storm that is 0.5 inches rainfall or greater in accordance with Part IV.D.4.a.(3). (a) – (c) of this permit.

s. Apply the appropriate compost blankets (minimum depth 1.5 inches) to protect soil surfaces until vegetation is established during the final stabilization phase of the construction activity.

t. Use alternative BMPs whose performance has been documented to be superior to conventional BMPs as certified by a Design Professional (unless disapproved by EPD or the State Soil and Water Conservation Commission).

u. Limit the total planned site disturbance to less than 15% impervious surfaces (excluding any State-mandated buffer areas from such calculations). All calculations must be included in the Plan.

D. Management Practices and Permit Violations.

1. Best management practices, as set forth in this permit, are required for all construction activities, and must be implemented in accordance with the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted to prevent or reduce the pollution of waters of Georgia. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with Part III.D.3. and Part III.D.4.

2. Except as required to install the initial sediment storage requirements and perimeter control BMPs as described in Part IV.D.3., the initial sediment storage requirements and perimeter control BMPs must be installed and implemented prior to conducting any other construction activities (e.g., clearing, grubbing and grading) within the construction site or when applicable, within phased sub-parts or segments of the construction site. Failure to comply shall constitute a violation of this permit for each day on which construction activities occur. The design professional who prepared the Plan must inspect the initial sediment storage requirements and perimeter control BMPs in accordance with Part IV.A.5. within seven (7) days after installation.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of this permit for each day on which such failure occurs. BMP maintenance as a result of the permittee's routine inspections shall not be considered a violation for the purposes of this paragraph. If during the course of the permittees routine inspection BMP failures are observed which have resulted in sediment deposition into Waters of the State, the permittee shall correct the BMP failures and shall submit a summary of the violations to EPD in accordance with Part V.A.2. of this permit.

4. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such discharge results in the turbidity of receiving water(s) being increased by more than ten (10) nephelometric turbidity units for waters classified as trout streams or more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries, regardless of a permittee's certification under Part II.B.1.i. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a subdivision or planned common development unless five (5) acres or more will be disturbed.

5. When the permittee has elected to sample outfall(s), the discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation for each day on which such condition results in the turbidity of the discharge exceeding the value selected from Appendix B applicable to the construction site. As set forth therein, the nephelometric turbidity unit (NTU) value shall be selected from Appendix B based upon the size of the construction site, the surface water drainage area and whether the receiving water(s) supports warm water fisheries or is a trout stream as indicated in the Rules and Regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org.

Part IV. EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN

A site-specific Erosion, Sedimentation and Pollution Control Plan (Plan) shall be designed, installed and maintained for the entire construction activity covered by this permit. The Erosion, Sedimentation and Pollution Control Plan must be prepared by a design professional as defined by this permit. All persons involved in Plan preparation shall have completed the appropriate certification course, pursuant to O.C.G.A. 12-7-19 (b), approved by the State Soil and Water Conservation Commission. The design professional preparing the Plan must include and sign the following certification in the Plan:

> "I certify that the permittee's Erosion, Sedimentation and Pollution Control Plan provides for an appropriate and comprehensive system of best management practices required by the Georgia Water Quality Control Act and the document "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, provides for the sampling of the receiving water(s) or the sampling of the storm water outfalls and that the designed system of best management practices and sampling methods is expected to meet the requirements contained in the General NPDES Permit No. GAR 100001."

The Plan shall include any additional certifications regarding the design professional's site visit in accordance with the Rules for Erosion and Sedimentation Control promulgated by the Board of Natural Resources:

> "I certify under penalty of law that this Plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my supervision."

The Plan shall include, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and O.C.G.A. 12-7-6, as well as the following:

(i). Except as provided in Part IV.(iii). below, no construction activities shall be conducted within a 25 foot buffer along the banks of all State waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director has determined to allow a variance that is at least as protective of natural resources and the environment in accordance with the provisions of O.C.G.A. 12-7-6, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented, or along any ephemeral stream, or where bulkheads and seawalls must be constructed to prevent the erosion of the shoreline on Lake Oconee and Lake Sinclair.. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications are implemented:

(1) public drinking water system reservoirs,
(2) stream crossings for water lines and sewer lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer
(3) stream crossings for any utility lines of any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power, provided that: (a) the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, (b) native riparian vegetation is re-

established in any bare or disturbed areas within the buffer and (c) the entity is not a secondary permittee for a project located within a common development or sale under this permit,

(4) buffer crossing for fences, provided that the crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer

(5) stream crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 100 linear feet, (b) utility lines are routed and constructed so as to minimize the number of stream crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) native riparian vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the stream crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification;

(6) right-of-way posts, guy-wires, anchors, survey markers and the replacement and maintenance of existing utility structures within the current right-of-way undertaken or financed in whole or in part by the Department of Transportation, the Georgia Highway Authority or the State Road and Tollway Authority or undertaken by any county or municipality, provided that: (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit;

(7) right-of-way posts, guy-wires, anchors, survey markers and the replacement and maintenance of existing utility structures within the current right-of-way by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power, provided that: (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit; and

(8) Maintenance (excluding dredging), repair and/or upgrade of Soil and Water Conservation District watershed dams when under the technical supervision of the USDA Natural Resources Conservation Service.

(ii). No construction activities shall be conducted within a 50 foot buffer, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any State waters classified as 'trout streams' except when approval is granted by the Director for alternate buffer requirements in accordance with the provisions of O.C.G.A. 12-7-6, or where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as 'trout streams' which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the permittee, pursuant to the terms of a rule providing for a general variance promulgated by the Board of Natural Resources including notification of such to EPD and the Local Issuing Authority of the location and extent of the piping and prescribed methodology for minimizing the impact of such piping and for measuring the volume of water discharged by the stream. Any such pipe must stop short of the downstream permittee's property, and the permittee must comply with the buffer requirement for any adjacent trout streams. The buffer shall not apply to the following activities provided that adequate erosion control measures are incorporated into the project plans and specifications are implemented:

(1) public drinking water system reservoirs,

(2) stream crossings for water lines and sewer lines, provided that the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width

of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer

(3) stream crossings for any utility lines of any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in Code Section 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power, provided that: (a) the stream crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, (b) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (c) the entity is not a secondary permittee for a project located within a common development or sale under this permit,

(4) buffer crossing for fences, provided that the crossings occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream and cause a width of disturbance of not more than 50 feet within the buffer, and native riparian vegetation is re-established in any bare or disturbed areas within the buffer

(5) stream crossings for aerial utility lines, provided that: (a) the new utility line right-of-way width does not exceed 100 linear feet, (b) utility lines are routed and constructed so as to minimize the number of stream crossings and disturbances to the buffer, (c) only trees and tree debris are removed from within the buffer resulting in only minor soil erosion (i.e., disturbance to underlying vegetation is minimized), and (d) native riparian vegetation is re-established in any bare or disturbed areas within the buffer. The Plan shall include a description of the stream crossings with details of the buffer disturbance including area and length of buffer disturbance, estimated length of time of buffer disturbance, and justification,

(6) right-of-way posts, guy-wires, anchors, survey markers and the replacement or maintenance of existing utility structures within the current right-of-way undertaken or financed in whole or in part by the Department of Transportation, the Georgia Highway Authority or the State Road and Tollway Authority or undertaken by any county or municipality, provided that: (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit ,

(7) right-of-way posts, guy-wires, anchors, survey markers and the replacement or maintenance of existing utility structures within the current right-of-way undertaken by any electric membership corporation or municipal electrical system or any public utility under the, provided that: (a) the area of land disturbance does not exceed 100 square feet per structure, (b) the area of buffer vegetation to be cut (not grubbed) does not exceed 1,000 square feet per structure, (c) native riparian vegetation is re-established in any bare or disturbed areas within the buffer and (d) the entity is not a secondary permittee for a project located within a common development or sale under this permit; and

(8) Maintenance (excluding dredging), repair and/or upgrade of Soil and Water Conservation District watershed dams when under the technical supervision of the USDA Natural Resources Conservation Service.

(iii). Except as provided above, for buffers required pursuant to Part IV.(i). and (ii)., no construction activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. During coverage under this permit, a buffer cannot be thinned or trimmed of vegetation and a protective vegetative cover must remain to protect water quality and aquatic habitat and a natural canopy must be left in sufficient quantity to keep shade on the stream bed.

The Erosion, Sedimentation and Pollution Control Plan shall identify all potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the Plan shall describe and the applicable permittee shall ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with construction activity at the site and to assure compliance with the terms and conditions of this permit. The applicable permittee must implement and maintain the provisions of the Plan required under this part as a condition of this permit.

Except as provided in Part IV.A.2., a single Erosion, Sedimentation and Pollution Control Plan must be prepared by the primary permittee for the stand alone construction project.

A. Deadlines for Plan Preparation and Compliance.

1. Except as provided in Part IV.A.2. and Part IV.A.6., the Erosion, Sedimentation and Pollution Control Plan shall be completed prior to submitting the NOI and prior to conducting any construction activity by any permittee.

2. For construction activities that began on or before the effective date of this permit and were subject to the regulations under the previous permit, the permittee(s) shall continue to operate under the existing Plan.

3. For construction activities that begin after the effective date of this permit, the primary permittee shall be required to prepare the Plan for that phase of the stand alone development that corresponds with the NOI being submitted and the primary permittee(s) shall implement the Plan on or before the day construction activities begin.

4. Additional Plan Submittals.

a. For all projects identified under Part I.C.1.b., which begin after the effective date of this permit, in a jurisdiction where there is no certified Local Issuing Authority regulating that project, a single copy of the Plan must be submitted to the EPD Watershed Protection Branch and a second copy of the Plan must be submitted to the appropriate EPD District Office prior to or concurrent with the NOI submittal. The second copy of the Plan may be submitted to the appropriate EPD District Office as a Portable Document Format (PDF) file on CD-ROM or other storage device. The EPD Watershed Protection Branch will review Plans for deficiencies using the applicable Erosion, Sedimentation and Pollution Control Plan Checklist established by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

b. For sites that are equal to or greater than 50 acres of disturbed area, regardless of the existence of a certified Local Issuing Authority in the jurisdiction, one of the following submissions is also required:

(i) for all projects which begin after the effective date of this permit a single copy of the NOI and a single copy of the Plan shall be submitted to the appropriate EPD District Office. This copy of the Plan may be submitted to the appropriate EPD District Office as a Portable Document Format (PDF) file on CD-ROM or other storage device.

(ii) for all projects which began on or before the effective date of this permit single copy of the NOI and a single copy of the Plan, if amended, shall be submitted to the appropriate EPD District Office. This copy of the Plan may be submitted to the appropriate EPD District Office as a Portable Document Format (PDF) file on CD-ROM or other storage device.

c. For all projects where the construction activity as indicated on the existing NOI has changed, the amended Plans must be submitted in accordance with Part IV.A.4.a. In addition, the permittee must file a change of information NOI in accordance with Part II.

5. For stand alone projects that begin construction activity after the effective date of this permit, the primary permittee must retain the design professional who prepared the Erosion, Sedimentation and Pollution Control Plan, or an alternative design professional approved by EPD in writing, to inspect the installation of the initial sediment storage requirements and perimeter control BMPs which the design professional designed within seven (7) days after installation. The design professional shall determine if these BMPs have been installed and are being maintained as designed. The design professional shall report the results of the inspection to the primary permittee within seven (7) days and the permittee must correct all deficiencies within two (2) business days of receipt of the inspection report from the design professional unless weather related site conditions are such that additional time is required.

6. For storm- or emergency-related repair work, the permittee shall implement appropriate BMPs and certified personnel (provided by the primary permittee) shall inspect at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater. If the storm- or emergency-related repair work will not be completed within sixty (60) days of commencement of construction activity, a single copy of the Plan shall be submitted to EPD and the permittee shall comply with all requirements of this permit on the sixty-first (61st) day.

B. Signature and Plan Review.

1. The Erosion, Sedimentation and Pollution Control Plan shall be signed in accordance with Part IV., and be retained on the site (or, if not possible, at a readily accessible location) which generates the storm water discharge in accordance with Part IV.F. of this permit.

2. The primary permittee shall make Plans available upon request to the EPD; to designated officials of the local government reviewing soil erosion and sediment control plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system.

3. EPD may notify the primary permittee at any time that the Plan does not meet one or more of the minimum requirements of this Part. Within seven (7) days of such notification (or as otherwise provided by EPD), the primary permittee shall make the required changes to the Plan and shall submit to EPD either the amended Plan or a written certification that the requested changes have been made.

C. Keeping Plans Current. The primary permittee(s) shall amend their Plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on BMPs with a hydraulic component (i.e., those BMPs where the design is based upon rainfall intensity, duration and return frequency of storms) or if the Plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.3. Amendments to the Plan must be certified by a design professional as provided in this permit.

D. Contents of Plan. The Erosion, Sedimentation and Pollution Control Plan shall include, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Checklist. Each plan shall include a completed Erosion, Sedimentation and Pollution Control Plan Checklist established by the State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the applicable Checklist as approved by the State Soil and Water Conservation Commission up until the date of the NOI submittal. The applicable checklists are available on the EPD website, www.gaepd.org.

2. Site description. Each site-specific Plan shall provide a description of pollutant sources and other information as indicated:

a. A description of the nature of the construction activity;

b. A detailed description and chart or timeline of the intended sequence of major activities which disturb soils for major portions of the site (i.e., initial sediment storage requirements and perimeter BMPs, clearing and grubbing activities, excavation activities, grading activities, infrastructure activities, immediate and final stabilization activities);

c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

d. An estimate of the runoff coefficient or peak discharge flow of the site prior to the construction activities and after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;

e. A site-specific map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which are not to be disturbed, the location of major structural and nonstructural controls identified in the Plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water; and

f. Identify the receiving water(s) and areal extent of wetland acreage at the site;

3. Controls. Each Plan shall include a description of appropriate controls and measures that will be implemented at the construction site including: (1) initial sediment storage requirements and perimeter control BMPs, (2) intermediate grading and drainage BMPs, and (3) final BMPs. For construction sites where there will be no mass grading and the initial sediment storage requirements and perimeter control BMPs, intermediate grading and drainage BMPs, and final BMPs are the same, the Plan may combine all of the BMPs into a single phase Plan. The Plan will include appropriate staging and access requirements for construction equipment. Plans submitted after the effective date of this permit shall limit the amount of disturbed area to no greater than 50 acres at any one time without prior written authorization from the appropriate EPD District Office according to the schedule in Appendix A of this permit. EPD will approve or disapprove such requests within 35 days of receipt. Failure of EPD to act within 35 days shall be considered an approval of such requests. If the EPD District Office approves a request to disturb 50 acres or more at any one time, the Plan must include at least four (4) of the best management practices listed in Part III.C.2. of this permit.

The Plan will clearly describe for each major activity identified in Part IV.D.2.b. appropriate control measures and the timing during the construction process that the measures will be implemented. The primary permittee is encouraged to utilize the document, Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites, EPA 833-R-060-04, May 2007 (www.epa.gov/npdes/pubs/sw_swppp_guide.pdf), when preparing the Plan. The description and implementation of controls shall address the following minimum components:

a. Erosion and sediment controls.

(1). Stabilization measures. A description of interim and permanent stabilization measures, including site-specific scheduling of the implementation of the measures. Site plans should ensure that existing vegetation is preserved and that disturbed portions of the site are stabilized. Stabilization measures may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the Plan. Except as provided in paragraphs IV.D.3.(a).(1).(a). and (b). below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

(a). Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently cease is precluded by snow cover or other adverse weather conditions, stabilization measures shall be initiated as soon as practicable.

(b). Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g., the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of site by the 14th day after construction activity temporarily ceased.

(2). Structural practices. A description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

(3). Sediment basins. For common drainage locations a temporary (or permanent) sediment basin providing at least 1800 cubic feet (67 cubic yards) of storage per acre drained, or equivalent control measures, shall be provided until final stabilization of the site. The 1800 cubic feet (67 cubic yards) of storage area per acre drained does not apply to flows from off-site areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage locations where a temporary sediment basin providing at least 1800 cubic feet (67 cubic yards) of storage per acre drained, or equivalent controls is not attainable, sediment traps, silt fences, wood mulch berms or equivalent sediment controls are required for all side slope and down slope boundaries of the construction area. When the sediment fills to a volume at most of 22 cubic yards per acre for each acre of drainage area, the sediment shall be removed to restore the original design volume. This sediment must be properly disposed. Sediment basins may not be feasible at some construction projects. Careful consideration must be used to determine when a sediment basin cannot be used and/or when 67 cubic yards of storage per acre drained is not attainable and a written justification explaining the decision(s) must be included in the Plan. Perennial and intermittent waters of the State shall not be used for temporary or permanent sediment detention.

When discharging from sediment basins and impoundments, permittees are required to utilize outlet structures that withdraw water from the surface, unless infeasible. If outlet structures that withdraw water from the surface are not feasible, a written justification explaining this decision must be included in the Plan. Outlet structures that withdraw water from the surface are temporary BMPs and must be removed prior to submitting a Notice of Termination. For construction activities where the NOI was submitted prior to January 1, 2014, this requirement of the permit is not applicable.

(4). Alternative BMPs. The use of alternative BMPs whose performance has been documented to be equivalent or superior to conventional BMPs as certified by a Design Professional may be allowed (unless disapproved by EPD or the State Soil and Water Conservation Commission).

(5). High performance BMPs. The use of infiltration trenches, seep berms, sand filters, dry wells, polyacrylamide, etc. for minimizing point source discharges except for large rainfall events is encouraged.

b. Storm water management. A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of

such structures after the construction activities have been completed and the site has undergone final stabilization. Operators are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with construction activity have been eliminated from the site.

(1). Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff on-site; and sequential systems (which combine several practices). The Plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

(2). Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel for the purpose of providing a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water(s)).

(3). Installation and use of Green Infrastructure approaches and practices that mimic natural processes and direct storm water where it can be infiltrated, evapotranspirated or re-used with significant utilization of soils and vegetation rather than traditional hardscape collection, conveyance and storage structures are encouraged to the maximum extent practicable. Green Infrastructure practices or approaches include permeable or porous paving, vegetated swales instead of curbs and gutters, green roofs, tree boxes, rain gardens, constructed wetlands, infiltration planters, vegetated median strips, protection and enhancement of riparian buffers and floodplains, and the overall reduction in site disturbance and impervious area. Design information on Green Infrastructure practices and other ways to manage storm water can be found in the Georgia Stormwater Management Manual (www.georgiastormwater.com) and the Georgia Green Growth Guidelines (www.coastalgadnr.org/cm/green/guide). Additional information on Green Infrastructure can be found at water.epa.gov/infrastructure/greeninfrastructure/index.cfm.

c. Other controls.

(1). Waste disposal. Locate waste collection areas away from streets, gutters, watercourses and storm drains. Waste collection areas, such as dumpsters, are often best located near construction site entrances to minimize traffic on disturbed soils. The Plan should include secondary containment around liquid waste collection areas to further minimize the likelihood of contaminated discharges. Solid materials, including building materials, shall not be discharged to waters of the State, except as authorized by a Section 404 permit.

(2). Off-site vehicle tracking of dirt, soils, and sediments and the generation of dust shall be minimized or eliminated to the maximum extent practical. The Plan shall include the best management practice to be implemented at the site or construction activity.

(3). Nothing in this permit relieves a permittee from any obligation to comply with all applicable State and local regulations of waste disposal, sanitary sewer, septic and petroleum storage systems.

(4). The Plan shall include best management practices for the remediation of all petroleum spills and leaks as appropriate.

(5). The Plan shall include best management practices for concrete washdown of tools, concrete mixer chutes, hoppers and the rear of vehicles. Washout of the drum at the construction site is

prohibited. Additional information about best management practices for concrete washout is available at www.epa.gov/npdes/pubs/concretewashout.pdf.

(6) All permittees are required to minimize the discharge of pollutants from dewatering trenches and excavations. Discharges are prohibited unless managed by appropriate controls.

4. Inspections.

a. Permittee requirements.

(1). Each day when any type of construction activity has taken place at a primary permittee's site, certified personnel provided by the primary permittee shall inspect: (a) all areas at the primary permittee's site where petroleum products are stored, used, or handled for spills and leaks from vehicles and equipment and (b) all locations at the primary permittee's site where vehicles enter or exit the site for evidence of off-site sediment tracking.. These inspections must be conducted until a Notice of Termination is submitted.

(2). Measure rainfall once every 24 hours except any non-working Saturday, non-working Sunday and non-working Federal holiday until a Notice of Termination is submitted. Measurement of rainfall may be suspended if all areas of the site have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region.

(3). Certified personnel (provided by the primary permittee) shall inspect the following at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches rainfall or greater (unless such storm ends after 5:00 PM on any Friday or on any non-working Saturday, non-working Sunday or any non-working Federal holiday in which case the inspection shall be completed by the end of the next business day and/or working day, whichever occurs first): (a) disturbed areas of the primary permittee's construction site ; (b) areas used by the primary permittee for storage of materials that are exposed to precipitation ; and (c) structural control measures. Erosion and sediment control measures identified in the Plan applicable to the primary permittee's site shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s). For areas of a site that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region, the permittee must comply with Part IV.D.4.a.(4). These inspections must be conducted until a Notice of Termination is submitted.

(4). Certified personnel (provided by the primary permittee) shall inspect at least once per month during the term of this permit (i.e., until a Notice of Termination is received by EPD) the areas of the site that have undergone final stabilization or established a crop of annual vegetation and a seeding of target perennials appropriate for the region. These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system and the receiving water(s). Erosion and sediment control measures identified in the Plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving water(s).

(5). Based on the results of each inspection, the site description and the pollution prevention and control measures identified in the Erosion, Sedimentation and Pollution Control Plan, the Plan shall be revised as appropriate not later than seven (7) calendar days following each inspection. Implementation of such changes shall be made as soon as practical but in no case later than seven (7) calendar days following each inspection.

(6). A report of each inspection that includes the name(s) of certified personnel making each inspection, the date(s) of each inspection, construction phase (i.e., initial, intermediate or final), major observations relating to the implementation of the Erosion, Sedimentation and Pollution Control Plan, and actions taken in accordance with Part IV.D.4.a.(5). of the permit shall be made and retained at the site or be readily available at a designated alternate location until the entire site or that portion of a construction project that has been phased has undergone final stabilization and a Notice of Termination is submitted to EPD. Such reports shall be readily available by end of the second business day and/or working day and shall identify all incidents of best management practices that have not been properly installed and/or maintained as described in the Plan. Where the report does not identify any incidents, the inspection report shall contain a certification that the best management practices are in compliance with the Erosion, Sedimentation and Pollution Control Plan. The report shall be signed in accordance with Part V.G.2. of this permit.

5. Maintenance. The Plan shall include a description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures identified in the site plan.

6. Sampling Requirements. This permit requires the monitoring of nephelometric turbidity in receiving water(s) or outfalls in accordance with this permit. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a subdivision or planned common development unless five (5) acres or more will be disturbed. The following procedures constitute EPD's guidelines for sampling turbidity.

a. *Sampling Requirements* shall include the following:

(1) A USGS topographic map, a topographic map or a drawing (referred to as a topographic map) that is a scale equal to or more detailed than a 1:24000 map showing the location of the site or the stand alone construction; (a) the location of all perennial and intermittent streams and other water bodies as shown on a USGS topographic map, and all other perennial and intermittent streams and other water bodies located during mandatory field verification, into which the storm water is discharged and (b) the receiving water and/or outfall sampling locations. When the permittee has chosen to use a USGS topographic map and the receiving water(s) is not shown on the USGS topographic map, the location of the receiving water(s) must be hand-drawn on the USGS topographic map from where the storm water(s) enters the receiving water(s) to the point where the receiving water(s) combines with the first blue line stream shown on the USGS topographic map;

(2). A written narrative of site specific analytical methods used to collect, handle and analyze the samples including quality control/quality assurance procedures. This narrative must include precise sampling methodology for each sampling location;

(3). When the permittee has determined that some or all outfalls will be sampled, a rationale must be included on the Plan for the NTU limit(s) selected from Appendix B. This rationale must include the size of the construction site, the calculation of the size of the surface water drainage area, and the type of receiving water(s) (i.e., trout stream or supporting warm water fisheries); and

(4). Any additional information EPD determines necessary to be part of the Plan. EPD will provide written notice to the permittee of the information necessary and the time line for submittal.

b. *Sample Type.* All sampling shall be collected by "grab samples" and the analysis of these samples must be conducted in accordance with methodology and test procedures established by 40 CFR Part 136 (unless other test procedures have been approved); the guidance document titled "NPDES Storm Water

Sampling Guidance Document, EPA 833-B-92-001" and guidance documents that may be prepared by the EPD.

(1). Sample containers should be labeled prior to collecting the samples.

(2). Samples should be well mixed before transferring to a secondary container.

(3). Large mouth, well cleaned and rinsed glass or plastic jars should be used for collecting samples. The jars should be cleaned thoroughly to avoid contamination.

(4). Manual, automatic or rising stage sampling may be utilized. Samples required by this permit should be analyzed immediately, but in no case later than 48 hours after collection. However, samples from automatic samplers must be collected no later than the next business day after their accumulation, unless flow through automated analysis is utilized. If automatic sampling is utilized and the automatic sampler is not activated during the qualifying event, the permittee must utilize manual sampling or rising stage sampling during the next qualifying event. Dilution of samples is not required. Samples may be analyzed directly with a properly calibrated turbidimeter. Samples are not required to be cooled.

(5). Sampling and analysis of the receiving water(s) or outfalls beyond the minimum frequency stated in this permit must be reported to EPD as specified in Part IV.E.

c. *Sampling Points.*

(1). For construction activities the primary permittee must sample all receiving water(s), or all outfall(s), or a combination of receiving water(s) and outfall(s). Samples taken for the purpose of compliance with this permit shall be representative of the monitored activity and representative of the water quality of the receiving water(s) and/or the storm water outfalls using the following minimum guidelines:

(a). The upstream sample for each receiving water(s) must be taken immediately upstream of the confluence of the first storm water discharge from the permitted activity (i.e., the discharge farthest upstream at the site) but downstream of any other storm water discharges not associated with the permitted activity. Where appropriate, several upstream samples from across the receiving water(s) may need to be taken and the arithmetic average of the turbidity of these samples used for the upstream turbidity value.

(b). The downstream sample for each receiving water(s) must be taken downstream of the confluence of the last storm water discharge from the permitted activity (i.e., the discharge farthest downstream at the site) but upstream of any other storm water discharge not associated with the permitted activity. Where appropriate, several downstream samples from across the receiving water(s) may need to be taken and the arithmetic average of the turbidity of these samples used for the downstream turbidity value.

(c). Ideally the samples should be taken from the horizontal and vertical center of the receiving water(s) or the storm water outfall channel(s).

(d). Care should be taken to avoid stirring the bottom sediments in the receiving water(s) or in the outfall storm water channel.

(e). The sampling container should be held so that the opening faces upstream.

(f). The samples should be kept free from floating debris.

(g). Permittees do not have to sample sheetflow that flows onto undisturbed natural areas or areas stabilized by the project. For purposes of this section, stabilized shall mean, for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and a seeding of target crop perennials appropriate for the region).

(h). All sampling pursuant to this permit must be done in such a way (including generally accepted sampling methods, locations, timing, and frequency) as to accurately reflect whether storm water runoff from the construction site is in compliance with the standard set forth in Parts III.D.3. or III.D.4.., whichever is applicable.

d. *Sampling Frequency.*

(1). The primary permittee must sample in accordance with the Plan at least once for each rainfall event described below. For a qualifying event, the permittee shall sample at the beginning of any storm water discharge to a monitored receiving water and/or from a monitored outfall location within in forty-five (45) minutes or as soon as possible.

(2). However, where manual and automatic sampling are impossible (as defined in this permit), or are beyond the permittee's control, the permittee shall take samples as soon as possible, but in no case more than twelve (12) hours after the beginning of the storm water discharge.

(3). Sampling by the permittee shall occur for the following qualifying events:

(a). For each area of the site that discharges to a receiving water or from an outfall, the first rain event that reaches or exceeds 0.5 inch with a storm water discharge that occurs during normal business hours as defined in this permit after all clearing and grubbing operations have been completed, but prior to completion of mass grading operations, in the drainage area of the location selected as the sampling location;

(b). In addition to (a) above, for each area of the site that discharges to a receiving water or from an outfall, the first rain event that reaches or exceeds 0.5 inch with a storm water discharge that occurs during normal business hours as defined in this permit either 90 days after the first sampling event or after all mass grading operations have been completed, but prior to submittal of a NOT, in the drainage area of the location selected as the sampling location, whichever comes first;

(c). At the time of sampling performed pursuant to (a) and (b) above, if BMPs in any area of the site that discharges to a receiving water or from an outfall are not properly designed, installed and maintained, corrective action shall be defined and implemented within two (2) business days, and turbidity samples shall be taken from discharges from that area of the site for each subsequent rain event that reaches or exceeds 0.5 inch during normal business hours* until the selected turbidity standard is attained, or until post-storm event inspections determine that BMPs are properly designed, installed and maintained;

(d). Where sampling pursuant to (a), (b) or (c) above is required but not possible (or not required because there was no discharge), the permittee, in accordance with Part IV.D.4.a.(6), must include a written justification in the inspection report of why sampling was not performed. Providing this justification does not relieve the permittee of any subsequent sampling obligations under (a), (b) or (c) above; and

(e). Existing construction activities, i.e., those that are occurring on or before the effective date of this permit, that have met the sampling required by (a) above shall sample in accordance with (b). Those existing construction activities that have met the sampling required by (b) above shall not be required to conduct additional sampling other than as required by (c) above.

*Note that the permittee may choose to meet the requirements of (a) and (b) above by collecting turbidity samples from any rain event that reaches or exceeds 0.5 inch and allows for sampling at any time of the day or week.

7. Non-storm water discharges. Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2. of this permit that are combined with storm water discharges associated with construction activity must be identified in the Plan. The Plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

E. Reporting.

1. The applicable permittees are required to submit the sampling results to the EPD at the address shown in Part II.C. by the fifteenth day of the month following the reporting period. Reporting periods are months during which samples are taken in accordance with this permit. Sampling results shall be in a clearly legible format. Upon written notification, EPD may require the applicable permittee to submit the sampling results on a more frequent basis. Sampling and analysis of any storm water discharge(s) or the receiving water(s) beyond the minimum frequency stated in this permit must be reported in a similar manner to the EPD. The sampling reports must be signed in accordance with Part V.G.2. Sampling reports must be submitted to EPD until such time as a NOT is submitted in accordance with Part VI.

2. All sampling reports shall include the following information:

a. The rainfall amount, date, exact place and time of sampling or measurements;
b. The name(s) of the certified personnel who performed the sampling and measurements;
c. The date(s) analyses were performed;
d. The time(s) analyses were initiated;
e. The name(s) of the certified personnel who performed the analyses;
f. References and written procedures, when available, for the analytical techniques or methods used;
g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results;
h. Results which exceed 1000 NTU shall be reported as "exceeds 1000 NTU;" and
i. Certification statement that sampling was conducted as per the Plan.

3. All written correspondence required by this permit shall be submitted by return receipt certified mail (or similar service) to the appropriate District Office of the EPD according to the schedule in Appendix A of this permit. The permittee shall retain a copy of the proof of submittal at the construction site or the proof of submittal shall be readily available at a designated location from commencement of construction until such time as a NOT is submitted in accordance with Part VI. If an electronic submittal is provided by EPD then the written correspondence may be submitted electronically; if required, a paper copy must also be submitted by return receipt certified mail or similar service.

F. Retention of Records.

1. The primary permittee shall retain the following records at the construction site or the records shall be readily available at a designated alternate location from commencement of construction until such time as a NOT is submitted in accordance with Part VI:

a. A copy of all Notices of Intent submitted to EPD;
b. A copy of the Erosion, Sedimentation and Pollution Control Plan required by this permit;
c. The design professional's report of the results of the inspection conducted in accordance with Part IV.A.5. of this permit;
d. A copy of all sampling information, results, and reports required by this permit;
e. A copy of all inspection reports generated in accordance with Part IV.D.4.a. of this permit;
f. A copy of all violation summaries and violation summary reports generated in accordance with Part III.D.2. of this permit; and
g. Daily rainfall information collected in accordance with Part IV.D.4.a.(2). of this permit.

2. Copies of all Notices of Intent, Notices of Termination, inspection reports, sampling reports (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) or other reports requested by the EPD, Erosion, Sedimentation and Pollution Control Plans, records of all data used to complete the Notice of Intent to be covered by this permit and all other records required by this permit shall be retained by the permittee who either produced or used it for a period of at least three years from the date that the NOT is submitted in accordance with Part VI. of this permit. These records must be maintained at the permittee's primary place of business or at a designated alternative location once the construction activity has ceased at the permitted site. This period may be extended by request of the EPD at any time upon written notification to the permittee.

Part V. STANDARD PERMIT CONDITIONS

A. Duty to Comply.

1. Each permittee must comply with all applicable conditions of this permit. Any permit noncompliance constitutes a violation of the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) and is grounds for enforcement action; for permit termination; or for denial of a permit renewal application. Failure of a primary permittee to comply with any applicable term or condition of this permit shall not relieve any other primary permittee from compliance with their applicable terms and conditions of this permit.

2. Each permittee must document in their records any and all known violations of this permit at his/her site within seven (7) days of his/her knowledge of the violation. A summary of these violations must be submitted to EPD by the permittee at the addresses shown in Part II.C. within fourteen (14) days of his/her discovery of the violation.

3. Penalties for violations of permit conditions. The Federal Clean Water Act and the Georgia Water Quality Control Act (O.C.G.A. §§12-5-20, et seq.) provide that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine or by imprisonment, or by both. The Federal Clean Water Act and the Georgia Water Quality Control Act also provide procedures for imposing civil penalties which may be levied for violations of the Acts, any permit condition or limitation established pursuant to the Acts, or negligently or intentionally failing or refusing to comply with any final or emergency order of the Director.

B. Continuation of the Expired General Permit. This permit expires on the date shown on the cover page of this permit. However, an expired general permit continues in force and effect until a new general permit is issued, final and effective.

C. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Duty to Provide Information. The permittee shall furnish to the Director; a State or local agency approving soil erosion and sedimentation control plans, grading plans, or storm water management plans; or in the case of a storm water discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the local government operating the municipal separate storm sewer system, any information which is requested to determine compliance with this permit. In the case of information submitted to the EPD such information shall be considered public information and available under the Georgia Open Records Act.

F. Other Information. When the permittee becomes aware that he failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report required to be submitted to the EPD, the permittee shall promptly submit such facts or information.

G. Signatory Requirements. All Notices of Intent, Notice of Terminations, inspection reports, sampling reports or other reports requested by the EPD shall be signed as follows:

1. All Notices of Intent and Notices of Termination shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this permit, a responsible corporate officer means: (1) 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 (2) 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 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;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public facility: by either a principal executive officer or ranking elected official; and

d. Changes to authorization. If an authorization under Part II.B. is no longer accurate, a change of information NOI satisfying the requirements of Part II.B. must be submitted to the EPD prior to or together with any inspection reports, sampling reports, or other reports requested by the EPD to be signed by a person described above or by a duly authorized representative of that person.

2. All inspection reports, sampling reports, or other reports requested by the EPD shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person(s) described above and submitted to the EPD;

b. The authorization specifies either an individual or a position having responsibility for specified operation(s) of the regulated facility or activity, such as the position of manager, Operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or any individual occupying a named position); and

c. *Certification.* Reports delineated in Part V.G.2. shall be signed by the permittee or duly authorized representative and shall make the following certification:

"I certify under penalty of law that this report and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that certified personnel properly gather and evaluate 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 am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60, et seq. or under Chapter 14 of Title 12 of the Official Code of Georgia Annotated; nor is the Operator relieved from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or Section 106 of Comprehensive Environmental Response Compensation And Liability Act.

I. Property Rights. The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

J. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K. Other Applicable Environmental Regulations and Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act. Nothing in this permit, unless explicitly stated, exempts the permittee from compliance with other applicable local, state and federal ordinances, rules, regulations, and laws. Furthermore, it is not a defense to compliance with this permit that a local government authority has approved the permittee's Erosion, Sedimentation and Pollution Control Plan or failed to take enforcement action against the permittee for violations of the Erosion, Sedimentation and Pollution Control Plan, or other provisions of this permit.

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

L. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the

permittee to achieve compliance with the conditions of this permit and with the required plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

M. Inspection and Entry. The permittee shall allow the Director or an authorized representative of EPA, EPD or to designated officials of the local government reviewing soil erosion and sediment control plans, grading plans, or storm water management plans; or, in the case of a construction site which discharges through a municipal separate storm sewer system, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit; and

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

N. Permit Actions. This permit may be revoked and reissued, or terminated for cause including but not limited to changes in the law or regulations. The filing of a request by the permittee for termination of the permit, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

Part VI. TERMINATION OF COVERAGE

A. Notice of Termination Eligibility. Notice of Termination signed in accordance with Part V.G.1. of this permit must be submitted:

1. For construction activities, by the permittee where the entire stand alone development has undergone final stabilization, all storm water discharges associated with construction activity that are authorized by this permit have ceased, the site is in compliance with this permit and all temporary BMPs have been removed. For construction activities where the primary permittee has elected to submit NOIs for separate phases of the stand alone development, the phase or phases of the stand alone development on the NOT shall correspond to the phase or phases on the NOI.

2. By the Owner or Operator when the Owner or Operator of the site changes. Where storm water discharges will continue after the identity of the Owner or Operator changes, the permittee must, prior to filing the Notice of Termination, notify any subsequent Owner or Operator of the permitted site as to the requirements of this permit.

B. Notice of Termination Contents:

1. The NPDES permit number for the storm water discharge associated with construction activity identified by the Notice of Termination (i.e., GAR100001 – Stand Alone);

2. The project construction site name, GPS location (decimal degrees) of construction exit t, construction site location, city (if applicable) and county of the construction site for which the notification is submitted. This information must correspond to the similar information as provided on the NOI. Where an address for the construction site is not available, the construction site location information must be sufficient to accurately locate the construction site;

3. The owner's legal name, address, telephone number and email address and the operator's legal name, address, telephone and email address;

4. The name of the initial receiving water(s), and when the discharge is through a municipal separate storm sewer system (MS4), the name of the local government operating the municipal separate storm sewer system and the *name* of the receiving water(s) which receives the discharge from the MS4;

5. Copies of all sampling reports and/or a written justification why sampling was not conducted. Copies of all sampling reports may be submitted as a Portable Document Format (PDF) file on CD-ROM or other storage device;

6. Copy of the permittee's most current Notice of Intent;

7. Any other information specified on the NOT in effect at the time of submittal; and

8. The following certification signed in accordance with Part V.G.1. (signatory requirements):

> "I certify under penalty of law that either: (a) all storm water discharges associated with construction activity authorized by this permit have ceased, the site is in compliance with this permit and all temporary BMPs have been removed or (b) I am no longer an Owner or Operator at the construction site and a new Owner or Operator has assumed operational control of the permitted construction site where I previously had ownership or operational control; and that discharging pollutants in storm water associated with construction activity to waters of Georgia is unlawful under the Georgia Water Quality Control Act and the Clean Water Act where the discharge is not authorized by a NPDES permit."

C. Notice of Termination Submittal. All Notices of Termination by this permit shall be submitted by return receipt certified mail (or similar service) to the appropriate EPD District Office according to the schedule in Appendix A of this permit and to the Local Issuing Authority in jurisdictions authorized to issue a Land Disturbance Activity permit for the permittee's construction site pursuant to O.C.G.A. 12-7-1, et seq. If an electronic submittal service is provided by the EPD then the Notice of Termination may be submitted electronically; if required, a paper copy must also be submitted by return receipt certified mail or similar service.

APPENDIX A

EPD DISTRICT OFFICES

All required correspondence, including but not limited to the Notice of Intents, Notice of Terminations, certifications, Erosion, Sedimentation and Pollution Control Plans and any other reports, shall be sent to the following District Offices of EPD.

A. For facilities/construction sites located in the following counties: Bibb, Bleckley, Chattahoochee, Crawford, Dooly, Harris, Houston, Jones, Lamar, Macon, Marion, Meriwether, Monroe, Muscogee, Peach, Pike, Pulaski, Schley, Talbot, Taylor, Troup, Twiggs, Upson

Information shall be submitted to:

West Central District Office
Georgia Environmental Protection Division
2640 Shurling Drive
Macon, GA 31211-3576
(478) 751-6612

B. For facilities/construction sites located in the following counties: Burke, Columbia, Emanuel, Glascock, Jefferson, Jenkins, Johnson, Laurens, McDuffie, Montgomery, Richmond, Screven, Treutlen, Warren, Washington, Wheeler, Wilkinson

Information shall be submitted to:

East Central District Office
Georgia Environmental Protection Division
3525 Walton Way Extension
Augusta, GA 30909-1821
(706) 667-4343

C. For facilities/construction sites located in the following counties: Baldwin, Banks, Barrow, Butts, Clarke, Elbert, Franklin, Greene, Hall, Hancock, Hart, Jackson, Jasper, Lincoln, Madison, Morgan, Newton, Oconee, Oglethorpe, Putnam, Stephens, Taliaferro, Walton, Wilkes

Information shall be submitted to:

Northeast District Office
Georgia Environmental Protection Division
745 Gaines School Road
Athens, GA 30605-3129
(706) 369-6376

D. For facilities/construction sites located in the following counties: Carroll, Clayton, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Heard, Henry, Rockdale, Spalding

Information shall be submitted to:

Mountain District - Atlanta Satellite
Georgia Environmental Protection Division
4244 International Parkway, Suite 114
Atlanta, GA 30354-3906
(404) 362-2671

E. For facilities/construction sites located in the following counties: Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dade, Dawson, Fannin, Floyd, Forsyth, Gilmer, Gordon, Habersham, Haralson, Lumpkin, Murray, Paulding, Pickens, Polk, Rabun, Towns, Union, Walker, White, Whitfield

Information shall be submitted to:

Mountain District - Cartersville Office
Georgia Environmental Protection Division
P.O. Box 3250
Cartersville, GA 30120-1705
(770) 387-4900

F. For facilities/construction sites located in the following counties: Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Effingham, Evans, Glynn, Jeff Davis, Liberty, Long, McIntosh, Pierce, Tattnall, Toombs, Ware, Wayne

Information shall be submitted to:

Coastal District - Brunswick Office
Georgia Environmental Protection Division
400 Commerce Center Drive
Brunswick, GA 31523-8687
(912) 264-7284

G. For facilities/construction sites located in the following counties: Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Colquitt, Cook, Crisp, Decatur, Dodge, Dougherty, Early, Echols, Grady, Irwin, Lanier, Lee, Lowndes, Miller, Mitchell, Quitman, Randolph, Seminole, Stewart, Sumter, Telfair, Terrell, Thomas, Tift, Turner, Webster, Wilcox, Worth

Information shall be submitted to:

Southwest District Office
Georgia Environmental Protection Division
2024 Newton Road
Albany, GA 31701-3576
(912) 430-4144

H. For facilities/construction sites required to submit Plans required under Part IV.A.4.a. of this Permit:

Information shall be submitted to:

Watershed Protection Branch
Environmental Protection Division
4220 International Parkway, Suite 101
Atlanta, Georgia 30354
(404) 675-6240

APPENDIX B

Nephelometric Turbidity Unit (NTU) TABLES

Trout Streams

Surface Water Drainage Area, square miles

Site Size, acres	0-4.99	5-9.99	10-24.99	25-49.99	50-99.99	100-249.99	250-499.99	500+
1.00-10	25	50	75	150	300	500	500	500
10.01-25	25	25	50	75	150	200	500	500
25.01-50	25	25	25	50	75	100	300	500
50.01-100	20	25	25	35	59	75	150	300
100.01+	20	20	25	25	25	50	60	100

Waters Supporting Warm Water Fisheries

Surface Water Drainage Area, square miles

Site Size, acres	0-4.99	5-9.99	10-24.99	25-49.99	50-99.99	100-249.99	250-499.99	500+
1.00-10	75	150	200	400	750	750	750	750
10.01-25	50	100	100	200	300	500	750	750
25.01-50	50	50	100	100	200	300	750	750
50.01-100	50	50	50	100	100	150	300	600
100.01+	50	50	50	50	50	100	200	100

To use these tables, select the size (acres) of the construction site. Then, select the surface water drainage area (square miles). The NTU matrix value arrived at from the above tables is the one to use in Part III.D.4.

Example 1: For a site size of 12.5 acres and a "trout stream" drainage area of 37.5 square miles, the NTU value to use in Part III.D.4. is 75 NTU.

Example 2: For a site size of 51.7 acres and "waters supporting warm water fisheries" drainage area of 72 square miles, the NTU value to use in Part III.D.4. is 100 NTU.