

General Permit  
No. GAR100000

**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**

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 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 the accordance with the limitations, monitoring requirements and other conditions set forth in Parts I through VII hereof.

This permit shall become effective on August 1, 2000.

This permit and the authorization to discharge shall  
expire at midnight, July 31, 2003.

Signed this 12th day of June 2000.

*ORIGINAL SIGNED BY  
HAROLD F. REHEIS*

---

Director,  
Environmental Protection Division

## 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 (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 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. "Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
4. "Common Development" means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan of development or sale.
5. "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.
6. "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).
7. "Director" means the Director of the Environmental Protection Division or an authorized representative.
8. "Division" means the Environmental Protection Division of the Department of Natural Resources.
9. "Erosion" means the process by which land surface is worn away by the action of wind, water, ice or gravity.
10. "Filling" means the placement of any soil or solid material either organic or inorganic on a natural ground surface or an excavation.
11. "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, at least 70% of the soil surface is uniformly covered in permanent vegetation or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been employed. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region, such that within the growing season a 70% coverage by

perennial vegetation shall be achieved. Final stabilization applies to each phase of construction. For linear construction projects on land used for agricultural or silvicultural purposes, final stabilization may be accomplished by stabilizing the disturbed land for its agricultural or silvicultural use.

12. "General Contractor" means the operator of the common development or site.
13. "Grading" means altering ground surfaces to specified elevations, dimensions and/or slopes; this includes stripping, cutting, filling, stockpiling, and shaping or any combination thereof.
14. "Impossible" means the monitoring location(s) are either physically or legally inaccessible, or access would cause danger to life or limb.
15. "Individual Builder" means an Owner or Operator within a common development who is not a primary permittee.
16. "Linear Construction" or "Linear Construction Project" means construction activities that are not part of a common development and where the length of the project is at least 25 times longer than the width of the project and the construction activity is being conducted by the Georgia Department of Transportation, by a local government or by a utility company or utility contractor.
17. "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.
18. "NOI" means Notice of Intent to be covered by this permit (see Part II).
19. "NOT" means Notice of Termination (see Part VII).
20. "Operator" means the entity that has the primary day-to-day operational control of those activities at the facility necessary to ensure compliance with Erosion, Sedimentation and Pollution Control Plan, Comprehensive Monitoring Program requirements and permit conditions.
21. "Other Water Bodies" means ponds, lakes, marshes and swamps which are waters of the State.
22. "Outfall" means the location where storm water, in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
23. "Owner" means the legal title holder to the real property on which is located the facility or site where construction activity takes place. For purposes of this permit, this definition does not include the legal title holder to property on which the only construction activity planned and being conducted is by a utility company or utility contractor and the legal title holder has no significant control over design and implementation of the construction activity.
24. "Permittee" means any entity that has submitted a Notice of Intent.
25. "Phase" or "Phased" means sub-parts or segments of construction where the sub-part or segment is constructed and stabilized prior to completing the entire construction site.
26. "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.
27. "Primary Permittee" means: both the Owner and the Operator of a tract of land for a common development, or of a stand-alone facility that is not part of a common development; or a utility company when it is the only entity conducting a construction activity on a piece of property.
  28. "Primary Trout Waters" means streams supporting a self-sustaining population of Rainbow, Brown, or Brook Trout.
  29. "Qualified Personnel" means a person who has successfully completed an erosion and sediment control short course eligible for continuing education units, or an equivalent course approved by EPD and the State Soil and Water Conservation Commission.
  30. "Receiving Water(s)" means waters of the State supporting warm water fisheries, or waters of the State classified as trout streams, into which the runoff of storm water from a construction activity will actually discharge, either directly or indirectly.
  31. "Runoff Coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.
  32. "Secondary Permittee" means an individual builder, utility company, or utility contractor that conducts a construction activity within a common development.
  33. "Secondary Trout Waters" means streams with no evidence of natural trout reproduction but capable of supporting trout throughout the year.
  34. "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.
  35. "Sedimentation" means the action or process of forming or depositing sediment.
  36. "Sheetflow" means runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.
  37. "Site" or "Construction Site" means a facility of any type on which construction activities are occurring or are to occur which results in the discharge of pollutants from a point source into the waters of the State.
  38. "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
  39. "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.
  40. "Sub-Contractor" means an entity employed or retained by the permittee to conduct any type of construction activity at a site or common development.
  41. "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.

42. "Tertiary Erosion Control Plan" ("TEC plan") means a site specific plan prepared for a tertiary permittee's lot(s) by qualified personnel in accordance with Part VII.A.4.(a). of this permit.
43. "Tertiary Permittee" means both the Owner and Operator of a remaining lot within a surface water drainage area of a common development where the primary permittee has submitted a Notice of Termination in accordance with Part VII.A.4. of this permit.
44. "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-.03(14).
45. "USGS Topographic Map" means a current quadrangle, 7½ minute series map prepared by the United States Department of the Interior, Geological Survey.
46. "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 or sewerage.
47. "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.
48. "Waters Supporting Warm Water Fisheries" means all waters of the State that sustain, or has the potential to sustain, aquatic life but excluding trout waters and man-made conveyances primarily intended to transport storm water.
49. "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 construction activity at construction sites, i.e. those sites or common plans of development or sale that will result in the disturbance of more than five (5) acres 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.1.c. and Part I.C.3. Storm water discharges from construction activities involving less than five (5) acres and which are part of a larger common development (i.e. greater than 5 acres; henceforth referred to as existing common development) occurring on or before, and continuing after, the effective date of this permit are authorized subject to the conditions of this permit;

- b. all discharges of storm water associated with construction activity at construction sites, i.e. those sites or common plans of development or sale that will result in the disturbance of more than five (5) acres and less than 250 acres occurring after the effective date of this permit, (henceforth referred to as storm water discharges from construction activities), except for discharges identified under Part I.C.1.c. and Part I.C.3. Storm water discharges from construction activities involving less than five (5) acres and which are part of a larger common development (i.e. greater than 5 acres) are authorized subject to the conditions of this permit; and
  - c. all discharges of storm water associated with construction activity from linear construction that will result in the disturbance of more than five (5) acres, (henceforth referred to as linear construction or linear construction project) occurring before or after the effective date of this permit, except for discharges identified under Part I.C.3.
2. *Mixed Storm Water Discharges.* This permit may only authorize a storm water discharge from a construction site or construction activities that is 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.5. (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.* All discharges authorized by this permit shall not 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 as either a primary permittee, a secondary permittee or a tertiary permittee 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 to discharge under this general permit. A Notice of Intent for secondary permittee coverage can be submitted either concurrently with or after the submittal of a Notice of Intent by the primary permittee.
- 2. Unless notified by the Director to the contrary, a permittee (either primary, secondary or tertiary) 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 one week 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 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 primary or secondary permittee is to begin work on-site after an NOI for the facility/site has been submitted, that new primary or secondary permittee must submit a new NOI in accordance with Part II. A secondary permittee is not required to submit a new NOI or re-submit an NOI when a new primary permittee is named.

- 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 initial 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. and II.A.3., Owners and Operators 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 one week 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 shall submit an NOI in accordance with the requirements of this Part no later than fourteen (14) days after the effective date of this permit.
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 changes after an NOI has been filed, the subsequent Owner or Operator must file a new NOI in accordance with this Part, not later than one week before beginning work at the facility/site. A secondary permittee is not required to submit a new NOI or re-submit an NOI when a new primary permittee is named.

### B. Contents of Notice of Intent.

1. *Primary Permittee.* A single Notice of Intent for the primary permittee (i. e. one NOI signed by both the Owner and the Operator) shall be signed in accordance with Part VI.G. of this permit and shall include the following information:
  - a. The site/project name, site location, subdivision name (if applicable), city and county of the construction site for which the notification is submitted. The site location information must be sufficient to be able to locate the construction site;
  - b. The Operator's legal name, address, and telephone number;
  - c. The Owner's legal name, address, and telephone number;
  - d. The name and telephone number of the individual to whom the permittee has assigned the responsibility for the daily operational control (i.e. construction superintendent, etc.);
  - e. The name of the initial receiving water(s), and when the discharge is through a municipal separate storm sewer (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;
  - f. The Land Disturbance Activity Permit (LDA Permit) Number assigned to the facility/site by the local government or EPD and the date the LDA Permit was issued, if applicable and issued;
  - g. An estimate of project start date and completion date, the date the building permit was issued, if applicable, 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;

- h. A certification that an Erosion, Sedimentation and Pollution Control Plan (Plan) has been prepared in accordance with Part IV of this permit, and that such Plan provides for compliance with this permit provided however, that for construction activities that began on or before the effective date of this permit, the certification shall state that a Plan will be prepared in accordance with Part IV of this permit, and that such Plan provides for compliance with this permit;
- i. An estimate of the number of secondary permittees, if applicable;
- j. The type of construction activity category (from those listed on the NOI) conducted at the site;
- k. The location of the receiving water(s) or outfall(s) or a combination of receiving water(s) and outfall(s) to be monitored 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 monitored, the applicable nephelometric turbidity unit (NTU) selected from Appendix B (i. e. based upon the size of the facility or common development and the surface water drainage area) must be shown for each outfall to be monitored. The following certification shall be signed in accordance with Part VI.G. of this permit:

“I certify that the receiving water(s) or the outfall(s) or a combination of receiving water(s) and outfall(s) will be monitored in accordance with the Comprehensive Monitoring Program.”
- l. For sites or common developments disturbing more than 50 acres, which began after the effective date of this permit, include a copy of the Erosion, Sedimentation, and Pollution Control Plan and the Comprehensive Monitoring Program; and
- m. Any other information specified on the NOI in effect at the time of submittal.
- 2. *Secondary Permittee.* The Notice of Intent for each secondary permittee shall be signed in accordance with Part VI.G. of this permit. A utility company may submit a single Notice of Intent for all construction activities within a single common development. The Notice of Intent shall include the following information:
  - a. The site/project name, site location, subdivision name (if applicable), lot number (if applicable), city and county of the construction site for which the notification is submitted. The site location must be sufficient to be able to locate the construction site;
  - b. The secondary permittee's legal name, address, and telephone number;
  - c. The name and address of each primary permittee (as shown on the primary permittee's NOI);
  - d. If this submittal is by a sub-contractor, the legal name, address and the telephone number of the sub-contractor;
  - e. The name and telephone number of the individual to whom the secondary permittee has assigned the responsibility for the daily operational control;
  - f. The name of the receiving water(s), and when the discharge is through a municipal separate storm sewer (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;
- g. The Land Disturbance Activity Permit Number assigned to the site by the local government or EPD, if applicable and issued;
  - h. An estimate of project start date and completion date of the construction activity by the entity making this submission, the date the building permit was issued, if applicable and an estimate of the number of acres of the site on which soil will be disturbed by the entity making this submission. For projects that began on or before the effective date of this permit, the start date must be the actual start date of construction;
  - i. A certification that the provisions of the primary permittee's Erosion, Sedimentation and Pollution Control Plan applicable to the secondary permittee's activities will be adhered to while conducting any construction activity at this site. (A copy of the Plans or permits should **not** be included with the NOI submission by the secondary permittee);
  - j. The type of construction activity category (from those listed on the NOI) conducted at the site for this submission; and
  - k. Any other information specified on the NOI in effect at the time of submittal.
3. *Tertiary Permittee.* The Notice of Intent for each tertiary permittee shall be signed in accordance with Part VI.G. of this permit and shall include the following information:
- a. The site/project name, site location, subdivision name (if applicable), city and county of the construction site for which the notification is submitted. The site location information must be sufficient to be able to locate the construction site;
  - b. The Operator's legal name, address, and telephone number;
  - c. The Owner's legal name, address, and telephone number;
  - d. The name and telephone number of the individual to whom the permittee has assigned the responsibility for the daily operational control (i.e. construction superintendent, etc.);
  - e. The name of the initial receiving water(s), and when the discharge is through a municipal separate storm sewer (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;

- f. The Land Disturbance Activity Permit (LDA Permit) Number assigned to the lot by the local government or EPD and the date the LDA Permit was issued, if applicable and issued;
  - g. An estimate of project start date and completion date and the date the building permit was issued;
  - h. A certification that a Tertiary Erosion Control Plan (TEC plan) has been prepared in accordance with Part VII.A.4.(a). of this permit and that such TEC plan provides for compliance with this permit; and
  - i. Any other information specified on the NOI in effect at the time of submittal.
- C. Where to Submit.** NOIs are to be submitted by *return receipt certified mail* (or similar service) to the appropriate Regional Office of the EPD according to the schedule in Appendix A of this permit.
- D. 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 a 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.5.: 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.

#### **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 has knowledge of the discharge.

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

**C. 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. 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.C.3. and Part III.C.4. The terms 'proper design' and 'properly designed' mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year 24-hour rainfall event. "Designed to control" means the selection and the location of a system of BMPs appropriate for all rainfall events up to and including a 25 year 24-hour rainfall event.
2. 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.
3. 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.k.
4. When the permittee has elected to monitor 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 facility or common development. As set forth therein, the nephelometric turbidity unit (NTU) value shall be selected from Appendix B based upon the size of the facility or common development, the surface water drainage area and whether the receiving water(s) supports warm water fisheries or is a trout stream.

**Part IV. EROSION, SEDIMENTATION AND POLLUTION CONTROL PLAN**

An Erosion, Sedimentation and Pollution Control Plan (Plan) shall be developed and implemented for each construction site or in the case of a common development for the entire common development covered by this permit. The Erosion, Sedimentation and Pollution Control Plan must be prepared by a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying (henceforth referred to as licensed professional). The licensed professional preparing the Plan must include in the Plan and sign in accordance with Part VI.G. of this permit the following certification:

"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," and that the designed system of best management practices meets the design requirements contained in the General NPDES Permit No. GAR 100000."

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, as well as the following:

- (i). stripping of vegetation, regrading, and other development activities shall be conducted in such a manner so as to minimize erosion;
- (ii). cut and fill operations shall be kept to a minimum;
- (iii). development plans must conform to topography and soil type, so as to create the lowest practicable erosion potential;
- (iv). whenever feasible, natural vegetation shall be retained, protected, and supplemented;
- (v). the disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (vi). disturbed soil shall be stabilized as quickly as practicable;
- (vii). temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (viii). permanent vegetation and structural erosion control measures shall be installed as soon as practicable;
- (ix). to the extent necessary, sediment in run-off water shall be trapped by the use of debris basins, silt traps, or similar measures until the disturbed area is stabilized;
- (x). adequate provisions shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills;
- (xi). cuts and fills shall not endanger adjoining property;
- (xii). fills shall not encroach upon natural water courses or constructed channels in a manner so as to adversely affect other property owners;

(xiii). grading equipment shall cross flowing streams by the means of bridges or culverts, except when such methods are not feasible, provided in any case that such crossings shall be kept to a minimum;

(xiv). provisions shall be provided for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent waters beyond the levels specified in this permit;

(xv). Except as provided in Part IV.(xvi). 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;

(xvi). 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; and

(xvii). Except as provided above, for buffers required pursuant to Part IV.(xv). and (xvi)., 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. Between the time final stabilization of the site is achieved and upon the submittal of a Notice of Termination, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

For some sites, additional BMPs beyond those identified in the Manual may be necessary to control erosion and sedimentation for all rainfall events up to and including a 25-year 24-hour rainfall event.

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 or common development. 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. and Part IV.A.3., a single Erosion, Sedimentation and Pollution Control Plan for a common development must be prepared by the primary permittee for all sites within the common development whether or not all of the sites within the common development are owned or operated by a single entity or by multiple entities. The Erosion, Sedimentation and Pollution Control Plan must address the best management practices for the entire common development which includes all sites (i. e. individual home lots, out-parcels, etc) regardless of who owns or operates the individual sites.

For construction that commences after the effective date of this permit, the primary permittee must provide a copy of the Plan or applicable portions of the Plan to each secondary permittee prior to the secondary permittee conducting any construction activity. Any revisions to the Plan must be provided to the secondary permittees in a timely manner. A written acknowledgment of receipt of the Plan must be made by the secondary permittee and a copy of such be retained in the primary permittee's records in accordance with Part V.B. of this permit. If the primary permittee changes after the Plan is prepared and implemented, any subsequent primary permittee must ensure that the Plan complies with all terms and conditions of this permit and that each secondary permittee is provided with any revisions to the Plan made by the new primary permittee. A written acknowledgment of receipt of the Plan or amendments to the Plan must be made by the secondary permittee and a copy of such be retained in the new primary permittee's records in accordance with Part V.B. of this permit.

**A. Deadlines for Plan Preparation and Compliance.**

1. Except as provided in Part IV.A.2. and Part IV.A.3., 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, the primary and all secondary permittee(s), shall be responsible for preparing a Plan for their applicable portion of the site or facility in accordance with this permit within forty-five (45) days of the effective date of the permit.
3. For construction activities that began on or before the effective date of this permit, the primary and all secondary permittee(s) shall implement the applicable Plan within ninety (90) days of the effective date of this permit.
4. For construction activities that begin after the effective date of this permit, the primary permittee shall be required to prepare the Plan for the entire site, or common development if applicable, and the primary and all secondary permittee(s) shall implement the applicable portion of the Plan on or before the day construction activities begin.
5. For sites or common developments equal to or greater than 50 acres of disturbed area, the Plan must be submitted to the EPD together with the NOI. For construction activities that began on or before the effective date of this permit, the Plan must be submitted to the EPD within forty-five (45) days of the effective date of this permit.
6. For sites and common developments that begin construction after the effective date of this permit, the primary permittee must retain the licensed professional who prepared the Erosion, Sedimentation and Pollution Control Plan, except when the primary permittee has requested in writing and EPD has agreed to an alternate licensed professional, to inspect the installation of the control measures (BMPs) which the licensed professional designed within one week after the initial construction activities commence. For sites and common developments where construction began

on or before the effective date of this permit, this inspection is to occur within one week after the Plan has been implemented. The licensed professional shall determine if these BMPs have been installed and are being maintained as designed. The licensed professional shall notify the primary permittee and the permittee must correct all deficiencies within two business days of the inspection by the licensed professional.

7. For linear construction that begins after the effective date of this permit, the primary permittee must retain the licensed professional who prepared the Erosion, Sedimentation and Pollution Control Plan, except when the primary permittee has requested in writing and EPD has agreed to an alternate licensed professional, to inspect the installation of the control measures (BMPs) which the licensed professional designed within one week after the initial construction activities of each active phase commence. For linear construction where construction began on or before the effective date of this permit, this inspection is to occur within one week after the Plan has been implemented for each active phase when phased construction occurs. The licensed professional shall determine if these BMPs have been installed and are being maintained as designed. The licensed professional shall notify the primary permittee and the permittee must correct all deficiencies within two business days of the inspection by the licensed professional.

**B. Signature and Plan Review.**

1. The Erosion, Sedimentation and Pollution Control Plan shall be signed in accordance with Part VI.G., 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 V.B. of this permit. The primary permittee shall ensure, as provided for elsewhere in this permit, that each secondary permittee is provided with a copy of the Plan and that the secondary permittee understands their role in implementing the Plan. The secondary permittee shall sign the Plan or the portion of the Plan applicable to their site in accordance with Part VI.G. and the Plan or applicable portion thereof shall be retained on the site which generates the storm water discharge whenever construction activity is occurring.
2. The primary permittee shall make Plans available upon request to the EPD; to 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. A secondary or tertiary permittee shall make the Plan, portion of the Plan or the TEC plan applicable to their site available upon request to the EPD; to 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. The Plan or TEC plan must be submitted to EPD or to the local government within three business days of such notification or within an alternate time frame established by EPD.
3. EPD may notify the primary, secondary or tertiary permittee at any time that the Plan or the TEC 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 or tertiary permittee shall make the required changes to the Plan or TEC plan, as appropriate, and shall submit to EPD either the amended Plan, TEC plan or a written certification that the requested changes have been made. For sites commencing construction on or before the effective date of this permit, EPD may notify the secondary permittee at any time that the Plan does not meet one or more of the minimum requirements of this permit. Within seven (7) days of such notification (or as otherwise provided by EPD), the secondary permittee shall implement 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. For sites commencing construction after the effective date of this permit, when EPD notifies a secondary permittee of any Plan deficiencies, the secondary permittee must notify the primary permittee within 24-hours of the deficiencies. The primary permittee must amend the Plan in accordance with this paragraph to address those deficient BMPs within seven (7) days of being notified by the secondary permittee. When the Plan is amended, the primary permittee must notify and provide a copy of the amendment to any and all affected secondary permittees within this seven (7) day period. The secondary permittees must implement any new Plan requirements within 48-hours of notification by the primary permittee.

- C. Keeping Plans Current.** The primary, secondary or tertiary permittees, as applicable, who began construction on or before the effective date of this permit shall amend their Plan or TEC plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of Georgia and which has not otherwise been addressed in the Plan or TEC plan, if the Plan or TEC plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2 of this permit, or if the Plan or TEC plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity. Amendments to the Plan must be certified by a licensed professional as provided in this permit. For construction commencing after the effective date of this permit, secondary permittees must notify the primary permittee within 24-hours of becoming aware of any suspected BMP designed deficiencies which are not effective in controlling the discharge of pollutants from the secondary permittee's site. The primary permittee must evaluate whether these deficiencies exist within 48-hours of such notice, and if these deficiencies are found to exist must amend the Plan in accordance with this paragraph to address those deficient BMPs within seven (7) days of being notified by the secondary permittee. When the Plan is amended, the primary permittee must notify and provide a copy of the amendment to all affected secondary permittees within this seven (7) day period. The secondary permittee(s) must implement any new Plan requirements affecting their site(s) within 48-hours of notification by the primary permittee. Notwithstanding the foregoing, the primary or tertiary permittee remains responsible for insuring that the Plan or the TEC plan, as appropriate, meets the requirements of this permit. For common developments equal to or greater than fifty (50) acres of disturbed area, the Plan amendments must be submitted to EPD.
- D. Contents of Plan.** The Erosion, Sedimentation and Pollution Control Plan shall be prepared for a 25-year 24-hour storm event and in accordance with the "Manual for Erosion and Sediment Control in Georgia" and shall include, at a minimum, the following items:
1. *Site description.* Each 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 description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. clearing and grubbing activities, excavation activities, grading activities, infrastructure activities, immediate and final stabilization activities). For linear construction, a schedule of these major activities along with a time line for each phase of construction;
    - 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 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;
  - f. Identify the receiving water(s) and areal extent of wetland acreage at the site; and
  - g. For Plans prepared by a primary permittee for a common development, a list of the names and addresses of all secondary permittees must be included in the Plan and be amended as appropriate. These amendments are not subject to the licensed professional certification requirements specified in Part IV.C.
2. *Controls.* Each Plan shall include a description of appropriate controls and measures that will be implemented at the construction site. The Plan will clearly describe for each major activity identified in Part IV.D.1.b. appropriate control measures and the timing during the construction process that the measures will be implemented. 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.2.(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 temporary 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, 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 appropriate at some construction projects. Careful consideration must be used to determine when a sediment basin is not to be used and a written rationale explaining the decision not to use sediment basins must be included in the Plan.
- 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)].
- c. Other controls.
  - (1). Waste disposal. No solid materials, including building materials, shall 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 common development.
  - (3). All permittees shall ensure and demonstrate that their Plan is in compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.
  - (4). The Plan shall include best management practices for the remediation of all petroleum spills and leaks as appropriate.

3. *Maintenance.* 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 in good and effective operating condition.
4. *Inspections.* An inspection schedule must be incorporated in the Erosion, Sedimentation and Pollution Control Plan that is in compliance with the requirements of Part V.A.6. of this permit.
5. *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.

#### **Part V. MONITORING, REPORTING REQUIREMENTS, AND RETENTION OF RECORDS**

This permit requires the monitoring of nephelometric turbidity in receiving water(s) or outfalls in accordance with this permit. The following procedure constitute EPD's guidelines for monitoring turbidity:

##### **A. Monitoring Requirements.**

1. *Comprehensive Monitoring Program.*
  - a. Implementation Schedule.
    - (1). For sites, common developments and linear construction where construction began on or before the effective date of this permit, permittees must comply with Part V.A.2., Part V.A.6., Part V.B. and Part V.C. of this permit within ninety (90) days of the effective date of this permit. Within six (6) months of the effective date of this permit, these permittees must prepare and implement a Comprehensive Monitoring Program (CMP) in compliance with Part V. of this permit. This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees performing only service line installations.
    - (2). For common developments where construction began on or before the effective date of this permit and it is not possible to identify a primary permittee, all secondary permittees must prepare and implement an CMP in compliance with Part V. of this permit. However, for purposes of compliance with Part V.A.1.b., Part V.A.1.c., Part V.A.1.d., Part V.A.3., Part V.A.4. and Part V.A.5. of this permit, secondary permittees shall be authorized to submit and participate in a joint CMP for the entire common development, or their applicable portion thereof. Such a joint CMP shall identify all participating secondary permittees and describe, in general terms, their respective responsibilities in implementing the program. When applicable, only a single monitoring report is required to be submitted to EPD on behalf of all the participating secondary permittees. Notwithstanding any agreement between the participating secondary permittees in implementing a joint CMP, each secondary permittee shall continue to be individually responsible for compliance with this permit requirement and enforcement thereof. Each secondary permittee must comply with all other applicable requirements of this permit not identified above, including retention of records. This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees performing only service line installations.
    - (3). For common developments that begin construction after the effective date of this permit, the primary permittee must prepare and implement a Comprehensive Monitoring Program (CMP) inclusive for the common development prior to the primary or/and secondary permittee(s) conducting any

construction activity. For all other sites not within a common development that begin construction after the effective date of this permit, the primary permittee must prepare and implement a CMP for the site prior to conducting any construction activity.

- (4). For linear construction that begins after the effective date of this permit, a CMP must be prepared for the entire project prior to conducting any construction activity. Implementation of the CMP for linear construction may be phased to accommodate a phased construction schedule.
- (5). The monitoring outlined in the CMP is not required for the phase or phases of the construction that have undergone final stabilization and all storm water discharges associated with construction activity from that phase or phases have ceased.
- (6). For lots within common developments where construction begins after the effective date of this permit and the original or subsequent primary permittee has submitted a Notice of Termination for a specific surface water drainage area within the common development as provided in Part VII.A.4. of this permit, the lot Owner and/or Operator (i.e. tertiary permittee) must comply with Part V.A.2., Part V.A.6.c., Part V.B.3. and Part V.C. of this permit. This paragraph is not applicable to utility companies and utility contractors if they are performing only service line installations at these described lots.

- b. The CMP must be prepared by a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying (henceforth referred to as licensed professional). The licensed professional preparing the CMP must include in the CMP and sign in accordance with Part VI.G. of this permit the following certification:

"I certify that the permittee's Comprehensive Monitoring Program provides for the monitoring of the receiving water(s) or the monitoring of the storm water outfalls and is expected to meet the monitoring requirements contained in the General NPDES Permit No. GAR 100000."

- c. The Comprehensive Monitoring Program shall include:
- (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 common development;
  - (2). an indication on the topographic map of: (a) the location of each storm water outfall at the site or common development; (b) 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 (c) the receiving water and/or outfall sampling locations. However, for linear construction projects, for purposes of (a) and (c), the permittee shall be required to indicate only: (i) outfalls that will be monitored; (ii) the most upstream and downstream outfalls to all receiving waters; and (iii) all outfalls created by the permittee's construction activities. For linear construction projects, the locations chosen to be representative, as provided in Part V.A.4.c. of this permit, of the universe of receiving waters and outfall locations must be highlighted or otherwise indicated as being the representative 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;
  - (3). a narrative list of the receiving water(s) and a narrative description of the locations where the receiving water(s) will be sampled and a narrative list of the storm water outfall locations to be sampled when the permittee has elected to sample outfalls;
  - (4). a written narrative of the facility/site specific methods and procedures used to collect and handle the receiving water samples and/or the storm water discharge samples prior to analysis. This narrative must include precise sampling methodology for each sampling location;
  - (5). the analytical method used to analyze the samples;
  - (6). when the permittee has determined that some or all outfalls will be monitored, a rationale must be included for the NTU limit(s) selected from Appendix B. This rationale must include the size of the facility or common development, 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
  - (7). any additional information EPD determines necessary to be part of the CMP. EPD will provide written notice to the permittee of the information necessary and the time line for submittal.
- d. 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 facility/site is in compliance with the standard set forth in Parts III.C.3. or III.C.4., whichever is applicable.

2. *Rainfall data.* Measurement of rainfall must be recorded daily (once each twenty-four hour period) at the site. For phased construction, daily (once each twenty-four hour period) rainfall measurement at the active phase must be made and recorded.
3. *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.
  - a. Sample containers should be labeled prior to collecting the samples.
  - b. Samples should be well mixed before transferring to a secondary container.
  - c. 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.
  - d. Manual or automatic 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. Samples are not required to be cooled.
  - e. 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 V.B.
  - f. 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:
    - (1). 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.

- (2). 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.
  - (3). Ideally the samples should be taken from the horizontal and vertical center of the receiving water(s) or the storm water outfall channel(s).
  - (4). Care should be taken to avoid stirring the bottom sediments in the receiving water(s) or in the outfall storm water channel.
  - (5). The sampling container should be held so that the opening faces upstream.
  - (6). The samples should be kept free from floating debris.
4. *Sampling Points.*
- a. For all sites and common developments other than linear construction projects, the primary permittee must sample all receiving water(s), or all outfall(s), or a combination of receiving water(s) and outfall(s).
  - b. For linear construction projects, the primary permittee must sample all perennial and intermittent streams and other water bodies shown on the USGS topographic map and all other field verified perennial and intermittent streams and other water bodies, or all outfalls into such streams and other water bodies, or a combination thereof. However, as provided for in and in accordance with Part V.A.4.c. of this permit, the primary permittee on a linear construction project may sample the representative perennial and intermittent streams, other water bodies or outfalls, or a combination thereof.
  - c. For linear construction, the permittee is not required to sample a perennial or intermittent stream or other water bodies (or the associated outfall, if applicable) if the licensed professional preparing the CMP certifies that an increase in the turbidity of a specific identified receiving water to be sampled will be representative of the increase in the turbidity of a specific identified un-sampled receiving water. A written rationale and detailed analysis shall be prepared by the licensed professional justifying such proposed sampling. The rationale and analysis shall include the location and description of the specified sampled and un-sampled receiving water and shall contain a detailed comparison and discussion of each such receiving water in the following areas:
    - (1). site land disturbances and characteristics;
    - (2). receiving water watershed sizes and characteristics; and



- (3). site and watershed runoff characteristics utilizing the methods in Appendix A-1 (United States Department of Agriculture Soil Conservation Service's TR-55, Urban Hydrology for Small Watersheds) of the most recent version of the "Manual for Erosion and Sedimentation Control in Georgia" for the various precipitation events and any other such considerations necessary to show that the increase in the turbidity of a specific identified sampled receiving water will be representative of the increases in the turbidity of a specific identified un-sampled receiving waters.
- d. 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, at least 70% of the soil surface is uniformly covered in permanent vegetation or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been employed. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region such that within the growing season a 70% coverage by perennial vegetation shall be achieved. For linear construction projects on land used for agricultural or silvicultural purposes, stabilized may be accomplished by stabilizing the disturbed land for its agricultural or silvicultural use.
- e. For linear construction, when the permittee determines that some receiving water(s) will not be sampled due to representative sampling, the licensed professional making this determination and preparing the CMP must include in the CMP and sign in accordance with Part VI.G. of this permit the following certification:
- "I certify that the permittee's Comprehensive Monitoring Program provides for the monitoring of: (a) all perennial and intermittent streams and other water bodies shown on the USGS topographic map and all other field verified perennial and intermittent streams and other water bodies, or (b) where any such specific identified perennial or intermittent stream and other water body is not proposed to be sampled, I have determined in my professional judgement, utilizing the factors required in the General NPDES Permit No. GAR 100000, that the increase in the turbidity of each specific identified sampled receiving water will be representative of the increase in the turbidity of a specific identified un-sampled receiving water."
- f. For linear construction, if at any time during the life of the project a selected receiving water no longer represents another receiving water, then the permittee shall sample the latter receiving water until selection of an alternative representative receiving water.
- g. For linear construction, if at any time during the life of the project a receiving water is determined not to be represented as certified in the CMP, the permittee shall sample that receiving water until a Notice of Termination is submitted or until the applicable phase is stabilized in accordance with this permit.
- h. For linear construction, monitoring obligations shall cease for any phase of the project that has been stabilized in accordance with Part V.A.4.d.

5. *Sampling Frequency.*

The primary permittee must sample in accordance with the CMP at least once for each rainfall event described below. For a qualifying event, samples must be taken within forty-five (45) minutes of:

(i) the accumulation of the minimum amount of rainfall, if the storm water discharge to a monitored receiving water or from a monitored outfall has begun at or prior to the accumulation, or

(ii) the beginning of any storm water discharge to a monitored receiving water or from a monitored outfall, if the discharge begins after the accumulation of the minimum amount of rainfall.

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. Sampling by the permittee shall occur for the following events:

- a. the first rainfall event greater than or equal to 0.5 inches in 24 hours after the first implementation of BMPs;
- b. in addition to (a.) above, any rainfall event greater than or equal to 1.0 inches in 24 hours but no more than one event per calendar month until a Notice of Termination is submitted with final sampling data;
- c. in addition to (a.) and (b.) above, any rainfall event greater than or equal to 2.0 inches in 24 hours until a Notice of Termination is submitted with final sampling data;
- d. following final stabilization, at least one rainfall event greater than or equal to 0.5 inches in 24 hours (i. e., final sampling data);
- e. in addition to (a.), (b.), (c.) and (d.) above, where BMPs have not been properly designed, installed or maintained in accordance with this permit, any rainfall event greater than or equal to 0.5 inches in 24 hours. This sampling must continue through the first rainfall event after BMPs have been properly designed, installed and maintained in accordance with this permit; and
- f. For linear construction if at any time during the life of the project BMPs have not been properly designed, installed or maintained for the construction activities that discharge into a receiving water which is not being sampled, the permittee shall sample that receiving water for the first rainfall event greater than or equal to 0.5 inches thereafter and for every rainfall event greater than or equal to 0.5 inches until BMPs are properly designed, installed and maintained.

6. *Inspections.*

a. Primary Permittee.

- (1). Qualified 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 or greater the following: (a) disturbed areas of the primary permittee's construction site that have not undergone final stabilization; (b) areas used by the primary permittee for storage of materials that are exposed to precipitation that have not undergone final stabilization; 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, the permittee must comply with Part V.A.6.a.3. These inspections must be conducted until a Notice of Termination is submitted. For linear construction where a phased construction activity is conducted, this paragraph applies to the active phase(s) of construction.

- (2). Each day when any type of construction activity has taken place at a primary permittee's site, qualified 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 that permittee's 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. For linear construction where a phased construction activity is conducted, this paragraph applies to the active phase(s) of construction.
  - (3). Qualified 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. 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). For linear construction, monthly inspections in accordance with this paragraph must be made for those phases on which final stabilization has been completed.
  - (4). Based on the results of the 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 the inspection. Implementation of such changes shall be made as soon as practical but in no case later than seven (7) calendar days following the inspection. The primary permittee must amend the Plan in accordance with Part V.A.6.b.(4). when a secondary permittee notifies the primary permittee of any Plan deficiencies.
  - (5). A report summarizing the scope of the inspection and the name(s) of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the Erosion, Sedimentation and Pollution Control Plan and actions taken in accordance with Part V.A.6.a.(4). 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 identify any incidents of non-compliance. Where the report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the Erosion, Sedimentation and Pollution Control Plan and this permit. The report shall be signed in accordance with Part VI.G. of this permit.
- b. Secondary Permittee.
- (1). Qualified personnel (provided by the secondary permittee) shall inspect at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater the following: (a) disturbed areas of the secondary permittee's construction site that have not undergone final stabilization; (b) areas used by the secondary permittee for storage of materials that are exposed to precipitation that have not undergone final stabilization; and (c) structural control measures.

Erosion and sediment control measures identified in the Plan applicable to the secondary 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, the permittee must comply with Part V.A.6.b.3. These inspections must be conducted until a Notice of Termination is submitted. This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees performing only service line installations.

- (2). Each day when any type of construction activity has taken place at a secondary permittee's site, qualified personnel provided by the secondary permittee shall inspect: (a) all areas used by the secondary permittee where petroleum products are stored, used, or handled for spills and leaks from vehicles and equipment; and (b) all locations at the secondary permittee site where that permittee's 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. This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees.
- (3). Qualified personnel (provided by the secondary 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 their sites that have undergone final stabilization. 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). This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees.
- (4). Based on the results of the inspection, the secondary permittee must notify the primary permittee within 24-hours of any suspected BMP design deficiencies. The primary permittee must evaluate whether these deficiencies exist within 48-hours of such notice, and if these deficiencies are found to exist must amend the Plan in accordance with Part IV.C. of this permit to address those deficient BMPs within seven (7) days of being notified by the secondary permittee. When the Plan is amended, the primary permittee must notify and provide a copy of the amendment to all affected secondary permittee(s) within this seven (7) day period. The secondary permittees must implement any new Plan requirements affecting their site(s) within 48-hours of notification by the primary permittee.
- (5). A report summarizing the scope of the inspection and the name(s) of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the Erosion, Sedimentation and Pollution Control Plan and actions taken in accordance with Part V.A.6.b.(4). of the permit shall be made and retained at the site or be readily available at a designated alternate location until the entire site has undergone final stabilization and a Notice of Termination is submitted to EPD. Such reports shall identify any incidents of non-compliance. Where the report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the Erosion, Sedimentation and Pollution Control Plan and this permit. The report shall be signed in accordance with Part VI.G. of this permit. This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees performing only service line installations.

c. Tertiary Permittee.

- (1). Qualified personnel (provided by the tertiary permittee) shall inspect at least once every seven

calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater the following: (a) disturbed areas of the tertiary permittee's construction site that have not undergone final stabilization; (b) areas used by the tertiary permittee for storage of materials that are exposed to precipitation that have not undergone final stabilization; and (c) structural control measures. Erosion and sediment control measures identified in the Plan applicable to the tertiary 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, the permittee must comply with Part V.A.6.c.3. These inspections must be conducted until a Notice of Termination is submitted. This paragraph is not applicable to utility companies and utility contractors performing only service line installations.

- (2). Each day when any type of construction activity has taken place at a tertiary permittee's site, qualified personnel provided by the tertiary permittee shall inspect: (a) all areas used by the tertiary permittee where petroleum products are stored, used, or handled for spills and leaks from vehicles and equipment; and (b) all locations at the tertiary permittee site where that permittee's 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. This paragraph is not applicable to utility companies and utility contractors performing only service line installations.
- (3). Qualified personnel (provided by the tertiary 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 their sites that have undergone final stabilization. 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). This paragraph is not applicable to utility companies and utility contractors performing only service line installations.
- (4). Based on the results of the inspection, the site description and the pollution prevention and control measures identified in the Tertiary Erosion Control Plan, the Plan shall be revised as appropriate not later than seven (7) calendar days following the inspection. Implementation of such changes shall be made as soon as practical but in no case later than seven (7) calendar days following the inspection.
- (5). A report summarizing the scope of the inspection and the name(s) of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the Tertiary Erosion Control Plan and actions taken in accordance shall be made and retained at the site or be readily available at a designated alternate location until the entire site has undergone final stabilization and a Notice of Termination is submitted to EPD. Such reports shall identify any incidents of non-compliance. Where the report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the Tertiary Erosion Control Plan and this permit. The report shall be signed in accordance with Part VI.G. of this permit. This paragraph is not applicable to utility companies and utility contractors if they are secondary permittees performing only service line installations.

**B. Reporting.**

1. The applicable permittees are required to submit a summary of the monitoring results to the EPD at the address shown in Part II.C. by the fifteenth day of the month following the reporting period. For a monitoring period during which no qualifying rainfall events occur, a monitoring report must

be submitted stating such. Monitoring periods are calendar months beginning with the first month after the effective date of this permit. Monitoring results shall be in a format as prescribed by EPD. Upon written notification, EPD may require the applicable permittee to submit the monitoring 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 monitoring reports must be signed in accordance with Part VI.G. Monitoring reports must be submitted to EPD until such time as a NOT is submitted in accordance with Part VII.

2. Each permittee must retain copies of all monitoring results and monitoring information reported by that permittee in accordance with this Part. In addition to other record keeping requirements, the monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The name(s) of the individual(s) 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 individual(s) who performed the analyses;
  - f. References and written procedures, when available, for the analytical techniques or methods used. A quality control/quality assurance program must be included in the written procedures; and
  - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.
3. *Retention of Records.*
  - a. Each primary permittee shall retain a copy of the Erosion, Sedimentation and Pollution Control Plan and the Comprehensive Monitoring Program required by this permit at the construction site or be readily available at a designated alternate location from the date of project initiation to the date of final stabilization. The secondary permittee must retain a copy of the Erosion, Sedimentation and Pollution Control Plan, or the applicable portion of the Erosion, Sedimentation and Pollution Control Plan for their activities, and, if applicable, the Comprehensive Monitoring Program, at the construction site or be readily available at a designated alternate location from the date of the secondary permittee's project begins to the date of final stabilization. The Tertiary permittee shall retain a copy of the Tertiary Erosion Control Plan and inspection reports required by this permit at the construction site or be readily available at a designated alternate location from the date of project initiation to the date of final stabilization.
  - b. Copies of all Notices of Intent, Notices of Termination, reports, plans, monitoring reports, monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, Erosion, Sedimentation and Pollution Control Plans, Tertiary Erosion 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 site is finally stabilized. These records must be maintained at the permittee's primary place of business 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.

- C. Addresses.** All written correspondence required by this permit shall be directed to EPD at the address shown in Part II.C.

## Part VI. 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 or secondary permittee to comply with any applicable term or condition of this permit shall not relieve any other primary or secondary 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 at the address shown in Part II.C. with the monthly monitoring report required by Part V. of this permit.
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. Facilities that have not obtained coverage under the permit by the permit expiration date cannot become authorized to discharge under the continued permit.

- 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 sediment and erosion 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 or other information. 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, Erosion, Sedimentation and Pollution Control Plans, Tertiary Erosion Control Plans, reports, certifications or other information either submitted to the EPD or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:
1. All Notices of Intent 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 employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if 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.
  2. All reports, certification statements, or other reports required by the permit and other information 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 described above and submitted to the EPD;
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of 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 thus be either a named individual or any individual occupying a named position);
    - c. Changes to authorization. If an authorization under Part II.B. is no longer accurate because a different Operator has responsibility for the overall operation of the construction site, a new Notice of Intent satisfying the requirements of Part II.B. must be submitted to the EPD prior to or together with any reports, information, or applications to be signed by an authorized representative; and
    - d. Certification. Any person signing documents under paragraph VI.G. shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly 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.**
1. 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.
  2. 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 an 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, State or local government or, in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer 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;
  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 VII. TERMINATION OF COVERAGE**

### **A. Notice of Termination.**

A Notice of Termination, signed in accordance with Part VI.G. of this permit, must be submitted:

1. For sites other than common developments and linear construction, by the primary permittee where a site has undergone final stabilization and all storm water discharges associated with construction activity that are authorized by this permit have ceased. The primary permittee shall submit a Notice of Termination only when all construction activities have ceased, final stabilization has been implemented by the primary permittee and by all secondary permittee(s), and the site is in compliance with this permit.
2. For linear construction, by the permittee where the entire project has undergone final stabilization and all storm water discharges associated with construction activity that are authorized by this permit have ceased. Provided, however, that the permittee may submit a Notice of Termination after a phase(s) of the linear construction project has undergone final stabilization and all storm water discharges associated with construction activity for that phase(s) that are authorized by this permit have ceased.
3. For common developments, by the primary permittee where the entire common development has undergone final stabilization and all storm water discharges associated with construction activity that are authorized by this permit have ceased. The primary permittee must submit a Notice of Termination only after all construction activities have ceased, final stabilization has been implemented by the primary permittee and by all secondary permittee(s), and the site is in compliance with this permit.
4. For common developments with more than one surface water drainage area by the primary permittee for any surface water drainage area where: (i) the surface water drainage area has undergone final stabilization and all planned construction activity has been completed; (ii) all storm water runoff in the surface water drainage area is coming from undisturbed or stabilized areas; (iii) at least 90% of the lots in that surface water drainage area of the common development have been sold to an unrelated party, permanent structures completed and final stabilization achieved; and (iv) the accumulation of acreage of undeveloped lots within the surface water drainage area is less than five (5) acres. The Notice of Termination for a specific surface water drainage area can only be filed after the last required monitoring activity following final stabilization. After the filing of the Notice of Termination, the primary permittee shall notify by written correspondence to the subsequent legal title holder of each remaining lots that these lot Owners and/or Operators will become permittees for purposes of this permit and these tertiary permittees will be responsible for off-site best management practices, as applicable.
  - (a). If a person purchases one or more of the remaining undeveloped lots within a surface water drainage area for the purpose of engaging in construction activity in which a Notice of Termination has been filed by the primary permittee, then the person shall file a Notice of Intent as a tertiary permittee (as set forth in Part II.B.3.). The tertiary permittee shall be required to create and implement a Tertiary Erosion Control Plan (TEC plan) to control storm water run-off from its individual lot. This TEC plan, created and implemented by qualified personnel, shall include all best management practices in the primary permittee's Erosion, Sedimentation and Pollution Control Plan, as applicable, to control storm water discharge from the tertiary permittee's lots and shall include any additional best management practices as required in this permit. The tertiary permittee shall be responsible for the installation and maintenance of these best management practices in accordance with this permit and any off-site best management practices, as applicable. EPD may

notify the tertiary permittee at any time that the TEC plan does not meet one or more of the minimum requirements of the permit. The tertiary permittee must correct and implement any required changes to the TEC plan in accordance with Part IV.B.3. of this permit within the time frame established by EPD.

- (b). The tertiary permittee must submit a Notice of Termination when final stabilization has been achieved on an individual lot.
- 5. 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; and
- 6. By secondary permittees when their sites within a common development have undergone final stabilization, all storm water discharges from their construction activities have ceased, and their sites are in compliance with this permit.

**B. The Notice of Termination shall include the following information:**

- 1. The permittee's legal name, address, telephone number;
- 2. When the NOT is submitted by a secondary permittee, the primary permittee's legal name, address, telephone number;
- 3. An indication as to whether the notifier is a primary, secondary or tertiary permittee;
- 4. The site/project name, site location, subdivision name (if applicable), city and county of the site for which the notification is submitted. This information must correspond to the similar information as provided on the NOI. Where a mailing address for the site is not available, the location can be described in narrative terms and county where the construction site is located;
- 5. The NPDES permit number for the storm water discharge associated with construction activity identified by the Notice of Termination;
- 6. A copy of the final monitoring report, if applicable, that shows the monitoring data for receiving water(s) and/or storm water outfall(s) collected between the period of final stabilization and the filing of the NOT;
- 7. A listing of the legal name, address, and telephone number of all secondary permittees at the site for which this notification is submitted, if applicable;
- 8. The name of the receiving water(s), and when the discharge is through a municipal separate storm sewer (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;
- 9. Any other information specified on the NOT in effect at the time of submittal; and
- 10. The following certification signed in accordance with Part VI.G. (signatory requirements):

"I certify under penalty of law that either: (a) all storm water discharges associated with construction activity from the portion of the construction activity where I was an Owner or Operator have ceased or have been

eliminated; (b) all storm water discharges associated with construction activity from the identified site that are authorized by General NPDES Permit No. GAR 100000 have ceased; (c) I am no longer an Owner or Operator at the construction site and a new Owner or Operator has assumed operational control for those portions of the construction site where I previously had ownership or operational control; and/or if I am a primary permittee filing this Notice of Termination under Part VII.A.4. of this permit, I will notify by written correspondence to the subsequent legal title holder of any remaining lots that these lot Owners and /or Operators will become tertiary permittees for purposes of this permit and I will provide these tertiary permittees with the primary permittee's Erosion, Sedimentation and Pollution Control Plan. I understand that by submitting this Notice of Termination, that I am no longer authorized to discharge storm water associated with construction activity by the general permit, 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. Addresses.** All Notices of Termination are to be sent, using the form provided by the EPD (or an exact photocopy thereof), to the address shown in Part II.C.

## **APPENDIX A**

### **EPD REGIONAL AND DISTRICT OFFICES**

All correspondence, including but not limited to the Notice of Intents, Notice of Terminations, certifications, Erosion, Sedimentation and Pollution Control Plans, Comprehensive Monitoring Programs and any other reports, shall be sent to the following Regional or District offices of EPD.

- A. For facilities/sites located in the following counties, the correspondence shall be submitted to:

Middle Georgia Regional Office  
Georgia Environmental Protection Division  
2640 Shurling Drive  
Macon, GA 31211

Baldwin, Bibb, Bleckley, Burke, Crawford, Dodge, Emanuel, Glascock, Hancock, Houston, Jasper, Jefferson, Jenkins, Johnson, Jones, Lamar, Laurens, Monroe, Montgomery, Peach, Pulaski, Putnam, Telfair, Treutlen, Twiggs, Upson, Washington, Wheeler, Wilcox, Wilkinson

- B. For facilities/sites located in the following counties, the correspondence shall be submitted to:

Northeast Georgia Regional Office  
Georgia Environmental Protection Division  
745 Gaines School Road  
Athens, GA 30605

Banks, Barrow, Clarke, Columbia, Dawson, Elbert, Franklin, Greene, Habersham, Hall, Hart Jackson, Lincoln, Lumpkin, Madison, McDuffie, Morgan, Newton, Oconee, Oglethorpe, Rabun, Richmond, Stephens, Taliaferro, Towns, Union, Walton, Warren, White, Wilkes

- C. For facilities/sites located in the following counties, the correspondence shall be submitted to:

Northwest Georgia Regional Office  
Georgia Environmental Protection Division  
Suite 114  
4244 International Parkway  
Atlanta, GA 30354

Bartow, Butts, Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Coweta, Dade, DeKalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Gwinnett, Haralson, Heard, Henry, Meriwether, Murray, Paulding, Pickens, Pike, Polk, Rockdale, Spalding, Troup, Walker, Whitfield

- D. For facilities/sites located in the following counties, the correspondence shall be submitted to:

Coastal District Office  
Georgia Environmental Protection Division  
One Conservation Way  
Brunswick, GA 31520

Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Effingham, Evans, Glynn, Jeff Davis, Liberty, Long, McIntosh, Pierce, Screven, Tattnall, Toombs, Ware, Wayne

- E. For facilities/sites located in the following counties, the correspondence shall be submitted to:

Southwest Georgia Regional Office  
Georgia Environmental Protection Division  
2024 Newton Road  
Albany, GA 31701-3576

Baker, Ben Hill, Berrien, Brooks, Calhoun, Chattahoochee, Clay, Colquitt, Cook, Crisp, Decatur, Dooly, Dougherty, Early, Echols, Grady, Harris, Irwin, Lanier, Lee, Lowndes, Macon, Marion, Miller, Mitchell, Muscogee, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Terrell, Thomas, Tift, Turner, Webster, Worth

## APPENDIX B

### Nephelometric Turbidity Unit (NTU) TABLE

#### Cold Water (Trout Stream)

		Surface Water Drainage Area, square miles							
		0-4.99	5-9.99	10-24.99	25-49.99	50-99.99	100-249.99	250-499.99	500+
Site Size, acres	5.00-10	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	50	75	150	300
	100.01-249.99	20	20	25	25	25	50	60	100

#### Warm Water (Supporting Warm Water Fisheries)

		Surface Water Drainage Area, square miles							
		0-4.99	5-9.99	10-24.99	25-49.99	50-99.99	100-249.99	250-499.99	500+
Site Size, acres	5.00-10	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
	100.01-249.99	50	50	50	50	50	100	200	250

To use these tables, select the size (acres) of the facility or common development. 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.C.4. Example 1: For a site size of 12.5 acres and a cold water drainage area of 37.5 square miles, the NTU value to use in Part III.C.4 is 75 NTU.

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