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DEC 20 2016

Certified Mail # 91 7108 2133 3936 7152 2098

Honorable Buddy Choat
Mayor, City of Trussville
131 Main Street
Trussville, Alabama 35173

RE: Municipal Separate Storm Sewer System (MS4) Individual Phase I Permit
NPDES Number ALS000015
City of Trussville MS4
Jefferson County (073)

Dear Mayor Choat:

The Department has made a final determination to issue NPDES Permit No. ALS000015 to the City of Trussville for discharges from its MS4. The NPDES Permit Number ALS000015 will be effective January 1, 2017 and expire on December 31, 2021.

The Department notified the public of its tentative determination to issue NPDES Permit No. ALS000015 on August 24, 2016. Interested persons were provided the opportunity to submit comments on the Department's tentative decision through September 23, 2016. In accordance with ADEM Admin Code r. 335-6-6-.21(7), a response to all comments received during the public comment period are provided with the enclosed permit.

The City of Trussville is responsible for compliance with all provisions of the permit including, but not limited to, the performance of any monitoring, the submittal of any reports, and the preparation and implementation of any plans required by the permit.

Please note that On October 22, 2015, EPA finalized the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (Federal Register Vol. 80 No. 24). As required by this rule, the Department has included, in this permit, a requirement that on and after December 21, 2020, annual reports shall be submitted to the Department electronically in a prescribed manner acceptable to the Department.

If you have questions concerning this permit, please contact Marla Smith either by email at mssmith@adem.state.al.us or by phone at 334-270-5616.

Sincerely,

Jeffery W. Kitchens, Chief
Stormwater Management Branch
Water Division

JWK/mss

File: FPER

Enclosures: Permit and Response to Comments

cc: Ms. Kacy Sable /Environmental Protection Agency

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
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Decatur Branch
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ADEM
Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

PERMITTEE:	CITY OF TRUSSVILLE
AREA OF COVERAGE:	CORPORATE BOUNDARIES OF THE CITY OF TRUSSVILLE
PERMIT NUMBER:	ALS000015
RECEIVING WATERS:	WATERBODIES WITHIN THE CORPORATE BOUNDARIES OF CITY OF TRUSSVILLE

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, ***Code of Alabama 1975****, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended,* ***Code of Alabama 1975****, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.*

ISSUANCE DATE:	DECEMBER 20, 2016
EFFECTIVE DATE:	JANUARY 1, 2017
EXPIRATION DATE:	DECEMBER 31, 2021

Glenda L. Dean

Alabama Department of Environmental Management

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PART I Applicability

A. Permit Area

This permit applies to the corporate boundaries of the City of Trussville that are regulated by the Permittee and discharge to the Permittee's Municipal Separate Storm Sewer System (MS4).

B. Authorized Discharges

1. This permit authorizes all existing or new storm water point source discharges to waters of the State of Alabama from those portions of the (MS4s) owned or operated by the Permittee. Discharge of pollutants shall be reduced to the Maximum Extent Practicable (MEP), shall not cause, nor contribute to, violations of Alabama Water Quality Standards, and shall be in compliance with Total Maximum Daily Loads (TMDLs) where applicable.

2. This permit authorizes the following non-storm water discharges provided that they do not cause or contribute to a violation of water quality standards and provided that they have been determined not to be substantial contributor pollutants by the Permittee or the Department:
    a. Water line flushing
    b. Landscape irrigation (not consisting of treated, or untreated wastewater unless authorized by the Department)
    c. Diverted stream flows
    d. Uncontaminated ground water infiltration
    e. Uncontaminated pumped groundwater
    f. Discharges from potable water sources
    g. Foundation and footing drains
    h. Air conditioning drains
    i. Irrigation water (not consisting of treated, or untreated, wastewater unless authorized by the Department
    j. Rising ground water
    k. Springs
    l. Water from crawl space pumps
    m. Lawn watering runoff
    n. Individual residential car washing, to include charitable carwashes
    o. Residual street wash water
    p. Discharge or flows from firefighting activities (including fire hydrant flushing)
    q. Flows from riparian habitats and wetlands
    r. Dechlorinated swimming pool discharges

C. Prohibited Discharges

The following discharges are not authorized by this permit:

1. Discharges that are mixed with sources of non-storm water, unless such non-storm water discharges are in compliance with a separate NPDES permit or where those dischargers have been determined not to represent significant sources of pollution, as identified by, and in compliance with, Part I.B.2;

2. Discharges of materials resulting from a spill, except emergency discharges required to prevent imminent threat to human health or to prevent severe property damage, provided reasonable and prudent measures have been taken to minimize the impact of the discharges; and

3. The discharge of sanitary wastewater through cross connections or other illicit discharges through the MS4 is prohibited.

PART II Storm Water Management Program (SWMP)

A. Storm Water Management Program (SWMP)

1. The Permittee is required to develop, revise, implement, maintain and enforce a storm water management program (SWMP) which shall include controls necessary to reduce the discharge of pollutants from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26. These requirements shall be met by the development and implementation of a storm water management program plan (SWMPP) which addresses the best management practices (BMPs), control techniques and systems, design and engineering methods, public participation and education, monitoring, and other appropriate provisions designed to reduce the discharge of pollutants from the MS4 to the MEP.

2. The Permittee shall provide and maintain adequate finance, staff, equipment, and support capabilities necessary to implement the SWMPP and comply with the requirements of this permit.

3. The SWMPP must address the minimum program elements referenced in Part II.B. to include the following:

    a. A map of the Permittee's MS4 corporate boundaries;
    b. The BMPs that will be implemented for each control measure. Low impact development (LID)/green infrastructure (GI) shall be considered where feasible. Information on LID/GI is available on the following websites: http://www.adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf and http://epa.gov/polwaste/green/index.cfm.;
    c. The measureable goals for each of the program elements outlined in Part II.B.;
    d. The proposed schedule – including interim milestones, as appropriate, inspections, and the frequency of actions needed to fully implement each program element; and,
    e. The person and/or persons responsible for implementing or coordinating the BMPs for each separate program element.

4. Once the SWMPP is acknowledged by ADEM, activities and associated schedules outlined by the SWMPP or updates to the SWMPP are conditions of this permit.

5. Unless otherwise specified in this permit, the Permittee shall be in compliance with the conditions of this permit by the effective date.

B. Storm Water Program Elements and Requirements

1. **Storm Water Collection System Operations**

    a. Structural Controls

        i. For Permittee owned/maintained structural controls, the structural controls shall be operated in a manner to reduce the discharge of pollutants, to the MEP;

        ii. For Permittee owned/maintained structural controls, the Permittee shall include in the SWMPP and implement the following:

            1. Maintain a map of the structural controls;

2. Inspect existing and newly constructed structural controls on a semi- annual basis, at a minimum;
3. Develop a standard operating procedure (SOP) or inspection checklist for structural control inspection and maintenance procedures;
4. Stabilization and re-vegetation of eroded areas as needed; and
5. Floatables, litter, sediment and debris, in structural controls, shall be removed as needed.

iii. The Permittee shall maintain an inventory of structural controls, and maintain a tracking system for inspections and maintenance of the control structures; and

iv. The Permittee shall report each year in the annual report the following structural control information:

1. The number of inspections performed on structural controls, to include follow-up inspections and the inspection documentation (i.e. checklist) shall be made available upon request;
2. A summarization of the maintenance activities performed on structural controls;
3. The estimated amount of floatable, litter, sediment and debris that was removed, if applicable;
4. Copies of any contractual agreements for maintenance activities if not performed by the Permittee, if requested by the Department. The contractual agreement should specify maintenance activities performed and schedule; and
5. Updated structural controls map of Permittee-owned structural controls added during the preceding year with geographic coordinates.

2. **Public Education and Public Involvement on Storm Water Impacts**

a. The Permittee must further develop and implement a public education and outreach program to inform the community about the impacts from storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff to the MEP. The Permittee shall continuously implement this program in the areas served by the MS4.

b. The Permittee shall include within the SWMPP the methods for how it will:

1. Seek and consider public input in the development, revision and implementation of the SWMPP;
2. Identify targeted pollutant sources the Permittee's public education program is intended to address;
3. Plans to specifically address the reduction of litter, floatables and debris from entering the MS4, that may include, but is not limited to:
    a. Labeling storm drain inlets and catch basins with "no dumping" message; and
    b. Posting signs referencing local codes that prohibit littering and illegal dumping at designated public access points to open channels, creeks, and other relevant waterbodies
4. Inform and involve individuals and households about the steps they can take to reduce storm water pollution; and
5. Inform individuals and groups on how to become involved in the storm water program (with activities such as local stream and lake restoration activities). The target audiences and subject areas for the education program that are likely to have

significant storm water impacts should include, but is not limited to, the following:

i. General Public
   a. General impacts litter has on water bodies, how trash is delivered to streams via the MS4 and ways to reduce the litter;
   b. General impacts of storm water flows into surface water from impervious surface; and
   c. Source control BMPs in areas of pet waste, vehicle maintenance, landscaping and rain water reuse.
   d. Impacts of illicit discharges and how to report them.

ii. General Public and Businesses to include Home-Based and Mobile Businesses
   a. BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials;
   b. Impacts of illicit discharges and how to report them.

iii. Homeowners, Landscapers, Property Managers and City Personnel
   a. Landscape techniques that protect water quality;
   b. BMPs for use and storage of pesticides and fertilizers;
   c. BMPs for carpet cleaning and auto repair and maintenance; and
   d. Storm water pond maintenance.

iv. Engineers, City Personnel, Land Use Planners, Contractors and Developers
   a. Impacts of increased storm water flows into receiving water bodies;
   b. Technical standards for construction site sediment and erosion control;
   c. Storm water treatment and flow control BMPs; and
   d. Run-off reduction techniques and low impact development (LID)/green infrastructure (GI) practices that may include, but not limited to, site design, pervious pavement, alternative parking lot design, retention of forests and mature trees to assist in storm water treatment and flow control BMPS.

6. Evaluate the effectiveness of the public education and public involvement program; and
7. Organize and participate in activities that target the removal of litter, floatables, and debris from area waterways. The minimum number and the waterways these activities will target will be addressed in the SWMPP.

c. The Permittee shall report each year in the annual report the following information:

1) A description of the activities used to involve groups and/or individuals in the development and implementation of the SWMPP;
2) A description of the individuals and groups targeted and how many groups and/or individuals participated. If exact participation is not readily quantifiable, an estimation will be sufficient;
3) A description of the communication mechanisms or advertisements used to inform the public and the number of applications that were distributed (i.e. number of printed brochures, copies of newspapers, workshops, public service announcements, etc);
4) Results of the evaluation as required in Part II.B.2.b.6.; and
5) A list of the activities required in Part II.B.2.b.7 and the estimated amount of litter, floatables and debris removed during each activity.

d. The current SWMPP and latest annual report should be posted on the Permittee's website.

3. **Illicit Discharge Detection and Elimination (IDDE)**

a. The Permittee shall implement an ongoing program to detect and eliminate illicit discharges into the MS4, to the maximum extent practicable. The program shall include, at a minimum, the following:

1) The development and annual update of an MS4 map. An initial map shall be provided in the SWMPP with updates provided each year in the annual report. The map shall include, at a minimum:

a. The latitude/longitude of all known major outfalls;
b. The names of all waters of the State within the MS4 area that receive discharges from these major outfalls; and,

2) To the extent allowable under State law, an ordinance or other regulatory mechanism that prohibits non-storm water discharges to the MS4. The ordinance or other regulatory mechanism shall:

a. Include escalating enforcement procedures and actions;
b. Require the removal of illicit discharges and the immediate cessation of improper disposal practices upon identification of responsible parties. Where the removal of illicit discharge within ten (10) working days is not possible, the ordinance shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4; and
c. Provide for the review of the IDDE ordinance and update as necessary.

3) A dry weather screening program designed to detect and address non-storm water discharges to the MS4. This program must address, at a minimum, dry weather screening of twenty (20) percent of the major outfalls at least once per year with all (100 percent) major outfalls screened at least once per five years. Also, priority areas, as described by the Permittee in the SWMPP, will be dry weather screened on a more frequent schedule as outlined in the SWMPP. If any flow, from an unidentified source, is observed during the dry weather screening of an outfall, then the Permittee shall follow the sampling protocol as outlined in the SWMPP and developed in accordance with EPA's guidance manual, *Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments*, Center for Watershed Protection, October, 2004.

4) Procedures for tracing the source of a suspect illicit discharge as outlined in the SWMPP. At a minimum, these procedures will be followed to investigate portions of the MS4 that, based on the results of the field screening or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm water.

5) Procedures for eliminating an illicit discharge as outlined in the SWMPP;

6) Procedures to notify ADEM of a suspect illicit discharge entering the Permittee's MS4 from an adjacent MS4 as outlined in the SWMPP;

7) A mechanism for the public to report illicit discharges discovered within the Permittee's MS4 and procedures for appropriate investigation of such reports;

8) A training program for appropriate personnel on identification, reporting, and corrective action of illicit discharges; and

9) The Permittee shall post on its website the ordinance or other regulatory mechanism as required by Part II.B.3.a.2 of this Permit.

b. The Permittee shall report each year in the annual report the following information:

1) List of outfalls observed during the dry weather screening of the current year and a list of the outfalls to be dry weather screened during the upcoming year;
2) Updated MS4 map(s), if necessary;
3) Copies of the IDDE ordinance or other regulatory mechanism or provide a hyperlink for the ordinance or regulatory mechanism location on the Permittee's website; and,
4) The number of illicit discharges investigated, any associated sampling results, and the summary of corrective actions taken to include dates and timeframe of response.

4. **Construction Site Storm Water Runoff Control**

a. The Permittee shall further develop/revise, implement and enforce an ongoing program to reduce, to the maximum extent practicable, the pollutants in any storm water runoff to the MS4 from qualifying construction sites. The program shall include the following, at a minimum:

1) Procedures to require all applicable construction sites to obtain coverage under ADEM NPDES General Permit ALR10000 or other applicable NPDES permits;
2) To the extent allowed under State law, an ordinance or other regulatory mechanism to require effective erosion and sediment controls on qualifying construction sites, as well as sanctions to ensure compliance;
3) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
4) Procedures for site plan review to ensure the selection of effective erosion and sediment controls are consistent with the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas published by the Alabama Soil and Water Conservation Committee (hereinafter the "Alabama Handbook") and are appropriate for site conditions. Site plan review may be prioritized based on criteria outlined in the Permittee's SWMPP and may include, but is not limited to, size and location within priority watersheds. The plan review process will also consider potential water quality impacts;
5) A mechanism for the public to report complaints regarding pollution discharges from construction sites;
6) Inspection of sites to verify use and proper maintenance of appropriate BMPs. Inspections of construction sites shall be performed in accordance with the frequency specified in the table below:

Site	Inspection Frequency
Priority Constructions Sites (Defined in Part V.Y.)	At a minimum, inspections must occur monthly
Other sites determined by the Permittee or Permitting Authority to be a significant threat to water quality*	
All construction sites not meeting the criteria specified above.	At a minimum, inspections must occur every two months

*In evaluating the threat to water quality, the following factors must be considered: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-storm water discharges; past record of non-compliance by the operators of the construction site; and other factors deemed relevant to the MS4.

7) Training for the Permittee's construction site inspection staff in the identification of appropriate construction best management practices (Example: QCI training in accordance with ADEM Admin Code. r. 335-6-12 or the Alabama Construction Site General Permit);
8) Development of a construction site inspection checklist;
9) Implementation of an enforcement response plan (ERP), which sets out the Permittee's potential responses to violations through progressively stricter actions as needed to achieve compliance. The ERP must include a system for tracking formal actions and ADEM referrals. Types of enforcement actions may include, but not limited to the following:

    a. Verbal Warnings—Verbal warnings are primarily consultative in nature and must specify the nature of the violation and required corrective action;
    b. Written Notices—Written Notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action;
    c. Escalated Enforcement Measures—Citations, stop work orders, withholding plan approvals/authorizations, monetary penalties, or additional measures to address persistent non-compliance, repeat or escalating violations or incidents of major environmental harm; and

10) A program to make available a list of education and training materials and resources to construction site operators in the appropriate application and maintenance of erosion and sediment controls; and
11) The Permittee shall post on its website the ordinance or other regulatory mechanism required by Part II.B.4.a.2.

b. The Permittee shall include within the SWMPP the following information:

    1) Procedures for site plan reviews required by Part II.B.4.a.4;
    2) A site inspection plan meeting the requirements of Part II.B.4.a.6;
    3) Plans for the training of MS4 site inspection staff as required by Part II.B.4.a.7;
    4) A copy of the construction site inspection checklist as required by Part II.B.4.a.8;
    5) The ERP as required by Part II.B.4.a.9;
    6) Procedures and schedule for making available a list of education and training materials and resources to construction site operators in the appropriate application and maintenance of erosion and sediment controls required by Part II.B.4.a.10.

c. The Permittee shall report each year in the annual report the following information:

    1) A copy or a hyperlink to the ordinance or regulatory mechanism location on the Permittee's website;
    2) List of all active qualifying construction sites within the MS4 to include the inspections as required by Part II.B.4.a.6; and
    3) A summary of the following:

        a. Number of construction site inspections;

b. Number of formal enforcement actions and description of violations;
c. Number of construction site runoff complaints received.
d. Number of new staff trained and follow-up training provided to existing staff.

d. The Permittee shall maintain the following information and make it available upon request:

1) Documentation of all inspections conducted of construction sites. The inspection documentation shall include, at a minimum, the following:

a. Facility type;
b. Inspection date;
c. Name and signature of inspector;
d. Location of construction project;
e. Owner/operator information (name, address, phone number, fax, and email);
f. Description of the storm water BMP condition that may include, but not limited to, the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures; and
g. Photographic documentation of any issues and/or concerns.

2) Documentation of enforcement actions taken at construction sites to include, at a minimum, the following:

a. Name of owner/operator;
b. Location of construction project;
c. Description of violation;
d. Required schedule for returning to compliance;
e. Description of enforcement response used, including escalated responses if repeat violations occur;
f. Accompanying documentation of enforcement responses (e.g. notices of non-compliance, notices of violations, etc.); and
g. Any referrals to different Departments or Agencies.

3) Records of public complaints including:

a. Date, time and description of the complaint;
b. Location of subject construction sites; and
c. Identification of any actions taken (e.g. inspections, enforcement, corrections). Identifying information must be sufficient to cross-reference inspection and enforcement records.

4) Educational and Training Documentation for Construction Site Operators

a. List of education and training materials and resources

5. **Post-Construction Stormwater Management in Qualifying New Development and Re-Development**

The Permittee must develop/revise and implement a program, within 365 days from the effective date of this permit, to address the discharge of pollutants in post-construction storm water runoff to the MS4 from new development and re-development. Post-Construction Stormwater Management refers to the activities that take place after construction occurs, and includes structural and non-structural controls including low-impact development and green infrastructure practices to obtain permanent stormwater management over the life of the property's use. These post construction controls should be considered during the initial site development planning phase.

a. The Permittee shall develop/revise and implement project review and enforcement procedures for qualifying new development and redevelopment projects, to the maximum extent practicable. Specifically, the Permittee shall:

1) Require landowners and developers to, the MEP, implement systems of appropriate structural and/or non-structural BMPs designed to reduce the discharge of pollutants, which may include, but is not limited to, the following:

a. Minimize the amount of impervious surfaces;
b. Preserve and protect ecologically sensitive areas that provide water quality benefits;
c. Provide vegetated buffers along waterways, and reduce discharges to surface waters from impervious surfaces such as parking lots;
d. Implement policies to protect trees, native soils and other vegetation; and
e. Minimize topsoil stripping and compacted soils where feasible.

2) Require landowners and developers to develop and maintain best management practices to ensure, to the maximum extent practicable, that post-construction runoff mimics pre-construction hydrology of the site. A 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period shall be the basis for the design and implementation of post construction BMPs;
3) Encourage landowners and developers to incorporate the use of low impact development (LID)/green infrastructure where feasible. Information on low impact development (LID)/green infrastructure is available on the following website:http://www.adem.alabama.gov/programs/water/waterforms/LIDHandbook.pdf and http://epa.gov/nps/lid;
4) To the extent allowed under State law, adopt or amend an ordinance or other regulatory mechanism to ensure the applicability and enforceability of post-construction BMPs at all new development and redevelopment projects;
5) Require the submittal of a post-construction BMP plan, for review, as outlined in the SWMPP. The post-construction BMP plan review process may be integrated with the construction plan review process under Section II.B.4.a.4;
6) Require the submittal of an 'as built' certification of the post-construction BMPs within 120 days of completion;
7) Perform and/or require the performance of, at a minimum, an annual post-construction inspection to ensure that design standards are being met and require corrective actions to poorly functioning or inadequately maintained post-construction BMPs. The Permittee shall document its post-construction inspection. Such documentation shall include, at a minimum:

a. Facility type
b. Inspection date
c. Name and signature of inspector

d. Site location
e. Owner information (name, address, phone number, fax, and email)
f. Description of the storm water BMP condition that may include the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures;
g. Photographic documentation of all critical storm water BMP components;
h. Specific maintenance items or violations that need to be corrected by the owner/operator of the storm water control or BMP; and
i. Maintenance agreements for long-term BMP operations and maintenance.

8) The Permittee shall maintain or require the developer/ owner/operator to keep records of post-construction inspections, maintenance activities and make them available to the Department upon request;
9) Require and/or perform adequate long-term operation and maintenance of post-construction BMPs, including one or more of the following, as applicable:

a. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
b. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
c. Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control management practices; and/or
d. Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.

b. The Permittee shall include within the SWMPP the following information:

1) Procedures to develop, implement and enforce systems of appropriate structural and/or non-structural BMPs;
2) Procedures to develop, implement and enforce performance standards;
3) Procedures for encouragement of the utilization of LID/green infrastructure practices;
4) Procedures to ensure compliance with the ordinance or regulatory mechanism, including the sanctions and enforcement mechanisms the Permittee will use to ensure compliance. If an ordinance or regulatory mechanism needs to be developed, then the Permittee must provide a timeline for the development of the ordinance and/or regulatory mechanism;
5) Procedures for post-construction inspections, to include tracking and enforcement;
6) Procedures to ensure adequate long-term operation and maintenance of BMPs; and,
7) Development of an inventory of post-construction structural controls.

c. The Permittee shall report each year in the annual report the following information:

1) Provide a hyperlink for the ordinance or regulatory mechanism location on the Permittee's website;

2) A list of the post-construction structural controls installed and inspected during the permit year;
3) Updated inventory of post-construction structural controls including those owned by the Permittee;
4) Number of inspections performed on post-construction structural controls; and,
5) Summary of enforcement actions.

6. **Spill Prevention and Response**

a. The Permittee shall further develop/revise and implement a program to prevent, contain, and respond to spills that may discharge into the MS4. The Permittee must, at a minimum:

1) Investigate, respond, and conduct response actions or coordinate w/other agencies that may provide response actions as outlined in the SWMPP;
2) Develop a mechanism to track spills, response, and cleanup activities for all spills;
3) Use GIS or acceptable mapping scheme to identify spill locations, locations for inspections, and chronic problem areas;
4) Implement a spill prevention/spill response plan;
5) Provide training of appropriate personnel in spill and response procedures and techniques to mitigate pollutant discharges from spills to the MS4; and
6) Establish procedures to ensure that all spills are able to be promptly reported to appropriate authority.

b. The Permittee shall include within the SWMPP the following information:

1) The spill prevention/spill response plan; and
2) Procedures to provide training of personnel in spill prevention and response.

c. The Permittee shall report each year in the annual report the following information:

1) Summary of spills occurring during the reporting year, to include the following, at a minimum:
    a. Location;
    b. Spill Substance (i.e. fuel, oil, etc);
    c. Photographs (Spill and After clean-up) to be made available upon request; and
    d. Incident dates and time to resolution, including any enforcement actions taken and their result.
2) Documentation of employee training as required by Part II.B.6.b.2
    a. Title of Training Presentations; and
    b. Dated Attendance Sheets.

7. **Pollution Prevention/Good Housekeeping for Municipal Operations**

a. The Permittee shall further develop/revise, implement, and maintain a program that will prevent or reduce the discharge of pollutants in storm water run-off from municipal operations to the MEP. The program elements shall include, at a minimum, the following:

1) An inventory of all municipal facilities, including municipal facilities that have the potential to discharge pollutants via storm water runoff;
2) Develop and implement a short and long term strategy and program for the removal of trash from the waterways and tributaries in the permitted area in such a manner to quantify the removal of trash per year, which shall be included in the annual report. These strategies shall be included in the Permittee's SWMPP and shall be updated as necessary. This program shall address the following, at a minimum:

    a. Direct removal of trash from waterbodies;
    b. Direct removal of trash from the MS4;
    c. Direct removal of trash prior to entry to the MS4;
    d. Prevention through disposal alternatives; and
    e. Prevention through waste reduction practices, additional enforcement, and/or initiatives.

3) Require the following measures to be implemented in the public right of way for any event or wherever it is anticipated that substantial quantities of trash or litter may generated:

    a. Arrangement for temporary protection of preventative measures to the catch basins, where feasible, and
    b. Provide proper disposal of trash receptacles, cleanup of catch basins, as needed, and grounds of the event area within one business day subsequent to the event.

4) Ensure that trash receptacles, or similar trash capturing devices are provided and maintained in areas identified as high trash generated areas;
5) A Standard Operating Procedures (SOP) detailing good housekeeping practices to be employed at appropriate municipal facilities and during municipal operations that may include, but not limited to, the following:

    a. Equipment washing;
    b. Street sweeping;
    c. Maintenance of municipal roads owned, operated, or under the responsibility of the Permittee;
    d. Storage and disposal of chemicals and waste materials;
    e. Vegetation control, cutting, removal, and disposal of the cuttings;
    f. Vehicle fleets/equipment maintenance and repair;
    g. External Building maintenance; and
    h. Materials storage facilities and storage yards.

6) A program for inspecting municipal facilities, to include municipal maintenance shops and equipment yards, for good housekeeping practices, including BMPs. The program shall include checklists and procedures for correcting noted deficiencies;
7) A training program for municipal facility staff in good housekeeping practices as outlined in the SOP developed pursuant to Part II.B.7.a.(5); and
8) The Permittee shall assess the water quality impacts for those flood management projects owned, operated, or the responsibility of the Permittee. The feasibility of retro-fitting existing structural control devised to provide additional pollutant removal from the storm water shall be evaluated.

b. The Permittee shall include within the SWMPP the following information:

    1) The inventory of municipal facilities required by Part II.B.7.a.(1);

2) Schedule for developing the SOP of good housekeeping practices required by Part II.B.7.a.(5);
3) An inspection plan and schedule, including checklists and any other materials needed to comply with Part II.B.7.a.(6); and
4) A description of the training program and training schedule required by Part II.B.7.a.(7).

c. The Permittee shall report each year in the annual report the following information:

1) Any updates to the municipal facility inventory;
2) An estimated amount of floatable material collected from the MS4 as required by Part II.B.7.a.(2-4);
3) Any updates to the inspection plan;
4) Any updates to the SOP of good housekeeping practices; and
5) Summary of inspection reports of municipal facilities

d. The Permittee shall maintain the following information and make it available upon request:

1) Records of inspections and corrective actions, if any; and
2) Training records including the dates of each training activities and names of personnel in attendance.

8. **Application of Pesticide, Herbicide, and Fertilizers (PHFs)**

a. For the *Application of Pesticide, Herbicide, and Fertilizers* (PHFs), the Permittee shall implement controls to reduce, to the *MEP,* the discharge of pollutants related to the storage and application of PHFs applied by employees or contractors, to public rights of way, parks, and other public property. The Permittee shall implement programs to encourage the reduction of the discharge of pollutants related to application and distribution of PHFs. For those controls implemented, the Permittee will obtain coverage and maintain compliance with ADEM NPDES Pesticide General Permit ALG870000, if applicable, or other applicable NPDES permits. In addition, the Permittee shall address priorities to include the following:

1) Identify all areas known to receive high applications of PHFs, develop a program to detect improper usage, and prioritize problem areas;
2) Require evidence of proper certification and licensing for all applicators contracted to apply pesticides or herbicides on municipal property; require that applicators contracted to apply fertilizer are qualified in utilizing proper nutrient management practices;
3) Maintain an inventory of on-hand PHFs with information about the formulations of various products, including how to recognize the chemical constituents from the label, their respective uses, directions and precautions for applicators that explain if products should be diluted, mixed or only used alone, and, proper storage of products;
4) Equipment use and maintenance;
5) Training in safe use, storage and disposal of PHFs;
6) Inspection and monitoring of facilities where PHFs are stored; and
7) Record keeping.

9. **Oils, Toxics, and Household Hazardous Waste Control**

a. The Permittee shall prohibit to the MEP the discharge or disposal of used motor vehicle fluids and household hazardous wastes into the MS4. Specific activities to be completed under this item are:

1) Make available material educating the public about used oil facility locations, hotline numbers, and alternatives to toxic materials;
2) Advertise the location of used oil collection facilities; and
3) Provide employee training on spill prevention at all municipal facilities where oils or toxic materials are used.

b. The Permittee shall include within the SWMPP the following information:

1) Procedures to develop, implement, and enforce a program for oils, toxics, and household hazardous waste control to include educational information and employee training.

c. The Permittee shall report each year in the annual report the following information:

1) Quantities of Household Hazardous Waste and used oil collected; and
2) Oils, Toxics, and Household Hazardous Waste Control training workshops
    a. Dated attendance sheet; and
    b. Titles of presentations.

10. **Industrial Storm Water Runoff**

a. The Permittee shall implement a program to inspect, monitor and control pollutants in storm water runoff to the MS4 from municipal waste landfills, hazardous waste treatment, storage, disposal and recovery facilities, and industrial facilities and high risk commercial facilities. Facilities to be addressed under this program include: facilities that have reported under the requirements of the Emergency Planning and Community Right to Know Act (EPCRA) Title III, Section 313; and any other industrial or commercial discharge that the Permittee determines is contributing substantial pollutants loading to the MS4 ("high risk facilities"). The program must provide for, at a minimum:

1) Annual inspections of municipal waste landfills, hazardous waste treatment, storage, disposal (TSD) and recovery facilities;
2) Annual inspections, at a minimum, of industrial facilities and high-risk commercial facilities that do not have an NPDES permit issued by the Department as outlined in the SWMPP, and
3) Data collected by a NPDES permitted facility to satisfy the monitoring requirements of an NPDES, State, land application or local pretreatment discharge permit may be used to satisfy Part II.B.10.a of the Permit. The Permittee may require the facility to conduct self-monitoring to satisfy this requirement, if necessary.

b. The Permittee shall include in the SWMPP a list of all municipal waste landfills, hazardous waste treatment, storage, disposal and recovery facilities, high risk commercial facilities, and industrial facilities, both NPDES permitted and non-NPDES permitted, within the MS4.

c. The Permittee shall include in the annual report a summary of inspections performed for the year and enforcement, if applicable.

C. *Legal Authority*

To the extent allowed under State law, the Permittee must review and revise its relevant ordinances or other regulatory mechanisms, or adopt any new ordinances that provide it with adequate legal authority to control pollutant discharges into and from its MS4, and to implement and enforce its SWMPP. To be considered adequate, this legal authority must, at a minimum, authorize the Permittee to:

1. Prohibit non-storm water discharges unless such storm water discharges are in compliance with a separate NPDES permit, or determined by the Department not to be a significant contributor of pollutants to waters of the State;
2. Prohibit and eliminate illicit connections to the MS4. Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4;
3. Control the discharge of spills, and prohibit dumping or disposal of materials other than storm water into the MS4;
4. Require operators of construction sites and industrial and commercial facilities to minimize the discharge of pollutants to the MS4 to the maximum extent practicable through the installation, implementation, and maintenance of appropriate controls, including installation, implementation and long-term maintenance of post construction controls;
5. Request information to determine compliance with ordinances or other regulatory mechanism;
6. Inspect and monitor at reasonable times any facilities, equipment, practices, or operations for active or potential polluted storm water discharges to the MS4;
7. Promptly require that dischargers cease and desist discharging and/or clean-up and abate a discharge;
8. Levy citations or administrative fines against responsible parties to include but not limited to non-compliant construction sites;
9. Require recovery and remediation costs from responsible parties; and
10. Provide the authority to enter into interagency agreements with other entities for the purpose of controlling the contribution of pollutants to the maximum extent practicable from one MS4 to another MS4.

D. *SWMPP Plan Review and Modification*

1. The Permittee shall submit to the Department within nine months of the effective date of this permit a SWMPP. The Permittee shall implement plans to seek and consider public input in the development, revision and implementation of this SWMPP, as required by Part II.B.2.b.1. Thereafter, the Permittee shall perform an annual review of the current SWMPP and must modify the SWMPP, as necessary, to maintain compliance with the permit. Any modifications to the SWMPP shall be submitted to the Department at the time a modification is made. Modifications made to the SWMPP may include, but are not limited to, the replacement of ineffective or infeasible BMPs or the addition of components, controls and requirements.
2. The Permittee shall implement the SWMPP on all new areas added to their municipal separate storm sewer system (or for which they become responsible for implementation of storm water quality controls) as soon as practicable. Implementation of the program in any new area shall consider the plans of the SWMPP of the previous MS4 ownership, if any.

E. Impaired Waters and Total Maximum Daily Loads (TMDLs)

1. The Permittee must determine whether the discharge from any part of the MS4 contributes directly or indirectly to a waterbody that is included on the latest §303(d) list or designated by the Department as impaired;

2. If the Permittee's MS4 discharges to a waterbody included on the latest §303(d) or designated by the Department as impaired, it must demonstrate the discharges, as controlled by the Permittee, do not cause or contribute to the impairment. The SWMPP must detail the BMPs that are being utilized to control discharges of pollutants associated with the impairment. If existing BMPs are not sufficient to achieve this demonstration, the Permittee must, within six (6) months following the publication of the latest final §303(d) list, Department designation, or the effective date of this permit, submit a revised SWMPP detailing new or modified BMPs. The SWMPP must be revised as directed by the Department and the new or modified BMPs must be implemented within one year from the publication of the latest final §303(d) list or Department designation.

3. Permittees discharging from MS4s into waters with EPA-Approved TMDLs and/or EPA-Established TMDLs

    a. The Permittee must determine whether its MS4 discharges to a waterbody for which a total maximum daily load (TMDL) has been established or approved by EPA. If an MS4 discharges into a water body with an EPA approved or established TMDL, then the SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If additional BMPs will be necessary to meet the requirements of the TMDL, the SWMPP must include a schedule for installation and/or implementation of such BMPs. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

    b. If, during this permit cycle, a TMDL is approved by EPA or a TMDL is established by EPA for any waterbody into which an MS4 discharges, the Permittee must review the applicable TMDL to see if it includes requirements for control of storm water discharges from the MS4.

        a. If it is found that the Permittee must implement specific allocations of the TMDL, it must assess whether the assumptions and requirements of the TMDL are being met through implementation of existing BMPs or if additional BMPs are necessary. The SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. If existing BMPs are not sufficient, the Permittee must, within six (6) months following the approval or establishment of the TMDL by EPA, submit a revised SWMPP detailing new or modified BMPs to be utilized along with a schedule of installation and/or implementation of such BMPs. Any new or modified BMPs must be implemented within one year, unless an alternate date is approved by the Department, from the establishment or approval of the TMDL by EPA. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. Monitoring can entail a number of activities including, but not limited to: outfall monitoring, in-stream monitoring, and/or

modeling. Monitoring data, along with an analysis of this data, shall be included in the Annual Report.

F. Responsibilities of Permittee

If the Permittee is relying on another entity to satisfy one or more requirements of this permit, then the Permittee must note that fact in the SWMPP. The Permittee remains responsible for compliance with the permit and reliance on another entity will not be a defense or justification for non-compliance if the entity fails to implement the permit requirements.

PART III Wet-Weather Monitoring and Reporting

The Permittee shall implement a monitoring program to provide data necessary to assess the effectiveness and adequacy of BMPs implemented under the SWMPP. The quality of the streams receiving MS4 discharges shall continue to be monitored to assess the water quality of the streams and to identify potential water quality impairments. This shall be accomplished by the following:

A. Monitoring Locations

1. Proposed monitoring locations and descriptions of their respective characteristics shall be described in the SWPPP with actual locations described in the annual report;

Waterbody	Frequency
Cahaba River	Hourly Sonde (permit cycle) Semi-Annually (Grab) year one Annually thereafter
Pinchgut Creek	Semi-Annually (Grab) year one Annually thereafter
Dry Creek	Semi-Annually (Grab) year one Annually thereafter

2. In addition to the requirements in Part III.A.1., if a waterbody (not listed in Part III.A.1) within the MS4 jurisdiction is listed on the latest final §303(d) list, or otherwise designated impaired by the Department, or for which a TMDL is approved or established by EPA, during this permit cycle, then the Permittee must revise its monitoring program to include monitoring that addresses the impairment or TMDL. Any revisions to the monitoring program shall be documented in the SWMPP and Annual Report. In addition, the permit may be modified by the Department to establish the additional or revised monitoring locations.

B. Monitoring Parameters and Frequency

1. Water quality data shall be obtained by a water quality probe (i.e sonde) at the Cahaba River with a minimum frequency of hourly and shall consist of the following:

    a. Temperature;
    b. pH/ORP;
    c. Turbidity (NTU);
    d. Conductivity;
    e. Dissolved Oxygen (mg/l)
    f. Water level

2. Grab samples shall be collected semi-annually for year one and annually thereafter at each instream monitoring station and analyzed for the following parameters:

    a. E.Coli;
    b. Total Nitrogen (TN) (mg/l);
    c. Total Phosphorus (mg/l);
    d. Total Suspended Solids (TSS) (mg/l);
    e. Temperature;
    f. pH/ORP;
    g. Turbidity (NTU);
    h. Conductivity;
    i. Dissolved Oxygen (mg/l);
    j. Ammonia Nitrogen (NH_3-N) (mg/l);
    k. Biochemical Oxygen Demand (BOD) (mg/l);
    l. Chemical Oxygen Demand (COD) (mg/l);
    m. Hardness as $CaCO_3$ (mg/l);
    n. Nitrate plus Nitrite Nitrogen (NO_3+NO_2-N) (mg/l);
    o. Oil and Grease (mg/l);
    p. Total Dissolved Solids (TDS) (mg/l);
    q. Total Kjeldahl Nitrogen (TKN) (mg/l); and

3. The Permittee must include in the instream monitoring program any additional parameters attributed with the latest final §303(d) list or otherwise designated by the Department as impaired or are included in an EPA-approved or EPA-established TMDL.

C. Sample Type, Collection and Analysis

1. Grab samples taken within the first two hours of discharge shall be used for the analysis;
2. Grab samples shall be collected resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event;
3. Analysis and collection of grab samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved 40 CFR Part 136 does not exist, then a Department approved alternative method may be used;
4. If the Permittee is unable to collect grab samples due to adverse conditions, the Permittee must submit a description of why samples could not be collected, including available documentation of the event. An adverse climatic condition which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

PART IV Annual Reporting Requirements

1. The Permittee shall submit to the Department an annual report (1 hardcopy and 1 electronic copy) no later than January 31 of each year. The annual report shall cover the previous fiscal year beginning October 1 through September 30.

2. On or after December 21, 2020, all annual reports shall be submitted to the Department electronically in a prescribed manner acceptable to the Department.

3. The Permittee shall sign and certify the annual report in accordance with Part V.K.

4. The annual report shall include the following information, at a minimum, and in addition to those requirements referenced in Part II.B and Part III:

a. A list of contacts and responsible parties (e.g.: agency, name, phone number, address, & email address) who had input to and are responsible for the preparation of the annual report.

b. An overall evaluation of the storm water management program developments and progress for the following:

1) Major findings such as water quality improvements or degradation;
2) Major accomplishments;
3) Overall program strengths/weaknesses;
4) Future direction of the program;
5) The Permittee(s) will make an overall determination of the effectiveness of the SWMPP taking into account water quality/watershed improvements; and
6) Required actions that were not performed, and reasons why the actions were not accomplished.

c. The annual report will include a narrative report of all program elements referenced in Part II.B of this permit. The activities concerning a program element shall be discussed as follows:

1) Program element activities completed and in progress;
2) General discussion of element. Explanation for all element activities that have not been fully implemented or competed. Results of activities shall be summarized and discussed (e.g.: maintenance caused by inspection, pollutants detected by monitoring, investigations as a result of dry and wet weather screening, number and nature of enforcement item, education activities/participation);
3) Status of program element with compliance, implementation, and augmentation schedules in Part II of the permit;
4) Assessment of controls; and
5) Discussion of proposed element revisions.

d. The annual report shall contain a monitoring section which discusses the progress and results of the monitoring programs required under Part III of the permit and shall include, at a minimum, the following information.

1) Status of implementation of the monitoring program;
2) Map(s) showing the monitoring station locations, latitude/longitude, and narrative site descriptions, including watershed size;
3) Raw data, results, methods of evaluating the data, graphical summaries of the data, and an explanation/discussion of the data for each component of the monitoring program;
4) An analysis of the results of each monitoring program component;
5) A comparison of the reporting year's data to the previous five years of data to establish a trend analysis to determine the relative health of the receiving water;
6) All monitoring reports and supporting data shall be submitted in hardcopy and/or electronically in a format deemed acceptable to the Department concurrently with the submission of the Annual Report; Failure to provide this data in a format appropriate to the Department for review shall be a violation of this permit; and
7) The interpretation of the analytical data, required by Part III.B.1-2 of the Permit, for determinacy of meeting water quality standards.

e. Provide the status of the implementation and proposed changes to the SWMPP to include assessment of controls and specific improvements or degradation to water quality;

f. Provide a summary of inspections and enforcement actions for regulatory program. Enforcement actions should include a corrective actions summary;

g. Implementation status of the public education programs; and

h. Status of expenditures and budget for the past fiscal year and the next fiscal year for the Permittee's program. The analysis shall indicate budgets and funding sources.

PART V Standard and General Permit Conditions

A. Certification and Signature of Reports

All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with Part V.K. of this permit.

B. Submittals

All documents required to be submitted to the Department by this permit, shall be addressed to:

Alabama Department of Environmental Management
Stormwater Management Branch, Water Division
Post Office Box 301463
Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

Alabama Department of Environmental Management
Stormwater Management Branch, Water Division
1400 Coliseum Blvd
Montgomery, Alabama 36110-2059

C. Retention of Records

The Permittee shall retain the storm water quality management program developed in accordance with Part II of this permit until at least five years after coverage under this permit terminates. The Permittee shall retain all records of all monitoring information, copies of all reports required by this permit, and records required by this permit, and records of all other data required by or used to demonstrate compliance with this permit, until at least three years after coverage under this permit terminates. This period may be explicitly modified by alternative provisions of this permit or extended by request of the Director at any time.

D. Duty to Comply

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

E. Civil and Criminal Liability

1. Tampering

Any person, who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under this permit shall, upon conviction, be subject to penalties as provided by AWPCA.

2. False Statements

   Any person knowingly makes any false statement, representation, or certification in any record or other documentation submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance, shall, upon conviction, be punished as provided by AWPCA

3. Relief from Liability

   Nothing in this permit shall be construed to relieve the Permittee(s) of civil and criminal liability under AWPCA or FWPCA for non-compliance with any term or condition of this permit.

F. Duty to Reapply

1. If the Permittee intends to continue an activity regulated by this permit beyond the expiration of this permit, the Permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit.

2. Failure of the Permittee to apply for re-issuance at least 180 days prior to permit expiration will void the automatic continuation of the expiring permit provided by ADEM Administrative Code, Rule 335-6-6.-06, and should the permit not be re-issued for any reason any discharge after expiration of this permit will be an unpermitted discharge.

G. Need to Halt or Reduce an Activity Not a Defense

It shall not be a defense for a 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.

H. 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 or the environment.

I. Duty to Provide Information

The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, or revoking this permit in whole or in part, or to determine compliance with this permit. The Permittee shall also furnish to the Director upon request copies of records required to be kept by this permit.

J. Other Information

If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

K. Signatory Requirements

All reports and forms to be submitted by this permit, AWPCA and the Department's rules and regulations, shall be signed by a "responsible official" of the Permittee, as defined in ADEM Administrative Code, Rule 335-6-6-.09, or a "duly authorized representative" of such official,

as defined by ADEM Administrative Code, Rule 335-6-6-.09, and shall bear the following certification:

"I certify under the 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 persons who manage the system, or those persons directly responsible for gathering the information, the information 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."

L. 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 Section 311 of FWPCA.

M. Property and Other Rights

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of Federal, State, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the State of Alabama.

N. Severability

The provision 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 the permit shall not be affected thereby.

O. Compliance with Statutes and Rules

This permit is issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter that are applicable to this permit are hereby made a part of this permit.
This permit does not authorize the non-compliance with or violation of any laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws.

P. Proper Operations 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 requirements of storm water pollution prevention plans. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a Permittee only when necessary to achieve compliance with conditions of the permit.

Q. Monitoring Records

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. The Permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of reports required by this permit, and records of all data used to complete the application of this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended at the request of the Director at any time.

R. Monitoring Methods

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

S. Right of Entry and Inspection

The Permittee shall allow the Director or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon any of the permittee's premises where a regulated facility or activity or point source is located or in which any records must be maintained under conditions of this permit;

2. Have access to and copy, at reasonable times, any records required to be maintained by the terms and conditions of this permit;

3. Inspect, at reasonable times, any point source, any monitoring equipment or practices being maintained to comply with this permit, or any treatment or control or systems being maintained to comply with this permit; and

4. Sample or monitor, at reasonable times, for the purposes of determining permit compliance or as otherwise authorized by AWPCA, any substances or parameters at any location.

T. Additional Monitoring by the Permittee

If the Permittee monitors more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the monitoring report. Such increased monitoring frequency shall also be indicated on the monitoring report.

U. Permit Modification and Revocation

1. This permit may be modified or revoked or reissued, in whole or in part, during its term for cause including but not limited to, the following:

    a. If cause for termination under Part V.A.3., of this permit exists, the Director may choose to revoke or re-issue this permit instead of terminating the permit;

    b. If a request to transfer this permit has been received, the Director may decide to revoke and re-issue or to modify the permit; or

    c. If modification or revocation and re-issuance is requested by the Permittee and cause exists, the Director may grant the request.

2. This permit may be modified during its term for cause, including but not limited to:

    a. If cause for termination under Part V.A.3., of this permit exists, the Director may choose to modify this permit instead of terminating this permit;

    b. The Director has received new information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;

    c. Errors in calculation of discharge limitation or typographical or clerical errors were made;

d. To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, when the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or judicial decision after the permit was issued;

e. To the extent allowed by ADEM Administrative Code, Rule 335-6-6-.17, permit may be modified to change compliance schedules;

f. To incorporate an applicable Section 307(a) of FWPCA toxic effluent standard or prohibition;

g. When required by the re-opener conditions in this permit;

h. Upon failure of the State to notify, as required by Section 402(b)(3) of FWPCA, another State whose water may be affected by a discharge permitted by this permit;

i. When required to correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions;

j. When requested by the Permittee and the Director determines that the modification has cause and will not result in a violation of federal or State law, rules, or regulations;

k. To add a new Permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System; or

l. To change portions of the Storm Water Quality Management Program that is considered permit conditions.

3. This permit may be terminated during its term for cause, including but not limited to, the following:

   a. Violation of any term or condition of this permit;

   b. The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance or the permittee's misrepresentation of any relevant facts at any time;

   c. Materially false or inaccurate statements or information in the permit application or the permit;

   d. The permittee's discharge threatens human life or welfare or the maintenance or water quality standards; or

   e. Any other cause allowed by ADEM Administrative Code, Rule 335-6-6.

4. This permit may be suspended during its term for cause, including but not limited to, the reasons for termination listed above.

5. The filing of a request by the Permittee for modification, suspension or revocation of this permit, in whole or in part, does not stay any permit term condition.

V. Termination of Coverage for a Single Permittee

Permit Coverage may be terminated, in accordance with the provision of 30 CFR 122.64 and 124.5, for a single Permittee without terminating coverage for other permittees.

W. Modification of Storm Water Management Program

Only those portions of the Storm Water Management Program specifically required as permit conditions shall be subject to modification requirements of 40 CFR 124.5. Replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the ineffective or infeasible BMP shall be considered a minor modification to the SWMPP and not modification to the Permit.

X. Changes in Monitoring Outfalls

This permit is issued on a system-wide basis in accordance with CWA §402(p)(3)(i) and authorizes discharges from all portions of the MS4. Since all outfalls are authorized, changes in monitoring outfalls, other than those with specific numeric effluent limitations, shall be considered minor modifications to the permit and will be made in accordance with the procedures at 40 CFR 122.63.

Y. Definitions

1. "Arithmetic Mean" means the summation of the individual values of any set values divided by the number of individual values.

2. "AWPCA" means Code of Alabama 1975, Title 22, the Alabama Water Pollution Control Act, as amended.

3. "Best Management Practices" (BMPs) means activities, prohibitions of practices, maintenance procedures, and other management practices implemented to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment systems, operating procedures, and practices to control facility runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.

4. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

5. "Control Measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.

6. "CWA" or "The Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

7. "Department" means the Alabama Department of Environmental Management or an authorized representative.

8. "Discharge", when used without a qualifier, refers to "discharge of a pollutant" as defined as ADEM Administrative Code 335-6-6-.02(m).

9. "Flood Management Project" means a project that will alter, modify or change the base flood elevation of a 1% annual chance flood event.

10. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge at the time of sampling.

11. "Green Infrastructure" refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspirate (the return of water to the atmosphere either through evaporation or by plants), or reuse stormwater or runoff on the site where it is generated.

12. "Hydrology" refers to the physical characteristics of storm water discharge, including the magnitude, duration, frequency, and timing of discharge.

13. "Illicit connection" means any man-made conveyance connecting a non-storm water discharge directly to a municipal separate storm sewer system.

14. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit.

15. "Industrial Land Use" means land utilized in connection with manufacturing, processing, or raw materials storage at facilities identified under Alabama State Law.

16. "Infiltration" means water other than wastewater that enters a sewer system, including foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

17. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

18. "Large" municipal separate storm sewer system means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 250,000 or more as determined by the latest decennial census.

19. "Low Impact Development" (LID) is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product.

20. "Major outfall" is the point(s) where the MS4 discharges to a water of the State from (1) a pipe (or closed conveyance) system with a cross-sectional area equal to or greater than 7.07 square feet (e.g., if a single circular pipe system, an inside diameter of 36 inches or greater),(2) a single conveyance other than a pipe, such as an open channel ditch, which is associated with a drainage area of more than 50 acres,(3) a pipe (or closed conveyance) system draining "industrial land use" with a cross-sectional area equal to or greater than 0.79 square feet (e.g., if a single circular pipe system, an inside diameter of 12 inches or greater),(4) or a single conveyance other than a pipe, such as an open channel ditch, which is associated with an "industrial land use" drainage area of more than 2 acres;For the purpose of this permit, outfalls of the "double barrel" type, whose combined cross-sectional area is greater than 7.07 square feet, equivalent to a single circular pipe outfall with an inside diameter of 36 inches or greater, are also considered major outfalls.

21. "MEP" is an acronym for "Maximum Extent Practicable," the technology-based discharge standards and controls necessary for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). These standards and controls may consist of a combination of best management practices, control techniques, system design and engineering methods, and such other provisions for the reduction of pollutants discharged from a MS4 as described in the storm water management system.

22. "Medium" municipal separate storm sewer system means all municipal separate storm sewers that are either: (i) located in an incorporated place (city) with a population of 100,000 or more but less than 250,000 as determined by the latest decennial census.

23. "MS4" is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a large, medium, or small municipal separate storm sewer system. The term is used to refer to either the system operated by a single entity or a group of systems within an area that are operated by multiple entities.

24. "Municipal Separate Storm System" is defined at 40 CFR Part 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in ADEM Administrative Code335-6-6-.02(nn).

25. "Permittee" means each individual co-applicant for an NPDES permit who is only responsible for permit conditions relating to the discharge that they own or operate.

26. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

27. "Priority Construction Site" means any qualifying construction site in an area where the MS4 discharges to a waterbody which is listed on the most recently approved 303(d) list of impaired waters for turbidity, siltation, or sedimentation, any waterbody for which a TMDL has been finalized or approved by EPA for turbidity, siltation or sedimentation, any waterbody assigned the Outstanding Alabama Water use classification in accordance with ADEM Admin. Code r. 335-6-10-.09, and any waterbody assigned a special designation in accordance with 335-6-10-.10.

28. "Qualifying Construction Site" means any construction activity that results in a total land disturbance of one or more acres and activities that disturb less than one acre but are part of a larger common plan of development or sale that would disturb one or more acres. Qualifying construction sites do not include land disturbance conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.

29. "Qualifying New Development and Redevelopment" means any site that results from the disturbance of one acre or more of land or the disturbance of less than one acre of land if part of a larger common plan of development or sale that is greater than one acre. Qualifying new development and redevelopment does not include land disturbances conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.

30. "Storm water" is defined at 40 CFR Part 122.26(b)(13) and means storm water runoff, snow melt runoff, and surface runoff and drainage.

31. "Structural Controls" means an engineered BMP constructed with rigid walls and/or weirs and piped drainage that utilize active or passive treatment and/or mechanical systems for the purpose of treating storm water runoff.

32. "Structural Flood Control" means structural measures that control the 1% annual chance floodwaters by construction of barriers, storage areas or by modifying / redirecting channels.

Alabama Stormwater Partnership Comments

Comment (1): **Structural Controls:** Trussville should inspect its newly constructed structural controls on a more regular basis, and these inspection records should be reported in the annual report. The Trussville permit only requires inspections of its newly constructed structural controls on a semi-annual basis; whereas, the Mobile permit requires inspections of its newly constructed structural controls on a quarterly basis. In addition, Trussville's record of inspections and any contracts for maintenance activities are only available upon request. This excludes the public from being able to easily review inspection reports and maintenance contracts, which makes this requirement harder to enforce. In contrast, Montgomery and Mobile are required to report the number of inspections of their structural controls and any contracts for maintenance activities in the annual report.

Response (1): Part II.B.1.a.ii.2 of the draft Permit states that the Permittee shall inspect existing and newly constructed structural controls on a semi-annual basis, at a minimum. This requirement is consistent with several of the recently issued MS4 permits. The Permittee is required to include in the annual report the number of inspections performed on the structural controls to include follow-up inspections (Part II.B.1.a.iv.1.) along with a summarization of maintenance activities (Part II.B.1.a.iv.2.) . The inspection documentation is to be made available upon request and will be reviewed and **enforced** by the Department during audits, whether it is an on-site audit or desk audit. The Department finds that the requirements specified in the draft Permit are appropriate, and no changes were made based on this comment.

Comment (2): Illicit Discharge Detection and Elimination program: Dry weather screening at all the major outfalls once every five years is not frequent enough to protect water quality. In addition, in the illicit discharge ordinance, illicit discharges should be required to be removed by a specific deadline. Possibly, the illicit discharges should be removed "as soon as practicable, but not longer than XX days, unless an alternative deadline is approved." This is exactly what EPA Region 4 has asked Tennessee to include in its Phase II General Permit. If it is feasible for Phase II communities to achieve this, it surely is achievable for an MS4 Phase I that has had its program underway for so long. Other MS4 permits in Alabama at least require the removal of illicit discharges as "expeditiously as practicable"; whereas, this permit does not require any deadline to remove the illicit discharges. This creates an unmeasurable and unenforceable requirement that could allow dangerous illicit discharges to unnecessarily continue.

Response (2): Part II.B.3.a.3 of the draft Permit requires the Permittee to screen, **at a minimum**, twenty (20) percent of the major outfalls at least once per year, with all (100 %) major outfalls screened at least once per five years. The intent is for the Permittee to perform dry weather screening throughout the permit cycle and not just in one year. Also, priority areas, as described by the Permittee in the SWMPP, will be dry weather screened on a more frequent schedule. 40 CFR 122.26 (d)(2)(iv)(B)(2) requires the Permittee to conduct on-going field screening activities

during the life of the permit, and does not specify a frequency. The Department finds that the language in the draft Permit is appropriate.

Part II.B.3.a.2.b of the draft Permit states that the Permittee must require, within an ordinance or regulatory mechanism, the removal of illicit discharges and the **immediate** cessation of improper disposal practices upon identification of responsible parties. Where the removal of illicit discharges within ten (10) working days is not possible, the ordinance shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4. The words "expeditiously as practicable" suggested in the comment were not included in this draft Permit based on the EPA Region 4 comments on previously-issued MS4 permits.

The Department finds that the language in the draft Permit is appropriate and no changes were made based on this comment.

Comment (3): In the illicit discharge section, the draft permit does not require an outfall map in the annual report, which is obligatory in other permits. As is required in Montgomery and Mobile, each annual report should include an updated MS4 map; this draft permit only requires an updated map, "if necessary". Even if the MS4 outfalls have not changed from the previous year, ADEM and the public should have easy access to the most recent map in each annual report. We recommend that "if necessary" be deleted.

Response (3): Part II.B.3.a.1. of the draft Permit requires that an initial map be provided in the SWMPP with updates provided each year in the annual report. The intent of Part II.B.3.b.2 is to require the Permittee to submit an updated map only if the map has changed from the initial map that is included in the SWMPP. If no outfall changes occur during that permit year, then the Permittee is required to report that within the Annual Report. In such cases, the actual map could be found in one of the previously-submitted annual reports, which could be found in the Department's eFile system. The draft Permit has not been changed in response to this comment.

Comment (4): In addition, we suggest adding a requirement for permittees to identify priority areas that have a reasonable potential for illicit discharges and to map those areas. Priority areas are already required to be dry weather screened on a more frequent basis, therefore it makes sense to require the permittee to document, specify, and map these priority areas. The EPA Region 4 suggested doing this in the Tennessee Phase II as well.

Response (4): The Department finds that the language in Part II.B.3.a.3, which requires the Permittee to describe priority areas within the SWMPP, is appropriate. No changes were made to the draft Permit based on this comment.

Comment (5): In the construction section, the draft permit appears to allow Trussville to rely on ADEM for enforcement of construction sites, instead of enforcing these sites themselves. The draft permit, unlike the Mobile and Montgomery permits, list "ADEM referrals" as a "type of enforcement." In addition, the Mobile and Montgomery's permits require actual compliance

with ADEM's construction general permits; whereas, this draft does not specifically require actual compliance with ADEM's construction general permit and does not specifically require actual compliance with it. It is flatly illegal to rely on ADEM to enforce a Phase I construction program. EPA Region 4 has explained, "Phase I MS4s must develop and carry out their own construction and MS4 programs and cannot rely on the state to fulfill their permit obligations." Jim Giattina wrote the City of Trussville about this very point, "[T]he U.S. Environmental Protection Agency's regulations clearly contemplate, that MS4s will directly regulate stormwater pollution from industrial and construction sites when they are regulated at the State level.

In the response to comments for the Shelby County permit, ADEM wrote, "the intent of this requirement is for the Permittee to provide notification to the Department of the sites that may require an ADEM permit or of situations whether the Permittee's enforcement actions have not resulted in compliance." ADEM should place notification to ADEM as a separate requirement with a different subheading, rather than list this as a possible type of enforcement. Without doing this, EPA is backsliding on what has clearly required in the past. This is of critical concern given that the Cahaba has a sediment TMDL.

Response (5): The Department finds that the draft Permit is clear regarding the enforcement requirements that are to be implemented by the Permittee. Regarding referrals, the intent of this requirement is for the Permittee to provide notification to the Department of sites that may require an ADEM permit or of situations where the Permittee's enforcement actions have not resulted in compliance. To provide additional clarification on this point, Part II.B.4.a.9.d. language has been removed, and this language has been included in Part II.B.4.a.9 which states: "Implementation of an enforcement response plan (ERP), which sets out the Permittee's potential responses to violations through progressively stricter actions as needed to achieve compliance. The ERP must include a system for tracking formal actions and ADEM referrals. Types of enforcement actions may include, but not limited to the following:"

Comment (6): In addition, in the Alabaster, Pelham, Shelby County, Mobile, and Montgomery MS4 Phase I permits, the inspector of a construction site must document all the construction BMPs while inspecting; whereas, ADEM only requires Trussville to include photographic documentation of any issues and/or concerns. Requiring photos of any "issues and/or concerns" is not an enforceable provision. It leaves open the question of what an "issue or concern" is and whether the inspector is adequately completing the job. In contrast, taking photos of all BMPs creates a record and verifies the MS4's enforcement decision. The permit requires that an inspector create photographic documentation of all post construction controls. It is therefore arbitrary and capricious to not require the same when the inspector inspects construction BMPs.

Response (6): Part II.B.4.d.1 requires the inspector to document, among other things, the description of stormwater BMP conditions, and to obtain photographic documentation of any issues and/concerns. This level of detail will enable the Department to determine whether the Permittee has performed appropriate inspections and compliance determinations. Also, the question of what an issue or concern is will not be left "open" because Part II.B.4.a.7 of the draft

Permit requires training for the Permittee's construction site inspection staff in the identification of appropriate construction best management practices; therefore, the inspectors should be able to identify any areas of issues/concerns noted during site inspections. The Department finds that the language is appropriate and no changes were made based on this comment.

Comment (7): Post construction standards in the permit do not control discharges to the maximum extent practicable and are not sufficiently clear and enforceable to adequately achieve the Cahaba TMDL. Unless ADEM, the MS4 permittees in the basin, and developers elevate the post construction standards beyond the existing standard practices, we cannot expect to diminish sediment loading to the Cahaba River to restore water quality. The sediment TMDL on the Cahaba specifically states that industrial and mining permittees are not a "major source" of sediment loading in the Cahaba; whereas, it does not state this for construction and MS4 permittees. The TMDL describes, "By reducing infiltration rates, increasing overall volume of stormwater, and lessening the total amount of retention areas, impervious surfaces play a large role in the hydrology of this urban watershed." In addition, a TMDL for Shades Creek, a tributary of the Cahaba, established that an average of 68% of the total suspended sediment (a pollutant listed in the Clean Water Act) in the Creek was from instream erosion. It is likely that instream erosion is one of the major causes of pollutants/sediment in the main stem of the Cahaba as well. The Clean Water Act states and EPA Region 4 reiterates that "The statute requires the inclusion of any control measures determined to be necessary to reduce the pollutants to the maximum extent practicable. This compels the inclusion of controls to reduce the discharge of pollutants to the maximum extent practicable.

Response (7): The draft Permit has been developed to require the Permittee, consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26, to reduce the discharge of pollutants to the maximum extent practicable.

Also, Part II.B.5.a.1 of the draft Permit requires landowners and developers, to the MEP, to implement systems of appropriate structural and/or non-structural BMPs designed to reduce the discharge of pollutants. This may include, but may not be limited to, the following: minimize the amount of impervious surfaces; preserve and protect ecologically sensitive areas that provide water quality benefits; provide vegetated buffers along waterways, and reduce the discharges to surface waters from impervious surfaces such as parking lots; implement policies to protect trees, native soils and other vegetation; and minimize topsoil stripping and compacted soils where feasible.

Additionally, the draft permit states that the Permittee shall not cause, nor contribute to, violations of Alabama Water Quality Standards, and shall be in compliance with TMDLs. Part II.E. of the draft Permit contains requirements regarding discharges into a water body with an EPA-approved or established TMDL, including BMPs targeted to meet the assumptions and requirements of the TMDL, schedules for installation and/or implementation of such BMPs, and monitoring to assess the effectiveness of the BMPs in achieving the TMDL requirements.

Comment (8): Post construction controls must be more robust in order to decrease the instream erosion which causes increased pollutants. This permit only controls for 1.1 inch of rain, which would only manage stormwater generated by the average annual 30 minute rain event. These small rain events are not the cause of the major scouring of the river which causes instream erosion. This permit's post construction standard falls below ALDOT and other Region 4 MS4's post construction standards, and therefore not the maximum extent practicable. ALDOT's MS4 permit requires retention of stormwater up to the 95th percentile storm event as recommended by Section 438 of the Energy independence and Security Act. Implementing this standard requires ALDOT to control a 2.2 inch rain event in Trussville, which is twice the rainfall that the Trussville permit would control. If ALDOT expects to achieve this standard for projects in Trussville, it is reasonable to expect other development projects to achieve it.

Response (8): Regarding the 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period, this requirement is the basis for the design of the BMPs. Once the BMPs are installed, the landowners/developers will be expected to operate and maintain the BMPs as designed, to the MEP. Importantly, what constitutes MEP is not a "one size fits all," but is determined on a case-by-case basis, which means that provisions may be different for each Permittee.

Regarding your comment for the need for more robust post construction controls to prevent instream scouring, the intent of the draft Permit is to require the Permittee to implement, maintain and enforce a comprehensive stormwater management program. This involves using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate to reduce the discharge of pollutants **from the MS4** consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26. 40 CFR 122.26(d)(2)(iv)(A)(2) is clear that the Permittee is responsible for controlling the **discharge of pollutants** in stormwater runoff from new developments and significant redevelopments. Please note that flow is not a pollutant under the Clean Water Act. The Department finds that the language in the draft Permit regarding post construction controls is appropriate, and the design storm specified in the draft Permit meets the statutory and regulatory requirements.

Comment (9): In the past, ADEM has responded to this comment by stating that "flow is not a pollutant under the Clean Water Act." We are not claiming that flow is a pollutant. We are asking ADEM to use "any control measures determined to be necessary to reduce the pollutants to the maximum extent practicable" which includes using a more robust way to control the pollutants caused by instream erosion in the river. Please explain why ADEM should not use any measure determined to be necessary to control sediment in the river, and please reference any regulation that forbids ADEM from controlling the volume of water entering a stream, which would regulate the pollutants in the river.

Response (9): The National Pollutant Discharge Elimination System (NPDES) is the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing **permits for the discharge of pollutants** into waters of the state. ADEM Admin. Code chap. 335-

6-6. The term "pollutant" is carefully defined and does not include flow. Alabama's definition, which mimics the federal definition, states that "[a] pollutant includes but is not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water." Ala. Code § 22-22-1(b)(3); ADEM Admin. Code r. 335-6-6-.02(mm).

The intent of the draft Permit is to require the Permittee, to the MEP, to implement, maintain and enforce a comprehensive stormwater management program which involves using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate to reduce the **discharge of pollutants from the MS4** consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26. The Department finds that the language within the draft Permit is consistent with State and Federal statutes and regulations, and no changes were made based on this comment.

Comment (10): Trussville's permit also lags behind Montgomery and Mobile's when it comes to requiring low impact development standards ("LID"). The other cities' permits require "Procedures and schedule for development of LID/green infrastructure standards." The Trussville permit, in contrast, only requires the MS4 to "encourage landowners and developers to incorporate the use of low impact development of LID/green infrastructure where feasible." A schedule for development of LID/green infrastructure standards should be required.

Response (10): This language is consistent with recently issued MS4 Phase I permits. Again, what constitutes MEP is not a "one size fits all," but is determined on a case-by-case basis, which means that provisions may be different for each Permittee. The Department finds that the language is appropriate, and no changes were made based on this comment.

Comment (11): In addition, Trussville should consider Chattanooga's method of creating and maintaining post construction controls. The Chattanooga permit requires that if a developer is unable to meet the post construction standards, he will pay an in lieu fee that is put into a "public stormwater project fund" administered by the MS4 that can be used to address stormwater management at other regional facilities. This way all developers equally share their portion of responsibility towards stormwater management. No such fund exists here. Further, the Chattanooga MS4 permit requires the establishment of an incentive program to increase green infrastructure. It states:

> Additionally, no later than two years following permit issuance, the permittee shall develop and include in the plan an incentive program to increase the use of green infrastructure while allowing flexibility for developers and designers to meet development standards. The Incentive Program could use methods such as a scoring system, credit system or other similar methods to encourage green technology practices such as bioretention areas, permeable paving, green roofs, vegetated walls, preservation of existing trees, and covering paved surfaces with vegetation.

Response (10): The general public, which includes environmental organizations, has an opportunity to engage in the development and implementation of the Permittee's SWMPP as specified in Part II.D of the draft Permit. This could include conversations/recommendations regarding the topic of your comment above.

Comment (11): In EPA's June 2014 Guidance for NPDES stormwater permits for areas with TMDLs, it emphasized the need to write clear, specific, measureable permit requirements. Although ADEM's post construction standard is numeric, this standard is not specific or clear. It states:

> Require landowners and developers to develop and maintain best management practices to ensure, to the maximum extent practicable, that post-construction runoff mimics pre-construction hydrology of the site. A 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period shall be the basis for the design and implementation of post construction BMPs.

The Trussville permit is vague in that it does not explain what to actually do with the 1.1 inch rainfall other than to "mimic pre-construction hydrology". Nashville and Chattanooga have language that specifically require that the first inch be 100% managed with no discharge to surface waters. Kentucky requires that the development "be built and maintained to infiltrate, evapo-transpire, harvest and reuse stormwater runoff." As a starting point, "mimicking pre-construction hydrology" should be defined as managing 100% of the water with no discharge to surface waters, just as these other Region 4 MS4 permits have required.

Response (11): Regarding the 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period, this requirement is the basis for the design of the BMPs. Once the BMPs are installed, the landowners/developers will be expected to operate and maintain the BMPs as designed, to the MEP. Again, what constitutes MEP is not a "one size fits all," but is determined on a case-by-case basis, which means that provisions may be different for each Permittee.

This draft Permit does not require the design storm to be used as a volumetric threshold for onsite detention or infiltration. Rather, the draft Permit requires that post-construction stormwater management be initiated/addressed when the hydrology from a proposed new development or redevelopment does not mimic the pre-construction hydrology (using the design storm specified as the basis for this determination). Any volumetric thresholds used for onsite detention/infiltration would need only be sufficient to equilibrate the pre- and post-construction hydrology to the MEP.

Onsite detention/infiltration is one of many methods of post construction management that can be implemented. If post construction stormwater management is considered early enough in the project design (as required by Part II.B.5.a.5 of the draft Permit), simple alterations in the design, like elimination of steep slopes and the reduction of impervious surface can significantly

reduce the change in hydrology potentially caused by the project. There are also other effective and cost efficient alternatives such as green infrastructure and low impact development that can be utilized to meet this permit requirement. The Department finds that the language within the draft Permit provides the Permittee the flexibility to implement the post construction BMPs appropriate for projects to the MEP.

Comment (12): We applaud the City of Trussville and ADEM for including hourly sonde monitoring in the Cahaba River. Hourly monitoring of turbidity on the Cahaba is crucial in determining whether the goals of the sediment TMDL are being met. Hourly monitoring of turbidity is what is required as the Maximum Extent Practicable to determine whether the sediment is being reduced. In addition, the City should conduct Wolman Pebble counts, which is used to evaluate the sediment size and substrate, on an annual basis to help evaluate the City's progress with the sediment TMDL. The Cahaba River also has a TMDL for nutrients. Because of this, the nutrient indicators, such as Phosphorus and Nitrogen, should also be monitored more frequently than an annual basis.

Response (12): This draft Permit provides specific requirements, along with monitoring, that shall be addressed by the Permittee's Stormwater Management Program Plan (SWMPP), including BMPs selected by the Permittee which are adequate to assist in compliance with the Cahaba TMDLs.

Regarding the need for more phosphorus and nitrogen monitoring, several other MS4 entities currently have monitoring requirements that include monitoring on the main stem of the Cahaba. The City of Trussville has a history of working closely with the surrounding MS4 entities, and while the City of Trussville and these other MS4s are no longer "co-permittees" under one permit, nothing in the draft Permit prohibits or restricts the MS4 entities from working together to address stormwater issues, to include monitoring. Additionally, the Department has been conducting monitoring on both the main stem of the Cahaba River as well as tributaries for the pollutants of concern. Other agencies, such as United States Geological Survey (USGS), also perform sampling with real-time stations on both the main stem of the Cahaba River and its tributaries. The Department reviews the monitoring plans and provides comments when necessary. Regarding your comment on the conduction of Wolman Pebble counts, the Permittee should take into consideration public concerns when developing the SWMPP and determining appropriate monitoring strategies. If you have a particular concern or suggestion, then you should address this with the City during the development of the City's SWMPP (to include the monitoring plan). No changes were made to the draft Permit based on this comment.

Cahaba River Society Comments

Comment (1): MS4 Phase I's must have independent authority and legal responsibility under federal MS4 requirements to enforce all aspects of their permit including construction sites. Yet we see a further weakening---a backsliding—of permit requirements in this draft. This is of critical concern given that the Cahaba has a sediment TMDL. Many of the Birmingham area MS4s wrongly believe that they not only can defer to ADEM but must defer to ADEM for enforcement of NPDES-permitted construction sites. This draft permit reinforces this misconception. We ask for further conversation with ADEM and EPA to clarify the responsibility and authority of MS4 Phase Is to independently enforce all aspects of their MS4 permit, and that this permit and all remaining MS4 Phase I permits in the state be revised to make those responsibilities crystal clear. EPA should not approve an MS4 permit that can be interpreted as allowing MS4 Phase I's to rely on ADEM's NPDES implementation and enforcement of construction sites.

Response (1): The Department believes that the draft Permit is clear regarding the enforcement requirements that are to be implemented by the Permittee. Regarding referrals, the intent of this requirement is for the Permittee to provide notification to the Department of sites that may require an ADEM permit or of situations where the Permittee's enforcement actions have not resulted in compliance. To provide further clarification on this point, Part II.B.4.a.9.d. language has been removed and this language has been included in Part II.B.4.a.9 which will state: "Implementation of an enforcement response plan (ERP), which sets out the Permittee's potential responses to violations through progressively stricter actions as needed to achieve compliance. The ERP must include a system for tracking formal actions and ADEM referrals. Types of enforcement actions may include, but not limited to the following:"

Comment (2): Post construction controls must be more robust in order to decrease the instream erosion that causes increased pollutants. This permit only controls for 1.1 inch of rain, which would only manage stormwater generated by the average annual 30-minute rain event. These small rain events are not the cause of the major scouring of the river which causes instream erosion. This permit's post construction standard falls below ALDOT and other Region 4 MS4's post construction standards, and therefore in not the maximum extent practicable. ALDOT's MS4 permit requires retention of stormwater up to the 95th percentile storm event as recommended by Section 438 of the Energy Independence and Security Act. Implementing this standard requires ALDOT to control a 2.2 inch rain event in Trussville, which is twice the rainfall that the Trussville permit would control. If ALDOT expects to achieve this standard for projects in Trussville, it is reasonable to expect other development projects to achieve it.

Response (2): Regarding the 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period, this requirement is the basis for the design of the BMPs. Once the BMPs are installed, the landowners/developers will be expected to operate and maintain the BMPs as designed, to the maximum extent practicable ("MEP"). Importantly, what constitutes MEP is not

a "one size fits all," but is determined on a case-by-case basis, which means that provisions may be different for each Permittee.

Regarding your comment for the need for more robust post construction controls to prevent instream scouring, the intent of the draft Permit is to require the Permittee to implement, maintain and enforce a comprehensive stormwater management program. This involves using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate to reduce the discharge of pollutants **from the MS4** consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26. 40 CFR 122.26(d)(2)(iv)(A)(2) is clear that the Permittee is responsible for controlling the **discharge of pollutants** in stormwater runoff from new developments and significant redevelopments. Please note that flow is not a pollutant under the Clean Water Act. The Department finds that the language in the draft Permit regarding post construction controls is appropriate, and the design storm specified in the draft permit meets the statutory and regulatory requirements.

Comment (3): In the past, ADEM has responded to this comment, "flow is not a pollutant under the Clean Water Act," and that ADEM is not authorized under state law to control flow. We are not claiming that flow is a pollutant. We are asking ADEM to fully implement the regulatory requirements of the Clean Water Act by using "any control measures determined to be necessary to reduce the pollutants to the maximum extent practicable" which included using a more robust way to control the pollutants caused by instream erosion in the river. Please explain why ADEM should not use a more robust measure to control sediment in the river, and please reference any regulation that forbids ADEM from controlling the volume of water entering a stream, which would regulate the pollutants in the river.

Response (3): One of the Department's statutorily-prescribed duties is "to issue **permits for the discharge of pollutants**... into the waters of the state, stipulating in each permit the conditions under which such discharge may be permitted." Ala. Code § 22-22-9(g) (emphasis added). The National Pollutant Discharge Elimination System (NPDES) is the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing **permits for the discharge of pollutants** into waters of the state. ADEM Admin. Code r. 335-6-6-.02(ee). "Discharge" means the addition, introduction, leaking, spilling or emitting of any sewage, industrial wastes, pollutant or other wastes into waters of the state. ADEM Admin. Code r. 335-6-6-.02(n). Alabama's statutory definition of "pollutant," which mimics the federal definition, does not include flow: "A pollutant includes but is not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water." Ala. Code § 22-22-1(b)(3); 33 U.S.C. § 1362(6); ADEM Admin. Code r. 335-6-6-.02(mm).

The intent of the draft Permit is to require the Permittee, to the MEP, to implement, maintain and enforce a comprehensive stormwater management program which involves using management practices, control techniques and system, design and engineering methods, and

such other provisions which are appropriate to reduce the **discharge of pollutants from the MS4** consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26. The Department finds that the language within the draft Permit is consistent with State and Federal statutes and regulations, and no changes were made based on this comment.

Comment (4): In our previous conversations about post-construction stormwater management, ADEM has been clear that ADEM does not have the authority to regulate the volume of runoff. In your response to these comments, we request that you direct us to a citation in the ADEM regulations that is the basis for your understanding of that limitation. For example, we note that ADEM Administrative Code r. 335-6-6-.01, which describes the Purpose of ADEM's NPDES program, does not limit ADEM's authority to discharge of 'pollutants'. Rather, the regulation indicates that the NPDES program purpose is to "...administer its own permit program for discharges into the navigable waters within its jurisdiction." Had this read "....for discharges of pollutants..." we would understand your position. As it is, there is not limitation in the "Purpose" paragraph to discharge of pollutants.

Moreover, the next sentence of that same paragraph is "Such permit program, however, must be comparable to the National Pollutant Discharge Elimination System (NPDES) permit program." We note the EPA has been clear that regulation of discharge, including the discharge volume per se. that cause hydrological alterations is appropriate.

The purpose of the Alabama Water Pollution Control Act is documented in the Alabama Code Title 22. Health, Mental Health, and Environmental Control. § 22-22-1 and § 22-2-14. Those paragraphs refer only to control of 'pollution' and do not limit ADEM's authority to regulation only of 'pollutants', but rather refer to regulation of 'pollution of discharges'. However, we have only made a cursory investigation in the regard. Perhaps that limitation on ADEM's regulatory authority occurs elsewhere. Would you please direct us to where you find that limitation language in ADEM's regulations?

Response (4): The intent of the draft Permit is to require the Permittee, to the MEP, to implement, maintain and enforce a comprehensive stormwater management program which involves using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate to reduce the **discharge of pollutants** from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26. Please see also Response (3). No changes were made to the draft Permit based on this comment.

Comment (5): We also underscore with comments of the SELC letter that the Trussville permit should be at least as strong as the Montgomery and Mobile permits when it comes to requiring low impact development standards ("LID"). The other cities' permits require "Procedures and schedule for development of LID/green infrastructure standards." The Trussville permit, in contrast, only requires the MS4 to "encourage landowners and developers to incorporate the use of low impact development (LID)/green infrastructure where feasible." A schedule for the

development of LID/green infrastructure standards should be required. Again, post-construction runoff is a contributor to sediment pollution in the Cahaba River, and LID/GI are essential practices to reduce this cause of sediment pollution and meet the Siltation TMDL.

Response (5): Again, what constitutes MEP is not a "one size fits all," but is determined on a case-by-case basis, which means that provisions may be different for each Permittee. The draft Permit has not been changed based upon this comment.

Comment (6): We underscore the comments in the SELC letter concerning the necessity to write clear, specific, measurable permit requirements. Although ADEM's post construction standard is numeric, this standard is not specific or clear. It states:

> Require landowners and developers to develop and maintain best management practices to ensure, to the maximum extent practicable, that post construction runoff mimics pre-construction hydrology of the site. A 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period shall be the basis for the design and implementation of post construction BMPs.

The Trussville permit is vague in that it does not explain what to actually do with the 1.1 inch rainfall other than to "mimic pre-construction hydrology." Nashville and Chattanooga have language that specifically require that the first inch be 100 % managed with no discharge to surface waters. Kentucky requires that the development "be built and maintained to infiltrate, evapo-transpire, harvest and reuse stormwater runoff." As a starting point, "mimicking pre-construction hydrology" should be defined as managing 100% of the water with no discharge to surface waters, just as these other Region 4 MS4 permits have required.

In addition, the post construction ordinance should include the requirement to maintain the BMPs. EPA Region 4 suggests that Tennessee, in its Phase II General Permit, include an ordinance that "ensures the long-term maintenance of post-construction BMPs."

Response (6): This draft Permit does not require the 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period to be used as a volumetric threshold for onsite detention or infiltration. Rather, the draft Permit requires that post-construction stormwater management be initiated/addressed when the proposed new development or redevelopment does not mimic the pre-construction hydrology (using the design storm specified as the basis for this determination). Any volumetric thresholds used for onsite detention/infiltration would need only be sufficient to equilibrate the pre- and post-construction hydrology to the MEP.

Onsite detention/infiltration is one of many methods of post construction management that can be implemented. If post construction stormwater management is considered early enough in the project design (as required by Part II.B.5.a.5 of the draft Permit), simple alterations in the design, like elimination of steep slopes and the reduction of impervious surface can significantly reduce the change in hydrology potentially caused by the project. If altering designs is not an option, there are other effective and cost efficient alternatives such as green infrastructure and

low impact development. The Department finds that the language within the draft Permit provides the Permittee the flexibility to implement the post construction BMPs appropriate for the project to the MEP.

Regarding your post construction ordinance comment, the Department finds that Part II.B.5 of the draft Permit, which states that the Permittee must develop/revise and implement a program to address the discharges of pollutants in post construction storm water runoff to the MS4 from new development and re-development, addresses your concerns. Post construction storm water management refers to the activities that take place after construction occurs, and includes structural and non-structural controls including **low-impact development and green infrastructure practices to obtain permanent storm water management over the life of the property's use**. In addition, Part II.B.5.a.9 requires adequate long-term operation and maintenance of post construction BMPs.

Comment (7): We appreciate that Trussville has agreed to install and maintain a continuously monitoring sonde. That data will be very helpful. The permit proposes the Permittee will take grab samples semi-annually the first year and annually thereafter. However, the statistical variability of water quality sampling results is notoriously large. Sampling on an annual basis can easily be misleading to those of us trying to interpret those results. Please ask Chris Johnson if sampling on a monthly or bimonthly basis would not be much more informative than annual monitoring. Also, there is no guidance with regard to what time of the year the annual monitoring is to occur. You are no doubt aware that results of water quality monitoring are very highly dependent on timing within the year when those samples are collected. Annual monitoring will not help anyone understand the dynamics of water quality in the Cahaba River. Without that understanding, the Permittee, the public, and ADEM will not have trend analysis that can inform whether Trussville needs to improve BMPs in order to meet the water quality restoration goals of the Cahaba TMDLS.

Response (7): Part III.A.1. of the draft Permit requires the Permittee to monitor the Cahaba River (mainstem) with a sonde with a minimum of hourly frequency. In addition to this, the Permittee is required by Part III.A.2 of the draft Permit to collect grab samples semi-annually for year one and annually thereafter. As far as your comment regarding guidance to time of the year for annual monitoring, the Department reviews all Stormwater Management Program Plans ("SWMPPs"), to include monitoring plans, both individually and on a watershed basis and plans to continue with this approach. Also, please note that the public has an opportunity to engage in the development and implementation of the Permittee's SWMPP as detailed in Part II.D.1. of the draft Permit.

Regarding your comment concerning BMP effectiveness to meet Cahaba TMDLs, this draft Permit provides specific requirements, along with monitoring, that shall be addressed by the Permittee's SWMPP, including BMPs selected by the Permittee which are adequate to assist in compliance with the Cahaba TMDLs. Part II.E. of the draft Permit requires monitoring to address the BMP effectiveness for TMDL implementation. If existing BMPs are not sufficient, then the BMPs must

be revised. Also, Part IV.d. of the draft Permit requires the Permittee to submit within the Annual Report a monitoring section which discusses the progress and results of the monitoring programs and includes, at a minimum, the following information: status of implementation of monitoring program; monitoring locations; raw data, to include, an explanation/discussion of the data for each component of the monitoring program; an interpretation of the analytical data for determinacy of meeting water quality standards. As with monitoring plans, the Department reviews all annual reports, to include monitoring data, and will continue to review this data individually and on a watershed basis. The Department provides feedback on the data as deemed appropriate.

FACT SHEET

APPLICATION FOR
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT TO DISCHARGE TO WATERS OF
THE STATE OF ALABAMA
CITY OF TRUSSVILLE, ALABAMA MS4

August 24, 2016 **Prepared By: Marla S. Smith**

NPDES Permit No. ALS000015

1. **Description of Category:**

This Permit applies to the corporate boundaries of the City of Trussville that are regulated by the Permittee and discharge to the Permittee's Municipal Separate Storm Sewer System (MS4).

2. **Geographic area covered:**

Corporate boundaries of the City of Trussville.

3. **Receiving waters:**

Waterbodies within the corporate boundaries of the City of Trussville.

4. **Types of discharge:**

The permit authorizes all existing or new storm water point source discharges to waters of the State of Alabama from those portions of the MS4s owned or operated by the Permittee. Discharge of pollutants shall be reduced to the Maximum Extent Practicable (MEP), shall not cause, nor contribute to, violations of Alabama Water Quality Standards, and shall be in compliance with Total Maximum Daily Loads (TMDLs) where applicable.

5. **Permit Conditions:**

The permit conditions are based on 40 CFR Part 122.26 and ADEM Admin Code r. 335-6

6. **Procedures for the formulation of final determinations**

a. **Comment Period**

The Alabama Department of Environmental Management proposes to issue an NPDES permit subject to the limitations and special conditions outlined above. This determination is tentative.

Interested persons are invited to submit written comments on the proposed permit to the following address:

Russell A. Kelly, Chief
Permits and Services Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059
(334) 271-7714

All comments received prior to the closure of the public notice period (see attached public notice) will be considered in the formulation of the final determination with regard to this permit.

b. Public Hearing

A written request for a public hearing may be filed within the public notice period and must state the nature of the issues proposed to be raised in the hearing. A request for a hearing should be filed with the Department at the following address:

Russell A. Kelly, Chief
Permits and Services Division
Alabama Department of Environmental Management
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059
(334) 271-7714

The Director shall hold a public hearing whenever it is found, on the basis of hearing requests, that there exists a significant degree of public interest in a permit application or draft permit. The Director may hold a public hearing whenever such a hearing might clarify one or more issues involved in the permit decision. Public notice of such a hearing will be made in accordance with ADEM Admin. Code r. 335-6-6-.21.

c. Issuance of the Permit

All comments received during the public comment period shall be considered in making the final permit decision. At the time that any final permit decision is issued, the Department shall prepare a response to comments in accordance with ADEM Admin. Code r. 335-6-6-.21. **The permit record, including the response to comments, will be available to the public via the eFile System (http://app.adem.alabama.gov/eFile/) or an appointment to review the record may be made by writing the Permits and Services Division at the above address.**

Unless a request for a stay of a permit or permit provision is granted by the Environmental Management Commission, the proposed permit contained in the Director's determination shall be issued and effective, and such issuance will be the final administrative action of the Alabama Department of Environmental Management.

d. Appeal Procedures

As allowed under ADEM Admin. Code chap. 335-2-1, any person aggrieved by the Department's final administrative action may file a request for hearing to contest such action. Such requests should be received by the Environmental Management Commission within thirty days of issuance of the permit. Requests should be filed with the Commission at the following address:

Alabama Environmental Management Commission
1400 Coliseum Blvd
(Mailing Address: Post Office Box 301463; Zip 36130-1463)
Montgomery, Alabama 36110-2059

All requests must be in writing and shall contain the information provided in ADEM Admin. Code r. 335-2-1-.04.

NPDES PERMIT RATIONALE
CITY OF TRUSSVILLE, ALABAMA
MS4 NPDES Permit

NPDES Permit No:	**ALS000015**	Date:	August 24, 2016

Permit Applicant: City of Trussville, Alabama

Location: This Permit applies to the corporate boundaries of the City of Trussville that are regulated by the Permittee and discharge to the Permittee's Municipal Separate Storm Sewer System (MS4).

Draft Permit is:
Initial Issuance:
Reissuance due to expiration: X
Modification of existing permit:
Revocation and Reissuance:

Introduction: This permit requires implementation of the MS4 program under the State and Federal NPDES regulations. The Permittee is currently operating under the administratively extended MS4 Phase I NPDES Permit ALS000001. This proposed permit is permit reissuance and requires the Permittee to develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants to the maximum extent practicable using the minimum control measures to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. The Permittee must also develop a storm water management program plan (SWMPP) to describe in detail the measures for implementation and maintenance of the SWMP. The minimum control measures include the following: Storm Water Collections Systems Operations; Public Education and Public Involvement on Storm Water Impacts; Illicit Discharge Detection and Elimination (IDDE); Construction Site Storm Water Run-Off Control; Post-Construction Storm Water Management in New Development and Re-Development; Pollution Prevention/Good Housekeeping for Municipal Operations; Application of Pesticide, Herbicide and Fertilizers (PHFs); Oils, Toxics and Household Hazardous Waste Control; and Industrial Storm Water Runoff. The Permittee must submit an annual report that includes documentation of the minimum control measures used by the Permittee to reduce the discharge of pollutants to waterbodies to the maximum extent practicable. Monitoring and a monitoring plan is required by the Permittee if the Permittee's MS4 discharges to an impaired waterbody, as listed on the State of Alabama's 303(d) list, or if the Permittee discharges into a waterbody with an Environmental Protection Agency (EPA)-established and/or EPA-approved Total Maximum Daily Load (TMDL).

On October 22, 2015, EPA finalized the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule (Federal Register Vol. 80 No. 24). As required by this rule, the Department has included a requirement that on and after December 21, 2020, annual reports shall be submitted to the Department electronically in a prescribed manner acceptable to the Department.

State and Federal Permit Requirements: This permit implements applicable requirements of 40 CFR Part 122.26

Permit Procedures: This draft permit has been developed in accordance with all applicable procedures of ADEM Admin. Code r. 335-6-6.

Effluent Standards and Limitations: This permit requires that any discharges associated with the regulated MS4 be consistent with TMDLs established and/or approved by the EPA in addition to applicable State Water Quality Standards. This permit also requires that controls (including the minimum control measures listed above) be developed and implemented to reduce the discharge of pollutants.

Prepared by: Marla Shelley Smith

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December 24, 2016 , 8:34 am	Business Closed	TRUSSVILLE, AL 35173
December 24, 2016 , 2:31 am	In Transit to Destination	
December 23, 2016 , 2:31 am	Departed USPS Facility	BIRMINGHAM, AL 35222
December 22, 2016 , 9:24 am	Arrived at USPS Facility	BIRMINGHAM, AL 35222
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