

GADSDEN ALABAMA URBANIZED AREA STORM WATER MANAGEMENT PROGRAM

NPDES General Permit ALR040009

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Prepared By:



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S&ME Project No. 1824-12-021

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City of Hokes Bluff Zoning Ordinance, Section 12
City of Attalla Proposed Ordinance 802-08
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1. INTRODUCTION

S&ME, Inc. has prepared this Storm Water Management Program for the *Gadsden, Alabama Urbanized Area* in accordance with S&ME Proposal No. 11-228, dated October 25, 2011. The urbanized area consists of the following entities (jurisdictions): The City of Gadsden, Rainbow City, Reece City, City of Southside, City of Glencoe, City of Hokes Bluff, City of Attalla, and portions of unincorporated Etowah County.

The Storm Water Management Program is required by Part III of the Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) General Permit ALR040009 for discharges from regulated small municipal separate storm sewer systems (MS4).

1.1 Permit History

The Storm Water Phase II Final Rule issued by the United States Environmental Protection Agency (USEPA) in 1999 requires nationwide coverage of all operators of small MS4s located within the boundaries of an “urbanized area” as defined by the latest decennial Census. Based on the results of the 2000 census, the Bureau of the Census designated the entities listed in Section 1.0 as the *Gadsden, Alabama Urbanized Area*. A map outlining the approximate boundary of the *Gadsden, Alabama Urbanized Area* is included in **Appendix A**. The regulated small MS4 for the urbanized area is collectively referred to as the Gadsden-Etowah MS4.

The urbanized area initially applied for and received a NPDES MS4 Phase II General Permit from the ADEM in 2003. The five-year permit expired on March 9, 2008. A Notice of Intent for renewal of the permit was submitted 180 days prior to expiration and permit coverage was extended through re-issuance of the MS4 Phase II General Permit with an effective date of February 1, 2011. A copy of the NPDES General Permit is included in **Appendix B**.

1.2 Site Description

The *Gadsden, Alabama Urbanized Area* encompasses approximately 38,223 acres. The total population of the urbanized area in 2000 was 61,709 with a population density of 1033.3 people per square mile.

Populations of each entity covered by NPDES General Permit ALR040009 are shown in the following table.

Table 1. Populations from 2000 and 2010 Census

ENTITY	2000 CENSUS POPULATION	2010 CENSUS POPULATION
Gadsden	38,978	36,856
Rainbow City	8,428	9,602

Table 1. Populations from 2000 and 2010 Census

ENTITY	2000 CENSUS POPULATION	2010 CENSUS POPULATION
Reece City	634	653
Southside	7,036	8,412
Glencoe	5,152	5,160
Hokes Bluff	4,149	4,286
Attalla	6,592	6,048
Etowah County	103,459*	104,430*

* Total for the county, including municipalities

1.3 Hydrologic Units in the Urbanized Area

Neely Henry Lake (Coosa River) is the primary receiving water for the Gadsden-Etowah MS4.

Table 2. Hydrologic Hierarchy

REGION	03	South Atlantic-Gulf
SUBREGION	0315	Alabama River Basin
BASIN	031501	Coosa-Tallapoosa: Above the confluence of and including the Coosa and Tallapoosa River Basins
SUBBASIN	03150106	Middle Coosa

Table 3. Watersheds in the Urbanized Area

WATERSHED	HUC
Coosa River-Black Creek	03150106-01
Big Wills Creek	03150106-02
Coosa River-Big Canoe Creek	03150106-03
Talloseehatchee Creek	03150106-04

Table 4. Subwatersheds in the Urbanized Area

SUBWATERSHED	HUC	TOTAL AREA (ACRES)
Fisher Creek	03150106-01-04	19,135
Little Wills Creek	03150106-01-06	18,121
Black Creek	03150106-01-07	40,879
Horton Creek	03150106-01-08	16,902
Dry Creek	03150106-02-02	9,778
Big Cove Creek	03150106-02-03	18,028
Turkey Town Creek	03150106-02-04	57,474

Table 4. Subwatersheds in the Urbanized Area

SUBWATERSHED	HUC	TOTAL AREA (ACRES)
Little Canoe Creek - Lake Sumatanga	03150106-03-04	20,260
Lower Big Canoe Creek	03150106-03-06	33,299
Coosa River - H. Neely Henry Lake	03150106-03-09	46,439
Lower Ohatchee Creek	03150106-04-05	19,980

1.4 Water Quality Concerns

Section 303(d) of the Clean Water Act (CWA), as amended by the Water Quality Act of 1987, and EPA’s Water Quality Planning and Management Regulations (40CFR130) require states to identify waterbodies not in compliance with the water quality standards applicable to their designated use classifications. The identified waters are prioritized based on severity of the pollution. Section 303(d) then requires that total maximum daily loads (TMDLs) be determined for all pollutants causing violation of applicable water quality standards in each identified segment. The TMDL process establishes the allowable loading of pollutants, or other quantifiable parameters for a waterbody, based on the relationship between pollution sources and in-stream water quality conditions.

As mentioned in Section 1.3, Neely Henry Lake is the primary receiving water for the Gadsden-Etowah MS4. In 1996, the ADEM identified five of the six reservoirs on the Coosa River within the State of Alabama’s borders as being impaired, including Neely Henry Lake. The following table summarizes the impaired segments of Neely Henry Lake.

Table 5. Impaired Waterbody Segments in the Urbanized Area

ASSESSMENT UNIT ID	WATERBODY NAME	USES	CAUSES	SOURCES
AL03150106-0309-101	Coosa River (Neely Henry Lake)	Swimming Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD)	Industrial Municipal Flow regulation/modification Upstream sources
AL03150106-0309-102	Coosa River (Neely Henry Lake)	Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD)	Industrial Municipal Flow regulation/modification Upstream sources
AL03150106-0104-101	Coosa River (Neely Henry Lake)	Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD) Priority Organics (PCBs)	Industrial Municipal Flow regulation/modification Upstream sources Contaminated sediments

Table 5. Impaired Waterbody Segments in the Urbanized Area

ASSESSMENT UNIT ID	WATERBODY NAME	USES	CAUSES	SOURCES
AL03150106-0104-102	Coosa River (Neely Henry Lake)	Public Water Supply Fish & Wildlife	Nutrients pH Organic Enrichment (CBOD, NBOD) Priority Organics (PCBs)	Industrial Municipal Flow regulation/modification Upstream sources Contaminated sediments

Sources of organic enrichment from non-point sources within the Coosa River watershed include:

- Runoff from pastures
- Runoff from animal operations
- Direct discharge to streams due to cattle
- Improper land application of animal waste
- Failing septic systems
- Urban runoff

Point source contributors of storm water pollution within the Coosa River watershed include:

- Discharge from wastewater treatment plants
- Discharge from industrial operations

In 2008 the EPA approved TMDLs for Neely Henry Lake related to Nutrients (Total Phosphorous), pH, and Dissolved Oxygen. The Gadsden-Etowah MS4 is required to achieve a **30% reduction in Total Phosphorus discharge loading.**

Part IV.D of the NPDES General Permit requires that the SWMP include BMPs and control measures specifically targeted to achieve the waste load allocations prescribed in the TMDL. The SWMP must also include monitoring provisions to document that the waste load allocations prescribed in the TMDL are being achieved.

1.5 Coordination Between Entities

Each of the eight entities will provide at least one member to the Gadsden-Etowah Storm Water Steering Committee. Each entity will be responsible for providing the required annual updates and monitoring data to the Steering Committee.

Coordination between departments and individuals internal to each of the eight entities is established in each section of the Plan specific to the individual entities.

1.6 Responsible Party

The Storm Water Steering Committee is responsible for the coordination and implementation of the Storm Water Management Plan. Current membership of the Storm Water Steering Committee is as follows:

Table 6. MS4 Storm Water Steering Committee – March 2012

ENTITY	CONTACT	PHONE NO.	EMAIL
City of Gadsden	Jeremy Ward	256-549-4527	jward@cityofgadsden.com
City of Attalla	Charles Foster	256-312-9395	CFoster590@comcast.net
City of Attalla	Donnie Winningham	256-538-9986 Ext. 23	DonnieW00@bellsouth.net
City of Attalla	Jane Phillips	256-538-9986	jphillips@bellsouth.net
City of Rainbow City	Heath Williamson	256-413-1240	heathw@rbcAlabama.com
City of Southside	Jimmy Whittemore	256-442-9775 Ext. 103	jwhittemore@cityofsouthside.com
Town of Reece City	Randall Scott	256-538-6521	
City of Glencoe	Charles Gilchrist	256-492-1424	
City of Glencoe	Bobbi Noah	256-492-1424	walterburns@cityofglencoe.net
City of Hokes Bluff	Gary Reeves	256-492-2414	mayorreeves@bellsouth.net
City of Hokes Bluff	Sheila Burns	256-492-2414	hbcity@bellsouth.net
Etowah County	Tim Graves	256-549-5358	tgraves@etowahcounty.org

1.7 Annual Review

The Storm Water Management Plan will be reviewed annually by the Storm Water Steering Committee in preparation for the annual report required by Part V of the NPDES General Permit.

1.8 Updates to the SWMP

The SWMP may be updated following the procedures laid out in Part IV.B.2 of the NPDES General Permit. Changes to the SWMP adding components, controls, or requirements may be made at any time, provided the ADEM is notified in writing. The changes must also be documented in the annual report.

Permission to make changes to the SWMP to remove or replace components, controls, or requirements must be requested from the ADEM a minimum of 60 days prior to making the change. If the request is denied, the ADEM will provide a written response giving the reason for the decision.

1.9 SWMP Components

Part III.B of the NPDES General Permit requires that the Permittee develop and implement a storm water management program that includes the following six minimum control measures:

1. Public Education and Outreach on Storm Water Impacts
2. Public Involvement/Participation
3. Illicit Discharge Detection and Elimination (IDDE)
4. Construction Site Storm Water Runoff Control
5. Post-Construction Storm Water Management in New Development and Redevelopment
6. Pollution Prevention/Good Housekeeping for Municipal Operations

Program details pertaining to each entity within the urbanized area are outlined in the following sections.

2. MONITORING

2.1 Rationale Statement

As discussed in Section 1.4, the Gadsden-Etowah MS4 currently discharges to an impaired waterbody. Part IV.D.1(c) of the NPDES General Permit requires that the SWMP include a monitoring plan to assess the effectiveness of the BMPs in achieving the wasteload allocations.

The intent of the proposed monitoring program is to determine whether or not receiving waters are sustaining water quality in accordance with the established TMDL. Where deviations are documented and/or expected, the collected monitoring data will be used to determine the extent and cause of the pollutant of concern.

2.2 Monitoring Parameters

The Gadsden-Etowah MS4 is required to achieve a **30% reduction in Total Phosphorus discharge loading**. To demonstrate the MS4's compliance with the established waste load allocation, the MS4 will conduct monitoring along the Coosa River throughout the *Gadsden, Alabama Urbanized Area* using grab sampling and manual field and laboratory analyses.

Both point and non-point sources of particulate and dissolved phosphorous are linked to runoff. Particulate phosphorous moves primarily by soil erosion. Dissolved phosphorous may result from leaking septic systems, animal wastes, or the over-application of lawn fertilizer. The largest loading of phosphorous to the Coosa River from the Gadsden-Etowah MS4 is likely to be during runoff events; therefore, **monitoring will be conducted within 72 hours of a qualifying rain event of 0.75 inch**.

Monitoring parameters were selected to indicate the effectiveness of the BMPs outlined in the *Gadsden, Alabama Urbanized Area* Storm Water Management Program. In addition to total phosphorous, parameters related to soil erosion and eutrophication were also selected for monitoring.

Monitoring will be conducted **quarterly** at the designated outfalls to Neely Henry Lake for the following parameters:

- Total Suspended Solids (TSS)
- Total Phosphorous
- Orthophosphate
- Nitrate-Nitrite
- Total Kjeldahl Nitrogen (TKN)

The following parameters will also be measured in the field at the time of sample collection:

- Turbidity
- pH
- Dissolved Oxygen (DO)
- Temperature

2.3 Field Documentation

The following observations will be documented in the field at each monitoring location:

- Monitoring point ID
- Date and time
- Person conducting the sampling
- Equipment used
- Depth of sample collection
- Weather conditions
- Waterbody conditions
- Field parameters (turbidity, pH, DO, temperature)

2.4 Sampling Procedures

- Prior to monitoring, calibrate sampling equipment.
- Unless disposable materials are used, sampling equipment (including the interior of the pump intake tubing) must be decontaminated prior to sampling and in between samples.
- If on a boat, anchor it when in the correct position to sample.
- Be sure bottles are appropriately labeled prior to sample collection.
- If sampling from a boat, lower the intake tubing from the sample pump into the water to 5 feet below the water surface or mid-depth, whichever is shallower. Turn on pump and allow several liters of water to discharge to ensure sample integrity. **Collect the purge water and return it to the waterbody after sample collection.**
- If sampling from a bridge, lower a decontaminated sample container/bucket into the stream.
- Analyze the sample for turbidity, pH, dissolved oxygen, and temperature.

- Fill all appropriate, pre-labeled, sample bottles and add preservatives to sample, if required.

2.5 Monitoring Locations

The entities comprising the *Gadsden, Alabama Urbanized Area* have collectively chosen to focus water quality monitoring efforts on the Coosa River. A series of primary monitoring locations have been identified along the river at points determined to be representative of the typical land uses in the subwatersheds.

The primary monitoring locations selected for determining compliance of the Gadsden-Etowah MS4 with the 2008 phosphorous TMDL are identified on the map in **Appendix A**. Coordinates for each point are listed in Table 7 below. Secondary monitoring locations have also been selected in the event monitoring of the primary points indicates a need for further assessment of a tributary to the Coosa River.

Table 7. Monitoring Point Coordinates

OUTFALL ID	LATITUDE	LONGITUDE
RC 14	33.917700	-86.107776
AT 5	34.006569	-86.070112
SS 13	33.890873	-86.048287
SS 14	33.885232	-86.036336
RC 2	33.970998	-86.031589
GD 8	33.999556	-86.024214
SS 5	33.936204	-86.021176
SME 1	33.990041	-86.004112
GD 12	33.951696	-86.001577
SME 2	34.002436	-86.001507
GD 7	34.010640	-85.998577
GD 6	34.015039	-85.995144
GD 3	34.019735	-85.979259
Co 14	33.938900	-85.968600
Co 15	33.967200	-85.964400
SME 3	34.005492	-85.951630
GD 5	34.014238	-85.923585
HB 3	34.005117	-85.878045

2.6 Quality Assurance / Quality Control

Quality Assurance (QA) and Quality Control (QC) activities are designed to achieve the specific data quality goals associated with the sampling program and will follow EPA and ADEM guidance.

2.6.1 Sample Containers and Preservation

All samples will be collected in new laboratory-provided containers containing analyte-appropriate preservatives as listed below:

Table 8. Sample Containers and Preservation

PARAMETER	EPA METHOD	CONTAINER	PRESERVATIVE	HOLD TIME
Total Suspended Solids (TSS)	160.2	HDPE - 1 L	NONE	7 days
Total Phosphorous	365.1	HDPE - 250 mL	H ₂ SO ₄	48 hours
Orthophosphate	365.2	HDPE - 250 mL	NONE	48 hours
Nitrate-Nitrite	353.2	HDPE - 250 mL	H ₂ SO ₄	28 days
Total Kjeldahl Nitrogen (TKN)	351.4	HDPE - 250 mL	H ₂ SO ₄	28 days

2.6.2 Quality Assurance

A minimum of one duplicate for every 10 samples will be submitted to the laboratory.

2.6.3 Equipment Decontamination

All reusable sampling equipment will be decontaminated prior to use and in between samples using the following procedure:

- Rinse with tap water.
- Wash with non-phosphatic detergent solution.
- Rinse with deionized water.
- Allow equipment to air dry.
- Containerize all rinsate for disposal.

2.6.4 Sample Identification

Sample containers will be labeled with the following information in waterproof ink:

- Project number
- Sample location
- Collection date and time
- Preservative
- Analysis to be performed

2.6.5 Chain of Custody

Chain of custody documents will originate in the field and will accompany the samples to the laboratory. Copies of the chain of custody documents will be included with the laboratory reports in the annual report.

2.6.6 Sample Shipment

The samples will be shipped overnight to the laboratory in sealed coolers containing ice.

2.7 Analytical Results

Field observations and analytical results will be recorded at the time of sampling. The resulting field notes and laboratory analytical reports will be retained by the entity performing the sampling activity for a minimum of 3 years.

A report consolidating the results from each quarterly monitoring event will be submitted by the entity performing the monitoring to the representatives of the City of Gadsden, Rainbow City, Reece City, the City of Southside, the City of Glencoe, the City of Hokes Bluff, the City of Attalla, and Etowah County. Each quarterly monitoring report will be incorporated into the Annual Update of the Storm Water Management Plan. Monitoring reports will be retained by each municipality for a minimum of 3 years.

3. REPORTING AND RECORD-KEEPING

Part V.A of NPDES General Permit ALR040009 issued to the *Gadsden, Alabama Urbanized Area* outlines the monitoring, recordkeeping, and reporting requirements.

3.1 Annual Reports

Annual reports are due to the ADEM by March 31 of each year. The annual report will cover April 1 through March 31 of the year prior to the submittal date and will include:

1. The status of compliance with permit conditions
2. An assessment of whether or not the existing BMPs are appropriate
3. Progress toward reducing the discharge of pollutants to the maximum extent practicable
4. Measurable goals for each of the six minimum control measures
5. Monitoring data
6. Summary and implementation schedule of storm water activities planned for the upcoming year
7. Proposed changes to the SWMP, including changes to BMPs or measurable goals

3.2 Recordkeeping

The following records must be maintained by each entity and will be made available for examination. Records will be retained for a minimum period of at least three (3) years from the data of the sample, measurement, report, or application or for the term of the NPDES General Permit, whichever is longer.

The following is a list of records to be retained:

- Copies of all reports required by the permit
- Copies of monitoring reports
- Copy of the NPDES General Permit
- Copy of the Notice of Intent
- Employee training records

11. ETOWAH COUNTY

Unincorporated portions of Etowah County within the *Gadsden, Alabama Urbanized Area* encompasses approximately 13.3% of the Urbanized Area and account for approximately 10% of the population. Although only a relatively small portion of unincorporated Etowah County lies within the MS4 boundary, the majority of Etowah County lies within the Coosa River watershed. The information, resources, minimum control measures, and best management practices developed for the MS4 Storm Water Management Program can be applied to any area within the County and therefore ultimately benefit water quality of the Coosa River.

11.1 Public Education and Outreach

11.1.1 Rationale Statement

The County's goal is to partner with other co-permittees and develop a comprehensive and effective public education and outreach program, the intent of which is to:

- (1) Generate awareness of storm water pollution prevention by educating people about the storm water system and its relationship to the health of local waterways;
- (2) Change behavior patterns through education and encouragement of active participation in water pollution prevention; and
- (3) Inform the public of steps they can take to reduce pollutants in storm water runoff.

11.1.2 Target Audiences

The primary target audiences will include the general public, engineers, developers, and local businesses.

11.1.3 Outreach Strategies

- Partner with the Etowah County NRCS to educate and assist agricultural land users within the county on how agricultural runoff contributes to the Lake Neely Henry organic enrichment and excess nutrient loading, available Environmental Quality Incentives Programs, and Best Management Practices for reducing nutrient and sediment runoff. The number of contacts will be tracked through the NRCS and included in the annual report.
- Develop, update, and maintain a web page or link about storm water on the Etowah County website. Participation will be tracked though the number of "hits" on the web page with an initial target of 5,000 contacts. The web page will include general information on the Gadsden-Etowah MS4, discuss the storm water cycle and how common contaminants enter the storm water system, provide links to related storm

water resources, provide contact information to report illicit discharges, and provide a calendar of upcoming community events related to storm water outreach.

- Partner with Keep Etowah Beautiful, the Middle Coosa Watershed Project, and Alabama Power to distribute storm water educational material and promote events such as *Renew Our Rivers* and community clean-up days.
- Participate and promote *Water Quality Awareness Week* through County resources including co-sponsoring radio, television, and print advertisement with co-permittees and other stakeholders.
- Participate and promote the *Annual Water Festival* to educate 4th graders from around Etowah County. An estimated 1,400 4th graders from Etowah County are expected to participate each year. This will be a joint outreach effort with all co-permittees participating
- Educate engineers, developers, and contractors through plan review and permitting of new construction and development. Provide pre-printed information on how construction site runoff can impact storm water quality to individuals requesting plan review and building/development permits. The number of contacts will be tracked through the number of permits issued annually.

11.1.4 Responsible Party

The Etowah County Engineers office is responsible for developing, coordinating, overseeing, and tracking the Public Education and Outreach efforts.

11.2 Public Involvement and Participation

11.2.1 Participation Strategies

- In conjunction with the other co-permittees, develop and coordinate an annual Storm Water Conference/Public Meeting for local businesses and residents. This will be a joint outreach effort with all co-permittees participating. Agendas may include general information on the Gadsden-Etowah MS4, presentations pertaining to how common contaminants enter the storm water system, and presentations by key stakeholders such as the ADEM, Natural Resources and Conservation Service, and Clean Water Partnership. The purpose of the conference/meeting will be to encourage public participation and input into the storm water management program.
- Create a reporting and tracking system for non-compliant construction sites, illicit discharges (including spills or illegal dumping), impaired waterways, and violations of ordinances relating to storm water pollution. Publicize the reporting number in all outreach material on the Etowah County website. The reporting system may be an

existing County number or contact system modified to track and disseminate calls pertaining to storm water issues.

- In conjunction with the storm water page on the Etowah County website, provide an opportunity for public comment on the MS4 program, feedback on the public outreach efforts, and suggestions for improvement to the program.
- Participate with the Keep Etowah Beautiful *Renew Our Rivers* program. This program is a cleanup campaign in which volunteers clean trash and debris from the Coosa River and its tributaries. Provide educational materials and volunteer guides to incorporate storm water quality components with the river clean-up efforts. Include in the educational materials information on the Lake Henry Neely TMDLs and what the public can do to reduce contributing non-point sources.

11.2.2 Responsible Party

The Etowah County Engineers office is responsible for developing, coordinating, overseeing, and tracking the Public Involvement and Participation efforts.

11.3 Illicit Discharge Detection and Elimination

The County's Illicit Discharge Detection and Elimination (IDDE) program is primarily designed to locate, identify, and correct illicit discharges to the MS4. The County will continue to manage, enforce, and expand the IDDE program within its statutory jurisdiction.

The primary target audiences within the County for the IDDE program are:

- **General Public** (homeowners and citizens)
 - Potential contributors of illicit discharges from activities such as dumping paint, motor oil, or other chemicals into a storm drain.
- **Engineers, Developers, and Contractors**
 - Potential contributors of illicit discharges through dumping of paint, concrete washout water, oil, or construction site sediments into a storm drain.
- **Local Businesses**
 - Potential contributors of illicit discharges through unpermitted facilities

The County's IDDE program is designed to address storm water pollutants such as:

- Nutrients (primarily Total Phosphorous)
- Sediment
- Petroleum-based products
- Paints
- FOG waste

- Other business-specific chemicals

11.3.1 Public Education and Outreach

The IDDE program will involve the general public and businesses. Elements of the IDDE program will be integrated into the SWMP through the minimum control measures.

Provide for anonymous reporting of potential illicit discharges, spills, illegal dumping, or violations of ordinances relating to storm water pollution. The reports will be tracked through resolution.

11.3.2 County Operations

In conjunction with the training of County workers outlined in Section 10.6, County workers will be trained in the identification of illicit discharges and in procedures for reporting them within the County organization.

11.3.3 Storm Sewer System Mapping

The County does not have any hard-engineered storm water structures within the MS4 boundary. However, the current Etowah County GIS database will be updated to include identification and location storm water conveyances and waterways within the MS4 boundary. The mapping will also incorporate monitoring locations and priority areas.

11.3.4 Watershed Monitoring

In conjunction with the monitoring provisions of Section 2.2 of the SWMP, Etowah County will evaluate the monitoring data for indicators of potential illicit discharges throughout the County. The County may make recommendations to the Gadsden-Etowah MS4 Storm Water Steering Committee to add and/or modify monitoring points to better characterize outfalls from priority areas.

11.3.5 Illicit Discharge Ordinance

Etowah County is currently reviewing modification of their existing storm water and subdivision regulations to meet the requirement of the NPDES General Permit ALR040009 as related illicit discharge detection and elimination. These regulations will be updated by **December 31, 2012** in accordance with NPDES General Permit ALR040009 and will be implemented within the County's statutory jurisdiction.

11.3.6 Responsible Party

The Etowah County Engineers office is responsible for developing, coordinating, overseeing, and enforcing the IDDE program.

11.4 Construction Site Storm Water Runoff

11.4.1 Rationale Statement

The County's construction site storm water runoff control program is primarily designed to address storm water pollution due to off-site sedimentation.

The primary target audiences within the County are:

- **Developers, Contractors, and Homebuilders**
 - Potential contributors of storm water pollution through development and construction activities.
- **Engineers**
 - Responsible for designing effective best management practices to minimize off-site sedimentation from construction activities.

Inspection records, visual monitoring, and enforcement activities will provide verification that the control measures are effective.

11.4.2 Erosion and Sediment Control Ordinance

Etowah County is currently reviewing modification of their existing storm water and subdivision regulations to meet the requirement of the NPDES General Permit ALR040009. The County will implement the modified regulations, within its statutory jurisdiction, by **December 31, 2012** in accordance with NPDES General Permit ALR040009.

The modified regulations will require appropriate erosion control and sediment control BMPs on all construction sites. The regulations will also include a requirement for all construction sites encompassing one acre or more of land (or if less than one acre, that is part of a later common plan of development that will be one acre or more) to obtain and comply with the Alabama Construction General Permit (ALR100000). The ordinance will include sanctions to ensure compliance.

These regulations will be evaluated annually and a summary of the evaluation incorporated into the annual report.

11.4.3 Erosion and Sediment Control Standards

The County is proposing to adopt and incorporate the 2009 *Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas* as the County's standard for BMP design.

11.4.4 Inspections

Etowah County will establish a construction site inspection program designed to identify deficiencies in erosion and sediment control and to initiate corrective actions. Designated County personnel will inspect all qualifying construction sites within 60 days of initial disturbance.

11.4.5 Procedures for Notifying ADEM of Non-Compliant Sites

The County will notify the ADEM of any construction sites where a possible violation of the Clean Water Act has occurred. Possible violations may include, but are not limited to releases of sediment to a water of the State or failure to initiate corrective actions following an inspection by the County. Records of potential violations will be maintained.

11.4.6 BMP Training Program

The County currently has two individuals who are certified as Qualified Credentialed Inspectors (QCI). These inspectors will undergo annual training on proper design, installation, inspection, and maintenance of on-site control measures and on new technology and practices. QCI certification will be maintained through the approved annual refresher courses. Copies of the QCI certificates and awareness training records will be included in the annual report.

11.4.7 Plan Review

Section 4.2 of the Etowah County Subdivision Regulations requires the submittal of a *Storm Drainage Plan* to the County Engineer with submittal of a Major Subdivision Plat. Prior to approval or denial of a land disturbance permit application, the County will review the provided plans.

Plan review will ensure proposed projects adequately address applicable erosion, sediment, and pollution control requirements. Plan review will also take into consideration what potential impacts to water quality the project may have. Records of the total number of plans reviewed will be maintained by the County. The total number of plan reviews, a summary of number of plans approved or denied, and an evaluation of the effectiveness of the plan review program will be included in the annual report.

11.4.8 Responsible Party

The Etowah County Engineer's office is responsible for developing, coordinating, overseeing, and enforcing the construction site storm water program.

11.5 Post-Construction Storm Water Management

Post-construction runoff can significantly impact a water body by increasing the type and quantity of pollutants in storm water runoff and by increasing the quantity of water delivered to the water body during storms. As runoff flows over areas altered by development, it collects

sediment and chemicals such as oil, grease, pesticides, heavy metals, and nutrients. Instead of infiltrating, water is collected from surfaces such as asphalt and concrete and routed to drainage systems where large volumes of runoff are delivered to the nearest receiving water. Both impacts can be mitigated by proper post-construction planning.

The primary target audiences within the County are:

- **Developers, Contractors, and Homebuilders**
 - Responsible for development and construction activities that can impact post-construction storm water management.
- **Engineers**
 - Responsible for designing post-construction storm water management plans

11.5.1 Reducing Runoff Volume

Section 4-2 of the County's Subdivision Regulations requires submittal of a *Storm Drainage Plan* with submittal of a Major Subdivision Plat. Sections 4-2(2)e, f, g, and h currently require details of pre- and post-construction runoff, drainage structures, and compatibility with existing drainage to be provided with each submitted plan. Etowah County is currently reviewing modification of these existing subdivision regulations to require post-construction storm water management measures to reduce runoff volume. The Storm Water Management regulations will be implemented by **December 31, 2012** in accordance with NPDES General Permit ALR040009.

11.5.2 Reducing Pollutants from Development

Etowah County is currently reviewing modification of their existing storm water and subdivision regulations to require that storm water runoff be controlled to prevent pollution of local waters and that the design and planning of all storm water management facilities include detailed maintenance and repair procedures. The Storm Water Management regulations will be implemented by **December 31, 2012** in accordance with NPDES General Permit ALR040009.

11.6 Pollution Prevention and Good Housekeeping for Municipal Operations

11.6.1 Rationale Statement

The County will develop and utilize BMPs designed to minimize pollution related to operations and maintenance. These BMPs are intended to address storm water pollution from nutrients, sediments, petroleum products, and other common pollutants. The primary target audience includes county employees responsible for daily maintenance activities and operations.

11.6.2 Employee Training

The County will develop a training program that focuses on pollution prevention, good housekeeping measures, identification of potential illicit discharges, and other potential threats to storm water quality. Training materials will focus on vehicle, roadway, maintenance, and pesticides. Training records will be maintained and included with the annual report.

11.6.3 Vehicle Maintenance

The County owns and operates a variety of vehicles and equipment used in municipal operations and maintenance including trucks and equipment. The County will conduct routine maintenance of owned vehicles and will inspect vehicles for the presence of fluid leaks during routine maintenance. The County will promptly repair vehicles determined to have leaks. Vehicle washing will be performed only in designated areas.

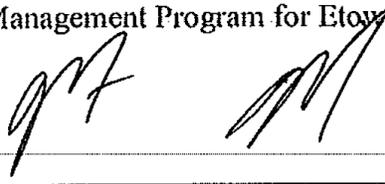
11.6.4 Pesticide Applications

The County currently uses various pesticides (insecticides and herbicides) to control insect pests and unwanted vegetation. To ensure that pesticide applications do not contribute to negative water quality, applicators will have current certifications and County personnel will review all areas where pesticides are to be used to reduce potential impact to waterways. The County will comply with all pesticide application and disposal regulations.

11.7 Agency Certification

This SWMP is produced jointly by the eight jurisdictions comprising the Gadsden-Etowah Phase II Municipal Separate Storm Sewer System. Implementation of the minimum control measures applicable to each jurisdiction is the responsibility of the individual jurisdiction. Implementation of the storm water monitoring component of the Storm Water Management Program is a joint responsibility of all jurisdictions.

I certify that the provisions of the permit, including the implementation of the Storm Water Management Program for Etowah County, Alabama, will be complied with.



Etowah County, Alabama

7/17/12
Date

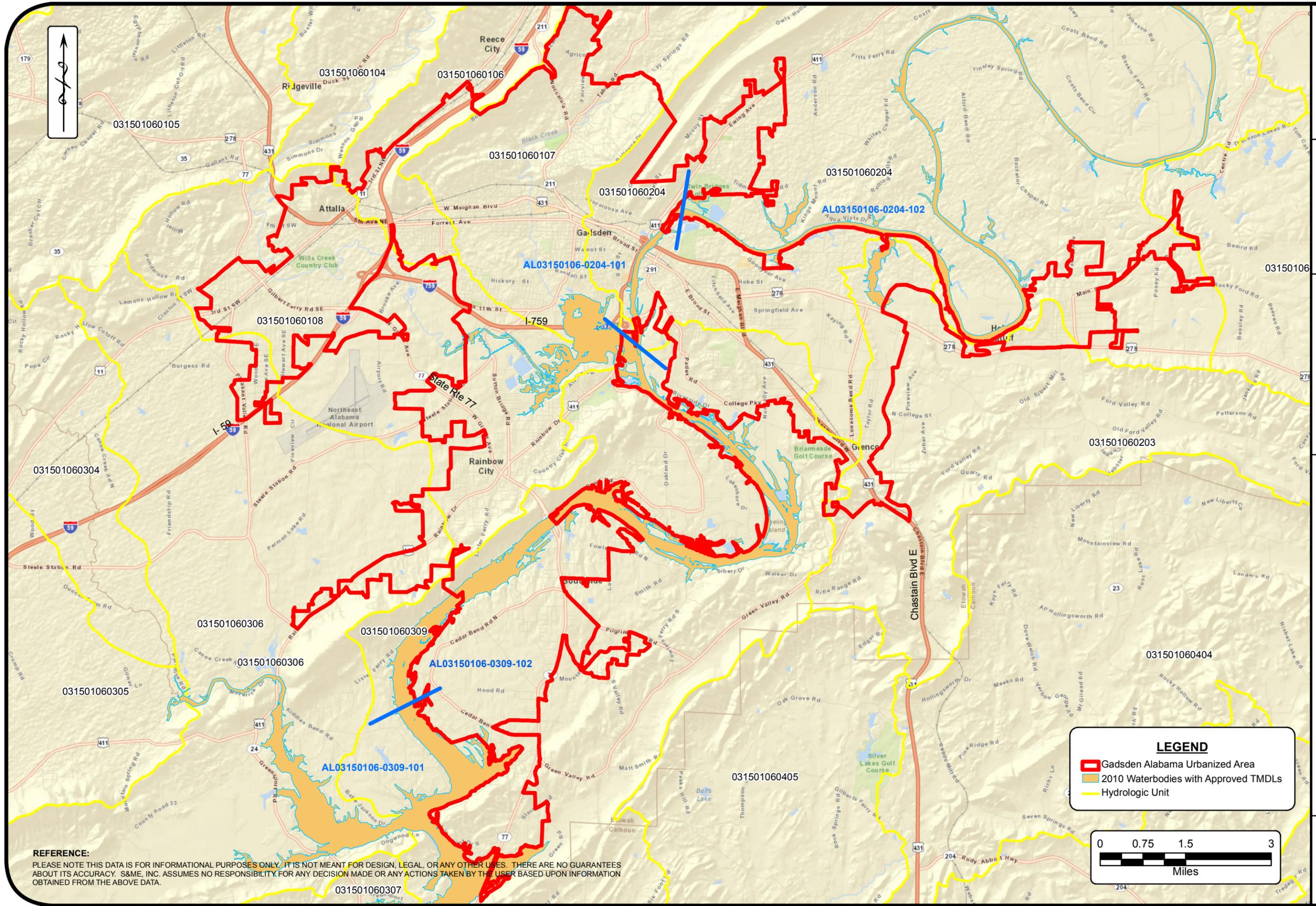
**GADSDEN, ALABAMA URBANIZED AREA
STORM WATER MANAGEMENT PROGRAM**

NPDES General Permit ALR040009

APPENDIX A – FIGURES

Figure 1 – Gadsden, Alabama Urbanized Area

Figure 2 – MS4 Monitoring Locations



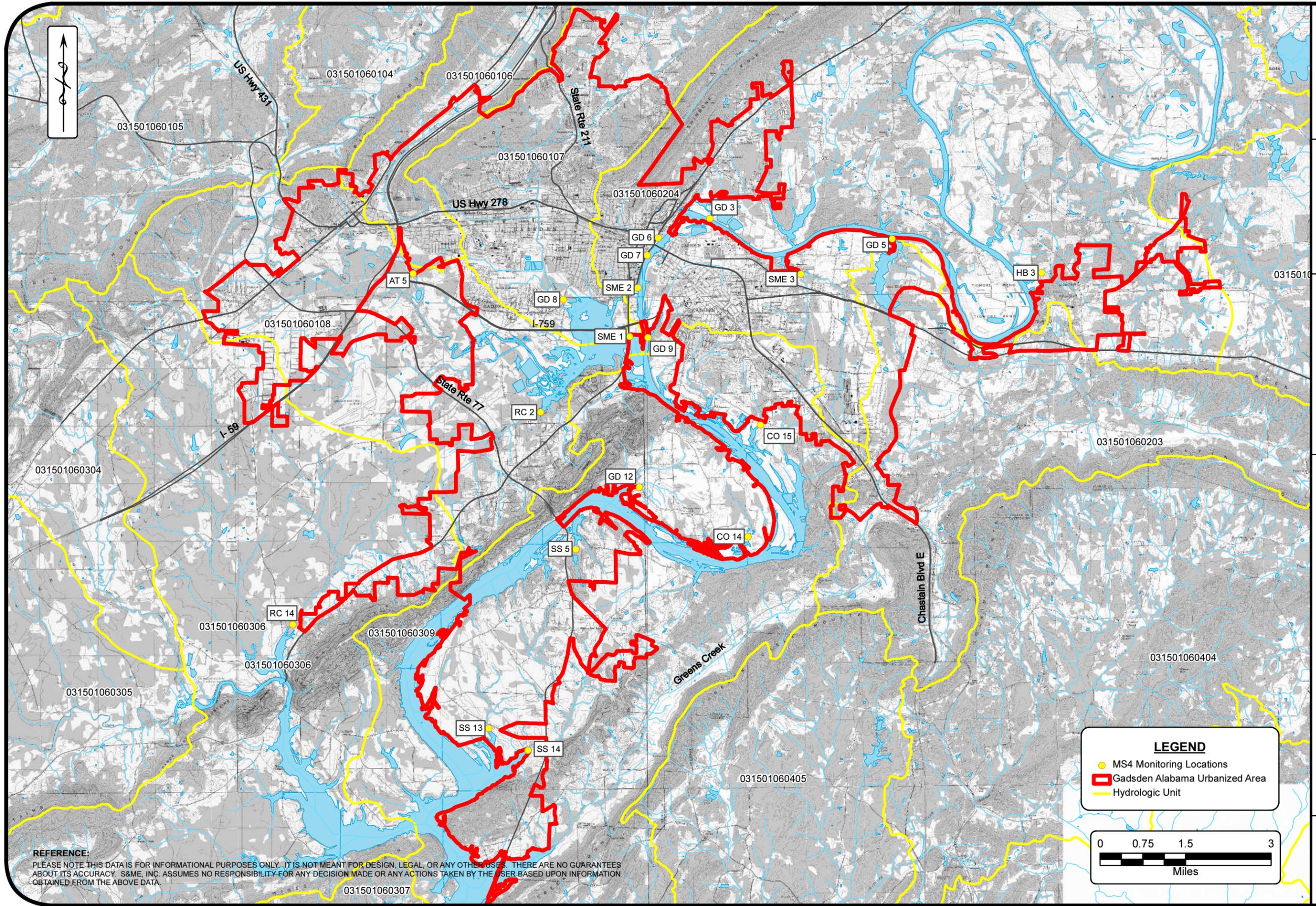
REFERENCE:
 PLEASE NOTE THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT MEANT FOR DESIGN, LEGAL, OR ANY OTHER USES. THERE ARE NO GUARANTEES ABOUT ITS ACCURACY. S&ME, INC. ASSUMES NO RESPONSIBILITY FOR ANY DECISION MADE OR ANY ACTIONS TAKEN BY THE USER BASED UPON INFORMATION OBTAINED FROM THE ABOVE DATA.

DATE: 6/12/12
SCALE: 1:100,000
PROJECT NO: 1824-12-021
NPDES NO: ALG040009
DRAWN BY: SLY
CHECKED BY: CRO

S&ME
WWW.SMEINC.COM

WATERBODIES WITH TMDLS
 MUNICIPAL SEPARATE STORM SEWER SYSTEM
 GADSDEN ALABAMA URBANIZED AREA

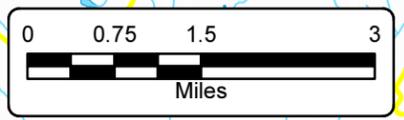
FIGURE NO. **1**



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LEGEND

- MS4 Monitoring Locations
- ▭ Gadsden Alabama Urbanized Area
- Hydrologic Unit



DATE: 6/12/12
 DRAWN BY: SILY
 CHECKED BY: CRO

SCALE: 1:100,000
 PROJECT NO: 1824-12-021
 NPDES NO: ALG040009



MS4 MONITORING LOCATIONS

MUNICIPAL SEPARATE STORM SEWER SYSTEM
 GADSDEN ALABAMA URBANIZED AREA

FIGURE NO.
2

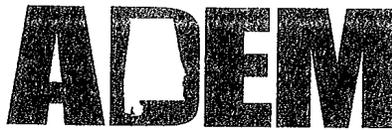
**GADSDEN, ALABAMA URBANIZED AREA
STORM WATER MANAGEMENT PROGRAM**
NPDES General Permit ALR040009

APPENDIX B – PERMIT DOCUMENTATION

Coverage Authorization

NPDES Permit ALR040009

Gadsden-Etowah Inter-Jurisdictional Agreement



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2059 ♦ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700
FAX (334) 271-7950

FEB 21 2008

Sherman Guyton, Mayor
City of Gadsden
P.O. Box 267
Gadsden, AL 35902

Re: Phase II Annual Report
General NPDES Permit No. ALR040009
Gadsden/Etowah County Commission
Etowah County

Dear Mayor Guyton:

The General Phase II MS4 Permit issued to the referenced facility will expire **March 9, 2008**. However, since the Notice of Intent (NOI) was submitted 180 days prior to the permit expiration date, coverage under this permit has been administratively extended. Therefore, you should continue to operate in accordance with the requirements of the General Permit until such time it is re-issued. These permit requirements include the submittal of annual reports. This fifth year annual report is due in the Department by **March 10, 2008**. Part V.C. of the permit discusses the information that must be included in the report.

1. The status of your compliance with permit conditions, an assessment of the appropriateness of the identified BMPs progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;
2. Results of information collected and analyzed, if any, during the reporting period, including any monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP.
3. A summary of the stormwater activities you plan to undertake during the next reporting cycle (including an implementation schedule);
4. Proposed changes to your SWMP, including changes to any BMP or any identified measurable goals that apply to the program elements; and
5. Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable).

If you have any questions, please feel free to give me a call at (334) 394-4365

Sincerely,

Vermetta J. Palmer
Industrial Section
Water Division

VJP/vjp

cc: Jeremy Ward, Chief Engineering Aide/City of Gadsden

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

January 31, 2011

Honorable Sherman Guyton
Mayor, City of Gadsden
P.O. Box 267
Gadsden, Alabama 35902

RE: Municipal Separate Storm Sewer System (MS4) Phase II General Permit
NPDES Number ALR040009
City of Gadsden/Etowah County/Hokes Bluff/Glencoe/Attalla/Rainbow City/Reece City/Southside

Dear Mayor Guyton:

The Alabama Department of Environmental Management has made a final determination to reissue General NPDES Permit No. ALR040000 for discharges from regulated small municipal separate storm sewers. The reissued permit is effective on February 1, 2011.

The Department notified the public of its tentative determination to reissue General NPDES Permit No. ALR040000 on May 18, 2010. Interest persons were provided the opportunity to submit comments on the Department's tentative decision through July 23, 2010. The Department also held a public hearing on July 23, 2010. In accordance with ADEM Admin Code r. 335-6-6-.21(7), a response to all comments received during the public comment permit and the public hearing are provided with the enclosed permit.

Based on your request, as evidenced by the submittal of a Notice of Intent, coverage under the General NPDES Permit Number ALR040009 is granted. The effective date of issuance coverage is February 1, 2011.

Coverage under this permit does not authorize the discharge of any pollutant or non-stormwater that is not specifically identified in the permit and by the Notice of Intent which resulted in granting this coverage.

You are responsible for compliance with all provisions of the permit including, but not limited to, the performance of any monitoring (if applicable), the submittal of any reports, and the preparation and implementation of any plans required by the permit. The Department is requesting the submittal of an updated Stormwater Management Plan (SWMP) within six months of the issuance of this permit.

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,

Vernon H. Crockett, Chief
Stormwater Management Branch
Water Division

VHC/mss

Enclosures

cc: Mr. Tom McGill/Environmental Protection Agency
Mr. Jeremy Ward/City of Gadsden

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S. W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT GENERAL PERMIT

DISCHARGE AUTHORIZED: STORMWATER DISCHARGES FROM REGULATED SMALL
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALR040009

RECEIVING WATERS: ALL WATERS OF THE STATE OF ALABAMA

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: JANUARY 31, 2011

EFFECTIVE DATE: FEBRUARY 1, 2011

EXPIRATION DATE: JANUARY 31, 2016

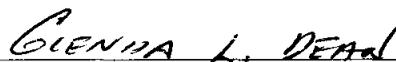

Alabama Department of Environmental Management

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PART I Coverage Under This General Permit

A. Permit Coverage

This permit covers all the areas within the State of Alabama.

B. Eligibility

1. This permit authorizes discharges of storm water from small municipal separate storm sewer systems (MS4s), as defined in 40 CFR Part 122.26(b) (16). You are authorized to discharge under these terms and conditions of this general permit if you:
 - (a) Own or operate a small MS4 within the permit area described in Section A,
 - (b) Are not a "large" or "medium" MS4 as described in 40 CFR Part 122.26(b) (4) or (7),
 - (c) Submit a Notice of Intent (NOI) in accordance with Part II of this permit, and
 - (d) Either:
 - (i) Are located fully or partially within an urbanized area as determined by the latest Decennial Census by the Bureau of Census, or
 - (ii) Are designated for permit authorization by the Environmental Protection Agency (EPA) and the Department pursuant to 40 CFR Part 122.32(a) (2).
2. This permit authorizes the following non- storm water discharges provided: (1) they do not cause or contribute to a violation of water quality standards; (2) they have been determined not to be substantial contributors of pollutants to a particular small MS4 applying for coverage under this permit and that is implementing the storm water management program set forth in this permit:
 - (a) Water line flushing
 - (b) Landscape irrigation
 - (c) Diverted stream flows
 - (d) Uncontaminated ground water infiltration (Infiltration is defined as 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.)
 - (e) Uncontaminated pumped groundwater
 - (f) Discharges from potable water sources
 - (g) Foundation drains
 - (h) Air conditioning condensate
 - (i) Irrigation water (not consisting of treated, or untreated, wastewater)
 - (j) Rising ground water
 - (k) Springs
 - (l) Water from crawl space pumps
 - (m) Footing drains
 - (n) Lawn watering runoff
 - (o) Individual residential car washing
 - (p) Residual street wash water
 - (q) Discharge or flows from firefighting activities (including fire hydrant flushing)
 - (r) Flows from riparian habitats and wetlands
 - (s) Dechlorinated swimming pool discharges, and
 - (t) Discharge authorized by and in compliance with a separate NPDES permit

C. Limitations of Coverage

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:
 - (a) In compliance with a separate NPDES permit, or
 - (b) Determined by the Department not to be a significant contributor of pollutants to waters of the State.
2. Storm water discharges associated with industrial activity as defined in 40 CFR Part 122.26(b) (14) (i)-(ix) and (xi);
3. Storm water discharges associated with construction activity as defined in 40 CFR Part 122.26(b) (14) (x) or 40 CFR 122.26(b)(15) and subject to Alabama Department of Environmental Management (ADEM) Admin. Code r. 335-6-12;
4. Storm water discharges currently covered under another NPDES Permit;
5. Discharges to territorial seas, contiguous zone, and the oceans unless such discharges are in compliance with the ocean discharge criteria of 40 CFR Part 125, Subpart M;
6. Discharges that would cause or contribute to instream exceedances of water quality standards; Your storm water management program (SWMP) must include a description of the Best Management Practices (BMPs) that you will be using to ensure that this will not occur. The Department may require corrective action or an application for an individual permit or alternative general permit if an MS4 is determined to cause an instream exceedance of water quality standards;
7. Discharges of any pollutant into any water for which a total maximum daily load (TMDL) has been approved or developed by EPA unless your discharge is consistent with the TMDL; This eligibility condition applies at the time you submit a NOI for coverage. If conditions change after you have permit coverage, you may remain covered by the permit provided you comply with the applicable requirements of Part IV.D. You must incorporate any limitations, conditions and requirements applicable to your discharges, including monitoring frequency and reporting required, into your SWMP in order to be eligible for permit coverage. For discharges not eligible for coverage under this permit, you must apply for and receive an individual or other applicable general NPDES permit prior to discharging;
8. This permit does not relieve entities that cause illicit discharges, including spills, of oils or hazardous substances, from responsibilities and liabilities under State and Federal law and regulations pertaining to those discharges.

D. Obtaining Authorization

1. To be authorized to discharge storm water from small MS4s, you must submit a notice of intent (NOI) and a description of your SWMP in accordance with the deadlines presented in Part II of this permit.
2. You must submit the information required in Part II on the latest version of the NOI form (or photocopy thereof). Your NOI must be signed and dated in accordance with Part VI of this permit.
3. No discharge under the general permit may commence until the discharger receives the Department's acknowledgement of the notice of intent (NOI) and approval of the coverage of the discharge by the general permit. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI.

4. Where the operator changes, or where a new operator is added after submittal of an NOI under Part II, a new NOI must be submitted in accordance with Part II within thirty (30) days of the change or addition.
5. For areas annexed into your MS4 area after you received coverage under this general permit, the first annual report submitted after the annexation must include the updates to your SWMP, as appropriate.

Note: If the Department notifies the dischargers (directly, by the public notice, or by making information available on the Internet) of other NOI form options that become available at a later date (e.g., electronic submission of forms), you may take advantage of those options to satisfy the NOI use and submittal requirements in Part II.

E. Implementation

1. This permit requires implementation of the MS4 Program under the State and Federal NPDES Regulations. MS4s shall modify their programs if and when water quality considerations warrant greater attention or prescriptiveness in specific components of the municipal program.
2. If a small MS4 operator implements the six minimum control measures in Section 122.34(b) and the discharges are determined to cause or contribute to non-attainment of an applicable water quality standard as evidenced by the State of Alabama's 303(d) list or an EPA-approved or developed Total Maximum Daily Load (TMDL), the operator must tailor its BMPs within the scope of the six minimum control measures to address the pollutants of concern.
3. Existing MS4s, unless otherwise stated within this permit, shall implement each of the minimum control measures outlined in Part III.B. of this permit within 180 days. New MS4s, unless otherwise stated in this permit, shall implement the minimum control measures outlined in Part III.B. of this permit within 365 days of the effective date of coverage. However, where new or revised ordinances are required to implement any of the minimum control measures, such ordinances shall be enacted within 730 days from the effective date of coverage.

PART II Notice of Intent (NOI) Requirements

A. Deadlines for Applications

1. If you are automatically designated under 40 CFR Part 122.32(a)(1) or designated by the Department, then to request recoveage, you are required to submit an NOI or an application for an individual permit and a description of your SWMP within 90 days before the expiration of this permit.
2. If you are designated by the Department after the date of permit issuance, then you are required to submit an NOI or an application for an individual permit and a description of your SWMP within 180 days upon notification.
3. You are not prohibited from submitting an NOI after the dates provided in Part II.A. If a NOI is submitted after the dates provided in Part II.A, your authorization is only for discharges that occur after permit coverage is granted. The Department reserves the right to take appropriate enforcement actions for any unpermitted discharges.
4. Within six months of the date of issuance of coverage under this permit, all operators of regulated small MS4s shall submit a storm water management program (SWMP) Plan to the Department. A SWMP Plan can be submitted electronically in a .PDF format, or in another prescribed manner acceptable to the Department that contains all necessary components.

B. Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the ADEM Admin. Code r. 335-6-6 and remain in force and effect if the Permittee re-applies for coverage as required under Part II of this Permit. Any Permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
2. Issuance of an individual permit for your discharges; or
3. A formal permit decision by the Department not to reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

C. Contents of the Notice of Intent

The Notice(s) of Intent must be signed in accordance with Part VI of this permit and must include the following information:

1. Information on the Permittee:
 - (a) The name of the regulated entity, specifying the contact person and responsible official, mailing address, telephone number, and email address (optional); and
 - (b) An indication of whether you are a Federal, State, County, Municipal or other public entity.
2. Information on the municipal separate storm sewer system:
 - (a) The Urbanized Area or Core Municipality (if you are not located in an Urbanized Area) where your system is located; the name of your organization, county(ies), city(ies), or town(s) where your MS4 is located, and the latitude and longitude of an approximate center of your MS4;

- (b) The name of the major receiving water(s) and an indication of whether any of your receiving waters are included on the latest 303(d) list, included in an EPA-approved Total Maximum Daily Load (TMDL), or otherwise designated by the Department as being impaired. If you have discharges to 303(d), or TMDL waters, a certification that your SWMP complies with the requirements of Part IV.D.;
 - (c) If you are relying on another governmental entity, regulated under the storm water regulations (40 CFR Part 122.26 & 122.32) to satisfy one or more of your permit obligations (see Part III), the identity of that entity(ies) and the elements(s) they will be implementing. The Permittee remains responsible for compliance if the other entity fails to fully perform the permit obligation, and may be subject to enforcement action if neither the Permittee nor the other entity fully performs the permit obligation; and
 - (d) If you are relying on the Department for enforcement of erosion and sediment controls on qualifying construction sites in accordance with Part III.B.4(c).
3. Information on your chosen best management practices (BMPs) and the measurable goals for each of the storm water minimum control measures in Part III of this permit, your time frame for implementing each of the BMPs, and the person or persons responsible for implementing or coordinating your SWMP.

D. Where to Submit

1. You are to submit your NOI or individual application, and SWMP or a description of your SWMP as allowed under Part II.A.2., signed in accordance with the signatory requirements of Section VI of this permit, to the Department at the following address:

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

Certified and Registered Mail shall be addressed to:

**Alabama Department of Environmental Management
Water Division
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059**

E. Co-Permittees Under a Single Notice of Intent (NOI)

You may partner with other MS4s to develop and implement your SWMP. You may also jointly submit an NOI with one or more MS4s. The description of your SWMP must clearly describe which permittees are responsible for implementing each of the control measures.

PART III Storm Water Management Program (SWMP) for Small MS4s

A. Requirements

1. You must develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from your small MS4 to the maximum extent practicable (MEP) to protect water quality and to satisfy the appropriate water quality requirements of the Clean Water Act. The SWMP should include management practices; control techniques and system, design, and engineering methods; and such other provisions as the Department may determine appropriate for the control of such pollutants as follows:
 - (a) The BMPs that you or another entity will implement for each of the storm water minimum control measures (Any technical information developed for the SWMP associated with system, design, and engineering methods must be prepared by a professional engineer, presently registered to practice in the State as required by Alabama Department of Environmental Management (ADEM) Admin. Code r. 335-6-3.);
 - (b) Coordination among entities covered under this small MS4 permit may be necessary to comply with the conditions of the SWMP. The SWMP shall include, where applicable, condition mechanisms among entities covered under this permit to encourage coordinated storm water related policies, programs, and projects within adjoining or shared areas. Entities covered under the small MS4 permit include: municipalities, transportation agencies, universities, colleges, hospitals, prisons, and military bases;
 - (c) The measurable goals for each of the BMPs including, as appropriate, the months and years in which you will undertake required actions, including interim milestones and the frequency of the action. Information about developing measurable goals can be found on the USEPA's website: <http://cfpub.epa.gov/npdes/stormwater/measurablegoals/part3.cfm>;
 - (d) The person or persons responsible for implementing or coordinating the BMPs for your SWMP, and
 - (e) Subject to the five-year limitation noted under Part III.A.1.b. of this paragraph, extensions of milestones may be granted for good cause shown. Failure to implement effective BMPs is not good cause to extend milestones.
2. The SWMP must include the following information for each of the six minimum control measures described in Section III.B. of this permit:
 - (a) The Permittee must develop a storm water management program designed to reduce the discharge of pollutants from your small municipal separate storm sewer system to the maximum extent practicable (MEP) to protect water quality and satisfy the appropriate requirements of the Clean Water Act.
 - (b) The Permittee shall use all known, available, and reasonable methods of prevention, control and treatment (BMPs) to prevent and control storm water pollution from entering waters of the State of Alabama.

B. Minimum Control Measures

You shall consider the use of Low Impact Development (LID)/Green Infrastructure where feasible to assist in attaining the six minimum control measures. Information on Low Impact Development (LID)/Green Infrastructure is available on the following website: <http://epa.gov/nps/lid>. The six minimum control measures that must be included in your SWMP are:

1. Public Education and Outreach on Storm Water Impacts

- (a) Permit requirement: The Permittee must implement a public education and outreach program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff to the maximum extent practicable. This program is the continuous implementation in the areas served by the MS4 as established in the previous permit cycle, if applicable.
- (b) Documentation: The Permittee must document the methodology for the development of a storm water public education and outreach program. The rationale statement should be included in the SWMP and annual report and must address the overall public education program and the individual BMPs, measurable goals and responsible persons for your program. The rationale statement must include the following information, at a minimum:
- (i) How the Permittee plans to inform individuals and households about the steps they can take to reduce storm water pollution.
 - (ii) How the Permittee plans to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream, lake, and beach restoration activities).
 - (iii) Who are the target audiences for the education program who are likely to have significant storm water impacts (including commercial, industrial, and institutional entities) and why those target audiences were selected.
 - (iv) What are the target pollutant sources the Permittee's public education program is designed to address.
 - (v) What is the outreach strategy, including how the Permittee plans to inform the target audiences, the mechanisms and activities (e.g., printed brochures, newspapers, media, workshops, etc.) the Permittee will use to reach the target audiences, and how many people does the Permittee expect to reach by the Permittee's outreach strategy over the permit term.
 - (vi) Who is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.
 - (vii) How will the Permittee evaluate the overall success of this minimum measure.
- (c) Education and outreach efforts shall be prioritized to target the following audiences and subject areas:
- (i) General Public
 - General impacts of storm water flows into surface waters.
 - Impacts from impervious surfaces.
 - Source control BMPs and environmental stewardship actions and opportunities in the areas of pet waste, vehicle maintenance, landscaping, and rain water reuse.
 - (ii) General Public, Businesses, Including Home-Based and Mobile Businesses
 - BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials.
 - Impacts of illicit discharges and how to report them.
 - (iii) Homeowners, Landscapers, and Property Managers
 - Yard care techniques that protect water quality.
 - BMPs for use and storage of pesticides and fertilizers.
 - BMPs for carpet cleaning and auto repair and maintenance.
 - Runoff reduction techniques, including site design, pervious paving, retention of forests, and mature trees.
 - Storm water pond maintenance.

(iv) Engineers, Contractors, Developers, Review Staff, and Land Use Planners

- Technical standards for construction site sediment and erosion control.
- Runoff reduction techniques, including site design, pervious pavement, alternative parking lot design, retention of forests and mature trees.
- Storm water treatment and flow control BMPS.
- Impacts of increased storm water flows into receiving water bodies.

2. Public Involvement/Participation

The SWMP shall include ongoing activities for public involvement through mechanisms such as advisory councils, watershed associations, committees, participation on rate structures, stewardship programs, and environmental related activities. The Permittee shall implement a process to facilitate opportunities for direct action, education, and volunteer programs such as storm drain stenciling, urban stream cleanup, and volunteer monitoring.

- (a) Permit requirement: The Permittee must at a minimum, comply with applicable State and local public notice requirements when implementing a public involvement/participation program.
- (b) Documentation: The Permittee shall consider development of opportunities for the public to participate in the decision making process involving the development and update of the SWMP. The Permittee must document the methodology for the development of the public involvement/participation program. The methodology should include a rationale statement in the SWMP and annual report and must address the overall public involvement/participation program and document individual BMPs, measurable goals, and responsible persons for implementing the program. The rationale statement must include the following information, at a minimum:
- (i) How the Permittee has involved the public in the development and submittal of the storm water management program.
 - (ii) What is the Permittee's plan to actively involve the public in the development and implementation of the program.
 - (iii) The target audiences for the public involvement program, including a description of the audiences' demographic characteristic. The Permittees are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.
 - (iv) What are the types of public involvement activities included in the program. Where appropriate, consider the following types of public involvement activities:
 - Citizen representative on a storm water management panel.
 - Public hearings.
 - Working with citizen volunteers willing to educate others about the program.
 - Storm drain marking, stenciling, and tagging, volunteer monitoring or stream/lake/beach clean-up activities.
 - (v) Who is responsible for overall management and implementation of the Permittee's storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.
 - (vi) How the Permittee will evaluate the success of this minimum measure, including how the Permittee selected the measurable goal for each minimum measure.

(vii) The Permittee shall make their SWMP and their annual reports required under this permit available to the public when requested. The current SWMP and the latest annual report should be posted on the Permittee's website, if available. To comply with the posting requirement, if a Permittee does not maintain a website, they may submit the updated SWMP and annual report to the Department for electronic distribution when requested in accordance with the Department's public records process.

3. Illicit Discharge Detection and Elimination (IDDE)

(a) Permit requirement: The Permittee must:

- (i) The SWMP shall include an ongoing program to detect and eliminate illicit discharges (as defined in 40 CFR Part 122.26(b)(2)) into the Permittee's small MS4, and improper disposal, including spills not under the purview of another responding authority, into the MS4 owned or operated by the Permittee, to the maximum extent practicable.
- (ii) The Permittee's existing storm sewer map(s) that were created during the first permit cycle shall be updated on an annual basis and shall include the following: location of all outfalls and the names and location of all waters of the State that receive discharges from those outfalls; structural BMPs owned, operated, and maintained by boundaries of the Permittee's watershed. The Permittee may also opt to include land use on the map(s). In the process of updating the map(s) the following should be added: storm water outfalls which become known; an update of known connections to the MS4 authorized or allowed by the Permittee after the effective date of permit coverage; any geographic areas which may discharge storm water into the Permittee's MS4, which may not be located within the municipal boundary. Newly permitted MS4s must develop a storm sewer system map(s) with the following requirements as stated above in B.3.(a)(2):
- (iii) To the extent allowable under State and local law, effectively prohibit, through ordinance, or other regulatory mechanism, non- storm water discharges into your storm sewer system that are not listed in Part I.B. and implement appropriate enforcement procedures and actions. The ordinance or other regulatory mechanism shall include escalating enforcement procedures and actions. The Permittee shall develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism. The ordinance or other regulatory mechanism shall be reviewed on an annual basis and updated when necessary;
- (iv) The Permittee shall also implement a program to review and update their IDDE ordinance or other regulatory mechanism to prohibit and eliminate illegal discharges and/or dumping into the Permittee's MS4. The ordinance or other regulatory mechanism shall be reviewed on an annual basis and updated when necessary. Newly permitted MS4s shall develop the aforementioned program. This program shall include:
 - Procedures for locating priority areas likely to have illicit discharges, including at a minimum, evaluating land uses associated with business/industrial activities present; areas where complaints have been registered in the past; and areas with storage of large quantities of materials that could result in spills;
 - Field assessment activities, including visual inspections of priority outfalls identified in (a) above, during dry weather and for the purpose of verifying the outfall locations, identifying previously unknown outfalls, and detecting illicit discharges;

- (v) Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste;
 - (vi) Address the following categories of non-storm discharges or flows (i.e., illicit discharges) only if the Department identifies them as significant contributors of pollutants to your small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (infiltration is defined as 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), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering run-off, individual residential car washing, flows from riparian habitats and wetlands, discharge or flows from firefighting activities (to include fire hydrant flushing); dechlorinated swimming pool discharges, and residual street wash water, discharge authorized by and in compliance with a separate NPDES permit; and
 - (vii) The Permittee may also develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittees) to be significant sources of pollutants to the municipal separate storm sewer system, because of either the nature of the discharges or conditions you have established for allowing these discharges to your MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to impaired waterbodies, BMPs on the wash water, etc.). You must document in your SWMP any local controls or conditions placed on the discharges. The Permittee must include a provision prohibiting any individual non-storm water discharge that is determined to be contributing significant amounts of pollutants to your MS4.
- (b) Documentation: The Permittee must document your methodology for the development of a storm water illicit discharge detection and elimination program. The rationale statement should be included in the SWMP and annual report and must address the overall illicit discharge detection and elimination program and the individual BMPs, measurable goals, and responsible persons for the Permittee's program. The rationale statement must include the following information, at a minimum:
- (i) How the Permittee will develop a storm water map showing the location of all outfalls, to include the latitude and longitude, and the names and location of all receiving waters. Describe the sources of information the Permittee used for the maps, and how you plan to verify the outfall locations with field surveys. If already completed, describe how you developed this map. Also, the Permittee must submit an updated map with each annual report unless there are no changes to the map that was previously submitted. When there are no changes to the map, the annual report must state this.
 - (ii) The mechanism (ordinance or other regulatory mechanism) you will use to effectively prohibit illicit discharges into the MS4 and why you chose that mechanism. If the Permittee needs to develop this mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program.
 - (iii) The plan to ensure through appropriate enforcement procedures and actions that the illicit discharge ordinance (or other regulatory mechanism) is implemented.

- (iv) The plan to detect and address illicit discharges to your system, including discharges from illegal dumping and spills. The Permittee's plan must include, to the extent practicable, dry weather field screening for non-storm water flows and field tests of chemical parameters you selected as indicators of discharge sources. The plan must also address on-site sewage disposal systems that flow into the storm drainage system. The description must address the following, at a minimum:
 - Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches.
 - Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source.
 - Procedures for removing the source of the illicit discharge.
 - Procedures for program evaluation and assessment.
- (v) How the Permittee plans to inform the public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in the description how this plan will coordinate with the public education minimum measure and the pollution prevention/good housekeeping minimum measure programs.
- (vi) Who is responsible for overall management and implementation of the illicit discharge detection and elimination program and, if different, who is responsible for each of the BMPs identified for this program.
- (vii) How the Permittee will evaluate the success of this minimum measure, including how the Permittee selected the measurable goal for each minimum measure.

4. Construction Site Storm Water Runoff Control

- (a) Within 730 days from the effective date of coverage under this permit, all Permittees must develop, implement, and enforce a program to reduce, to the maximum extent practicable, pollutants in any storm water runoff to the regulated MS4 from construction activities that result in a total land disturbance of greater than or equal to one acre and activities that disturb less than one acre but are part of a larger common plan of development or sale that would disturb one acre or more (hereinafter "qualifying construction sites").
- (b) The SWMP must include the following components for construction site storm water runoff control:
 - (i) To the extent allowable under State law, an ordinance or other regulatory mechanism to require erosion and sediment controls, sanctions to ensure compliance, and to provide all other authorities needed to implement the requirements of Part III.B.4. of this permit.
 - (ii) A training program for MS4 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);
 - (iii) Procedures for the periodic inspection of qualifying construction sites to verify the use of appropriate erosion and sediment control practices that 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"). The frequency and prioritization of inspection activities shall be documented in the SWMP and must include a minimum inspection frequency of once each month for priority construction sites.

- (iv) Specific procedures for construction site plan (including erosion prevention and sediment controls) review and approval: The MS4 procedures must include an evaluation of plan completeness and overall BMP effectiveness.
 - (v) Procedures to notify ADEM of non-compliant construction sites discovered during periodic inspections. The notification must provide, at a minimum, the specific location of the construction project, the name and contact information from the owner or operator, and a summary of the site deficiencies.
- (c) ADEM implements a State-wide NPDES construction storm water regulatory program. As provided by 40 CFR Part 122.35(b), the Permittee may rely on ADEM for the setting of standards for appropriate erosion controls and sediment controls for qualifying construction sites and for enforcement of such controls. If not relying on ADEM's program, then the Permittee must include the following, at a minimum, in its SWMP:
- (i) Requirements for construction site operators to implement appropriate erosion and sediment control BMPs 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").
 - (ii) 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.
 - (iii) Development and implementation of an enforcement strategy that includes escalating enforcement remedies to respond to issues of non-compliance.
 - (iv) An enforcement tracking system designed to record instances of non-compliance and the MS4's responding actions. The enforcement case documentation should include:
 - Name of owner/operator;
 - Location of construction project or industrial facility;
 - Description of violation;
 - Small MS4 General NPDES Permit
 - Required schedule for returning to compliance;
 - Description of enforcement response used, including escalated responses if repeat violations occur or violations are not resolved in a timely manner;
 - Accompanying documentation of enforcement response (e.g., notices of noncompliance, notices of violations, etc.);
 - Any referrals to different departments or agencies;
 - Date violation was resolved.
- (d) The Permittee must keep records of all inspections (i.e. inspection reports), site plan reviews and employee training required by Part III.4.(b).
- (e) The Permittee must document the decision process for the development of a construction site storm water control program. The rationale statement should be included in the SWMP and annual report and must address the overall construction site storm water control program and the individual BMPs, measurable goals, and responsible persons for the Permittee's program. The rationale statement must include the following information, at a minimum:
- (i) The mechanism (ordinance or other regulatory mechanism, as allowed in accordance with 40 CFR 122.34(b)(4)(ii)(A)), the Permittee will use to require erosion and sediment controls at construction sites and why the Permittee chose that mechanism. If the Permittee needs to develop this mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections within the SWMP description.

- (ii) Plan to ensure compliance with the erosion and sediment control regulatory mechanism, including the sanctions and enforcement mechanisms the Permittee will use to ensure compliance. Describe the procedures for when the Permittee will use certain sanctions. Possible sanctions include non-monetary penalties (such as stop work orders), fines, bonding requirements, and/or permit denials for non-compliance.
- (iii) The requirements for construction site operators to implement appropriate erosion and sediment control BMPs and control waste at construction sites that may cause adverse impacts to water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.
- (iv) The procedures for plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. For construction projects that discharge the pollutant or pollutants of concern to a water body that is listed on the State of Alabama's 303(d) list or has an EPA approved or EPA developed TMDL, you must follow the requirements of Part IV.D. of this permit.
- (v) The procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with the public education program.
- (vi) The procedures for site inspection and enforcement of control measures, including how the Permittee will prioritize sites for inspection.
- (vii) Who is responsible for overall management and implementation of the Permittee's construction site storm water control program and, if different, who is responsible for each of the BMPs identified for this program.
- (viii) Describe how the Permittee will evaluate the success of this minimum measure, including how the Permittee selected the measurable goals for each of the BMPs.

5. Post-Construction Storm water management in new Development and Redevelopment

Post-Construction Stormwater Management refers to the activities that take place after construction occurs, and includes structural and non-structural controls to obtain permanent stormwater management over the life of the property's use. All Permittees must implement the requirements of Part III.B.5. within 730 days from the effective date of coverage.

- (a) The Permittee shall develop and implement project review, approval, and enforcement procedures for new development and redevelopment projects that disturb greater than one acre, and projects less than one acre that are part of a larger common plan of development or sale. Further requirements for project review and approval are as follows:
 - (i) Develop procedures for the site-plan review and approval process and a required re-approval process when changes to post-construction controls are required.
 - (ii) Develop procedures for a post-construction process to demonstrate and document that post-construction stormwater measures have been installed per design specifications, which includes enforceable procedures for bringing noncompliant projects into compliance.
- (b) The Permittee must develop and implement strategies which include a combination of structural and/or non-structural BMPs designed to ensure, to the maximum extent practicable, that the volume and velocity of pre-construction stormwater runoff is not significantly exceeded. A design rainfall event with an intensity up to that of a 2yr-24hr storm event shall be the basis for the design and implementation of post-construction BMPs.
- (c) To the extent allowable under State law, the Permittee must develop and institute the use of an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects.

- (d) The Permittee must develop procedures for development site plan review and approval to ensure post-construction BMPs are addressed.
- (e) The Permittee must ensure adequate long-term operation and maintenance of BMPs. The MS4 shall require a maintenance agreement and provide verification of maintenance provisions of post-construction management practices. These agreements shall allow the MS4, or its designee, to conduct inspections of the management practices and also account for transfer of responsibility in leases and/or deed transfers. Verification shall include one or more of the following as applicable:
- (i) The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
 - (ii) Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
 - (iii) 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
 - (iv) Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control management practices.
- (f) The Permittee shall review and evaluate policies and ordinances related to building codes, or other local regulations, with a goal of identifying regulatory and policy impediments to the installation of green infrastructure and low-impact development techniques.
- (g) The Permittee must document the decision process for the development of a post-construction SWMP. The rationale statement should be included in the SWMP and annual report and must address the overall post-construction SWMP and the individual BMPs, measurable goals, and responsible persons for the Permittee's program. The rationale statement must include the following information, at a minimum:
- (i) The program to address storm water runoff from new development and redevelopment projects. Include in this description any specific priority areas for this program.
 - (ii) How the program will be specifically tailored for the Permittee's local community, minimize water quality impacts, and attempt to maintain pre-development runoff conditions.
 - (iii) Any non-structural BMPs in the program, including, as appropriate:
 - Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation.
 - Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure.
 - Education programs for developers and the public about project designs that minimize water quality impacts.
 - Other measures such as: minimization of the percentage of impervious areas after development, and source control measures often thought as good housekeeping, preventative maintenance and spill prevention.
 - (iv) Any structural BMPs in the program, including, as appropriate:
 - Storage practices such as wet ponds, and extended-detention outlet structures.

- Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips.
 - Infiltration practices such as infiltration basin and infiltration trenches.
- (v) The mechanisms (ordinance or other regulatory mechanisms) the Permittee will use to address post-construction runoff from new development and redevelopments and the rationale for that mechanism. If the Permittee needs to develop a mechanism, describe the plan and a schedule to do so. If the ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with the program.
- (vi) How you will ensure the long-term operation and maintenance (O&M) of the selected BMPs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between the Permittee and another party such as the post-development landowners or regional authorities.
- (vii) How the Permittee will evaluate the success of this minimum measure.
6. Pollution Prevention/Good Housekeeping for Municipal Operations
- (a) The Permittee must develop and implement a program for pollution prevention/good housekeeping for municipal operations.
- (b) The Permittee must develop and implement an employee training program that uses training materials that are available from EPA, the State or other organizations and is designed to prevent and reduce storm water pollution, to the maximum extent practicable, from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, storm water system maintenance, and all other applicable municipal operations.
- (c) Documentation: The Permittee must document the methodology for the development of a pollution prevention/good housekeeping program for municipal operations. The rationale statement should be included in the SWMP and annual report and must address both the overall pollution prevention/good housekeeping program; the individual BMPs measurable goals, and responsible persons for the Permittee's program. The rationale statement must include the following information, at a minimum:
- (i) The operation and maintenance program to prevent or reduce pollutant runoff from the Permittee's municipal operations. The program should list the municipal operations and industrial activities that are impacted by this operation and maintenance program.
 - (ii) Any government employee training program the Permittee will use to prevent and reduce the storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. Describe any existing, available materials the Permittee plans to use. Describe how this training program will be coordinated with the outreach programs developed for the public information minimum measure and the illicit discharge minimum measure.
 - (iii) The program should address the following areas, at a minimum:
 - Maintenance activities, maintenance schedules, and long-term inspection procedures for controls to reduce floatables and other pollutants to your MS4.
 - Controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, recycling collection centers, fleet or maintenance shops with outdoor storage areas, salt/sand storage locations, and snow disposal areas you operate.

- Procedures for the proper disposal of waste removed from your MS4 and your municipal operations, including materials such as dredge spoil, accumulated sediments, floatables, and other debris.
 - Procedures to ensure that new flood management projects are assessed for impacts on water quality and existing projects are assessed for incorporation of additional water quality protection devices or practices.
- (iv) Who is responsible for overall management and implementation of the Permittee's pollution prevention/good housekeeping program and, if different, who is responsible for each of the BMPs identified for this program.
- (v) How the Permittee will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

PART IV Special Conditions

A. Sharing Minimum Measure Responsibility and Coordination Between MS4s

1. If you are relying on another MS4 regulated under the storm water regulations or the Department to satisfy one or more of your permit obligations, you must note that fact in your storm water management program. This other entity must, in fact, implement the control measure(s); the measure of component thereof, must be at least as stringent as the corresponding NPDES permit requirement; and the other entity, unless it is the Department, must agree to implement the control measure on your behalf. This agreement between the two or more parties must be documented in writing in the storm water management plan and be retained by the Permittee for the duration of this permit, including any automatic extensions of the permit term. Except as provided by Part IV.A.2, the Permittee remains responsible for compliance with this Permit if the other entity fails to implement the permit requirement.
2. If the Permittee is relying on the Department for enforcement of erosion and sediment controls on qualifying construction sites and has included that information in the NOI as required by Part II.C.2.(d), the Permittee is not responsible for taking enforcement action or for implementing the requirements of Part III.B.4(c) of this permit in the event the Department receives notification of non-compliant construction sites from the Permittee as required by Part III.B.4(b)(v).
3. Coordination among entities covered under the small MS4 general permit may be necessary to comply with certain conditions of the SWMP. The SWMP shall include, when applicable:
 - (a) Coordination mechanisms among entities covered under the small MS4 general permit to encourage coordinated storm water related policies, programs and projects within adjoining or shared areas. Entities covered under the small MS4 permit include municipalities, transportation agencies, universities, colleges, hospitals, prisons, and military bases.
 - (b) Coordination mechanisms shall specify roles and responsibilities for the control of pollutants between physically interconnected MS4s permittees covered by the small MS4 general permit.
 - (c) Coordination mechanisms shall coordinate storm water management activities for shared water bodies among permittees to avoid conflicting plans, policies and regulations.
 - (d) The SWMP shall include coordination mechanisms among departments within each Permittee to eliminate barriers to compliance with the terms of this permit.

B. Reviewing and Updating Storm Water Management Programs

1. SWMP Review: You must do an annual review of your SWMP in conjunction with preparation of the annual report required under Part V.
2. SWMP Update: You may change your SWMP during the life of the permit in accordance with the following procedures:
 - (a) Changes adding (but not subtracting or replacing) components, controls, or requirements to the SWMP may be made at any time upon written notification to the Department. These changes must be documented in the annual report.
 - (b) Changes replacing an ineffective or unfeasible components, control measures, or requirements specifically identified in the SWMP, with an alternate component, control measures, or requirements may be requested at any time. Unless denied by the Department, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented sixty (60) days from submittal of the request. If the request is denied, the Department will send you a written response giving a reason for the decision. Your modification requests must include the following:

- (i) An analysis of why the components, control measures or requirements is ineffective or infeasible (including cost prohibitive).
 - (ii) Expectations on the effectiveness of the replacement components, control measures or requirements, and
 - (iii) An analysis of why the replacement components, control measures or requirements are expected to achieve the goals of the components, control measures or requirements to be replaced.
 - (c) Change requests or notifications must be made in writing and signed in accordance with Part VI.
3. SWMP Updates Required by the Department: The SWMP shall be updated as part of the re-coverage process for subsequently issued MS4 general permits. In addition, the Department may require changes to the SWMP as needed to:
- (a) Meet the conditions of the permit;
 - (b) Address impacts on receiving water quality caused, or contributed to, by discharges from the municipal separate storm sewer system;
 - (c) Include more stringent requirements necessary to comply with new Federal statutory or regulatory requirements; or
 - (d) Include such other conditions deemed necessary by the Department to comply with the goals and requirements of the Clean Water Act.
 - (e) Include additional control measures when a Total Maximum Daily Load (TMDL) and/or a 303(d) impairment has been specified for a receiving waterbody, if applicable or if the SWMP proves inadequate in reducing pollutants in storm water run-off;
 - (f) Changes requested by the Department must be made in writing, set forth the time schedule for you to develop the changes, and offer you the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Department will be made in accordance with 40 CFR Part 124.5, 40 CFR Part 122.62, or as appropriate 40 CFR Part 122.63.
4. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation: You must implement the SWMP on all new areas added to your portion of the municipal separate storm sewer system (or for which you become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one (1) year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.
- (a) Within ninety (90) days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, you must have a plan for implementing your SWMP in all affected areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the annual report.
 - (b) Only those portions of the SWMPs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR Part 124.5. Addition of components, controls, or requirements by the Permittee(s) and replacement of an ineffective or infeasible BMP implementing a required component of the SWMP with an alternate BMP expected to achieve the goals of the original BMP shall be considered minor changes to the SWMP and not modifications to the permit.

C. Discharge Compliance with Water Quality Standards

This general permit requires, at a minimum, that permittees develop, implement and enforce a storm water management program designed to reduce the discharge of pollutants to the maximum extent practicable. Full implementation of BMPs, using all known, available, and reasonable methods of prevention, control and treatment to prevent and control storm water pollution from

entering waters of the State of Alabama is considered an acceptable effort to reduce pollutants from the municipal storm drain system to the maximum extent practicable.

D. Discharge to Impaired Waters

1. 303(d) Listed Waters

This permit does not authorize new sources or new discharges of pollutants of concern to impaired waters unless consistent with an EPA approved or EPA developed Total Maximum Daily Load (TMDL) and applicable State law. Impaired waters are those that do not meet applicable water quality standards and are identified on the State of Alabama's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.

- (a) You must determine whether the discharge from any part of the MS4 contributes to a waterbody that is included on the latest 303(d) list or designated by the Department as impaired or is included in an EPA approved or EPA developed TMDL. If you have discharges meeting this criterion, you must comply with Part IV.D., if you do not, Part IV.D. does not apply to you.
- (b) MS4s that discharge into a receiving water which is listed on the State of Alabama's 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the water body is impaired, must within six (6) months of the Final 303(d) list approval, document in the SWMP how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that the discharge will not cause or contribute to the impairment. A monitoring plan to assess the effectiveness of the BMPs in achieving the wasteload allocations must also be included in the SWMP.
- (c) If your MS4 discharges to a waterbody described above, you must also determine whether a total maximum daily load (TMDL) has been developed by EPA or approved by EPA for the listed waterbody. If a TMDL is approved during this permit cycle by USEPA for any waterbody into which an MS4 discharges, the MS4 must review the applicable TMDL to see if it includes requirements for control of storm water discharges. Within six (6) months of the date of a final TMDL issuance., the MS4 must notify the Department on how it will modify its storm water management program to include best management practices specifically targeted to achieve the wasteload allocations prescribed by the TMDL. The MS4 must include a monitoring component in the SWMP to assess the effectiveness of the BMPs in achieving the wasteload allocations.

2. Discharging into Waters with EPA Approved or EPA Developed TMDLs

- (a) Determine whether the EPA approved or EPA developed TMDL is for a pollutant likely to be found in storm water discharges from your MS4.
- (b) Determine whether the TMDL includes a pollutant allocation or other performance requirements specifically for storm water discharge from your MS4.
- (c) Determine whether the TMDL addresses a flow regime likely to occur during periods of storm water discharge.
- (d) After the determinations above have been made and if it is found that your MS4 must implement specific allocations provisions of the TMDL, assess whether the allocations are being met through implementation of existing storm water control measures or if additional control measures are necessary.
- (e) Involve the public in accordance with Part III.B.2. of a decision that existing storm water control measures are meeting the allocations or the additional control measures that you determine are necessary.

- (f) Document all control measures currently being implemented or planned to be implemented. Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows that the allocations will be met.
- (g) If a TMDL contains requirements for control of pollutants from the MS4 storm water discharges, then the SWMP must include BMPs specifically targeted to achieve the wasteload allocations prescribed by the TMDL. A monitoring plan to assess the effectiveness of the BMPs in achieving the wasteload allocations must also be included in the SWMP. Implementation of the monitoring plan in accordance with Part V.A.2 will determine whether the storm water controls are adequate to meet the TMDL allocations.
- (h) If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions. Continue Paragraphs IV.D.2.d.-h. until two continuous monitoring cycles, as defined in the approved monitoring plan in accordance with Part V.A.2., show that the TMDL allocations are being met or that water quality (WQ) standards are being met.

E. Requiring an Individual Permit

The Department may require any person authorized by this permit to apply for and/or obtain an individual NPDES permit. When the Department requires application for an individual NPDES permit, the Department will notify the Permittee in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form and a statement setting a deadline for the Permittee to file the application.

PART V Monitoring, Recordkeeping, and Reporting

A. Monitoring

1. You must evaluate program compliance, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals. If you discharge to an impaired water or to a water for which a TMDL has been approved by EPA, you may have monitoring requirements under Part IV.D.
2. When you conduct monitoring at your permitted small MS4, you are required to comply with the following:
 - (a) Submit the monitoring plan. The proposed monitoring plan and any subsequent revision proposed must be submitted to the Department six (6) months from the date of coverage of this permit and annually, thereafter, concurrent with the SWMP Annual Report submittal for approval.
 - (b) Representative monitoring. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (c) Test Procedures. Analysis must be conducted according to test procedures approved by EPA under 40 CFR Part 136. When an EPA approved test procedure for analysis of a pollutant does not exist, the Director or his designee shall approve the procedure to be used.
3. Records of monitoring information shall include:
 - (a) The date, exact place, and time of sampling or measurements;
 - (b) The name(s) of the individual(s) who performed the sampling or measurements;
 - (c) The date(s) analyses were performed;
 - (d) The names of the individuals who performed the analyses;
 - (e) The analytical techniques or methods used; and
 - (f) The results of such analyses.
4. Discharge Monitoring Report. Monitoring results must be reported with the SWMP Annual Report and shall be reported in accordance with Part V.C.f. and the monitoring plan approved in Part V.A.2.a.

B. Record keeping

1. You must retain required records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of monitoring reports, a copy of the NPDES permit, and records of all data used to complete the application (NOI) for this permit, for a period of at least three years from the date of the sample, measurement, report or application, or for the term of this permit, whichever is longer. This period may be extended by request of the Department at any time.
2. You must submit your records to the Department only when specifically asked to do so. You must retain a description of the SWMP required by this permit (including a copy of the permit language) at a location accessible to the Department. You must make your records, including the notice of intent (NOI) and the description of the SWMP, available to the public if requested to do so in writing.

C. Reporting

1. You must submit annual reports to the Department each year by March 31st. Annual Reports should cover the year (April 1 through March 31) prior to the submittal date. (For example, Annual Reports submitted March 31, 2011 should cover the time period of April 1, 2010

through March 31, 2011). If an entity comes under coverage for the first time after the issuance of this permit, then the first annual report should cover from the time coverage begins until the required submittal date of March 31. The report must include:

- (a) The status of your compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and the measurable goals for each of the minimum control measures;
- (b) Results of information collected and analyzed, if any, during the reporting period, including any monitoring data used to assess the success of the program at reducing the discharge of pollutants to the MEP;
- (c) A summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule);
- (d) Proposed changes to your SWMP, including changes to any BMPs or any identified measurable goals that apply to the program elements;
- (e) Notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable); and
- (f) All monitoring results collected during the previous year in accordance with Part V, if applicable. The monitoring reports shall be submitted in a format acceptable to the Department.

PART VI Standard Permit Conditions

A. Duty to Comply

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the ADEM Admin. Code r. 335-6-6 and remain in force and effect if the permittee reapplies for coverage as required under Part II of this Permit. Any permittee who was granted permit coverage prior to the expiration date will automatically remain covered by the continued permit until the earlier of:

1. Reissuance or replacement of this permit, at which time you must comply with the Notice of Intent conditions of the new permit to maintain authorization to discharge; or
2. Issuance of an individual permit for your discharges; or
3. A formal permit decision by the Department not to reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

C. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

You must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E. 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, revoking and reissuing, suspending, or terminating the permit or to determine compliance with the permit. The permittee shall also furnish to the Director upon request, copies of records required to be kept by the permit.

F. Other Information

If you become aware that you have failed to submit any relevant facts in your Notice of Intent or submitted incorrect information in the Notice of Intent or in any other report to the Department, you must promptly submit such facts or information.

G. Signatory Requirements

All Notices of Intent, reports, certifications, or information submitted to the Department, or that this permit requires be maintained by you shall be signed and certified as follows:

1. Notice of Intent. All Notices of Intent shall be signed by a responsible official as set forth in ADEM Admin. Code r. 335-6-6-.09.

2. Reports and other information. All reports required by the permit and other information requested by the Department or authorized representative of the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (a) Signed authorization. The authorization is made in writing by a person described above and submitted to the Department.
 - (b) Authorization with specified responsibility. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matters for the regulated entity.
3. Changes to authorization. If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the MS4, a new authorization satisfying the requirement of Part VI.G.2.b. above must be submitted to the Department prior to or together with any reports or information, and to be signed by an authorized representative.
4. Certification. Any person signing documents under Part VI.F.1-2. above shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Property Rights

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

I. Proper Operation and Maintenance

You must at all time properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by you only when the operation is necessary to achieve compliance with the conditions of the permit.

J. Inspection and Entry

1. You must allow the Department or an authorized representative upon the presentation of credentials and other documents as may be required by law, to do any of the following:
 - (a) Enter your premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

K. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

L. Permit Transfers

This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the Act.

M. Anticipated Noncompliance

You must give advance notice to the Department of any planned changes in the permitted small MS4 or activity which may result in noncompliance with this permit.

N. Compliance with Statutes and Rules

1. The permit is issued under ADEM Admin. Code r. 335-6-6. All provisions of this chapter that are applicable to this permit are hereby made a part of this permit.
2. This permit does not authorize the noncompliance 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.

O. Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall be affected thereby.

P. Bypass Prohibition

Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against a regulated entity for a bypass; unless:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during the normal periods of equipment downtime. This condition is not satisfied if the regulated entity should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
3. The Permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the Permittee is granted such authorization, and the Permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass.

The Permittee has the burden of establishing that each of the conditions of Part VI.O. have been met to qualify for an exception to the general prohibition against bypassing and an exemption, where applicable, from the discharge specified in this permit.

Q. Upset Conditions

An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a regulated entity shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and the Permittee can identify the specific cause(s) of the upset;
2. The Permittee's facility was being properly operated at the time of the upset; and
3. The Permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.

The Permittee has the burden of establishing that each of the conditions of Part VI.P. of this permit have been met to qualify for an exemption from the discharge specified in this permit.

R. Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to ADEM Admin. Code r. 335-6-6-.17.

S. Re-opener Clause

If there is evidence indicating potential or realized impacts on water quality due to storm water discharge covered by this permit, the regulated entity may be required to obtain an individual permit or an alternative general permit or the permit may be modified to include different limitations and/or requirements.

T. Definitions

All definitions contained in Part VI shall apply to this permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided, but in the event of a conflict, the definition found in the Statute or Regulation takes precedence.

1. Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. 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.
3. 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.
4. Discharge, when used without a qualifier, refers to "discharge of a pollutant" as defined as ADEM Admin. Code r. 335-6-6-.02(m).
5. Green Infrastructure refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated.
6. Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage storm water 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 storm water as a resource rather than a waste product.

7. Illicit Connection means any man-made conveyance connecting an illicit discharge directly to municipal separate storm sewer.
8. Illicit Discharge is defined at 40 CFR Part 122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.
9. Indian Country, as defined in 18 USC 1151, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This definition includes all land held in trust for an Indian tribe.
10. MEP is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by CWA Section 402(p). A discussion of MEP as it applies to small MS4s is found at 40 CFR Part 122.34.
11. 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.
12. 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 Admin. Code r. 335-6-6-.02(nn).
13. NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to "register" for coverage under a general permit.
14. Department means the Alabama Department of Environmental Management or an authorized representative.
15. 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.
16. Small municipal separate storm sewer system is defined at 40 CFR Part 122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, 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 an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to water of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large

hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

17. 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.
18. Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system.
19. SWMP is an acronym for "Storm Water Management Program."
20. Total Maximum Daily Load (TMDL) means the calculated maximum permissible pollutant loading to a waterbody at which water quality standards can be maintained. The sum of wasteload allocations (WLAs) and load allocations (LAs) for any given pollutant.
21. "You" and "Your" as used in this permit is intended to refer to the Permittee, the operator, or the discharger as the context indicates and that party's responsibilities (e.g., the city, the county, the flood control district, the U.S. Air Force, etc.).

RESPONSE TO COMMENTS AND SUMMARY OF CHANGES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT NO. ALR040000

January 31, 2011

Background

On May 18, 2010, the Alabama Department of Environmental Management (hereinafter "ADEM" or "the Department") proposed to reissue General NPDES Permit No. ALR040000 regulating stormwater discharges from regulated small municipal separate storm sewer systems, also known as "Phase II MS4s." The Department established a public comment period for the May 2010 draft permit from May 18, 2010 through July 23, 2010. A public hearing was held at ADEM's offices in Montgomery, Alabama on July 23, 2010.

On August 9, 2010, pursuant to the requirements of 40 CFR 123.44, the U.S. Environmental Protection Agency (hereinafter "EPA" or "the Agency") issued a formal objection to the May 2010 draft permit. On November 10, 2010, ADEM provided to EPA a revised draft permit and conditional request for public hearing on EPA's objection. On December 14, 2010, the Agency formally accepted ADEM's November 2010 draft permit and withdrew its objection.

The purpose for this document is to provide responses to technical and substantive comments received during both the public comment period and the public hearing, and to summarize the significant differences between today's final permit and the May/November 2010 drafts. Copies of the permit record outlining all written and oral comments received during the public comment period, as well as EPA's objection and ADEM's response can be reviewed/obtained by submitting a request to the Department's Public Records Officer via e-mail at records@adem.state.al.us, fax to 334-271-7950, or mailed to P.O. Box 301463, Montgomery, AL 36130-1463. These materials may also be viewed/downloaded online via the Department's eFile system available at <http://edocs.adem.alabama.gov/eFile/>.

Response to Comments

The following responses to comments on the draft permit are organized below by the general topic of the comments. As many of the comments received were similar in nature and substance, they are addressed collectively rather than individually.

Addition of "Guidance Provisions" as Permit Conditions

A number of comments objected to numerous conditions throughout the permit, perceiving them as "guidance provisions" not specifically mandated by the MS4 rules.

ADEM regulations require that NPDES permits issued to operators of Phase II MS4's include the appropriate provisions of 40 CFR 122.30-122.37¹. ADEM rules further require that such permits include conditions and best management practices, on a case-by-case basis, to provide for and ensure compliance all applicable requirements and to carry out the purposes and intent of the Alabama Water Pollution Control Act (hereinafter "the AWPCA"²). Today's final permit is a general permit that applies the same basic standards to all Phase II MS4s statewide. In doing so, there is a need for some generality in certain permit conditions to ensure that Permittees have the flexibility to tailor their stormwater management programs to the maximum extent practicable. However, the specific conditions of 40 CFR 122.30 – 122.37 are not sufficient to provide clear, measurable, and enforceable standards by which compliance can be determined consistently and effectively. Where appropriate, based on best professional judgment, today's final permit includes specific conditions that are necessary to achieve compliance with applicable State and federal rules. This approach is not unprecedented. Municipalities and other Phase II Permittees are subject to other types of NPDES permits that may also include conditions that, based on based professional, are determined necessary to effectively carry-out the purposes and intent of the AWPCA.

A number of comments proffered the idea that compliance with these perceived "guidance conditions" is inconsistent with State law, pointing specifically to Act No. 95-775³ and Act No. 97-931⁴. Discharges from MS4s are point source discharges for which a permit is required under Section 402 of the Clean Water Act, AWPCA, and ADEM regulations. The Department does not believe that the Alabama Legislature intended to prevent municipalities from complying with properly administered NPDES permits. Today's final permit requires municipalities to adopt controls and management practices to reduce the discharge of pollutants from their regulated MS4s to State waters. This requires that the MS4 identify and, in some cases inspect and control potential sources of pollutants, to maximum extent practicable, that may also be subject to regulation under ADEM's NPDES program (e.g. construction sites). However, today's final permit does not require municipalities to establish new effluent limits, standards, or controls on stormwater discharges into their regulated MS4s that are inconsistent with or more stringent than those effluent limits, standards, or controls to which such discharges may already be subject. As such, the Department does not interpret today's final permit as requiring municipalities to subject sites to "double regulation".

¹ ADEM Admin Code R. 335-6-6-.11

² ADEM Admin Code R. 335-6-6-.14(1) and (3)(k)

³ Ala. Code § 11-89C-9 et. seq.

⁴ House Joint Resolution 144, September 23, 1997.

Implementation Schedule

A number of comments suggested the need for clarification of the permit's schedule of implementation for many of the required minimum control measures. EPA's objection to the May 2010 draft was in part based on its perception that "the permittees would not be obligated to fully comply with any requirements of permit until the end of the permit term."⁵

The Department agrees that some clarification of the permit's implementation schedule is needed. The table below summarizes the schedule for implementation of the minimum control measures required by today's final permit:

Permit Condition / Minimum Control Measure	Schedule of Implementation	
	Existing MS4s	New MS4s
Public Education and Outreach on Storm Water Impacts (Part III.B.1.)	180 days from the effective date of coverage under the Permit	365 days from the effective date of coverage under the Permit
Public Involvement / Participation (Part III.B.2.)	180 days from the effective date of coverage under the Permit	365 days from the effective date of coverage under the Permit
Illicit Discharge Detection and Elimination (Part III.B.3.)	180 days from the effective date of coverage under the Permit	365 days from the effective date of coverage under the Permit
Construction Site Runoff Control (Part III.B.4.)	730 days from the effective date of coverage under the Permit	
Post-Construction Storm Water Management in New Development and Redevelopment (Part III.B.5.)	730 days from the effective date of coverage under the Permit	
Pollution Prevention / Good Housekeeping for Municipal Operations	180 days from the effective date of coverage under the Permit	365 days from the effective date of coverage under the Permit
Enactment of required ordinances (all control measures)	730 days from the effective date of coverage under the Permit	

⁵ J. Giattina, Letter to James McIndoe, August 9, 2010

Construction Site Runoff Control Measure (Part III.B.4.)

The May 2010 draft permit included a number of provisions requiring MS4s to develop, implement, and enforce a program to reduce pollutants in storm water runoff to the maximum extent practicable from construction activities that result in a land disturbance of greater than or equal to one acre, including activities that disturb less than one acre but are part of a larger common plan or development. The May 2010 draft also acknowledged that these activities are regulated by ADEM's NPDES Construction Program pursuant to ADEM Admin. Code chap. 335-6-12. In accordance with 40 CFR 122.35(b), the May 2010 draft allowed Permittees to rely on ADEM's program to establish and enforce applicable construction site erosion and sediment controls. Permittees would have been required to, at a minimum, inspect their systems and identify potential impacts from non-compliant construction sites. The Permittee would have had the option to address such sites through its own regulatory mechanisms, or refer the sites to the Department for potential enforcement under the State NPDES program. The May 2010 draft permit also included specific requirements that must be addressed in the Permittee's construction site stormwater program if not relying on the State program.

The Department received comments both in support of and in opposition to this approach. EPA also objected to this approach citing that "ADEM's state-wide NPDES construction stormwater regulatory program currently lacks any specific focus or additional initiatives and commitments in the MS4 jurisdictions" and further concluding that "enabling permittees to rely on the State's enforcement program does not fulfill the requirements the construction site stormwater runoff minimum control measure."⁶

In today's final permit, the Department has refined the extent to which Phase II Permittees may rely on ADEM's NPDES program for control of construction site runoff. To the extent allowable under State law, the Permittee must implement an ordinance or other appropriate regulatory mechanism under which the Permittee may require and enforce erosion and sediment controls on qualifying construction sites and sites which discharge stormwater runoff to its MS4. Today's permit does not, however, require the Permittee to adopt new effluent limits, standards, or practices that are inconsistent with or more stringent than those required by ADEM.

Permittees must provide training for appropriate municipal staff in the identification of proper construction best management practices (example: QCI training in accordance with ADEM Admin Code chap. 335-6-12 or the Alabama Construction Site General Permit). Permittees must also review construction site plans and conduct regular inspections of construction sites to verify the use of appropriate erosion and sediment control practices that 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"). Although the frequency and prioritization of

⁶ J. Giattina, Letter to James McIndoe, August 9, 2010

inspection activities may be different for each Permittee (as outlined in their stormwater management plans and subject to ADEM review, all Permittees must inspect priority construction sites once each month. Priority construction sites are those in the area of the Permittee's MS4 that discharge to an impaired water or which are affected by a total maximum daily load (hereinafter "TMDL") issued or approved by EPA. Finally, the Permittee must notify ADEM of non-compliant construction sites discovered during periodic inspections. The notification must provide, at a minimum, the specific location of the construction project, the name and contact information of the owner or operator, and a summary of the site deficiencies.

While the Permittee may rely on another entity (e.g. another municipal or county government, private contractor, etc.) to conduct these activities on the Permittee's behalf, these activities must be implemented independently from ADEM's NPDES Construction Program.

Under today's final permit, the Permittee may rely on ADEM to establish minimum standards for construction site erosion and sediment control practices through ADEM's NPDES program. The Permittee may also rely on ADEM to enforce these standards on construction sites within the Permittee's jurisdiction. Although the November 2010 draft permit requires the Permittee to maintain ordinances and or other regulatory mechanisms, the Permittee may choose to rely on ADEM to take enforcement actions against non-compliant construction sites subject to ADEM's permits and regulations.

While this approach increases the Permittee's role in ensuring that regulated construction sites employ best management practices for the control of erosion and loss of sediment, it also allows the continuous application of consistent State-wide standards for construction site operators. Because today's final permit does not require MS4s to adopt different or more stringent standards than ADEM's for erosion and sediment control, construction site operators are not being subjected to "double-regulation."

Post-Construction Stormwater Management in New Development and Redevelopment Control Measure (Part III.B.5.)

The Department received numerous comments from many different sources on Part III.B.5. of the May 2010 draft. EPA's objection to the permit was based, in part, on its belief that the May 2010 draft permit lacked any obligation to address compliance with post-construction BMPs at the planning/site plan review stage. EPA and other parties also objected to the lack of specific conditions requiring the implementation of Low Impact Development (hereinafter "LID") and Green Infrastructure management techniques.

Today's final permit clarifies that procedures for both site-plan review / approval and long-term post-construction maintenance must be addressed in the Permittee's Stormwater Management Plan.

Regarding the requirement to implement Green Infrastructure and LID techniques, the general permit supports and encourages these approaches along with other, more traditional means of

managing post-construction runoff. Today's final permit also includes a requirement that Permittees review and evaluate all policies, building codes, subdivision regulations, ordinances, etc. to address any barriers to the implementation of Green Infrastructure or LID. The Department believes that this is an important first step in widening the use of these significant tools.

Other comments expressed concern regarding the Department's selection of the area-appropriate 2yr/24hr storm event as basis for the design of post-construction stormwater controls. One commenter stated that, "The storage requirements to capture and treat [a 2yr/24hr storm] either through infiltration methods or other methods exceed the national standards, would require a large land and cost burden to the developer, and most importantly not provided adequate flow and volume control benefits for the frequently occurring storm events."

The 2yr/24hr storm event was selected for its consistency with the construction stormwater program and current use in the evaluation of pre- and post-construction hydrology conditions. The permit does not require the use of the 2yr/24hr storm event as a volumetric threshold for onsite detention or infiltration. Rather, the Permit requires that post-construction stormwater management be initiated/addressed when the proposed new development or redevelopment significantly alters the pre-construction hydrology (using the area-appropriate 2yr/24 storm 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 maximum extent practicable.

The use of traditional onsite detention / infiltration systems is one of many methods of post-construction stormwater management. If post-construction stormwater management is considered early enough in the project design phase, simple alterations in the design, like avoiding steep slopes and reducing the amount of impervious surface added by the project can significantly reduce the change in hydrology potentially caused by the project. Where the design can't be altered, there are other effective and less-costly alternatives to the management of stormwater runoff, such as Green Infrastructure. With proper emphasis on stormwater management early in the design process, the Department believes that the use of costly high-volume detention / infiltration systems can, in many cases, be avoided.

A number of other comments addressed whether Permittees should be able to rely on ADEM's NPDES program for post-construction stormwater management. Some commenters supported this reliance while others suggested that ADEM's NPDES program is not adequate for this purpose.

Neither the May 2010 draft permit nor today's final permit includes any such provision allowing Permittees to rely on ADEM for implementation of the post-construction stormwater management minimum control measure. While ADEM's NPDES construction stormwater program does generally require post-construction BMPs where needed, coverage under the

program does not extend beyond the construction phase of the regulated project⁷. As such, ADEM's NPDES program is not currently structured to implement the post-construction stormwater management program required by 40 CFR 122.34(b)(5).

One comment objected to the provision found in today's final permit at Part III.B.5(g)(iii) which states in pertinent part:

...The rationale statement must include the following information, at a minimum:

... (iii) Any non-structural BMPs in the programs, including as appropriate:

- Policies and ordinances that provide requirements and standards to ... maintain and/or increase open space (including a dedicated funding source for open space acquisition)...*

(Emphasis added)

The comment interpreted this provision as a mandate for separate funding mechanisms to support open-space acquisition. The Clean Water Act §402(p)(3)(B)(iii) mandates that all MS4 permits require "controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants". (Emphasis added.) While the maintenance of open-space, particularly in sensitive areas and in impaired waters and associated watersheds is a natural control technique, it is not specifically mandated by today's final permit over other control techniques that may also be appropriate to achieve a reduction in the discharge of pollutants to the maximum extent practicable.

Sharing Minimum Measure Responsibility and Coordination Between MS4s

A number of comments raised concerns with the language of Part IV.A. of the May 2010 draft, which provided that:

If the other entity fails to implement the control measure on the Permittee's behalf, then the Permittee remains liable for any discharge within their jurisdiction due to that failure to implement. Additionally, the Permittee remains liable for the permit obligations if relying on the Department.

(Emphasis Added)

40 CFR § 122.35(b) provides that:

In some cases, the NPDES permitting authority may recognize, either in your individual NPDES permit or in an NPDES general permit, that another governmental entity is responsible under an NPDES permit for implementing one

⁷ ADEM Admin Code R. 335-6-12-.25(1) requires construction site operators to request termination of their NPDES registration upon completion of construction.

or more of the minimum control measures for your small MS4 or that the permitting authority itself is responsible. Where the permitting authority does so, you are not required to include such minimum control measure(s) in your storm water management program.

EPA provides at 68 FR 68767, December 8 1999:

EPA does not believe that the small MS4 should be responsible in the situation where the NPDES permit issued to the small MS4 operator recognizes that the State agency that issues the permit is responsible for implementing a measure.

Today's final permit provides that the Permittee may rely on the Department for a portion of the construction site runoff control measure after meeting certain conditions. Consistent with EPA's intent as indicated above, today's final permit also provides at Part IV.A.2 that, if the Permittee is relying on the Department for enforcement of erosion and sediment controls on qualifying construction sites, and has included that information in the NOI, the Permittee is not responsible for taking enforcement action or for implementing the requirements of Part III.B.4(c) in the event the Department receives notification of non-compliant construction sites from the Permittee as required by Part III.B.4(b)(v).

So-Called "BMP Defense" (Part IV.C.)

Part IV.C. of the May 2010 draft stated:

This general permit requires, at a minimum, that permittees develop, implement and enforce a storm water management program designed to reduce the discharge of pollutants to the maximum extent practicable. Full implementation of BMPs, using all known, available, and reasonable methods of prevention, control and treatment to prevent and control storm water pollution from entering waters of the State of Alabama is considered an acceptable effort to reduce pollutants from the municipal storm drain system to the maximum extent practicable.

A number of comments referred to this provision as the "BMP Defense" and seemed to interpret it as excusing Permittees from meeting water quality standards if BMPs are implemented. Part IV.C. only seeks to acknowledge that, at present, implementation of best management practices is the method of reducing pollutants from being discharged to State waters via MS4s to the maximum extent practicable. This condition does not negate the applicability of water quality standards. Part VI.S. of today's final permit allows the Department to modify the permit or require the Permittee to obtain coverage under an individual permit or alternate general permit if there is evidence indicating potential or realized adverse impacts on water quality.

Monitoring, Recordkeeping, and Reporting (Part V)

One comment suggested the need for more specificity and guidance regarding required monitoring and the reporting of such monitoring. As described previously, today's final permit is

a general permit that applies the same basic standards to all Phase II MS4s statewide. The Department believes that there is a need for some generality in those permit conditions related to monitoring and reporting to ensure that Permittees have the flexibility to tailor their programs to the maximum extent practicable.

Comments from Citizens or Groups Located in Phase I Areas

The May 2010 draft, as well as today's final permit addresses stormwater discharges from regulated small MS4s. "Large" or "medium" MS4s as described in 40 CFR 122.26(b)(4) or (7) are excluded from coverage under this permit.

The Department received numerous comments from both individuals and groups seeking changes in stormwater controls for areas, watersheds, or specific State waters that are located in Large or Medium municipal jurisdictions. Although the Department appreciates these comments, today's final permit only addresses discharges from small MS4s. MS4 discharges in larger metropolitan areas are addressed by a separate individual permit.

Summary of Changes from the May 2010 Draft Permit

Part I.B.2.	Corrected typographical error
Part I.C.1.	Corrected typographical error
Part I.E.1.	Replaced "should" with "shall" in the second sentence to clarify that Permittees are required to modify their programs when water quality considerations warrant greater attention in specific components.
Part I.E.2.	Replaced "needs to" with "must" to clarify that Permittees must tailor BMPs to address pollutants of concern associated with an applicable TMDL or water-quality standard.
Part I.E.3.	Added to clarify the schedule of implementation described earlier.
Part II.C.2.(c) Part IV.A.1.	Added or revised language to clarify that the Permittee remains responsible for compliance with the Permit if it is relying on another entity for performance or a required activity and the other entity fails to perform that activity.
Part III.B.1(a)	Added reference to MEP standard.
Part III.A.1. Part III.B.1(a) Part III.B.2(a) Part III.B.3(a)(i)	Deleted duplicative language related to the schedule of implementation, which is described elsewhere in the Permit.
Part III.B.4. Part III.B.5.	Modifications to these conditions are described in the Response to Comments above.
Part III.B.6.	Modifications to address formatting and grammatical errors. Added reference to MEP standard.
Part IV.A.	Modifications to these conditions are described in the Response to Comments above.
Part IV.D.1(a)	Removed the phrase "directly or indirectly."
Part VI.T.15.	Added definition of "Priority Construction Site" which is referenced by the modified Part III.B.4.

2012/058

RESOLUTION NO. R-75-12

**Authorizing Cooperative Agreement for
Preparation of Storm Water Management Plan**

Polluted storm water runoff over land or via storm sewer systems is a leading cause of impairment to the nearly 40% of bodies of water which do not meet water quality standards. When left uncontrolled, this water pollution can result in the destruction of fish, wildlife and aquatic life habitats; a loss in aesthetic value; and threats to public health due to contaminated food, drinking water supplies, and recreational waterways.

The Clean Water Act established the NPDES (National Pollution Discharge Elimination System) Storm Water Program to address the non-agricultural sources of storm water discharges which adversely affect water quality by use of a permitting system which requires the implementation of controls designed to prevent harmful pollutants from being washed by storm water runoff into local bodies of water.

On December 8, 1999, the Environmental Protection Agency (EPA) adopted new regulations (64 Federal Register 68722) that expanded the NPDES Storm Water Program to Phase II for small municipal separate storm sewer systems, as defined in 40 Code of Federal Regulations §122.26(b)(8), which serve less than 100,000 persons.

EPA strongly encourages communities in the same urbanized area to work together to form a unified storm water management program. Etowah County (the Gadsden Standard Metropolitan Statistical Area) is considered an urbanized area under Census Bureau criteria. Storm sewer runoff from the cities of Gadsden, Rainbow City, Southside, Attalla, Glencoe, Hokes Bluff, Reece City and other areas of Etowah County all goes into the Coosa River basin.

The Alabama Department of Environmental Management has issued Municipal Separate Storm Sewer System (MS4) Phase II General Permit, NPDES Number ALR040009 to the City of Gadsden, Etowah County, the City of Hokes Bluff, the City of Glencoe, the City of Attalla, the City of Rainbow City, the Town of Reece City, and the City of Southside, effective from February 1, 2011, through January 31, 2016.

Part III of the Storm Water Management Program requires the permittee to develop a Storm Water Management Program, including establishment of Best Management Practices for the permit area. The City has contracted with S&ME to update the existing plan with goals and procedures for implementing the Best Management Practices in compliance with EPA and ADEM requirements.

It would be less expensive and more efficient if all these communities work together on the problem of storm water runoff than if each hired a separate consultant and created a separate water management plan, which might conflict with the plan of an adjoining government. Etowah County and the cities of Rainbow City, Southside, Attalla, Glencoe, Hokes Bluff, and Reece City have agreed to cooperate in funding this work for the benefit of all affected local governments.

Therefore, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GADSDEN, ALABAMA, that the Mayor on behalf of the City is authorized to execute the Cooperative Agreement with Etowah County and the cities of Rainbow City, Southside, Attalla, Glencoe, Hokes Bluff, and Reece City for the preparation of the storm water management plan for the Gadsden-Etowah County Urbanized Area.

I certify that the City Council of the City of Gadsden, Alabama, duly adopted this resolution at an open public meeting held on February 28, 2012.

Iva Nelson
Iva Nelson, City Clerk

COOPERATIVE AGREEMENT REGARDING STORM WATER MANAGEMENT PLAN

Polluted storm water runoff over land or via storm sewer systems is a leading cause of impairment to the nearly 40% of bodies of water which do not meet water quality standards. When left uncontrolled, this water pollution can result in the destruction of fish, wildlife and aquatic life habitats; a loss in aesthetic value; and threats to public health due to contaminated food, drinking water supplies, and recreational waterways.

The Clean Water Act established the NPDES (National Pollution Discharge Elimination System) Storm Water Program to address the non-agricultural sources of storm water discharges which adversely affect water quality by use of a permitting system which requires the implementation of controls designed to prevent harmful pollutants from being washed by storm water runoff into local bodies of water.

On December 8, 1999, the Environmental Protection Agency (EPA) adopted new regulations (64 Federal Register 68722) that expanded the NPDES Storm Water Program to Phase II for small municipal separate storm sewer systems, as defined in 40 Code of Federal Regulations §122.26(b)(8), which serve less than 100,000 persons.

EPA strongly encourages communities in the same urbanized area to work together to form a unified storm water management program. Etowah County (the Gadsden Standard Metropolitan Statistical Area) is considered an urbanized area under Census Bureau criteria.

Storm sewer runoff from the cities of Gadsden, Rainbow City, Southside, Attalla, Glencoe, Hokes Bluff, Reece City and other areas of Etowah County all goes into the Coosa River basin. It would be less expensive and more efficient if all these communities work together on the problem of storm water runoff than if each hired a separate consultant and created a separate water management plan, which might conflict with the plan of an adjoining government.

The Alabama Department of Environmental Management has issued Municipal Separate Storm Sewer System (MS4) Phase II General Permit, NPDES Number ALR040009 to the City of Gadsden, Etowah County, the City of Hokes Bluff, the City of Glencoe, the City of Attalla, the City of Rainbow City, the Town of Reece City, and the City of Southside, effective from February 1, 2011, through January 31, 2016.

The City of Gadsden has contracted with S&ME to prepare a storm water management plan to comply with EPA and ADEM requirements, NPDES MS4 Phase II General Permit Number ALR040009, S&ME Proposal Number 11-228. Etowah County and the cities of Gadsden, Rainbow City, Southside, Attalla, Glencoe, Hokes Bluff, and Reece City have agreed to cooperate in funding this work for the benefit of all affected local governments.

Now, Therefore, the City of Gadsden, a municipal corporation ("Gadsden"), the Etowah County Commission ("County"), the City of Rainbow City ("Rainbow City"), the City of Southside ("Southside"), the City of Attalla ("Attalla"), the City of Hokes Bluff ("Hokes Bluff"), and the Town of Reece City ("Reece City") agree as follows:

1. Gadsden will enter into a contract with S&ME on behalf of Other Governments (cities of Rainbow City, Southside, Attalla, Glencoe, Hokes Bluff, Reece City and Etowah County) to prepare a Storm Water Management Plan that complies with the requirements of the EPA and ADEM for such a plan. The application will be made at such time as may be permitted by applicable federal and state regulations.

2. S&ME will develop the plan to the maximum extent possible with measurable goals through development of best management practices, costs involved and the time frame for implementation. Governments will be required to make an annual report to ADEM/EPA to describe activities toward meeting the plan in the preceding year as well as qualitative progress made.

3. Each party agrees to pay its proportionate share of the cost of the work under the S&ME contract on the basis of population according to the 2010 federal census as follows:

Gadsden	39.0%
Rainbow City	11.0%
Southside	11.0%
Attalla	11.0%
Glencoe	7.0%
Hokes Bluff	5.0%
Etowah County	13.0%
Reece City	3.0%

4. Gadsden will bill the other parties for the share of the cost on a basis no more frequently than monthly until the project has been completed. Payment shall be made to the City of Gadsden and mailed to the Planning and Engineering Department, P.O. Box 267, Gadsden, AL 35902-0267. Payment shall be due within twenty business days after the date of the bill received from Gadsden. If payment is not received within twenty business days after due, a late payment penalty of 10% of the billed payment shall be due; in addition, interest of 1% per month (simple rate of 12% per year) shall accrue on the unpaid balance until the billed payment is paid in full.

5. A Phase II permittee may have the option of relying on other entities to perform one or more of the minimum control measures. In such a case the permittee would not need to implement the particular measure, but would still be ultimately responsible for its effective implementation. If all of the permit obligations were satisfied by the other entity, the permittee would not need to file periodic reports. Gadsden does not by this agreement agree to perform any control measures for another municipal separate storm sewer system; any such agreement must be made separately.

6. After completion and delivery of the final plan for S&ME, Gadsden will cause a copy to be delivered to other parties.

7. Other Governments will furnish all information, data, reports and maps as are existing, available and necessary for carrying out the work to be performed by S&ME or its subcontractors without charge by City of Gadsden. Other Governments shall cooperate with S&ME in carrying out the planned work.

8. If S&ME fails to fulfill in a timely and proper manner its obligations to Other Governments, Other Governments shall thereupon have the right to terminate this contract by giving written notice to Gadsden of such termination and specifying the effective date thereof at least five days before the effective date of termination. Other Governments shall be obligated for payment of services actually provided through the date of termination.

9. Other Governments, through its authorized representatives, shall have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed

hereunder. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

10. Any changes to this agreement shall be in writing and agreed to by both parties.

11. No official or employee of Other Governments shall participate in any decision relating to this contract which affects his or her personal interest or have any personal or pecuniary interest, direct or indirect, in this contract or the contract between Gadsden and S&ME or the proceeds thereof.

12. This agreement may not be assigned or transferred without the prior written consent of Gadsden.

13. Any notice required or permitted to be given pursuant to this contract may be personally served on the other party by the party giving such notice, or may be served by certified mail, return receipt requested, to the following addresses:

City of Gadsden:
Mr. Jeramy Ward
Chief Engineering Aide
P.O. Box 267
Gadsden, AL 35902-0267
(256)549-4527
jward@cityofgadsden.com

14. This agreement contains the entire agreement of the parties and supersedes all prior oral and written agreements between the parties on the subject matter of this contract.

In Witness Whereof, Gadsden and Other Governments have, with full authority, caused this agreement to be executed by their respective authorized officers as of the dates provided below.

City of Gadsden, a municipal corporation

By: Sherman Guyton
Sherman Guyton, Mayor

Date: March 2, 2012

Attest:

Iva Nelson
Iva Nelson, City Clerk

Etowah County Commission

By: Jeff Overstreet
Chairman

Date: 3/14, 2012

Attest:

City of Hokes Bluff

By: Marjorie Reeves
Mayor

Date: _____, 2012

Attest: _____
City Clerk

City of Glencoe

By: Charles C. Helchert
Mayor

Date: _____, 2012

Attest: _____
City Clerk

City of Attalla

By: Jane McElisp
Mayor

Date: March 14, 2012

Attest: Sharon Jones
City Clerk

City of Rainbow City

By: Terry John Colhoun
Mayor

Date: 3-14-12, 2012

Attest: _____
City Clerk

Town of Reece City

By: Alan Z...
Mayor

Date: _____, 2012

Attest: _____
City Clerk

City of Southside

By: Wally Burns
Mayor

Date: March 14, 2012

Attest: _____
City Clerk

**GADSDEN, ALABAMA URBANIZED AREA
STORM WATER MANAGEMENT PROGRAM**

NPDES General Permit ALR040009

APPENDIX C - ORDINANCES

City of Gadsden Ordinance O-77-55

Rainbow City Ordinance No. 455

Reece City Draft Ordinance

Southside Zoning Ordinance 0-231-04, Sections 12 and 13

Glencoe Zoning Ordinance, Article III Section 12

City of Hokes Bluff Zoning Ordinance, Section 12

City of Attalla Proposed Ordinance 802-08

Etowah County Subdivision Regulations Section 4-2

Etowah County Subdivision Regulations

Section 4-2

ARTICLE III

APPROVAL OF SUBDIVISION PLATS

- 3-1 APPROVAL OF SUBDIVISION PLATS
- 3-2 SKETCH PLAN
- 3-3 PROPOSED PLAT SUBMISSION
- 3-4 REVIEW BY COUNTY ENGINEER
- 3-5 COUNTY COMMISSION APPROVAL OF PLAT
- 3-6 PERMIT TO DEVELOP
- 3-7 CONSTRUCTION OF MAJOR SUBDIVISION
- 3-8 FINAL PLAT APPROVAL

SECTION 3-1 APPROVAL OF SUBDIVISION PLATS

This section details the **general** steps necessary to achieve approval of a subdivision in Etowah County. A flow chart is included in Appendix II further outlining this process.

SECTION 3-2 SKETCH PLAN

Whenever the subdivision of a tract of land is proposed within the jurisdiction of these regulations, the developer, or subdivider, is urged to consult early and informally with the County Engineer. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity along with the proposed layout and development of the subdivision. The purpose of this sketch plan review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the County Engineer in order to facilitate the subsequent preparations and approval of plans.

SECTION 3-3 PROPOSED PLAT SUBMISSION FOR MAJOR SUBDIVISIONS

Following sketch plan review or in the event the subdivider does not submit a sketch plan for review; the subdivider shall submit a **complete** Application Assembly to the county engineer for review of the proposed plat. The application shall be submitted at least thirty (30) days prior to any consideration for proposed plat approval by the County Commission. The Proposed Plat Application Assembly shall include each of the following:

- (1) A letter stating that the proposed plat is being submitted for review. This letter shall state the developer's intent as to the final ownership of any new roads included on the proposed plat, if applicable. (The developer is reminded to refer to Appendix V

for the County's Road Acceptance Policy);

- (2) Application for Proposed Plat Review (Appendix II);
- (3) At least three (3) copies of the proposed plat **prepared in accordance with the requirements** detailed in Section 4-1 of these regulations;
- (4) Construction Plans for all required improvements **prepared in accordance with the requirements** detailed in Section 4-2 of these regulations;
- (5) A letter from the Health Department detailing field review by the Health Department for the general lot layout has been completed;
- (6) Any variances requested accompanied by detailed supporting documentation;
- (7) The names and addresses of each adjoining landowner and utility entitled to notice pursuant to Code of Alabama 1975, §11-24-2(b); and
- (8) A permit fee of \$25.

Failure to submit a complete Proposed Plat Application Assembly initially shall delay the consideration of such plat for approval by the County Engineer and the County Commission. The thirty day review period will not begin until a complete Proposed Plat Application Assembly is received.

SECTION 3-4 REVIEW BY COUNTY ENGINEER

- (1) Major Subdivisions

The County Engineer shall use this minimum thirty (30) day period to review the submitted Application Assembly and ensure its compliance with these regulations. In the event the Application Assembly does not meet these regulations, the County Engineer shall notify the developer that it is deficient. No further action will be taken by the County Commission or County Engineer until and unless the developer shall correct the deficiencies and resubmit the corrections to the County Engineer for his approval.

If upon completion of the review the County Engineer determines that the Application Assembly complies with these regulations, he or she shall notify the developer in writing to that effect. The County Engineer shall also send proper notice of his/her recommendation for approval, as required in Code of Alabama 1975, § 11-24-2(b), to each of the adjoining landowners and the affected utilities submitted by the developer.

If the developer wishes to sell, offer for sale, transfer, or lease lots; the County Engineer shall require the developer to submit a detailed construction estimate covering all proposed infrastructure

for approval. Once the County Engineer receives and approves this detailed construction estimate, the **developer** shall be required to provide an acceptable surety to Etowah County equal to 150% of the estimated cost of installing all improvements, including, but not limited to, grading, drainage, base, paving of the streets, and installation of all required utilities and fees encountered during execution of improvements.

(2) Minor Subdivisions

The County Engineer shall review the submitted Application Assembly within seven (7) days to ensure its compliance with these regulations. In the event the Application Assembly does not meet these regulations, the County Engineer shall notify the developer that it is deficient. No further action will be taken by the County Engineer until and unless the developer shall correct the deficiencies and resubmit the corrections to the County Engineer for his approval.

If upon completion of the review the County Engineer determines that the Application Assembly complies with these regulations, he or she shall notify the developer in writing to that effect. The County Engineer shall also send proper notice of his/her recommendation for approval, as required in Code of Alabama 1975, § 11-24-2(b), to each of the adjoining landowners and the affected utilities submitted by the developer. The developer may then proceed to the steps for the final plat approval.

(3) Large Acreage Tracts

The County Engineer shall review the submitted Application Assembly within seven (7) days to ensure compliance with the following conditions.

(a) All parcels must be ten (10) acres in size or greater after the proposed division of property, with a total of five (5) parcels or less, with the property shown on a plat to be filed with the judge of probate.

(b) All parcels must have access to the private road or an existing public roadway.

(c) A covenant connected to all parcels using the private roadway must be filed with the probate judge, stating that the roadway is private, and shall be maintained by the property owners.

In the event the Application Assembly does not meet the conditions, the County Engineer shall notify the developer that it is deficient. No further action will be taken by the County Engineer until and unless the developer shall correct the deficiencies and resubmit the corrections to the County Engineer for his approval.

If upon completion of the review the County Engineer determines that the Application Assembly complies with these regulations, he or she shall notify the developer in writing to that effect. The County Engineer shall also send proper notice of his/her recommendation for approval, as required in Code of Alabama 1975, § 11-24-2(b), to each of the adjoining landowners and the affected utilities submitted by the developer. The developer may then proceed to the steps for the final plat approval.

SECTION 3-5 COUNTY COMMISSION APPROVAL OF PROPOSED PLAT

Once the County Engineer verifies that the Application Assembly meets the County Regulations and, if applicable, the developer provides the required surety, the Proposed Plat for Major Subdivisions shall be submitted to the County Commission for their approval at the next regularly scheduled County Commission meeting. Pursuant to Code of Alabama 1975, § 11-24-2(b), the County Commission shall approve the proposed plat in the event that the County Engineer has determined that the proposed plat meets these regulations.

SECTION 3-6 PERMIT TO DEVELOP

Following the approval of the Proposed Plat by the County Commission, the County Engineer shall issue a Permit to Develop for the Proposed Plat for a fee of \$25. The Permit to Develop allows the developer to proceed with construction of the development in compliance with these regulations. Additionally, the developer may **offer** lots in the proposed subdivision for sale, transfer, or lease ; **provided, however, that no sale, transfer, or lease may be completed or recorded until after the final plat has been recorded in office of the Probate Judge pursuant to the requirements of Code of Alabama 1975, § 11-24-2(c).**

SECTION 3-7 CONSTRUCTION OF MAJOR SUBDIVISION

Once the permit to develop has been issued, the developer of a major subdivision may proceed with construction of the proposed subdivision in accordance with these regulations. The developer should refer to Article V for detailed requirements pertaining to construction. The developer of a minor subdivision shall proceed in accordance with the requirements set out in Section 3-8 of these regulations.

The developer shall have one (1) year from the date of issuance of the permit to develop to begin substantial work on the proposed development. If work does not begin within the one (1) year time frame, the proposed plat must be resubmitted to the County Engineer and County Commission for approval as if the plat had never been submitted.

If any changes in the development plans of the approved proposed plat are required for any reason, the developer shall submit the proposed changes to the County Engineer **prior** to construction or implementation of the proposed changes. Approval of the County Engineer shall be required before any changes are constructed. Any changes or deviations from the approved proposed plans prior to the County Engineer's approval shall be in violation of these regulations and shall be subject to removal or correction at the expense of the developer.

Changes to the proposed subdivision construction plans that do not change the overall layout of the subdivision may be reviewed and approved by the County Engineer without the requirement of the proposed plat having to be resubmitted for approval by the County Commission. Any changes that

do change the overall layout of the subdivision shall require the proposed plat to be resubmitted for approval by the County Commission.

SECTION 3-8 FINAL PLAT APPROVAL

A final plat shall be submitted to the County Engineer, with any original signatures required for approval having already been signed, for approval of the proposed subdivision as follows:

- (1) Once infrastructure construction is complete for a major subdivision;
- (2) Immediately following approval of the proposed plat for minor subdivisions or large acreage tracts.

At the point that the final plat is submitted for approval, the developer shall comply with each of the following:

- (1) Remit all testing and inspection charges required under Section 1-3 of these regulations as authorized in Code of Alabama 1975, § 11-24-3
- (2) A final as-built set of plans;
- (3) Three (3) copies of the Final Plat as approved by the County; and
- (4) A letter from the Health Department certifying the compliance of the subdivision with their regulations.

Final plat approval does not include the acceptance of roads. If the developer desires to have the roads accepted into the county road system by the county commission, he or she shall comply with the procedures for road acceptance set out in Appendix V. The surety bond required for proposed plat approval shall be retained pending final acceptance of all roads. Developers of major subdivisions whose infrastructure has been constructed to be privately owned and maintained shall have their surety bond released following the signing of the final plat.

Once the final plat has been signed and recorded pursuant to these regulations and Code of Alabama 1975, § 11-24-2(c), the developer may proceed with the actual sale, transfer, or lease of any lots, sites, etc. No building development shall take place until the final plat has been recorded in the office of the Judge of Probate pursuant to these regulations and Code of Alabama 1975, § 11-24-2(c).

ARTICLE IV

PLAT AND PLAN REQUIREMENTS

- 4-1 PROPOSED PLAT REQUIREMENTS
- 4-2 CONSTRUCTION PLAN REQUIREMENTS
- 4-3 FINAL PLAT REQUIREMENTS

SECTION 4-1 PROPOSED PLAT REQUIREMENTS

The Proposed Plat shall be prepared by a licensed land surveyor and shall be clearly and legibly drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet, and the sheets shall be numbered in sequence if more than one (1) sheet is used. The sheet size shall be of such size as is acceptable for filing in the Office of the Probate Judge. The Proposed Plat shall include the following:

- (1) Name and addresses of owners of record;
- (2) Proposed name of subdivision, date, north point, scale and location;
- (3) Name and seal of licensed land surveyor;
- (4) Vicinity map showing location of the subdivision;
- (5) Exact boundaries of the tract of land being subdivided, shown with bearings and distances;
- (6) Sufficient data to determine readily and reproduce on the ground the location, bearing, and length of every street line, lot line, boundary line, and block line, whether straight or curved, including the radius, central angle, point of tangency, tangent distance, and arcs and chords; and "Point of beginning" as referred to in the written description;
- (7) Names and addresses of the owners of land immediately adjoining the tract of land being subdivided, as the names appear on the plats in the County Tax Assessor or Revenue Commissioner's office;
- (8) Wetlands or any other conditions affecting the site;
- (9) The location of existing streets, buildings, water courses, railroads, transmission lines, drainage structures, public utilities, jurisdiction lines, and any public utility easements on and adjacent to the tract being subdivided;

- (10) The names and locations of adjoining subdivisions and streets, with reference to recorded plats by record name;
- (11) Proposed rights-of-way or easements including locations, widths, purposes, and street numbers;
- (12) Proposed lot lines with bearings and distances and lot and block numbers;
- (13) Proposed minimum building setback lines;
- (14) Proposed parks, school sites, or other public open spaces, if any;
- (15) Site data, which includes:
 - a. Acreage in total tract;
 - b. Smallest lot size;
 - c. Total number of lots;
 - d. Linear feet in streets;
- (16) Any area within or adjacent to the proposed subdivision subject to inundation by the 100-year flood projections as defined by the County Flood Damage Prevention Ordinance, with the Base Flood Elevation shown (Area should be clearly shown as a shaded or hatched area);
- (17) Base Flood Elevation for any development in unnumbered A-zone, in accordance with Etowah County Flood Ordinances (Developer shall determine the Base Flood Elevation if the subdivision contains 50 lots or 5 acres, which ever is the lesser).
- (18) The following endorsements and certificates shall be submitted with and placed on the Proposed Plat (see Appendix I for sample certificates):
 - a. Licensed Land Surveyor's Certificate and Description of Land Platted;
 - b. Licensed Engineer's Certificate of Engineering Design and Construction (Proposed Plat Statements);
 - c. Dedication by owner;
 - d. A notary's Acknowledgment of the Dedication Certificate referred to in "c";
 - e. A Certificate of Approval by the appropriate electric utility distributor;
 - f. A Certificate of Approval by the appropriate water and sewer utility;
 - g. A Certificate of Approval by the County Engineer of Etowah County;

- h. Certificate of Approval by the Etowah County Commission;
- i. A Certificate of Approval by the Etowah County Health Department (if septic tanks and/or wells are necessary).
- j. A Flood Zone Certificate (if any portion of the subdivision falls in the one hundred (100) year flood zone.

SECTION 4-2 CONSTRUCTION PLAN REQUIREMENTS

At the time of submission of a Major Subdivision Proposed Plat, the applicant shall also submit Construction Plans for all required improvements as part of the Proposed Plat Application Assembly required under Section 3-3. All plans shall meet the minimum standards of design and general requirements for the construction of public improvements as set forth in these regulations. Construction Plans shall be drawn at a scale of not less than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the Proposed Plat. Construction Plans shall be prepared by a licensed engineer. The following construction plans shall be included:

- (1) Street plan containing all of the following information:
 - a. Location of all proposed and existing streets or rights-of-way in or adjacent to the subdivision;
 - b. Width of existing and proposed rights-of-way and easements;
 - c. Road numbers/names;
 - d. Plan and profile of all proposed streets, showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal and one (1) inch equals ten (10) feet vertical;
 - e. Cross sections of proposed streets at a minimum of 50' stations or as required by the County Engineer;
 - f. Curve data for the centerline of each street: Delta, Tangent, and Radius;
 - g. Location of all required sidewalks and crosswalks;
 - h. Location of all proposed utilities.
 - i. Size and location of side drains required for each lot.
 - j. A legal description of all roadways proposed.

- (2) Storm Drainage Plan containing all of the following information:
 - a. Location of proposed drainage ways, streams, and ponds in the subdivision;
 - b. Topography at suitable contour intervals, as approved by the County Engineer, to show proposed drainage;
 - c. Location, size, and invert elevations of proposed drainage structures including culverts, bridges, pipes, drop inlets, and top elevations of head walls, etc., showing details on Drainage Plan, including conduit schedule;
 - d. Construction details of typical manholes, connections, and other drainage structures proposed;
 - e. Area of land contributing run-off to each drainage structure along with run-off calculations and applicable coefficients depending on method used [i.e. Rational method: runoff coefficient (C), rainfall intensity (I), catchment area (A), and the discharge at the structure (Q)].
 - f. Location of easements and rights-of-way for drainage ways and maintenance access thereof;
 - g. Typical cross-sections of each drainage way;
 - h. Direction of water flow throughout subdivision and compatibility with existing drainage.
- (3) Sanitary Sewer Plan, if applicable, containing the location of all existing and proposed sewers, location of sewer laterals, location of each manhole and other sewage system appurtenances including lift stations, oxidation ponds, and treatment plants, and the plan and profile of the sewage system. Construction details of typical manholes, connections, and other proposed sewage structures should also be shown.
- (4) Water Distribution Plan containing the location and size of water distribution system including pipes, valves, fittings, hydrants, high-pressure pumping equipment, etc.
- (5) Electric Distribution Plan containing the location of all poles or subsurface facilities as necessary to serve each lot or parcel of land within the subdivision.
- (6) Gas Distribution Plan, if applicable, containing the location of all above ground and subsurface facilities as necessary to serve each lot or parcel of land in the subdivision.
- (7) Digital Copy of the Plat in a format acceptable to the Etowah County Engineer.

SECTION 4-3 FINAL PLAT REQUIREMENTS

The final plat shall be identical to the proposed plat with the exception of the certificate detailed in Section 4-2-18(b) which is for proposed plat submission. This certificate shall be replaced with the appropriate certificate for final plat submission found in Appendix I.

ARTICLE V

DEVELOPMENT STANDARDS

- 5-1 MINIMUM STANDARDS
- 5-2 GENERAL REQUIREMENTS
- 5-3 ROAD OR STREET PLAN
- 5-4 DESIGN STANDARDS
- 5-5 BLOCKS
- 5-6 LOTS

SECTION 5-1 MINIMUM STANDARDS

In addition to the requirements established herein, the following minimum requirements are established for all subdivision plats:

- (1) All applicable statutory provisions;
- (2) The special requirements and rules of the Health Department and/or appropriate state agencies;
- (3) The rules and standards of the Alabama Department of Transportation if the subdivision or any lot contained therein abuts a state highway;
- (4) The rules and standards of the Alabama Department of Environmental Management (ADEM) and any other appropriate state or federal agencies;
- (5) The standards and regulations adopted by all boards, commissions, agencies, and officials of Etowah County;
- (6) The standards, specifications and rules of appropriate utility companies.

Plat approval may be withheld if the subdivision is not in conformity with the above guidelines or the policy and purpose of these regulations as established in Article I of these regulations.

SECTION 5-2 GENERAL REQUIREMENTS

5-2-1 CHARACTER OF THE LAND

Development of any land within the floodplain shall be governed by the Etowah County Flood Damage Prevention Ordinance. This ordinance shall supplement these regulations to govern

floodplain/ floodway issues.

5-2-2 SUBDIVISION NAME

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The County Engineer shall have final authority to reject the name of the subdivision. Such rejection shall be made at the Proposed Plat Review stage.

5-2-3 WATERBODIES AND WATERCOURSES

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among adjacent lots. The County Engineer may approve an alternative plan provided the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a County responsibility. No public roadways will be approved which provide access across dams nor will any part of a lake dam be allowed on the public road right-of-way.

SECTION 5-3 ROAD OR STREET PLAN

The arrangement, character, extent, location, and grade of all roads shall be laid out according to good land planning principles and shall be integrated with all existing and planned roads. Consideration for the planning of new roads shall include topographical conditions, orientating to vistas, public convenience and safety, and the proposed uses of land to be served by them. All lots must have access to a city, county, or state road as defined in Section 2-1-1.

5-3-1 CONTINUATION OF ADJOINING ROAD SYSTEM

Proposed new roads shall extend existing roads or their projections at the same or greater width, but in no case less than the minimum required width, unless for reasons of topography or design, the County Engineer deems variations necessary.

5-3-2 MARGINAL ACCESS ROADS

Where, in the opinion of the County Engineer, development which abuts or has included within the proposed subdivided area any arterial, the County Engineer may require a marginal access road or other treatment which may be necessary to provide for the adequate protection of properties, and to afford separation of through and local traffic.

5-3-3 ADDITIONAL WIDTH ON EXISTING ROADS:

Subdivisions that adjoin existing streets with inadequate right-of-way shall dedicate additional right-of-way to meet the minimum street width requirements.

- (1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
- (2) When the subdivision is located on only one side of an existing street, a minimum of one-half (1/2) of the required right-of-way, measured from the centerline of the existing street, shall be provided.

5-3-4 ROAD NUMBERS/ NAMES

Proposed roads, which are obviously in alignment with others existing and numbered, shall bear the assigned number of the existing roads. The County Engineer and/or the Etowah County 911 Board shall assign Road numbers / names.

5-3-5 VACATING A ROAD OR EASEMENT

Vacation of a road or easement shall be in accordance with the procedures set out in Code of Alabama 1975, § 23-4-1 et seq., if by the county, and Code of Alabama 1975, § 23-4-20 et seq., if by abutting land owners.

5-3-6 FRONTAGE ON IMPROVED ROADS

No subdivision shall be approved unless the area to be subdivided shall have frontage on, and access from an existing maintained state, county or city road.

Where a proposed subdivision, addition or extension of an existing subdivision or development has no frontage on an existing public road, the Owner or Developer must provide and dedicate suitable rights of way, for ingress and egress. This connecting road becomes part of the road system of the proposed subdivision or development and is subject to all regulations set out herein.

5-3-7 TOPOGRAPHY AND ARRANGEMENT

- (1) All proposed roads shall be properly integrated with the existing system of roads.
- (2) All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities, and to the pattern of existing and proposed land uses.
- (3) Minor roads as defined in Section 2-1-44 shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (4) The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped roads shall be encouraged where such use will result in a more desirable layout.

- (5) Proposed roads shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the County Engineer, such extension is not necessary or desirable for the coordination of the layout of the subdivision or with the existing layout of the most advantageous future development of adjacent tracts.
- (6) In business and industrial developments, the roads and other access ways shall be planned in connection with the grouping of buildings, location of rail and port facilities, and the provision of alleys, truck loading and maneuvering area, and walks and parking areas so as to minimize conflict of movement among the various types of traffic, including pedestrian.

5-3-8 ACCESS TO ARTERIALS

Where a subdivision borders on or contains an existing or proposed arterial, the County Commission may require that access to such arterial be limited by one of the following means:

- (1) The subdivision of lots so as to back onto the arterial and front onto a parallel minor road; with no access to be provided from the arterial, and screening to be provided in a strip of land along the rear property line of such lots;
- (2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial;
- (3) A marginal access or service road (separated from the arterial by a planting or grass strip and having access thereto at suitable points).

5-3-9 EXCESS RIGHT-OF-WAY OR EASEMENTS

Right-of-way or easement widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three horizontal to one vertical.

5-3-10 RAILROADS, ARTERIALS, AND MAJOR THOROUGHFARES

Railroad rights-of-way, arterials, and expressways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

- (1) In residential districts, a buffer strip at least 20 (twenty) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way, arterial, or expressway. This strip shall be part of the platted lots and shall be designated on the plat with the statement, "This strip is reserved for screening. The placement of structures hereon is prohibited";

- (2) In areas proposed for business, commercial, or industrial uses, the nearest road extending parallel or approximately parallel to the railroad shall, wherever practical, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites;
- (3) Roads parallel to the railroad when intersecting a road that crosses the railroad at grade shall, to the extent practical, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients. The railroad must also grant approval for any new or upgraded crossing.

5-3-11 CUL-DE-SACS

Dead end roads shall be provided with a turnaround having a roadway diameter of at least eighty (80) feet and a right-of-way diameter of at least one hundred (100) feet. They shall be provided with a transition radius of twenty-five (25) feet.

5-3-12 INTERSECTIONS

Road intersections shall be laid out as follows:

- (1) Adequate sight distance shall be provided at all intersections. For Average Daily Traffic (ADT) less than 2500, the Alabama Department of Transportation's (hereinafter "ALDOT") "County Road Design Policy" shall be used. [Example: A 35 mph design speed for the through road would translate into 355 feet of required sight distance.] For roads with ADT over 2500, the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets" shall be used. [Example: A 35 mph design speed for the through road would need 400 feet of required sight distance.]
- (2) Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roads at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique road should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) roads shall intersect at any one point unless specifically approved by the County Commission;
- (3) Proposed new intersections along one side of an existing road shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Road jogs with centerline offsets of less than 125 feet shall not be permitted except where the intersected road has separated dual drives without median breaks at either intersection. Where minor roads intersect collector or arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart. Where a road intersects a state highway, the design standards of the Alabama

Department of Transportation shall apply;

- (4) Minimum curb radius at the intersection of two (2) minor roads shall be at least thirty (30) feet; and minimum curb radius at an intersection involving a collector road shall be at least thirty-five (35) feet;
- (5) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a five percent (5%) grade at a distance of fifty (50) feet, measured from the nearest edge line of pavement of the intersecting road;
- (6) The cross-slopes on all roads, including intersections, shall be five percent (5%) or less;
- (7) Property lines at road intersections shall be rounded with a minimum radius of twenty-five (25) feet.

SECTION 5-4 DESIGN STANDARDS

Regardless of whether or not the developer intends to seek county acceptance of roads in the subdivision, the following design standards shall be considered minimum decision requirements for all subdivisions. It is the responsibility of the developer to communicate and schedule with the County Engineer prior to initiating any and all steps of the road building process. In addition to other penalties prescribed by law and by these regulations, any road construction performed without the knowledge and inspection of the County Engineer will not be considered for acceptance by the county. Refer to Section 5-4-4(1) for notification of work requirements and Section 1-1 regarding acceptance of roads and streets for county maintenance.

If the county establishes separate requirements for non-residential subdivisions, they shall be such as the County Engineer deems appropriate, but shall in no event be less than the requirements of residential subdivisions, unless the developer is granted a variance under the procedures set out in Article XIII.

5-4-1 RIGHT-OF-WAY WIDTHS

Minimum street right-of-way widths shall be not less than sixty (60) feet on roadway with an open ditch. Minimum street right-of-way widths shall be not less than fifty (50) feet on a roadway with curb and gutter section. All roadways shall be in the center of the right-of-way. A ten (10) feet utility easement will be required on any new roadway section on both sides of the right-of-way.

5-4-2 PAVEMENT WIDTHS

All roads shall have a minimum pavement width of twenty (20) feet with a minimum shoulder width of four (4) feet. If curb is used, a minimum pavement width of twenty-four (24) feet from inside edge

of gutter to inside edge of gutter with a minimum shoulder width of four (4) foot back of curb is to be used.

5-4-3 GEOMETRIC DESIGN

(1) TYPICAL SECTIONS

Standard Section (Ditch) – See Appendix VI

Curb Section- See Appendix VI

(2) ROADS WITH LESS THAN 2500 ADT

All streets shall be designed to conform to the Alabama Department of Transportation “County Road Design Policy, Design Criteria for New and Reconstructed Roadways and Bridges with less than 2,500 ADT”. Design speed shall be a minimum of twenty (20) miles per hour. Maximum grade allowed for any roadway is fifteen (15) percent, and the minimum curve radius shall be one hundred twenty five (125) feet.

(3) ROADS WITH GREATER THAN OR EQUAL TO 2500 ADT

All streets shall be designed to conform to AASHTO’s “A Policy on Geometric Design of Highways and Streets”.

(4) CLEAR ZONE REQUIREMENTS

All streets shall have a minimum of a ten (10) foot clear zone.

Any specifications for geometric design not covered by these regulations shall be governed by the applicable publication listed above.

5-4-4 ROAD CONSTRUCTION REQUIREMENTS

Construction of all roads shall meet the following minimum requirements and conform to the Alabama Department of Transportation’s “Standard Specifications for Highway Construction”. Best Management Practices for erosion control shall be used throughout construction and development.

The developer shall be responsible for all erosion control in accordance with ADEM regulations and for securing any required permits by ADEM. A copy of the ADEM permit should be provided to the county prior to work beginning.

- (1) Notification of Work: It shall be the duty and responsibility of the developer or contractor to give written notice to the County Engineer or his authorized agent, one working day prior to starting any phase of road construction. The developer or contractor shall notify the County Engineer or his authorized agent in writing the day work is resumed after a delay of more than five (5) working days. This includes all

phases of construction, clearing, grading, drainage, gutters, inlets, base, surfacing and any work that pertains to the street, road or development. **FAILURE TO NOTIFY AS SPECIFIED MAY BE GROUNDS FOR NONACCEPTANCE.**

- (2) Testing: The County Engineer shall determine which tests shall be scheduled and performed and shall notify the developer. The tests normally consist of, but are not limited to: gradation; moisture; compaction; and asphalt analysis of road building materials. The developer shall notify the County Engineer, or his designee, twenty-four hours prior to any required tests. The County Engineer shall select a testing firm to complete all necessary tests. The developer may employ its own testing company, but all testing costs performed on behalf of the county shall govern acceptance and shall be reimbursed to the county before final plat approval is given or considered.
- (3) All testing shall be conducted by an independent testing laboratory selected and employed by the County Engineer and Etowah County. Copies of all test reports are to be provided to the County Engineer before additional construction occurs. In the event problems exist that require remedial actions or design, the developer shall be required to submit appropriate engineering plans to the County Engineer before construction will be allowed to proceed.
- (4) Clearing and Grubbing: All roads shall be graded to their full right-of-way width. All areas shall be cleared of all vegetation, trees, stumps, large rocks and other objectionable or unsuitable material prior to grading or filling unless otherwise approved, in writing, by the County Engineer;
- (5) Slope Paving: Slope paving shall be required in ditches as determined necessary by the County Engineer. At a minimum, all ditches with slopes less than one (1) percent or greater than ten (10) percent shall include slope paving. Other alternatives must be approved by the County Engineer;
- (6) Embankment Sections: The County Engineer will have the right to approve all borrow sources; however this does not relieve the developer from full responsibility for the quality of material used. Material shall be of AASHTO Classification A-4 or better (Classification chart in Appendix VII). Roadway fill or embankment of earth material shall be placed in uniform layers, full width, and not exceeding eight inch thickness (loose measurement). Each layer shall be compacted so that a uniform specified density is obtained. The embankment may be inspected by proof rolling, under the supervision of the County Engineer or his/her designee, with a fully loaded tandem axle dump truck to check for soft or yielding areas. Compaction tests shall be run at the frequency and location as directed by the County Engineer. Additional layers of fill shall not be added until directed by the County Engineer. For other than fill sections of earth material refer to Section 210 and Section 306 of the "Alabama Department of Transportation Standard Specifications for Highway Construction." The County Engineer or his representative shall inspect fill sections prior to placing the subgrade material. The developer shall contact the County Engineer at least two (2) days in

advance of placement of the subgrade. Maximum slope allowed on an embankment shall be three to one (3:1);

- (7) Subgrade: The subgrade shall be compacted and properly shaped prior to the placing of base materials. The top six (6) inches of the roadbed shall be modified, with the work being performed under Section 230 Roadbed Processing, of the "Alabama Department of Transportation Standard Specifications for Highway Construction". It shall be full width of regular section and extend two (2) feet outside of curb and gutter and/or valley gutter sections. Curb sections are thirty-two (32) feet in width, while open ditch roadway sections are twenty-eight (28) feet in width. The subgrade may be inspected by proof rolling, under the supervision of the County Engineer or his/her designee, with a fully loaded tandem axle dump truck to check for soft or yielding areas. Any unsuitable materials shall be removed and replaced with a suitable material compacted to density requirements in accordance with Section 5-4-4(6) of these regulations. Suitable material shall be determined by the County Engineer. The County Engineer or his representative shall inspect subgrade prior to placing the base course. The developer shall contact the County Engineer at least two (2) days in advance of placement of the base.
- (8) Base: Base course shall meet the requirements for crushed aggregate as set forth in section 301 of the Alabama Department of Transportation Standard Specifications for Highway Construction. Base course shall have a minimum thickness of six (6) inches compacted thickness for curb sections, and a minimum thickness of eight (8) inches for ditch sections, full width of regular section and shall extend two (2) feet outside of curb sections. Regular sections are twenty-eight (28) feet in width, while curb sections are thirty-two (32) feet in width. The density requirements for compaction shall be in accordance with Section 306 of the Alabama Department of Transportation Standard Specifications for Highway Construction. The County Engineer or his representative shall inspect the base layer prior to placing the overlaying layer. The base section may be inspected by proof rolling, under the supervision of the County Engineer or his/her designee, with a fully loaded tandem axle dump truck to check for soft or yielding areas. The developer shall contact the County Engineer at least two (2) days in advance of placement of the overlaying layer. If the developer wishes to vary from any subgrade, embankment, or base layer requirements a California Bearing Ratio must be performed, and a geotechnical report stating the proposed buildup must be submitted to the County Engineer for a variance.
- (9) Roadbed Width: The minimum roadbed width shall be twenty-eight (28) feet for standard sections and thirty-two (32) feet for curb sections.
- (10) Roadway Pavement: All roads and/or streets shall be paved and comply with the following:
 - a. The minimum pavement width shall be not less than twenty (20) feet on standard sections and twenty-four (24) feet for curb sections. Type of curb to be used shall be approved by the County Engineer.

b. A bituminous pavement shall be constructed on a suitable base as approved by the County Engineer. Minimum requirements for the bituminous pavement shall be a double bituminous surface treatment of KG or JG as covered in Section 401 of the ALDOT Standard Specifications for Highway Construction for ditch sections; or two hundred pounds per square yard (200 LBS/ SY) of Bituminous Concrete Plant Mix, Binder Layer type 424, with an overlay of a minimum of one hundred ten pounds per square yard (110 LBS/SY) of Bituminous Concrete Plant Mix, Wearing Surface type 424 for curb sections. The mix shall be approved by the County Engineer and be covered in the latest memorandum recommendation from the office of the ALDOT County Transportation Engineer or as specified by the ALDOT Standard Specifications for Highway Construction, latest edition. The placement of this minimum required bituminous pavement does not relieve the developer of meeting the current policy for acceptance of roads and streets by the Etowah County Commission. As covered in Section 1-1, the current policy is available from the office of the County Commission or the County Engineer.

- (11) Storm Drainage: An adequate storm drainage system based on a minimum twenty-five (25) year design storm including curb, pipes, culverts, headwalls, and ditches shall be provided for the drainage of surface water. All cross drains shall have sufficient length for required typical section and shall be installed according to ALDOT specifications. Minimum diameter of cross drain pipes shall be eighteen (18) inches. Cross drains shall be Class III, wire reinforced, concrete pipe and shall meet or exceed the current ALDOT specifications. Exit velocities of pipes/storm drains shall not exceed ten (10) feet per second (fps). Pipe shall have a sloped paved headwall. Curb inlets, drop inlets, and junction boxes shall be certified and designed by a licensed engineer.

Water will not be permitted to run along the road(s) more than five hundred (500) feet. In a curb and gutter section water shall not be allowed higher than the middle of the outside wheel path.

In a subdivision with streets or roads designed on a ditch cross section, developers or owners will not be able to install side drain pipes in the ditch section except to provide a driveway access to each lot. Driveway side drains shall be a minimum size of fifteen (15) inches and a minimum of twenty-four (24) feet long and a maximum of thirty-two (32) feet long. No more than two (2) driveway side drains will be allowed per lot. Where a lot has two (2) driveway side drains, they must be separated by at least thirty (30) feet.

Flood retention ponds or sedimentation ponds shall be located on private property and shall be denoted as such. Parcels of land containing either a flood retention pond or sedimentation pond shall be retained by the developer or home owner's association with the maintenance of said ponds to be the responsibility to remain with either the developer or home owner's association.

(12) Installation of Utilities: After grading is completed and approved by the County Engineer and before any roadbed processing of the subgrade is performed all of the underground utilities within the roadway prism shall be installed completely and approved by the County Engineer throughout the length of the street and across the section. Once pavement is placed, it shall not be open cut except with written permission of the County Engineer. Any utility desiring to cross the road shall go over the road or dry bore under the road. All water lines located under pavement shall be encased. Backfill placed in utility trenches shall be as covered in Section 5-4-4 (6) of these regulations. Temporary easements for utility installation are covered in Section 4-2-1 (h). Easements for utilities shall be a minimum of at least ten (10) feet wide. The developer is encouraged, but not required, to place all utilities underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the Proposed Plat. Proper coordination shall be established between the applicant and the applicable utility companies for the establishment of utility easements.

(13) Signage of Subdivision: Proper signage in accordance with the "Manual of Uniform Traffic Control Devices" (MUTCD) shall be required and maintained in all subdivisions. The Developer will be responsible for the placement and maintenance of proper signage of new streets or roads until and unless the road is accepted into the county road system. A signage plan shall be submitted to the County Engineer for approval prior to the installation of any street signs. Regulatory and Warning Signs shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

Additionally, the developer or owner of the subdivision is required to install a sign of reasonable size at the entrance of the subdivision stating "PRIVATE ROAD" and it is the responsibility of the developer or owners of the subdivision to maintain this sign until and unless the road is accepted by the county. It is also required that the plat and deeds have a statement printed on them stating that the streets are private in such a development.

(14) Topsoil and Grassing: When all construction is completed, all slopes and shoulders shall be covered with a sufficient amount of topsoil and shall have a stand of permanent grass to prevent undue erosion, either by sprigging or seeding.

(15) Widening and Realignment of Existing Roads: Where a subdivision borders an existing road with a right-of-way less than that specified in these regulations, the applicant shall be required to dedicate such additional areas for widening or realignment of such roads. The applicant shall dedicate existing substandard roads to the full width as required by these subdivision regulations.

(16) Drainage Easements: Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose. Minimum width of such drainage easements will be twenty (20) feet. Drainage easements shall not cross lots

with channelized water and should follow property lines only.

- (17) Encroachments: No permanent structure or object will be allowed on the right-of-way (i.e. non-breakaway signs, retaining walls, island medians, planter boxes, fences, trees, etc.). No non-breakaway mailboxes will be allowed on the right-of-way. The location and construction of all mailboxes shall conform to the rules and regulations of the U.S. Postal Service.

SECTION 5-5 BLOCKS

- (1) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to expressways, arterials, railroads, or waterways where single-tier lots are required to separate residential development from through vehicular traffic or non-residential uses;
- (2) Blocks shall not exceed fifteen hundred (1500) feet nor be less than five hundred (500) feet in length except as approved by the County Engineer or County Commission as a variance;
- (3) In long blocks, the County Engineer may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic.
- (4) Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the County Engineer through the center of blocks more than eight hundred (800) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- (5) Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the County Engineer for prospective use.

SECTION 5-6. LOTS

Residential lots shall comply with the following requirements:

- (1) The minimum lot size where public water and/ or sewer are not provided shall be determined by the regulations of the Health Department. (See required submittals in proposed and final plat application assemblies);
- (2) The subdivision plat shall provide each lot with satisfactory access as defined in Section 2-1-1;
- (3) Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future roads and logical further

resubdivision;

- (4) Depth and width of properties reserved for commercial and industrial purposes shall be adequate to provide for off-road parking and loading for the use contemplated;
- (5) Double frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages to topography and orientation;
- (6) Each lot in a subdivision shall contain a flood-free building site as defined in the County's Flood Damage Prevention Ordinance.
- (7) The minimum building setbacks allowed shall be twenty (20) feet.

ARTICLE VI

INSTALLATION OF PERMANENT REFERENCE POINTS

6-1 PERMANENT REFERENCE POINTS

SECTION 6-1 PERMANENT REFERENCE POINTS

Prior to the signing of the Final Plat, permanent reference points shall have been placed in accordance with the following requirements and the Standards of Practice for Surveying in the State of Alabama:

6-1-1 SUBDIVISION CORNER TIE

At least one corner of the subdivision shall be designated by course and distance (tie) from an accepted corner of the Government Survey of Etowah County. The subdivision corner shall be marked with a monument and shall appear on the map with a description of bearings and distances from the Government Survey corner.

6-1-2 MONUMENTS

Concrete monuments four (4) inches in diameter or four (4) inches square and two (2) feet long with a flat top shall be set at all exterior corners that are located on the right-of-way of the subdivision and on the right of way lines at two locations along the interior roadways. The top of the monument shall have identifying cap of surveyor.

6-1-3 PROPERTY MARKERS

All lot corners not marked with a monument shall be marked with an iron pin not less than one-half (1/2) inch in diameter or in width, and eighteen (18) inches long, and driven so as to be flush with the finished grade. The top of the marker shall have identifying cap of surveyor. All lot pins shall be established prior to final approval of the plat.

ARTICLE VII

GUARANTEE OF CONSTRUCTION

- 7-1 SURETY
- 7-2 CONSTRUCTION, INSPECTION AND CERTIFICATION
- 7-3 RELEASE OF GUARANTEE

SECTION 7-1 SURETY

The developer or subdivider shall be responsible for all required infrastructure construction related to the subdivision. The developer shall be required to complete the full installation of all required infrastructure prior to the signing of the Final Plat along with providing financial guarantee of performance under conditions set out in these regulations prior to approval of the Proposed Plat.

The guarantee of performance by the subdivider shall be a surety in a form approved by the County Engineer and in the amount detailed in Section 3-4 of these regulations. If within twelve (12) months after filing said surety, the subdivider has not completed all necessary construction or if, in the opinion of the County Engineer, said construction have not been satisfactorily installed, the County may take such steps as may be necessary to require performance under the bond.

SECTION 7-2 CONSTRUCTION, INSPECTION AND CERTIFICATION

The County Engineer or his designee shall monitor and periodically inspect for defects in the construction of the required improvements. The developer shall pay to the County the inspection fee as set out in Section 1-3 and authorized by Code of Alabama 1975, § 11-24-3, and the County Engineer shall not sign the final plat unless such fees have been paid at the time of application for final plat approval. If the County Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the County's adopted construction standards and specifications, the developer shall be responsible for correcting any deficiencies prior to final plat approval. Wherever the cost of improvements is covered by a surety, the developer and the Surety Company shall be severally and jointly liable for completing or paying the cost of the improvements according to specifications.

Upon completion of the improvements, the applicant shall file with the County Engineer a statement stipulating the following:

- (1) That all required infrastructure construction is complete;
- (2) That these improvements are in compliance with the minimum standards specified by the County and the County Engineer for their construction;
- (3) That the developer knows of no defects in these improvements; and

(4) That these improvements are free and clear of any encumbrances or liens.

SECTION 7-3 RELEASE OF GUARANTEE

Upon satisfactory completion of all improvements and approval by the County Engineer, the County Commission shall authorize the release of the improvement surety bond.

ARTICLE VIII

VARIANCES

8-1 GENERAL

8-2 CONDITIONS

SECTION 8-1 GENERAL

A variance may be granted in circumstances where the developer demonstrates that extraordinary hardships or practical difficulties, such as commercial development, may result from strict compliance with these regulations. The initial application for variance shall be made to the county engineer as part of the application for proposed plat approval. The County Engineer shall review the application and the circumstances, and make a recommendation in writing to the County Commission, with a copy provided to the developer, as to whether or not the variance should be granted. The engineer's report shall set out in detail the basis for the recommendation.

If the County Engineer recommends that the variance be granted, he or she may recommend that it be conditioned upon the developer complying with special requirements as set out in the variance approval. Where the county engineer has recommended granting the variance, the County Commission shall vote on the request along with proposed plat approval.

If the County Engineer recommends that the request for variance be denied, the developer may appeal that recommendation to the County Commission, which shall consider the issue at the next regularly scheduled County Commission meeting following notice of the recommendation. The county engineer or his or her designee shall be present at the County Commission meeting and shall present his or her reasons for recommending that the variance not be granted. The developer shall also be given an opportunity to be heard. A decision to grant the variance shall be made by recorded vote and shall require a majority of the membership of the County Commission.

In determining whether to grant the variance, the county engineer and the County Commission shall make findings based upon the evidence presented to it in each specific case that:

- (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (b) The conditions for which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner, as distinguished from a mere inconvenience, would result if the strict letter of these regulations are carried out;

- (d) The variance will not in any manner vary the provisions of other adopted policies and regulations of Etowah County.

SECTION 8-2 CONDITIONS

In approving variances, the County Commission may require such conditions as will, in its judgment, secure substantially the objectives, standards or requirements of these regulations.

The County Commission shall not grant any variance within the floodway unless the developer submits a study prepared by a registered professional engineer certifying that no increase in the 100-year flood level would result from the proposed development.

ARTICLE IX

CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

9-1 PUBLIC PROVISIONS

9-2 PRIVATE PROVISIONS

SECTION 9-1 PUBLIC PROVISIONS

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, the provisions of which are more restrictive or impose higher standards shall control.

SECTION 9-2 PRIVATE PROVISIONS

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided, however, that where the provision of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. To the extent that any easement, covenant, or private agreement is not inconsistent with these regulations or any determinations made by the County Commission in approving a subdivision or in enforcing these regulations, such private provisions shall be operative and supplemental to these regulations; provided, however, that neither the County Commission nor the County Engineer shall be responsible for enforcing, regulating, or ensuring compliance with any such easement, covenant, or other private agreement or restriction.

ARTICLE X

LEGAL PROVISIONS

- 10-1 SEVERABILITY
- 10-2 SAVINGS PROVISION
- 10-3 INCORPORATION BY REFERENCE
- 10-4 AMENDMENT PROCEDURE FOR COMMISSION

SECTION 10-1 SEVERABILITY

If any part or provision of these regulations is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined to its terms and shall not affect or impair the validity of the remainder of these regulations or their application to other persons or circumstances.

SECTION 10-2 SAVINGS PROVISION

Except as expressly provided in these regulations, these regulations shall have prospective application only and shall not be construed as abating, modifying, or altering any action, including any penalty, pending under any subdivision regulations in existence on the effective date of these regulations. These regulations shall not affect the rights or liability of any person, firm, or corporation, nor operate as a waiver of any right of the County under any section or provision existing at the time of adoption of these regulations. Notwithstanding the foregoing, any application for plat approval made after the County Commission's adoption of these regulations which is pending on the effective date of these regulations shall be reviewed, approved, or disapproved in accordance with these regulations, provided that the owner or developer was given written notice at the time of application that these regulations would be utilized in the approval of the subdivision's design and development.

SECTION 10-3 INCORPORATION BY REFERENCE

Code of Alabama 1975, § 11-24-1 et seq., Code of Alabama 1975, § 11-52-30, and Code of Alabama 1975, § 40-12-10 are attached hereto as Appendix IV, and are hereby specifically incorporated by reference and made a part of these regulations.

**GADSDEN, ALABAMA URBANIZED AREA
STORM WATER MANAGEMENT PROGRAM**

NPDES General Permit ALR040009

APPENDIX D – MONITORING RECORDS

Sampling Reports

Analytical Data