

3.6.4 Responsibilities of the Operator of Utility Installation

If you have operational control over utility installation (e.g., telephone, electric, gas, cable TV, etc.), your activities must be covered under an SWP3, either a “joint SWP3” for the larger common plan of development or sale, or your own SWP3. You are responsible for maintenance of the SWP3 on the areas disturbed by your activities. You must ensure the protection of endangered species, implementation of BMPs, and final stabilization requirements. This applies to utility companies and their subcontractors. If you are a contractor and do not meet the definition of “operator” (see Part 9.16), you are not required to submit an NOI for the permit coverage. You may be covered as a secondary operator, by a “contractor certification” or similar arrangement (see Addendum D of the permit).

Part 4 Storm Water Pollution Prevention Plans (SWP3)

4.1 Storm Water Pollution Prevention Plan (SWP3)

- 4.1.1. An SWP3 must be prepared prior to submission of an NOI as required in Part 2 of the permit. At least one SWP3 must be developed for each construction project or site covered by this permit. For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWP3 is encouraged. Individual operators at a site may, but are not required to, develop separate SWP3s that cover only their portion of the project provided reference is made to other operators at the site. In instances where there is more than one SWP3 for a site, coordination must be conducted between the permittees to ensure the storm water discharge controls and other measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).
- 4.1.2. SWP3s shall be prepared in accordance with good engineering practices. Use of a licensed professional engineer (PE) for SWP3 preparation is not required by the permit. However, if any part of the SWP3 involves the practice of engineering⁵, then those engineering practices and designs are required to be prepared by a licensed professional engineer. The SWP3 shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges from the construction site. The SWP3 shall describe and ensure the implementation of practices that will be used to reduce the pollutants in storm water discharges associated with construction activity at the construction site and assure compliance with the terms and conditions of this permit.
- 4.1.3. When developing SWP3s, applicants must follow the procedures in Part 11 of this permit to determine whether listed endangered or threatened species or critical habitat would be affected by the applicant's storm water discharges or storm water discharge-related activities. Any information on whether listed species or critical habitats are found in proximity to the construction site must be included in the SWP3. Any terms or conditions that are imposed under the eligibility requirements of Parts 1.3.2.E, 3.5.2. and 11 of this permit to protect listed species or critical habitat from storm water discharges or storm water discharge-related activity must be incorporated into the SWP3. Permittees must implement the applicable provisions of the SWP3 required under this part as a condition of this permit.

⁵ Statutes and Rules of Oklahoma State Board of Licensure for Professional Engineers & Land Surveyors, Section 472.2 “Definitions” states “practice of engineering means any service or creative work, the adequate performance of which requires engineering education, training and experience in the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the engineering use of land and water, teaching of advanced engineering subjects or courses related thereto, engineering research, engineering surveys, engineering studies, and the inspection or review of construction for the purposes of assuring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, chemical, environmental, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the design review and integration of a multidiscipline work, planning, progress and completion of any engineering services.”

4.1.4. If your construction site discharges into a receiving water which has been listed on the Clean Water Act 303(d) list of impaired waters, and your discharges contain the pollutant(s) for which the waterbody is impaired, you must document in your SWP3 how the best management practices (BMPs) and other controls selected for your site will control the discharge of the pollutant(s) of concern. If Part 3.5.1 applies to your discharge you must include in your SWP3 the additional requirements specified in that part.

If a TMDL or watershed plan has been approved for the waterbody, you must also describe how your SWP3 is consistent with any TMDL or watershed plan requirements applicable to your discharge. If a TMDL has not yet been approved and the proposed discharge meets the eligibility requirements of Part 1.3, you must describe how the BMPs and other controls selected for your SWP3 will reduce the discharge of the pollutant(s) of concern.

The 303(d) list of Impaired Waters in Oklahoma can be found in Appendix C of the Integrated Report on the DEQ webpage at http://www.deq.state.ok.us/WQDnew/305b_303d/index.html, or the DEQ GIS Map and Data Viewer at http://maps.scigis.com/deq_wq/.

Approved TMDL reports or watershed plans can be downloaded from the DEQ website at <http://www.deq.state.ok.us/wqdnew/tmdl/index.html>

4.1.5. If the industrial activities associated with a concrete or asphalt batch plant are directly related to your construction site and are covered under this permit, you must develop the SWP3 for such industrial activities according to Addendum G (Additional Requirements for Concrete and Asphalt Batch Plants) of this permit.

4.2 Deadlines for Plan Preparation and Compliance

The SWP3 shall:

- 4.2.1. Be completed prior to submitting your NOI. If necessary, you must update the SWP3 as appropriate during construction.
- 4.2.2. Provide for compliance with the terms and schedule of the SWP3 beginning with the initiation of construction activities.

4.3 Signature, Plan Review and Making Plans Available

- 4.3.1. The SWP3 shall be signed in accordance with Part 6.7, and be retained on-site at the facility that generates the storm water discharge in accordance with Part 5 (Retention of Records) of this permit.
- 4.3.2. The permittee shall post a notice near the main entrance of the construction site with the following information:
 - A. The OPDES permit number for the project or a copy of the NOI if a permit number has not yet been assigned;
 - B. The name and telephone number of a local contact person;
 - C. A brief description of the project; and
 - D. The location of the SWP3 if the site is inactive or does not have an on-site location to store the plan.

If posting this information near a main entrance is infeasible due to safety concerns, the notice shall be posted in a local public building. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice must be placed in a publicly accessible location near where construction is actively underway and moved as necessary. This permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that permittees allow members of the public access to a construction site.

- 4.3.3. The permittee shall make SWP3s available upon request to: the Director of the DEQ and/or any State, Federal, or local agency approving sediment and erosion plans, grading plans, or storm water management plans; the U.S. Fish and Wildlife Service or the Oklahoma Department of Wildlife Conservation; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site. The copy of the SWP3 that is required to be kept on-site or locally available must be made available to the Director for review at the time of an on-site inspection. Also, in the interest of public involvement, the DEQ encourages permittees to make their SWP3s available to the public for viewing during normal business hours.
- 4.3.4. The Director may notify the permittee at any time that the SWP3 does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of this permit that are not being met by the SWP3 as well as those requiring modification in order to meet the minimum requirements of this Part. Within seven (7) calendar days of receipt of such notification from the Director (or as otherwise provided by the Director), the permittee shall make the required changes to the SWP3 and shall submit to the Director a written certification that the requested changes have been made. The Director may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

4.4 Keeping Plans Current

The permittee must amend the SWP3 whenever:

- 4.4.1. There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to the waters of the State that has not been addressed in the SWP3; or
- 4.4.2. Inspections or investigations by site operators, local, State or Federal officials indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under Part 4.5.6.B of this permit, or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.

4.5 Contents of Plan

The SWP3 shall include the following information, at a minimum.

4.5.1. Stormwater Team

Each operator, or group of multiple operators, must assemble a “stormwater team,” which is responsible for overseeing the development of the SWP3, any later modifications to it, and for compliance with the requirements in this permit. The SWP3 must identify the personnel (by name or position) that are part of the stormwater team, as well as their individual responsibilities. Each member of the stormwater team must have ready access to an electronic or paper copy of applicable portions of this permit, the most updated copy of your SWP3, and other relevant documents or information that must be kept with the SWP3.

4.5.2. Nature of Construction Activities

The SWP3 must describe the nature of the construction activity, including the size of the property (in acres), the total area expected to be disturbed by the construction activities (in acres), construction support activity covered by this permit, and the maximum area expected to be disturbed at any one time.

4.5.3. Identification of Other Site Operators

The SWP3 must include a list of all other operators who will be engaged in construction activities at your site, and the areas of the site over which each operator has control.

4.5.4. Sequence and Estimated Dates of Construction Activities

The SWP3 must include a description of the intended sequence of major construction activities, including a schedule of the estimated start dates and the duration of the activity, for the following activities:

- A. Installation of stormwater control measures, and when they will be made operational, including an explanation of how the sequence and schedule for installation of stormwater control measures complies with Part 3.3.1 and of any departures from manufacturer specifications;
- B. Commencement and duration of earth-disturbing activities, including clearing and grubbing, mass grading, site preparation (i.e., excavating, cutting and filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;
- C. Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site;
- D. Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which you are subject in Parts 3.3.2 and 3.5.2.C; and
- E. Removal of temporary stormwater conveyances/channels and other stormwater control measures, removal of construction equipment and vehicles, and cessation of any pollutant-generating activities.

4.5.5. Site Map

The SWP3 must contain a legible site map or series of maps showing the following features of your project:

- A. Boundaries of the property and of the locations where construction activities will occur, including:
 - 1. Locations where earth-disturbing activities will occur, noting any phasing of construction activities;
 - 2. Approximate slopes before and after major grading activities. Note areas of steep slopes (i.e., greater than 40%);
 - 3. Locations where sediment, soil, or other construction materials will be stockpiled;
 - 4. Locations of any crossings of surface waters;
 - 5. Designated points on the site where vehicles will exit onto paved roads;
 - 6. Locations of structures and other impervious surfaces upon completion of construction; and
 - 7. Locations of construction support activity areas covered by this permit.
- B. Locations of all waters of the state within one mile of the site, including wetlands that exist within or in the immediate vicinity of your site. Indicate which waterbodies are listed as impaired for sediment, and which are identified by the state as Aquatic Resources of Concern or Outstanding Resource Water;
- C. The boundary lines of any natural buffers (i.e., either the 100 foot or 50-foot buffer or other buffer areas retained on site) consistent with Parts 1.3.2.E, 3.3.1.A. and 3.5.2.A;
- D. Topography of the site, existing vegetative cover (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of stormwater and authorized non-stormwater flow onto, over, and from the site property before and after major grading activities;
- E. Stormwater and allowable non-stormwater discharge locations, including:
 - 1. Locations of any storm drain inlets on the site and in the immediate vicinity of the site; and

2. Locations where stormwater or allowable non-stormwater will be discharged to waters of the state on or near the site.
- F. Locations of all potential pollutant-generating activities identified in Part 4.5.6.A below;
- G. Locations of stormwater control measures; and
- H. If applicable, sampling locations if the project is subject to the Part 3.4.1 numeric limitation (for asphalt batch plant). Also indicate the sampling location(s) and all discharge points, and indicate which discharge points are considered “substantially identical”.

4.5.6. Construction Site Pollutants

The SWP3 must identify all pollutants that you expect to be found at your site and that could be discharged from the site. The SWP3 must also list and describe the activities that are expected to generate these pollutants (or “pollutant-generating activities”). You must provide the following documentation in order to demonstrate your compliance with the permit requirements:

- A. Pollutant-generating activities at the site. The SWP3 must include a list and description of all the pollutant-generating activities on your site. Examples of pollutant-generating activities include, but are not limited to; paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.
- B. Pollutants. For each pollutant-generating activity, an inventory of pollutants or pollutant constituents (e.g., sediment, paints, solvents, fuels) associated with that activity, which could be exposed to rainfall, snowmelt, and could be discharged from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to stormwater discharges. You must also document any departures from the manufacturer’s specifications for applying fertilizers containing nitrogen and phosphorus as required in Part 3.3.3.D.1..

4.5.7. A Copy of the Permit Requirements

A copy of this permit and of the signed NOI must be included in your SWP3. You may keep this permit copy electronically and do not submit it to DEQ if you are required to submit your SWP3 for DEQ review (see Part 2.5 SWP3 submittal).

4.5.8. Documentation of Measures to Protect Endangered or Threatened Species

The SWP3 must include information on whether listed endangered or threatened species or critical habitat are found in proximity to the construction activity, and whether such species may be affected by the applicant's storm water discharges or storm water discharge-related activities. You must describe and implement the measures necessary to protect these endangered species and threatened habitat in the SWP3, including any equivalent sediment controls specified in Addendum I (Buffer Guidance) or others (see Part 11).

4.5.9. Documentation of Federal, State or local historic preservation laws

The SWP3 must include information on whether storm water discharges or storm water discharge-related activities would have an effect on a property that is protected by Federal, State, or local historic preservation laws along with any written agreements reached with the State services (see Part 10) to mitigate those effects.

4.5.10. Documentation of Water Quality Impaired Waters

The SWP3 must include information on whether storm water discharges or storm water discharge-related activities would have an effect on water quality impaired receiving waters. The permittee must describe how the BMPs and other controls selected for the site will reduce and avoid the discharges of pollutants of concern into any 303(d) impaired waters, including requirements of Part 4.1.4. The permittee must describe and implement any measures necessary to meet the requirements of an

approved TMDL or watershed plan and/or associated implementation schedule established in the TMDL or watershed plan. Monitoring and reporting of discharge quality may also be required if necessary to ensure compliance with an approved TMDL or watershed plan.

4.5.11. Controls to Reduce Pollutants

Each SWP3 shall include a description of all control measures (i.e., structural and non-structural BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. The SWP3 must clearly describe for each major activity identified in Part 4.5.2: appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and which permittee is responsible for implementation (e.g., perimeter controls for one portion of the site will be installed by Contractor A after the clearing and grubbing necessary for installation of the pollution prevention measure, but before the clearing and grubbing for the remaining portions of the site; and perimeter controls will be actively maintained by Contractor B until final stabilization of those portions of the site up-gradient of the perimeter control; and temporary perimeter controls will be removed by the permittee after final stabilization). The description and implementation of control measures shall address the following minimum components.

A. Stormwater Control Measures.

1. *Stormwater control measures to be used during construction activity.* You may utilize a national BMP menu to select appropriate control measures for your site. The national menu of Stormwater Best Management Practices can be found on EPA's website at <http://cfpub.epa.gov/npdes/stormwater/menuofbmps>
 - a. The construction-phase erosion and sediment controls should be designed to retain sediment on site to the extent practicable.
 - b. All control measures must be properly selected, installed, and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee must replace or modify the control for site situations.
 - c. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize offsite impact (e.g., fugitive sediment in street could be washed into storm sewers by the next rain and/or pose a safety hazard to users of public streets).
 - d. Sediment must be removed from sediment traps or sedimentation ponds when design capacity has been reduced by 50%.
 - e. Litter, construction debris, and construction chemicals (e.g., fuel, hydraulic fluids, etc.) exposed to storm water shall be prevented from becoming a pollutant source for storm water discharges (e.g. screening outfalls or picked up daily).
 - f. Offsite material storage areas (also including overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the SWP3.
 - g. Many applications of straw and hay bales for erosion and sediment control are proving ineffective, maintenance-intensive and expensive. Therefore, straw or hay bales as BMP controls within the State are not allowed. Alternatives to straw or hay bales can be found on EPA's website at <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=browse&Rbutton=detail&bmp=122&minmeasure=4>

2. *Stabilization Practices:* The SWP3 must describe the specific vegetative and/or non-vegetative stabilization practices that will be used to achieve temporary and final stabilization on the exposed portions of your site as required in Part 3.3.2.
3. *Structural Practices:* The SWP3 must include a description of structural practices to divert flows from exposed soils, retain flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices may include but are not limited to: silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Placement of structural practices in floodplains should be avoided to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.
 - a. For common drainage locations that serve an area with ten (10) or more acres disturbed at one time (or 5 acres if required by Part 3.5.2), a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from a 2 year, 24 hour storm from each disturbed acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin.

In determining whether installing a sediment basin is attainable, the permittee may consider factors such as site soils, slope, available area on site, etc. In any event, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls shall be used where site limitations would preclude a safe design. For drainage locations that serve ten (10) or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. Where neither the sediment basin nor equivalent controls are attainable due to site limitations, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area and for those side slope boundaries deemed appropriate as dictated by individual site conditions. The DEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.

- b. For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2 year, 24 hour storm or 3,600 cubic feet of storage per acre drained is provided. The DEQ encourages the use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal.
- c. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel when necessary to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water).

B. Pollution Prevention

1. *Spill Prevention and Response*. The SWP3 must describe procedures that you will follow to prevent and respond to spills and leaks, including:
 - a. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employee(s) responsible for the detection and response to spills or leaks; and
 - b. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Part 3.2 and established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available.

You may also reference the existence of Spill Prevention Control and Countermeasure (SPCC) plans developed for the construction activity under Part 311 of the CWA, or spill control programs otherwise required by an OPDES permit for the construction activity, provided that you keep a copy of that other plan onsite.

2. *Waste Management*

The SWP3 must describe procedures for how you will handle and dispose of all wastes generated at your site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

C. Inspection, Maintenance, Corrective Action

The SWP3 must describe the procedures you will follow for maintaining your stormwater control measures, conducting site inspections, where necessary, taking corrective actions, in accordance with Part 4.5.15 and the maintenance requirements in Part 4.5.12 of this permit. The following information must also be included in your SWP3:

1. Personnel responsible for conducting inspections;
2. The inspection schedules you will be following, which is based on whether your site is subject to Parts 4.5.13, including any higher frequency inspections for any discharges to impaired waters;
3. Any inspection or maintenance checklists or other forms that will be used; and
4. Specific procedures for taking corrective action in accordance with Part 4.5.15.

D. Monitoring (if applicable)

If the discharges from the project are subject to the numeric limitations in Part 3.4.1 (for asphalt batch plant) or Addendum G quarterly visual monitoring requirements, the SWP3 must document the procedures you will follow for taking samples or observation consistent with Addendum G, including:

1. Locations where samples will be collected. For linear projects, document which locations are considered substantially identical and why they are substantially identical;
2. Personnel responsible for taking and handling samples, analyzing samples, and recording the results;
3. The normal working hours associated with the project (see Addendum G);
4. Equipment to be used for taking samples and for analysis;
5. Procedures to be followed for ensuring that samples are taken (see Addendum G); and

6. Procedures for notifying and activating your sampling team when a discharge is occurring or is expected to occur.

E. Approved Local Plans

Permittees which discharge storm water associated with construction activities must ensure their SWP3 is consistent with requirements specified in applicable sediment and erosion site plans of site permits, or storm water management site plans, or site permits approved by local officials. The SWP3 must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or storm water management site plans or site permits approved by local officials for which the permittee receives written notice.

4.5.12. Maintenance

All erosion and sediment control measures and other protective measures identified in the SWP3 must be maintained in effective operating condition. If site inspections required by Part 4.5.13 identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation must be completed before the next storm event whenever practicable. If maintenance prior to the next anticipated storm event is impracticable, the situation must be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as possible.

4.5.13. Inspections

A. Person(s) Responsible for Inspecting Site

The person(s) inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that the person who conducts inspections is a “qualified person.” A “qualified person” is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the skills to assess conditions at the construction site that could impact stormwater quality, and the skills to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit. An inspection form shall be developed and included in your SWP3.

B. Frequency of Inspections

At a minimum, you must conduct a site inspection once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater and within 24 hours of a discharge generated by snowmelt, unless you are subject to Parts 3.5.1.B or 3.5.2.C. If a storm event of 0.5 inches or greater, or snowmelt, causes your site to discharge, within 24 hours of the end of the storm event or the beginning of the snowmelt discharge you must conduct a site inspection when the discharge is occurring and comply with the requirements of Part 4.5.13.D.

C. Reductions in Inspection Frequency.

You may reduce the frequency of inspections to once per month in areas of your site where you have initiated vegetative stabilization that meets the criteria in Part 3.3.2.A, once you have completed the initial seeding or planting, and provided protection with non-vegetative cover pursuant to Part 3.3.2.B.2, or you have installed temporary, non-vegetative stabilization that meet the criteria in Part 3.3.2.B.2. If construction activity resumes at a later date, the inspection frequency shall immediately increase to that is required in Part 4.5.13.B.

D. Requirements for Inspections.

1. *Areas that need to be inspected.* During your site inspection, you must at a minimum inspect the following areas of your site:

- a. All areas that have been cleared, graded, or excavated and that have not yet completed stabilization consistent with Part 3.3.2;
- b. All stormwater controls (including pollution prevention measures) installed at the site to comply with this permit;
- c. Material, waste, borrow, or equipment storage and maintenance areas that are covered by this permit;
- d. All areas where stormwater typically flows within the site, including drainageways designed to divert, convey, and/or treat stormwater;
- e. All points of discharge from the site; and
- f. All locations where stabilization measures have been implemented.

2. *Inspection Requirements*

During your site inspection, you must at a minimum:

- a. Check whether all erosion and sediment controls and pollution prevention controls are installed, appear to be operational, and are working as intended to minimize pollutants discharges. Determine if any controls need to be replaced, repaired, or maintained in accordance with Part 4.5.15.B;
- b. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;
- c. Identify any locations where new or modified stormwater controls are necessary to meet the requirements of Parts 3.3, and/or 3.4;
- d. At point of discharge and, if applicable, the banks of any surface waters flowing within your property boundaries or immediately adjacent to your property, check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to your discharge. If not accessible, nearby downstream locations must be inspected to the extent practicable; and
- e. Identify any incidents of noncompliance observed.
- f. If a discharge is occurring during your inspection, you are required, in addition to Part 4.5.13.D.1 and 2 above, to:
 - (1). Identify all points of the property from which there is a discharge;
 - (2). Observe and document the visual quality of the discharge, and take note of the characteristics of the stormwater discharge, including color, odor, floating, settled, or suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollutants; and
 - (3). Document whether your stormwater controls are operating effectively, and describe any such controls that are clearly not operating as intended or are in need of maintenance.
- g. Based on the results of your inspection, initiate corrective action under Part 4.5.15.

E. Inspection Report

1. *Requirement to Complete Inspection Report.* You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:
 - a. The inspection date;
 - b. Names and titles of personnel making the inspection;

- c. A summary of your inspection findings, covering at a minimum the observations you made in accordance with Part 4.5.13.D;
 - d. If you are inspecting your site at the frequency specified in Parts 4.5.13.B and 3.5.1.B and conducted an inspection because of rainfall measuring 0.5 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and
 - e. If you have determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations that this condition applied to.
2. *Signature Requirements.* Each inspection record must be signed in accordance with Part 6.7 of this permit.
 3. *Recordkeeping Requirements.* You are required to keep a current, copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by DEQ.

4.5.14. Staff Training Requirements

Prior to the commencement of earth-disturbing activities or pollutant-generating activities, whichever occurs first, you must ensure that the following personnel understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls, including pollution prevention measures;
- Personnel responsible for the application and storage of chemicals (if applicable);
- Personnel who are responsible for taking corrective actions as required in Part 4.5.15.

At a minimum, personnel must be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspection):

- The location of all stormwater controls on the site required by this permit, and how they are to be maintained;
- The proper procedures to follow with respect to the permit's pollution prevention requirements; and
- When and how to conduct inspections, record applicable findings, and take corrective actions

4.5.15. Corrective Actions

A. "Corrective Actions" Defined

Corrective actions are actions you take in compliance with this Part to:

1. Repair, modify, or replace any stormwater control used at the site;
2. Clean up and dispose of spills, releases, or other deposits; or
3. Remedy a permit violation.

B. Requirements for Taking Corrective Action

You must complete the following corrective actions in accordance with the deadlines specified in this Part. In all circumstances, you must immediately take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution is installed and made operational, including cleaning up any contaminated surfaces so that the material will not discharge in subsequent storm events.

1. For any of the following conditions on your site, you must install a new or modified control and make it operational, or complete the repair, by no later than seven (7) calendar days from the time of discovery. If it is infeasible to complete the installation or repair within seven (7) calendar days, you must document in your records why it is infeasible to complete the installation or repair within the seven (7) calendar day timeframe and document your schedule for installing the stormwater controls and making it operational as soon as practicable after the 7-day timeframe.
 - a. A required stormwater control was never installed, was installed incorrectly or not in accordance with the requirements in Parts 3 and/or 4; or
 - b. You become aware that the stormwater controls you have installed and are maintaining are not effective enough for the discharge to meet applicable water quality standards or applicable requirements in Part 3.5;
 - c. One of the prohibited discharges in Parts 3.1 and 3.3.3.A is occurring or has occurred;
 - d. If you are subject to the monitoring requirements in Addendum G, samples indicate that you have a discharge that exceeds the applicable effluent limitation.
2. Where your corrective actions result in changes to any of the stormwater controls or procedures documented in your SWP3, you must modify your SWP3 accordingly within seven calendar days of completing corrective action work.

C. Corrective Action Records.

For each corrective action taken in accordance with this Part, you must complete a corrective action report, which includes the applicable information in this Part.

1. Within 24 hours of discovering the occurrence of one of the triggering conditions in Part 4.5.15.B.1 at your site, you must provide a record of the following:
 - a. Which condition was identified at your site;
 - b. The nature of the condition identified; and
 - c. The date and time of the condition identified and how it was identified.
2. Within 7 days of discovering the occurrence of one of the triggering conditions in Part 4.5.15.B.1 at your site, you must complete a record of the following:
 - a. Any follow-up actions taken to review the design, installation, and maintenance of stormwater controls, including the dates such actions occurred;
 - b. A summary of stormwater control modifications taken or to be taken, including a schedule of activities necessary to implement changes, and the date the modifications are completed or expected to be completed; and
 - c. Notice of whether SWP3 modifications are required as a result of the condition identified or corrective action.

D. Recordkeeping Requirements

You are required to keep a current copy of all corrective action reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by DEQ.

4.5.16. Non-Storm Water Discharges

Non-storm waters listed in Part 1.3.1.C of this permit that are combined with storm water discharges associated with construction activity must be identified in the SWP3. The SWP3 shall identify and

ensure the implementation of appropriate pollution prevention measures to reduce and/or eliminate the non-storm water component(s) of the discharge.

4.6 Contractor Certifications

This procedure is initiated only at the discretion of the permittee with the cooperation and agreement of the contractor. The Contractor Certification form, Addendum D should be rewritten by the permittee to fit their specific objectives. Contractor Certification is recommended but is not a requirement of the DEQ.

4.6.1. Contractors, subcontractors, builders, installers, regular suppliers, support service companies or others who are not the permittee (hereinafter referred as “contractor”) but are involved in construction activity, and have not been issued a construction general permit authorization, should execute a Contractor Certification, at the discretion of the permittee, which places the responsibility of complying with and abiding by the intent and purpose of the permit with the contractor for work performed under the authority and direction of the contractor. Contractors must ensure that activities regulated by the Construction General Permit (Permit) are protective of endangered and threatened species and critical habitat according to Part 11.

4.6.2. Contractors must be thoroughly familiar with and adhere to the NOI, the SWP3, and BMPs. The SWP3 should clearly identify, for each control measure identified in the plan, the party which will implement the measure. The Permittee(s) should ensure that all contractors or others involved in construction activity are identified in the plan as being responsible for implementing storm water control measures, and sign a copy of the contractor certification, before performing any work in the area covered by the SWP3. All contractor certifications should be included with the SWP3.

4.6.3. The Contractor Certification should include the name and title of the person providing the signature, the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. An example of certification can be found in Addendum D of the permit.

Part 5 Retention of Records

5.1 Documents

The permittee shall retain copies of the SWP3 and all reports required by this permit, and records of all data used to complete the NOI to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the Director at any time.

5.2 Accessibility

The permittee shall retain a copy of the SWP3 required by this permit (including a copy of the permit language) at the construction site (or other local location accessible to the Director; a State or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site) from the date of project initiation to the date of final stabilization. Permittees with day-to-day operational control over SWP3 implementation shall have a copy of the SWP3 available at a central location on-site for the use of all operators and those identified as having responsibilities under the SWP3 whenever they are on the construction site.