

Transfer of Storm Water Management Authority Form

(DATE)

**TRANSFER OF STORM WATER MANAGEMENT AUTHORITY
NEW MEXICO DEPARTMENT OF TRANSPORTATION**

(PROJECT NUMBER)

On _____, NMDOT Project Number _____
(DATE)
was completed per NMDOT specifications by _____.

(CONTRACTOR)
For the purposes of compliance with the Storm Water General Permit for Construction, control of the project for Storm Water Management purposes is hereby transferred to the District _____ Engineer representing the New Mexico Department of Transportation.

Attached to this transfer document is the original of the complete Storm Water Pollution Prevention Plan for the project that includes a "Final Inspection Report" conducted on _____ by the
(DATE)
Storm Water Competent Persons representing _____
(CONTRACTOR)
and NMDOT. The joint inspection was conducted on _____.
(DATE)

(NAME)

(TITLE)

(COMPANY)

On the above date, I, _____, Engineer for District _____
(NAME)
of the New Mexico Department of Transportation, do hereby accept management control of Project Number _____ for purposes of Storm Water Management under the provisions of the Storm Water General Permit for Construction. I further certify that NMDOT has a Notice of Intent (NOI) established for this project as required by the Construction General Permit.

It is further acknowledged that the completed Storm Water Pollution Prevention Plan document and all attachments thereto have been received as part of this transfer of authority.

(NAME)

(TITLE)

New Mexico Department of Transportation
District _____

Notice of Termination (NOT) Form and Instructions



Submission of this Notice of Termination constitutes notice that the operator identified in Section II of this form is no longer authorized discharge pursuant to the NPDES Construction General Permit (CGP) from the site identified in Section III of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOT Form

Have you been given approval from the Regional Office to use this paper NOT form*? YES NO

* Note: You must have been given approval by the Regional Office prior to using this paper NOT form.

II. Permit Information

NPDES Stormwater General Permit Tracking Number:

Reason for Termination (Check only one):

- You have completed earth-disturbing activities at your site, and you have met all other requirements in Part 8.2.1.
- Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.
- You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

III. Operator Information

Name:

IRS Employer Identification Number (EIN): -

Mailing Address:

Street:

City: State: Zip Code: -

Phone: - - Ext. Fax (optional): - -

E-mail:

IV. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City: State: Zip Code: -

County or similar government subdivision:

V. Certification Information

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, 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.

First Name,

Middle Initial,

Last Name:

Title:

Signature: _____ Date: / /

Email:

**Notice of Termination (NOT) of Coverage Under an NPDES General Permit for
Stormwater Discharges Associated with Construction Activity**

NPDES Form Date (2/16)

This Form Replaces Form 3510-13 (12/08)

Form Approved OMB No. 2040-0004

Who May File an NOT Form

Permittees who are presently covered under the EPA-issued 2012 Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activity may submit an NOT form when: (1) earth-disturbing activities at the site are completed and the conditions in Parts 8.2.1.1 thru 8.2.1.5 are met; or (2) the permittee has transferred all areas under its control to another operator, and that operator has submitted and obtained coverage under this permit; or (3) the permittee has obtained coverage under a different NPDES permit for the same discharges.

Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to www.epa.gov/npdes/stormwater/cgp or telephone EPA's NOI Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Approval to Use Paper NOT Form

You must indicate whether you have been given approval by the EPA Regional Office to use a paper NOT. Note that you are not authorized to use this paper NOT form unless the Regional Office has approved its use.

Section II. Permit Number

Enter the existing NPDES Stormwater General Permit Tracking Number assigned to the project by EPA's Stormwater Notice Processing Center. If you do not know the permit tracking number, refer to <http://www.epa.gov/npdes/stormwater/cgp> or contact EPA's NOI Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one:

You have completed earth-disturbing activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.6.3) and you have met all other requirements in Part 8.2.1.

Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.

You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this application and is covered by the permit tracking number identified in Section I. Refer to Appendix A of the permit for the definition of "operator". Provide the employer identification number (EIN from the Internal Revenue Service; IRS). If the applicant does not have an EIN enter "NA" in the space provided. Enter the complete mailing address, telephone number, and email address of the operator. Optional: enter the fax number of the operator.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street

address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

Section V. Certification Information

All applications, including NOIs, must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per notice, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB number on any correspondence. Do not send the completed form to this address.

**Notice of Termination (NOT) of Coverage Under an NPDES General Permit for
Stormwater Discharges Associated with Construction Activity**

NPDES Form Date (2/16)

This Form Replaces Form 3510-13 (12/08)

Form Approved OMB No. 2040-0004

Submitting Your Form:

Submit your NOI form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:

Stormwater Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:

Stormwater Notice Processing Center
EPA East Building - Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

www.epa.gov/npdes/stormwater/cgpenoi

NMDOT SWPPP Inspection and Maintenance Report

EPA NPDES Construction Inspection Form & Expedited Settlement Agreement Form

Sample Inspection Report

Instructions

This sample inspection report has been developed as a helpful tool to aid you in completing your site inspections. This sample inspection report was created consistent with EPA's Developing Your Stormwater Pollution Prevention Plan. You can find both the guide and the sample inspection report (formatted in Microsoft Word) at www.epa.gov/npdes/swpppguide

This inspection report is provided in Microsoft Word format to allow you to easily customize it for your use and the conditions at your site. You should also customize this form to help you meet the requirements in your construction general permit related to inspections. **If your permitting authority provides you with an inspection report, please use that form.**

For more information on inspections, please see Developing Your Stormwater Pollution Plan Chapters 6 and 8.

Using the Inspection Report

This inspection report is designed to be customized according to the BMPs and conditions at your site. For ease of use, you should take a copy of your site plan and number all of the stormwater BMPs and areas of your site that will be inspected. A brief description of the BMP or area should then be listed in the site-specific section of the inspection report. For example, specific structural BMPs such as construction site entrances, sediment ponds, or specific areas with silt fence (e.g., silt fence along Main Street; silt fence along slope in NW corner, etc.) should be numbered and listed. You should also number specific non-structural BMPs or areas that will be inspected (such as trash areas, material storage areas, temporary sanitary waste areas, etc).

You can complete the items in the "General Information" section that will remain constant, such as the project name, NPDES tracking number, and inspector (if you only use one inspector). Print out multiple copies of this customized inspection report to use during your inspections.

When conducting the inspection, walk the site by following your site map and numbered BMPs/areas for inspection. Also note whether the overall site issues have been addressed (customize this list according to the conditions at your site). Note any required corrective actions and the date and responsible person for the correction in the Corrective Action Log.

Stormwater Construction Site Inspection Report

General Information			
Project Name			
NPDES Tracking No.		Location	
Date of Inspection		Start/End Time	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications	Insert qualifications or add reference to the SWPPP. (See Section 5 of the SWPPP Template)		
Describe present phase of construction			
Type of Inspection: <input type="checkbox"/> Regular <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature:			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			

Site-specific BMPs

- Number the structural and non-structural BMPs identified in your SWPPP on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.
- Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
6		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
14		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
15		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
16		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
18		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
19		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
20		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Are discharge points and receiving waters free of any sediment deposits?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Are storm drain inlets properly protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6	Is the construction exit preventing sediment from being tracked into the street?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7	Is trash/litter from work areas collected and	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
	placed in covered dumpsters?			
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Non-Compliance

Describe any incidents of non-compliance not described above:

CERTIFICATION STATEMENT

“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, 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.”

Print name and title: _____ **Date:** _____
Signature: _____

ENVIRONMENTAL PROTECTION AGENCY
EXPEDITED SETTLEMENT AGREEMENT FORM FOR CONSTRUCTION



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MAY 19 2006

MEMORANDUM

SUBJECT: Revised Expedited Settlement Offer Program for Storm Water (Construction)

FROM: Walker B. Smith, Director *WBS*
Office of Civil Enforcement

TO: Water Management Division Directors
Regions I, III, IV, V, VII, IX

Enforcement Division Directors
Regions II, VI, VIII, X

Regional Counsels
Regions I - X

This memorandum transmits the final revised framework for the Expedited Settlement Offer (ESO) Program for Storm Water, which supersedes the "Expedited Settlement Offer (ESO) Program for Storm Water" originally issued on August 21, 2003. The revised ESO program includes a variety of modifications based on issues identified during the initial pilot implementation period. This ESO program is intended to promote compliance with NPDES storm water regulations at construction sites by providing an expedited enforcement mechanism in situations where environmental impacts are potentially less significant, violations can be quickly corrected and appropriate penalties easily collected. I want to thank the Regions for their participation in revising this enforcement tool; their knowledge and experience were extremely valuable throughout the revision process.

Storm water violations at construction sites can involve potentially significant cumulative negative environmental impacts. Issuing timely and consistent enforcement actions to compel compliance with storm water requirements at construction sites ensures prompt correction of potentially harmful violations and deters future noncompliance. An expedited settlement offer provides an efficient "real time" enforcement mechanism in situations where violations can be quickly corrected and an appropriate penalty promptly collected.

The purpose of expedited settlements is to supplement, not replace, other more traditional enforcement approaches. ESOs should be part of a comprehensive compliance and enforcement strategy that encompasses the full range of compliance and enforcement tools. Regions implementing the ESO program should also use traditional administrative and judicial enforcement mechanisms to ensure a well-balanced enforcement program. Traditional enforcement actions should be pursued for violations where an expedited settlement offer does not adequately address the level of noncompliance or the nature of the violator (e.g., where there is evidence of significant environmental harm, large economic benefit, or a recalcitrant violator).

In using the ESO approach, we encourage regions to consult additional storm water guidance in reaching their decisions. In particular, we recommend that the regions refer to the *Enforcement Response Guide for Storm Water (Construction) (ERG)*. The ERG describes factors to consider when selecting from the different types of enforcement actions. The *2003 Storm Water Compliance and Enforcement Strategy* and the *2005 Performance-Based Strategy for Storm Water*, both of which rely on an environmental harm-based targeting approaches, should also be consulted to focus priorities on storm water dischargers/discharges that pose the most significant harm to the environment (e.g., non-filers or high growth communities where storm water runoff may result in high sediment loadings).

Before applying the ESO, regions should familiarize themselves with the revised ESO program. The revisions have altered both the scope and the process of the program. The most significant revisions include the following:

- eliminating the 50-acre limit for ESO-eligible sites;
- extending eligibility to all operators except those who, in the past five years, have been issued a formal enforcement action for violation of either the multi-sector general permit (MSGP), the construction general permit (CGP), or an individual storm water permit issued by EPA or a state: 1) at the facility where the instant violation occurred; or 2) at two or more facilities, under the ownership, operation, or control of the operator;
- increasing the appropriate time between an inspection and EPA's mailing of an ESO from seven (7) to twenty-one (21) days;
- limiting the scope of respondent's certification in the *Expedited Settlement Agreement* to correction of deficiencies identified during the inspection and payment of penalties;
- capping the total penalties for Storm Water Pollution Protection Plan (SWPPP) violations at \$4500 so as not to exceed the penalty for failure to submit a SWPPP, which has been increased from \$4000 to \$5000; and
- clarifying that generally ESOs should not be issued simultaneously with administrative compliance orders for the same violation.

A joint regional and OCE workgroup revised the following documents: the ESO procedures (see Attachment 1), the penalty calculation worksheet (now called the *Expedited Settlement Deficiencies Form or Deficiencies Form*, see Attachment 2), the *Expedited Settlement Agreement Instructions* (see Attachment 3), and the *Expedited Settlement Agreement* (see

Attachment 4). Additionally, OCE has created a new informational document for site operators, the *Preliminary Inspection Observations* (see Attachment 5).

Each Region has provided my office with its commitment to use the storm water construction ESO as part of its comprehensive storm water compliance and enforcement effort. This revised guidance should replace the previous 2003 guidance as your reference for how to implement an effective and appropriate ESO program for storm water construction violations. We look forward to continuing to work with the Regions in exploring meaningful and effective opportunities to use the ESO for storm water enforcement. For specific questions regarding this memorandum and its attachments, please contact Everett Volk at (202) 564-2828, or Lauren Kabler at (202) 564-4052.

cc: Mark Pollins, Water Enforcement Division
Michael Alushin, Office of Compliance
Linda Boornazian, Office of Wastewater Management
Carol Ann Siciliano, Office of General Counsel
NPDES Regional Enforcement Managers

Attachments

REVISED EXPEDITED SETTLEMENT OFFER FOR STORM WATER (CONSTRUCTION) May 2006¹

Appropriate Use of the ESO

Storm water cases often involve facilities or sites where the cumulative effect of discharges can have significant environmental impact. In storm water cases, issuing timely and consistent enforcement actions is necessary to deter future violations and promote prompt return to compliance. This can be achieved through issuing an expedited settlement offer pursuant to the revisions to the “*Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits*” (*Consolidated Rules*), 40 C.F.R. Part 22. This document provides guidance in implementing Part 22 with respect to certain violations of Clean Water Act storm water regulations for construction activities.

The *Consolidated Rules* provide that, where the parties agree to settle one or more causes of action before the filing of an administrative penalty complaint, a proceeding may be commenced and concluded simultaneously by issuance of a consent agreement and final Clean Water Act section 309(g) penalty order. 40 C.F.R. § 22.13(b).² As formulated in the Expedited Settlement Agreement Offer (ESO) program, this provides “real time” enforcement in situations where violations can be quickly corrected and a penalty collected within a short amount of time, generally a few months from EPA’s discovery of the violation. Under the ESO approach, in specified circumstances, a violator of storm water regulations may resolve its violation through an expedited process in which the violator (1) corrects identified deficiencies, (2) signs an agreement with EPA certifying prompt correction, and (3) pays a penalty.

Violations appropriate for expedited settlements are those that are easily correctable and that may pose some potential harm to human health or the environment, but which do not *result* in significant harm to, or present an imminent and substantial endangerment to, human health or the environment. EPA regions are strongly encouraged to continue targeting for serious violations that result in harm to the environment and human health. However, in those instances where easily correctable violations are discovered that pose some potential harm, the ESO would be an appropriate response mechanism.

The ESO is designed to provide an administratively streamlined approach to resolving violations where a full administrative compliance order (ACO) is not warranted. In requiring a respondent to correct deficiencies, certify to those corrections and pay a penalty, the *Expedited Settlement Agreement* achieves the same ends as an ACO, but in a shorter, more easily administered format. As a result, a separate compliance order requiring corrective action is

¹This version supersedes the “Expedited Settlement Offer (ESO) for Storm Water (Construction)” issued on August 21, 2003.

²An ESO developed under the approach described here is a tool for quickly resolving certain CWA storm water violations. It is not appropriate for use as a penalty demand in an administrative penalty hearing or a judicial trial. Further, whether the Agency decides to use the ESO approach at all is purely within EPA’s discretion.

unnecessary, and regions should generally not issue ACOs at the same time that they issue ESOs.³

Criteria

The criteria below describe when a site should be considered for the ESO program. The purpose of the ESO Criteria is to ensure that ESOs are issued under the appropriate circumstances. Sites that meet all of the following criteria may be eligible for an ESO: (1) sites where the penalty calculated via the ESO *Deficiencies Form* is no more than \$15,000; (2) sites where there is no evidence of significant environmental impact (*e.g.*, turbidity observed in receiving water); (3) sites where the operator is not a repeat violator⁴; and (4) sites where there is no evidence of non-allowable, non-storm water discharges (*e.g.*, industrial process wastewater discharge, such as discharge from a concrete batch plant operation). While there are no site size restrictions on the use of the ESO, generally the bigger the site the greater the potential for significant environmental harm. Therefore, Regions should carefully consider site size prior to using the ESO.

Terminology

Expedited Settlement Deficiencies Form. The *Deficiencies Form* is provided to the regions to calculate a proposed or recommended penalty for the site based on the inspector's findings. The values assigned to each permit requirement in the *Deficiencies Form* reflect the costs the operator would have incurred had the operator obtained and complied with a permit, and a gravity component. Penalties should be based on all deficiencies found at a site, including (1) statutory violations, (2) violations of an NPDES permit, and (3) in the case of facilities without an NPDES permit, deficiencies that would have constituted a violation at a properly permitted facility. In short, the region should consider all deficiencies at a site, whether or not the operator obtained a permit, when calculating a penalty. The *Deficiencies Form* will be incorporated by reference into the *Expedited Settlement Agreement*.

Preliminary Inspection Observations. The *Preliminary Inspection Observations* is an optional form that regions may choose to leave with a site operator at the time of inspection. It provides a simple checklist inspectors may use to highlight their initial observations about potential problems at a site. It is not a formal settlement offer and imposes no obligations on site operators who receive it. However, providing site-specific deficiency information at the time of inspection will afford operators an opportunity to achieve prompt compliance if they so choose.

³If regions believe the joint issuance of an ACO/ESO is necessary to ensure compliance, they must consult with the Water Enforcement Division (WED) on a case-by-case basis prior to issuance.

⁴A repeat violator is any operator who, in the past five years, has been issued a formal enforcement action, or an administrative penalty order (APO), by either EPA or a state for violation of either the multi-sector general permit (MSGP), the construction general permit (CGP), or an individual storm water permit issued by EPA or a state: 1) at the facility where the instant violation occurred; or 2) at two or more facilities, under the ownership, operation, or control of the operator.

Expedited Settlement Agreement. This agreement is a “Consent Agreement and Final Order” pursuant to 40 C.F.R. § 22.

Procedure

This section describes the steps the regions should follow in developing an individual ESO, and finalizing an *Expedited Settlement Agreement*:

1. The inspector targets a site after consulting appropriate storm water targeting guidance and conducts a storm water inspection.
2. The inspector consults the ESO Criteria (and other storm water guidance, including that referenced above) to determine whether the site is eligible for the ESO.
3. If the inspector determines that the site is eligible for the ESO, the inspector completes the *Deficiencies Form* (Attachment 2) and calculates a proposed penalty.
4. Regions should not leave a *Deficiencies Form* at a site after an inspection. Instead, regions can choose to have the inspector leave a *Preliminary Inspection Observations* (Attachment 5) form at the time of the inspection. It is important to note, however, that the *Preliminary Inspection Observations* form is only an informational tool and, if the inspector does leave a copy on site, the Region retains the ability to make a determination as to what type of enforcement action to take, if any, for alleged violations observed during the inspection. Inspectors should receive regional training in the use of this tool so that the inspector can explain the expedited settlement approach to the inspected entity, and, in particular, be able to clearly indicate that the *Preliminary Inspection Observations* form does not reflect EPA decisions regarding violations discovered during inspection and imposes no obligations on the facility/site operator.
5. Regional management reviews the *Deficiencies Form* and finalizes the appropriate penalty. Once the penalty is finalized, an *Expedited Settlement Agreement* (Attachment 4), along with *Expedited Settlement Agreement Instructions* sheet (Attachment 3) and the *Deficiencies Form* (Attachment 2) are mailed to each operator at the site within 21 business days of the inspection.
6. The site representative is given 30 days to return a signed *Expedited Settlement Agreement* and penalty payment to the Region in the manner outlined in the *Expedited Settlement Agreement Instructions*.⁵ If the signed *Expedited Settlement Agreement* is not received within 30 days, it is automatically withdrawn without prejudice to EPA’s ability to institute an enforcement action for noncompliance as identified in the *Deficiencies Form*. Regions have the discretion to extend the offer, for cause, but generally should

⁵Requesting the penalty payment prior to public notice guards against having to file collection actions in the future; however, some regions may choose not to require payment prior to public notice. If this is the case, a region may request that the respondent submit payment within ten days of receiving notice from EPA that the Agreement is effective.

not grant an extension beyond 60 to 90 days after the violator's receipt of the ESO. If the offer is withdrawn, the region should be prepared to escalate its enforcement response by commencing a traditional administrative enforcement proceeding under 40 C.F.R. Part 22.

7. Before issuing an *Expedited Settlement Agreement*, the region must provide public notice and a reasonable opportunity to comment on the proposed issuance of the ESO. See CWA section 309(g)(4)(A). EPA's regulations require that the agency must provide, in the case of settlement by consent agreement and final order, notice no less than 40 days before issuance of an order assessing a penalty. 40 C.F.R. § 22.45(b). We recommend a thirty-day comment period. Regions should consider any public comments received in that period regarding the *Expedited Settlement Agreement*. If, after reviewing the public comments, a region determines that the *Expedited Settlement Agreement* is appropriate (e.g. in the public interest), the region should proceed with issuance. The appropriate delegatee in the region must sign as complainant. 40 C.F.R. § 22.18(b)(2). No sooner than ten days after the close of the recommended comment period, 40 C.F.R. § 22.18(a), an appropriate official at the region (e.g., a Regional Judicial Officer) may sign and ratify the consent agreement. 40 C.F.R. § 22.18(b)(3). No settlement is final without a final order from the Regional Administrator or Regional Judicial Officer ratifying the *Expedited Settlement Agreement*.
8. Regions should file the original signed *Expedited Settlement Agreement* with the Regional Hearing Clerk, mail a copy back to the respondent, and mail a copy to any commenters informing them of their right to file, within 30 days of receipt of their copy of the *Expedited Settlement Agreement*, either a request with the Regional Administrator for a hearing on the penalty pursuant to CWA Section 309(g)(4)(c), or a petition for judicial review to set aside the *Expedited Settlement Agreement* pursuant to CWA Section 309(g)(8) and Part 22. The *Expedited Settlement Agreement* is effective 30 days after signature by the Appropriate Official, unless a request for a hearing on the penalty or a petition to set aside the *Expedited Settlement Agreement* is filed by a commenter. See CWA Section 309(g)(5).
9. Regions should consult the most current Office of Compliance (OC) "Call Memo" for reporting requirements. Pursuant to the discussion above, ESOs should not have accompanying AOs and therefore the only action reported in ICIS should be the ESO. Regions should report the environmental benefits of ESOs in ICIS. Environmental benefits can be calculated by estimating the sediment reduction at construction sites where deficiencies have been corrected pursuant to an ESO. The Storm Water Pollutant Reduction Calculator, which can be obtained from OC's Enforcement Targeting and Data Division or found online at: <http://intranet.epa.gov/oeca/oc/etdd/fy05eoy/wetweathercalculationtools.html>, should be used to estimate sediment reduction.

EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION [Region]

INSTRUCTIONS

The United States Environmental Protection Agency (EPA) has authority under Section 309 of the Clean Water Act to pursue civil penalties for violations of the storm water regulations. EPA encourages the expedited settlement of certain violations of storm water requirements, such as the violations cited in the Expedited Settlement Agreement (“**Agreement**”) for which these instructions are provided.

You may resolve this matter quickly by: (1) correcting all deficiencies identified by EPA in the *Deficiencies Form*; (2) detailing your corrective actions in a written report; (3) signing the original Agreement; and (4) submitting your penalty payment by check with case name and docket number noted.

[Within THIRTY (30) DAYS from your receipt of the Agreement, you must send the original, signed Agreement, the report detailing your corrective actions, and a photocopy of your penalty check, via certified mail, to:

INSERT - REGION ADDRESS

You must also send a photocopy of the Agreement and your original penalty check with the case name and docket number noted, via certified mail, to:

INSERT- REGION’S PITTSBURGH P.O. BOX ADDRESS]

OR

[Within THIRTY (30) DAYS from your receipt of the Agreement, you must send the original, signed Agreement, which includes a certification that you will submit your penalty payment within TEN (10) days from the date you receive notice from EPA that the Agreement is effective, and the report detailing your corrective actions via certified mail, to:

INSERT- REGION ADDRESS

Within TEN (10) days from the date you receive notice from EPA that the Agreement is effective, you must send your original check with the case name and docket number noted and a copy of the Agreement, via certified mail, to:

INSERT- REGION’S PITTSBURGH P.O. BOX. ADDRESS]

Please retain copies of the signed agreement, the report detailing your corrective actions and the penalty checks for your own records.

You may contact the person listed below and request an extension. EPA will consider whether to grant an extension on a case-by-case basis. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations) you must provide such information to EPA as soon as possible but no later than THIRTY

(30) days from your receipt of the Agreement.

If you choose to sign and return the Agreement, you waive your opportunity for a hearing and to appeal pursuant to Section 309 of the Clean Water Act. If you choose not to sign and return the Agreement, or contact EPA, within THIRTY (30) days, the Agreement will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations alleged herein or any other violations. EPA may choose to pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to a maximum penalty of \$32,500 per day per violation. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations.

[Insert Region-specific public notice procedure(s)].

[Insert Region-specific contact instructions].



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

[Region, Address]

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-_____-_____, NPDES No. _____

[XXX] ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent [had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311,] or [failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.]

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$_____. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

[Respondent certifies that it has submitted a bank, cashiers, or certified check, with case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to: INSERT- REGION'S PITTSBURGH P.O. Box No.]

or [Respondent certifies that, within ten (10) days of receiving

notice from EPA that the Agreement is effective (thirty (30) days from the date it is signed by the [Appropriate Official]), Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to: INSERT - REGION'S PITTSBURGH P.O. BOX.]

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective [thirty (30) days from the date it is signed by the Presiding Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22] or [upon filing with the Regional Hearing Clerk.]

APPROVED BY EPA: _____ Date: _____

[Complainant] [Title]

APPROVED BY RESPONDENT: Name (print): _____ Title (print): _____ Signature: _____ Date: _____

[More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.]

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

_____ Date _____ [Appropriate Official] [Title]

Expedited Settlement Offer Worksheet

Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use

version 10.3.4



1	LEGAL NAME AND MAILING ADDRESS OF OPERATOR	Telephone Number	NPDES Permit Number
		Inspector Name:	
		Inspector Agency:	Other
		Entrance Interview Conducted:	
		Exit Interview Conducted:	
		Exit Interview given to:	
		Exit Interview time:	Date:
2	LOCATION AND ADDRESS OF SITE		

	FACILITY DESCRIPTION / CONTACT NAMES	
	Name of Site Contact (ESO Worksheet recipient):	
	Name of Authorized Official (40 CFR 122.22):	
	Inspection Date:	
	Start Construction Date:	
	Estimated Completion Construction Date:	
	If Unpermitted, Number of Months Unpermitted:	
	Name of Receiving Water Body (Indicate whether 303(d) listed):	
	Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:	
	Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?	

	PERMIT COVERAGE	Findings	Citation Reference**	R C A*	No. of Deficiencies	Dollar Amount	Total
3	Operator unpermitted for _____ months (# months unpermitted equals number of violations)		CWA 301		X	\$500.00	=
	SWPPP REVIEW						
4	SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)		CGP 3.1.A			\$5,000.00	=
5	SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 3.1.A		X	\$75.00	=
6	SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...		CGP 3.1.B			\$250.00	=
7	SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		CGP 3.3.A			\$500.00	=
8	SWPPP does not have site description, as follows:						
	A Nature of activity in description		CGP 3.3.B.1			\$100.00	=
	B Intended sequence of major activities		CGP 3.3.B.2			\$100.00	=
	C Total disturbed acreage		CGP 3.3.B.3			\$100.00	=
	D General location map		CGP 3.3.B.4			\$100.00	=
	E Site map		CGP 3.3.C			\$500.00	=
	F Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		CGP 3.3.C.1-8		X	\$50.00	=
	G Location/description industrial activities, like concrete or asphalt batch plants		CGP 3.3.D			\$500.00	=
9	SWPPP does not:						
	A Describe all pollution control measures (e.g. BMPs)		CGP 3.4.A			\$750.00	=

	B	Describe sequence for implementation		CGP 3.4.A			\$250.00	=	
	C	Detail operator(s) responsible for implementation		CGP 3.4.A			\$250.00	=	
10		SWPPP does not describe interim stabilization practices		CGP 3.4.B			\$250.00	=	
11		SWPPP does not describe permanent stabilization practices		CGP 3.4.B			\$250.00	=	
12		SWPPP does not describe a schedule to implement stabilization practices		CGP 3.4.B			\$250.00	=	
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		CGP 3.4.C.1-3		X	\$250.00	=	
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		CGP 3.4.D			\$500.00	=	
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed		CGP 3.4.E			\$500.00	=	
16		SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit		CGP 3.4.F			\$500.00	=	
17		SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust		CGP 3.4.G			\$500.00	=	
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials		CGP 3.4.H			\$250.00	=	
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		CGP 3.4.I			\$500.00	=	
20		SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP		CGP 3.5			\$500.00	=	
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		CGP 3.5			\$500.00	=	
22		Endangered Species Act documentation is not in SWPPP		CGP 3.7			\$500.00	=	
23		Historic Properties (Reserved)							
24		Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)		CGP 3.8		X	\$250.00	=	
25		SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)		CGP 3.9			\$750.00	=	
26		SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		CGP 3.9			\$250.00	=	
27		Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		CGP 3.10.G			\$500.00	=	
28		SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)		CGP 3.11.C		X	\$50.00	=	
29		Copy of SWPPP not retained on site		CGP 3.12.A			\$500.00	=	
	A	SWPPP not made available upon request		CGP 3.12.C			\$500.00	=	
30		SWPPP not signed/certified		CGP 3.12.D			\$500.00	=	

INSPECTIONS									
31	Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).		CGP 3.10.A, 3.10.B			X	\$250.00	=	
	No inspections conducted and documented (if True, then leave elements 32-39 blank)						True or False	=	
	Number of Inspections expected if performed every 7 days:	0						=	
	Number of Inspections expected if performed bi-weekly:	0						=	
	If known, number of days of rainfall of >0.5"							=	
32	Inspections not conducted by qualified personnel		CGP 3.10.D				\$50.00	=	
33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		CGP 3.10.E.				\$50.00	=	
34	All pollution control measures not inspected to ensure proper operation		CGP 3.10.E.				\$50.00	=	
35	Discharge locations are not observed and inspected		CGP 3.10.E.				\$50.00	=	
36	For discharge locations that are not accessible, nearby locations are not inspected		CGP 3.10.E.				\$50.00	=	
37	Entrance/exit not inspected for off-site tracking		CGP 3.10.E.				\$50.00	=	
38	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)		CGP 3.10.G			X	\$50.00	=	
39	Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)		CGP 3.10.G			X	\$50.00	=	
Subtotal Inspections Deficiencies									\$0
AVAILABILITY OF RECORDS									
40	Sign/notice not posted		CGP 3.12.B				\$250.00	=	
A	Does not contain copy of complete NOI		CGP 3.12.B				\$50.00	=	
B	Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign		CGP 3.12.B				\$50.00	=	
Subtotal Records Deficiencies									\$0
BEST MANAGEMENT PRACTICES									
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		CGP 3.13.F				\$500.00	=	
42	Control measures are not properly:							=	
A	Selected, installed and maintained		CGP 3.13.A				\$500.00	=	
B	Maintenance not performed prior to next anticipated storm event		CGP 3.6.B				\$250.00	=	
	(count each failure to select, install, maintain each BMP as one violation)							=	
43	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CGP 3.13.B				\$500.00	=	
44	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)		CGP 3.13.C				\$500.00	=	

45	Stabilization measures are not initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation		CGP 3.13.D			\$500.00	=	
	*Exceptions:							
	(a) Snow or frozen ground conditions							
	(b) Activities will be resumed within 14 days							
	(c) Arid or Semi-arid areas (<20 inches per							
46	Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained		CGP 3.13.E.1			\$1,000.00	=	
	A Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope		CGP 3.13.E.2			\$1,000.00	=	
	B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		CGP 3.6.C			\$500.00	=	
47	Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)		CGP 3.13.E.3			\$500.00	=	
	A Sediment not removed from sediment trap when design capacity reduced by 50% or more		CGP 3.6.C		X	\$500.00	=	

Subtotal BMP Deficiencies **\$0**

SMALL BUSINESS EVALUATION

48	Is the Owner/Operator a Small Business?							
	A <i>small business</i> is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.							

Total Expedited Settlement: **\$0**

* Requires Corrective Action

** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

Cost of Compliance for Construction based on Acres

Assumption: Start, Inspection and Est. Completion Dates in E25-27 are correct.

0	No. of Acres Disturbed for Common Plan of Development or Sale - Change # of Acres to a particular Operators acreage to determine their Cost of Complia.
70%	Implementation Efficiency (100% = doing everything, 0% = did nothing)
50%	Paperwork completeness (SWPPP & NOI) (100% = all done right)

Based on 63 FR 7896 & 1.7% annual inflation since 1997

For Acres: \$6382 annual costs for 5 acre site, \$882 in fixed NOI/SWPPP costs

For Case Conclusion Data Sheet: 0.00
\$0 Cost of Physical Actions
\$86 Cost of Non-Physical Actions (SWPPP)
\$86 Total Cost of Compliance Saved

Numbers to use for the EPA BEN model:

Capital Investment	\$0	01/00/1900
One-Time, Nondepreciable Expenditure:	\$172	01/00/1900
Annually Recurring:	\$0	01/00/1900
Noncompliance Date:	01/00/1900	
Compliance:	01/30/1900	(Inspection Date + 30 days)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

[Region, Address]

Preliminary Inspection Observations

This form is provided for informational purposes only and does not reflect EPA decisions regarding violations discovered during inspection. EPA retains the ability to pursue an enforcement action for alleged violations it observes. Operators are not obligated to respond to this form.

PERMIT COVERAGE	
3	Operator unpermitted for _____ months (# months unpermitted equals number of violations)
SWPPP REVIEW	
4	SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)
5	SWPPP prepared but prepared after construction start (# of months = # of violations)
6	SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...
7	SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control
8	SWPPP does not have site description, as follows:
A	Nature of activity in description
B	Intended sequence of major activities
C	Total disturbed acreage
D	General location map
E	Site map
F	Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)
G	Location/description industrial activities, like concrete or asphalt batch plants
9	SWPPP does not:
A	Describe all pollution control measures (e.g. BMPs)
B	Describe sequence for implementation
C	Detail operator(s) responsible for implementation
10	SWPPP does not describe interim stabilization practices

11	SWPPP does not describe permanent stabilization practices
12	SWPPP does not describe a schedule to implement stabilization practices
13	Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)
14	SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas
15	SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed
16	SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit
17	SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust
18	SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials
19	SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials
20	SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP
21	SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges
22	Endangered Species Act documentation is not in SWPPP
23	Historic Properties (Reserved)
24	Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)
25	SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)
26	SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans
27	Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates
28	SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)
29	Copy of SWPPP not retained on site
	A SWPPP not made available upon request
30	SWPPP not signed/certified

INSPECTIONS	
31	Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).
	No inspections conducted and documented (if True, then leave elements 32-39 blank)
	Number of Inspections expected if performed every 7 days:
	Number of Inspections expected if performed bi-weekly:
	If known, number of days of rainfall of >0.5"
32	Inspections not conducted by qualified personnel
33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected
34	All pollution control measures not inspected to ensure proper operation
35	Discharge locations are not observed and inspected
36	For discharge locations that are not accessible, nearby locations are not inspected
37	Entrance/exit not inspected for off-site tracking
38	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)
39	Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)
AVAILABILITY OF RECORDS	
40	Sign/notice not posted
A	Does not contain copy of complete NOI
B	Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign
BEST MANAGEMENT PRACTICES	
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water
42	Control measures are not properly:

	A	Selected, installed and maintained
	B	Maintenance not performed prior to next anticipated storm event
		(count each failure to select, install, maintain each BMP as one violation)
43		When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts
44		Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)
45		Stabilization measures are not initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation
		*Exceptions:
		(a) Snow or frozen ground conditions
		(b) Activities will be resumed within 14 days
		(c) Arid or Semi-arid areas (<20 inches per year)
46		Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained
	A	Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries
	B	Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more
47		Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)
	A	Sediment not removed from sediment trap when design capacity reduced by 50% or more
SMALL BUSINESS EVALUATION		
48		Is the Owner/Operator a Small Business?
		A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.

SWPPP Information Sheet

SWPPP INFORMATION SHEET

STORM WATER POLLUTION PREVENTION PLAN INFORMATION

NOI INPUTS

NMDO PROJECTS REQUIRE ELECTRONIC NOI SUBMISSION- PAPER SUBMISSION REQUIRES PRIOR APPROVAL.

PERMIT NUMBER: NMR120001 STATE OF NEW MEXICO, EXCEPT INDIAN COUNTRY
 NMR120001 INDIAN COUNTRY WITHIN THE STATE OF NEW MEXICO, EXCEPT NAVAJO RESERVATION LANDS THAT ARE COVERED UNDER ARIZONA PERMIT AZ100001 AND UTE MOUNTAIN RESERVATION LANDS THAT ARE COVERED UNDER COLORADO PERMIT COR100001.

OPERATOR INFORMATION: SEE DISTRICT ADDRESSES, THIS SHEET

IRS EMPLOYER IDENTIFICATION NUMBER (EIN): -
 NMDOT: -

POINT OF CONTACT: DISTRICT PROJECT MANAGER

NOI PREPARED BY: DISTRICT PROJECT MANAGER

PROJECT / SITE NAME: NMDOT CONTROL NUMBER (CN)

PROJECT / SITE ADDRESS: ROAD NAME & BOP MP TO EOP MP

LATITUDE: XXXXXX
 LONGITUDE: XXXXXX

FEDERAL OPERATOR = ANY DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE FEDERAL GOVERNMENT OF THE UNITED STATES

ESTIMATED PROJECT START DATE: XXXXXX
 ESTIMATED PROJECT COMPLETION DATE: XXXXXX

ESTIMATED AREA TO BE DISTURBED (NEAREST 1/4 ACRE): XXXXXX

COMMENCED EARTH-DISTURBING ACTIVITIES? YES/NO

PREVIOUS NPDES PERMIT? IF YES, PERMIT NO: XXXXXX

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): SEE THIS SHEET FOR MS4 LOCATIONS

SURFACE WATERS WITHIN 50 FT? YES/NO

RECEIVING WATER: XXXXXX

IMPAIRED WATERS: SEE MAP FOR 303D LISTING & TMDL LISTINGS ON THIS SWPPP INFORMATION SHEET. CHECK SPECIFIC TMDL LIST HERE: <http://ftp.nmenv.state.nm.us/www/swq3/WQMP-CPP/WQMP-CPPAppendixB-May2011.pdf>

IMPAIRED WATERS METHOD: ONLINE CONSULTATION OF NEW MEXICO ENVIRONMENT DEPARTMENT LISTING OF STATEWIDE 303D AND TMDL IMPAIRMENTS.

TIER 2, TIER 2.5, TIER 3 WATERS - CONSULT 2012 CGP APPENDIX "F"

CHEMICAL TREATMENT INFORMATION - TYPICAL NMDOT PROJECT WILL NOT UTILIZE THESE CHEMICALS

SWPPP CONTACT INFORMATION - DISTRICT PROJECT MANAGER

ENDANGERED SPECIES CRITERIA (A, B, C, D, E, or F): CRITERION E - ATTACH LETTER OF CORRESPONDENCE WITH US FISH & WILDLIFE.

HISTORIC PRESERVATION - ALL CONTROLS (TESCP SHEETS) REQUIRE SUBSURFACE DISTURBANCE ARCHAEOLOGICAL SURVEY FOR PROJECT WILL INDICATE EXISTENCE OF HISTORIC PROPERTIES. IF HISTORIC PROPERTIES EXIST, TESCP SHEETS CAN SHOW NO EFFECT ON HISTORIC PROPERTIES.

CERTIFICATION: NOI MUST BE CERTIFIED BY A PRINCIPAL EXECUTIVE OFFICER OR RANKING ELECTED OFFICIAL.

SWPPP INPUTS

DRAINAGE PATTERNS	XXXXXX
APPROXIMATE SLOPES AFTER MAJOR GRADING	XXXXXX
RAINFALL 2-YEAR, 24-HOUR, inch	XXXXXX
2-YEAR, 1-HOUR, inch	XXXXXX
INTENSITY, FOR Tc = 10 minutes	XXXXXX
HYDROLOGICAL SOIL GROUP	XXXXXX
CURVE NUMBER (CN), UNDISTURBED AREA	XXXXXX
CURVE NUMBER (CN), DISTURBED AREA	XXXXXX
RUNOFF COEFFICIENT, PRIOR TO CONSTRUCTION	XXXXXX
RUNOFF COEFFICIENT, DURING CONSTRUCTION	XXXXXX
RUNOFF COEFFICIENT, AFTER CONSTRUCTION	XXXXXX

GENERAL NOTES:

- THE 2002 EDITION OF NMDOT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) HANDBOOK AND SECTION 603 - TEMPORARY EROSION AND SEDIMENT CONTROL OF THE 2007 NEW MEXICO DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION - SHALL BE USED AS MINIMUM REQUIREMENTS TO DEVELOP OR MODIFY THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP).
- THE NPDES PERMIT NUMBER FOR THE PROJECT OR A COPY OF THE NOTICE OF INTENT (NOI), IF A PERMIT NUMBER HAS NOT YET BEEN ASSIGNED, SHALL BE POSTED AT THE PROJECT SITE OR THE FIELD OFFICE AT ALL TIMES DURING CONSTRUCTION.
- THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND ALL MAINTENANCE AND INSPECTION REPORTS SHALL BE SIGNED BY A QUALIFIED INSPECTOR ASSIGNED BY CONTRACTOR. THE SWPPP AND THE INSPECTION REPORTS SHALL BE AVAILABLE TO EPA REPRESENTATIVE AT ALL TIMES DURING CONSTRUCTION.
- ALL DRAINAGE INFORMATION NEEDED TO COMPLETE THE NOTICE OF INTENT (NOI) ARE PROVIDED IN THIS PLAN.
- BMPs SHOWN ON TESCP ARE DETERMINED USING THE EQUATIONS SHOWN ON THIS SHEET AND OTHER HYDROLOGICAL MODELS AS SPECIFIED IN THE DEPARTMENTS DRAINAGE MANUALS LATEST EDITION. BMPs CONTROL SEDIMENT SO THAT NO ADDITIONAL SEDIMENT RESULTING FROM CONSTRUCTION ACTIVITIES DISCHARGE TO WATERWAYS.
- THE CONTRACTOR SHALL SPECIFICALLY DEFINE ALL REQUIRED CONTROL MEASURES FOR EACH CONSTRUCTION PHASE, AND SHALL COMPLY WITH THE PROVISIONS OF THE NPDES MANUAL AND THE 2012 CONSTRUCTION GENERAL PERMIT.
- THE TESCP SHEETS INCLUDED IN THE FOLLOWING PAGES OF THESE PLANS PROVIDE A BASIS FOR ESTIMATING QUANTITIES.

LIST OF APPROVED TMDLS IN NEW MEXICO

Caliente Canyon (Jemez Pueblo bnd to Rio Guadalupe)	Jemez River (Jemez Pueblo bnd to Rio Guadalupe)
Cieneguilla Creek (Eagle Nest Lake to headwaters)	Jemez River (Rio Guadalupe to Soda Dam nr Jemez Springs)
Cimarron River (Canadian River to Cimarron Village)	Jemez River (Soda Dam nr Jemez Springs to East Fork)
Cimarron River (Cimarron Village to Turkey Creek)	Redondo Creek (Siphur Creek to headwaters)
Cimarron River (Turkey Creek to Eagle Nest Lake)	Jaramila Creek (VCNP boundary to headwaters)
Coyote Creek (Mora River to Black Lake)	Rio Cebolla (Fenton Lake to headwaters)
Little Coyote Creek (Black Lake to headwaters)	Rio Cebolla (Rio de las Vacas to Fenton Lake)
Middle Poni Creek (South Poni Creek to headwaters)	Rio de las Vacas (Rio Cebolla to Clear Creek)
Mora River (USGS gage east of Shoemaker to Hwy 434)	Rio de las Vacas (Rio Cebolla to Rio de las Palomas)
Mora River (Hwy 434 to headwaters)	Rio Guadalupe (Jemez River to confluence with Rio Cebolla)
Moreno Creek (Eagle Nest Lake to headwaters)	Rio de las Palomas (Rio de las Vacas to headwaters)
North Poni Creek (South Poni Creek to McCrystal Creek)	Rio Panas Negras (Rio de las Vacas to headwaters)
Poni Creek (Cimarron River to confluence of North and South Poni)	San Antonio Creek (East Fork Jemez River to headwaters)
Poni Creek (Cimarron River to US 64)	San Antonio Creek (East Fork Jemez to VCNP bnd)
Poni Creek (Us 64 to confluence of North and South Poni)	Sulphur Creek (Redondo Creek to headwaters)
Rayado Creek (Miami Lake Diversion to headwaters)	Blueswater Creek (Blueswater Reservoir to headwaters)
Rayado Creek (Cimarron River to Miami Lake Diversion)	Blueswater Creek (non-tribal Rio San Jose to Blueswater Ravr)
Sapallo River (Mora River to Manuillas Creek)	La Jara Creek (perennial reaches above Arroyo San Jose)
Santita Creek (Eagle Nest Lake to headwaters)	Rio Grande (non-Pueblo Alameda to Angelita Diversion)
South Poni Creek (Poni Creek to Middle Poni)	Rio Grande (Alameda Bridge to Santa Ana Pueblo bnd)
Ute Creek (Cimarron River to headwaters)	Rio Grande (Isleta Pueblo boundary to Alameda Bridge)
Vermajo River (Rai Canyon to York Canyon)	Rio Grande (Rio Puerco to Isleta Pueblo boundary)
Vermajo River (York Canyon to headwaters)	Rio Grande (San Marcial at USGS gage to Rio Puerco)
York Canyon (Vermajo Park to headwaters)	Rio Maquino (Laguna Pueblo to Seboyetta Creek)
Dry Cimarron River (perennial reaches OK bnd to Long Canyon)	Rio Puerco (Arroyo Chujilla to Northern Boundary Cuba)
Dry Cimarron River (Long Canyon to Oak Creek)	Bitter Creek (Red River to headwaters)
Long Canyon (perennial reaches above Dry Cimarron)	Comanche Creek (Costilla Creek to Little Costilla Creek)
Oak Creek (Dry Cimarron to headwaters)	Cordova Creek (Costilla Creek to headwaters)
Black Canyon Creek (East Fork Gila River to headwaters)	Costilla Creek (diversion above Costilla to Comanche Creek)
Canyon Creek (Middle Fork Gila River to headwaters)	Empadoo Creek (Rio Grande to Cañada de Ojo Sarco)
Centurina Creek (San Francisco R to headwaters)	Little Tesuque (Rio Tesuque to headwaters)
Gila River (East Fork)	Piacer Creek (Red River to headwaters)
Mangas Creek (Gila River to Mangas Springs)	Red River (Rio Grande to Piacer Creek)
Mogollon Creek (Perennial reaches abv USGS gage)	Rio de los Pinos (Colorado border to headwaters)
Negrito Creek (South Fork)	Rio Fernando de Taos (Rio Pueblo de Taos to headwaters)
San Francisco River (Centurina Creek to AZ border)	Rio Grande (non-pueblo Santa Clara to Embudo Creek)
Sapallo Creek (Gila River to Lake Roberts)	Rio Grande (Red River to NM-CO border)
Taylor Creek (Beaver Creek to Wall Lake)	Rio Grande del Rancho (Rio Pueblo de Taos to Hwy 518)
Tularosa River (San Francisco R to Apache Creek)	Rio Hondo (Rio Grande to USF boundary)
Whitewater Creek (San Francisco River to White-water Campgrd)	Rio Hondo (South Fork of Rio Hondo to Lake Fork Creek)
Rio Grande (International Mexico boundary to Leesburg Dam)	Rio Pueblo de Taos (Arroyo del Alamo to Rio Grande del Rancho)
Rio Grande (Leesburg Dam to Percha Dam)	Rio Pueblo de Taos (Rio Grande del Rancho to Taos Pueblo boundary)
Abiquiu Creek (Rio Chama to headwaters)	Rio Pueblo de Taos (Rio Grande to Arroyo del Alamo)
Cañones Creek (Abiquiu Reservoir to headwaters)	Rio San Antonio (Montoya Canyon to headwaters)
Chavez Creek (Rio Brazos to headwaters)	Rio Santa Barbara (Piores Pueblo boundary to USF boundary)
Poleo Creek (Rio Puerco de Chama to headwaters)	Bull Creek (Cow Creek to headwaters)
Pohiviera Creek (Cariñosa Creek to headwaters)	Cow Creek (Bull Creek to headwaters)
Rio Brazos (Rio Chama to Chavez Creek)	Cow Creek (Pecos River to Bull Creek)
Rio Chama (Rio Brazos to Little Willow Creek)	Gallinas River (Las Vegas diversion to headwaters)
Rio Chama (Rio Chama to CO border)	Pecos River (Alamitos Canyon to Willow Creek)
Rio Chama (Rio Chama to CO border)	Pecos River (Cañon de Manzana to Alamitos Canyon)
Rio Nidras (Rio Chama to headwaters)	Camero Creek (Rio Ruidoso to Mesquero Apache boundary)
Rio Vallecitos (Rio Tusa to headwaters)	Rio Bonito (Angus Canyon to headwaters)
Rio de Tierra Amarilla (Rio Chama to HWY 64)	Rio Hondo (Perennial Reaches Pecos to headwaters)
Santa Fe River (Cochiti Pueblo bnd to Santa Fe WWTP)	Rio Ruidoso (Rio Bonito to US Highway 70)
Clear Creek (Rio de las Vacas to San Gregorio Lake)	Rio Ruidoso (US Highway 70 Mesquero Apache boundary)
Jemez River (East Fork)	Animas River (San Juan River to Estes Arroyo)
East Fork Jemez (East Fork Jemez to headwaters)	Galegos Canyon (San Juan to Navajo Boundary)
East Fork Jemez River (San Antonio Creek to VCNP boundary)	La Plata River (McDermott Arroyo to Colorado Border)
Jemez River (HWY 4 near Jemez Springs to East Fork)	La Plata River (San Juan River to McDermott Arroyo)
Jemez River (Rio Guadalupe to HWY 4 nr Jemez Springs)	San Juan River (Newajo Boundary at Hogback to Animas River)
Jemez River (Zia Pueblo bnd to Jemez Pueblo bnd)	San Juan River (Animas River to Cañon Largo)

DISTRICT ADDRESSES

DISTRICT 1	DISTRICT 4
2912 E. Pine St. Deming, NM 88030 Telephone: 575-544-8530 Toll Free: 800-444-0745 Fax: 575-546-0272	Box 10 Las Vegas, NM 87701-0010 Telephone: 505-454-3625 Toll Free: 800-234-7520
DISTRICT 2	DISTRICT 5
4505 W. Second P.O. Box 1457 Roswell, NM 88202-1457 Telephone: 575-637-7200 Toll Free: 800-432-7845	Box 4127, Coronado Santa Fe, NM 87502-4127 Telephone: 505-476-4200 Toll Free: 800-368-6630
DISTRICT 3	DISTRICT 6
P.O. Box 91750 Albuquerque, NM 87196 Telephone: 505-941-2700 Toll Free: 866-466-8178 Fax: 505-941-2790	P.O. Box 2180 Milan, NM 87021 Telephone: 505-285-3206 Toll Free: 800-361-3696

REGULATED SMALL MS4s IN NEW MEXICO

Albuquerque	Doña Ana County
Bernalillo	Aztec
Carmue	Farmington
Corrales	Flora Vista
Isleta Village Proper	Kirtland
Los Ranchos de Albuquerque	San Juan County
Rio Rancho	Agua Fria
Santa Ana Pueblo	La Cienega
Bernalillo County	Santa Fe
Sandoval County	Tesuque
Doña Ana	Santa Fe County
Las Cruces	Anthony, TX
Mesilla	Santa Teresa
University Park	Sunland Park

RUNOFF DISCHARGE & VOLUME CALCULATION:

THE FOLLOWING PROCEDURES SHOULD BE USED TO CALCULATE THE RUNOFF DISCHARGE AND VOLUME TO DESIGN THE EROSION CONTROL MEASURES:

DISCHARGE: Q = CIA
 WHERE: Q = DISCHARGE, cfs
 C = RUNOFF COEFFICIENT
 I = RAINFALL INTENSITY, in/hr
 A = AREA OF THE SITE, acres

VOLUME: V = QTC
 WHERE: V = VOLUME, ft³
 Tc = (1/80) 0.0078 L^{0.77} S^{0.386} minutes
 Assume Tc = 10 min. for basins within the project limits
 L = LENGTH OF WATERSHED, ft
 S = SLOPE, ft / ft

IMPAIRED STREAMS IN NEW MEXICO

THE MAP BELOW SHOWS IMPAIRED WATERS LOCATIONS AS OF MARCH 2012. IF YOUR PROJECT IS ADJACENT OR NEAR TO AN IMPAIRED WATER, CONSULT THE NEW MEXICO ENVIRONMENT DEPARTMENT WEBSITE TO UTILIZE THEIR GIS MAPPING TOOL TO IDENTIFY THE IMPAIRMENT. EACH IMPAIRED STREAM LOCATION WILL IDENTIFY THE IMPAIRMENT WHEN THE "D" TOOL IS USED BY CLICKING WITH THE MOUSE. IS USED BY CLICKING WITH THE MOUSE ON A PARTICULAR IMPAIRED STREAM.

<http://gis.nmenv.state.nm.us/EGIS/>



NO.	DESCRIPTION	DATE	BY

REVISIONS (OR CHANGE NOTICES)

NEW MEXICO DEPARTMENT
OF TRANSPORTATION

**STORM WATER POLLUTION
PREVENTION PLAN (SWPPP)
INFORMATION**

Alternate SWPPP Forms

SWPPP Template

Construction SWPPP Template

Instructions

To help you develop your construction project Stormwater Pollution Prevention Plan (SWPPP), the U.S Environmental Protection Agency (EPA) has created this SWPPP Template. The template is designed to help you develop a SWPPP that is compliant with the minimum requirements of EPA's 2012 Construction General Permit ("2012 CGP"), and is customizable to your specific project and site.

Using the SWPPP Template

Each section of the SWPPP Template includes "instructions" and space for your project and site information. You should read the instructions for each section before you complete that section. The SWPPP Template was developed as an editable document file so that you can easily add tables and additional text, and delete unneeded or non-applicable fields. Note that some sections may require only a brief description while others may require several pages of explanation.

The following tips for using this template will help you ensure that the minimum permit requirements are met:

- Read the 2012 CGP thoroughly before you begin preparation of your SWPPP to ensure that you have a working understanding of the permit's underlying requirements. You will also need to consult Part 9 of the permit to determine if your state or tribe has included additional requirements that affect you.
- Complete the SWPPP prior to submitting your Notice of Intent (NOI) for permit coverage. This is required in Parts 1.4 and 7.1.1.
- If you prepared a SWPPP for coverage under a previous version of EPA's CGP, you must review and update your SWPPP to ensure that the 2012 CGP requirements are addressed prior to submitting your NOI.

Note: If your project is an "existing project" (see Part 1.4.2.b) or if you are a "new operator of an existing project" (see Part 1.4.2.c), and it is infeasible for you to comply with a specific requirement in Part 2.1 and 2.3.3 through 2.3.5 of the permit (except for Parts 2.3.3.1, 2.3.3.2b, 2.3.3.3c.i, and 2.3.3.4) because (1) the provision was not part of the permit you were previously covered under (i.e., the 2003 or 2008 CGP), and (2) because you are prevented from compliance due to the nature or location of earth disturbances that commenced prior to February 16, 2012, or because you are unable to comply with the requirement due to the manner in which stormwater controls have already been installed or were already designed prior to February 16, 2012, you are required to include documentation in your SWPPP of the reasons why it is infeasible for you to meet the specific requirement, and then you may be waived from complying with the requirement. You must include a separate justification why it is infeasible for you to meet each of the applicable requirements.

- If there is more than one construction operator for your project, consider coordinating development of your SWPPP with the other operators. However, while multiple operators may share the same SWPPP, make sure that responsibilities and scope of work are clearly described for each operator.
- Once you have been provided coverage under the CGP, include your NOI and authorization email, as well as a copy of the CGP, as attachments to the SWPPP. See Appendices B and C of the SWPPP Template.

EPA notes that while EPA has made every effort to ensure the accuracy of all instructions and guidance contained in the SWPPP Template, the actual obligations of regulated construction activities are determined by the relevant provisions of the permit, not by the Template. In the event of a conflict between the SWPPP Template and any corresponding provision of the 2012 CGP, you must abide by the requirements in the permit. EPA welcomes comments on the SWPPP Template at any time and will consider those comments in any future revision of this document. You may contact EPA for CGP-related inquiries at cgp@epa.gov.

Stormwater Pollution Prevention Plan (SWPPP)

For Construction Activities At:

Insert Project/Site Name
Insert Project Site Location/Address
Insert City, State, Zip Code
Insert Project/Site Telephone Number

SWPPP Prepared For:

Insert Company or Organization Name
Insert Name
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email

SWPPP Prepared By:

Insert Company or Organization Name
Insert Name
Insert Address
Insert City, State, Zip Code
Insert Telephone Number
Insert Fax/Email

SWPPP Preparation Date:

___ / ___ / _____

Estimated Project Dates:

Project Start Date: ___ / ___ / _____
Project Completion Date: ___ / ___ / _____

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SECTION 1: CONTACT INFORMATION/RESPONSIBLE PARTIES

1.1 Operator(s) / Subcontractor(s)

Instructions (see definition of “operator” at CGP Part 1.1.a):

- Identify the operator(s) who will be engaged in construction activities at the site. Indicate respective responsibilities, where appropriate. Also include the 24-hour emergency contact.
- List subcontractors expected to work on-site. Notify subcontractors of stormwater requirements applicable to their work.
- Consider using Subcontractor Agreements such as the type included as a sample in Appendix G of the Template.

Operator(s):

Insert Company or Organization Name:

Insert Name:

Insert Address:

Insert City, State, Zip Code:

Insert Telephone Number:

Insert Fax/Email:

Insert area of control (if more than one operator at site):

[Repeat as necessary.]

Subcontractor(s):

Insert Company or Organization Name:

Insert Name:

Insert Address:

Insert City, State, Zip Code:

Insert Telephone Number:

Insert Fax/Email:

Insert area of control (if more than one operator at site):

[Repeat as necessary.]

Emergency 24-Hour Contact:

Insert Company or Organization Name:

Insert Name:

Insert Telephone Number:

1.2 Stormwater Team

Instructions (see CGP Part 7.2.1):

- Identify the staff members (by name or position) that comprise the project's stormwater team as well as their individual responsibilities. At a minimum the stormwater team is comprised of individuals who are responsible for overseeing the development of the SWPPP, any later modifications to it, and for compliance with the requirements in this permit (i.e., installing and maintaining stormwater controls, conducting site inspections, and taking corrective actions where required).
- Each member of the stormwater team must have ready access to either an electronic or paper copy of applicable portions of the 2012 CGP and your SWPPP.

Insert Role or Responsibility:

Insert Position:

Insert Name:

Insert Telephone Number:

Insert Email:

Insert Role or Responsibility:

Insert Position:

Insert Name:

Insert Telephone Number:

Insert Email:

Insert Role or Responsibility:

Insert Position:

Insert Name:

Insert Telephone Number:

Insert Email:

[Repeat as necessary.]

SECTION 2: SITE EVALUATION, ASSESSMENT, AND PLANNING

2.1 Project/Site Information

Instructions (see "Project/Site Information" section of Appendix J – NOI form):

- In this section, you are asked to compile basic site information that will be helpful to you when you file your NOI.
- Detailed information on determining your site's latitude and longitude can be found at www.epa.gov/npdes/stormwater/latlong

Project Name and Address

Project/Site Name: INSERT TEXT HERE

Project Street/Location: INSERT TEXT HERE

City: INSERT TEXT HERE

State: INSERT TEXT HERE

ZIP Code: INSERT TEXT HERE

County or Similar Subdivision: INSERT TEXT HERE

Project Latitude/Longitude

(Use **one** of three possible formats, and specify method)

Latitude:

1. __° __' __" N (degrees, minutes, seconds)

2. __° __. __' N (degrees, minutes, decimal)

3. __. __ __ ° N (decimal)

Longitude:

1. __° __' __" W (degrees, minutes, seconds)

2. __° __. __' W (degrees, minutes, decimal)

3. __. __ __ ° W (decimal)

Method for determining latitude/longitude:

USGS topographic map (specify scale: _____)

EPA Web site

GPS

Other (please specify): _____

Horizontal Reference Datum:

NAD 27

NAD 83 or WGS 84

Unknown

If you used a U.S.G.S topographic map, what was the scale? _____

Additional Project Information

Is the project/site located on Indian country lands, or located on a property of religious or cultural significance to an Indian tribe? Yes No

If yes, provide the name of the Indian tribe associated with the area of Indian country (including the name of Indian reservation if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property: INSERT TEXT HERE

If you are conducting earth-disturbing activities in response to a public emergency, document the cause of the public emergency (e.g., natural disaster, extreme flooding conditions), information substantiating its occurrence (e.g., state disaster declaration), and

a description of the construction necessary to reestablish effective public services: [INSERT TEXT HERE](#)

Are you applying for permit coverage as a “federal operator” as defined in Appendix A of the 2012 CGP? Yes No

2.2 Discharge Information

Instructions (see “Discharge Information” section of Appendix J – NOI form):

- In this section, include information relating to your site's discharge. This information corresponds to the “Discharge Information” section of the NOI form. Because you may be using EPA's mapping tool to answer some of these questions, and the tool is accessed in the eNOI system, you may find it necessary to leave some questions unanswered until you have completed that portion of the NOI.
- For Table 1, list the name of the first surface water that receives discharges from your site. If your site has discharges to multiple surface waters, indicate the names of all such waters.
- For Table 2, if any of the surface waters you listed out in Table 1 are listed as impaired by the applicable State or Tribe, provide specified information about pollutants causing the impairment and whether or not a Total Maximum Daily Load (TMDL) has been completed for the surface water. For more information on TMDLs and impaired waters, including a list of TMDL contacts and links by state, visit www.epa.gov/npdes/stormwater/tmdl.
- For Table 3, indicate whether any of the surface waters you listed out in Table 1 are designated as Tier 2, 2.5, or 3 waters by your State or Tribe. See Appendix F for more information.

Does your project/site discharge stormwater into a Municipal Separate Storm Sewer System (MS4)? Yes No

Are there any surface waters that are located within 50 feet of your construction disturbances?
 Yes No

Table 1 – Names of Receiving Waters

Name(s) of the first surface water that receives stormwater directly from your site and/or from the MS4 (note: multiple rows provided where your site has more than one point of discharge that flows to different surface waters)
1.
2.
3.
4.
5.
6.

[Include additional rows as necessary.]

Table 2 – Impaired Waters / TMDLs (Answer the following for each surface water listed in Table 1 above)

	Is this surface water listed as "impaired"?	If you answered yes, then answer the following:			
		What pollutant(s) are causing the impairment?	Has a TMDL been completed?	Title of the TMDL document	Pollutant(s) for which there is a TMDL
1.	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		
4.	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		
5.	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		
6.	<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		

[Include additional rows as necessary.]

Describe the method(s) you used to determine whether or not your project/site discharges to an impaired water: [INSERT TEXT HERE](#)

Table 3 – Tier 2, 2.5, or 3 Waters (Answer the following for each surface water listed in Table 1 above)

	Is this surface water designated as a Tier 2, Tier 2.5, or Tier 3 water? (see Appendix F)	If you answered yes, specify which Tier (2, 2.5, or 3) the surface water is designated as?
1.	<input type="checkbox"/> YES <input type="checkbox"/> NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
2.	<input type="checkbox"/> YES <input type="checkbox"/> NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
3.	<input type="checkbox"/> YES <input type="checkbox"/> NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
4.	<input type="checkbox"/> YES <input type="checkbox"/> NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
5.	<input type="checkbox"/> YES <input type="checkbox"/> NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"
6.	<input type="checkbox"/> YES <input type="checkbox"/> NO	INSERT "Tier 2", "Tier 2.5", or "Tier 3"

2.3 Nature of the Construction Activity

Instructions (see CGP Parts 1.3.c and 7.2.2):

- Provide a general description of the nature of the construction activities at your project.
- Describe the size of the property (in acres) and the total area expected to be disturbed by the construction activities (in acres), construction support activities covered by this permit (see Part 1.3.c of the permit), and the maximum area expected to be disturbed at any one time.

General Description of Project

Provide a general description of the construction project:

INSERT TEXT HERE

Size of Construction Project

What is the size of the property (in acres), the total area expected to be disturbed by the construction activities (in acres), and the maximum area expected to be disturbed at any one time?

INSERT SIZE OF PROPERTY (in acres)

INSERT TOTAL AREA OF CONSTRUCTION DISTURBANCES (in acres)

INSERT MAXIMUM AREA TO BE DISTURBED AT ANY ONE TIME (in acres)

[Repeat as necessary for individual project phases.]

Construction Support Activities (only provide if applicable)

Describe any construction support activities for the project (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas)

INSERT DESCRIPTION OF CONSTRUCTION SUPPORT ACTIVITY

INSERT CONTACT INFORMATION FOR CONSTRUCTION SUPPORT ACTIVITY (Name, Telephone No., Email Address)

INSERT LOCATION INFORMATION FOR CONSTRUCTION SUPPORT ACTIVITY (Address and/or Latitude/Longitude)

[Repeat as necessary.]

2.4 Sequence and Estimated Dates of Construction Activities

Instructions (see CGP Part 7.2.5):

- Describe the intended construction sequence and timing of major activities.
- For each phase of construction, include the following information:
 - ✓ Installation of stormwater controls, and when they will be made operational;
 - ✓ 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;
 - ✓ Cessation, temporarily or permanently, of construction activities on the site, or in designated portions of the site;
 - ✓ Final or temporary stabilization of areas of exposed soil. The dates for stabilization must reflect the applicable deadlines to which you are subject to in Part 2.2.1; and
 - ✓ Removal of temporary stormwater conveyances/channels and other stormwater control measures, removal of construction equipment and vehicles, and cessation of any pollutant-generating activities.
- The construction sequence must reflect the following requirements:
 - ✓ Part 2.1.1.1 (area of disturbance);
 - ✓ Part 2.1.1.3.a (installation of stormwater controls); and
 - ✓ Parts 2.2.1.1, 2.2.1.2, 2.2.1.3 (stabilization deadlines).
- Also, see EPA's *Construction Sequencing BMP Fact Sheet* at http://www.epa.gov/npdes/stormwater/menuofbmps/construction/cons_seq

Phase I

INSERT GENERAL DESCRIPTION OF PHASE

- INSERT ESTIMATED START AND END DATES OF CONSTRUCTION DISTURBANCES ASSOCIATED WITH THIS PHASE
- FOR EACH STORMWATER CONTROL, INSERT ESTIMATED DATE(S) OF INSTALLATION OF EACH STORMWATER CONTROL
- FOR AREAS OF THE SITE REQUIRED TO BE STABILIZED, INSERT ESTIMATED DATE(S) OF APPLICATION OF STABILIZATION MEASURES
- INSERT ESTIMATED DATE(S) WHEN STORMWATER CONTROLS WILL BE REMOVED

Phase II

INSERT GENERAL DESCRIPTION OF PHASE

- INSERT ESTIMATED START AND END DATES OF CONSTRUCTION DISTURBANCES ASSOCIATED WITH THIS PHASE
- FOR EACH STORMWATER CONTROL, INSERT ESTIMATED DATE(S) OF INSTALLATION OF EACH STORMWATER CONTROL
- FOR AREAS OF THE SITE REQUIRED TO BE STABILIZED, INSERT ESTIMATED DATE(S) OF APPLICATION OF STABILIZATION MEASURES
- INSERT ESTIMATED DATE(S) WHEN STORMWATER CONTROLS WILL BE REMOVED

[Repeat as needed.]

2.5 Allowable Non-Stormwater Discharges

Instructions (see CGP Parts 1.3.d and 7.2.8):

- Identify all allowable sources of non-stormwater discharges. The allowable non-stormwater discharges identified in Part 1.3.d of the 2012 CGP include:
 - ✓ Discharges from emergency fire-fighting activities;
 - ✓ Fire hydrant flushings;
 - ✓ Landscape irrigation;
 - ✓ Waters used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
 - ✓ Water used to control dust;
 - ✓ Potable water including uncontaminated water line flushings;
 - ✓ Routine external building wash down that does not use detergents;
 - ✓ Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and detergents are not used. You are prohibited from directing pavement wash waters directly into any surface water, storm drain inlet, or stormwater conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;
 - ✓ Uncontaminated air conditioning or compressor condensate;
 - ✓ Uncontaminated, non-turbid discharges of ground water or spring water;
 - ✓ Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

List of Allowable Non-Stormwater Discharges Present at the Site

Type of Allowable Non-Stormwater Discharge	Likely to be Present at Your Site?
Discharges from emergency fire-fighting activities	<input type="checkbox"/> YES <input type="checkbox"/> NO
Fire hydrant flushings	<input type="checkbox"/> YES <input type="checkbox"/> NO
Landscape irrigation	<input type="checkbox"/> YES <input type="checkbox"/> NO
Waters used to wash vehicles and equipment	<input type="checkbox"/> YES <input type="checkbox"/> NO
Water used to control dust	<input type="checkbox"/> YES <input type="checkbox"/> NO
Potable water including uncontaminated water line flushings	<input type="checkbox"/> YES <input type="checkbox"/> NO
Routine external building wash down	<input type="checkbox"/> YES <input type="checkbox"/> NO
Pavement wash waters	<input type="checkbox"/> YES <input type="checkbox"/> NO
Uncontaminated air conditioning or compressor condensate	<input type="checkbox"/> YES <input type="checkbox"/> NO
Uncontaminated, non-turbid discharges of ground water or spring water	<input type="checkbox"/> YES <input type="checkbox"/> NO
Foundation or footing drains	<input type="checkbox"/> YES <input type="checkbox"/> NO
Construction dewatering water	<input type="checkbox"/> YES <input type="checkbox"/> NO

(Note: You are reminded of the requirement to identify the likely locations of these allowable non-stormwater discharges on your site map. See Section 2.6, below, of the SWPPP Template.)

2.6 Site Maps

Instructions (see CGP Part 7.2.6):

- Attach site maps in Appendix A of the Template. For most projects, a series of site maps is necessary and recommended. The first should show the undeveloped site and its current features. An additional map or maps should be created to show the developed site or, for more complicated sites, show the major phases of development.

These maps must include the following features:

- Boundaries of the property and of the locations where construction will occur, including:
 - ✓ Locations where earth-disturbing activities will occur, noting any phasing of construction activities;
 - ✓ Approximate slopes before and after major grading activities. Note areas of steep slopes, as defined in Appendix A;
 - ✓ Locations where sediment, soil, or other construction materials will be stockpiled;
 - ✓ Locations of any crossings of surface waters;
 - ✓ Designated points on the site where vehicles will exit onto paved roads;
 - ✓ Locations of structures and other impervious surfaces upon completion of construction; and
 - ✓ Locations of construction support activity areas covered by this permit.
- Locations of all surface waters, including wetlands, that exists on or near your site. Indicate which waterbodies are listed as impaired, and which are identified by your state, tribe, or EPA as Tier 2, Tier 2.5, or Tier 3 waters.
- The boundary lines of any natural buffer areas. See CGP Part 2.1.2.1.a.
- Areas of federally-listed critical habitat for endangered or threatened species.
- Topography of the site, existing vegetative cover (e.g., forest, pasture, pavement, structures), and drainage pattern(s) of stormwater and allowable non-stormwater flow onto, over, and from the site property before and after major grading activities.
- Stormwater and allowable non-stormwater discharge locations, including:
 - ✓ Locations of any storm drain inlets on the site and in the immediate vicinity of the site; and
 - ✓ Locations where stormwater or allowable non-stormwater will be discharged to surface waters (including wetlands).
- Locations of all potential pollutant-generating activities.
- Locations of stormwater control measures.
- Locations where polymers, flocculants, or other treatment chemicals will be used and

SECTION 3: DOCUMENTATION OF COMPLIANCE WITH OTHER FEDERAL REQUIREMENTS

3.1 Endangered Species Protection

Instructions (see CGP Parts 1.1.e, 7.2.14.1, Appendix D, and the “Endangered Species Protection” section of the Appendix J – NOI form):

Follow the process in Appendix D of the permit for determining which eligibility criterion (A-E) you have met with respect to the protection of endangered species. You will

- Include documentation supporting your determination of eligibility.
- Additional information on Endangered Species Act (ESA) provisions for EPA's Construction General Permit is at www.epa.gov/npdes/stormwater/esa

Eligibility Criterion

Under which criterion listed in Appendix D are you eligible for coverage under this permit?

- A** **B** **C** **D** **E**

For reference purposes, the eligibility criteria listed in Appendix D are as follows:

Criterion A.	No federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's "action area" as defined in Appendix A of this permit.
Criterion B.	The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your action area under eligibility Criterion A, C, D, E, or F and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the "action area". To certify your eligibility under this Criterion, there must be no lapse of NPDES permit coverage in the other operator's certification. By certifying eligibility under this Criterion, you agree to comply with any effluent limitations or conditions upon which the other operator's certification was based. You must include in your NOI the tracking number from the other operator's notification of authorization under this permit. If your certification is based on another operator's certification under Criterion C, you must provide EPA with the relevant supporting information required of existing dischargers in Criterion C in your NOI form.
Criterion C.	Federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in or near your site's "action area," and your site's discharges and discharge-related activities are not likely to adversely affect listed threatened or endangered species or critical habitat. This determination may include consideration of any stormwater controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect listed species and critical habitat. To make this certification, you must include the following in your NOI: 1) any federally listed species and/or designated habitat located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles). You must also include a copy of your site map with your NOI.

Criterion D.	Coordination between you and the Services has been concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and must have resulted in a written concurrence from the relevant Service(s) that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.
Criterion E.	Consultation between a Federal Agency and the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat. The result of this consultation must be either:
	i. a biological opinion that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species, nor the destruction or adverse modification of critical habitat; or
	ii. written concurrence from the applicable Service(s) with a finding that the site's discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.
Criterion F.	Your construction activities are authorized through the issuance of a permit under section 10 of the ESA, and this authorization addresses the effects of the site's discharges and discharge-related activities on federally-listed species and federally-designated critical habitat. You must include copies of the correspondence between yourself and the Services in your SWPPP and your NOI.

Supporting Documentation

Provide documentation for the applicable eligibility criterion you select in Appendix D, as follows:

For criterion A, indicate the basis for your determination that no federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur in your site's action area (as defined in Appendix A of the permit). Check the applicable source of information you relied upon:

- Specific communication with staff of the U.S. Fish & Wildlife Service or National Marine Fisheries Service. **INSERT DATE OF COMMUNICATION AND WHO YOU SPOKE WITH**
- Publicly available species list. **INSERT SPECIFIC DOCUMENT AND/OR WEBSITE RELIED UPON**
- Other source: **INSERT SPECIFIC SOURCE**

For criterion B, provide the Tracking Number from the other operator's notification of permit authorization: **INSERT AUTHORIZATION TRACKING NUMBER FROM OTHER OPERATOR'S NOTIFICATION LETTER/EMAIL**

Provide a brief summary of the basis used by the other operator for selecting criterion A, B, C, D, E, or F: **INSERT TEXT HERE**

For criterion C, provide the following information:

- INSERT LIST OF FEDERALLY-LISTED SPECIES OR FEDERALLY-DESIGNATED CRITICAL HABITAT LOCATED IN YOUR ACTION AREA
- INSERT DISTANCE BETWEEN YOUR SITE AND THE LISTED SPECIES OR CRITICAL HABITAT (in miles)

Also, provide a brief summary of the basis used for determining that your site's discharges and discharge-related activities are not likely to adversely affect listed species or critical habitat: [INSERT TEXT HERE](#)

For criterion D, E, or F, attach copies of any letters or other communication between you and the U.S. Fish & Wildlife Service or National Marine Fisheries Service concluding consultation or coordination activities. [INSERT COPIES OF LETTERS OR OTHER COMMUNICATIONS HERE](#)

3.2 Historic Preservation

Instructions (see CGP Part 1.1.f, 7.2.14.2, Appendix E, and the "Historic Preservation" section of the Appendix J – NOI form):

Follow the screening process in Appendix E of the permit for determining whether your installation of subsurface earth-disturbing stormwater controls will have an effect on historic properties.

- Include documentation supporting your determination of eligibility.
- To contact your applicable state or tribal historic preservation office, information is available at www.achp.gov/proarams/html.

Appendix E, Step 1

Do you plan on installing any of the following stormwater controls at your site? Check all that apply below, and proceed to Appendix E, Step 2.

- Dike
- Berm
- Catch Basin
- Pond
- Stormwater Conveyance Channel (e.g., ditch, trench, perimeter drain, swale, etc.)
- Culvert
- Other type of ground-disturbing stormwater control: [INSERT SPECIFIC TYPE OF STORMWATER CONTROL](#)

(Note: If you will not be installing any ground-disturbing stormwater controls, no further documentation is required for Section 3.2 of the Template.)

Appendix E, Step 2

If you answered yes in Step 1, have prior surveys or evaluations conducted on the site already determined that historic properties do not exist, or that prior disturbances at the site have precluded the existence of historic properties? YES NO

- If yes, no further documentation is required for Section 3.2 of the Template.
- If no, proceed to Appendix E, Step 3.

Appendix E, Step 3

If you answered no in Step 2, have you determined that your installation of subsurface earth-disturbing stormwater controls will have no effect on historic properties? YES NO

If yes, provide documentation of the basis for your determination. [INSERT REFERENCES TO DOCUMENTS, STUDIES, OR OTHER SOURCES RELIED UPON](#)

If no, proceed to Appendix E, Step 4.

Appendix E, Step 4

If you answered no in Step 3, did the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Office (THPO), or other tribal representative (whichever applies) respond to you within 15 calendar days to indicate whether the subsurface earth disturbances caused by the installation of stormwater controls affect historic properties? YES NO

If no, no further documentation is required for Section 3.2 of the Template.

If yes, describe the nature of their response:

- Written indication that adverse effects to historic properties from the installation of stormwater controls can be mitigated by agreed upon actions. [INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE](#)
- No agreement has been reached regarding measures to mitigate effects to historic properties from the installation of stormwater controls. [INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE](#)
- Other: [INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE APPLICABLE SHPO, THPO, OR OTHER TRIBAL REPRESENTATIVE](#)

3.3 Safe Drinking Water Act Underground Injection Control Requirements

Instructions (see CGP Part 7.2.14.3):

- If you will use any of the identified controls in this section, include documentation of contact between you and the applicable state agency or EPA Regional Office responsible for implementing the requirements for underground injection wells in the Safe Drinking Water Act and EPA's implementing regulations at 40 CFR Parts 144-147.
- For state UIC program contacts, refer to the following EPA website:
<http://water.epa.gov/type/groundwater/uic/whereyoulive.cfm>.

Do you plan to install any of the following controls? Check all that apply below.

- Infiltration trenches (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)
- Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate stormwater flow
- Drywells, seepage pits, or improved sinkholes (if stormwater is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system)

If yes, **INSERT COPIES OF LETTERS, EMAILS, OR OTHER COMMUNICATION BETWEEN YOU AND THE STATE AGENCY OR EPA REGIONAL OFFICE**

SECTION 4: EROSION AND SEDIMENT CONTROLS

General Instructions (See CGP Parts 2.1 and 7.2.10):

- Describe the erosion and sediment controls that will be installed and maintained at your site.
- For more information or ideas on BMPs, see EPA's National Menu of BMPs <http://www.epa.gov/npdes/stormwater/menuofbmps>

4.1 Natural Buffers or Equivalent Sediment Controls

Instructions (see CGP Parts 2.1.2.1 and 7.2.9, and Appendix G):

This section only applies to you if a surface water is located within 50 feet your construction activities. If this is the case, consult CGP Part 2.1.2.1 and Appendix G for information on how to comply with the buffer requirements.

- Describe the compliance alternative (CGP Part 2.1.2.1.a.i, ii, or iii) that was chosen to meet the buffer requirements, and include any required documentation supporting the alternative selected. The compliance alternative selected must be maintained throughout the duration of permit coverage. However, if you select a different compliance alternative during your period of permit coverage, you must modify your SWPPP to reflect this change.
- If you qualify for one of the exceptions in CGP Part 2.1.2.1.e, include documentation related to your qualification for such exceptions.

Buffer Compliance Alternatives

Are there any surface waters within 50 feet of your project's earth disturbances? YES NO

(Note: If no, no further documentation is required for the SWPPP Template.)

Check the compliance alternative that you have chosen:

- I will provide and maintain a 50-foot undisturbed natural buffer.

(Note (1): You must show the 50-foot boundary line of the natural buffer on your site map.)

(Note (2): You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site's erosion and sediment controls. Also, show on the site map any velocity dissipation devices used to prevent erosion within the natural buffer area.)

- I will provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls, which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

(Note (1): You must show the boundary line of the natural buffer on your site map.)

(Note (2): You must show on your site map how all discharges from your construction disturbances through the natural buffer area will first be treated by the site's erosion and sediment controls. Also, show on the site map any velocity dissipation devices used to prevent erosion within the natural buffer area.)

- INSERT WIDTH OF NATURAL BUFFER TO BE RETAINED
- INSERT EITHER ONE OF THE FOLLOWING:
 - (1) THE ESTIMATED SEDIMENT REMOVAL FROM A 50-FOOT BUFFER USING APPLICABLE TABLES IN APP. G, ATTACHMENT 1. INCLUDE INFORMATION ABOUT THE BUFFER VEGETATION AND SOIL TYPE THAT PREDOMINATE AT YOUR SITE
- OR
- (2) IF YOU CONDUCTED A SITE-SPECIFIC CALCULATION FOR THE ESTIMATED SEDIMENT REMOVAL OF A 50-FOOT BUFFER, PROVIDE THE SPECIFIC REMOVAL EFFICIENCY, AND INFORMATION YOU RELIED UPON TO MAKE YOUR SITE-SPECIFIC CALCULATION.
- INSERT DESCRIPTION OF ADDITIONAL EROSION AND SEDIMENT CONTROLS TO BE USED IN COMBINATION WITH NATURAL BUFFER AREA
- INSERT THE FOLLOWING INFORMATION:
 - (1) SPECIFY THE MODEL OR OTHER TOOL USED TO ESTIMATE SEDIMENT LOAD REDUCTIONS FROM THE COMBINATION OF THE BUFFER AREA AND ADDITIONAL EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE, AND
 - (2) INCLUDE THE RESULTS OF CALCULATIONS SHOWING THAT THE COMBINATION OF YOUR BUFFER AREA AND THE ADDITIONAL EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE WILL MEET OR EXCEED THE SEDIMENT REMOVAL EFFICIENCY OF A 50-FOOT BUFFER

It is infeasible to provide and maintain an undisturbed natural buffer of any size, therefore I will implement erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

- INSERT RATIONALE FOR CONCLUDING THAT IT IS INFEASIBLE TO PROVIDE AND MAINTAIN A NATURAL BUFFER OF ANY SIZE
- INSERT EITHER ONE OF THE FOLLOWING:
 - (1) THE ESTIMATED SEDIMENT REMOVAL FROM A 50-FOOT BUFFER USING APPLICABLE TABLES IN APP. G, ATTACHMENT 1. INCLUDE INFORMATION ABOUT THE BUFFER VEGETATION AND SOIL TYPE THAT PREDOMINATE AT YOUR SITE
- OR
- (2) IF YOU CONDUCTED A SITE-SPECIFIC CALCULATION FOR THE ESTIMATED SEDIMENT REMOVAL OF A 50-FOOT BUFFER, PROVIDE THE SPECIFIC REMOVAL EFFICIENCY, AND INFORMATION YOU RELIED UPON TO MAKE YOUR SITE-SPECIFIC CALCULATION.
- INSERT DESCRIPTION OF ADDITIONAL EROSION AND SEDIMENT CONTROLS TO BE USED IN COMBINATION WITH NATURAL BUFFER AREA
- INSERT THE FOLLOWING INFORMATION:
 - (1) SPECIFY THE MODEL OR OTHER TOOL USED TO ESTIMATE SEDIMENT LOAD REDUCTIONS FROM THE EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE, AND

- (2) INCLUDE THE RESULTS OF CALCULATIONS SHOWING THAT THE ADDITIONAL EROSION AND SEDIMENT CONTROLS INSTALLED AT YOUR SITE WILL MEET OR EXCEED THE SEDIMENT REMOVAL EFFICIENCY OF A 50-FOOT BUFFER

I qualify for one of the exceptions in Part 2.1.2.1.e. (If you have checked this box, provide information on the applicable buffer exception that applies, below.)

Buffer Exceptions

Which of the following exceptions to the buffer requirements applies to your site?

There is no discharge of stormwater to the surface water that is located 50 feet from my construction disturbances.
(Note: If this exception applies, no further documentation is required for Section 4.1 of the Template.)

No natural buffer exists due to preexisting development disturbances that occurred prior to the initiation of planning for this project.
(Note (1): If this exception applies, no further documentation is required for Section 4.1 of the Template.)
(Note (2): Where some natural buffer exists but portions of the area within 50 feet of the surface water are occupied by preexisting development disturbances, you must still comply with the one of the CGP Part 2.1.2.1.a compliance alternatives.)

For a "linear project" (defined in Appendix A), site constraints (e.g., limited right-of-way) make it infeasible for me to meet any of the CGP Part 2.1.2.1.a compliance alternatives. INCLUDE DOCUMENTATION HERE OF THE FOLLOWING: (1) WHY IT IS INFEASIBLE FOR YOU TO MEET ONE OF THE BUFFER COMPLIANCE ALTERNATIVES, AND (2) BUFFER WIDTH RETAINED AND/OR SUPPLEMENTAL EROSION AND SEDIMENT CONTROLS TO TREAT DISCHARGES TO THE SURFACE WATER

The project qualifies as "small residential lot" construction (defined in Part 2.1.2.1.e.iv and in Appendix A).

For Alternative 1 (see Appendix G, Part G.2.3.2.a):

- INSERT WIDTH OF NATURAL BUFFER TO BE RETAINED
- INSERT APPLICABLE REQUIREMENTS BASED ON TABLE G-1
- INSERT DESCRIPTION OF HOW YOU WILL COMPLY WITH THESE REQUIREMENTS

For Alternative 2 (see Appendix G, Part G.2.3.2.b):

- INSERT (1) THE ASSIGNED RISK LEVEL BASED ON APPLICABLE TABLE IN APP. G, PART G.2.3.2.b, AND (2) THE PREDOMINANT SOIL TYPE AND AVERAGE SLOPE AT YOUR SITE
- INSERT APPLICABLE REQUIREMENTS BASED ON APP. G, TABLE G-7
- INSERT DESCRIPTION OF HOW YOU WILL COMPLY WITH THESE REQUIREMENTS

Buffer disturbances are authorized under a CWA Section 404 permit. INSERT DESCRIPTION OF ANY EARTH DISTURBANCES THAT WILL OCCUR WITHIN THE BUFFER AREA

(Note (1): If this exception applies, no further documentation is required for Section 4.1 of the Template.)

(Note (2): This exception only applies to the limits of disturbance authorized under the Section 404 permit, and does not apply to any upland portion of the construction project.)

Buffer disturbances will occur for the construction of a water-dependent structure or water access

area (e.g., pier, boat ramp, and trail). INSERT DESCRIPTION OF ANY EARTH DISTURBANCES THAT WILL OCCUR WITHIN THE BUFFER AREA

(Note (1): If this exception applies, no further documentation is required for Section 4.1 of the Template.)

4.2 Perimeter Controls

Instructions (see CGP Parts 2.1.2.2 and 7.2.10):

- Describe sediment controls that will be used (e.g., silt fences, filter berms, temporary diversion dikes, or fiber rolls) to meet the Part 2.1.2.2 requirement to “install sediment controls along those perimeter areas of your site that will receive stormwater from earth-disturbing activities.”
- For linear projects, where you have determined that the use of perimeter controls in portions of the site is impracticable, document why you believe this is to be the case.
- Also see, EPA's *Silt Fence BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/silt_fences or *Fiber Rolls BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/fiber_rolls

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.2.a

Specific Perimeter Controls

Perimeter Control # 1

Perimeter Control Description

- INSERT DESCRIPTION OF PERIMETER CONTROL TO BE INSTALLED. INDICATE SPECIFIC CONTROLS THAT WILL BE INSTALLED AND MADE OPERATIONAL PRIOR TO EARTH DISTURBANCE
- INCLUDE COPIES OF DESIGN SPECIFICATIONS

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE PERIMETER CONTROL. AT A MINIMUM, CGP PART 2.1.2.2.b REQUIRES REMOVAL OF SEDIMENT "before it has accumulated to one-half of the above-ground height of any perimeter control."

[Repeat as needed for individual perimeter controls.]

4.3 Sediment Track-Out

Instructions (see CGP Parts 2.1.2.3 and 7.2.10):

- Describe stormwater controls that will be used to “minimize the track-out of sediment onto off-site streets, other paved areas, and sidewalks from vehicles exiting your construction site.”
- Describe location(s) of vehicle exit(s), procedures to remove accumulated sediment off-site (e.g., vehicle tracking), and stabilization practices (e.g., stone pads or wash racks or both) to minimize off-site vehicle tracking of sediment. Also include the design, installation, and maintenance specifications for each control.
- Also, see EPA’s *Construction Entrances BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/cons_entrance

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.3

Specific Track-Out Controls

Track-Out Control # 1

Track-Out Control Description

- INSERT DESCRIPTION OF TRACK-OUT CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE TRACK-OUT CONTROL.

(Note: At a minimum, you must provide for maintenance that meets the following requirement in CGP Part 2.1.2.3.d: “Where sediment has been tracked-out from your site onto the surface of off-site streets, other paved areas, and sidewalks, you must remove the deposited sediment by the end of the same work day in which the track-out occurs or by the end of the next work day if track-out occurs on a non-work day. You must remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked-out sediment into any stormwater conveyance (unless it is connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.”)

[Repeat as needed for individual track-out controls.]

4.4 Stockpiled Sediment or Soil

Instructions (see CGP Parts 2.1.2.4 and 7.2.10):

- Describe stormwater controls and other measures you will take to minimize the discharge of sediment or soil particles from stockpiled sediment or soil. Include a description of structural practices (e.g., diversions, berms, ditches, storage basins), including design, installation, and maintenance specifications, used to divert flows from stockpiled sediment or soil, retain or detain flows, or otherwise limit exposure and the discharge of pollutants from stockpiled sediment or soil.
- Also, describe any controls or procedures used to minimize exposure resulting from adding to or removing materials from the pile.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.4

Specific Stockpile Controls

Stockpile Control # 1

Stockpiled Sediment/Soil Control Description

- INSERT DESCRIPTION OF STOCKPILE CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE STOCKPILE CONTROL.
(Note: At a minimum, you must comply with following requirement in CGP Part 2.1.2.4.d: Do not hose down or sweep soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance (unless connected to a sediment basin, sediment trap, or similarly effective control), storm drain inlet, or surface water.)

[Repeat as needed for individual stockpile controls.]

4.5 Minimize Dust

Instructions (see CGP Parts 2.1.2.5 and 7.2.10):

Describe controls and procedures you will use at your project/site to minimize the generation of dust.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.5

Specific Dust Controls

Dust Control # 1

Dust Control Description

- INSERT DESCRIPTION OF DUST CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE DUST CONTROL

[Repeat as needed for individual dust controls.]

4.6 Minimize the Disturbance of Steep Slopes

Instructions (see CGP Parts 2.1.2.6 and 7.2.10):

- Describe how you will minimize the disturbance to steep slopes (as defined by CGP Appendix A).
- Describe controls (e.g., erosion control blankets, tackifiers), including design, installation and maintenance specifications, that will be implemented to minimize sediment discharges from slope disturbances.
- Also, see EPA's *Geotextiles BMP Fact Sheet* at www.epa.gov/nodes/stormwater/menuofbmps/construction/geotextiles

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.6

Specific Steep Slope Controls

Steep Slope Control # 1

Steep Slope Control Description

- INSERT DESCRIPTION OF STEEP SLOPE CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE STEEP SLOPE CONTROL

[Repeat as needed for individual steep slope controls.]

4.7 Topsoil

Instructions (see CGP Parts 2.1.2.7 and 7.2.10):

- Describe how topsoil will be preserved and identify these areas and associated control measures on your site map(s).
- If it is infeasible for you to preserve topsoil on your site, provide an explanation for why this is the case.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.7. IF IT IS INFEASIBLE FOR YOU TO COMPLY WITH THE REQUIREMENT, INCLUDE AN EXPLANATION OF WHY THIS IS THE CASE.

Specific Topsoil Controls

Topsoil Control # 1

Topsoil Control Description

- INSERT DESCRIPTION OF TOPSOIL CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE TOPSOIL CONTROL

[Repeat as needed for individual topsoil controls.]

4.8 Soil Compaction

Instructions (see CGP Parts 2.1.2.8 and 7.2.10):

- In areas where final vegetative stabilization will occur or where infiltration practices will be installed, describe the controls, including design, installation, and maintenance specifications that will be used to restrict vehicle or equipment access or condition the soil for seeding or planting.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.8

Specific Soil Compaction Controls

Soil Compaction Control # 1

Soil Compaction Control Description

- INSERT DESCRIPTION OF SOIL COMPACTION CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE SOIL COMPACTION CONTROL

[Repeat as needed for individual soil compaction controls.]

4.9 Storm Drain Inlets

Instructions (see CGP Parts 2.1.2.9 and 7.2.10):

- Describe controls (e.g., inserts, rock-filled bags, or block and gravel) including design, installation, and maintenance specifications that will be implemented to protect all inlets that will receive stormwater from your construction activities, and that you have authority to access.
- Also, see EPA's *Storm Drain Inlet Protection BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/storm_drain

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.2.9

Specific Storm Drain Inlet Controls

Storm Drain Inlet Control # 1

Storm Drain Inlet Control Description

- INSERT DESCRIPTION OF STORM DRAIN INLET CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE STORM DRAIN INLET CONTROL

(Note: At a minimum, you must comply with following requirement in CGP Part 2.1.2.9.b: "Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, you must remove the deposited sediment by the end of the same work day in which it is found or by the end of the following work day if removal by the same work day is not feasible.")

[Repeat as needed for individual storm drain inlet controls.]

4.10 Constructed Stormwater Conveyance Channels

Instructions (see CGP Parts 2.1.3.1 and 7.2.10):

If you will be installing a stormwater conveyance channel, describe control practices (e.g., velocity dissipation devices), including design specifications and details (volume, dimensions, outlet structure), that will be implemented at the construction site.

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.3.1

Specific Conveyance Channel Controls

Stormwater Conveyance Channel Control # 1

Stormwater Conveyance Channel Control Description

- INSERT DESCRIPTION OF STORMWATER CONVEYANCE CHANNEL CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE STORMWATER CONVEYANCE CHANNEL CONTROL

[Repeat as needed for individual stormwater conveyance channel controls.]

4.11 Sediment Basins

Instructions (see CGP Parts 2.1.3.2 and 7.2.10):

If you will install a sediment basin, include design specifications and other details (volume, dimensions, outlet structure) that will be implemented at in conformance with CGP Part 2.1.3.2.

- At a minimum, sediment ponds must provide storage for either (1) the calculated volume of runoff from the 2-year, 24-hour storm (see CGP App. H), or (2) 3,600 cubic feet per acre drained
- Sediment ponds must also utilize outlet structures that withdraw water from the surface, , unless infeasible
- Also, see EPA's *Sediment Basin BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/sediment_basins

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.3.2. IF YOU HAVE DETERMINED THAT IT IS INFEASIBLE FOR YOU TO UTILIZE AN OUTLET STRUCTURE THAT DISCHARGES FROM THE SURFACE, PROVIDE AN EXPLANATION FOR WHY THIS IS THE CASE.

Specific Sediment Basin Controls

Sediment Basin Control # 1

Sediment Basin Control Description

- INSERT DESCRIPTION OF SEDIMENT BASIN CONTROL TO BE INSTALLED
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE SEDIMENT BASIN CONTROL

(Note: At a minimum, you must comply with following requirement in CGP Part 2.1.3.2.b: "Keep in effective operating condition and remove accumulated sediment to maintain at least ½ of the design capacity of the sediment basin at all times.")

[Repeat as needed for individual sediment basin controls.]

4.12 Chemical Treatment

Instructions (see CGP Parts 2.1.3.3 and 7.2.10.2):

If you are using treatment chemicals at your site, provide details for each of the items below. This information is required as part of the SWPPP requirements in CGP Part 7.2.10.2.

Soil Types

List all the soil types (including soil types expected to be found in fill material) that are expected to be exposed during construction and that will be discharged to locations where chemicals will be applied: [INSERT TEXT HERE](#)

Treatment Chemicals

List all treatment chemicals that will be used at the site and explain why these chemicals are suited to the soil characteristics: [INSERT TEXT HERE](#)

Describe the dosage of all treatment chemicals you will use at the site or the methodology you will use to determine dosage: [INSERT TEXT HERE](#)

Provide information from any applicable Material Safety Data Sheets (MSDS): [INSERT TEXT HERE](#)

Describe how each of the chemicals will stored: [INSERT TEXT HERE](#)

Include references to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems: [INSERT TEXT HERE](#)

Special Controls for Cationic Treatment Chemicals (if applicable)

If you have been authorized by your applicable Regional Office to use cationic treatment chemicals, include the official EPA authorization letter or other communication, and identify the specific controls and implementation procedures you are required to implement to ensure that your use of cationic treatment

chemicals will not lead to a violation of water quality standards: [INSERT \(1\) ANY LETTERS OR OTHER DOCUMENTS SENT FROM THE EPA REGIONAL OFFICE CONCERNING YOUR USE OF CATIONIC TREATMENT CHEMICALS, AND \(2\) DESCRIPTION OF ANY SPECIFIC CONTROLS YOU ARE REQUIRED TO IMPLEMENT](#)

Schematic Drawings of Stormwater Controls/Chemical Treatment Systems

Provide schematic drawings of any chemically-enhanced stormwater controls or chemical treatment systems to be used for application of treatment chemicals: [INSERT TEXT HERE](#)

Training

Describe the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to the use of treatment chemicals: [INSERT TEXT HERE](#)

4.13 Dewatering Practices

Instructions (see CGP Parts 2.1.3.4 and 7.2.10):

If you will be discharging stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, include design specifications and details of all dewatering practices that are installed and maintained to comply with CGP Part 2.1.3.4.

General

- [INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.1.3.4](#)

Specific Dewatering Practices

Dewatering Practice # 1

Dewatering Practice Description

- [INSERT DESCRIPTION OF DEWATERING PRACTICE TO BE INSTALLED](#)
- [INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE](#)

Installation

- [INSERT APPROXIMATE DATE OF INSTALLATION](#)

Maintenance Requirements

- [INSERT MAINTENANCE REQUIREMENTS FOR THE DEWATERING PRACTICE](#)

(Note: At a minimum, you must comply with following requirement in CGP Part 2.1.3.4: "With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.")

[Repeat as needed for individual dewatering practices.]

4.14 Other Stormwater Controls

Instructions:

- Describe any other stormwater controls that do not fit into the above categories.

General

- INSERT GENERAL DESCRIPTION OF THE PROBLEM THIS CONTROL IS DESIGNED TO ADDRESS

Specific Stormwater Control Practices

Stormwater Control Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE STORMWATER CONTROL PRACTICE

[Repeat as needed.]

4.15 Site Stabilization

Instructions (see CGP Parts 2.2 and 7.2.10):

The CGP requires you to immediately initiate stabilization when work in an area of your site has permanently or temporarily stopped, and to complete certain stabilization activities within prescribed deadlines. See CGP Part 2.2.1. The CGP also requires that stabilization measures meet certain minimum criteria. See CGP Part 2.2.2. For your SWPPP, you must include the following:

- Describe the specific vegetative and/or non-vegetative practices that will be used to stabilize exposed soils where construction activities have temporarily or permanently ceased. Avoid using impervious surfaces for stabilization whenever possible.
- Also, see EPA's *Seeding BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/seeding
- Once you begin construction, consider using the Grading/Stabilization Activities log in Appendix H of the Template to document your compliance with the stabilization requirements in CGP Part 2.2

Site Stabilization Practice (only use this if you are not located in an arid, semi-arid, or drought-stricken area)

Vegetative *Non-Vegetative*
 Temporary *Permanent*

Description of Practice

- INSERT DESCRIPTION OF STABILIZATION PRACTICE TO BE INSTALLED
- NOTE HOW DESIGN WILL MEET REQUIREMENTS OF PART 2.2.2.1 OR 2.2.2.2, WHICHEVER APPLIES
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION
- INSERT APPROXIMATE COMPLETION DATE CONSISTENT WITH CGP PART 2.2.1.2

Maintenance Requirements

INSERT MAINTENANCE REQUIREMENTS FOR THE STABILIZATION PRACTICE

[Repeat as needed for additional stabilization practices.]

Site Stabilization Practice (only use this if you are located in an arid, semi-arid, or drought-stricken area)

Vegetative *Non-Vegetative*
 Temporary *Permanent*

Description of Practice

- INSERT DESCRIPTION OF STABILIZATION PRACTICE TO BE INSTALLED
- NOTE HOW DESIGN WILL MEET REQUIREMENTS OF PART 2.2.2.1 OR 2.2.2.2, WHICHEVER APPLIES
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- FOR VEGETATIVE STABILIZATION IN ARID OR SEMI-ARID AREAS, INDICATE THE BEGINNING AND ENDING DATES OF THE SEASONALLY DRY PERIOD AND DESCRIBE YOUR SITE CONDITIONS
- INSERT APPROXIMATE DATE OF INSTALLATION
- INSERT APPROXIMATE COMPLETION DATE CONSISTENT WITH CGP PART 2.2.1.3

Maintenance Requirements

INSERT MAINTENANCE REQUIREMENTS FOR THE STABILIZATION PRACTICE

[Repeat as needed for additional stabilization practices.]

Site Stabilization Practice (only use this if uncontrollable circumstances have delayed the initiation or completion of stabilization)

(Note: You will not be able to include this information in your initial SWPPP. If you are affected by circumstances such as those described in CGP Part 2.2.1.3.b, you will need to modify your SWPPP to include this information.)

Vegetative *Non-Vegetative*
 Temporary *Permanent*

Justification

- INSERT DESCRIPTION OF CIRCUMSTANCES THAT PREVENT YOU FROM MEETING THE DEADLINES REQUIRED IN CGP PARTS 2.2.1.1 AND/OR 2.2.1.2 AND THE SCHEDULE YOU WILL FOLLOW FOR INITIATING AND COMPLETING STABILIZATION

Description of Practice

- INSERT DESCRIPTION OF STABILIZATION PRACTICE TO BE INSTALLED
- NOTE HOW DESIGN WILL MEET REQUIREMENTS OF PART 2.2.2.1 OR 2.2.2.2, WHICHEVER APPLIES
- INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT DATES OF INITIATION AND COMPLETION OF NON-VEGETATIVE STABILIZATION CONTROLS (must be completed within 14 days of the cessation of construction)

Maintenance Requirements

INSERT MAINTENANCE REQUIREMENTS FOR THE STABILIZATION PRACTICE

[Repeat as needed for additional stabilization practices.]

5.2 Spill Prevention and Response

Instructions (see CGP Parts 2.3 and 7.2.11):

- Describe procedures you will use to prevent and respond to leaks, spills, and other releases. You must implement the following at a minimum:
 - ✓ Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or title of the employee(s) responsible for detection and response of spills or leaks; and
 - ✓ 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 2.3.3.4c 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.
- Some projects/site may be required to develop a Spill Prevention Control and Countermeasure (SPCC) plan under a separate regulatory program (40 CFR 112). If you are required to develop an SPCC plan, or you already have one, you should include references to the relevant requirements from your plan.

INSERT SPILL PREVENTION AND RESPONSE PROCEDURES HERE

5.3 Fueling and Maintenance of Equipment or Vehicles

Instructions (see CGP Parts 2.3.3.1 and 7.2.11):

- Describe equipment/vehicle fueling and maintenance practices that will be implemented to eliminate the discharge of spilled or leaked chemicals (e.g., providing secondary containment (*examples: spill berms, decks, spill containment pallets*) and cover where appropriate, and/or having spill kits readily available.
- Also, see EPA's *Vehicle Maintenance and Washing Areas BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/vehicile_maintain

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH THE CGP PART 2.3.3.1 REQUIREMENT TO "provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuel, from the area where these activities will take place"

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.4 Washing of Equipment and Vehicles

Instructions (see CGP Parts 2.3.3.2 and 7.2.11):

- Describe equipment/vehicle washing practices that will be used to minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of washing (e.g., locating activities away from surface waters and stormwater inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls).
- Describe how you will prevent the discharge of soaps, detergents, or solvents by providing either (1) cover (*examples: plastic sheeting or temporary roofs*) to prevent these detergents from coming into contact with rainwater, or (2) a similarly effective means designed to prevent the discharge of pollutants from these areas.
- Also, see EPA's *Vehicle Maintenance and Washing Areas BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/vehicile_maintain

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.2

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5 Storage, Handling, and Disposal of Construction Products, Materials, and Wastes

Instructions (see CGP Parts 2.3.3.3 and 7.2.11):

- For any of the types of construction products, materials, and wastes below in Sections 5.5.1-5.5.6 below that are expected to be used or stored at your site, provide the information on how you will comply with the corresponding CGP provision and the specific practices that will be employed.
- Also, see EPA's *General Construction Site Waste Management BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/cons_wasteman

5.5.1 Building Products

(Note: Examples include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures.)

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.a

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5.2 Pesticides, Herbicides, Insecticides, Fertilizers, and Landscape Materials

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.b

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5.3 Diesel Fuel, Oil, Hydraulic Fluids, Other Petroleum Products, and Other Chemicals

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.c

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED

- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5.4 Hazardous or Toxic Waste

(Note: Examples include paints, solvents, petroleum-based products, wood preservatives, additives, curing compounds, acids.)

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.d

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5.5 Construction and Domestic Waste

(Note: Examples include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, styrofoam, concrete, and other trash or building materials.)

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.e

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.5.6 Sanitary Waste

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.3.f

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.6 Washing of Applicators and Containers used for Paint, Concrete or Other Materials

Instructions (see CGP Parts 2.3.3.4 and 7.2.11):

- Describe how you will comply with the CGP Part 2.3.3.4 requirement to “provide an effective means of eliminating the discharge of water from the washout and cleanout of stucco, paint, concrete, form release oils, curing compounds, and other construction materials.”
- Also, see EPA’s *Concrete Washout BMP Fact Sheet* at www.epa.gov/npdes/stormwater/menuofbmps/construction/concrete_wash

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.3.4

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

5.7 Fertilizers

Instructions (CGP Parts 2.3.5 and 7.2.11):

Describe how you will comply with the CGP Part 2.3.5 requirement to "minimize discharges of fertilizers containing nitrogen or phosphorus"

General

- INSERT GENERAL DESCRIPTION OF HOW YOU WILL COMPLY WITH CGP PART 2.3.5

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed for individual fertilizer practices.]

5.8 Other Pollution Prevention Practices

Instructions:

Describe any additional pollution prevention practices that do not fit into the above categories.

General

- INSERT GENERAL DESCRIPTION OF THE PROBLEM THIS CONTROL IS DESIGNED TO ADDRESS

Specific Pollution Prevention Practices

Pollution Prevention Practice # 1

Description

- INSERT DESCRIPTION OF PRACTICE TO BE INSTALLED
- IF APPLICABLE INCLUDE COPIES OF DESIGN SPECIFICATIONS HERE

Installation

- INSERT APPROXIMATE DATE OF INSTALLATION

Maintenance Requirements

- INSERT MAINTENANCE REQUIREMENTS FOR THE POLLUTION PREVENTION PRACTICE

[Repeat as needed.]

SECTION 6: INSPECTION AND CORRECTIVE ACTION

6.1 Inspection Personnel and Procedures

Instructions (see CGP Parts 2.1.1.4, 2.3.2, 3.3.2, 4, 5, and 7.2.12):

Describe the procedures you will follow for conducting inspections in accordance with CGP Parts 2.1.1.4, 2.3.2, 3.3.2, 4, 5, and 7.2.12.

Personnel Responsible for Inspections

INSERT NAMES OF PERSONNEL OR TYPES OF PERSONNEL WHO WILL BE CONDUCTING SITE INSPECTIONS HERE

Note: All personnel conducting inspections must be considered a “qualified person.” CGP Part 4.1.1 clarifies that a “qualified person” is a person knowledgeable in the principles and practices 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.

Inspection Schedule

Specific Inspection Frequency

INSERT INSPECTION SCHEDULE BASED ON CGP PARTS 4.1.2, 4.1.3, OR 4.1.4, WHICHEVER APPLIES

Rain Gauge Location (if applicable)

SPECIFY LOCATION(S) OF RAIN GAUGE TO BE USED FOR DETERMINING WHETHER A RAIN EVENT OF 0.25 INCHES OR GREATER HAS OCCURRED (only applies to inspections conducted for Part 4.1.2.2, 4.1.3, or 4.1.4.2)

Reductions in Inspection Frequency (if applicable)

- For the reduction in inspections resulting from stabilization: SPECIFY (1) LOCATIONS WHERE STABILIZATION STEPS HAVE BEEN COMPLETED AND (2) DATE THAT THEY WERE COMPLETED
(Note: It is likely that you will not be able to include this in your initial SWPPP. If you qualify for this reduction (see CGP Part 4.1.4.1), you will need to modify your SWPPP to include this information.)
- For the reduction in inspections in arid, semi-arid, or drought-stricken areas: INSERT BEGINNING AND ENDING DATES OF THE SEASONALLY-DEFINED ARID PERIOD FOR YOUR AREA OR THE VALID PERIOD OF DROUGHT
- For reduction in inspections due to frozen conditions: INSERT BEGINNING AND ENDING DATES OF FROZEN CONDITIONS ON YOUR SITE

Inspection Report Forms

INSERT COPY OF ANY INSPECTION REPORT FORMS YOU WILL USE HERE OR IN APPENDIX D

6.2 Corrective Action

Instructions (CGP Parts 5 and 7.2.12):

- Describe the procedures for taking corrective action in compliance with CGP Part 5.

Personnel Responsible for Corrective Actions

INSERT NAMES OF PERSONNEL OR TYPES OF PERSONNEL RESPONSIBLE FOR CORRECTIVE ACTIONS

Corrective Action Forms

INSERT A COPY OF ANY CORRECTIVE ACTION FORMS YOU WILL USE HERE OR IN APPENDIX E

6.3 Delegation of Authority

Instructions:

- Identify the individual(s) or positions within the company who have been delegated authority to sign inspection reports.
- Attach a copy of the signed delegation of authority (see example in Appendix J of the Template).
- For more on this topic, see Appendix I, Subsection 11 of EPA's CGP.

Duly Authorized Representative(s) or Position(s):

Insert Company or Organization Name:

Insert Name:

Insert Position:

Insert Address:

Insert City, State, Zip Code:

Insert Telephone Number:

Insert Fax/Email:

SECTION 8: CERTIFICATION AND NOTIFICATION

Instructions (CGP Appendix I, Part I.11.b):

- The following certification statement must be signed and dated by a person who meets the requirements of Appendix I, Part I.11.b.
- This certification must be re-signed in the event of a SWPPP Modification.

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, 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.

Name: _____ Title: _____

Signature: _____ Date: _____

[Repeat as needed for multiple construction operators at the site.]

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

Appendix A – Site Maps

Appendix B – Copy of 2012 CGP

Appendix C – NOI and EPA Authorization Email

Appendix D – Inspection Form

(Note: EPA is in the process of developing a sample inspection form for use by CGP permittees. The form will be made available at <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>.)

Appendix E – Corrective Action Form

(Note: EPA is in the process of developing a sample corrective action form for use by CGP permittees. The form will be made available at <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>.)

Appendix F – SWPPP Amendment Log

Appendix G – Subcontractor Certifications/Agreements

Appendix H – Grading and Stabilization Activities Log

Appendix I – Training Log

Appendix J – Delegation of Authority

Appendix K – Endangered Species Documentation

Appendix L – Historic Preservation Documentation

Appendix A – Site Maps

INSERT SITE MAPS CONSISTENT WITH TEMPLATE SECTION 2.6

Appendix B – Copy of 2012 CGP

INSERT COPY OF 2012 CGP

Appendix C – Copy of NOI and EPA Authorization email

INSERT COPY OF NOI AND EPA'S AUTHORIZATION EMAIL PROVIDING COVERAGE
UNDER THE CGP

Appendix D – Copy of Inspection Form

INSERT COPY OF ANY INSPECTION FORMS YOU WILL USE TO PREPARE INSPECTION REPORTS

Appendix E – Copy of Corrective Action Form

INSERT COPY OF CORRECTIVE ACTION FORMS YOU WILL USE

Appendix F – *Sample* SWPPP Amendment Log

Instructions (see CGP Part 7.4):

- Create a log here of changes and updates to the SWPPP. You may use the table below to track these modifications.
- SWPPP modifications are required pursuant to CGP Part 7.4.1 in the following circumstances:
 - ✓ Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, stormwater control measures, pollution prevention measures, or other activities at your site that are no longer accurately reflected in your SWPPP;
 - ✓ To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;
 - ✓ If inspections or investigations determine that SWPPP modifications are necessary for compliance with this permit;
 - ✓ Where EPA determines it is necessary to impose additional requirements on your discharge; and
 - ✓ To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the stormwater control measures implemented at the site.
- If applicable, if a change in chemical treatment systems or chemically-enhanced stormwater control is made, including use of a different treatment chemical, different dosage rate, or different area of application

No.	Description of the Amendment	Date of Amendment	Amendment Prepared by [Name(s) and Title]

Appendix G – Sample Subcontractor Certifications/Agreements

SUBCONTRACTOR CERTIFICATION
STORMWATER POLLUTION PREVENTION PLAN

Project Number: _____

Project Title: _____

Operator(s): _____

As a subcontractor, you are required to comply with the Stormwater Pollution Prevention Plan (SWPPP) for any work that you perform on-site. Any person or group who violates any condition of the SWPPP may be subject to substantial penalties or loss of contract. You are encouraged to advise each of your employees working on this project of the requirements of the SWPPP. A copy of the SWPPP is available for your review at the office trailer.

Each subcontractor engaged in activities at the construction site that could impact stormwater must be identified and sign the following certification statement:

I certify under the penalty of law that I have read and understand the terms and conditions of the SWPPP for the above designated project and agree to follow the practices described in the SWPPP.

This certification is hereby signed in reference to the above named project:

Company: _____

Address: _____

Telephone Number: _____

Type of construction service to be provided: _____

Signature: _____

Title: _____

Date: _____

Appendix H – *Sample* Grading and Stabilization Activities Log

Date Grading Activity Initiated	Description of Grading Activity	Description of Stabilization Measure and Location	Date Grading Activity Ceased (Indicate Temporary or Permanent)	Date When Stabilization Measures Initiated

Appendix I – Sample SWPPP Training Log

Stormwater Pollution Prevention Training Log

Project Name: _____

Project Location: _____

Instructor's Name(s): _____

Instructor's Title(s): _____

Course Location: _____ Date: _____

Course Length (hours): _____

Stormwater Training Topic: *(check as appropriate)*

- Sediment and Erosion Controls**
- Emergency Procedures**
- Stabilization Controls**
- Inspections/Corrective Actions**
- Pollution Prevention Measures**

Specific Training Objective: _____

Attendee Roster: *(attach additional pages as necessary)*

No.	Name of Attendee	Company
1		
2		
3		
4		
5		
6		
7		
8		

Appendix J – *Sample* Delegation of Authority Form

Delegation of Authority

I, _____ (name), hereby designate the person or specifically described position below to be a duly authorized representative for the purpose of overseeing compliance with environmental requirements, including the Construction General Permit, at the _____ construction site. The designee is authorized to sign any reports, stormwater pollution prevention plans and all other documents required by the permit.

_____ (name of person or position)
_____ (company)
_____ (address)
_____ (city, state, zip)
_____ (phone)

By signing this authorization, I confirm that I meet the requirements to make such a designation as set forth in Appendix I of EPA's Construction General Permit (CGP), and that the designee above meets the definition of a "duly authorized representative" as set forth in Appendix I.

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, 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.

Name: _____

Company: _____

Title: _____

Signature: _____

Date: _____

Appendix K – Endangered Species Documentation

INSERT DOCUMENTATION CONSISTENT WITH SWPPP TEMPLATE SECTION 3.1

Appendix L – Historic Properties Documentation

INSERT DOCUMENTATION CONSISTENT WITH SWPPP TEMPLATE SECTION 3.2

Transfer of Storm Water Management Authority Form

(DATE)

**TRANSFER OF STORM WATER MANAGEMENT AUTHORITY
NEW MEXICO DEPARTMENT OF TRANSPORTATION**

(PROJECT NUMBER)

On _____, NMDOT Project Number _____
(DATE)
was completed per NMDOT specifications by _____.

(CONTRACTOR)
For the purposes of compliance with the Storm Water General Permit for Construction, control of the project for Storm Water Management purposes is hereby transferred to the District _____ Engineer representing the New Mexico Department of Transportation.

Attached to this transfer document is the original of the complete Storm Water Pollution Prevention Plan for the project that includes a "Final Inspection Report" conducted on _____ by the
(DATE)
Storm Water Competent Persons representing _____
(CONTRACTOR)
and NMDOT. The joint inspection was conducted on _____.
(DATE)

(NAME)

(TITLE)

(COMPANY)

On the above date, I, _____, Engineer for District _____
(NAME)
of the New Mexico Department of Transportation, do hereby accept management control of Project Number _____ for purposes of Storm Water Management under the provisions of the Storm Water General Permit for Construction. I further certify that NMDOT has a Notice of Intent (NOI) established for this project as required by the Construction General Permit.

It is further acknowledged that the completed Storm Water Pollution Prevention Plan document and all attachments thereto have been received as part of this transfer of authority.

(NAME)

(TITLE)

New Mexico Department of Transportation
District _____

Notice of Termination (NOT) Form and Instructions



Submission of this Notice of Termination constitutes notice that the operator identified in Section II of this form is no longer authorized discharge pursuant to the NPDES Construction General Permit (CGP) from the site identified in Section III of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOT Form

Have you been given approval from the Regional Office to use this paper NOT form*? YES NO

* Note: You must have been given approval by the Regional Office prior to using this paper NOT form.

II. Permit Information

NPDES Stormwater General Permit Tracking Number:

Reason for Termination (Check only one):

- You have completed earth-disturbing activities at your site, and you have met all other requirements in Part 8.2.1.
- Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.
- You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

III. Operator Information

Name:

IRS Employer Identification Number (EIN): -

Mailing Address:

Street:

City: State: Zip Code: -

Phone: - - Ext. Fax (optional): - -

E-mail:

IV. Project/Site Information

Project/Site Name:

Project/Site Address:

Street/Location:

City: State: Zip Code: -

County or similar government subdivision:

V. Certification Information

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, 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.

First Name, Middle Initial, Last Name:

Title:

Signature: _____ Date: / /

Email:

**Notice of Termination (NOT) of Coverage Under an NPDES General Permit for
Stormwater Discharges Associated with Construction Activity**

NPDES Form Date (2/16)

This Form Replaces Form 3510-13 (12/08)

Form Approved OMB No. 2040-0004

Who May File an NOT Form

Permittees who are presently covered under the EPA-issued 2012 Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activity may submit an NOT form when: (1) earth-disturbing activities at the site are completed and the conditions in Parts 8.2.1.1 thru 8.2.1.5 are met; or (2) the permittee has transferred all areas under its control to another operator, and that operator has submitted and obtained coverage under this permit; or (3) the permittee has obtained coverage under a different NPDES permit for the same discharges.

Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to www.epa.gov/npdes/stormwater/cgp or telephone EPA's NOI Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Approval to Use Paper NOT Form

You must indicate whether you have been given approval by the EPA Regional Office to use a paper NOT. Note that you are not authorized to use this paper NOT form unless the Regional Office has approved its use.

Section II. Permit Number

Enter the existing NPDES Stormwater General Permit Tracking Number assigned to the project by EPA's Stormwater Notice Processing Center. If you do not know the permit tracking number, refer to <http://www.epa.gov/npdes/stormwater/cgp> or contact EPA's NOI Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one:

You have completed earth-disturbing activities at your site and, if applicable, construction support activities covered by this permit (see Part 1.6.3) and you have met all other requirements in Part 8.2.1.

Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.

You have obtained coverage under an individual permit or another general NPDES permit addressing stormwater discharges from the construction site.

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this application and is covered by the permit tracking number identified in Section I. Refer to Appendix A of the permit for the definition of "operator". Provide the employer identification number (EIN from the Internal Revenue Service; IRS). If the applicant does not have an EIN enter "NA" in the space provided. Enter the complete mailing address, telephone number, and email address of the operator. Optional: enter the fax number of the operator.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street

address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

Section V. Certification Information

All applications, including NOIs, must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name, title, and email address of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per notice, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB number on any correspondence. Do not send the completed form to this address.

**Notice of Termination (NOT) of Coverage Under an NPDES General Permit for
Stormwater Discharges Associated with Construction Activity**

NPDES Form Date (2/16)

This Form Replaces Form 3510-13 (12/08)

Form Approved OMB No. 2040-0004

Submitting Your Form:

Submit your NOI form by mail to one of the following addresses:

For Regular U.S. Mail Delivery:

Stormwater Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:

Stormwater Notice Processing Center
EPA East Building - Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Visit this website for instructions on how to submit electronically:

www.epa.gov/npdes/stormwater/cgpenoi

NMDOT SWPPP Inspection and Maintenance Report

EPA NPDES Construction Inspection Form & Expedited Settlement Agreement Form

Sample Inspection Report

Instructions

This sample inspection report has been developed as a helpful tool to aid you in completing your site inspections. This sample inspection report was created consistent with EPA's Developing Your Stormwater Pollution Prevention Plan. You can find both the guide and the sample inspection report (formatted in Microsoft Word) at www.epa.gov/npdes/swpppguide

This inspection report is provided in Microsoft Word format to allow you to easily customize it for your use and the conditions at your site. You should also customize this form to help you meet the requirements in your construction general permit related to inspections. **If your permitting authority provides you with an inspection report, please use that form.**

For more information on inspections, please see Developing Your Stormwater Pollution Plan Chapters 6 and 8.

Using the Inspection Report

This inspection report is designed to be customized according to the BMPs and conditions at your site. For ease of use, you should take a copy of your site plan and number all of the stormwater BMPs and areas of your site that will be inspected. A brief description of the BMP or area should then be listed in the site-specific section of the inspection report. For example, specific structural BMPs such as construction site entrances, sediment ponds, or specific areas with silt fence (e.g., silt fence along Main Street; silt fence along slope in NW corner, etc.) should be numbered and listed. You should also number specific non-structural BMPs or areas that will be inspected (such as trash areas, material storage areas, temporary sanitary waste areas, etc).

You can complete the items in the "General Information" section that will remain constant, such as the project name, NPDES tracking number, and inspector (if you only use one inspector). Print out multiple copies of this customized inspection report to use during your inspections.

When conducting the inspection, walk the site by following your site map and numbered BMPs/areas for inspection. Also note whether the overall site issues have been addressed (customize this list according to the conditions at your site). Note any required corrective actions and the date and responsible person for the correction in the Corrective Action Log.

Stormwater Construction Site Inspection Report

General Information			
Project Name			
NPDES Tracking No.		Location	
Date of Inspection		Start/End Time	
Inspector's Name(s)			
Inspector's Title(s)			
Inspector's Contact Information			
Inspector's Qualifications	Insert qualifications or add reference to the SWPPP. (See Section 5 of the SWPPP Template)		
Describe present phase of construction			
Type of Inspection: <input type="checkbox"/> Regular <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature:			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe:			

Site-specific BMPs

- Number the structural and non-structural BMPs identified in your SWPPP on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.
- Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Log.

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
1		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP	BMP Installed?	BMP Maintenance Required?	Corrective Action Needed and Notes
6		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
14		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
15		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
16		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
18		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
19		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
20		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Overall Site Issues

Below are some general site issues that should be assessed during inspections. Customize this list as needed for conditions at your site.

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
1	Are all slopes and disturbed areas not actively being worked properly stabilized?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Are discharge points and receiving waters free of any sediment deposits?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Are storm drain inlets properly protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6	Is the construction exit preventing sediment from being tracked into the street?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7	Is trash/litter from work areas collected and	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	BMP/activity	Implemented?	Maintenance Required?	Corrective Action Needed and Notes
	placed in covered dumpsters?			
8	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9	Are vehicle and equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10	Are materials that are potential stormwater contaminants stored inside or under cover?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
12	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Non-Compliance

Describe any incidents of non-compliance not described above:

CERTIFICATION STATEMENT

“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, 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.”

Print name and title: _____ **Date:** _____
Signature: _____

ENVIRONMENTAL PROTECTION AGENCY
EXPEDITED SETTLEMENT AGREEMENT FORM FOR CONSTRUCTION



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MAY 19 2006

MEMORANDUM

SUBJECT: Revised Expedited Settlement Offer Program for Storm Water (Construction)

FROM: Walker B. Smith, Director *WBS*
Office of Civil Enforcement

TO: Water Management Division Directors
Regions I, III, IV, V, VII, IX

Enforcement Division Directors
Regions II, VI, VIII, X

Regional Counsels
Regions I - X

This memorandum transmits the final revised framework for the Expedited Settlement Offer (ESO) Program for Storm Water, which supersedes the "Expedited Settlement Offer (ESO) Program for Storm Water" originally issued on August 21, 2003. The revised ESO program includes a variety of modifications based on issues identified during the initial pilot implementation period. This ESO program is intended to promote compliance with NPDES storm water regulations at construction sites by providing an expedited enforcement mechanism in situations where environmental impacts are potentially less significant, violations can be quickly corrected and appropriate penalties easily collected. I want to thank the Regions for their participation in revising this enforcement tool; their knowledge and experience were extremely valuable throughout the revision process.

Storm water violations at construction sites can involve potentially significant cumulative negative environmental impacts. Issuing timely and consistent enforcement actions to compel compliance with storm water requirements at construction sites ensures prompt correction of potentially harmful violations and deters future noncompliance. An expedited settlement offer provides an efficient "real time" enforcement mechanism in situations where violations can be quickly corrected and an appropriate penalty promptly collected.

The purpose of expedited settlements is to supplement, not replace, other more traditional enforcement approaches. ESOs should be part of a comprehensive compliance and enforcement strategy that encompasses the full range of compliance and enforcement tools. Regions implementing the ESO program should also use traditional administrative and judicial enforcement mechanisms to ensure a well-balanced enforcement program. Traditional enforcement actions should be pursued for violations where an expedited settlement offer does not adequately address the level of noncompliance or the nature of the violator (e.g., where there is evidence of significant environmental harm, large economic benefit, or a recalcitrant violator).

In using the ESO approach, we encourage regions to consult additional storm water guidance in reaching their decisions. In particular, we recommend that the regions refer to the *Enforcement Response Guide for Storm Water (Construction) (ERG)*. The ERG describes factors to consider when selecting from the different types of enforcement actions. The *2003 Storm Water Compliance and Enforcement Strategy* and the *2005 Performance-Based Strategy for Storm Water*, both of which rely on an environmental harm-based targeting approaches, should also be consulted to focus priorities on storm water dischargers/discharges that pose the most significant harm to the environment (e.g., non-filers or high growth communities where storm water runoff may result in high sediment loadings).

Before applying the ESO, regions should familiarize themselves with the revised ESO program. The revisions have altered both the scope and the process of the program. The most significant revisions include the following:

- eliminating the 50-acre limit for ESO-eligible sites;
- extending eligibility to all operators except those who, in the past five years, have been issued a formal enforcement action for violation of either the multi-sector general permit (MSGP), the construction general permit (CGP), or an individual storm water permit issued by EPA or a state: 1) at the facility where the instant violation occurred; or 2) at two or more facilities, under the ownership, operation, or control of the operator;
- increasing the appropriate time between an inspection and EPA's mailing of an ESO from seven (7) to twenty-one (21) days;
- limiting the scope of respondent's certification in the *Expedited Settlement Agreement* to correction of deficiencies identified during the inspection and payment of penalties;
- capping the total penalties for Storm Water Pollution Protection Plan (SWPPP) violations at \$4500 so as not to exceed the penalty for failure to submit a SWPPP, which has been increased from \$4000 to \$5000; and
- clarifying that generally ESOs should not be issued simultaneously with administrative compliance orders for the same violation.

A joint regional and OCE workgroup revised the following documents: the ESO procedures (see Attachment 1), the penalty calculation worksheet (now called the *Expedited Settlement Deficiencies Form or Deficiencies Form*, see Attachment 2), the *Expedited Settlement Agreement Instructions* (see Attachment 3), and the *Expedited Settlement Agreement* (see

Attachment 4). Additionally, OCE has created a new informational document for site operators, the *Preliminary Inspection Observations* (see Attachment 5).

Each Region has provided my office with its commitment to use the storm water construction ESO as part of its comprehensive storm water compliance and enforcement effort. This revised guidance should replace the previous 2003 guidance as your reference for how to implement an effective and appropriate ESO program for storm water construction violations. We look forward to continuing to work with the Regions in exploring meaningful and effective opportunities to use the ESO for storm water enforcement. For specific questions regarding this memorandum and its attachments, please contact Everett Volk at (202) 564-2828, or Lauren Kabler at (202) 564-4052.

cc: Mark Pollins, Water Enforcement Division
Michael Alushin, Office of Compliance
Linda Boornazian, Office of Wastewater Management
Carol Ann Siciliano, Office of General Counsel
NPDES Regional Enforcement Managers

Attachments

REVISED EXPEDITED SETTLEMENT OFFER FOR STORM WATER (CONSTRUCTION) May 2006¹

Appropriate Use of the ESO

Storm water cases often involve facilities or sites where the cumulative effect of discharges can have significant environmental impact. In storm water cases, issuing timely and consistent enforcement actions is necessary to deter future violations and promote prompt return to compliance. This can be achieved through issuing an expedited settlement offer pursuant to the revisions to the “*Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits*” (*Consolidated Rules*), 40 C.F.R. Part 22. This document provides guidance in implementing Part 22 with respect to certain violations of Clean Water Act storm water regulations for construction activities.

The *Consolidated Rules* provide that, where the parties agree to settle one or more causes of action before the filing of an administrative penalty complaint, a proceeding may be commenced and concluded simultaneously by issuance of a consent agreement and final Clean Water Act section 309(g) penalty order. 40 C.F.R. § 22.13(b).² As formulated in the Expedited Settlement Agreement Offer (ESO) program, this provides “real time” enforcement in situations where violations can be quickly corrected and a penalty collected within a short amount of time, generally a few months from EPA’s discovery of the violation. Under the ESO approach, in specified circumstances, a violator of storm water regulations may resolve its violation through an expedited process in which the violator (1) corrects identified deficiencies, (2) signs an agreement with EPA certifying prompt correction, and (3) pays a penalty.

Violations appropriate for expedited settlements are those that are easily correctable and that may pose some potential harm to human health or the environment, but which do not *result* in significant harm to, or present an imminent and substantial endangerment to, human health or the environment. EPA regions are strongly encouraged to continue targeting for serious violations that result in harm to the environment and human health. However, in those instances where easily correctable violations are discovered that pose some potential harm, the ESO would be an appropriate response mechanism.

The ESO is designed to provide an administratively streamlined approach to resolving violations where a full administrative compliance order (ACO) is not warranted. In requiring a respondent to correct deficiencies, certify to those corrections and pay a penalty, the *Expedited Settlement Agreement* achieves the same ends as an ACO, but in a shorter, more easily administered format. As a result, a separate compliance order requiring corrective action is

¹This version supersedes the “Expedited Settlement Offer (ESO) for Storm Water (Construction)” issued on August 21, 2003.

²An ESO developed under the approach described here is a tool for quickly resolving certain CWA storm water violations. It is not appropriate for use as a penalty demand in an administrative penalty hearing or a judicial trial. Further, whether the Agency decides to use the ESO approach at all is purely within EPA’s discretion.

unnecessary, and regions should generally not issue ACOs at the same time that they issue ESOs.³

Criteria

The criteria below describe when a site should be considered for the ESO program. The purpose of the ESO Criteria is to ensure that ESOs are issued under the appropriate circumstances. Sites that meet all of the following criteria may be eligible for an ESO: (1) sites where the penalty calculated via the ESO *Deficiencies Form* is no more than \$15,000; (2) sites where there is no evidence of significant environmental impact (*e.g.*, turbidity observed in receiving water); (3) sites where the operator is not a repeat violator⁴; and (4) sites where there is no evidence of non-allowable, non-storm water discharges (*e.g.*, industrial process wastewater discharge, such as discharge from a concrete batch plant operation). While there are no site size restrictions on the use of the ESO, generally the bigger the site the greater the potential for significant environmental harm. Therefore, Regions should carefully consider site size prior to using the ESO.

Terminology

Expedited Settlement Deficiencies Form. The *Deficiencies Form* is provided to the regions to calculate a proposed or recommended penalty for the site based on the inspector's findings. The values assigned to each permit requirement in the *Deficiencies Form* reflect the costs the operator would have incurred had the operator obtained and complied with a permit, and a gravity component. Penalties should be based on all deficiencies found at a site, including (1) statutory violations, (2) violations of an NPDES permit, and (3) in the case of facilities without an NPDES permit, deficiencies that would have constituted a violation at a properly permitted facility. In short, the region should consider all deficiencies at a site, whether or not the operator obtained a permit, when calculating a penalty. The *Deficiencies Form* will be incorporated by reference into the *Expedited Settlement Agreement*.

Preliminary Inspection Observations. The *Preliminary Inspection Observations* is an optional form that regions may choose to leave with a site operator at the time of inspection. It provides a simple checklist inspectors may use to highlight their initial observations about potential problems at a site. It is not a formal settlement offer and imposes no obligations on site operators who receive it. However, providing site-specific deficiency information at the time of inspection will afford operators an opportunity to achieve prompt compliance if they so choose.

³If regions believe the joint issuance of an ACO/ESO is necessary to ensure compliance, they must consult with the Water Enforcement Division (WED) on a case-by-case basis prior to issuance.

⁴A repeat violator is any operator who, in the past five years, has been issued a formal enforcement action, or an administrative penalty order (APO), by either EPA or a state for violation of either the multi-sector general permit (MSGP), the construction general permit (CGP), or an individual storm water permit issued by EPA or a state: 1) at the facility where the instant violation occurred; or 2) at two or more facilities, under the ownership, operation, or control of the operator.

Expedited Settlement Agreement. This agreement is a “Consent Agreement and Final Order” pursuant to 40 C.F.R. § 22.

Procedure

This section describes the steps the regions should follow in developing an individual ESO, and finalizing an *Expedited Settlement Agreement*:

1. The inspector targets a site after consulting appropriate storm water targeting guidance and conducts a storm water inspection.
2. The inspector consults the ESO Criteria (and other storm water guidance, including that referenced above) to determine whether the site is eligible for the ESO.
3. If the inspector determines that the site is eligible for the ESO, the inspector completes the *Deficiencies Form* (Attachment 2) and calculates a proposed penalty.
4. Regions should not leave a *Deficiencies Form* at a site after an inspection. Instead, regions can choose to have the inspector leave a *Preliminary Inspection Observations* (Attachment 5) form at the time of the inspection. It is important to note, however, that the *Preliminary Inspection Observations* form is only an informational tool and, if the inspector does leave a copy on site, the Region retains the ability to make a determination as to what type of enforcement action to take, if any, for alleged violations observed during the inspection. Inspectors should receive regional training in the use of this tool so that the inspector can explain the expedited settlement approach to the inspected entity, and, in particular, be able to clearly indicate that the *Preliminary Inspection Observations* form does not reflect EPA decisions regarding violations discovered during inspection and imposes no obligations on the facility/site operator.
5. Regional management reviews the *Deficiencies Form* and finalizes the appropriate penalty. Once the penalty is finalized, an *Expedited Settlement Agreement* (Attachment 4), along with *Expedited Settlement Agreement Instructions* sheet (Attachment 3) and the *Deficiencies Form* (Attachment 2) are mailed to each operator at the site within 21 business days of the inspection.
6. The site representative is given 30 days to return a signed *Expedited Settlement Agreement* and penalty payment to the Region in the manner outlined in the *Expedited Settlement Agreement Instructions*.⁵ If the signed *Expedited Settlement Agreement* is not received within 30 days, it is automatically withdrawn without prejudice to EPA’s ability to institute an enforcement action for noncompliance as identified in the *Deficiencies Form*. Regions have the discretion to extend the offer, for cause, but generally should

⁵Requesting the penalty payment prior to public notice guards against having to file collection actions in the future; however, some regions may choose not to require payment prior to public notice. If this is the case, a region may request that the respondent submit payment within ten days of receiving notice from EPA that the Agreement is effective.

not grant an extension beyond 60 to 90 days after the violator's receipt of the ESO. If the offer is withdrawn, the region should be prepared to escalate its enforcement response by commencing a traditional administrative enforcement proceeding under 40 C.F.R. Part 22.

7. Before issuing an *Expedited Settlement Agreement*, the region must provide public notice and a reasonable opportunity to comment on the proposed issuance of the ESO. See CWA section 309(g)(4)(A). EPA's regulations require that the agency must provide, in the case of settlement by consent agreement and final order, notice no less than 40 days before issuance of an order assessing a penalty. 40 C.F.R. § 22.45(b). We recommend a thirty-day comment period. Regions should consider any public comments received in that period regarding the *Expedited Settlement Agreement*. If, after reviewing the public comments, a region determines that the *Expedited Settlement Agreement* is appropriate (e.g. in the public interest), the region should proceed with issuance. The appropriate delegatee in the region must sign as complainant. 40 C.F.R. § 22.18(b)(2). No sooner than ten days after the close of the recommended comment period, 40 C.F.R. § 22.18(a), an appropriate official at the region (e.g., a Regional Judicial Officer) may sign and ratify the consent agreement. 40 C.F.R. § 22.18(b)(3). No settlement is final without a final order from the Regional Administrator or Regional Judicial Officer ratifying the *Expedited Settlement Agreement*.
8. Regions should file the original signed *Expedited Settlement Agreement* with the Regional Hearing Clerk, mail a copy back to the respondent, and mail a copy to any commenters informing them of their right to file, within 30 days of receipt of their copy of the *Expedited Settlement Agreement*, either a request with the Regional Administrator for a hearing on the penalty pursuant to CWA Section 309(g)(4)(c), or a petition for judicial review to set aside the *Expedited Settlement Agreement* pursuant to CWA Section 309(g)(8) and Part 22. The *Expedited Settlement Agreement* is effective 30 days after signature by the Appropriate Official, unless a request for a hearing on the penalty or a petition to set aside the *Expedited Settlement Agreement* is filed by a commenter. See CWA Section 309(g)(5).
9. Regions should consult the most current Office of Compliance (OC) "Call Memo" for reporting requirements. Pursuant to the discussion above, ESOs should not have accompanying AOs and therefore the only action reported in ICIS should be the ESO. Regions should report the environmental benefits of ESOs in ICIS. Environmental benefits can be calculated by estimating the sediment reduction at construction sites where deficiencies have been corrected pursuant to an ESO. The Storm Water Pollutant Reduction Calculator, which can be obtained from OC's Enforcement Targeting and Data Division or found online at: <http://intranet.epa.gov/oeca/oc/etdd/fy05eoy/wetweathercalculationtools.html>, should be used to estimate sediment reduction.

EXPEDITED SETTLEMENT AGREEMENT INSTRUCTIONS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION [Region]

INSTRUCTIONS

The United States Environmental Protection Agency (EPA) has authority under Section 309 of the Clean Water Act to pursue civil penalties for violations of the storm water regulations. EPA encourages the expedited settlement of certain violations of storm water requirements, such as the violations cited in the Expedited Settlement Agreement (“**Agreement**”) for which these instructions are provided.

You may resolve this matter quickly by: (1) correcting all deficiencies identified by EPA in the *Deficiencies Form*; (2) detailing your corrective actions in a written report; (3) signing the original Agreement; and (4) submitting your penalty payment by check with case name and docket number noted.

[Within THIRTY (30) DAYS from your receipt of the Agreement, you must send the original, signed Agreement, the report detailing your corrective actions, and a photocopy of your penalty check, via certified mail, to:

INSERT - REGION ADDRESS

You must also send a photocopy of the Agreement and your original penalty check with the case name and docket number noted, via certified mail, to:

INSERT- REGION’S PITTSBURGH P.O. BOX ADDRESS]

OR

[Within THIRTY (30) DAYS from your receipt of the Agreement, you must send the original, signed Agreement, which includes a certification that you will submit your penalty payment within TEN (10) days from the date you receive notice from EPA that the Agreement is effective, and the report detailing your corrective actions via certified mail, to:

INSERT- REGION ADDRESS

Within TEN (10) days from the date you receive notice from EPA that the Agreement is effective, you must send your original check with the case name and docket number noted and a copy of the Agreement, via certified mail, to:

INSERT- REGION’S PITTSBURGH P.O. BOX. ADDRESS]

Please retain copies of the signed agreement, the report detailing your corrective actions and the penalty checks for your own records.

You may contact the person listed below and request an extension. EPA will consider whether to grant an extension on a case-by-case basis. If you believe that the alleged violations are without merit (and you can provide evidence contesting the allegations) you must provide such information to EPA as soon as possible but no later than THIRTY

(30) days from your receipt of the Agreement.

If you choose to sign and return the Agreement, you waive your opportunity for a hearing and to appeal pursuant to Section 309 of the Clean Water Act. If you choose not to sign and return the Agreement, or contact EPA, within THIRTY (30) days, the Agreement will be automatically withdrawn, without prejudice to EPA's ability to file an enforcement action for the violations alleged herein or any other violations. EPA may choose to pursue more formal enforcement measures to correct the violation(s) and seek penalties of up to a maximum penalty of \$32,500 per day per violation. Failure to return the Agreement within the approved time does not relieve you of the responsibility to comply fully with the regulations.

[Insert Region-specific public notice procedure(s)].

[Insert Region-specific contact instructions].



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

[Region, Address]

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-_____ - _____, NPDES No. _____

[XXX] ("Respondent") is a "person," within the meaning of Section 502(5) of the Clean Water Act ("Act"), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an "Expedited Settlement Offer Deficiencies Form" ("Form"), which is incorporated by reference. By its signature, Complainant ("EPA") finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent [had an unauthorized discharge of storm water in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311,] or [failed to comply with its National Pollutant Discharge Elimination System ("NPDES") storm water permit issued under Section 402 of the Act, 33 U.S.C. § 1342.]

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any "person" who "discharges pollutants" from a "point source" to "waters of the United States." Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Consent Agreement and Final Order ("Agreement") under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violation(s) alleged in this Agreement for a penalty of \$_____. Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the finding(s) specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this Agreement detailing the specific actions taken to correct the violations cited herein.

[Respondent certifies that it has submitted a bank, cashiers, or certified check, with case name and docket number noted, for the amount specified above, payable to the "Treasurer, United States of America," via certified mail, to: INSERT- REGION'S PITTSBURGH P.O. Box No.]

or [Respondent certifies that, within ten (10) days of receiving

notice from EPA that the Agreement is effective (thirty (30) days from the date it is signed by the [Appropriate Official]), Respondent shall submit a bank, cashiers or certified check, with case name and docket number noted, for the amount specified above payable to the "Treasurer, United States of America," via certified mail, to: INSERT - REGION'S PITTSBURGH P.O. BOX.]

This Agreement settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its rights to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violation(s) described in the Form. EPA has determined this Agreement to be appropriate.

This Agreement is binding on the parties signing below and effective [thirty (30) days from the date it is signed by the Presiding Officer unless a petition to set aside the Order is filed by a commenter pursuant to Section 309(g)(4)(C) of the Act, 33 U.S.C. § 1319(g)(4)(C), and Part 22] or [upon filing with the Regional Hearing Clerk.]

APPROVED BY EPA: _____ Date: _____

[Complainant] [Title]

APPROVED BY RESPONDENT: Name (print): _____ Title (print): _____ Signature: _____ Date: _____

[More than 40 days have elapsed since the issuance of public notice pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and EPA has received no comments concerning this matter.]

Having determined that this Agreement is authorized by law, IT IS SO ORDERED:

_____ Date _____ [Appropriate Official] [Title]

Expedited Settlement Offer Worksheet

Deficiencies Form

Consult instructions regarding eligibility criteria and procedures prior to use

version 10.3.4



1	LEGAL NAME AND MAILING ADDRESS OF OPERATOR	Telephone Number	NPDES Permit Number
		Inspector Name:	
		Inspector Agency:	Other
		Entrance Interview Conducted:	
		Exit Interview Conducted:	
		Exit Interview given to:	
		Exit Interview time:	Date:
2	LOCATION AND ADDRESS OF SITE		

	FACILITY DESCRIPTION / CONTACT NAMES	
	Name of Site Contact (ESO Worksheet recipient):	
	Name of Authorized Official (40 CFR 122.22):	
	Inspection Date:	
	Start Construction Date:	
	Estimated Completion Construction Date:	
	If Unpermitted, Number of Months Unpermitted:	
	Name of Receiving Water Body (Indicate whether 303(d) listed):	
	Acres Currently Disturbed Acres to be Disturbed in Whole Common Plan:	
	Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?	

	PERMIT COVERAGE	Findings	Citation Reference**	R C A*	No. of Deficiencies	Dollar Amount	Total
3	Operator unpermitted for _____ months (# months unpermitted equals number of violations)		CWA 301		X	\$500.00	=
	SWPPP REVIEW						
4	SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)		CGP 3.1.A			\$5,000.00	=
5	SWPPP prepared but prepared after construction start (# of months = # of violations)		CGP 3.1.A		X	\$75.00	=
6	SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...		CGP 3.1.B			\$250.00	=
7	SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control		CGP 3.3.A			\$500.00	=
8	SWPPP does not have site description, as follows:						
	A Nature of activity in description		CGP 3.3.B.1			\$100.00	=
	B Intended sequence of major activities		CGP 3.3.B.2			\$100.00	=
	C Total disturbed acreage		CGP 3.3.B.3			\$100.00	=
	D General location map		CGP 3.3.B.4			\$100.00	=
	E Site map		CGP 3.3.C			\$500.00	=
	F Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)		CGP 3.3.C.1-8		X	\$50.00	=
	G Location/description industrial activities, like concrete or asphalt batch plants		CGP 3.3.D			\$500.00	=
9	SWPPP does not:						
	A Describe all pollution control measures (e.g. BMPs)		CGP 3.4.A			\$750.00	=

	B	Describe sequence for implementation		CGP 3.4.A			\$250.00	=	
	C	Detail operator(s) responsible for implementation		CGP 3.4.A			\$250.00	=	
10		SWPPP does not describe interim stabilization practices		CGP 3.4.B			\$250.00	=	
11		SWPPP does not describe permanent stabilization practices		CGP 3.4.B			\$250.00	=	
12		SWPPP does not describe a schedule to implement stabilization practices		CGP 3.4.B			\$250.00	=	
13		Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)		CGP 3.4.C.1-3		X	\$250.00	=	
14		SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas		CGP 3.4.D			\$500.00	=	
15		SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed		CGP 3.4.E			\$500.00	=	
16		SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit		CGP 3.4.F			\$500.00	=	
17		SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust		CGP 3.4.G			\$500.00	=	
18		SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials		CGP 3.4.H			\$250.00	=	
19		SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials		CGP 3.4.I			\$500.00	=	
20		SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP		CGP 3.5			\$500.00	=	
21		SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges		CGP 3.5			\$500.00	=	
22		Endangered Species Act documentation is not in SWPPP		CGP 3.7			\$500.00	=	
23		Historic Properties (Reserved)							
24		Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)		CGP 3.8		X	\$250.00	=	
25		SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)		CGP 3.9			\$750.00	=	
26		SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans		CGP 3.9			\$250.00	=	
27		Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates		CGP 3.10.G			\$500.00	=	
28		SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)		CGP 3.11.C		X	\$50.00	=	
29		Copy of SWPPP not retained on site		CGP 3.12.A			\$500.00	=	
	A	SWPPP not made available upon request		CGP 3.12.C			\$500.00	=	
30		SWPPP not signed/certified		CGP 3.12.D			\$500.00	=	

INSPECTIONS									
31	Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).		CGP 3.10.A, 3.10.B			X	\$250.00	=	
	No inspections conducted and documented (if True, then leave elements 32-39 blank)						True or False	=	
	Number of Inspections expected if performed every 7 days:	0						=	
	Number of Inspections expected if performed bi-weekly:	0						=	
	If known, number of days of rainfall of >0.5"							=	
32	Inspections not conducted by qualified personnel		CGP 3.10.D				\$50.00	=	
33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected		CGP 3.10.E.				\$50.00	=	
34	All pollution control measures not inspected to ensure proper operation		CGP 3.10.E.				\$50.00	=	
35	Discharge locations are not observed and inspected		CGP 3.10.E.				\$50.00	=	
36	For discharge locations that are not accessible, nearby locations are not inspected		CGP 3.10.E.				\$50.00	=	
37	Entrance/exit not inspected for off-site tracking		CGP 3.10.E.				\$50.00	=	
38	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)		CGP 3.10.G			X	\$50.00	=	
39	Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)		CGP 3.10.G			X	\$50.00	=	
Subtotal Inspections Deficiencies									\$0
AVAILABILITY OF RECORDS									
40	Sign/notice not posted		CGP 3.12.B				\$250.00	=	
A	Does not contain copy of complete NOI		CGP 3.12.B				\$50.00	=	
B	Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign		CGP 3.12.B				\$50.00	=	
Subtotal Records Deficiencies									\$0
BEST MANAGEMENT PRACTICES									
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water		CGP 3.13.F				\$500.00	=	
42	Control measures are not properly:							=	
A	Selected, installed and maintained		CGP 3.13.A				\$500.00	=	
B	Maintenance not performed prior to next anticipated storm event		CGP 3.6.B				\$250.00	=	
	(count each failure to select, install, maintain each BMP as one violation)							=	
43	When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts		CGP 3.13.B				\$500.00	=	
44	Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)		CGP 3.13.C				\$500.00	=	

45	Stabilization measures are not initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation		CGP 3.13.D			\$500.00	=		
	*Exceptions:								
	(a) Snow or frozen ground conditions								
	(b) Activities will be resumed within 14 days								
	(c) Arid or Semi-arid areas (<20 inches per								
46	Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained		CGP 3.13.E.1			\$1,000.00	=		
	A Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope		CGP 3.13.E.2			\$1,000.00	=		
	B Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more		CGP 3.6.C			\$500.00	=		
47	Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)		CGP 3.13.E.3			\$500.00	=		
	A Sediment not removed from sediment trap when design capacity reduced by 50% or more		CGP 3.6.C		X	\$500.00	=		
Subtotal BMP Deficiencies									\$0

SMALL BUSINESS EVALUATION

48	Is the Owner/Operator a Small Business?							
	A <i>small business</i> is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.							

Total Expedited Settlement: **\$0**

* Requires Corrective Action

** NPDES General Permit, 68 FR 39087, issued by EPA on July 1, 2003, <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

Cost of Compliance for Construction based on Acres

Assumption: Start, Inspection and Est. Completion Dates in E25-27 are correct.

0	No. of Acres Disturbed for Common Plan of Development or Sale - <i>Change # of Acres to a particular Operators acreage to determine their Cost of Complia.</i>
70%	Implementation Efficiency (100% = doing everything, 0% = did nothing)
50%	Paperwork completeness (SWPPP & NOI) (100% = all done right)

Based on 63 FR 7896 & 1.7% annual inflation since 1997

For Acres: \$6382 annual costs for 5 acre site, \$882 in fixed NOI/SWPPP costs

For Case Conclusion Data Sheet: 0.00
\$0 Cost of Physical Actions
\$86 Cost of Non-Physical Actions (SWPPP)
\$86 Total Cost of Compliance Saved

Numbers to use for the EPA BEN model:

Capital Investment	\$0	01/00/1900
One-Time, Nondepreciable Expenditure:	\$172	01/00/1900
Annually Recurring:	\$0	01/00/1900
Noncompliance Date:	01/00/1900	
Compliance:	01/30/1900	(Inspection Date + 30 days)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

[Region, Address]

Preliminary Inspection Observations

This form is provided for informational purposes only and does not reflect EPA decisions regarding violations discovered during inspection. EPA retains the ability to pursue an enforcement action for alleged violations it observes. Operators are not obligated to respond to this form.

PERMIT COVERAGE	
3	Operator unpermitted for _____ months (# months unpermitted equals number of violations)
SWPPP REVIEW	
4	SWPPP not prepared (If no SWPPP, leave elements 5 - 30 blank)
5	SWPPP prepared but prepared after construction start (# of months = # of violations)
6	SWPPP does not identify all potential sources of pollution to include: porta-pottys, fuel tanks, staging areas, waste containers, chemical storage areas, concrete cure, paints, solvents, etc...
7	SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control
8	SWPPP does not have site description, as follows:
A	Nature of activity in description
B	Intended sequence of major activities
C	Total disturbed acreage
D	General location map
E	Site map
F	Site map does not show drainage patterns, slopes, areas of disturbance, locations of major controls, structural practices shown, stabilization practices, offsite materials, waste, borrow or equipment storage areas, surface waters, discharge points, areas of final stabilization (count each omission under 8F as 1 violation)
G	Location/description industrial activities, like concrete or asphalt batch plants
9	SWPPP does not:
A	Describe all pollution control measures (e.g. BMPs)
B	Describe sequence for implementation
C	Detail operator(s) responsible for implementation
10	SWPPP does not describe interim stabilization practices

11	SWPPP does not describe permanent stabilization practices
12	SWPPP does not describe a schedule to implement stabilization practices
13	Following dates are not recorded: major grading activities; construction temporarily or permanently ceased; stabilization measures initiated (count each omission under 13 as 1 violation)
14	SWPPP does not have description of structural practices to divert flows from exposed soils, retain flows, or limit runoff from exposed areas
15	SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur AFTER construction operations have been completed
16	SWPPP does not describe measures to prevent discharge of solid materials to waters of the US, except as authorized by 404 permit
17	SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust
18	SWPPP does not include description of construction or waste materials expected to be stored on site w/updates re: controls used to reduce pollutants from these materials
19	SWPPP does not have description of pollutant sources from areas other than construction (asphalt or concrete plants) w/ updates re: controls to reduce pollutants from these materials
20	SWPPP does not identify allowable sources of non-storm water discharges listed in subpart 1.3.B of the CGP
21	SWPPP does not identify/ensure implementation of pollution prevention measures for non-storm water discharges
22	Endangered Species Act documentation is not in SWPPP
23	Historic Properties (Reserved)
24	Copy of permit and/or NOI not in SWPPP (count each omission under 24 as 1 violation)
25	SWPPP is not consistent with requirements specified in applicable sediment and erosion site plans or site permits, or storm water management plans or site permits approved by State, Tribal or local officials (e.g., MS4 requirements)
26	SWPPP has not been updated to remain consistent with changes applicable to protecting surface waters in State, Tribal or local erosion plans
27	Copies of inspection reports have not been retained as part of the SWPPP for 3 years from date permit coverage terminates
28	SWPPP has not been updated/modified to reflect change at site effecting discharge, or where inspections identify SWPPP/BMPs as ineffective, updates to SWPPP regarding modifications to BMPs not made within 7 days of such inspection (count each omission under under 28 as 1 violation)
29	Copy of SWPPP not retained on site
	A SWPPP not made available upon request
30	SWPPP not signed/certified

INSPECTIONS	
31	Inspections not performed and documented either once every 7 days, or once every 14 days and within 24 hours after storm event greater than 0.5 inches or greater (not required if: temp stabilization; runoff unlikely due to winter conditions; construction during arid periods in arid areas) (Count each failure to inspect and document as one violation).
	No inspections conducted and documented (if True, then leave elements 32-39 blank)
	Number of Inspections expected if performed every 7 days:
	Number of Inspections expected if performed bi-weekly:
	If known, number of days of rainfall of >0.5"
32	Inspections not conducted by qualified personnel
33	All areas disturbed by construction activity or used for storage of materials and which exposed to precipitation not inspected
34	All pollution control measures not inspected to ensure proper operation
35	Discharge locations are not observed and inspected
36	For discharge locations that are not accessible, nearby locations are not inspected
37	Entrance/exit not inspected for off-site tracking
38	Site inspection report does not include: date, name and qualifications of inspector, weather information, location of sediment/pollutant discharge, BMP(s) requiring maintenance, BMP(s) that have failed, BMP(s) that are needed, corrective action required including changes/updates to SWPPP and schedule/dates (count each omission under 38 as 1 violation)
39	Inspection reports not properly signed/certified (count each failure to to sign/certify as 1 violation)
AVAILABILITY OF RECORDS	
40	Sign/notice not posted
A	Does not contain copy of complete NOI
B	Location of SWPPP or contact person for scheduling viewing times where on-site location for SWPPP unavailable not noted on sign
BEST MANAGEMENT PRACTICES	
41	No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water
42	Control measures are not properly:

	A	Selected, installed and maintained
	B	Maintenance not performed prior to next anticipated storm event
		(count each failure to select, install, maintain each BMP as one violation)
43		When sediment escapes the site, it is not removed at a frequency necessary to minimize off-site impacts
44		Litter, construction debris, and construction chemicals exposed to storm water are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.)
45		Stabilization measures are not initiated as soon as practicable on portions of the site where construction activities have temporarily or permanently ceased within 14 days after such cessation
		*Exceptions:
		(a) Snow or frozen ground conditions
		(b) Activities will be resumed within 14 days
		(c) Arid or Semi-arid areas (<20 inches per year)
46		Common Drainage of 10+ acres does not have a sedimentation basin for the 2 year, 24 hour storm, or 3600 cubic ft. storage per acre drained
	A	Where sedimentation basin not attainable, smaller sediment basins, sediment traps, or erosion controls not implemented for downslope boundaries
	B	Sediment not removed from sediment basin or traps when design capacity reduced by 50% or more
47		Common Drainage less than 10 acres does not have sediment traps, silt fences, vegetative buffer strips, or equivalent sediment controls for all down slope boundaries (not required if sedimentation sediment basin meeting criteria in 46 above)
	A	Sediment not removed from sediment trap when design capacity reduced by 50% or more
SMALL BUSINESS EVALUATION		
48		Is the Owner/Operator a Small Business?
		A small business is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.

SWPPP Information Sheet

SWPPP INFORMATION SHEET

STORM WATER POLLUTION PREVENTION PLAN INFORMATION

NOI INPUTS

NMDO PROJECTS REQUIRE ELECTRONIC NOI SUBMISSION- PAPER SUBMISSION REQUIRES PRIOR APPROVAL.

PERMIT NUMBER: NMR120001 STATE OF NEW MEXICO, EXCEPT INDIAN COUNTRY
 NMR120001 INDIAN COUNTRY WITHIN THE STATE OF NEW MEXICO, EXCEPT NAVAJO RESERVATION LANDS THAT ARE COVERED UNDER ARIZONA PERMIT AZ100001 AND UTE MOUNTAIN RESERVATION LANDS THAT ARE COVERED UNDER COLORADO PERMIT COR100001.

OPERATOR INFORMATION: SEE DISTRICT ADDRESSES, THIS SHEET

IRS EMPLOYER IDENTIFICATION NUMBER (EIN): -
 NMDOT: -

POINT OF CONTACT: DISTRICT PROJECT MANAGER

NOI PREPARED BY: DISTRICT PROJECT MANAGER

PROJECT / SITE NAME: NMDOT CONTROL NUMBER (CN)
 PROJECT / SITE ADDRESS: ROAD NAME & BOP MP TO EOP MP

LATITUDE: XXXXXX
 LONGITUDE: XXXXXX

FEDERAL OPERATOR = ANY DEPARTMENT, AGENCY, OR INSTRUMENTALITY OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE FEDERAL GOVERNMENT OF THE UNITED STATES

ESTIMATED PROJECT START DATE: XXXXXX
 ESTIMATED PROJECT COMPLETION DATE: XXXXXX

ESTIMATED AREA TO BE DISTURBED (NEAREST 1/4 ACRE): XXXXXX

COMMENCED EARTH-DISTURBING ACTIVITIES? YES/NO
 PREVIOUS NPDES PERMIT? IF YES, PERMIT NO: XXXXXX

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): SEE THIS SHEET FOR MS4 LOCATIONS

SURFACE WATERS WITHIN 50 FT? YES/NO
 RECEIVING WATER: XXXXXX

IMPAIRED WATERS: SEE MAP FOR 303D LISTING & TMDL LISTINGS ON THIS SWPPP INFORMATION SHEET. CHECK SPECIFIC TMDL LIST HERE: <http://ftp.nmenv.state.nm.us/www/swqb/WQMP-CPP/WQMP-CPPAppendixB-May2011.pdf>

IMPAIRED WATERS METHOD: ONLINE CONSULTATION OF NEW MEXICO ENVIRONMENT DEPARTMENT LISTING OF STATEWIDE 303D AND TMDL IMPAIRMENTS.

TIER 2, TIER 2.5, TIER 3 WATERS - CONSULT 2012 CGP APPENDIX "F"

CHEMICAL TREATMENT INFORMATION - TYPICAL NMDOT PROJECT WILL NOT UTILIZE THESE CHEMICALS

SWPPP CONTACT INFORMATION - DISTRICT PROJECT MANAGER

ENDANGERED SPECIES CRITERIA (A, B, C, D, E, or F): CRITERION E - ATTACH LETTER OF CORRESPONDENCE WITH US FISH & WILDLIFE.

HISTORIC PRESERVATION - ALL CONTROLS (TESCP SHEETS) REQUIRE SUBSURFACE DISTURBANCE ARCHAEOLOGICAL SURVEY FOR PROJECT WILL INDICATE EXISTENCE OF HISTORIC PROPERTIES. IF HISTORIC PROPERTIES EXIST, TESCP SHEETS CAN SHOW NO EFFECT ON HISTORIC PROPERTIES.

CERTIFICATION: NOI MUST BE CERTIFIED BY A PRINCIPAL EXECUTIVE OFFICER OR RANKING ELECTED OFFICIAL.

SWPPP INPUTS

DRAINAGE PATTERNS	XXXXXX
APPROXIMATE SLOPES AFTER MAJOR GRADING	XXXXXX
RAINFALL 2-YEAR, 24-HOUR, inch	XXXXXX
2-YEAR, 1-HOUR, inch	XXXXXX
INTENSITY, FOR Tc = 10 minutes	XXXXXX
HYDROLOGICAL SOIL GROUP	XXXXXX
CURVE NUMBER (CN), UNDISTURBED AREA	XXXXXX
CURVE NUMBER (CN), DISTURBED AREA	XXXXXX
RUNOFF COEFFICIENT, PRIOR TO CONSTRUCTION	XXXXXX
RUNOFF COEFFICIENT, DURING CONSTRUCTION	XXXXXX
RUNOFF COEFFICIENT, AFTER CONSTRUCTION	XXXXXX

GENERAL NOTES:

- THE 2002 EDITION OF NMDOT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) HANDBOOK AND SECTION 603 - TEMPORARY EROSION AND SEDIMENT CONTROL OF THE 2007 NEW MEXICO DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION - SHALL BE USED AS MINIMUM REQUIREMENTS TO DEVELOP OR MODIFY THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP).
- THE NPDES PERMIT NUMBER FOR THE PROJECT OR A COPY OF THE NOTICE OF INTENT (NOI), IF A PERMIT NUMBER HAS NOT YET BEEN ASSIGNED, SHALL BE POSTED AT THE PROJECT SITE OR THE FIELD OFFICE AT ALL TIMES DURING CONSTRUCTION.
- THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND ALL MAINTENANCE AND INSPECTION REPORTS SHALL BE SIGNED BY A QUALIFIED INSPECTOR ASSIGNED BY CONTRACTOR. THE SWPPP AND THE INSPECTION REPORTS SHALL BE AVAILABLE TO EPA REPRESENTATIVE AT ALL TIMES DURING CONSTRUCTION.
- ALL DRAINAGE INFORMATION NEEDED TO COMPLETE THE NOTICE OF INTENT (NOI) ARE PROVIDED IN THIS PLAN.
- BMPs SHOWN ON TESCP ARE DETERMINED USING THE EQUATIONS SHOWN ON THIS SHEET AND OTHER HYDROLOGICAL MODELS AS SPECIFIED IN THE DEPARTMENTS DRAINAGE MANUALS LATEST EDITION. BMPs CONTROL SEDIMENT SO THAT NO ADDITIONAL SEDIMENT RESULTING FROM CONSTRUCTION ACTIVITIES DISCHARGE TO WATERWAYS.
- THE CONTRACTOR SHALL SPECIFICALLY DEFINE ALL REQUIRED CONTROL MEASURES FOR EACH CONSTRUCTION PHASE, AND SHALL COMPLY WITH THE PROVISIONS OF THE NPDES MANUAL AND THE 2012 CONSTRUCTION GENERAL PERMIT.
- THE TESCP SHEETS INCLUDED IN THE FOLLOWING PAGES OF THESE PLANS PROVIDE A BASIS FOR ESTIMATING QUANTITIES.

LIST OF APPROVED TMDLS IN NEW MEXICO

Caliente Canyon (Jemez Pueblo bnd to Rio Guadalupe)	Jemez River (Jemez Pueblo bnd to Rio Guadalupe)
Cieneguilla Creek (Eagle Nest Lake to headwaters)	Jemez River (Rio Guadalupe to Soda Dam nr Jemez Springs)
Cimarron River (Canadian River to Cimarron Village)	Jemez River (Soda Dam nr Jemez Springs to East Fork)
Cimarron River (Cimarron Village to Turkey Creek)	Redondo Creek (Siphur Creek to headwaters)
Cimarron River (Turkey Creek to Eagle Nest Lake)	Jaramillo Creek (VCNP boundary to headwaters)
Coyote Creek (Mora River to Black Lake)	Rio Cebolla (Fenton Lake to headwaters)
Little Coyote Creek (Black Lake to headwaters)	Rio Cebolla (Rio de las Vacas to Fenton Lake)
Middle Poni Creek (South Poni Creek to headwaters)	Rio de las Vacas (Rio Cebolla to Clear Creek)
Mora River (USGS gage east of Shoemaker to Hwy 434)	Rio de las Vacas (Rio Cebolla to Rio de las Palomas)
Mora River (Hwy 434 to headwaters)	Rio Guadalupe (Jemez River to confluence with Rio Cebolla)
Moreno Creek (Eagle Nest Lake to headwaters)	Rio de las Palomas (Rio de las Vacas to headwaters)
North Poni Creek (South Poni Creek to McCrystal Creek)	Rio Panas Negras (Rio de las Vacas to headwaters)
Poni Creek (Cimarron River to confluence of North and South Poni)	San Antonio Creek (East Fork Jemez River to headwaters)
Poni Creek (Cimarron River to US 64)	San Antonio Creek (East Fork Jemez to VCNP bnd)
Poni Creek (Us 64 to confluence of North and South Poni)	Sulphur Creek (Redondo Creek to headwaters)
Rayado Creek (Miami Lake Diversion to headwaters)	Blueswater Creek (Blueswater Reservoir to headwaters)
Rayado Creek (Cimarron River to Miami Lake Diversion)	Blueswater Creek (non-tribal Rio San Jose to Blueswater Ravr)
Sapallo River (Mora River to Manuillas Creek)	La Jara Creek (perennial reaches above Arroyo San Jose)
Santita Creek (Eagle Nest Lake to headwaters)	Rio Grande (non-Pueblo Alameda to Angelita Diversion)
South Poni Creek (Poni Creek to Middle Poni)	Rio Grande (Alameda Bridge to Santa Ana Pueblo bnd)
Ute Creek (Cimarron River to headwaters)	Rio Grande (Isleta Pueblo boundary to Alameda Bridge)
Vermajo River (Rai Canyon to York Canyon)	Rio Grande (Rio Puerco to Isleta Pueblo boundary)
Vermajo River (York Canyon to headwaters)	Rio Grande (San Marcial at USGS gage to Rio Puerco)
York Canyon (Vermajo Park to headwaters)	Rio Maquino (Laguna Pueblo to Seboyetta Creek)
Dry Cimarron River (perennial reaches OK bnd to Long Canyon)	Rio Puerco (Arroyo Chujilla to Northern Boundary Cuba)
Dry Cimarron River (Long Canyon to Oak Creek)	Bitter Creek (Red River to headwaters)
Long Canyon (perennial reaches above Dry Cimarron)	Comanche Creek (Costilla Creek to Little Costilla Creek)
Oak Creek (Dry Cimarron to headwaters)	Cordova Creek (Costilla Creek to headwaters)
Black Canyon Creek (East Fork Gila River to headwaters)	Costilla Creek (diversion above Costilla to Comanche Creek)
Canyon Creek (Middle Fork Gila River to headwaters)	Empadoo Creek (Rio Grande to Cañada de Ojo Sarco)
Centurina Creek (San Francisco R to headwaters)	Little Tesuque (Rio Tesuque to headwaters)
Gila River (East Fork)	Piacer Creek (Red River to headwaters)
Mangas Creek (Gila River to Mangas Springs)	Red River (Rio Grande to Piacer Creek)
Mogollon Creek (Perennial reaches abv USGS gage)	Rio de los Pinos (Colorado border to headwaters)
Negrito Creek (South Fork)	Rio Fernando de Taos (Rio Pueblo de Taos to headwaters)
San Francisco River (Centurina Creek to AZ border)	Rio Grande (non-pueblo Santa Clara to Embudo Creek)
Sapillo Creek (Gila River to Lake Roberts)	Rio Grande (Red River to NM-CO border)
Taylor Creek (Beaver Creek to Wall Lake)	Rio Grande del Rancho (Rio Pueblo de Taos to Hwy 518)
Tularosa River (San Francisco R to Apache Creek)	Rio Hondo (Rio Grande to USF boundary)
Whitewater Creek (San Francisco River to White-water Campgrd)	Rio Hondo (South Fork of Rio Hondo to Lake Fork Creek)
Rio Grande (International Mexico boundary to Leesburg Dam)	Rio Pueblo de Taos (Arroyo del Alamo to Rio Grande del Rancho)
Rio Grande (Leesburg Dam to Percha Dam)	Rio Pueblo de Taos (Rio Grande del Rancho to Taos Pueblo boundary)
Abiquiu Creek (Rio Chama to headwaters)	Rio Pueblo de Taos (Rio Grande to Arroyo del Alamo)
Cañones Creek (Abiquiu Reservoir to headwaters)	Rio San Antonio (Montoya Canyon to headwaters)
Chavez Creek (Rio Brazos to headwaters)	Rio Santa Barbara (Piores Pueblo boundary to USFS boundary)
Poleo Creek (Rio Puerco de Chama to headwaters)	Bull Creek (Cow Creek to headwaters)
Pohiviera Creek (Cariñosa Creek to headwaters)	Cow Creek (Bull Creek to headwaters)
Rio Brazos (Rio Chama to Chavez Creek)	Cow Creek (Pecos River to Bull Creek)
Rio Chama (Rio Brazos to Little Willow Creek)	Gallinas River (Las Vegas diversion to headwaters)
Rio Chama (Rio Chama to CO border)	Pecos River (Alamitos Canyon to Willow Creek)
Rio Chama (Rio Chama to CO border)	Pecos River (Cañon de Manzana to Alamitos Canyon)
Rio Nidras (Rio Chama to headwaters)	Camero Creek (Rio Ruidoso to Mesquero Apache boundary)
Rio Vallecitos (Rio Tusa to headwaters)	Rio Bonito (Angus Canyon to headwaters)
Rio de Tierra Amarilla (Rio Chama to HWY 64)	Rio Hondo (Perennial Reaches Pecos to headwaters)
Santa Fe River (Cochiti Pueblo bnd to Santa Fe WWTP)	Rio Ruidoso (Rio Bonito to US Highway 70)
Clear Creek (Rio de las Vacas to San Gregorio Lake)	Rio Ruidoso (US Highway 70 Mesquero Apache boundary)
Jemez River (East Fork)	Animas River (San Juan River to Estes Arroyo)
East Fork Jemez (East Fork Jemez to headwaters)	Galgos Canyon (San Juan to Navajo Boundary)
East Fork Jemez River (San Antonio Creek to VCNP boundary)	La Plata River (McDermott Arroyo to Colorado Border)
Jemez River (HWY 4 near Jemez Springs to East Fork)	La Plata River (San Juan River to McDermott Arroyo)
Jemez River (Rio Guadalupe to HWY 4 nr Jemez Springs)	San Juan River (Newajo Boundary at Hogback to Animas River)
Jemez River (Zia Pueblo bnd to Jemez Pueblo bnd)	San Juan River (Animas River to Cañon Largo)

DISTRICT ADDRESSES

DISTRICT 1	DISTRICT 4
2912 E. Pine St. Deming, NM 88030 Telephone: 575-544-8530 Toll Free: 800-444-0745 Fax: 575-546-0272	Box 10 Las Vegas, NM 87701-0010 Telephone: 505-454-3625 Toll Free: 800-234-7520
DISTRICT 2	DISTRICT 5
4505 W. Second P.O. Box 1457 Roswell, NM 88202-1457 Telephone: 575-637-7200 Toll Free: 800-432-7845	Box 4127, Coronado Santa Fe, NM 87502-4127 Telephone: 505-476-4200 Toll Free: 800-368-6630
DISTRICT 3	DISTRICT 6
P.O. Box 91750 Albuquerque, NM 87196 Telephone: 505-941-2700 Toll Free: 866-466-8178 Fax: 505-941-2790	P.O. Box 2180 Milan, NM 87021 Telephone: 505-285-3206 Toll Free: 800-361-3696

REGULATED SMALL MS4s IN NEW MEXICO

Albuquerque	Doña Ana County
Bernalillo	Aztec
Carmue	Farmington
Corrales	Flora Vista
Isleta Village Proper	Kirtland
Los Ranchos de Albuquerque	San Juan County
Rio Rancho	Agua Fria
Santa Ana Pueblo	La Cienega
Bernalillo County	Santa Fe
Sandoval County	Tesuque
Doña Ana	Santa Fe County
Las Cruces	Anthony, TX
Mesilla	Santa Teresa
University Park	Sunland Park

RUNOFF DISCHARGE & VOLUME CALCULATION:

THE FOLLOWING PROCEDURES SHOULD BE USED TO CALCULATE THE RUNOFF DISCHARGE AND VOLUME TO DESIGN THE EROSION CONTROL MEASURES:

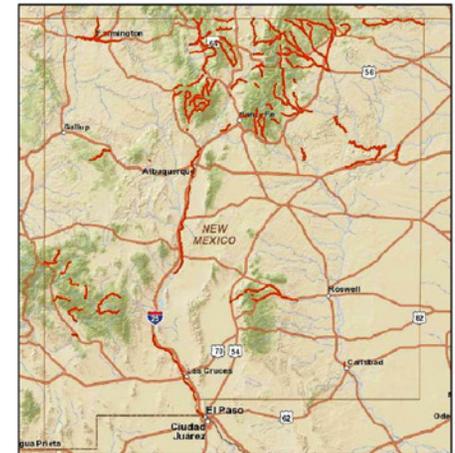
DISCHARGE: Q = CIA
 WHERE: Q = DISCHARGE, cfs
 C = RUNOFF COEFFICIENT
 I = RAINFALL INTENSITY, in/hr
 A = AREA OF THE SITE, acres

VOLUME: V = QTC
 WHERE: V = VOLUME, ft³
 Tc = (1/80) 0.0078 L^{0.77} S^{0.386} minutes
 Assume Tc = 10 min. for basins within the project limits
 L = LENGTH OF WATERSHED, ft
 S = SLOPE, ft / ft

IMPAIRED STREAMS IN NEW MEXICO

THE MAP BELOW SHOWS IMPAIRED WATERS LOCATIONS AS OF MARCH 2012. IF YOUR PROJECT IS ADJACENT OR NEAR TO AN IMPAIRED WATER, CONSULT THE NEW MEXICO ENVIRONMENT DEPARTMENT WEBSITE TO UTILIZE THEIR GIS MAPPING TOOL TO IDENTIFY THE IMPAIRMENT. EACH IMPAIRED STREAM LOCATION WILL IDENTIFY THE IMPAIRMENT WHEN THE "D" TOOL IS USED BY CLICKING WITH THE MOUSE. IS USED BY CLICKING WITH THE MOUSE ON A PARTICULAR IMPAIRED STREAM.

<http://gis.nmenv.state.nm.us/EGIS/>



NO.	DESCRIPTION	DATE	BY

REVISIONS (OR CHANGE NOTICES)

NEW MEXICO DEPARTMENT
OF TRANSPORTATION

**STORM WATER POLLUTION
PREVENTION PLAN (SWPPP)
INFORMATION**

Alternate SWPPP Forms

Control Measure Maintenance Log

Control Measure/ Location	Deficiency	Date Identified	Maintenance/Repair Performed	Date Maintenance Completed	Responsible Contractor Signature

NPDES New Mexico Qualification Form

**National Pollutant Discharge Elimination System (NPDES)
New Mexico
Qualification Form**

I _____ have taken and passed the NPDES training course and/or have experience in the construction and implementation of the Storm Water Pollution Prevention measures as follows:

Date	Project	Reference

Construction Inspector _____ Date _____

Contractor _____ Date _____

Reference: *NMDOT Standard Specifications for Highway and Bridge Construction* , Section 603, Item 603.35, paragraph 3.