

Appendix C

FDEP NPDES General Permit for Construction Regulations

CHAPTER 62-621 GENERIC PERMITS

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PART I GENERAL

62-621.100 Scope/Applicability.

This chapter sets forth the procedures to obtain National Pollutant Discharge Elimination System (NPDES) and Non-NPDES generic permits authorized under Chapter 403, Florida Statutes (F.S.), and Chapter 62-620, Florida Administrative Code (F.A.C.) For the purpose of this chapter “NPDES Generic Permit” means a type of general permit issued under the authority of Section 403.0885, F.S., (general permit under 40 CFR 122.28) and “Non-NPDES Generic Permit” means a type of general permit issued under the authority of Section 403.087, F.S. As an alternative to individual permits, the Department may promulgate by rule a generic permit to regulate a category of wastewater facilities or activities. The Department shall issue a generic permit to regulate such a category of wastewater facilities or activities only if they all involve the same or substantially similar types of operations; discharge the same types of wastes or engage in the same types of residuals or industrial sludge use or disposal practices; require the same effluent limitations, operating conditions, or standards for residuals or industrial sludge use or disposal; require the same or similar monitoring; and the NPDES generic permit is approved by the EPA pursuant to subsection 62-620.710(3), F.A.C.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851, 403.814 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. History—New 8-22-95, Amended 12-24-96, 5-1-97, 10-22-00, 5-22-03, 12-23-04.

62-621.101 Procedural Requirements.

Generic permits issued under this chapter are subject to the procedural requirements of subsections 62-110.106(6), 62-620.510(1)-(5) and (8), and Rule 62-620.710, F.A.C., unless otherwise specified in the generic permit, Chapter 62-620 or 62-621, F.A.C.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. History—New 12-23-04.

62-621.250 General Conditions.

Unless stated otherwise in this chapter, all permits listed in this chapter are subject to the conditions in subsections 62-620.610(1)-(5), (7), (9)-(10), (13)-(15), (17)-(18), and (20)-(23), F.A.C. Additionally, the following conditions apply:

(1) When requested by the Department, the permittee shall provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating coverage under this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrections reported to the Department within 10 days of discovery.

(2) Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit coverage, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

(3) The use of generic permits issued under this chapter is limited to a term not to exceed five years. The renewal of permit coverage shall be in accordance with Rule 62-620.335, F.A.C., unless otherwise specified in the generic permit. The application requirements for submittal of request for coverage are located in Rule 62-621.300, F.A.C., or each specific generic permit.

(4) Coverage under this generic permit may be suspended, revoked and reissued, or terminated in accordance with Rule 62-620.345, F.A.C., if the Secretary determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or the permittee has submitted false, incomplete or inaccurate data or information.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. History—New 8-22-95, Amended 5-1-97, 2-14-00, 10-22-00, 12-23-04.

62-621.260 Best Management Practices (BMP) Plan.

When a BMP plan is required by a generic permit listed in this chapter, the permittee shall prepare the plan in accordance with the following procedures:

- (1) The permittee shall maintain the BMP plan at the facility and shall make the plan available to the Department upon request.
- (2) The permittee shall develop and implement a BMP plan which prevents, or minimizes the potential for, the release of pollutants from ancillary activities, including:
 - (a) Material storage areas;
 - (b) Plant site runoff;
 - (c) In-plant transfer, process and material handling areas;
 - (d) Loading and unloading operations; and
 - (e) Sludge and waste disposal areas, to the surface waters of the state through plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term “pollutants” refers to any substance listed as toxic under Section 307(a)(1) of the Clean Water Act (Act); oil, as defined in Section 311(a)(1) of the Act; and substances listed as hazardous under Section 311 of the Act.

(3) The publication “Guidance Manual for Developing Best Management Practices (BMP),” document number EPA 833-B-93-004, can be used as a reference which contains technical information on BMPs and the elements of the BMP program. Copies of this publication can be obtained by submitting written requests to: Department of Environmental Protection, Bureau of Water Facilities Regulation, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or Director, Water Management Division, U.S. EPA Region IV, 61 Forsyth Street, Atlanta, Georgia 30303.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. History—New 12-23-04.

PART II NPDES GENERIC PERMITS

62-621.300 Permits.

(1) Generic Permit for Discharges From Petroleum Contaminated Sites.

(a) The document “Generic Permit for Discharges From Petroleum Contaminated Sites,” document number 62-621.300(1), issued by the Department and effective February 14, 2000, is hereby incorporated by reference and made part of this chapter. This document may be obtained by contacting either the local Department District Office, by writing the Department of Environmental Protection, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department’s website.

(b) The document referenced in paragraph 62-621.300(1)(a), F.A.C., contains the specific discharge limits, operating requirements, and application requirements for discharges from petroleum contaminated sites.

(2) Generic Permit for Discharge of Produced Ground Water From any Non-Contaminated Site Activity.

(a) The document “Generic Permit for the Discharge of Produced Ground Water From Any Non-Contaminated Site Activity,” document number 62-621.300(2), issued by the Department and effective February 14, 2000, is hereby incorporated by reference and made part of this chapter. This document may be obtained by contacting either the local Department District Office, by writing the Department of Environmental Protection, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department’s website.

(b) The document referenced in paragraph 62-621.300(2)(a), F.A.C., contains the specific discharge limits and operating requirements for discharges of produced ground water from any site activity.

(3) Generic Permit for Discharges from Concrete Batch Plants.

(a) The document “Generic Permit for Discharges from Concrete Batch Plants,” document number 62-621.300(3)(a), issued by the Department and dated March 10, 1997, is hereby incorporated by reference and made part of this chapter. This document may be obtained by contacting either the local Department District Office, by writing the Department of Environmental Protection, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department’s website.

(b) Form number 62-621.300(3)(b), Notice of Intent to Use Generic Permit for Discharges from Concrete Batch Plants, effective May 10, 2005, is hereby incorporated by reference and made part of this chapter. This form may be obtained by contacting either the local Department District Office, by writing the Department of Environmental Protection, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department’s website.

(c) Document number 62-621.300(3)(a) referenced in item (a) of this section contains specific design and operating requirements for discharges from wastewater and stormwater management systems at concrete batch plants.

(4) Generic Permit for Stormwater Discharge from Large and Small Construction Activities.

(a) The document "Generic Permit for Stormwater Discharge from Large and Small Construction Activities," document number 62-621.300(4)(a), issued by the Department and effective May 1, 2003, is hereby incorporated by reference and made a part of this chapter.

(b) Form number 62-621.300(4)(b), Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, effective May 1, 2003, is hereby incorporated by reference and made part of this chapter. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department's website.

(c) The "Generic Permit for Stormwater Discharge from Large and Small Construction Activities" shall become effective May 1, 2003. Prior to May 1, 2003, operators initiating activities disturbing five or more acres shall continue to obtain coverage under the "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land," and any such activities shall continue to remain covered under the terms of the "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land" until such time as permit coverage is terminated, revoked, or the permittee's five year period of coverage has expired. Effective May 1, 2003, anyone initiating activities that disturb one or more acres of land but less than five acres (small construction), or five or more acres (large construction), shall obtain coverage under the "Generic Permit for Stormwater Discharge from Large and Small Construction Activities." If an operator initiates activities that disturb at least one acre but less than five acres, prior to May 1, 2003, and those activities are ongoing as of May 1, 2003, the operator must file a notice of intent and permit fee to obtain permit coverage under the Generic Permit for Stormwater Discharge from Large and Small Construction Activities by June 1, 2003.

(5) Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

(a) The Department hereby adopts and incorporates by reference Federal Register, Volume 60, Number 189, pages 50804-51319, published on September 29, 1995; Federal Register, Volume 61, Number 28, pages 5248-5254, published on February 9, 1996; Federal Register, Volume 61, Number 34, page 6412, published on February 20, 1996; Federal Register, Volume 63, Number 152, pages 42534-42548, published on August 7, 1998; Federal Register, Volume 63, Number 189, pages 52430-52577, published on September 30, 1998; and, Federal Register, Volume 64, Number 11, pages 2898-2900, published on January 19, 1999, which shall hereinafter be referred to as the "Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity." When used in the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, the following shall mean:

1. EPA shall mean the Department of Environmental Protection.

2. Regional Administrator, Director, or State Director, shall mean the Secretary of the Department of Environmental Protection or the Secretary's designee where appropriate.

(b) Form number 62-621.300(5)(b), Notice of Intent to Use Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, effective October 22, 2000, is hereby incorporated by reference and made part of this chapter. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department's website.

(c) Facilities or activities seeking coverage under this generic permit shall apply to the Department on the form referenced in paragraph 62-621.300(5)(b), F.A.C., and in accordance with the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, and shall include the appropriate processing fee as required by Rule 62-4.050, F.A.C.

(d) All notices, certifications, reports, or any other information required to be submitted under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, excluding discharge monitoring reports, shall be submitted to Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Discharge monitoring reports (DMRs) required to be submitted under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be sent to Department of Environmental Protection, NPDES Stormwater MSGP DMR, Mail Station #2511, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(f) The effective date of coverage under this generic permit shall be two (2) days after a complete Notice of Intent is submitted to the Department in accordance with paragraph 62-621.300(5)(c), F.A.C.

(g) Coverage under this generic permit is limited to a term not to exceed five years from the effective date of coverage. Permittees may request continued coverage under this generic permit in accordance with the requirements of Rule 62-621.300(5)(c), F.A.C. Request for continued coverage shall be made at least two (2) days before expiration of the current coverage.

(6) Form number 62-621.300(6), National Pollutant Discharge Elimination System (NPDES) Stormwater Notice of Termination effective April 20, 2005, is hereby incorporated by reference and made a part of this chapter. Facilities or activities seeking to terminate coverage under the generic permits in subsections 62-621.300(4) and (5), F.A.C., as well as the conditional exclusion for "no exposure" of industrial activities and materials to stormwater provided in paragraph 62-620.100(2)(o), F.A.C.,

shall file a National Pollutant Discharge Elimination System (NPDES) Stormwater Notice of Termination with the Department. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department's website.

(7) Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems.

(a) The document "Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems," document number 62-621.300(7)(a), issued by the Department and effective May 1, 2003, is hereby incorporated by reference and made a part of this chapter.

(b) Form number 62-621.300(7)(b), "Notice of Intent to Use Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems," document number 62-621.300(7)(b), issued by the Department and effective May 1, 2003, is hereby incorporated by reference and made part of this chapter. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department's website.

Specific Authority 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877 FS. Law Implemented 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS. History—New 12-24-96, Amended 5-1-97, 2-14-00, 10-22-00, 5-1-03, 12-23-04, 4-20-05, 5-10-05.

62-621.303 Toxicity Testing Requirements.

When specifically required by the NPDES generic permit, the toxicity standards and procedures set forth in subsection 62-4.244(3), Rules 62-4.246, 62-301.200, 62-302.200 and subsections 62-302.500(1)(a), (4), F.A.C., shall apply.

Specific Authority 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. Law Implemented 403.061, 403.087, 403.088, 403.0885, 403.08851 FS. History—New 12-23-04.

PART III NON-NPDES GENERIC PERMITS

62-621.500 Permits.

(1) Generic Permit for Discharges from Fresh Citrus Fruit Packinghouses to Percolation Ponds.

(a) The document "Generic Permit for Discharges from Fresh Citrus Fruit Packinghouses to Percolation Ponds," document number 62-621.500(1)(a), issued by the Department and dated May 10, 2005, is hereby incorporated by reference and made part of this chapter. This document may be obtained by contacting either the local Department District Office, by writing the Department of Environmental Protection, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department's website.

(b) Form number 62-621.500(1)(b), Request for Coverage under the Generic Permit for Discharges from Fresh Citrus Fruit Packinghouses to Percolation Ponds, effective May 10, 2005, is hereby incorporated by reference and made part of this chapter. This form may be obtained by contacting either the local Department District Office, by writing the Department of Environmental Protection, Industrial Wastewater Section, Mail Station #3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the Department's website.

(c) Applicability and Coverage.

1. This generic permit authorizes:

a. Construction and operation of new fresh citrus fruit packinghouses under Section 403.814, F.S., that utilize percolation ponds to discharge wash water to ground water; and

b. Operation of existing fresh citrus fruit packinghouses under Section 403.814, F.S., that utilize percolation ponds to discharge wash water to ground water.

2. This generic permit does not constitute authorization for the construction and operation of storm water management facilities under Part IV of Chapter 373, F.S.

3. This generic permit does not constitute authorization to discharge pollutants to waters of the United States under the National Pollutant Discharge Elimination System established by the federal Clean Water Act or surface waters of the state.

4. Coverage under this generic permit is available for fresh citrus fruit packinghouses that utilize percolation ponds to discharge wash water to ground water, provided all criteria specified in this permit are met.

5. Coverage under this generic permit shall be effective upon written notification by the Department.

6. Coverage under this generic permit is limited to a term not to exceed five years from the effective date of coverage.

7. New and existing facilities that utilize percolation ponds to discharge wash water to ground water which do not qualify for coverage or do not choose to be covered under this generic permit shall:

a. Apply for an individual wastewater permit in compliance with Chapter 62-620, F.A.C.; or

b. Obtain an exemption from permitting pursuant to Rule 62-4.040, F.A.C.

8. This generic permit does not relieve the permittee of the responsibility for obtaining any other permits required by the Department or any federal, state, or local agency.

9. This generic permit does not apply to citrus juice plants.

State of Florida
Department of Environmental Protection
Generic Permit
For
Stormwater Discharge from Large and Small Construction Activities

May 2003

This permit is issued under the provisions of Section 403.0885, Florida Statutes, and applicable rules of the Florida Administrative Code pursuant to the Department's federally-approved National Pollutant Discharge Elimination System (NPDES) stormwater regulatory program. Stormwater discharge associated with large construction activity, as defined at 40 CFR Part 122.26(b)(14)(x) and herein, is regulated pursuant to Section 402(p)(2) of the federal Clean Water Act (CWA). Stormwater discharge associated with small construction activity, as defined at 40 CFR 122.26(b)(15) and herein, is regulated pursuant to Section 402(p)(6) of the CWA. This permit constitutes authorization to discharge stormwater associated with large and small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4). Until this permit is terminated, modified, or revoked, permittees that have properly obtained coverage under this permit are authorized to discharge to surface waters of the State, including through an MS4, in accordance with the terms and conditions of this permit.

Part I. General Provisions

A. Applicability and Coverage

1. Federal law prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large or small construction activities pursuant to 40 CFR Part 122 and as defined in Part II of this permit, to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

2. Coverage under this generic permit is available for stormwater discharges from large and small construction activities to surface waters of the State as defined in Section 403.031, F.S., including stormwater discharges associated with construction activity to surface waters of the State through an MS4.

3. This generic permit does not constitute authorization under Part IV of Chapter 373, F. S., for the construction, alteration, operation, maintenance, abandonment, or removal of any stormwater management system, dam, impoundment, reservoir, or appurtenant work or works, including dredging or filling, in, on or over wetlands and other surface waters, as determined by the methodology authorized in Subsection 373.421(1), F. S.

4. This generic permit authorizes the discharge of stormwater associated with construction activity under the State's federally-approved NPDES stormwater program only and does not supercede the requirement to obtain a stormwater discharge permit under Chapter 62-25, F.A.C.; environmental resource permit (ERP) under Part IV, Chapter 373, F.S.; stormwater discharge permit from a Department-approved delegated local government; or any other required federal, state, or local government permit.

B. Eligibility

1. This permit authorizes the discharge of stormwater associated with large and small construction activity, as defined in Part II of this permit, occurring after the effective date of this permit.

2. This permit authorizes stormwater discharge associated with construction activity that is mixed with stormwater discharges associated with industrial activity other than construction, where:

- a. the industrial source other than construction is located on the same site as the construction activity;
- b. stormwater discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and
- c. stormwater discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring are in compliance with the terms of a different generic permit (e.g., Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity) or individual permit authorizing such discharges.

3. Limitations on Coverage. The following stormwater discharges from construction sites are not authorized by this permit:
 - a. stormwater discharges that originate from the site after construction activities have been completed and the site has undergone final stabilization;
 - b. discharges that are mixed with sources of non-stormwater, other than discharges identified in Part IV.A.3. of this permit;
 - c. stormwater discharge associated with construction activity that is covered under an existing generic or individual permit. Such discharges may be authorized under this permit after the existing individual permit or generic permit term of coverage expires, provided the existing permit did not establish numeric limitations for such discharges; or
 - d. stormwater discharge associated with construction activity that the Department has determined to be or may reasonably be expected to be causing or contributing to a violation of a surface water quality standard.

C. Obtaining Authorization

1. In order for stormwater discharge associated with construction activity to be authorized under this generic permit, an operator must:
 - a. Meet the eligibility requirements in Part I.B. of this permit;
 - b. Develop and implement a stormwater pollution prevention plan (SWPPP) in accordance with the requirements of Part V of this permit; and
 - c. Submit a completed Notice of Intent (NOI) in accordance with the requirements of Part III. of this permit, including submittal of the appropriate processing fee as established in Rule 62-4.050(4)(d), F.A.C.
2. The Department may deny coverage under this permit or require submittal of a revised NOI based on the Department's determination that the NOI is incomplete, the permit fee has not been paid, or the submittal otherwise is not in accordance with the requirements of this generic permit.

Part II. Definitions

For the purposes of this generic permit, the following definitions shall apply, unless otherwise indicated:

1. "Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. "Construction Activity" means the act or process of developing or improving land which involves the disturbance of soils and includes clearing, grading, and excavation.
3. "Commencement of Construction" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
4. "Department" or "DEP" means the Florida Department of Environmental Protection.
5. "Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform (e.g., evenly distributed, without large bare areas) perennial

vegetative cover with a density of at least 70% for all unpaved areas and areas not covered by permanent structures has been established or equivalent permanent stabilization measures (e.g., geotextiles) have been employed.

6. "Large Construction Activity" means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

7. "Municipal Separate Storm Sewer System" or "MS4" means a large, medium, or small MS4 as defined in Chapter 62-624, F.A.C.

8. "NOI" means notice of intent to be covered by this permit (see Part III of this permit.)

9. "NOT" means notice of termination (see Part VIII of this permit).

10. "NPDES" means the Department's federally-approved National Pollutant Discharge Elimination System program.

11. "Operator" means the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity and that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of this permit.

12. "Qualified Inspector" means a person that:

- a. has successfully completed and met all requirements necessary to be fully certified through the DEP Stormwater, Erosion, and Sedimentation Control Inspector Training Program;
- b. has successfully completed an equivalent formal training program; or
- c. that is qualified by other training or practical experience in the field of stormwater pollution prevention and erosion and sedimentation control.

13. "Small Construction Activity" means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

14. "Stormwater" means the flow of water which results from, and which occurs immediately following, a rainfall event.

15. "Stormwater discharge associated with construction activity" means the discharge of stormwater from large or small construction activities, including areas where soil disturbing activities; construction materials handling or storage; or, equipment storage or maintenance are located.

16. "Surface Waters of the State" means those surface waters that are defined in section 403.031, F. S.

17. "Water Management District" or "WMD" means the Northwest Florida Water Management District, the Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida Water Management District, or the South Florida Water Management District.

Part III. Notice of Intent Requirements

A. Deadlines for Notification.

DEP Document No. 62-621.300(4)(a)
Effective May 1, 2003

1. Operators seeking coverage under this generic permit to authorize stormwater discharge associated with construction activity for new large or small construction activities, for which commencement of construction begins after the effective date of this permit, shall file an NOI for coverage under this permit at least two (2) days before commencement of construction.

2. Operators of small construction activity, where commencement of construction occurred prior to the effective date of this permit, seeking coverage under this permit to authorize stormwater discharge associated with construction activity after the effective date of this permit shall file an NOI for coverage within 31 days of the effective date of this permit.

3. Permittees that previously obtained coverage under the State of Florida Generic Permit for Construction Activities That Disturb Five or More Acres of Land, issued and effective October 22, 2000, for large construction activity shall remain covered under that generic permit until permit coverage is terminated, revoked, or the permittee's five year term of coverage expires. Permittees covered under the October 2000 generic permit indicated above that will have stormwater discharge associated with construction activity beyond their initial five year term of coverage under the October 2000 generic permit shall submit an NOI for coverage under this generic permit at least two (2) days before expiration of coverage under the October 2000 generic permit.

4. For construction activities where the operator changes, the new operator shall file an NOI for coverage under this permit at least two (2) days before assuming control of the project and the previous operator shall file an NOT to terminate permit coverage in accordance with Part VIII of this permit.

B. Contents of Notice of Intent.

1. In order to obtain coverage under this permit, an operator of the stormwater discharge associated with construction activity shall submit a completed Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), effective May 1, 2003, including the applicable permit processing fee as specified in Rule 62-4.050(4)(d), F.A.C. By completing, signing, and submitting an NOI, the operator is certifying that they meet all eligibility requirements of this permit and are informing the Department of their intent to be covered by, and comply with, the terms and conditions of this generic permit. The Notice of Intent shall be signed in accordance with Part VII.C. of this permit by the operator.

C. Where to Submit.

1. NOIs are to be submitted to the following address:

NPDES Stormwater Notices Center, MS# 2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

2. A copy of the NOI or letter from DEP confirming coverage under this generic permit shall be posted at the construction site in a prominent place for public viewing (such as alongside a building permit).

D. Additional Notification.

1. Projects that discharge stormwater associated with construction activity to a municipal separate stormwater system (MS4) shall submit a copy of the NOI to the operator of the MS4.

E. Period of Coverage

1. Coverage under this generic permit is effective two (2) days after the date of submittal of a complete NOI to the Department.

2. Coverage under this generic permit is limited to a term not to exceed five years from the effective date of coverage.

F. Permit Coverage Renewal

1. If the project will continue to have stormwater discharge associated with construction activity beyond the initial five year term of coverage, the operator shall submit a new NOI at least two (2) days before expiration of the current term of coverage under this permit.

Part IV. Special Conditions, Management Practices, and Other Non-numeric Limitations

A. Prohibition on Non-stormwater Discharges.

1. Except as provided in paragraphs I.B.2. and IV.A.3., all discharges covered by this permit shall be composed entirely of stormwater associated with construction activity.

2. Except as specified in IV.A.3. below, discharges of material other than stormwater associated with construction activity must be in compliance with a Department permit (other than this permit) issued for the discharge, or be exempt therefrom.

3. The following non-stormwater discharges may be authorized by this permit provided the non-stormwater component of the discharge is in compliance with paragraph V.D.5.: discharges from fire fighting activities; fire hydrant flushings; waters used to spray off loose solids from vehicles (wastewaters from a more thorough cleaning, including the use of detergents or other cleaners is not authorized by this part) or control dust in accordance with Part V.D.2.c.(2); potable water sources including waterline flushings; irrigation drainage; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

4. Discharges resulting from ground water dewatering activities at construction sites are not covered by this permit. Applicants for these discharges must obtain coverage under the Department's Generic Permit for the Discharge of Produced Ground Water from any Non-contaminated Site Activity pursuant to Rule 62-621.300(2), F.A.C.

B. Releases in Excess of Reportable Quantities.

1. The discharge of hazardous substances or oil in the stormwater discharge(s) from a facility or activity shall be prevented or minimized in accordance with the applicable stormwater pollution prevention plan for the facility or activity. This permit does not relieve the operator of the reporting requirements of 40 CFR part 117 and 40 CFR part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:

a. The operator is required to notify the State Warning Point (800-320-0519 or 850-413-9911) as soon as he or she has knowledge of the discharge;

b. The operator shall submit within 14 calendar days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and remedial steps to be taken, to the Florida Department of Environmental Protection, NPDES Stormwater Section, Mail Station 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and

c. The stormwater pollution prevention plan required under Part V of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

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

Part V. Stormwater Pollution Prevention Plan

A. A stormwater pollution prevention plan shall be developed and implemented for each construction site covered by this permit. Stormwater pollution prevention plans shall be prepared in accordance with good engineering practices. Equivalent erosion and sediment control plans prepared as a permit requirement under Part IV, Chapter 373, F.S., or Chapter 62-25, F.A.C., may serve as the pollution prevention plan provided all of the elements of this section are included in such an alternative plan. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharge associated with construction activity. In addition, the plan shall describe and ensure the implementation of best management practices which will be used to reduce the pollutants in stormwater discharge associated with construction activity and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the stormwater pollution prevention plan required under this part as a condition of this permit. Failure to develop and implement a stormwater pollution prevention plan in accordance with the requirements of this part shall be deemed a violation of this permit and may result in enforcement action.

B. Deadlines for Plan Preparation and Compliance.

1. The pollution prevention plan shall:

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- a. Be completed (including certification by the operator in accordance with Part VII.C.) prior to the submittal of an NOI to be covered under this permit and updated as appropriate;
- b. The plan shall provide for compliance with the terms and schedule of the plan beginning with the initiation of construction activities.

C. Keeping Plans Current.

1. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the State or an MS4, including the addition of or change in location of stormwater discharge points, and which has not otherwise been addressed in the plan. The permittee also shall amend the plan if it proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part V.D.1. of this permit, or in otherwise achieving the general objectives of controlling pollutants in stormwater discharge associated with construction activity. In addition, the plan shall be amended to identify any new contractor and/or subcontractor that will implement a measure of the stormwater pollution prevention plan (see Part V.D.6.). Amendments to the plan shall be prepared, signed, dated, and kept as attachments to the original plan.

D. Contents of Plan.

1. Site Description. Each plan shall provide a description of pollutant sources and other information as indicated:
 - a. A description of the nature of the construction activity;
 - b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);
 - c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other construction activities;
 - d. Existing data describing the soil or the quality of any discharge from the site and an estimate of the size of the drainage area for each discharge point;
 - e. A site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, an outline of areas which may not be disturbed, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters, wetlands, and locations where stormwater is discharged to a surface water or MS4; and,
 - f. The latitude and longitude of each discharge point and the name of the receiving water(s) for each discharge point.
2. Controls. Each plan shall include a description of appropriate controls, BMPs, and measures that will be implemented at the construction site. The plan shall clearly describe for each major activity identified in Part V.D.1.b. appropriate control measures and the timing during the construction process that the measures will be implemented. For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls shall be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls shall be removed after final stabilization. All controls shall be consistent with the performance standards for erosion and sediment control and

stormwater treatment as set forth in Rule 62-40.432, F.A.C., the applicable stormwater or environmental resource permitting requirements of the DEP or appropriate WMD, and the guidelines contained in the Florida Development Manual: A Guide to Sound Land and Water Management (DEP, 1988) and any subsequent amendments.

a. Erosion and Sediment Controls.

(1) Stabilization Practices. Each plan shall provide a description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site and when stabilization measures are initiated shall be included in the plan. Stabilization measures shall be initiated as soon as practicable, but in no case more than 7 days, in portions of the site where construction activities have temporarily or permanently ceased.

(2) Structural Practices. Each plan shall include a description of structural practices, to divert flows from exposed soils, store flows, retain sediment on-site, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Such practices may include silt fences, earth dikes, diversions, swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, coagulating agents and temporary or permanent sediment basins. Structural BMPs shall be placed on upland soils unless a State of Florida wetland resource management permit or environmental resource permit issued pursuant to Chapter 373, F.S., and applicable regulations of the DEP or WMD authorize otherwise.

(3) Sediment Basins.

(a) For drainage basins with 10 or more disturbed acres at one time, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. For drainage basins with 10 or more disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls is not attainable, a combination of smaller sediment basins and/or sediment traps and other BMPs should be used. At a minimum, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

(b) For drainage basins of less than 10 acres, sediment basins and/or sediment traps are recommended but not required. At a minimum, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

(c) Areas that will be used for permanent stormwater infiltration treatment (e.g., stormwater retention ponds) should not be used for temporary sediment basins unless appropriate measures are taken to assure removal of accumulated fine sediments, which may cause premature clogging and loss of infiltration capacity, and to avoid excessive compaction of soils by construction machinery or equipment.

b. Permanent Stormwater Management Controls.

Each plan shall include a description of stormwater management controls or BMPs (e.g., stormwater detention or retention systems, vegetated swales, velocity dissipation devices at discharge points) that will be installed during the construction process to control pollutants in stormwater discharges that will occur during construction and after construction operations have been completed. This generic permit only addresses the installation of stormwater management controls and not the ultimate operation and maintenance of such controls after the construction activities have been completed and the site has undergone final stabilization. Under this generic permit, permittees are only responsible for the installation and maintenance of stormwater management BMPs prior to final stabilization of the site, and are not responsible for maintenance after stormwater discharges associated with construction activity have been eliminated from the site. However, all stormwater management systems and BMPs shall be operated and maintained in perpetuity after final stabilization in accordance with requirements set forth in the State of Florida stormwater or environmental resource permit issued under Chapter 62-25, F.A.C., or Part IV, Chapter 373, F.S.

c. Controls for Other Potential Pollutants.

(1) **Waste Disposal.** The plan shall assure that waste, such as discarded building materials, chemicals, litter, and sanitary waste are properly controlled in accordance with all applicable state, local, and federal regulations. This permit does not authorize the discharge of solid materials, including building materials, to surface waters of the State or an MS4.

(2) The plan shall assure that off-site vehicle tracking of sediments and the generation of dust is minimized.

(3) The plan shall be consistent with applicable State and local waste disposal, sanitary sewer or septic system regulations.

(4) The plan shall address the proper application rates and methods for the use of fertilizers, herbicides and pesticides at the construction site and set forth how these procedures will be implemented and enforced. Nutrients shall be applied only at rates necessary to establish and maintain vegetation.

(5) The plan shall ensure that the application, generation, and migration of toxic substances is limited and that toxic materials are properly stored and disposed.

3. **Maintenance.** The plan shall include a description of procedures that will be followed to ensure the timely maintenance of vegetation, erosion and sediment controls, stormwater management practices, and other protective measures and BMPs so they will remain in good and effective operating condition.

4. **Inspections.** A qualified inspector (provided by the operator) shall inspect all points of discharge into surface waters of the State or an MS4; disturbed areas of the construction site that have not been finally stabilized; areas used for storage of materials that are exposed to precipitation; structural controls; and, locations where vehicles enter or exit the site, at least once every seven calendar days and within 24 hours of the end of a storm that is 0.50 inches or greater as follows:

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the stormwater system. The stormwater management system and erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Discharge locations or points shall be inspected to ascertain whether erosion and sediment control and stormwater treatment measures are effective in preventing or minimizing the discharge of

pollutants, including retaining sediment onsite pursuant to Rule 62-40.432, F.A.C. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

b. Based on the results of the inspection, all maintenance operations needed to assure proper operation of all controls, BMPs, practices, or measures identified in the stormwater pollution prevention plan shall be done in a timely manner, but in no case later than 7 calendar days following the inspection. If needed, pollution prevention controls, BMPs, and measures identified in the plan shall be revised as appropriate, but in no case later than 7 calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan within 7 calendar days following the inspection.

c. A report summarizing the scope of the inspection; name(s) and qualifications of personnel making the inspection; the date(s) of the inspection; rainfall data; major observations relating to the implementation of the stormwater pollution prevention plan; and actions taken in accordance with paragraph V.D.4.b. of this permit, shall be made and retained, in accordance with Part VI of this permit, as part of the stormwater pollution prevention plan. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the stormwater pollution prevention plan and this permit. The report shall be signed in accordance with Part VII.C of this permit.

5. Non-Stormwater Discharges. Except for flows from fire fighting activities, sources of non-stormwater listed in Part IV.A.3 of this permit that are combined with stormwater discharges associated with construction activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention and treatment measures for the non-stormwater component(s) of the discharge.

6. Contractor/Subcontractor Certification.

a. The stormwater pollution prevention plan must clearly identify, for each measure identified in the plan, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part V.D.6.b. of this permit. All certifications must be included in the stormwater pollution prevention plan.

b. Certification Statement for Contractors/Subcontractors. All contractors and subcontractors identified in a stormwater pollution prevention plan in accordance with Part V.D.6.a. of this permit shall sign a copy of the following certification statement before conducting any activities at the site:

"I certify under penalty of law that I understand, and shall comply with, the terms and conditions of the State of Florida Generic Permit for Stormwater Discharge from Large and Small Construction Activities and this Stormwater Pollution Prevention Plan prepared thereunder."

The certification must include the name and title of the person providing the signature in accordance with Part VII.C of this permit; the name, address and telephone number of the contracting firm; and the date the certification is made.

Part VI. Retention of Records

A. The permittee shall retain copies of stormwater pollution prevention plans and all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized.

B. The permittee shall retain a copy of the stormwater pollution prevention plan and all reports, records and documentation required by this permit at the construction site, or an appropriate alternative location as specified in the NOI, from the date of project initiation to the date of final stabilization.

Part VII. Standard Permit Conditions

A. Any permit noncompliance constitutes a violation of Section 403.0885, F. S. and is grounds for enforcement action; for permit coverage termination, or revocation; or for denial of permit coverage renewal.

B. All of the general conditions listed in Rule 62-621.250, F.A.C., are adopted herein by reference.

C. Signatory Requirements.

1. All Notices of Intent, Notices of Termination, stormwater pollution prevention plans, reports, certifications or information either submitted to the Department or the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as set forth in Rule 62-620.305, F.A.C.

2. Inspection reports prepared pursuant to Part V.D.4.c. of this permit shall be signed by the qualified inspector that prepared them as well as by a responsible authority for the operator as specified in Part VII.C.1. above.

3. Any person signing documents under this permit, except contractor/subcontractor certifications under Part V.D.6., shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, 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."

Part VIII. Termination of Coverage

A. Notice of Termination.

1. Where a site has been finally stabilized (see Part II for the definition of final stabilization) and all stormwater discharges authorized by this permit are eliminated, the permittee shall submit a completed Notice of Termination (DEP Form 62-621.300(6)), signed in accordance

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with Part VII.C. of this permit, within 14 days of final stabilization of the site to terminate coverage under this permit.

2. Elimination of stormwater discharges associated with construction activity means that all disturbed soils at the site have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all stormwater discharges associated with construction activity from the site that are authorized by this generic permit have otherwise been eliminated.

3. For construction activities where the operator changes, the existing operator shall file an NOT in accordance with this Part within 14 days of relinquishing control of the project to a new operator.

B. Where to Submit.

1. A permittee shall submit a Notice of Termination to the following address:

NPDES Stormwater Notices Center, MS# 2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

2. Projects that discharged stormwater associated with construction activity to a municipal separate storm sewer system (MS4) shall submit a copy of the NOT to the operator of the MS4.